



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 20, 2015**

On this 20th 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
Interim City Attorney	Marcus Barrera

Also present: Maria Barrera, Finance Director; Veronica Ramirez, Human Resources Director; Jose Pena, IT Director; Pete Garcia, Public Works 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 16, 2015.
- B. Invocation.
Pastor Art Beckwith, Rio Grande Valley Fellowship 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. Cecilia Cantu, Student Council President at Weslaco East High, extended an invitation to them for their first Wildcat Fall Festival on November 7, 2015.

III. PUBLIC HEARING

Commissioner Pena, seconded by Commissioner Tafolla, moved to open the public hearing for items III. A-E concurrently at 5:30 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

- A. To solicit input in compliance with the Consolidated Plan for Community Planning & Development (CDBG) Urban County Program Fiscal Year 29 (2016) Needs Assessment Plan.

Lucy Ramirez Torres, Chief Executive Officer Nuestra Clinica Del Valle, requested program funds in the amount of \$15,000.00 that will assist citizens of Weslaco with medical and dental services.

Allie Zamora, Girl Scouts Director, requested program funds in the amount of \$3,000.00 that will assist 200 low to moderate income girls from Weslaco.

- B. To solicit input on behalf of Bertha A. Martinez for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 163 S. Texas Blvd., also being Lot 17 and S10'-E90' of Lot 18, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received.

- C. To solicit input on behalf of Arturo Ramos, Jr. to approve a rezone at 818 E. Agostadero St., also being a Lots 1 and 2, Block 3, Roosevelt School Addition Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District.

Pearl Higgins expressed her opposition to the rezone request and stated a petition has been submitted against the rezoning.

- D. To solicit input on behalf of Raul Ugalde to rezone 1901 W. Business 83, also being a 0.38 acre out of Farm Tract 633, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District.

There were no comments received

- E. To solicit input on Policy Procedures For Conversion of an Alley into a Utility Easement.

There were no comments received.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to close the public hearing at 5:45p.m. The motion carried unanimously; Mayor Suarez was

present and voting.

IV. CONSENT AGENDA

- A. Approval of the Minutes of the following:
 - 1) Regular Meeting on October 6, 2015;
 - 2) Special Meeting on October 9, 2015; (Staffed by City Secretary's Office.) Attachment.

- B. Approval of the renewal of the agreement with ITheatre to provide literacy programing free of cost and waive fees associated with the use of the theatre facility for the ITheatre FY 2015-2016 theatrical season. (Staffed by Library.) Attachment.

- C. Approval of the request from H-E-B to sponsor the rental of the entertainment stage from Rental World in the amount not to exceed \$2,373.00 for Feast of Sharing on December 12, 2015, place a banner promoting the event at the intersection of Texas Blvd. and Sgt. M.C. Garcia and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Staffed by Public Works Department.) Attachment.

- D. Approval of a one (1) year extension to the Interlocal Agreement with Texas A&M University-Kingsville to actively participate in the LRGV TPDES Regional Task Force formed to respond and aid compliance with the Texas Commission on Environmental Quality Phase II TPDES Storm Water Rules and authorize the Mayor to execute related documents. (Staffed by Public Works Department.) Attachment.

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

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2015-53 appointing one member to an expired term on the Civil Service Commission. Possible action. (Staffed by Human Resources.) Attachment.

Mayor Pro Tem Noriega, seconded by Commissioner Pena, moved to approve Resolution 2015-53 reappointing Blanca Munoz as one member to an expired term on the Civil Service Commission.

Commissioner Tafolla, seconded by Commissioner Rivera moved to appoint Jennifer Cardenas. Commissioner Tafolla withdrew his motion.

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

The Resolution is as follows:

RESOLUTION NO. 2015-53

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO CIVIL SERVICE COMMISSION.

WHEREAS, the City of Weslaco has established the Weslaco Civil Service Commission pursuant to Chapter 143 of The Texas Local Government Code; and

WHEREAS, the terms of the members of this board are for 3 years; and

WHEREAS, the Civil Service Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT it consents to the appointment of Blanca Munoz on the Civil Service Board and the term will begin on October 20, 2015 and expires on October 20, 2018.

PASSED AND APPROVED on this 20th day of October 2015.

