



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

On this 15<sup>th</sup> day of December 2015 at 5:34 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	Greg Kerr
Commissioner	Letty Lopez
Commissioner	Fidel L. Pena, III
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Leo Muñoz
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

Also present: Maria Barrera, Finance 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; Martin Mata, Assistant Library Director; David Arce, Parks and Recreation Director; and other staff members and citizens.

**I. CALL TO ORDER**

A. Certification of Public Notice.

Mayor Pro-Tem called the meeting to order and certified the public notice of the meeting as properly posted Friday, December 11, 2015.

B. Invocation.

Reverend Howard Bloomquist, Central Christian Church, led the invocation.

C. Pledge of Allegiance.

The Mayor Pro-Tem Noriega led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition(s)

Mayor Pro-Tem Noriega recognized recent promotions at the Police Department. Chief Mayor named eight officers hired and eight Sergeants and two Lieutenants promoted.

Mayor Pro-Tem Noriega recessed the meeting for a brief reception at 5:40 p.m. Mayor Pro-Tem Noriega reconvened the regular meeting at 5:55 p.m.

- E. Roll Call.  
Ms. Elizabeth Walker, City Secretary, called the roll, noting the absence of Mayor Suarez.

**II. PUBLIC COMMENTS**

Gloria Egli and Joe Garza voiced comments favoring Single Member Districts.

**III. PUBLIC HEARINGS**

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

- A. To solicit input on behalf of Delfina De Anda to rezone 210 E. Pike Blvd., also being a Lots 5 and 6, Block 4, B.F. White Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District.

Gloria Garza expressed concerns on parking availability as the property was in the middle of the neighborhood and land locked. Mardoqueo Hinojosa stated parking may be accessible through an alley and the business will need to comply with all requirements before a certificate of occupancy is issued. If the business cannot comply, the rezone remains but an occupancy permit is not issued. There were no other comments.

- B. To solicit input on behalf of ACME Partnership to rezone 2729 W. Interstate 2, also being 21.78 acres out of Farm Tract 162, 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.

- C. To solicit input on behalf of El Patron Nightclub for a Conditional Use Permit to obtain a Mixed Beverage Permit and Mixed Beverage Late Hours Permit at 415 S. International Blvd., also being Lot 1, Block 1, Palm Aire Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments.

- D. To solicit input on behalf of Chipotle Mexican Grill for a Conditional Use Permit to obtain a Mixed Beverage Permit and Beverage Cartage Permit at 1919 W. Expressway 83, Ste. 100, also being Lot 1, Cash Nix Addition Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments.

- E. To solicit input on behalf of Don Capetillo for a Conditional Use Permit to operate a

daycare at 2009 N. International Blvd, also being South 1.74 acres of the North 4.05 acres of the South 9.99 acres of Farm Tract 1040, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to close the public hearing for items A, B, C, D and E at 6:14 p.m. The motion carried unanimously; Mayor Pro-Tem Noriega 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 Regular Meeting on December 1, 2015. (Staffed by City Secretary's Office.) Attachment.
- B. Acceptance of the Go Greenfields Grant in the amount of \$21,230.00 from Greenfields Outdoor Fitness to be utilized at Harlon Block Park and Mayor Pablo G. Pena City Park, authorize the purchase of equipment in an amount not to exceed \$46,000.00 as local match, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- C. Authorization of the Finance Director to conduct any required audit of forfeiture funds as per Article 59.06 of the Code of Criminal Procedure. (Staffed by Finance Department.) Attachment.
- D. Approval of Resolution 2015-70 adopting the annual Investment Policy for the City of Weslaco and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- E. Approval of Resolutions 2015-67, 2015-68 and 2015-69 amending Resolutions 2015-37, 2015-38 and 2015-39, authorizing appropriate staff to exercise certain powers identified with Greater State Bank, Lone Star National Bank and Rio Bank, respectively, including opening accounts, certificates of deposits, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- F. Approval on the renewal of the Interlocal Cooperation Agreement with Hidalgo County Rural Emergency Services for rural response fire coverage and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.

