



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JUNE 2, 2015**

On this 2nd day of June 2015 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	Olga Noriega
Commissioner	David R. Fox
Commissioner	Greg Kerr
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Frank Garza

Also present: Juan Salas, IT Department; Sonia Flores, Assistant Finance Director; David Salinas, Public Utilities Director, Pete Garcia, Public Facilities Director, Chief Tony Lopez, Fire Department; Chief Stephen Mayer, Police Department; David Arce, Parks and Recreation Director; Arnold Becho, Library Director; Mardoqueo Hinojosa, Planning and Code Enforcement Department; Joe Pedraza, Health Official; and other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
Deacon Juan M. Delgado, San Martin de Porres Catholic Church led the invocation.
- C. Pledge of Allegiance.
The Mayor led the Pledge of Allegiance and Texas Flag.
- D. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Tafolla.

II. INSTALLATION OF CITY MARSHAL/CHIEF OF POLICE

- A. The Mayor administered the Oath of Office to Stephen Scot Mayer as the City Marshal/Chief of Police for the City of Weslaco.

III. PUBLIC COMMENTS

Mr. Romel Garcia, Mr. Mark Cantu and Mr. Jose Caliel spoke in favor of item VI. B., converting the alley to a utility easement; Mr. Joe Garza and Mr. Bernie Garza spoke against the same.

IV. PUBLIC HEARINGS

- A. To solicit input on behalf of Nelda Gonzalez to approve a Conditional Use Permit to operate a daycare at 114 Adelita St., also being Lot 28, San Francisco Subdivision, Weslaco, Hidalgo County, Texas.
- B. To solicit input on behalf of Juana Oralia Sanchez to approve a Conditional Use Permit to operate a daycare at 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas.
- C. To solicit input on behalf of Rink-N-Roll Roller Rink to approve a Conditional Use Permit to operate an event center at 701 S. International Blvd., also being the 2.08 acres out of Crenshaw Center Subdivision, Weslaco, Hidalgo County, Texas.
- D. To solicit input on behalf of Jose Leonardo Olivares to approve a Conditional Use Permit to operate a Bed and Breakfast at 1702 S. Airport Dr., also being a 1.00 acre tract of land N166.20'-S918.47'-292.40' of Farm Tract 697, West Tract Subdivision, Weslaco, Hidalgo County, Texas.
- E. To solicit input on behalf of Khan's Grill & Beer Castle to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 2307 W. Expressway 83, also being Lot 4, Town Center Subdivision, Weslaco, Hidalgo County, Texas.
- F. To solicit input on behalf of Tom's Automotive to rezone 1802 N. International Blvd., also being 2.802 acre tract of the S221.75'-N881.75'-W330' out of Farm Tracts 1042 and 1043, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District.

Mayor Pro-Tem Noriega, seconded by Commissioner Fox, moved to open the public hearings concurrently. The motion carried unanimously; Mayor Suarez was present and voting. There were no comments received.

Commissioner Pena, seconded by Commissioner Rivera, moved to close the public hearings. The motion carried unanimously; Mayor Suarez was present and voting.

V. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate

discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the Regular Meeting on May 5, 2015. (Staffed by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of Ordinance 2015-17, amending Ordinance 2014-11 establishing the Municipal Budget for Fiscal Year 2014-2015, and approving a budget amendment in the amount not to exceed \$42,000.00 to add no more than seven temporary full-time employees to the streets division of the Public Facilities Department. (First Reading held May 5, 2015; Requested by the Mayor.) Attachment.
- C. Authorization of the Mayor Joe V. Sánchez Public Library partnership with the South Texas Literacy Coalition to allow application for free books and literacy services to the community at no cost to the City, and to accept books at no charge if accepted as a partner, throughout calendar years of 2015 and 2016 and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment.
- D. Authorization to utilize Federal Equitable Sharing funds to renew the Leads Online annual contract, an investigative system used to recover stolen property, in an amount not to exceed \$5,000.00 and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- E. Authorization to utilize Federal Equitable Sharing funds for monthly usage of Air cards through Verizon in the amount of \$6,400.00, and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- F. Approval for Parks and Recreation Department along with Weslaco Economic Development Corporation to hold the July 4th celebration on Saturday, July 4, 2015 at the Mayor Pablo G. Pena City Park at 300 N. Airport Drive, to sell beer during the event, authorizing the sale of wine and beer by a Texas Alcoholic Beverage Commission (TABC) licensed vendor 12 noon – 10 p.m., and to waive appropriate ordinances associated with the event and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- G. Approval of Resolution 2015-32 adopting the Scofflaw Program at the Municipal Court for outstanding violations and warrants and authorize the Mayor to execute any related documents. (Staffed by Municipal Court.) Attachment.

