



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 1, 2015**

On this 1st day of September 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	Gerardo "Jerry" Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Frank Garza

Also present: Jose Pena, IT Director; Maria Barrera, Finance Director; Veronica Ramirez, Human Resources Director; David Salinas, Public Utilities Director; Pete Garcia, Public Facilities Director, Assistant Chief Jaime Hernandez, Fire Department; Chief Stephen Mayer, Police Department; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Arnold Becho, Library Director; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 28, 2015.

B. Invocation.

Evangelist Eli J. Lopez from Cathedral Del Valle Church led the invocation.

C. Pledge of Allegiance.

The Mayor led the Pledge of Allegiance and Texas Flag.

D. Roll Call.

Ms. Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC COMMENTS

Ms. Hollie Johnston, Executive Director of the Valley Nature Center, addressed the recent mutilation of Texas Tortoises at the facility. The Mayor assigned Commissioner Fox to attend the arraignment on behalf of the Commission.

III. PUBLIC HEARINGS

Commissioner Tafolla, seconded by Commissioner Pena, moved to open the public hearing for items III. A. 1-9 concurrently. The motion carried unanimously; Mayor Suarez was present and voting.

- A. To solicit input on the proposed demolition order for unoccupied buildings as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225 located on the following premises:
- 1) 115 North Kansas Avenue, being Gonzalez, Block 1, Lot 12-13, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 2) 204 North Pueblo Street, being Christensen, Block 6, Lot 9 & 10, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 3) 204 South Libertad Street, being Weslaco Original Townsite, Block 7, Lot 3, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 4) 603 North Tio Street, being El Texano, Lots 11-12, Block 7, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 5) 806 Missouri Avenue, being Orange Grove, Lot 4, Block 2, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 6) 1003 South Texas Boulevard, being West Tract W165' – S107.5' N767.5' FT 682.41 AC GR .34 AC Net, Block 6, Lot 12, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 7) 1500 Katie Street, being Black #2, Lot 12, Block 6, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 8) 2316 East 10th Street, being Kaymar #2, Block 4, Lot 9, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 9) 218 South Indiana Avenue, being Weslaco Original Townsite, Block 21, Lots 6, an Addition to the City of Weslaco, Hidalgo County, Texas.

There were no comments received from the public for item III. A. 1- 9.

Commissioner Tafolla, seconded by Commissioner Pena, moved to close the public hearing for items III. A-1 thru 9 at 5:41 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

IV. 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 following:
- 1) Public Hearing Meeting on August 14, 2015;

2) Regular Meeting on August 18, 2015. (Staffed by City Secretary's Office.) Attachment.

- C. Authorization of the renewal of the Operation Stonegarden grant and its compliances and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to approve the consent agenda items A and C, as presented and withhold item B from the consent agenda for discussion. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Approval on Second and Final Reading of Ordinance 2015-23 amending Ordinance 2014-15 to provide for the disannexation of certain unimproved area from the territory to the corporate limits of the City of Weslaco, Hidalgo County, Texas and ordain other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. (First Reading held August 18, 2015; Staffed by City Secretary's Office.) Attachment.

Commissioner Kerr abstained from discussion and vote and submitted a conflict of interest affidavit on this as well as first reading.

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

For the record, the ordinance reads as follows:

ORDINANCE NO. 2015-23

AN ORDINANCE AMENDING ORDINANCE NO. 2014-15 TO PROVIDE FOR THE DISANNEXATION OF CERTAIN UNIMPROVED AREA FROM THE TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS, AND ORDAIN OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

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

SECTION I: Section 1 of Ordinance No. 2014-15 is hereby amend to delete Section 2 of Ordinance No. 2014-15 are hereby delete the following territory being annexed by Ordinance No. 2014-15:

A TRACT OF LAND CONTAING 40.00 ACRES BEING ALL OF OR PART OF FARM TRACT 86 WEST AND ADAMS TRACT SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2, PAGES 34-37, HIDALGO COUNTY MAP RECORDS

SECTION II: This Ordinance becomes effective on the Second and Final Reading

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 18th day of August, 2015.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of September, 2015.

