



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, OCTOBER 6, 2015**

On this 6<sup>th</sup> day of October 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; Pete Garcia, Public Facilities Director, Chief Tony Lopez, 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, October 2, 2015.

B. Invocation.

Pastor Ray Sanchez, 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 Suarez recognized Ms. Ali Mae Wright and Domestic Awareness Month. State Senator Eddie Lucio, Jr. also recognized Ms. Wright with a State Proclamation.

E. Roll Call.

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

**II. PUBLIC COMMENTS**

There were no comments received.

### III. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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) Regular Meeting on September 15, 2015;
  - 2) Special Meeting on September 17, 2015;
  - 3) Special Meeting on September 21, 2015. (Staffed by City Secretary's Office.) Attachment.
  
- B. Approval on Second and Final Reading of Ordinance 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 held September 15, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.
  
- C. Approval on Second and Final Reading of Ordinance 2015-31 to rezone 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 from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. (First reading held September 15, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.
  
- D. Approval of the renewal of payment to Smartcom Telephone, LLC for annual internet services and city facility network connectivity and authorize the Mayor to execute any related documents. (Staffed by the IT Department.) Attachment.
  
- E. Approval of the renewal of payment to Tyler Technologies for yearly software maintenance fee and authorize the Mayor to execute any related documents. (Staffed by the IT Department.) Attachment.
  
- F. Approval of the renewal of payment to PTS Solutions, Inc. for yearly software maintenance fee and authorize the Mayor to execute any related documents. (Staffed by the IT Department.) Attachment.
  
- I. Approval of the renewal of a Public Purpose Service Contract with the Weslaco Bicultural Museum d.b.a Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$63,100.00 effective October 1, 2015 through September 30, 2016 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.

- J. Approval of the renewal of a Public Purposes Agreement and/or Lease Agreement with the Boys & Girls Club of Weslaco. City of Weslaco to pay twelve (12) equal payments an amount not to exceed \$50,000.00 for the public purpose services and activities in this contract, and authorize the Mayor to execute any related documents. (Staffed by the Parks and Recreation Department.) Attachment.
- K. Approval of the purchase of one (1) 2015 or newer Caterpillar Inc. Model 303E CR Mini Excavator from Holt Cat, BuyBoard State Approved Contract #424-13, in an amount not to exceed \$44,927.66 as budgeted. (Staffed by the Parks and Recreation Department.) Attachment.
- L. Approval of the purchase of one (1) 2015 or newer John Deere Z950R Commercial Z-Trak from Neuhaus & Company, LTD, BuyBoard State Approved Contract #447-14, in an amount not to exceed \$10,729.38 as budgeted. (Staffed by the Parks and Recreation Department.) Attachment.
- M. Approval to submit “GO GREENFIELDS GRANTS” application to assist with outdoor fitness equipment with a 50/50 match not to exceed \$50,000.00 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment
- N. Approval of the acceptance of donated monies and gifts from local vendors and/or the public for library programing within FY 2015 – 2016 and authorize the Mayor to execute any related documents. (Staffed by the Library Department). Attachment.
- O. Approval of the renewal of the Memorandum of Understanding with Region One Education Service Center Office of Adult Education for the purpose of establishing an adult education and literacy program and authorize the Mayor to execute any related documents. (Staffed by the Library Department). Attachment.
- P. Approval of the purchase of three computers and four monitors to include accessories in an amount not to exceed \$4,750.34 from the Court Technology Fund and authorize the Mayor to execute any related documents. (Staffed by Municipal Court Department.) Attachment.
- R. Approval of Vehicle Use Agreement with the Weslaco Independent School District (WISD) to allow off duty police officers the usage of patrol units in assisting with the WISD football program. (Staffed by Police Department.) Attachment.

Mayor Pro-Tem Noriega, seconded by Commissioner Rivera, moved to approve consent agenda items A, B, C, D, E, F, I, K, L, M, N, O, P and R and withhold items G, H, and Q for discussion. The motion carried unanimously; the Mayor was present and voting.

For the record, the Ordinances read as follows:

**ORDINANCE NO. 2015-30**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 401 MILE 6 ½ 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 HIGHWAY AND BUSINESS DISTRICT**

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

**SECTION I:** R-1 Single Family Dwelling District to B-2 Secondary and Highway Business District being Lots 1 and 2, Anaqua Subdivision, also being 401 Mile 6 ½ West Road, Weslaco, Hidalgo County, Texas.

