



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 15, 2015**

On this 15th 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 Pro-Tem	Olga Noriega
Commissioner	David R. Fox
Commissioner	Greg Kerr
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Secretary	Elizabeth Walker
City Attorney	Frank Garza

Also present: Aida Vega, Deputy Secretary; 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 Pro Tem Noriega called the meeting to order and certified the public notice of the meeting as properly posted Friday, September 11, 2015.
- B. Invocation.
Pastor Joey Trevino, First Baptist Church, led the invocation.
- C. Pledge of Allegiance.
The Mayor Pro-Tem led the Pledge of Allegiance and Texas Flag.
- D. Reading of Proclamation.
Mayor Pro-Tem Noriega proclaimed Weslaco a "Myon Community."
- E. Roll Call.
Ms. Aida Vega, Deputy Secretary, called the roll, noting the absence of Mayor Suarez; the City Secretary sat in for the City Manager.

II. PUBLIC COMMENTS

There were no public comments received.

III.

PUBLIC HEARINGS

Commissioner Tafolla, seconded by Commissioner Fox, moved to open the public hearing for items III. A, B, C, D, E, and F concurrently. The motion carried unanimously; Mayor Pro-Tem was present and voting.

- A. To solicit input on behalf of Silbia L. Lombardo dba Las Dos Fronteras to rezone 401 Mile 6½ West Road, also being Lots 1 and 2, Anaqua Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District.

There were no comments received.

- B. To solicit input on behalf of Silbia L. Lombardo dba Las Dos Fronteras for a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License at 401 Mile 6½ West Road, also being Lots 1 and 2, Anaqua Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received.

- C. To solicit input on behalf of JMH, LLC for a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 1600 N. Westgate Dr., Ste. 300, also being Lot 10, Home Depot-Weslaco Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received.

- D. To solicit input on behalf of Blazin Wings, Inc. for a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 1909 West Expressway 83, also being Lot 1, Cash Nix Addition Phase 2 Subdivision, Weslaco, Hidalgo County, Texas.

Ms. Ashley Ramirez, applicant, was present and requested favorable consideration.

- E. To solicit input on behalf of Tropical Texas Behavioral Health to rezone 2215 W. Bus 83, also being a 7.98 acre irrigation tract of the W361.05'-E721.56', excluding irrigation tract E87.91'-N249.29', out of Farm Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District.

There were no comments received.

- F. To solicit input on behalf of Tropical Texas Behavioral Health for a Conditional Use Permit to operate a mental group therapy center at 2215 W. Business 83, also being a 7.98 acre irrigation tract of the W361.05'-E721.56', excluding irrigation tract

E87.91'-N249.29', out of Farm Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received

Commissioner Tafolla, seconded by Commissioner Fox, moved to close the public hearing for items III. A, B, C, D, E, and F. The motion carried unanimously; Mayor Pro-Tem 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.

Commissioner Tafolla, seconded by Commissioner Fox, moved to withhold item IV. B1 from consent agenda for discussion. The motion carried unanimously; Mayor Pro-Tem was present and voting.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve consent agenda items A, B2, B3, B4, C, D, E, F, G and H as presented. The motion carried unanimously; Mayor Pro-Tem was present and voting.

- A. Approval of the Minutes of the Regular Meeting on September 1, 2015. (Staffed by City Secretary's Office.) Attachment.
- B. Approval on Second and final reading of the following:
 - 2) 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 was September 1, 2015; Staffed by Finance Department.) Attachment.
 - 3) 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 was September 1, 2015; Staffed by Finance Department.) Attachment.
 - 4) Ordinance 2015-29 repealing Ordinance 2012-17, codified as Article VI §2-193 Candidate Filing Fee. (First Reading was September 1, 2015; Requested by the Mayor.) Attachment.
- C.. Approval of the annual request by the Economic Development Corporation of Minutes of the Regular Meeting on September 15, 2015

Weslaco to close Texas Boulevard/FM 88 between U.S. Business Highway 83 and Fifth St. on the third (3rd) Thursday of each month from October 2015 to September 2016 between 3:00 PM and 10:00 PM for Alfresco Weslaco Music & Art on the Street and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Requested by Weslaco EDC.) Attachment.