CITY OF WESLACO
/s/David Suarez, MAYOR

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

- B. Discussion and consideration to approve Resolution 2015-54 appointing one member to an expired term on the Board of Adjustments & Appeals - Zoning Ordinance. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro Tem Noriega, seconded by Commissioner Tafolla, moved to approve Resolution 2015-54 reappointing Ernesto Martinez Jr. as one member to an expired term on the Board of Adjustments & Appeals - Zoning Ordinance. The motion carried unanimously; Mayor Suarez was present and voting.

The Resolution is as follows:

RESOLUTION NO. 2015- 54

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF ADJUSTMENTS & APPEALS-ZONING ORDINANCE.

WHEREAS, the City of Weslaco created and established the Board of Adjustments & Appeals-Zoning Ordinance.

WHEREAS, the term of the members of this board are for two years; and

WHEREAS, the Board of Adjustments & Appeals-Zoning Ordinance members shall serve with neither compensation nor term limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Ernesto Martinez Jr. is appointed to serve an expired term on the Board of Adjustments & Appeals-Zoning Ordinance and the term will expire on October 20, 2017.

PASSED AND APPROVED on this 20th day of October, 2015.

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

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

- C. Discussion and consideration to approve Resolution 2015-55 appointing one member to an unexpired term on the Library Board. Possible action. (Staffed by Library.) Attachment.

Commissioner Pena, seconded by Commissioner Kerr, moved to approve Resolution 2015-55 appointing George Lopez as one member to an unexpired term of Joel De Los Santos on the Library Board. The motion carried unanimously; Mayor Suarez was present and voting.

The Resolution is as follows:

RESOLUTION NO. 2015-55

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE LIBRARY BOARD.

WHEREAS, the City of Weslaco has established the Library Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

WHEREAS, the terms of the members of this board are for two years; and

WHEREAS, the Library Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT George Lopez is appointed to serve an unexpired term on the Library Board and the term will expire on March 5, 2017.

PASSED AND APPROVED on this 20th day of October 2015.

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

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

- D. Discussion and consideration to approve Resolution 2015-56 appointing one member to an expired term on the Economic Development Corporation of Weslaco. Possible action. (Staffed by Weslaco Economic Development Department.) Attachment.

Mayor Pro Tem Noriega, seconded by Commissioner Pena, moved to approve Resolution 2015-56 reappointing Marty Masso as one member to an expired term on the Economic Development Corporation of Weslaco. The motion carried unanimously; Mayor Suarez was present and voting.

The Resolution is as follows:

RESOLUTION NO. 2015-56

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Martin C. Masso appointed to a term as a member of the Board of Directors of the Economic Development Corporation that will expire on the 2nd day of December, 2018.

PASSED AND APPROVED on this 20th day of October, 2015.

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

ATTEST:

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

Mayor Suarez changed the order of the day introducing item VII. New Business items M, N and O.

- M. Discussion and consideration to reject all pending applications received to the solicitation for Request for Qualifications for City Attorney. Possible action. (Staffed by City Manager's Office.)

Commissioner Kerr, seconded by Commissioner Fox, moved to reject all pending applicants received to the solicitation for Request for Qualifications for City Attorney.

In response to Mayor Pro Tem Noriega, the City Manager stated the item as presented is a result of the directive from the Commission to obtain a third party legal opinion on the concern of applicants not meeting the requirements in the Request For Qualifications. The recommendation in the legal opinion is to reject all pending applications and move forward. Commissioner Fox noted the opinion reflects they could have considered those applicants who had submitted a response to the RFQ to be interviewed.

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

- N. Discussion and consideration to interview those law firms which submitted responses by October 15, 2015 to the Request for Qualifications for City Attorney. Possible action. (Staffed by City Manager's Office.)

Commissioner Kerr, seconded by Commissioner Tafolla, moved to interview those law firms submitting a response by October 15, 2015 to the Request for Qualifications for City Attorney. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager stated the eight (8) applicants listed were in no specific order and at their discretion could determine order of interviews. City Manager stated the office of Frank Garza had been contacted and would not be in attendance. Mayor Suarez stated applicants would be taken as listed and be given a time allotment of five minutes for presentation and five minutes for questions and answers.