Commissioner Rivera, seconded by Commissioner Fox, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, Ordinance 2015-17 reads as follows:

ORDINANCE 2015-17

AN ORDINANCE AMENDING ORDINANCE NUMBER 2014-11, APPROVING AND

ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, FINDING NEED TO AMEND THE 2014-2015 MUNICIPAL BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City Commission of the City of Weslaco utilized diligent thought and attention to the preparation of the 2014-2015 budget; and

WHEREAS, circumstances have arisen during the fiscal year which have, or will require, the expenditure of additional funds in some of the line items of the budget, and for which there is adequate funding in the total line items of the budget; and

WHEREAS, Section 102.010 of the Texas Local Government Code authorizes the City to reallocate, revise and amend its budget in such a manner as to provide for the reallocation of funds for municipal purposes; and

WHEREAS, the City Commission finds the amendments in the line items identified in the attached Exhibit are reasonable, necessary, and for municipal purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION 1. FINDINGS. The City Commission finds the statements made in the preamble above are true.

SECTION 2. BUDGET LINE ITEMS. The City Commission approves the budget amendments in the attached Exhibit as such change is for municipal purposes.

SECTION 3. BUDGET TOTAL. The City Commission further finds the amended budget line items identified in such Exhibit will not cause the total expenditures in the budget to exceed the total original budgeted amount.

SECTION 4. APPROVAL. The 2014-2015 Official Budget, adopted by Ordinance 2014-11, is hereby reallocated, revised, amended and approved as set forth in the attached Exhibit.

SECTION 5. AUTHORIZATION. The City Manager is authorized to undertake action to execute such transfers in accordance with state law, and file, or cause to be filed, a true and correct copy of this Ordinance, with the attached budget amendment, with the City Secretary.

SECTION 6. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 5th day of May, 2015.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of June, 2015.

For the record, Resolution 2015-32 reads as follows:

RESOLUTION NO. 2015-32

A RESOLUTION AUTHORIZING THE CITY OF WESLACO TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE HIDALGO COUNTY TAX ASSESSOR COLLECTOR FOR IMPLEMENTATION AND ENFORCEMENT OF SCOFFLAW PROGRAM.

WHEREAS, the City of Weslaco authorized on May 5, 2015 the implementation of the Scofflaw Program at the Municipal Court for outstanding violations and warrants and authorized the Mayor to execute any related documents; and

WHEREAS, such documents include an interlocal agreement with the Hidalgo County Tax Assessor Collector for the implementation and enforcement of the program in accordance with the Texas Transportation Code §702.003 which provides as follows:

THE REFUSAL TO REGISTER VEHICLE. (a) A county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives under a contract information from a municipality that the owner of the vehicle has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT the Mayor is authorized to execute any such documentation in order to effectuate this program with the Hidalgo County Tax Assessor Collector in the City of Weslaco.

PASSED AND APPROVED on this 2nd day of June, 2015.

CITY OF WESLACO

/s/ David Suarez, **MAYOR**

ATTEST:

/s/ Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **CITY ATTORNEY**

VI. OLD BUSINESS

- A. Discussion and consideration to approve Ordinance 2015-16 amending the Master Fee Schedule and authorize the Mayor to execute any related documents. First Reading of Ordinance 2015-16. Possible action. (There was no action on this item May 5, 2015; Staffed by Finance Department.) Attachment.

Ms. Sonia Flores reported that three departments wish to amend the fee schedule; Commissioner Fox noted this is first reading.