- D. Authorization to reapply and renew the Reading Is Fundamental (RIF) grant for FY 2015-2016, to accept funds upon award throughout the year, to provide local matching funds so long as these funds do not exceed 25% of the total granted amount in each instance and do not exceed \$700.00 total annually, and authorize the Mayor to execute any related documents throughout the year. (Staffed by the Library.) Attachment.
- E. Approval of the renewal of the Intergovernmental Cooperative Agreement with Palm Valley Animal Center commencing October 1, 2015 through September 30, 2016 and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.) Attachment.
- F. Approval of the renewal of Remote Birth Access contract with Department State Health Services for the period September 1, 2015 to August 31, 2017 and authorize the Mayor to execute any related documents. (Staffed by City Secretary's Department.) Attachment.
- G. Approval of the renewal of payment to Tyler Technologies for yearly maintenance fee in the amount of \$9,771.86 from the Court Technology Fund and authorize the Mayor to execute any related documents. (Staffed by Municipal Court.) Attachment.
- H. Authorization of the solicitation of bids for the City of Weslaco yearly Unleaded and Diesel Fuel Supply. (Staffed by Public Facilities Department.) Attachment.

For the record the Ordinances read as follows:

ORDINANCE 2015-25

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 1st day of September, 2015.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15th day of September, 2015.

**ORDINANCE
NO. 2015-26**

AN ORDINANCE ESTABLISHING AN 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.

WHEREAS, the City of Weslaco provides fire suppression, fire prevention and emergency medical services to the citizens of Weslaco through its Fire Department, utilizing capital assets; and

WHEREAS, the performance and continued use of these capital assets is essential to the

health, safety, economic development and quality of life of those receiving services; and

WHEREAS, budgetary pressures often impede capital program expenditures or investments for maintenance and replacement, making it increasingly difficult to sustain the asset in a condition necessary to provide expected service levels; and

WHEREAS, as the physical condition of the asset declines, deferring maintenance and/or replacement could increase long-term costs and liabilities; and

WHEREAS, the City Commission desires to address the continuing investment necessary to properly maintain and replace its capital assets, while maintaining a fiscally conservative “pay-as-you-go” policy.

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

SECTION ONE. A new section, Chapter 50 Article V §50-80 Fire Department Equipment Replacement Fund, is to be added to the Code of Ordinances of the City of Weslaco, to read in its entirety as follows:

§50-80 ESTABLISHMENT AND FUNDING OF FIRE DEPARTMENT EQUIPMENT REPLACEMENT FUND.

(A) A fund is hereby established, to be maintained by the Finance Department and separately maintained from the other funds of the City, to be designated the Fire Department Equipment Replacement Fund (the FDER Fund).

(B) The FDER Fund shall be accounted for as a separate Capital Projects Fund of the City.

(C) Contributions may vary from year to year, but shall generally be calculated as twenty-five percent (25%) of the gross revenue derived from charges for Emergency Medical Services, and shall be transferred into the fund on a monthly basis.

(D) At the option of the City Commission, other sources may be used to contribute to the Fund, such as proceeds from capital leases or other surplus funds.

(E) Contributions shall be added to such Fund per the above criteria. Notwithstanding, nothing in this section shall be construed to mean that any contribution to the Fund is mandatory, but such will be solely at the discretion of the City Commission.

SECTION TWO. A new section, Section §50-81, is to be added to the Code of Ordinances of the City of Weslaco, to read in its entirety as follows:

§50-81 EXPENDITURES FROM THE FIRE DEPARTMENT EQUIPMENT REPLACEMENT FUND; PROHIBITED EXPENDITURES.

(A) The City shall develop a policy to require a complete inventory and periodic measurement of the physical condition of all existing capital assets of the Fire Department, and then appropriately plan and budget for any capital replacement needs.

(B) Withdrawals from the Fund require the authorization of the City Commission.

(C) Withdrawals from the Fund should be restricted to:

- (1) pay for capital equipment replacements as presented and approved within the Fire Department Equipment Replacement budget approved by the City Commission for each fiscal year,
- (2) make up for a severe shortfall in funds where projected revenues are not met, typically because of unexpected negative influence on revenue stream,
- (3) pay for catastrophic repair events of such magnitude that the cost of such would initiate an unplanned tax or rate increase or a greater than planned tax or rate increase (i.e. increases that would not have been needed if such event had not occurred). At the time of any such withdrawal for (2) or (3), a plan to raise taxes and/or rates over a reasonable time period to a level sufficient to cover the ongoing cost of maintenance and operations should be presented to the Commission and adopted.