- G. Acceptance of a donation to the Weslaco Fire Department for the Volunteer Community Programs which include the Community Emergency Response Team (CERT) and Medical Reserve Corps (MRC) from Walmart, Inc. in the amount of \$1,000.00 and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- H. Acceptance of a donation from the Lower Rio Grande Valley Development Council (LRGVDC) to the Weslaco Public Works Department transferring two recycle trailers and authorize the Mayor to execute any related documents. (Requested by the LRGVDC.) Attachment.
- I. Approval to authorize staff to solicit Requests For Qualifications (RFQs) for the groundwater, landfill gas, leachate, and groundwater assessment monitoring of the City of Weslaco Landfill located in Alton, Texas in compliance with the Texas Commission on Environmental Quality (TCEQ) 31 and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.) Attachment.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to approve the consent agenda as presented.

Mr. David Arce stated that the correct amount for item B should not to exceed \$47,000.00.

Commissioner Pena, seconded by Commissioner Kerr, moved to approve the consent agenda items A, C, D, E, F, G, H and I as presented and item B with an amount not to exceed \$47,000.00. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

For the record, the Resolutions are as follows:

**RESOLUTION NO. 2015-67**

STATE OF TEXAS	§	RESOLUTION AUTHORIZING APPROPRIATE STAFF
COUNTY OF HIDALGO	§	AS SIGNATORIES ON CERTAIN LEGAL FINANCIAL
CITY OF WESLACO	§	DOCUMENTS FOR THE CITY OF WESLACO

1. I, **Elizabeth M. Walker**, certify that I am the **City Secretary** of The City of Weslaco, organized under the laws of **Texas**, Federal Employer ID Number **74-6002544**, engaged in Municipal business under the name of the **City of Weslaco**, and that the following is a correct copy of the resolution adopted at a meeting of the City Commission duly and properly called and held on **December 15 2015**. This resolution appears in the minutes of this meeting and has not been rescinded or modified.
2. Be it Resolved that,
  - (a) Greater State is designated as a depository for the funds of the City of Weslaco.
  - (b) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by this Financial Institution.

- (c) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the City of Weslaco with this financial institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (d) Any of the persons named below, so long as they act in a representative capacity as agents of the City of Weslaco, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with this financial institution, concerning funds deposited in this financial institution, moneys borrowed from this financial institution or any other business transacted by and between the City of Weslaco and this financial institution subject to any restrictions stated below.
- (e) Any and all prior resolutions adopted by the City Commission of the City of Weslaco and certified to this Financial Institution as governing the operations of the City of Weslaco's account(s), are in full force and effect, unless supplemented or modified by this authorization.
- (f) The City of Weslaco agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of the City of Weslaco, and authorizes the financial institution named above, at anytime, to charge the City of Weslaco for all checks, drafts, or other orders, for the payment of money, that are properly drawn on this financial institution, and contain the required number of signatures for this purpose.

3. The officials designated below are authorized to conduct business as indicated:

Name and Title	Signature
(A) Mike R. Perez, City Manager	_____
(B) Maria C. Barrera, Finance Director	_____
(C) Sonia Flores, Assistant Finance Director	_____

**Indicate A, B, and C**

- A-C (1) Exercise all of the powers listed (2) through (9)
- A-C (2) Open any deposit or checking account(s) in the name of the City of Weslaco
- A-C (3) Endorse checks and orders for the payment of money and withdraw funds on deposit with this financial institution.  
Number of authorized signatures required for this purpose 2.  
Number of authorized signatures required for payroll purpose 1.
- A-C (4) Open any certificate of deposit account and withdraw or transfer funds from the certificate of deposit on deposit with this financial institution.  
Number of authorized signatures required for this purpose 2.
- A-C (5) Transfer funds from operations account to the payroll account, investment account or paying agent approved by City Commission by telefax or other electronic means.  
Number of authorized signatures required for this purpose 1.

- A – C (6) Borrow money on behalf and in the name of the City of Weslaco executes and delivers promissory notes or other evidences of indebtedness. Number of authorized signatures required for this purpose 2.
- A – C (7) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the City of Weslaco as security for sums borrowed and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment. Number of authorized signatures required for this purpose 1.
- A – C (8) Enter into written lease for the purpose of renting and maintaining a Safe Deposit Box in this financial institution. Number of authorized signatures required to gain access and to terminate the lease 1.
- A – C (9) Authorized to make inquiries as to status, account balance pertaining to the City of Weslaco.