ATTEST:

\s\ Elizabeth M. Walker, City Secretary

APPROVED AS TO FORM:

\s\ Frank Garza, City Attorney

V. OLD BUSINESS

- A. Discussion and consideration after public hearing August 18, 2015 on behalf Irma Valerio Salinas to approve Conditional Use Permit to operate an event center at 623 W. Business Highway 83, also being Lot 1, Harding-Gill Subdivision. Possible action. (This item was tabled on August 18, 2015. Staffed by Planning and Code Enforcement Department.) Attachment.

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

Mr. Mardoqueo Hinojosa stated the Planning and Zoning Commission and staff recommend approval subject to conditions that occupancy would be based on the combined parking stalls for three adjacent properties owned by the applicant, demonstrated by agreement, indicating 64 total stalls and 192 person occupancy.

Ms. Valerio Salinas agreed to the installation of a sprinkler system in compliance with the 2012 Fire Code in effect but requested additional time as the estimated cost is \$30,000. Mr. Mike Swinnea, Fire Marshal's Office, recommended a notarized affidavit that the sprinkler system would be installed within a period not to exceed six months and noted the City would be liable in the event of any occurrence in the building in the meantime.

Mayor Pro-Tem Noriega, seconded by Commission Rivera, moved to authorize a Conditional Use Permit to operate an event center at 623 W. Business Highway 83, also being Lot 1, Harding-Gill Subdivision subject to the recommendations stipulated and a six month period for the installation of the sprinkler system. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration after public hearing August 18, 2015 on behalf of Adela M. Gonzalez to approve Ordinance 2015-22 to rezone 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, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District Subdivision. First Reading of Ordinance 2015-22. Possible action. (This item was tabled on August 18, 2015. Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Kerr abstained from discussion and vote and submitted a conflict of interest affidavit for items B and C.

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

Commissioner Pena, seconded by Commissioner Tafolla, moved to discuss. The City Attorney stated recent litigation had been filed related to items B and C and recommended no action rather discuss in executive session. Commissioner Pena withdrew his motion.

- C. Discussion and consideration after public hearing August 18, 2015 on behalf of Adela M. Gonzalez to approve a Conditional Use Permit to operate an event center 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. (This item was tabled on August 18, 2015. Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Suarez stated no action on this item as recommended by the City Attorney.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing to authorize the demolition orders for the following unoccupied buildings as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225:
- 1) 115 North Kansas Ave., being Gonzalez, Block 1, Lot 12-13, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 2) 204 North Pueblo Street, being Christensen, Block 6, Lot 9 & 10, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 3) 204 South Libertad Street, being Weslaco Original Townsite, Block 7, Lot 3, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 4) 603 North Tio Street, being El Texano, Lots 11-12, Block 7, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 5) 806 Missouri Avenue, being Orange Grove, Lot 4, Block 2, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 6) 1003 South Texas Boulevard, being West Tract W165' – S107.5' N767.5' FT 682.41 AC GR .34 AC Net, Block 6, Lot 12, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 7) 1500 Katie Street, being Black #2, Lot 12, Block 6, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 8) 2316 East 10th Street, being Kaymar #2, Block 4, Lot 9, an Addition to the City of Weslaco, Hidalgo County, Texas;
 - 9) 218 South Indiana Avenue, being Weslaco Original Townsite, Block 21, Lots 6, an Addition to the City of Weslaco, Hidalgo County, Texas.
- Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

Mr. Rolando Gonzalez, Building Official, presented photographic evidence of each of the properties as presented, all uninhabitable. He stated after lawful notification to the

owners, the Board of Adjustment and Appeals and staff recommend condemning and demolishing all properties. One letter was received in response to the notifications: the owners of 115 N. Kansas stated they did not want the property; four property owners have applied for a permit to either remove or demolish the structure voluntarily within six months.