(D) Withdrawal from the Fund should not be allowed for the following reasons:

- (1) to make any expenditure not clearly and directly for an approved Fire Department Equipment Replacement capital asset.
- (2) to pay for expense made necessary as a result of growth, expansion, or enhancement of existing services or inflation.
- (3) for the addition of permanent personnel or equipment.

SECTION THREE. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Weslaco, Texas, and this Ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION FIVE. This Ordinance shall become effective from and after its passage as provided by law.

PASSED AND APPROVED on First Reading this the 1st day of September, 2015 at a Regular Meeting of the City Commission of the City of Weslaco, Texas.

PASSED AND APPROVED on Second Reading this the 15th day of September, 2015 at a Regular Meeting of the City Commission of the City of Weslaco, Texas.

ORDINANCE 2015-29

AN ORDINANCE REPEALING ORDINANCE 2012-17 "CANDIDATE FILING FEE," PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR EFFECTIVE DATE, PROPER NOTICE OF MEETING, AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

SECTION 1: Ordinance 2012-17 passed and approval on first reading August 21, 2012 and second and final reading on September 5, 2012 and as Codified in Article VI Master Fee Schedule Chapter 2 Section 2-193 as the "Candidate Filing Fee" is hereby repealed.

SECTION 2: Any provisions of the code of ordinances or directives of the City of

- Weslaco, Texas not in conflict with this Ordinance shall remain in full force and effect unimpaired hereby.
- SECTION 4:** The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part thereof. The effects of this Ordinance shall at all times be in compliance with state federal local and other guidelines as directed.
- SECTION 5:** The Ordinance shall take effect and be in force from and after its passage and approval on two (2) separate readings in accordance with the Charter of the City of Weslaco, Texas. Publication if necessary may also be in caption form as allowed.
- SECTION 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time place and purpose of said meeting was given as required by the Open Meetings Act Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 1th day of September 2015.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15th day of September, 2015.

CITY OF WESLACO
/s/ Olga Noriega **MAYOR-PRO-TEM**

ATTEST:
/s/Elizabeth Walker, City Secretary

APPROVED AS TO FORM:
/s/Frank Garza, City Attorney

- B. Approval on Second and final reading of the following:
- 1) 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 was September 1, 2015; Staffed by Finance Department.) Attachment.

Commissioner Tafolla explained the purpose of this newly created fund will help fund police and fire substations, parks, sidewalks and infrastructure needed in District 4 and in the City.

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

For the record, the Ordinance reads as follows:

**ORDINANCE
NO. 2015- 24**

**AN ORDINANCE 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.

WHEREAS, the City of Weslaco provides services to the citizens of Weslaco to meet today's needs, as well as those of the future, and in turn the citizens pay taxes and fees for such services; and

WHEREAS, the City Manager submitted a proposed Capital Improvement Program (CIP) for 2015-2016 which contains anticipated receipts and proposed projects and planned expenditures for each of the various capital improvements of the City; and

WHEREAS, the proposed CIP was contained within the proposed 2015-2016 budget and was made available for public inspection in the City Secretary's office and on the City's web site; and

WHEREAS, a public hearing was held on August 18, 2015, at which time all interested persons were given an opportunity to be heard for or against the estimates or any item therein.

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

SECTION ONE. A new section, Chapter 2 Article X §2-278, is to be added to the Code of Ordinances of the City of Weslaco, to read in its entirety as follows:

§2-278 ESTABLISHMENT AND FUNDING OF CAPITAL IMPROVEMENT PROGRAM FUND.

(A) A fund is hereby established, to be maintained by the Finance Department and separately maintained from the other funds of the City, to be designated the Capital Improvement Program Fund (the CIP).

(B) The CIP shall be accounted for as a separate Capital Projects Fund of the City.

(C) Contributions may vary from year to year when the General Fund has produced a surplus after payment of all operation and maintenance expenses, debt service, and required contributions to reserves, if any. Contributions shall be added to such Fund per the above criteria.

(D) At the option of the City Commission, other sources of surplus finds, if available, may be used to contribute to the Fund.

(E) Nothing in this section shall be construed to mean that any contribution to the Fund is mandatory, but such will be solely at the discretion of the City Commission.