**SECTION II:** That this ordinance shall become effective upon its passage.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 15<sup>th</sup> day of September, 2015.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6<sup>th</sup> day of October, 2015.

**ORDINANCE NO. 2015-31**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 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 HIGHWAY AND BUSINESS DISTRICT**

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

**SECTION I:** R-1 Single Family Dwelling District to B-2 Secondary and Highway Business District 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, also being 2215 W Bus 83, Weslaco, Hidalgo County, Texas.

**SECTION II:** That this ordinance shall become effective upon its passage.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 15<sup>th</sup> day of September, 2015.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6<sup>th</sup> day of October 2015.

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

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

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

Weslaco to host the 2015 Mid-Valley Christmas Lighted Parade on Friday, December 18, 2015 from 6:00 p.m. – 9:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, approve the use of City Hall parking lot to host Alfresco Weslaco after the parade, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Staffed by Parks and Recreation Department.) Attachment.

Mayor Pro-Tem Noriega requested the event begin at 7 p.m.; Mr. David Arce stated consideration is given to the school bands participating to return in a timely manner. Ms. Martha Noell suggested 6:30 p.m. to allow the lineup of participants during daylight.

Mayor Pro-Tem Noriega, seconded by Commissioner Rivera, moved to approve 2015 Mid-Valley Christmas Lighted Parade on Friday, December 18, 2015 from 6:30p.m.-9:00pm on Texas Boulevard from Pike Boulevard to Sixth Street, approve the use of City Hall parking lot to host Alfresco Weslaco after the parade and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. The motion carried unanimously; Mayor was present and voting.

- H. Approval of the request by Mid Valley Events to utilize Mayor Pablo G. Pena City Park on October 17, 2015 8 a.m. – 10 p.m. for The Beer Dash, and authorize the Mayor to execute any related documents as may be associated with the event. (Staffed by Parks and Recreation Department.) Attachment.

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

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

- Q. Approval of the Election Services Contract with the Hidalgo County Elections Department to conduct the City of Weslaco General and Special Elections of November 3, 2015 pursuant to Texas Election Code Chapter 271, and authorize the Mayor to execute any related documents. (Staffed by City Secretary's Office.) Attachment.

In response to Commissioner Fox, the City Secretary elaborated on the two elections to be held on November 3, 2015: the General Election for District 1 and 4 and a Special Election for District 5 that complies with a court order; both will be administered by the Hidalgo County Elections Department. Early voting for the general election and the constitutional amendments can be done at any early voting polling location in Hidalgo County as a result of partnering with Hidalgo County. Early voting and Election Day for the Special Election District 5 ballot will only be available at the Business, Visitors, and Events Center.

In response to Mayor Pro-Tem Noriega for the general election, early voting and election day will be at the Business Visitors Events Center and the mobile unit is at the discretion of the County and no information is available on that schedule at this time.

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

#### IV. NEW BUSINESS

- A. Discussion and consideration to authorize a mural at Harlon Block Sports Complex recognizing the World Series Qualifying Team. Possible action. (Requested by Commissioners Fox and Kerr.)

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

Mayor Pro-Tem Noriega suggested the City Manager approach Weslaco ISD to consider partnering in the cost; Commissioner Pena suggested a mural at Isaac Rodriguez Park, too.

Commissioner Tafolla, seconded by Commissioner Fox, amended the motion to authorize the City Manager approach Weslaco ISD for cost participation in this venture. The motion carried unanimously; Mayor was present and voting.

The original motion carried unanimously; Mayor was present and voting.

- B. Discussion and consideration to approve an Interlocal Agreement with the Lower Rio Grande Development Council for Cooperation & Joint Sponsorship to participate in a regional public transportation system, Valley Metro, in an amount not to exceed \$35,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

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

The City Manager clarified the City has funded Valley Metro and the Economic Development Corporation funds routes from the Delta area. Mr. Tom Logan, Director of Valley Metro, reviewed the routes and schedule, clarifying this contract is to connect the Mid Valley South Texas College campus with other STC campuses and is open to the general public.

The motion carried unanimously; Mayor was present and voting.

- C. Discussion and consideration to approve Professional Services Agreements as recommended by the Weslaco Hotel Occupancy Tax Advisory Committee and authorize the Mayor to execute any related documents. Possible action. (Staffed by

Finance Department.) Attachment.