Order of presentation were as follows: RRG (Godinez Law Firm, P.C.); The Pruneda Law Firm, PLLC; BBS (Beatty Bangle Strama); Palacios Garza & Thompson; Law Office of Juan E. Gonzalez, PLLC; The Law Offices of Damian C. Orozco, P.C.; Guerra, Leeds, Sabo & Hernandez, PLLC's, and Marroquin Law Firm. Applicants each gave a brief presentation on their experience, billing and associates followed by a brief questions and answer session.

In response to Mayor Pro Tem Noriega, Interim Counsel stated information presented that deviates from the RFQ originally submitted is at their discretion to consider as a result of the action taken in rejecting all qualifications submitted.

Mayor Suarez recessed the meeting at 7:53pm. The time being 8:16pm, Mayor Suarez reconvened the regular meeting of October 20, 2015 entertaining that each Commissioner name their top three firms and to continue with negotiations of an agreement.

Each Commissioner identified his or her top three candidates as follows:

Commissioner Fox – BBS; Law of Office of Juan Gonzalez; and Guerra Leeds, Sabo & Hernandez, PLLC's.

Mayor Suarez - Law Office of Juan E. Gonzalez; Offices of Damian C. Orozco, P.C.; and The Pruneda Law Firm.

Mayor Pro Tem Noriega - Frank Garza; Damian C. Orozco, P.C.; and The Pruneda Law Firm.

Commissioner Kerr - BBS, Palacios Garza & Thompson and Guerra; Leeds, Sabo & Hernandez, PLLC's.

Commissioner Tafolla – BBS; Law of Office of Juan Gonzalez; and Guerra Leeds, Sabo & Hernandez, PLLC's.

Commissioner Rivera – BBS; Law of Office of Juan Gonzalez; and Damian C. Orozco.

Commissioner Pena - Frank Garza; Law Office of Juan E Gonzalez; and Damian C. Orozco.

Mayor Suarez called for the top three firms. The City Secretary stated the top three firms were as follows: BBS (four nominations); The Law Office of Juan E Gonzalez (five nominations) and Law Office Damian C Orozco (four nominations).

Interim City Attorney stated selection of a firm be made in open session and contract terms may be done in executive session. Negotiations of terms did not necessarily need to be done tonight.

Commissioner Kerr moved to select the firm of BBS. Motion failed due to lack of second.

Mayor Pro-Tem moved to select the Law Office of Damian Orozco. Motion failed due to lack of second.

Commissioner Pena, seconded by Commissioner Tafolla, moved to rank the finalist firms with the lowest ranked firm to be selected for negotiations. The motion carried with Commissioner Kerr opposed; Mayor Suarez was present and voting.

Mayor Suarez stated the Commission ranked the top three firms with The Law Office of Juan E. Gonzalez as the lowest ranked, following with BBS and Law Office Damian C. Orozco. For the record, Mayor Pro Tem Noriega did not participate on the ranking of the firms.

- O. Discussion and consideration to 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.)

Commissioner Kerr, seconded by Commissioner Tafolla, moved to select the Law Office of Juan E. Gonzalez and authorize the Mayor to negotiate a Professional Service Agreement. The motion carried with Mayor Pro-Tem Noriega abstaining. Mayor Suarez was present and voting.

VI. OLD BUSINESS

- A. Discussion and consideration adopting a Policy and Procedures for Conversion of an Alley into a Utility Easement and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Fox, seconded by Commissioner Tafolla, moved to adopt policy and procedures for Conversion of an Alley into a Utility Easement and authorize the Mayor to execute any related documents subject to any non-conforming property present and future annexation of property is exempt.

Mr. Mardoqueo Hinojosa, Planning Director, reviewed the policy as recommended and adopted by the Planning and Zoning Commission. In response to Commissioner Fox, he advised item 19 states annexed property would be considered a legal non-

conforming use. In response to Commissioner Pena, Interim City Attorney recommended the Commission enter into executive session to discuss potential litigation as a result of any action for the item.

Commissioner Tafolla, seconded by Commissioner Pena, moved to table this item until after executive session. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez changed the order of the day and convened into executive session

VIII. EXECUTIVE SESSION

At 8:55 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 9:06 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

Interim City Attorney announced under Section 551.071 of the Texas Government Code, Consultation with City Attorney, the Commission had entered the executive session.