SECTION TWO. A new section, Chapter 2 Article X §2-279, is to be added to the Code of Ordinances of the City of Weslaco, to read in its entirety as follows:

§2-279 EXPENDITURES FROM THE CAPITAL IMPROVEMENT PROGRAM FUND; PROHIBITED EXPENDITURES.

(A) Withdrawals from the Fund require the authorization of the City Commission. At the time of withdrawal, a plan to replenish the Fund over a reasonable time frame shall be adopted by the City Commission. The plan may or may not include a tax or rate increase, depending on the circumstances.

(B) Withdrawals from the Fund should be restricted to:

- (1) pay for capital improvement projects as presented and approved within the CIP budget approved by the City Commission for each fiscal year,
- (2) make up for a severe shortfall in funds where projected revenues are not met, typically because of unexpected negative influence on revenue stream,
- (3) pay for catastrophic repair events of such magnitude that the cost of such would initiate an unplanned tax or rate increase or a greater than planned tax or rate increase (i.e. increases that would not have been needed if such event had not occurred). At the time of any such withdrawal for (2) or (3), a plan to raise taxes and/or rates over a reasonable time period to a level sufficient to cover the ongoing cost of maintenance and operations should be presented to the Commission and adopted.

(C) Withdrawal from the Fund should not be allowed for the following reasons:

- (1) to make any expenditure not clearly and directly for an approved Capital Improvement Project.
- (2) to pay for expense made necessary as a result of growth, expansion, or enhancement of existing services or inflation.
- (3) for the addition of permanent personnel or equipment.

SECTION THREE. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Weslaco, Texas, and this Ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION FIVE. This Ordinance shall become effective from and after its passage as provided by law.

PASSED AND APPROVED this the 1st day of September, 2015 at a Regular Meeting of the City Commission of the City of Weslaco, Texas.

PASSED AND APPROVED on Second Reading this the 15th day of September, 2015 at a Regular Meeting of the City Commission of the City of Weslaco, Texas.

CITY OF WESLACO
/s/ Olga Noriega **MAYOR PRO-TEM**

ATTEST:
/s/Elizabeth Walker, City Secretary

APPROVED AS TO FORM:
/s/Frank Garza, City Attorney

V. OLD BUSINESS

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

Commissioner Kerr abstained from discussion and vote regarding line item budgets
Minutes of the Regular Meeting on September 15, 2015

for Fire and Legal Departments and filed a conflict of interest affidavit.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to remove the line items for legal and fire department and approve a six percent (6%) base pay increase to all hourly, non-union employees who have been with the City for one year.

Maria Barrera, Finance Director, stated the budget as presented is balanced and recommended to approve the budget as presented and re-visit the recommendation of raises after close of the fiscal year September 30, 2015, when adjustments may be needed. In response to Commissioner Pena, Ms. Barrera stated the Commission could amend the budget to allow for the pay raises once reconciliation has been completed based on revenue surplus. The earliest to bring back to the Commission would be end of October. In response to Mayor Pro-Tem, Ms. Barrera said an item in the budget allows a buyback of sick leave from the employees up to 40 hours for a maximum dollar amount of \$500.00.

Commissioner Tafolla withdrew his motion.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve on second and final reading of Ordinance 2015-27 the City of Weslaco budget appropriation for the fiscal year October 1, 2015 – September 30, 2016 removing line items for Fire and Legal Departments. By roll call the motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

Commissioner Pena, seconded by Commissioner Fox, moved to approve the line items for Fire and Legal Departments budgets. By roll call vote, the motion carried with Commissioner Kerr abstaining. Mayor Pro-Tem Noriega was present and voting.

For the record, the ordinance is as follows:

ORDINANCE NO. 2015-27

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF WESLACO FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET FOR THE CITY OF WESLACO, TEXAS, FOR THE 2015-2016 FISCAL YEAR.