4. I further certify that the City Commission of the City of Weslaco has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the foregoing resolutions and to confer the power granted to the persons named who have full power and lawful authority to exercise the same.

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of this Corporation on December 15, 2015.

**RESOLUTION NO. 2015-68**

STATE OF TEXAS	§	RESOLUTION AUTHORIZING <del>AND</del> APPROPRIATE
COUNTY OF HIDALGO	§	STAFF AS SIGNATORIES ON CERTAIN LEGAL
CITY OF WESLACO	§	FINANCIAL DOCUMENTS FOR THE CITY OF WESLACO

1. I, **Elizabeth M. Walker**, certify that I am the **City Secretary** of The City of Weslaco, organized under the laws of **Texas**, Federal Employer ID Number **74-6002544**, engaged in Municipal business under the name of the **City of Weslaco**, and that the following is a correct copy of the resolution adopted at a meeting of the City Commission duly and properly called and held on **December 15 2015**. This resolution appears in the minutes of this meeting and has not been rescinded or modified.
2. Be it Resolved that,
  - (a) Lonestar National Bank is designated as a depository for the funds of the City of Weslaco.
  - (b) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by this Financial Institution.
  - (c) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the City of Weslaco with this financial institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.

- (d) Any of the persons named below, so long as they act in a representative capacity as agents of the City of Weslaco, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with this financial institution, concerning funds deposited in this financial institution, moneys borrowed from this financial institution or any other business transacted by and between the City of Weslaco and this financial institution subject to any restrictions stated below.
- (e) Any and all prior resolutions adopted by the City Commission of the City of Weslaco and certified to this Financial Institution as governing the operations of the City of Weslaco's account(s), are in full force and effect, unless supplemented or modified by this authorization.
- (f) The City of Weslaco agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of the City of Weslaco, and authorizes the financial institution named above, at anytime, to charge the City of Weslaco for all checks, drafts, or other orders, for the payment of money, that are properly drawn on this financial institution, and contain the required number of signatures for this purpose.

4. The officials designated below are authorized to conduct business as indicated:

Name and Title	Signature
(A) Mike R. Perez, City Manager	_____
(B) Maria C. Barrera, Finance Director	_____
(C) Sonia Flores, Assistant Finance Director	_____

**Indicate A, B, and C**

- A-C (1) Exercise all of the powers listed (2) through (9)
- A-C (2) Open any deposit or checking account(s) in the name of the City of Weslaco
- A-C (3) Endorse checks and orders for the payment of money and withdraw funds on deposit with this financial institution.  
Number of authorized signatures required for this purpose 2.  
Number of authorized signatures required for payroll purpose 1.
- A-C (4) Open any certificate of deposit account and withdraw or transfer funds from the certificate of deposit on deposit with this financial institution.  
Number of authorized signatures required for this purpose 2.
- A-C (5) Transfer funds from operations account to the payroll account, investment account or paying agent approved by City Commission by telefax or other electronic means.  
Number of authorized signatures required for this purpose 1.
- A-C (6) Borrow money on behalf and in the name of the City of Weslaco executes and delivers promissory notes or other evidences of indebtedness.  
Number of authorized signatures required for this purpose 2.

- A – C (7) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the City of Weslaco as security for sums borrowed and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment. Number of authorized signatures required for this purpose 1.
- A – C (8) Enter into written lease for the purpose of renting and maintaining a Safe Deposit Box in this financial institution. Number of authorized signatures required to gain access and to terminate the lease 1.
- A – C, (9) Authorized to make inquiries as to status, account balance pertaining to the City of Weslaco.

4. I further certify that the City Commission of the City of Weslaco has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the foregoing resolutions and to confer the power granted to the persons named who have full power and lawful authority to exercise the same.

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of this Corporation on December 15, 2015.