Commissioner Fox, seconded by Commissioner Kerr, moved to approve Ordinance 2015-16 amending the Master Fee Schedule and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Fox requested to change the order of the day to consider item VII. L. immediately.

- L. Discussion and consideration to approve Resolution 2015-33, engaging legal counsel and rate consultants to review the Texas Gas Service Company 2015 Cost of Service Adjustment (“COSA”) Rate Filing, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Legal Department.) Attachment.

The City Manager stated the City of Weslaco will serve as lead counsel; Mr. Ken Jones advised there is no cost to the City; this is an annual negotiation to review justification for the proposed rate adjustment and any legal costs must be reimbursed by Texas Gas Service.

Commissioner Pena, seconded by Commissioner Fox, moved to approve Resolution 2015-33, engaging legal counsel and rate consultants to review the Texas Gas Service Company 2015 Cost of Service Adjustment (“COSA”) Rate Filing, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and reconsideration to approve Ordinance 2015-15 abandoning 20’ X 830’ of alley located behind lots 1-4 Block 1 South Palm Garden Estate Phase 1 and Lots 5-8 Block 1 South Palm Garden Estates Phase 2, creating a 20’ x 830’ utility easement behind Lots 1-4 Block 1 South Palm Garden Estate Phase 1 and lots 5-8 Block 1 South Palm Garden Estate Phase 2, and ordaining all other matters with respect to the subject matter hereof. First Reading of Ordinance 2015-15. Possible action. (This item was denied May 5, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Pena, seconded by Commissioner Rivera, moved to table this item until the July 7, 2015 meeting. The motion carried unanimously; Mayor Suarez was present and voting. The Mayor noted that enforcement will remain status quo in the meantime.

- C. Discussion and consideration to approve on Second and Final Reading Ordinance 2015-03 amending the Code of Ordinances §114.06, “Special Sign Categories, Permitted, and Prohibited Signs,” adding such sections to provide for the placement of political signs on private property, to provide for the regulation of electioneering on public property and election polling places; to provide a repealing clause; to provide a severability clause; to provide a penalty for each offense; and to provide an effective date. Possible action. (This item was tabled on April 21, 2015; First reading held January 20, 2015; Staffed by City Secretary’s Office.) Attachment.

Commissioner Fox, seconded by Commissioner Pena, moved to remove item from table. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager suggested a workshop Monday, June 8 at 5:30 p.m. to review the item more closely.

Commissioner Pena, seconded by Commissioner Fox, moved to schedule a workshop on this item Monday, June 8 at 5:30 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Nelda Gonzalez to approve a Conditional Use Permit to operate a daycare at 114 Adelita St., also being Lot 28, San Francisco Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Kerr, seconded by Commissioner Fox, moved to approve a Conditional Use Permit to operate a daycare at 114 Adelita St., also being Lot 28, San Francisco Subdivision, Weslaco, Hidalgo County, Texas. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration after public hearing on behalf of Juana Oralia Sanchez to approve a Conditional Use Permit to operate a daycare at 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Applicant withdrew; Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Kerr, seconded by Commissioner Rivera moved to approve a Conditional Use Permit to operate a daycare at 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

Mr. Mardoqueo Hinojosa advised the applicant withdrew. The motion failed unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration after public hearing on behalf of Rink-N-Roll Roller Rink to approve a Conditional Use Permit to operate an event center at 701 S. International Blvd., also being the 2.08 acres out of Crenshaw Center Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa reported both the Planning and Zoning Commission and staff recommend approval.

Commissioner Pena, seconded by Commissioner Kerr, moved to approve a Conditional Use Permit to operate an event center at 701 S. International Blvd., also being the 2.08 acres out of Crenshaw Center Subdivision, Weslaco, Hidalgo County, Texas. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration after public hearing on behalf of Jose Leonardo Olivares to approve a Conditional Use Permit to operate a Bed and Breakfast at 1702

S. Airport Dr., also being a 1.00 acre tract of land N166.20'-S918.47'-292.40' of Farm Tract 697, West Tract Subdivision, Weslaco, Hidalgo County, Texas Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

The City Attorney requested additional time to address questions by citizens. Commissioner Rivera, seconded by Commissioner Pena, moved to table the item thirty days. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration after public hearing on behalf of Khan's Grill & Beer Castle to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 2307 W. Expressway 83, also being Lot 4, Town Center Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa reported both the Planning and Zoning Commission and staff recommend approval.