In response to Mayor Pro-Tem Noriega, Mr. Gonzalez stated the cost to the City is the actual cost of disposal as calculated by tonnage, later assessed by lien. In response to Commissioner Tafolla, ownership remains with the property owner, but becomes a nuisance property the City likely will maintain with additional mowing liens assessed. In response to Commissioner Pena, five properties are involved in tax suits.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve as recommended items VI. 1, 2, 3, 4, 5, 6, 7, 8 and 9. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration to approve Ordinance 2015-24 establishing a capital improvement program fund; promulgating rules and regulations concerning the building and maintaining of such fund, and the permitted withdrawals and prohibitions; repealing all ordinances or parts of ordinances in conflict; providing a savings clause; providing an effective date. First reading of Ordinance 2015-24. Possible action. (Staffed by Finance Department.) Attachment.

Ms. Mary Barrera, Finance Director, stated the ordinance would establish a capital improvement program that is self-funded; as proposed, contributions are voluntary and funds cannot be withdrawn except with the authorization of the City Commission and only in accordance with the budget approved by the Commission each year.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting

- C. Discussion and consideration to approve Ordinance 2015-25 authorizing a budget amendment to transfer funds from the general and sanitation funds into the Capital Improvement Program. First reading of Ordinance 2015-25. Possible action. (Staffed by Finance Department.) Attachment.

Ms. Maria Barrera, Finance Director, recommended approval stating the Ordinance would authorize the transfer of funds into the Capital Improvement Program, as established with the preceding item, for the 2014-2015 fiscal year with \$500,000.00 from the General Fund and \$750,000.00 from the sanitation fund to allow the approved CIP projects to be implemented.

In response to Commissioner Tafolla the expenditures proposed in the budget are \$600,000 for streets; \$200,000 for the Boys & Girls parking lot; \$50,000 for walking and jogging trails; \$90,000 for railroad crossings; \$90,000 for playscapes; \$60,000 for dog park; \$30,000 for sidewalks; \$20,000 for speed humps; \$30,000 for lighting the old water tower; \$35,000 basketball and volleyball courts and \$30,000 for traffic signal

synchronization.

Commissioner Pena, seconded by Commissioner Fox, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting

- D. Discussion and consideration to approve Resolution 2015-50 authorizing the loan of \$2,000,000.00 from the Solid Waste Fund to the Water Fund and establishing the terms of repayment. Possible action. (Staffed by Finance Department.) Attachment.

Ms. Maria Barrera, Finance Director, stated the transfer of \$2,000,000.00 would assist the Water Fund for future payments for the Water Plant Improvement Project. This would be an inter-fund loan and the proposed term for repayment is not to exceed five years. Staff recommends approval.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting

- E. Discussion and consideration to approve Ordinance 2015-26 establishing a Fire Department equipment replacement fund, promulgating rules and regulations concerning the building and maintaining of such fund, and the permitted withdrawals and prohibitions; repealing all ordinances or parts of ordinances in conflict; providing a savings clause; providing an effective date. First reading of Ordinance 2015-26. Possible action. (Staffed by Finance Department.) Attachment.

Ms. Maria Barrera, Finance Director, stated the proposed ordinance establishes the means of structured replacement of fire department equipment with twenty-five percent (25%) of the gross revenue collected from charges for Emergency Medical Services transferred into the fund on a monthly basis. The City Manager stated potentially the City could purchase a fire truck, with commission authorization, in six months. Staff recommends approval.

Commissioner Pena, seconded by Commissioner Fox, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting

- F. Discussion and consideration to approve Ordinance 2015-27 adopting the City of Weslaco budget appropriation for the fiscal year October 1, 2015 – September 30, 2016. First Reading of Ordinance 2015-27. Roll call vote required. Possible action. (Staffed by Finance Department.) Attachment.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve.

Commissioner Kerr, seconded by Commissioner Pena moved to amend the motion to remove legal and fire department budgets. The motion carried unanimously. Mayor Suarez was present and voting.