- B. Discussion and reconsideration to approve Ordinance 2015-15 abandoning 20' X 830' of alley located behind lots 1-4 Block 1 South Palm Garden Estate Phase 1 and Lots 5-8 Block 1 South Palm Garden Estates Phase 2, creating a 20' x 830' utility easement behind Lots 1-4 Block 1 South Palm Garden Estate Phase 1 and lots 5-8 Block 1 South Palm Garden Estate Phase 2, and ordaining all other matters with respect to the subject matter hereof. First Reading of Ordinance 2015-15. Possible action. (This item was tabled July 7, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

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

Commissioner Kerr, seconded by Commissioner Fox, moved to approve Ordinance 2015-15 abandoning 20' X 830' of alley located behind lots 1-4 Block 1 South Palm Garden Estate Phase 1 and Lots 5-8 Block 1 South Palm Garden Estates Phase 2, creating a 20' x 830' utility easement behind Lots 1-4 Block 1 South Palm Garden Estate Phase 1 and lots 5-8 Block 1 South Palm Garden Estate Phase 2, and ordaining all other matters with respect to the subject matter hereof. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration on behalf of Ricardo Quintanilla to renew an agreement abandoning a 20' alley located behind lots 1-2 Block 14, L.D. Morgan Addition and to the east of lots 8-10, Block 14, L.D. Morgan Addition. (Action taken on July 7, 2015 was no renewal applicant to follow procedure to be established by Planning and Zoning). Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

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

Mayor Pro-Tem Noriega, seconded by Commissioner Tafolla, moved to approve the use of 20' alley located behind lots 1-2 Block 14, L.D. Morgan Addition and to the east of lots 8-10, Block 14, L.D. Morgan Addition as utility easement by ordinance with no renewal of an agreement or contract needed. The motion carried unanimously; Mayor Suarez was present and voting. This action constitutes first reading of Ordinance 2015-37.

There was no vote on the original motion. Mayor Suarez changed to order of the day to VI. Old Business A.

- A. Discussion and consideration adopting a Policy and Procedures for Conversion of an Alley into a Utility Easement and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

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

In response to Commissioner Fox, item 19 of the policy would allow areas annexed to have a legal non-conforming use if construction has occurred over alleys prior to the date of the annexation.

The original motion, whereby Commissioner Fox, seconded by Commissioner Tafolla, moved to adopt policy and procedures for Conversion of an Alley into a Utility Easement and authorize the Mayor to execute any related documents subject to any non-conforming property present and future annexation of property is exempt, passed unanimously. Mayor Suarez was present and voting.

VII. NEW BUSINESS

- A. Discussion and consideration to recognize The Tamez Financial Group, LLC as the Agent of Record for the City group health insurance plan and recognizing Carlos Tamez, Producer ID HA0030, as the Producer of Record representative and the General Agent in negotiations with Allegian Health Plans, subsidiaries & affiliations for the employee health care benefit program(s) effective October 1, 2015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

Commissioner Fox abstained from discussion and vote.

Mayor Pro Tem Noriega, seconded by Commissioner Kerr, moved to approve as presented.

The City Manager explained Carlos Tamez was the record of agent with the Blue

Cross and Blue Shield contract. The City changed health insurance carrier to Allegian and the contract requires a representative be recognized to negotiate with Allegian for the employee health care benefits. Mr. Perez reviewed his responsibilities as the agent of record to facilitate insurance claims and stated staff recommends approval at a fee of \$5,000.00/month. In response to Commissioner Tafolla, the City Manager thanked employees for their patience in the transition to the new insurance carrier, which saved the City at 33% cost increase.

The motion carried with Commissioner Fox abstaining; Mayor Suarez was present and voting.

- B. Discussion and consideration to amend the City of Weslaco Personnel Policies and Procedures Manual revising the holiday schedule and adding personal days. Possible action. (Requested by Human Resources Department.) Attachment.

Commissioner Kerr, seconded by Commissioner Pena, moved to amend the City of Weslaco Personnel Policies and Procedures Manuel revising the holiday schedule and adding personal days.

The City Manager stated as a result of negotiations with Police and Fire three holidays were removed and three personal days were added, which should have a savings to the City of over \$100,000.00 in overtime. This proposed amendment will align the non-civil service employees with the civil service employees' schedule. The holidays removed are Cesar Chavez Day, Martin Luther King Day and Veterans Day. Staff recommends approval.