**RESOLUTION NO. 2015-69**

**STATE OF TEXAS                    § RESOLUTION AUTHORIZING APPROPRIATE STAFF**  
**COUNTY OF HIDALGO           § AS SIGNATORIES ON CERTAIN LEGAL FINANCIAL**  
**CITY OF WESLACO             § DOCUMENTS FOR THE CITY OF WESLACO**

1. I, **Elizabeth M. Walker**, certify that I am the **City Secretary** of The City of Weslaco, organized under the laws of **Texas**, Federal Employer ID Number **74-6002544**, engaged in Municipal business under the name of the **City of Weslaco**, and that the following is a correct copy of the resolution adopted at a meeting of the City Commission duly and properly called and held on **December 15 2015**. This resolution appears in the minutes of this meeting and has not been rescinded or modified.
2. Be it Resolved that,
  - (a) Rio Bank is designated as a depository for the funds of the City of Weslaco.
  - (b) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by this Financial Institution.
  - (c) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the City of Weslaco with this financial institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
  - (d) Any of the persons named below, so long as they act in a representative capacity as agents of the City of Weslaco, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with this financial institution, concerning funds deposited in this financial institution, moneys borrowed from this financial institution or any other business transacted by and between the City of Weslaco and this financial institution subject to any restrictions stated below.

- (e) Any and all prior resolutions adopted by the City Commission of the City of Weslaco and certified to this Financial Institution as governing the operations of the City of Weslaco's account(s), are in full force and effect, unless supplemented or modified by this authorization.
- (f) The City of Weslaco agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of the City of Weslaco, and authorizes the financial institution named above, at anytime, to charge the City of Weslaco for all checks, drafts, or other orders, for the payment of money, that are properly drawn on this financial institution, and contain the required number of signatures for this purpose.

5. The officials designated below are authorized to conduct business as indicated:

Name and Title	Signature
(A) Mike R. Perez, City Manager	_____
(B) Maria C. Barrera, Finance Director	_____
(C) Sonia Flores, Assistant Finance Director	_____

**Indicate A, B, and C**

- A-C (1) Exercise all of the powers listed (2) through (9)
- A-C (2) Open any deposit or checking account(s) in the name of the City of Weslaco
- A-C (3) Endorse checks and orders for the payment of money and withdraw funds on deposit with this financial institution.  
Number of authorized signatures required for this purpose 2.  
Number of authorized signatures required for payroll purpose 1.
- A-C (4) Open any certificate of deposit account and withdraw or transfer funds from the certificate of deposit on deposit with this financial institution.  
Number of authorized signatures required for this purpose 2.
- A-C (5) Transfer funds from operations account to the payroll account, investment account or paying agent approved by City Commission by telefax or other electronic means.  
Number of authorized signatures required for this purpose 1.
- A-C (6) Borrow money on behalf and in the name of the City of Weslaco executes and delivers promissory notes or other evidences of indebtedness.  
Number of authorized signatures required for this purpose 2.
- A-C (7) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the City of Weslaco as security for sums borrowed and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.  
Number of authorized signatures required for this purpose 1.

A – C (8) Enter into written lease for the purpose of renting and maintaining a Safe Deposit Box in this financial institution. Number of authorized signatures required to gain access and to terminate the lease 1.

A – C (9) Authorized to make inquiries as to status, account balance pertaining to the City of Weslaco.

4. I further certify that the City Commission of the City of Weslaco has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the foregoing resolutions and to confer the power granted to the persons named who have full power and lawful authority to exercise the same.

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of this Corporation on December 15, 2015.

RESOLUTION NO. 2015-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS  
APPROVING THE INVESTMENT POLICY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Sec. 2256 of the Texas Government Code, also known as the Public Funds Investment Act (PFIA), requires the governing body of an investing entity to adopt by rule, order ordinance, or resolution, a written investment policy regarding the investment of its funds; and

WHEREAS, once an investment policy has been adopted, the PFIA also requires the governing body to review the investment policy and investment strategies annually; and

WHEREAS, the PFIA states that the governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies; and

WHEREAS, the City's designated Investment Officer has reviewed the current investment policy and recommends changes as presented herein and recommends approval; and

WHEREAS, the City Commission desires to approve the amended Investment Policy;

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

SECTION 1. THAT, the City Commission has reviewed the attached Investment Policy for the City of Weslaco and the policies and strategies contained therein (Attachment "A").