Commissioner Fox, seconded by Commissioner Rivera, moved to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 2307 W. Expressway 83, also being Lot 4, Town Center Subdivision, Weslaco, Hidalgo County, Texas. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration after public hearing on behalf of Tom's Automotive to approve Ordinance 2015-16 to rezone 1802 N. International Blvd., also being 2.802 acre tract of the S221.75'-N881.75'-W330' out of Farm Tracts 1042 and 1043, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. First Reading of Ordinance 2015-16. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa explained this property had been annexed years ago as a non-conforming use; since the property owner had requested a variance on a sign, staff recommend approval of this item to comply with a business zone.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve Ordinance 2015-16 to rezone 1802 N. International Blvd., also being 2.802 acre tract of the S221.75'-N881.75'-W330' out of Farm Tracts 1042 and 1043, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration on behalf of CIL Properties to approve the Final Plat for CIL Properties Subdivision, being a 7.362 acre Tract of Land out of the West half of Farm Tract 2, Block 134, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located on the Southwest corner of the intersection of Sugar Sweet Avenue

and Sugarcane Drive and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa explained this is a six lot subdivision with City water and wastewater service; both the Planning and Zoning Commission and staff recommend approval.

Commissioner Pena, seconded by Commissioner Kerr, moved to approve the Final Plat for CIL Properties Subdivision, being a 7.362 acre Tract of Land out of the West half of Farm Tract 2, Block 134, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located on the Southwest corner of the intersection of Sugar Sweet Avenue and Sugarcane Drive and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- H. Discussion and consideration on behalf of Jacinto Garza to approve the Final Plat for San Jacinto Estates No. 9 Subdivision, being 20.15 acre Tract of Land Out of Farm Tract 312, West and Adams Subdivision, Weslaco, Hidalgo County, Texas, located on the North side of Mile 12½ North Road, approximately 1,320 feet East of intersection F.M. 88 (Mile 5 West Road) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa explained this is a twenty-eight lot subdivision outside City limits, service by North Alamo Water Supply Corporation; the developer requests a variance for septic since no wastewater service.

Commissioner Kerr, seconded by Commissioner Fox, moved to approve the Final Plat for San Jacinto Estates No. 9 Subdivision, being 20.15 acre Tract of Land Out of Farm Tract 312, West and Adams Subdivision, Weslaco, Hidalgo County, Texas, located on the North side of Mile 12½ North Road, approximately 1,320 feet East of intersection F.M. 88 (Mile 5 West Road) and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- I. Discussion and consideration on behalf of St. Pius X Catholic Church to approve an extension to the sixty (60) day time period set for a variance request to begin construction of a classroom expansion project. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Pena, seconded by Commissioner Fox, moved to approve as presented. Mr. Mardoqueo Hinojosa reported the Board of Adjustments and Appeals approved the variance request November 2014, which expired January 2015; the Church has since submitted its building plans. Commissioner Pena withdrew his motion.

Commissioner Pena, seconded by Commissioner Fox, moved to approve a one hundred-twenty day extension to the time period set for a variance request to begin construction of a classroom expansion project at St. Pius X Catholic Church. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Pena left the dais at 6:38 p.m.

- J. Discussion and consideration to approve Change Order No. 1 to the Border Avenue Road and Waterline Improvements project between 18th Street and Mile 5 North to perform additional treatment to the road's subgrade by increasing lime treatment from 2% to 4.5-5.5% and install a junction box at a combined cost not to exceed \$80,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Kerr, seconded by Commissioner Fox, moved to approve Change Order No. 1 to the Border Avenue Road and Waterline Improvements project between 18th Street and Mile 5 North to perform additional treatment to the road's subgrade by increasing lime treatment from 2% to 4.5-5.5% and install a junction box at a combined cost not to exceed \$80,000.00 and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

The Mayor clarified the City share is 48% of the \$80,000.00.