WHEREAS, the budget appended here as Exhibit A, for the fiscal year beginning October 1, 2015, and ending September 30, 2016, was duly presented to the City Commission by the City Manager, that due and timely public notice that a Public Hearing on such budget would be held on August 18, 2015, was given and made in accordance with state law and within the time limits set forth by law; that such Public Hearing was held in accordance with the law on August 18, 2015; now therefore,

BE IT ORDAINED BY CITY OF WESLACO, TEXAS:

SECTION 1. That the appropriations for the fiscal year beginning October 1, 2015, and ending September 30, 2016, for the support of the general government of the City of Weslaco, Texas be fixed and determined for said terms in accordance with the expenditures shown in the City's Fiscal Year 2015-2016 Budget, a copy of which is appended hereto as Exhibit A;

SECTION 2. That the Budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the City's Budget for the fiscal year beginning October 1, 2015, and ending September 30, 2016.

SECTION 3. That there is hereby appropriated the amount shown in said budget necessary to provide for a sinking fund for the payment of the principal and interest and the retirement of the bonded debt requirements of Fiscal 2015-2016 of the City of Weslaco.

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

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15th day of September, 2015.

CITY OF WESLACO
/s/Olga Noriega **MAYOR-PRO-TEM**

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

APPROVED AS TO FORM:
/s/Francisco J. Garza, **CITY ATTORNEY**

- B. Discussion and consideration to approve on second and final reading of 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. Roll call vote required. Possible action. (First reading held September 1, 2015; Staffed by Finance Department.) Attachment.

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

For the record, the ordinance is as follows:

ORDINANCE NO. 2015-28

AN ORDINANCE LEVYING AN AD VALOREM TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY OF WESLACO, TEXAS FOR THE 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, TEXAS, AND FIXING A LIEN ON ALL TAXABLE PROPERTY.

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

I.

THAT, there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Weslaco for the 2015-2016 fiscal year, upon all property, real, personal and mixed, within the corporate limits of said City subject to taxation, a tax of \$0.6767 on each \$100 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth:

- a. Maintenance and operation of the General Government (General Fund) for fiscal year 2015-2016, \$0.5560 on each \$100 valuation of property. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAT LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 7.36% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$46.40.
- b. Interest and sinking fund for debt service payments for fiscal year 2015-2016, \$0.1207 on each \$100 valuation of property for the purpose of paying interest on and providing a sinking fund for the redemption of outstanding indebtedness of the City of Weslaco.

II.

THAT there is hereby fixed on each and every item of taxable property a lien for the purpose of securing the payment of the taxes assessed thereon, and said lien shall continue to exist against any item of property against which a tax is assessed here under until such tax, together with all interest shall be paid.

III.

IF, any person shall neglect or refuse to pay the taxes herein imposed on him or his property, on or before January 31, 2016 the tax collector shall apply the following schedule of penalty and interest rates for use in calculating the total amount due on delinquent tax bills:

February 2016	7.0%
March 2016	9.0%
April 2016	11.0%
May 2016	13.0%
June 2016	15.0%
July 2016	18.0%

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

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15th day of September 2015.

ATTEST:
/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:
/s/Francisco J. Garza, CITY ATTORNEY

- C. 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. (There was no action on this item September 1, 2015. Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Kerr abstained from discussion and vote and filed a conflict of interest affidavit. The City Attorney recommend to table items C and D until after Executive Session as a result of recent litigation filed.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to table as recommended by the City Attorney until after Executive Session. The motion carried unanimously. Commissioner Kerr abstained; Mayor Pro-Tem was present and voting

- D. 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. (There was no action on this item September 1, 2015. Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

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

Commissioner Pena, seconded by Commissioner Tafolla, moved to table as recommended by the City Attorney until after Executive Session. The motion carried unanimously. Commissioner Kerr abstained; Mayor Pro-Tem was present and voting.

VII. NEW BUSINESS

- A. Discussion and consideration to award the Commercial Package and Employer's Liability Insurance to the best qualified, most advantageous bidder(s), and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

Commissioner Fox abstained from discussion and vote for Items A, B, C and D and left the dais at 6:20 p.m.

Ms. Veronica Ramirez, Human Resources Director, stated three proposals were received. Mr. Roger Garza, Valley Risk Consulting Services, recommended awarding the Commercial Package and Employer's Liability Insurance to Texas Municipal League.

Commissioner Pena, seconded by Commissioner Rivera, moved to award the Commercial Package and Employer's Liability Insurance to Texas Municipal League as recommended as the best qualified, most advantageous bidder, and authorize the Mayor to execute any related documents. The motion carried unanimously. Commissioner Fox abstained; Mayor Pro-Tem Noriega was present and voting.