SECTION 2. THAT the City Commission hereby adopts the attached Investment Policy as the City's Investment Policy.

SECTION 3. THAT all resolutions, or parts of resolutions in force with provisions relating to this resolution, which are inconsistent or in conflict with the terms or provisions contained herein, are hereby repealed to the extent of any such conflict only. The non-conflicting sections, sentences, paragraphs, and phrases shall remain in full force and effect.

SECTION 4. THAT this resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED by the City Commission of the City of Weslaco, Texas, on this the  
Minutes of the Regular Meeting on December 15, 2015

15<sup>th</sup> day of December, 2015.

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

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

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

**V. NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Delfina De Anda to approve Ordinance 2015-41 to rezone 210 E. Pike Blvd., also being a Lots 5 and 6, Block 4, B.F. White Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First reading of Ordinance 2015-41. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

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

Mardoqueo Hinojosa stated twenty three property owners were notified. Planning and Zoning Commission and staff recommend approval based on adjacent property as business.

In response to the concerns of parking and rezone of the property, Mardoqueo Hinojosa stated when a property is rezoned a facility inspection is done for compliance of all zoning requirements to include parking, building usage and added B-1 is a neighborhood office district zone and not for high impact of traffic. The City Manager stated compliance with zoning requirements will need to be met by an applicant before occupancy is allowed. The dais can direct staff to study the area for amendment to the Land Use Plan. Commissioner Pena withdrew his motion.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve Ordinance 2015-41 and directed staff to review the future land use on Pike Boulevard from Airport Drive to Westgate Drive for possible amendment from residential to business use. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- B. Discussion and consideration after public hearing on behalf of ACME Partnership to approve Ordinance 2015-42 rezoning 2729 W. Interstate 2, also being 21.78 acres out of Farm Tract 162, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. First reading of Ordinance 2015-42. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

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

approval. The owner intends to place a digital board on site.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to approve Ordinance 2015-42 as recommended. The motion carried with Commissioner Kerr abstaining; Mayor Pro-Tem Noriega was present and voting.

- C. Discussion and consideration after public hearing on behalf of El Patron Nightclub to approve a Conditional Use Permit to obtain a Mixed Beverage Permit and Mixed Beverage Late Hours Permit at 415 S. International Blvd., also being Lot 1, Block 1, Palm Aire 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 seven property owners were notified and no objection received. The Planning and Zoning Commission and staff recommend approval with the condition that a security officer is on premise at all times.

Commissioner Tafolla, seconded by Commissioner Lopez, moved to approve as recommended with the condition a security officer is on premise at all times. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- D. Discussion and consideration after public hearing on behalf of Chipotle Mexican Grill to approve a Conditional Use Permit to obtain a Mixed Beverage Permit and Beverage Cartage Permit at 1919 W. Expressway 83, Ste. 100, also being Lot 1, Cash Nix Addition 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 five property owners were notified and no objection received. The Planning and Zoning Commission and staff recommend approval. He expects four weeks to completion.

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

- E. Discussion and consideration after public hearing on behalf of Don Capetillo to approve a Conditional Use Permit to operate a daycare at 2009 N. International Blvd, also being the South 1.74 acres of the North 4.05 acres of the South 9.99 acres of Farm Tract 1040, Adams Tract 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 Pena, moved to approve. Mardoqueo Hinojosa requested on behalf of the owner to table the item. Commissioner Tafolla withdrew the motion.

Commissioner Tafolla, seconded by Commissioner Pena, moved to table the item until the next meeting. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- F. Discussion and consideration to approve Ordinance 2015-43 annexing additional territory to the corporate limits of the City of Weslaco, Hidalgo County, Texas on voluntary petition of land owner Southern Oaks Ranch Phase II, such land being 4.13 acres situated in and a part of Farm Tract No. 771, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located 450 feet west of Mile 3½ West Road, on the south side of Mile 6 and authorize the Mayor to execute any related documents. First reading of Ordinance 2015-43. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mardoqueo Hinojosa stated the property owner was subdividing and to be in compliance with the city subdivision ordinance any property connected to one or more city utilities must be annexed to the city. The owner is requesting voluntary annexation since the property is connected to city water. The Planning and Zoning Commission and staff recommend approval.