The City Manager summarized the budget as developed during daily workshops during two weeks in August, with budget revenues of \$22,432,000.00; expenditures of \$20,692,000.00 to include transfers out of \$2,429,000.00 and transfers in \$1,491,000.00.

The budget as presented is balanced and in compliance with State Law and staff recommends approval.

By roll call vote, the motion to approve as amended without the legal and fire department budgets carried with Commissioner Kerr abstaining. Mayor Suarez was present and voting.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve the line items for the legal and fire department budgets. By roll call vote, the motion carried with Commissioner Kerr and Tafolla abstaining. Mayor Suarez was present and voting.

- G. Discussion and consideration to approve Ordinance 2015-28 adopting the City of Weslaco ad valorem property tax rate of \$0.6767/\$100.00 valuation, effectively a 7.36 percent increase in the tax rate, pursuant to §26.05(B) of the Texas Tax Code on all taxable property within the City of Weslaco, Texas for Tax Year 2015, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of Weslaco, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. First Reading of Ordinance 2015-28. Roll call vote required. Possible action. (Staffed by Finance Department.) Attachment.

Staff recommended approval of the ordinance adopting the ad valorem tax rate of \$0.6767/\$100.00 valuation with \$.5560/\$100 for Maintenance & Operations and \$.1207/\$100 for the payment of interest and sinking.

Commissioner Pena, seconded by Commissioner Kerr, moved to approve as presented. By roll call vote, the motion carried unanimously. Mayor Suarez was present and voting.

- H. Discussion and consideration to approve the close out contract for construction services performed by Texas Cordia Construction, LLC for Sugarcane Drive Road Improvements and authorize final payment of any outstanding invoices in an amount not to exceed \$73,368.00 and authorize the Mayor to execute any related documents. Possible action (Staffed by Planning and Code Enforcement Department) Attachment.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve as presented.

Mardoqueo Hinojosa stated staff recommends approval of final payment in the amount of \$77,935.63; total project cost is \$779,356.32 including change order, with 50/50 cost share with the County to be applied. The original expected budget was \$1.5 million. Commissioner Rivera withdrew the motion.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve the close out contract for construction services performed by Texas Cordia Construction, LLC for Sugarcane Drive Road Improvements and authorize final payment of any outstanding invoices in an amount not to exceed \$77,935.63 and authorize the Mayor to execute any related documents. The motion carried unanimously. Mayor Suarez was present and

voting.

- I. Discussion and consideration to approve the close out contract for construction materials testing performed by Millennium Engineers Group, Inc. for Sugarcane Drive Road Improvements and authorize final payment of any outstanding invoices in an amount not to exceed \$20,165.13 and authorize the Mayor to execute any related documents. Possible action (Staffed by Planning and Code Enforcement Department) Attachment.

Mr. Mardoqueo Hinojosa recommended approval.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting

- J. Discussion and consideration to approve the close out contract for design and construction services performed by TEDSI Infrastructure Group for Sugarcane Drive Road Improvements and authorize final payment of any outstanding invoices in an amount not to exceed \$10,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department) Attachment.

Mr. Mardoqueo Hinojosa recommended approval.

Commissioner Tafolla, seconded by Commissioner Pena, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting

- K. Discussion and consideration to extend the due date on the policy for Alley Abandonment/Utility Easement until the October 20, 2015 City Commission Meeting. Possible action. (Staffed by Planning and Code Enforcement Department) Attachment.

Commissioner Fox, seconded by Commissioner Tafolla, moved not to extend the due date and hold the original due date of September 15, 2015.

In response to Mayor Pro-Tem Noriega, Mr. Mardoqueo Hinojosa stated the Planning and Zoning Commission requested addition staff research and Mr. Hinojosa feels more public comments are expected on the proposed policy. He proposes for final approval of policy at the October 7th Planning and Zoning Meeting and the City Commission Meeting of October 20th. In response to the Mayor, Mr. Charles Warren recommended additional time. Commissioner Fox withdrew his motion.