Ms. Maria Barrera, Finance Director, reported the advisory committee reviewed four (4) applications received for funding. The advisory committee recommends the Weslaco Area Chamber be funded \$177,063.00 and Frontera Audubon Society be funded \$30,000.00. The Weslaco Museum did not meet the qualifications for funding but is receiving general funds, as formalized by agreement under this consent agenda, and the Valley Nature Center did not provide sufficient information to determine qualifications and will be reconsidered next meeting. Staff recommends approval. The Mayor Pro-Tem applauded the service of this board.

Commissioner Rivera, seconded by Commissioner Kerr, moved to approve Professional Services Agreements as recommended by the Weslaco Hotel Occupancy Tax Advisory Committee and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor was present and voting.

- D. Discussion and consideration to interview and possibly select the City Attorney for the City of Weslaco and authorize the Mayor to negotiate a professional services agreement. Possible action. (Staffed by City Manager's Office.) Attachment.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to discuss.

The City Manager stated the City Attorney advised by email yesterday all proposals did not meet the qualifications as solicited in the request for qualifications and all be disqualified. Additionally, the City Attorney submitted his response to the Request For Qualifications stating if the Commission waived any disqualifications his be considered as well. The City Manager recommended postponing this item until the next meeting and obtain an independent opinion to evaluate the issues raised by the City Attorney.

In response to Commissioner Fox, City Attorney disqualified proposals as a result of the published criteria that were not met, specifically lack of documentation on CLE, liability coverage and experience. In response to Commissioner Kerr, City Attorney stated his opinion is the Commission could subject themselves to challenges from an applicant.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to authorize the City Manager to procure a third party independent opinion from somebody other than Frank Garza on the matter of the request of qualifications. The motion carried with Mayor Pro Tem opposed (6-1); Mayor was present and voting.

V. **DEPARTMENT UPDATES**

- A. Report by Weslaco Area Chamber of Commerce.

Ms. Martha Noell reported on advertising efforts for Mid Valley Airport, the drone video, participating in the McAllen International Travel Show in preparing for

Winter Texans' return and reported 1,782 visitors for this quarter.

B. Report by Economic Development Corporation of Weslaco.

Mr. Joey Trevino reported preparations for the upcoming Retail convention in November; hosted a mixer for potential sub-contractors and contractors for UTRGV expansion; working with A&M Kingsville in expansion efforts of their program for engineering degree and ongoing efforts with local banks and developers in expansion of the industrial park.

C. Engineering by Planning and Code Enforcement Department.

Mr. Mardoqueo Hinojosa updated on the Border Ave project as close to completion; the Utah waterline project as substantially complete; the Boys and Girls Club project concrete was poured and 6<sup>th</sup> Street waterline project the first 1,000 feet out of 6,500 feet of pipe has been laid.

D. Water and Wastewater Systems by Public Works Department.

Mr. Pete Garcia reported on the paving project with completion of Utah between 2<sup>nd</sup> Street to Pavilion #23 and will be moving forward with 6<sup>th</sup> Street all the way to Business 83.

E. Paving and Flooding by Public Works Department.

Mr. Pete Garcia reported new equipment, the Pro-Patch Pothole machine, was received and training was beginning on the use of the equipment; special equipment was leased to assist in cleaning efforts of drain ditches with the focus in Las Brisas Subdivision.

F. City Cemetery by Parks and Recreation Department.

David Arce reported the policy of a payment plan for cemetery purchases will be on the next meeting for review and approval; he also reported 124 man-hours spent cleaning the cemetery to include spraying of roundup for weed control.

**VI. EXECUTIVE SESSION**

At 6:55pm p.m., Mayor announced the regular meeting to convene in Executive Session. At 7:34 p.m., Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

**VII. 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.

Commissioner Pena, seconded by Commissioner Tafolla, moved to authorize the Mayor and Commissioner Pena to negotiate terms and sign a Memorandum of Understanding Agreement as discussed in executive session for the Economic Development Project Chicken Hatch. The motion carried unanimously; Mayor was present and voting.

- 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 – Consultation with City Attorney regarding *Jacinto Estrada v. City of Weslaco, Texas* as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

**VIII. ADJOURNMENT**

With no other business before the commission, at 7:35 p.m. Commissioner Tafolla, seconded by Commissioner Pena, moved to adjourn the October 6, 2015 regular meeting. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

CITY OF WESLACO

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MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth Walker

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MAYOR PRO-TEM, Olga Noriega

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COMMISSIONER, David R. Fox

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COMMISSIONER, Greg Kerr

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COMMISSIONER, Gerardo “Jerry” Tafolla

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COMMISSIONER, Lupe Rivera

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COMMISSIONER, Fidel L. Pena, III