



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 17, 2015**

On this 17th day of November 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	Greg Kerr
Commissioner	Letty Lopez
Commissioner	Fidel L. Pena, III
Commissioner	Gerardo “Jerry” Tafollo
Commissioner	Leo Muñoz
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

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; Lt. Juan Hernandez, 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, November 13, 2015.

B. Invocation.

Pastor Rey Sanchez, First Baptist 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

None received.

III. PUBLIC HEARING

Commissioner Pena, seconded by Commissioner Tafolla, moved to open the public

hearing for items III. A-D concurrently at 5:34 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

- A. To solicit input on behalf of Fernando Malfavon to rezone 105 W. Esplanada St., also being a Lot 14, Block 7, Esplanada Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District.

There were no comments received.

- B. To solicit input on behalf of Raul Castillo for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 623 N. Airport Dr., also being Lot 1, Block 8, El Texano Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received.

- C. To solicit input on behalf of Gabriela's Heavenly Wings dba Wingstop for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1210 W. Expressway 83, also being Lots 1 and 5, Central Industrial Phase 1 and 2, Weslaco, Hidalgo County, Texas.

There were no comments received.

- D. To solicit input on behalf of Armandina Barrera for a Conditional Use Permit to operate an event center at 1015 S. International Blvd., also being Lot 1, Ranch House Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received.

Commissioner Pena, seconded by Commissioner Tafolla, moved to close the public hearing at 5:36p.m. The motion carried unanimously; Mayor Suarez was present and voting.

IV. **CONSENT AGENDA**

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

- A. Approval of the Minutes of the following:
- 1) Regular Meeting on November 3, 2015;
 - 2) Special Meeting on November 11, 2015. (Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of the following:
- 1) Ordinance 2015-35 authorizing and allowing, under the act governing the

Texas Municipal Retirement System, “Update Service Credits” in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; and establishing an effective date of January 1, 2016 for such actions (First Reading held on November 3, 2015; Staffed by Finance Department.) Attachment.

2) Ordinance 2015-36 authorizing the City Manager and City Attorney to inspect Internal Affairs Disciplinary Action documentation. (First Reading held on November 3, 2015; Staffed by Police Department.) Attachment.

3) Ordinance 2015-37 abandoning a 10’X150’ alley located behind lots 1-10 Block 14, L.D. Morgan’s Addition; creating a 10’X150’ utility easement behind lots 1-10 Block 14, L.D. Morgan’s Addition, and ordaining all other matters with respect to the subject matter hereof. (First Reading held October 20, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

C. Approval of Resolution 2015-62 designating the Weslaco Health Official as the Local Rabies Control Authority (LRCA). (Staffed by Planning and Code Enforcement Department.) Attachment.

D. Approval of the Memorandum of Understanding with the San Juan Police Department to establish operating procedures for the Law Enforcement Emergency Regional Response Team and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.

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

The Resolution is as follows:

RESOLUTION NO. 2015-62

A RESOLUTION OF THE CITY OF WESLACO DESIGNATING THE WESLACO HEALTH OFFICIAL AS THE LOCAL RABIES CONTROL AUTHORITY.

WHEREAS, the Health and Safety Code Title and Safety of Animals Chapter 826 (Rabies) Section 826.017 authorizes that the governing body of each municipality shall designate an officer as the Local Rabies Control Authority pursuant to; and

WHEREAS, the Weslaco Health Official shall be the designated Local Rabies Control Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT the Weslaco Health Official is designated as the Local Rabies Control Authority and will begin on November 17, 2015.

PASSED AND APPROVED on this 17th day of November 2015.

CITY OF WESLACO
/s/David Suarez, MAYOR

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

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, **CITY ATTORNEY**

V. OLD BUSINESS

A. Discussion and consideration on the selection of a Mayor Pro-Tem. Possible action. (This item was tabled on November 11, 2015.)

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

Mayor Suarez, seconded by Commissioner Pena, nominated Commissioner Olga Noriega for Mayor Pro-Tem.

Commissioner Kerr nominated Commissioner Tafolla for Mayor Pro Tem.

Commissioner Lopez nominated Commissioner Kerr for Mayor Pro Tem.

Commissioner Pena, seconded by Commissioner Tafolla, moved to cease nominations. The motion carried unanimously; Mayor Suarez was present and voting.

In response to Commissioner Kerr, the City Attorney stated Mayor Suarez as presiding officer calls the vote in the manner he wants. Mayor Suarez stated majority prevails; four votes will be needed and will call the question on the nominations in the order received.

In response to Commissioner Tafolla City Attorney stated if there is no majority a nominee can withdraw or a vote can change and the question called for again. If there is no majority for a nominee Mayor Pro Tem continues in place until considered again in a future meeting.

Mayor Suarez called for roll call vote; Mayor Pro Tem Noriega received three (3) Commissioner Tafolla received one (1) and Commissioner Kerr received three (3).

The City Attorney stated there was no majority. Mayor Suarez moved on to item B.

B. Discussion and consideration to approve final payment to Prodigy Construction Management LLC related to Valley Nature Center. Possible action. (This item was tabled on November 3, 2015; Staffed by City Manager's Office.) Attachment.