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

- C. Discussion and consideration to approve a pay raise for non-Civil Service employees. Possible action. (Requested by Commissioners Tafolla and Fox.)

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

Commissioner Tafolla recommended compensating the hourly, non-civil service employees for their dedication to the community. In response to Commissioner Pena, Maria Barrera, Finance Director, presented four options as follows; 1) 5% raise except for Department Heads and employees who received an adjustment in the previous twelve months; 2) 4% across the board; 3) 6% for hourly only with no raise for exempt and 4) 4% all hourly employees and 2% for all exempt employees. Any option would require a budget amendment and the sick leave buyback program would not be done, as that money as well as the savings from the health insurance transition would be applied to the cost of the raises.

In response to Mayor Pro Tem Noriega, City Manager stated during the budget process the buyback of sick leave was approved and no raises were approved. In response to Commissioner Fox, City Manager stated any option approved would be within budget at the end of the fiscal year.

In response to Commissioner Tafolla, City Manager stated the Fire Chief, Public Works Director, Parks & Recreation Director and City Secretary received an adjustment in pay.

Commissioner Tafolla, seconded by Commissioner Pena, moved to approve option one with a 5% raise to non-civil service employees except for Department Heads and employees who received an adjustment in the previous 12 months. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration after public hearing on behalf of Bertha A. Martinez to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 163 S. Texas Blvd., also being Lot 17 and S10'-E90' of Lot 18, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 163 S. Texas Blvd., also being Lot 17 and S10'-E90' of Lot 18, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas.

In response to Commissioner Rivera, Mardoqueo Hinojosa stated the property was located at the corner of Second St. and Texas Blvd. There has been a change in ownership and the use is the same as a convenience store. Planning and Zoning Commission and staff recommend approval.

Commissioner Pena called for the question. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration after public hearing on behalf of Arturo Ramos, Jr. to approve Ordinance 2015-32 to rezone 818 E. Agostadero St., also being Lots 1 and 2, Block 3, Roosevelt School Addition Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. First Reading of Ordinance 2015-32. Possible action. (This item requires a three-fourths vote; Staffed by Planning and Code Enforcement Department) Attachment.

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

In response to Commissioner Rivera, a petition was received against the rezone that represents 35% of the neighboring property owners. The Planning and Zoning Commission recommended denial based on the Comprehensive Plan use as residential. Staff recommends approval based on adjacent areas of existing apartments to the south and to the west.

Mayor Suarez recognized Arturo Ramos, Jr., applicant, who stated the development was a proposed duplex unit and stated applicants would need to pass a background

check. Mayor Suarez recognized Becky Luna, property owner, who voiced her concern on how signatures on the petition were collected.

The motion failed unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration after public hearing on behalf of Raul Ugalde to approve Ordinance 2015-33 to rezone 1901 W. Business 83, also being a 0.38 acre out of Farm Tract 633, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First Reading of Ordinance 2015-33. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Tafolla requested to be excused and left the dais at 9:54 p.m.

Mardoqueo Hinojosa, Planning Director, stated nine property owners were notified and no objections were received. Planning and Zoning Commission and staff recommend approval.

Commissioner Pena, seconded by Commissioner Rivera moved to approve Ordinance 2015-33 to rezone 1901 W. Business 83, also being a 0.38 acre out of Farm Tract 633, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration to approve the Final Plat for Vaquero Estates Phase IV Subdivision, being a 39.03 acre Tract of Land out of Farm Tracts 1066 and 1071, West and Adams Subdivision, Weslaco Hidalgo County, Texas located on the East side of FM 1015 and South of Mile 11 North Road, approximately 1,307 feet South of said intersection. Possible action. (Staffed by Planning and Code Enforcement Department) Attachment.

Mr. Mardoqueo Hinojosa, Planning Director, stated this was a sixty-one (61) lot subdivision within the City of Weslaco Extra Territorial Jurisdiction. The subdivision will be serviced by North Alamo Water Supply Company through an 8" waterline; the owner is requesting a variance on septic. Planning and Zoning Commission and staff recommend approval with variance.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve the Final Plat with the variance for Vaquero Estates Phase IV Subdivision, being a 39.03 acre Tract of Land out of Farm Tracts 1066 and 1071, West and Adams Subdivision, Weslaco Hidalgo County, Texas located on the East side of FM 1015 and South of Mile 11 North Road, approximately 1,307 feet South of said intersection. The motion carried unanimously; Mayor Suarez was present and voting.