In response to Commissioner Tafolla, once a property is annexed it would receive city services. In response to Commissioner Kerr, the property along 18<sup>th</sup> Street was annexed by voluntary petition. In response to Mayor Pro Tem, police and fire services are immediate.

Commissioner Kerr, seconded by Commissioner Pena, moved to table until consultation with City Attorney in executive session. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- G. Discussion and consideration to approve Supplemental Agreement No. 3 to the Border Avenue Road and Waterline Improvement Project in an amount not to exceed \$5,000.00 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 stated a change order for contractor Texas Cordia had been approved that would upgrade two drainage crossings. The supplemental change order would assist in the drafting services.

In response to Commissioner Muñoz, this change order would create details for the crossing at the north and south end of the project to include junction boxes, elevations, summarize drainage quantities and culverts. This change order would provide the design services and the City would accept and seal the design.

In response to Commissioner Pena and Muñoz, the project could move forward

without this change order but would not have the engineering drawing that guarantees the project work. Staff would review the change order previously approved to Texas Cordia and ensure the design services were not included. Tabling the item would delay the project. City Manager recommended to approve contingent the City Engineer verify the \$5,000.00 fee was not included with the change order with Texas Cordia.

Commissioner Tafolla, seconded by Commissioner Pena, moved to amend the motion contingent the City Engineer verify the \$5,000.00 fee is not included in the change order approved with Texas Cordia. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- H. Discussion and consideration to accept the 2015 Tax Roll totals as prepared and presented by Pablo “Paul” Villarreal Jr., Hidalgo County Tax Assessor and Collector. Possible action. (Staffed by Finance Department.) Attachment.

Mary Barrera, Finance Director, reviewed the 2015 Tax Roll totals as prepared by Pablo “Paul” Villarreal Jr., Hidalgo County Tax Assessor and Collector for a total tax levy of \$10,995,171.23. City Manager recommended accepting and filing the report as submitted.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to accept and file the 2015 Tax Roll totals as prepared by Hidalgo County Tax Assessor and Collector. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting,

- I. Discussion and consideration regarding the City Attorney’s legal opinion on the procedure toward reconsideration of Single Member Districts. Possible action. (Requested by City Manager’s Office.)

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

City Attorney Juan E. Gonzalez requested to table the item until the next meeting. Commissioner Kerr withdrew the motion.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to table until the next meeting. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- J. Discussion and consideration to amend the Interlocal agreement with the City of Progreso Lakes, Texas for fire service to include coverage of liability and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

City Manager stated the amendment would include professional liability coverage to be carried by the City and recommended approval.

Commissioner Pena, seconded by Commissioner Kerr, moved to amend the Interlocal Agreement with the City of Progreso Lakes as presented. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- K. Discussion and consideration to approve the lease purchase of a new 2016 Ambulance through Buy Board/HGAC in an amount not to exceed \$140,000.00 from the Apparatus Replacement Program funds Fiscal Year 2015-2016 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

Chief Lopez stated this is budgeted and funded through the Apparatus Replacement Program. If purchased before December 31, 2015 the City will save 6% and will replace a 2002 ambulance. Staff recommends approval.

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

- L. Discussion and consideration to approve the lease purchase of 2016 F-250 4x4 Truck through Buy Board/HGAC in an amount not to exceed \$50,462.00 from the Apparatus Replacement Program funds Fiscal Year 2015-2016 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

Chief Lopez stated this is budgeted and funded through the Apparatus Replacement Program and would replace a 1995 first responder unit. There is a savings of \$55,000.00 from the lease purchase of the ambulance that makes the purchase of the vehicle feasible. Staff recommended approval.

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

- M. Discussion and consideration to approve the Memorandum of Understanding with Texas A&M Engineering Extension Service (TEEX) to facilitate issuance of certificates of local training programs for the Fire Department and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

Chief Lopez stated TEEX will validate the training programs used by the Fire Department. Staff recommends approval.