- B. Discussion and consideration to award the Basic Life & Accidental Death & Dismemberment Product to the best qualified, most advantageous bidder(s) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

Ms. Ramirez stated three proposals were received; Mr. Garza recommended awarding the Basic Life & Accidental Death & Dismemberment Product to Dearborn National.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to award the Basic Life & Accidental Death & Dismemberment Product to Dearborn National as recommended as the best qualified, most advantageous bidder(s) and authorize the Mayor to execute any related documents as recommended. The motion carried unanimously. Commissioner Fox abstained; Mayor Pro-Tem Noriega was present and voting.

- C. Discussion and consideration to award the Health Insurance Products to the best qualified, most advantageous bidder(s) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

Ms. Ramirez stated two proposals were received; Mr. Garza recommended awarding to Allegian for one year. Ms. Ramirez stated Allegian offered a \$190,000.00 cost savings to the City and to the employee with lower premium rates and copays.

Commissioner Kerr, seconded by Commissioner Rivera, moved to award the Health Insurance Products to Allegian as recommended as the best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. The motion carried unanimously. Commissioner Fox abstained; Mayor Pro-Tem Noriega was present and voting.

- D. Discussion and consideration to award the Workers Compensation Product to the best qualified, most advantageous bidder(s) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

Veronica Ramirez, HR Director, stated proposals were received. The proposals had been reviewed and the recommendation from staff and Roger Garza, Valley Risk Consulting Services, was to award the Workers Compensation Product to Texas Municipal League, which is the current vendor.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to award the Workers Compensation Product to Texas Municipal League as recommended as the best qualified, most advantageous bidder(s) and authorize the Mayor to execute any related documents. The motion carried unanimously. Commissioner Fox abstained; Mayor Pro-Tem Noriega was present and voting.

- E. Discussion and consideration after public hearing on behalf of Silbia L. Lombardo dba Las Dos Fronteras to approve Ordinance No. 2015-30 to rezone 401 Mile 6½ West Road, also being Lots 1 and 2, Anaqua Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. First reading of Ordinance 2015-30. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Fox returned to the dais. Mr. Mardoqueo Hinojosa reported the Planning and Zoning Commission and staff recommend approval.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve as recommended. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- F. Discussion and consideration after public hearing on behalf of Silbia L. Lombardo dba Las Dos Fronteras for a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License at 401 Mile 6½ West Road, also being Lots 1 and 2, Anaqua Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Three-fourths vote required; Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated sixteen property owners were notified and one opposition was received. The Planning and Zoning Commission and staff recommended denial citing the applicant is unable to comply with deficiencies that were identified.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to deny the Conditional Use Permit and uphold the Planning and Zoning Commission recommendation. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- G. Discussion and consideration after public hearing on behalf of JMH, LLC to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 1600 N. Westgate Dr., Ste. 300, also being Lot 10, Home Depot-Weslaco Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated five property owners were notified. The Planning and Zoning Commission and staff recommend approval and stated this was due to a change in ownership. There were no conditions set.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve as presented. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- H. Discussion and consideration after public hearing on behalf of Blazin Wings, Inc. to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 1909 West Expressway 83, also being Lot 1, Cash Nix Addition Phase 2 Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated five property owners were notified. The Planning and Zoning Commission and staff recommend approval.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to approve as presented. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- I. Discussion and consideration after public hearing on behalf of Tropical Texas Behavioral Health to approve Ordinance No. 2015-31 to rezone at 2215 W. Business 83, also being a 7.98 acre irrigation tract of the W361.05'-E721.56', excluding irrigation tract E87.91'-N249.29', out of Farm Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas. First Reading of Ordinance No. 2015-31. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mardoqueo Hinojosa stated eight property owners were notified. The Planning and Zoning Commission and staff recommended approval subject to conditions set by the Planning and Zoning Commission.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve as presented. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- J. Discussion and consideration after public hearing on behalf of Tropical Texas