- K. Discussion and consideration to approve the installation of rubber speed bumps/humps on 12th Street between Border Avenue and Texas Boulevard. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Pena returned to the dais. In response to Commissioner Rivera, Mr. Mardoqueo Hinojosa explained the proposal is four humps, about one per block; after a petition was received from all but two property owners, a traffic study revealed 22% of vehicles travelling above the speed limit, some as fast at 70 miles per hour on a 30 mile per hour residential zone. Property owners Mario Cantu and Jack Mimms spoke in favor of the item.

In response to the Mayor Pro-Tem, Mr. Hinojosa stated that a stop sign is not a speeding deterrent; the City Managers stated that once installed, others will want the same; he recommended a three month trial period and since these are rubber, they can be removed. Commissioner Fox requested a six month trail to influence school traffic after the summer vacation months. The Police Chief stated he will increase presence there.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve the installation of rubber speed bumps/humps on 12th Street between Border Avenue and Texas Boulevard. The motion carried unanimously; Mayor Suarez was present and voting.

- M. Discussion and consideration to approve Amendment 2 to the PCS Site Agreement between Sprint Spectrum L.P., a Delaware limited partnership, (“SSRCLP”), and the City of Weslaco (“Owner”) in order to add or swap antennas and other equipment to the site of the water tower and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

Mr. David Salinas stated that Sprint rents space on the water tower; this allows replacing antennas.

Mayor Pro-Tem Noriega, seconded by Commissioner Kerr, moved to approve Amendment 2 to the PCS Site Agreement between Sprint Spectrum L.P., a Delaware limited partnership, (“SSRCLP”), and the City of Weslaco (“Owner”) in order to add or swap antennas and other equipment to the site of the water tower and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- N. Discussion and consideration to approve the Waterline Access Agreement with North Alamo Water Supply Corporation and Jazman RGV Group, LLC for Cotton Estates Central Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

Mr. David Salinas stated this is the standard agreement with North Alamo Water Supply Corporation, however this subdivision was platted prior to the agreement; this action is to rectify.

Commissioner Kerr, seconded by Commissioner Fox, moved to approve the Waterline Access Agreement with North Alamo Water Supply Corporation and Jazman RGV Group, LLC for Cotton Estates Central Subdivision and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- O. Discussion and consideration to appoint a committee to review proposals for the operation and maintenance of the water and wastewater system. Possible action. (Staffed by City Manager’s Office.)

The city Manager stated the city received three proposals and recommend a committee of three elected officials to review them carefully; he added the City Manager and Finance Director, who is expected to start June 9 as resources. Commissioner Fox requested the auditor serve as a resource; Commissioner Rivera nominated Mayor Pro-Tem Noriega and the Mayor nominated Commissioner Fox.

Commissioner Rivera, seconded by Commissioner Kerr, moved to appoint the Mayor, Mayor Pro-Tem, Commissioner Fox, the City Manager, the Finance Director, and the City Auditor to a committee to review the proposals for the operation and maintenance of the water and wastewater system. The motion carried unanimously;

Mayor Suarez was present and voting.

- P. Discussion and consideration to accept bids received on tax resale property described as follows: Lot 6 and the West 25 feet of Lot 5, Block 4, Villa Vista, Unit 2, an addition to the City of Weslaco, account no. V3800-02-004-0005-00; approve Resolution 2015-34 authorizing the tax resale, and authorize the Mayor to execute the tax resale deeds and any related documents. Possible action. (Staffed by Finance Department.) Attachment.

Mr. Mario Cano with Linebarger advised that taxes have been delinquent twenty years on this property, which was struck off last year; a \$10,000.00 bid was received, about half what is due to the City. He added it is good polity to put it back on the tax roll; the School District and South Texas College already approved and Hidalgo County will review next. He noted this is a non-homestead property located at 505 East Los Torritos.