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

- N. Discussion and consideration to send written notice of termination to ENERNOC for the Demand Response Sales and Service Agreement and authorize staff to solicit proposals for services to reduce electricity consumption and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.) Attachment.

City Manager recommended notice of termination be sent and solicit Request For Qualifications. The ENERNOC agreement will expire May 2016 with automatic one year renewal unless terminated and the City Manager wanted to ensure the City receives fair value of reimbursement at current rates. The City under ENERCOC currently receives \$4,000.00 - \$5,000.00 annually.

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

- O. Discussion and consideration to approve the Professional Services Agreement with Halff Associates Inc. for engineering services to design hike and bike trails for the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Requested by Parks and Recreation Department.) Attachment.

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

City Manager recommended rejecting the Professional Services Agreement with Halff Associates Inc. and authorize staff to solicit request for proposals for all phases of the proposed project design of the hike and bike trails. He stated the magnitude of this project could be estimated at \$125,000.00 and recommended to allow the Request For Qualifications process take place and interview for these services.

Commissioner Tafolla rescinded his motion.

Commissioner Tafolla, seconded by Commissioner Pena, moved to reject the Professional Services Agreement with Halff Associates Inc. and authorize staff to solicit request for proposals for all phases of the proposed project. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

## **VI. REPORTS**

- A. Report from the International Boundary and Water Commission.

City Manager stated the representative was unable to attend and would follow up for the next meeting.

- B. Report by Perdue Brandon Fielder Collins & Mott LLP on delinquent tax collection. Attachment.

Hiram Gutierrez, representing Perdue Brandon Fielder Collins & Mott LLP, reviewed the collections for the period of October 2014 through September 2015, noting \$624,858.00 collected, 25.04% of the total delinquent tax roll and a 2% increase over last year.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to accept and file the report. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

**VII. EXECUTIVE SESSION**

At 7:29 p.m., Mayor Pro Tem Noriega announced the regular meeting to convene in Executive Session. At 8:59 p.m., Mayor Pro-Tem Noriega announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

- V. F. Discussion and consideration to approve Ordinance 2015-43 annexing additional territory to the corporate limits of the City of Weslaco, Hidalgo County, Texas on voluntary petition of land owner Southern Oaks Ranch Phase II, such land being 4.13 acres situated in and a part of Farm Tract No. 771, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located 450 feet west of Mile 3½ West Road, on the south side of Mile 6 and authorize the Mayor to execute any related documents. First reading of Ordinance 2015-43. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

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

Commissioner Pena, seconded by Commissioner Tafolla, moved to proceed as recommended by the City Attorney as discussed in Executive Session. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

**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.

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.

Commissioner Muñoz abstained from discussion and vote and filed a conflict of interest disclosure.

Commissioner Pena, seconded by Commissioner Tafolla, moved to authorize The Chapman Firm, City Manager and City Attorney to proceed with mediation regarding *City of Weslaco v. Briones Consulting and Engineering* as discussed in executive session. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- 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 Tafolla, seconded by Commissioner Lopez, moved to authorize the Mayor, Mayor Pro-Tem and Commissioner Tafolla to meet with Keith Livesay, 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 discussed in executive session. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- D. Potential Litigation - Consultation with City Attorney regarding Notice of Claim for Breach of Contract and Intent to Sue from Francisco J. Garza as authorized by §551.071 of the Texas Government Code.

Commissioner Pena, seconded by Tafolla, moved to table this item until the next meeting. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

- E. 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 Tafolla, seconded by Commissioner Lopez, moved to authorize the Mayor and Commissioner Pena to meet regarding a lease agreement for Economic Development Project Chicken Hatch 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-6090-14-B, *Zequiél Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.

Commissioner Pena, seconded by Commissioner Tafolla, moved to authorize the firm of Hodge and James to mediate Cause No. C-6090-14-B, *Zequiél Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco* as they recommended in executive session. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting

**IX. ADJOURNMENT**

With no other business before the commission, at 9:02 p.m. on December 15, 2015, Commissioner Pena, seconded by Commissioner Tafolla moved to adjourn the 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, Leo Muñoz

COMMISSIONER, Greg Kerr

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Letty Lopez

COMMISSIONER, Fidel L. Pena, III