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

The City Manager stated after further evaluation and discussions with Alex Palacios and Hollie Johnson, Valley Nature Center, the recommendation is full payment of the final bill of \$2,139.07 and for fifty percent of the second invoice of \$4,464.13 that would be an amount \$2,232.07.

Commissioner Pena, seconded by Commissioner Kerr, moved to table and address later in the meeting. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Fernando Malfavon to approve Ordinance 2015-38 to rezone 105 W. Esplanada St., also being a Lot 14, Block 7, Esplanada Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. Possible action. First reading of Ordinance 2015-38. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated thirty property owners were notified and no objection received. The Planning and Zoning Commission and staff recommend approval.

Commissioner Kerr, seconded by Commissioner Pena, moved to approve Ordinance 2015-38 as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration after public hearing on behalf of Raul Castillo to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 623 N. Airport Dr., also being Lot 1, Block 8, El Texano Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated twenty-one property owners were notified and no objection received. The Planning and Zoning Commission and staff recommend approval.

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

- C. Discussion and consideration after public hearing on behalf of Gabriela's Heavenly Wings dba Wingstop to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1210 W. Expressway 83, also being Lots 1 and 5, Central Industrial Phase 1 and 2, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated ten property owners were notified and no objection received. Mr. Hinojosa clarified the applicant requested for an "On-Premise" permit. The attachment submitted had a typographical error. The Planning and Zoning Commission and staff recommended approval of the permit for On-Premise.

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

- D. Discussion and consideration after public hearing on behalf of Armandina Barrera to approve a Conditional Use Permit to operate an event center at 1015 S. International Blvd., also being Lot 1, Ranch House Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

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

Mardoqueo Hinojosa recommended no action as the applicant withdrew the request.

Commissioner Tafolla withdrew his motion.

- E. Discussion and consideration to approve the Final Plat of the Re-plat of Apostolic Assembly Church Subdivision, being a 4-lot subdivision, being all of Apostolic Church Assembly Church Subdivision, being a 10.00 acres of the south 20 acres of Farm Tract 115, Block 161, West Tract Subdivision, Llano Grande Grant, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated the permitting process for the proposed subdivision had expired and requires approval to proceed. The Planning and Zoning Commission and staff recommend approval as there are no changes.

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

- F. Discussion and consideration on Ordinance 2015-39 relocating 4-feet out of a 10-foot drainage easement along the West side lot 4 rock springs ridge subdivision to the eastside lot 3 Rock Springs Ridge Subdivision to the drainage easement, Hidalgo County, Texas and ordaining other matters with respect to the subject matter hereof.

First Reading of Ordinance 2015-39. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa recommended approval to relocate four feet of the 10 foot drainage easement to the eastside of the property. This will allow a 10 foot easement maintained as a result of the contractor building over the drainage easement. Staff recommends approval.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve Ordinance 2015-39 as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration to approve Change Order #3 to drainage improvements to the Border Avenue improvement project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment to be provided at meeting.

Mr. Mardoqueo Hinojosa presented proposed changes to the Border Avenue Project, including a North Outfall adjustment (connects Braeside to Quail Hollow subdivision) and South Outfall adjustment. He stated the cost would be borne through the 2013 Certificate of Obligation and the County shares in the expense.

Commissioner Pena, seconded by Commissioner Kerr, moved to table until later in the meeting. The motion carried unanimously; Mayor Suarez was present and voting.

- H. Discussion and consideration to approve Resolution 2015-61 to allocate votes in the election for the 2016-2017 Board of Directors of the Hidalgo County Appraisal District pursuant to §6.03 of the Texas Property Tax Code. Possible action. (Staffed by City Secretary's Office.) Attachment.

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

The City Manager stated the nomination from the Commission at a previous meeting was for David Hernandez and now the votes need to be cast. In response to Commissioner Muñoz, the City Manager stated the votes can all be assigned to one candidate if they so choose.

Commissioner Pena, seconded by Commissioner Muñoz, moved to approve Resolution 2015-61 casting all 70 votes to David Hernandez as candidate to the Board of Directors for the Hidalgo County Appraisal District 2016-2017. The motion carried unanimously; Mayor Suarez was present and voting.

Following is Resolution 2015-61:

RESOLUTION NO. 2015-61

**STATE OF TEXAS § RESOLUTION CASTING VOTES BY THE CITY OF
COUNTY OF HIDALGO § WESLACO FOR A CANDIDATE TO HIDALGO
CITY OF WESLACO § COUNTY APPRAISAL DISTRICT BOARD OF
DIRECTORS 2016-2017.**

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 votes to the said Board of Directors should be submitted in Resolution form to the Chief Appraiser by December 15, 2015 and

WHEREAS, the City wishes to cast all its 70 assigned votes to David Hernandez as candidate on the ballot for Director of the Hidalgo County Appraisal District 2016-2017.

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 cast its 70 assigned votes to 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 17th day of November, 2015.

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

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

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, **CITY ATTORNEY**

- I. Discussion and consideration to approve the request from the Weslaco Museum for an additional \$10,000.00 in funding. Possible action. (Staffed by City Manager's Office.) Attachment.