Commissioner Tafolla, seconded by Commissioner Pena, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting

- L. Discussion and consideration to approve the purchase of a network data storage appliance using a State of Texas DIR contract in an amount not to exceed \$27,000.00 as budgeted

and authorize the Mayor to execute any related documents. Possible action. (Staffed by IT Department.) Attachment.

Mr. Jose Pena, IT Director, recommended approval and stated this will expand network storage and phase out older servers to expand a paperless initiative.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting

- M Discussion and consideration to approve Ordinance 2015-29 repealing Ordinance 2012-17, codified as Article VI §2-193 Candidate Filing Fee. First Reading of Ordinance 2015-29. Possible action. (Requested by the Mayor.) Attachment.

Mayor Suarez requested to remove the filing fee of \$250.00 that has been imposed on election candidates. Commissioner Kerr stated the fee helps demonstrate the seriousness of the candidate; the Mayor Pro-Tem stated that the seriousness is determined by the voters. Commissioner Pena stated he is opposed to the idea of signatures alone.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting

- N. Discussion and consideration to approve the Request for Qualifications 2014-15-32 for City Attorney/Legal Services for the City of Weslaco with timeline. Possible Action. (Staffed by City Manager's Office.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve as presented.

Commissioner Kerr and the City Manager recommended changes. Mayor Pro-Tem Noriega requested to table and call a special meeting for further review. In response to the Mayor Pro-Tem, the City Manager stated the City could go out for RFQ then still consider an in-house attorney.

The City Manager reviewed the time line stating proposals would be due 3:00 p.m. September 22nd and finalists should be interviewed October 6, 2015. A committee can recommend a short list to the Commission. The City Manager stated the final changes to the Request For Qualifications would be one year of experience instead of three representing Cities, Continuing Education be maintained, minimum malpractice insurance maintained, knowledge of the Texas Public Information Act, an option C-flat fee; name attorneys and not have the language of Home Rule City. Commissioner Tafolla withdrew his motion.

Commissioner Tafolla, seconded by Commissioner Kerr moved to approve the Request for Qualifications 2014-15-32 for City Attorney/Legal Services for the City of Weslaco with timeline and changes as read by the City Manager. The motion carried unanimously. Mayor Suarez was present and voting.

- O. Discussion and consideration to approve the Economic Development Corporation of Weslaco Budget and Workplan for Fiscal Year 2015-2016. Possible action. (Requested by Economic Development Corporation of Weslaco.) Attachment.

Mr. Joey Trevino, EDC Director, reviewed the FY 2015-16 Economic Development Corporation budget, based on a three percent increase, and stated the Board recommended approval.

Commissioner Pena, seconded by Commissioner Rivera moved to approve. The motion carried unanimously. Mayor Suarez was present and voting.

- P. Discussion and consideration to direct the City Attorney to prepare a docket report with litigation status by two weeks of this meeting date. Possible action. (Requested by Commissioners Kerr and Fox.)

Commissioner Kerr requested a status report on each lawsuit; the City Attorney stated the Texas Municipal League assigned counsel to some and now just five lawsuits are uninsured. The Mayor Pro-Tem requested the report identify the parties involved.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve as presented. The motion carried unanimously. Mayor Suarez was present and voting.

Mayor Suarez changed the order of the day to convene in Executive Session.

VIII. EXECUTIVE SESSION

At 7:31p.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. Commissioner Tafolla did not return to the dais.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. 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.

- B. Personnel – Discussion regarding the Department Directors’ salaries as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

- C. Legal Consultation - Consultation with City Attorney to seek a legal opinion regarding the CDM and Briones Engineering contracts pursuant to §551.071 and/or §552.071 of the Texas Government Code.

There was no action on this item.

- D. Legal Consultation – Consultation with City Attorney seeking advice about contemplated litigation against Briones Engineering, as Project Engineer, and CDM Constructors, as Construction Manager at-Risk, relating to the construction of the Weslaco Water Treatment Plant Project pursuant to §551.071 of the Texas Government Code.