Behavioral Health to approve a Conditional Use Permit to operate a mental group therapy center at 2215 W. Business83, also being a 7.98 acre irrigation tract of the W361.05'-E721.56', excluding irrigation tract E87.91'-N249.29', out of Farm Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated eight property owners were notified. The Planning and Zoning Commission and staff recommend approval.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve as presented. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- K. Discussion and consideration on behalf of Lorenzo and Diana Rodriguez to approve Final Plat for L&D Rodriguez Subdivision, being 5.60 acres of the South 11.20 acres of Farm Tract 198, Block 181, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located on the West side of Mile 6 West Road, approximately 1,490 feet North of Mile 10 North Road. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated this was a proposed two lot subdivision within the City's Extraterritorial Jurisdiction. The proposed subdivision would be serviced by North Alamo water Supply and the applicant requested a variance from the sanitary sewer requirement. The applicant will install septic tanks in accordance with City Code. The Planning and Zoning Commission and staff recommended approval with the variance since the sanitary sewer line is greater than 0.25 miles away.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve as presented and grant the variance. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- L. Discussion and consideration to approve Change Order for Request For Bids 2014-15-17 Border Avenue Road and Waterline Improvements for an amount not to exceed \$13,408.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated the utility contractor broke a waterline that caused damage to the asphalt; staff recommends approval of this change order and then proceed with filing a claim for reimbursement with the contractor. In response to Commissioner Kerr, the change order was being recommended to avoid any delay with the project.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve as presented. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- M. Discussion and consideration to approve Resolution No. 2015-52 nominating a candidate to the Hidalgo County Appraisal District Board of Directors for the 2016-2017 election and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Office of the City Secretary.) Attachment.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve Resolution No. 2015-52 nominating David Hernandez as a candidate to the Hidalgo County Appraisal District Board of Directors for the 2016-2017 election and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Pro-Tem was present and voting.

For the record, the Resolution is as follows:

RESOLUTION NO. 2015-52

STATE OF TEXAS § RESOLUTION NOMINATING A CANDIDATE TO
COUNTY OF HIDALGO § HIDALGO COUNTY APPRAISAL DISTRICT
CITY OF WESLACO § BOARD OF DIRECTORS FY2016-2017

WHEREAS, the City of Weslaco, a governmental unit entitled to vote in the selection of a Board of Directors for the Hidalgo County Appraisal District, has been notified by the Chief Appraiser of Hidalgo County, Texas, that nominations to the said Board of Directors should be submitted in Resolution form to the Chief Appraiser before October 15, 2015; and

WHEREAS, the City wishes to nominate David Hernandez as candidate for Director of the Hidalgo County Appraisal District.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO as follows:

1. The City Commission of the City of Weslaco does hereby nominate David Hernandez as a candidate for the Director of Hidalgo County Appraisal District.
2. A certified copy of this Resolution shall be delivered to the Chief Appraiser Hidalgo County, Texas, to evidence this nomination.

PASSED AND APPROVED this 15th day of September, 2015.

CITY OF WESLACO
/s/David Suarez, **MAYOR**

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

APPROVED AS TO FORM:
/s/Frank Garza, **CITY ATTORNEY**

- N. Discussion and consideration to approve grant agreement with Texas Department of Transportation for the Airport Routine Maintenance Agreement FY 2015-2016 at a cost not to exceed 10% as the City of Weslaco shared cost and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department).

Minutes of the Regular Meeting on September 15, 2015

Attachment.

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

Mr. George Garrett, Airport Director, stated this is a grant renewal for the maintenance costs for the City of Weslaco Mid Valley Airport. He clarified the actual shared cost is a 50% between the City and TxDOT and staff recommends approval. Commissioner Pena withdrew the motion.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve a grant agreement with Texas Department of Transportation for the Airport Routine Maintenance Agreement FY 2015-2016 at a cost not to exceed 50% as the City of Weslaco shared cost and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- O. Discussion and consideration to approve Change Order No. 1 to the agreement with Texas Department of Transportation Aviation Division for the rehabilitation of the runway in order to include the extension by 6,000 feet and authorize the cost share of 10% not to exceed \$471,307.00 as previously allocated and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.

Mr. Garrett stated the change order would increase the runway length from 5,000 ft. to 6,000 feet for the airport extension runway project and funds are on deposit with TxDOT. Staff recommends approval.

Commissioner Pena seconded by Commissioner Rivera moved to approve as presented. The motion carried unanimously. Commissioner Kerr abstained; Mayor Pro-Tem Noriega was present and voting.