The City Manager stated the additional funding would allow the vacancy of Museum Director to be filled with the best qualified applicant. The City Manager recommended approval of this onetime assistance and the Museum will need to allocate the additional funds for the next year to support the salary increase. If approved, a budget amendment will be needed.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve a onetime assistance in the amount \$10,000 in funding to the Weslaco Museum as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

- J. Discussion and consideration to approve the purchase of library shelving and other furniture from Demco through Buyboard pricing, utilize Capital Improvement Program Funding in an amount not to exceed \$29,500.00 and authorize the Mayor to

execute any related documents. Possible action. (Staffed by Library.) Attachment.

The City Manager stated funding for this in the past came from CDBG but cities were notified Library services no longer met qualifying criteria under the regulations for funding. Staff recommends approval.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve the purchase of library shelving and other furniture from Demco through Buyboard pricing, utilize Capital Improvement Program Funding in an amount not to exceed \$29,500.00. The motion carried unanimously; Mayor Suarez was present and voting.

- K. Discussion and consideration to approve Ordinance 2015-40 authorizing a budget amendment in the amount not to exceed \$241,750 for the emergency purchase of pumps and hoses. First reading of Ordinance 2015-40. Possible action. (Staffed by Public Works.) Attachment.

Mr. Pete Garcia stated this would purchase three pumps at a cost of \$61,000.00 each and the hoses were \$58,000. In response to Commissioner Tafolla, equipment will be stored at the warehouse and the premises are secured with fencing, surveillance and alarm system; mechanics will be assigned to maintain the equipment. In response to Commissioner Muñoz the size was determined on the capacity of gallons per minute, handling time of the equipment and will be located on the north, center and south side of the City.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve Ordinance 2015-40 authorizing a budget amendment in the amount not to exceed \$241,750 for the emergency purchase of pumps and hoses. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez introduced item IV. B Old Business.

V. **OLD BUSINESS**

VII. **EXECUTIVE SESSION**

At 6:28 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:19 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. **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.

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.

Commissioners Lopez and Muñoz abstained from discussion and were not present for this item in the closed session. No action on this item.

- C. 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.

Commissioner Pena, seconded by Tafolla, moved to authorize the City Attorney Juan E. Gonzalez, to proceed as discussed in executive session 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. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Consultation with City Attorney regarding invoices submitted by Bickerstaff, Heath, Delgado, Acosta LLP as authorized by §551.071 of the Texas Government Code.

Commissioner Kerr filed a conflict of interest and abstained from discussion and vote on this item.

Commissioner Pena, seconded by Commissioner Tafolla, moved to authorize the City Attorney Juan E. Gonzalez, to proceed as discussed in executive session regarding invoices submitted by Bickerstaff, Heath, Delgado, Acosta LLP. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Economic Development – Consultation with City Attorney regarding Economic Development Project Bender as authorized by §551.087 of The Texas Government Code.

No action on this item.

- G. Consultation with City Attorney on the purchase, exchange, lease or value of real property at the Mid Valley Airport as authorized by §551.072 of the Texas Local Government Code.

The City Manager recommended approving transfer of lease from Frances Sweet, Lessee to Lessor George M. Gerjets, deceased, and then to Jenalee Jan Gerjets Trustee to the Estate of George M. Gerjets contingent to apartments located on property is removed for compliance of Federal Highway Aviation and TxDOT regulations.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve as recommended by City Manager. The motion carried unanimously; Mayor Suarez

was present and voting.

- H. Consultation with City Attorney on the purchase, exchange, lease or value of real property at the Mid Valley Airport as authorized by §551.072 of the Texas Local Government Code.

Commissioner Pena, seconded by Commissioner Kerr, moved to authorize the Mayor to negotiate with TR Valley Aviation LLC terms and conditions as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

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

- VI. G. Discussion and consideration to approve Change Order #3 to drainage improvements to the Border Avenue improvement project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment to be provided at meeting.

In response to the cost and funds available, Mardoqueo Hinojosa stated monies were available from the 2013 certificate of obligations. Hidalgo County would need to participate with 52% of the \$414,200.00. In response to the concern of the concrete boxes, staff stated the proposed 6'x6' would be adequate.

Commissioner Kerr, seconded by Commissioner Pena, moved to approve Change Order #3 in the amount of \$414,200.00 contingent to County cost participation of 52% of the amount. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Tafolla, seconded by Commissioner Pena, moved to change the order of the day and reconsider the appointment of Mayor Pro Tem and open the nominations. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Tafolla, seconded by Commissioner Pena, moved to re-appoint Commissioner Olga Noriega for Mayor Pro Tem. The motion carried with Commissioners Kerr, Lopez, and Muñoz opposed (4-3); the Mayor was present and voting.

IX. ADJOURNMENT

With no other business before the commission, at 8:26 p.m. on November 17, 2015, Commissioner Kerr, seconded by Commissioner Pena moved to adjourn the regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Olga Noriega

COMMISSIONER, Leo Muñoz

COMMISSIONER, Greg Kerr

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Letty Lopez

COMMISSIONER, Fidel L. Pena, III