- H. Discussion and consideration to approve Ordinance 2015-34, the "Parking Lot Pavement Markings Ordinance," amending Ordinance 86-27 as codified in Article III, Section 134-142. First Reading of Ordinance 2015-34. Possible action.

(Staffed by Planning and Code Enforcement Department.) Attachment.

Mardoqueo Hinojosa, Planning Director, stated the amendment would allow white or yellow striping on commercial property; white striping only on public improvement projects. Staff recommends approval.

Commissioner Kerr, seconded by Commissioner Rivera, moved to approve Ordinance 2015-34 the "Parking Lot Pavement Markings Ordinance," amending Ordinance 86-27 as codified in Article III, Section 134-142. The motion carried unanimously; Mayor Suarez was present and voting.

- I. Discussion and consideration to approve close out contract for construction services performed by Balch Machine for Utah Waterline Improvements and authorize final payment of any outstanding invoices in an amount not to exceed \$14,040.88 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mardoqueo Hinojosa, Planning Director, stated the project had been completed and staff recommends approval.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve close out contract for construction services performed by Balch Machine for Utah Waterline Improvements and authorize final payment of any outstanding invoices in an amount not to exceed \$14,040.88. The motion carried unanimously; Mayor Suarez was present and voting.

- J. Discussion and consideration to approve the Cemetery Plot Financing Policy with payment plan option for those plots on the expansion side of Weslaco City Cemetery and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

Commissioner Fox, seconded by Commissioner Kerr, moved to approve.

Mr. David Arce, Parks and Recreation Director, recommends approval of the terms and conditions presented; City Manager recommended approval with an effective date of January 1, 2016. In response to Commissioner Rivera, the payment plan allows a maximum of 2 plots. The information will be available to the citizens through the City website; costs of opening and closing are not included in the payment plan.

The motion carried unanimously. Mayor Suarez was present and voting.

- K. Discussion and consideration to authorize the purchase of six (6) vehicles as budgeted as follows:
 - A. 1 - 2016 Ford F350 Crew Cab 4x4 \$46,000 for Parks Dept.
 - B. 1 - 2016 Ford F250 Crew Cab 4x4, \$44,292.60 for Fire Dept.
 - C. 1 - 2016 Ford F350 4x2 \$43,840 for Police Dep

D. 2 - 2016 Ford F150 Regular Cab 4x2, \$25,930 for Code Enforcement and Public Works Dept.

E. 1 - 2016 Ford Taurus SE \$20,972.00 for Public Works Dept. from Caldwell County (Buyboard State Vendor No. 430-13) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.

Commissioner Kerr, seconded by Commissioner Fox, moved to authorize the purchase of six vehicles; as presented from Caldwell County (Buyboard State Vendor No. 430-13) and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- L. Discussion and consideration to approve final payment to Prodigy Construction Management LLC related to Valley Nature Center. Possible action. (Staffed by City Manager's Office.) Attachment.

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

In response to Mayor Suarez, City Manager stated the amount due was \$6,010. Prodigy Construction was hired by the City to do an assessment of the contractor doing the project for Valley Nature Center and then was hired by the bonding company to complete the project. Mr. Palacios, Prodigy Construction, stated the invoices were for construction costs for completion of the floor in the amount of \$6,603.10 as submitted over the summer. City Manager stated approval for additional of work should have been done as a change order and recommended tabling this item to allow Mr. Palacios the opportunity provide him the invoice with any documentation, such as an email from the Valley Nature Center, requesting the work.

Commissioner Pena withdrew the motion.

Commissioner Pena, seconded by Commissioner Rivera, moved to table until the next meeting to allow further review by City Manager. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. EXECUTIVE SESSION

The City Manager stated an executive session was not necessary.

With no other business before the commission, at 10:27 p.m. Commissioner Pena seconded by Commissioner Rivera, moved to adjourn the October 20, 2015 regular meeting. The motion carried unanimously; Mayor Pro-Tem Noriega 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