- P. Discussion and consideration to approve the Interlocal Governmental Agreement – Ambulance Service with the Hidalgo County Emergency Services District No. 1 for the period October 1, 2015 – September 30, 2017 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

Chief Tony Lopez stated the agreement is a renewal to allow ambulance service in rural areas, which presently accounts for 2,000 calls per year. The agreement differed from the previous one by eliminating the City requirement to carry a separate insurance policy and allow the City to carry it through its general liability. The agreement offers a savings to the City and staff recommends approval.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve as presented. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- Q. Discussion and consideration to award contract bid No. 2014-15-30 Waterworks Collection and Distribution Materials to the lowest responsible bidder, and authorize

the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment.

Mr. Pete Garcia recommended awarding to the lowest responsible bidder Ferguson Waterworks as a one year contract. Mr. David Salinas recommended language in the contract is added to address delivery timeline. Mr. Salinas stated in the past there were occasions material ordered is not received in a timely period. He stated in the event this becomes a problem an out clause in the contract allows for termination and solicit for proposals.

In response to Commissioner Pena, City Attorney stated the terms and conditions can be negotiated to include an out clause. If they would not agree the contract comes back to the Board to award to the next lower bidder.

In response to Mayor Pro-Tem Noriega, the recommendation to award to Ferguson was because it was under new management and hoped the delay of orders does not happen, but in the event it does, the City can terminate.

Commissioner Pena, seconded by Commissioner Kerr, moved to award contract bid No. 2014-15-30 Waterworks Collection and Distribution Materials to Ferguson Waterworks as the lowest responsible bidder, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

Commissioner Pena, seconded by Commissioner Rivera, amended the motion to award to Ferguson Waterworks with the caveat that if the product is delayed four weeks, the City may opt out of the contract. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- R. Discussion and consideration to award the best qualified, most advantageous respondent to the Request for Proposals for Municipal Audit Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.

Ms. Maria Barrera, Finance Director, reviewed the three proposals received and recommends to award to Long Chilton, LLP.

In response to Commissioner Fox, the term is three years with an option to renew for two years. In response to Commissioner Tafolla, it is good practice to rotate municipal audit services after seven years; he suggested sending a courtesy letter to the previous auditor.

Commissioner Pena, seconded by Commissioner Rivera, moved to award Long Chilton, LLP as recommended as the best qualified, most advantageous respondent to the Request for Proposals for Municipal Audit Services and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Pro-Tem

Noriega was present and voting.

- S. Discussion and consideration to select members to a review committee for City Attorney/Legal Services for the City of Weslaco responses to the Request for Qualifications 2014-15-32. Possible action. (Staffed by City Manager's Office.)

Commissioner Fox, seconded by Commissioner Kerr, moved to select the entire Commission to serve as the review committee for all responses to RFQ 2014-15-32. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

In response to Mayor Pro-Tem, the City Attorney stated it would be subject to the open meeting and it could be posted as a workshop, regular or special meeting.

VIII. EXECUTIVE SESSION

At 7:16p.m., Mayor Pro-Tem announced the regular meeting to convene in Executive Session. At 8:08 p.m., Mayor Pro-Tem announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

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. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- C. 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.

- D. Pending Litigation – Consultation 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 - 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.* as authorized by §571.074 of the Government Code.

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

Commissioner Fox, seconded by Commissioner Pena, moved to authorize a Rule 11 agreement to settle Cause No. C-081-13 B *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al* as discussed in Executive Session. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

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

There was no action on this item.

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

Commissioner Tafolla, seconded by Commissioner Pena, moved to purchase the property in the amount of \$105,000 as full and final settlement of Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco*. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- VI. C. 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. (There was no action on this item September 1, 2015. Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

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

Commissioner Pena, seconded by Commissioner Fox, moved to remove from the table. The motion carried unanimously. Commissioner Kerr abstained; Mayor Pro-

Tem was present and voting.

There was no action on this item.

- VI. D. 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. (There was no action on this item September 1, 2015. Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

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

Commissioner Pena, seconded by Commissioner Rivera, moved to remove from the table. The motion carried unanimously. Commissioner Kerr abstained; Mayor Pro-Tem was present and voting.

There was no action on this item.

X. ADJOURNMENT

With no other business before the Commission, at 8:14 p.m. Commissioner Tafolla, seconded by Commissioner Pena, moved to adjourn the September 15, 2015 regular meeting. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

CITY OF WESLACO

ABSENT

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