Commissioner Kerr, seconded by Commissioner Fox, moved to accept bids received on the tax resale property described as follows: Lot 6 and the West 25 feet of Lot 5, Block 4, Villa Vista, Unit 2, an addition to the City of Weslaco, account no. V3800-02-004-0005-00; approved Resolution 2015-34 authorizing the tax resale, and authorized the Mayor to execute the tax resale deeds and any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- Q. Discussion and consideration to authorize the solicitation of Texas Department of Transportation funding for the 2015 Highway Safety Improvement Program with a local match in an amount not to exceed \$25,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa explained this is potential funding for traffic beacons with ten percent local match; three have been proposed locally by the Texas Department of Transportation and the City proposes a fourth beacon at Twelfth and Border Avenues.

Commissioner Rivera, seconded by Commissioner Kerr, moved to authorize the solicitation of Texas Department of Transportation funding for the 2015 Highway Safety Improvement Program with a local match in an amount not to exceed \$25,000.00 and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- R. Discussion and consideration to reschedule or cancel the June 16, 2015 regular meeting. Possible action. (Staffed by City Manager's Office.)

There was no action on this item.

VIII. PROJECT REPORTS

A. Border Avenue Reconstruction by Planning and Code Enforcement Department.

Mr. Mardoqueo Hinojosa reported that 25% has been billed and the project is ahead of schedule despite rain delays.

B. Water Treatment Plant Expansion by Public Utilities Department.

Mr. David Salinas reported the project is 88% complete with 35 pay applications approved and four pending; the contractor submitted a letter requesting an extension to substantial completion through September, which is within the contract but not the agreed order with the Texas Commission on Environmental Quality (TCEQ). The City Manager gave notice to the contractor to pay any fees to TCEQ.

C. Paving Update by Public Works Department.

Mr. Pete Garcia reported projects 1-4 have been completed and the remaining as listed will be completed by October, weather permitting. The City Manager noted the City will try to finish school areas over the summer.

D. Runway Extension by Airport Department.

Mr. George Garrett reported the project is 15 days behind schedule due to weather and has now been closed three months; he hopes to resume asphalt next week and re-open July 1.

E. Reconstruction of Circulation Desk and purchase of furniture with Urban County Grant by Library.

Mr. Arnold Becho reported that applying the \$20,000.00 grant received plus the \$20,000.00 savings from the restroom renovation project, the Library renovated its front desk as ADA compliant and added more seating and shorter shelves in the children's area.

IX. EXECUTIVE SESSION

At 7:20 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:22 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Personnel - Discussion with the City Manager regarding the Finance and IT Directors applicants as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

- B. Personnel - Discussion with the City Manager regarding the appointment of Municipal Court Associate Judge(s) as authorized by §551.074 of the Texas Government Code.

Commissioner Pena, seconded by Commissioner Rivera, based on the recommendation of the City Manager moved to appoint Mike Wise and Sam Sanchez as Municipal Court Associate Judges, authorize the City Manager to negotiate their compensation and lay out the expectations of that department. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

- D. Pending Litigation – Consult with City Attorney regarding Cause No. C-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*, as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- E. Pending Litigation – Consultation with City Attorney regarding Cause No. C- 1361-15-E *Mobile Video Tapes, Inc., D/B/A KRGV-TV v. City of Weslaco, Texas, Mike Perez* in the 275th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- F. Pending Litigation – Discussion with City Attorney regarding Cause No. CCD-0033-F *In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* pursuant to §551.071 of the Texas Government Code.

Commissioner Kerr filed a Conflicts Affidavit on this item and did not participate in Executive Session or vote on this item.

Commissioner Fox, seconded by Commissioner Rivera, moved to authorize settlement in the amount of \$62,000.00 and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Pending Litigation - Consultation with City Attorney regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco* as authorized by §551.071 of the Texas Government Code.

Commissioner Kerr filed a Conflicts Affidavit on this item and did not participate in Executive Session or vote on this item.

Mayor Pro-Tem Noriega, seconded by Commissioner Rivera, moved to authorize settlement with Adela Mireles Gonzalez in amount of \$27,500.00 with Conditional Use Permit and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

XI. ADJOURNMENT

With no other business before the Commission, at 8:25 p.m. Commissioner Fox, seconded by Commissioner Kerr, moved to adjourn the June 2, 2015 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Olga Noriega

COMMISSIONER, David R. Fox

COMMISSIONER, Greg Kerr

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Fidel L. Pena, III