The Mayor Pro-Tem stated the City is trying to get construction files so that it may conduct its investigation.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to authorize the City Attorney proceed with filing a lawsuit against Briones Engineering, as Project Engineer, as discussed in Executive Session. The motion carried unanimously. Mayor Suarez was present and voting

- E. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve the negotiated terms of the Collective Bargaining Agreement with the Fire Union. The motion carried unanimously. Mayor Suarez was present and voting

- F. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Police Union (Weslaco Municipal Police Association) as authorized by §551.071 of the Texas Government Code.

Commissioner Pena, seconded by Commissioner Kerr, moved to approve the negotiated terms of the Collective Bargaining Agreement with the Police. The motion carried unanimously. Mayor Suarez was present and voting

- G. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Chicken Hatch as authorized by §551.087 of The Texas Government Code.

There was no action on this item

- H. Pending Litigation - Consultation with City Attorney regarding Civil Action No. 7:15-cv-334 Alvino Flores, Sr. v. Sergio Ramirez, et al. in the United States District Court for the Southern District of Texas as authorized by §551.071 of the Texas Government Code.

There was no action on this item

- I. 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 abstained from discussion and vote for item I and filed a conflict of interest affidavit.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to rescind the Conditional Use Permit approved on June 2, 2015. The motion carried unanimously. Mayor Suarez was present and voting

- J. Pending Litigation - Consultation with City Attorney regarding Docket No. C-4346-15-G, Adela Mireles Gonzalez v. City of Weslaco as authorized by §551.071 of the Texas Government Code.

Commissioner Kerr abstained from discussion and vote for item J and filed a conflict of interest affidavit.

Commissioner Pena, seconded by Commissioner Fox, moved to authorize the City Attorney to proceed as directed in Executive Session regarding Docket No. C-4346-15-G, *Adela Mireles Gonzalez v. City of Weslaco*. The motion carried unanimously. Mayor Suarez was present and voting

- K. Pending Litigation - Discussion with City Attorney and Special Counsel regarding Cause No. C-081-13 B *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* and consider the settlement offer as authorized by §571.074 of the Government Code.

Commissioner Kerr abstained from discussion and vote for item K and filed a conflict of interest affidavit.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to authorize the Mayor to negotiate and execute any settlement documents as discussed in executive session for Cause No. C-081-13 B *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* The motion carried unanimously. Mayor Suarez was present and voting

VII. DEPARTMENT UPDATES

- A. Report by Weslaco Area Chamber of Commerce.

Ms. Martha Noell briefly stated continued marketing and advertising efforts for tourism in joint efforts with EDC was ongoing to include airport promotion. A drone video on the community is forthcoming.

- B. Report by Economic Development Corporation of Weslaco.

There was no report.

C. Engineering by Planning and Code Enforcement Department.

Mr. Mardoqueo Hinojosa stated Border Avenue is 70% complete, Utah Ave 81% complete; as a result of rain, rebar will need to be replaced and re-compacted at the Boys and Girls Club; Airport Avenue striping has been completed; and the 6th Street water line project has begun and there may be disruption of traffic between the hours 8:30am-2:30pm. Detour signs will be placed.

D. Water and Wastewater Systems by Public Utilities Department.

Mr. David Salinas stated the water plant project is 80% complete. Staff is continuing with fire hydrant painting and once complete the fire department will test for pressure. A meeting with Severn Trent is scheduled for Thursday to begin the transition of operations.

E. Paving and Flooding by Public Works Department.

Mr. Pete Garcia reported Sweet Avenue paving was completed; paving has begun for 6th street with the plan to pave all the way to Business 83. Areas affected heavily by the recent rains were Las Brisas, 11th and 12th Street. Appropriate after action was being taken for better response time to the citizens.

F. City Cemetery by Parks and Recreation Department.

Mr. David Arce reviewed the draft policy for residents and non-residents for the financing of cemetery plots. The policy would not include the cost of the opening and closing fees.

X. ADJOURNMENT

With no other business before the Commission, at 8:45 p.m. Mayor Pro-Tem, seconded by Commissioner Kerr, moved to adjourn the September 1, 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