



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, FEBRUARY 2, 2016**

On this 2nd day of February 2016 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	Gerardo “Jerry” Tafolla
Commissioner	Letty Lopez
Commissioner	Fidel L. Pena, III
Commissioner	Leo Muñoz
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

Also present: Maria Barrera, Finance Director; Aida Vega, Deputy Secretary, Jose Pena, IT Director; Pete Garcia, Public Works Director; Chief Tony Lopez, Fire Department; Lt. Robert de la Cerda, Police Department; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Arnold Becho, Library Director; David Arce, Parks and Recreation 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, January 29, 2016.

B. Invocation.

Pastor Faron Thebeau, Primera Bautista Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition

Mayor Suarez read the proclamation recognizing Teen Dating Violence Awareness and Prevention Month and recognized the retirement of Captain Juan Samuel Hernandez from the Weslaco Police Department.

Mayor Suarez recessed the meeting at 5:50 p.m. for a brief reception and reconvened the regular meeting at 6:05 p.m.

- E.. Roll Call.
Ms. Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC COMMENTS

Martin Garcia Jr. thanked the Commission and sponsors for the support given for the Movies at the Park event.

Edward Mejia addressed the dais on a musical competition event he is coordinating for June 26, 2016.

III. CONSENT AGENDA

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

- A. Approval of the Minutes of the Regular Meeting on January 19, 2016 (Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of the following:
- 1) 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 held December 15, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.
 - 2) Ordinance 2016-02 to rezone 1501 N. Border Ave., also being 20.00 acres out of Farm Tract 131, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. (First reading of Ordinance 2016-02 held January 19, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.
 - 3) Ordinance 2016-03 amending Ordinance 2015-26 establishing the Fire Equipment Replacement Fund, to change from 25% of the gross revenue to the total collections. (First Reading of Ordinance 2016-03 held January 19, 2016; Staffed by Finance Department.) Attachment.
- C. Approval to authorize the solicitation of Request for Proposals (RFPs) for Fiscal Year 2016-2017 Internet Access and Basic Maintenance within the confines of the Schools and Libraries Program of the Universal Service Fund (E-rate) and authorize the Mayor to execute any related documents. (Staffed by Library Department.)

Attachment.

- D. Approval of the renewal of the agreement for “2016 Movies at the Park” at Mayor Pablo G. Pena City Park and/or Harlon Block Park and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- E. Approval of the renewal of the Lease Agreement with the Weslaco Softball/Baseball League and approve the use of Fields 1, 2 and 3 and concession stand at the Mayor Pablo G. Pena City Park and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- F. Approval of the renewal of the lease agreement with Weslaco Little League for use of Isaac Rodriguez Park Multi-Purpose Field and Minor Field and Concession Stands and Harlon Block/Sports Complex Field #1, Field #2 and Concession Stands and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- G. Approval of the renewal of the lease agreement with Mid Valley Youth Soccer League for use of Mayor Pablo G Pena City Park Soccer fields for a term of four months February 1 - May 31, 2016, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- H. Approval in cooperation with the Weslaco Economic Development Corporation to hold the July 4th celebration on Monday, July 4, 2016 at the Mayor Pablo G. Pena City Park at 300 N. Airport Drive or at Harlon Block Park Sports Complex at 1020 W. 18th street, to sell beer during the event from 12 p.m. to 10 p.m., and to waive appropriate ordinances associated with the event. (Staffed by Parks and Recreation Department.) Attachment.
- I. Approval of the request from Weslaco Area Chamber of Commerce and Mid Valley Events to hold an Egg Dash 5k, Saturday, March 26, 2016, approving semi-closure of a main thoroughfare and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

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

For the record, the following are the Ordinances:

ORDINANCE NO. 2015-43

AN ORDINANCE ANNEXING ADDITIONAL TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS ON CONSENSUAL PETITION OF AREA LAND OWNER SUCH LAND BEING 4.13 ACRES SITUATED IN AND A PART OF FARM TRACT NO. 771, WEST TRACT SUBDIVISION, WESLACO,

HIDALGO COUNTY, TEXAS.

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

SECTION I: There is hereby annexed on consensual petition of area landowner as part of the territory within the corporate boundaries of the City of Weslaco the following tract located in Hidalgo County, Texas, that totals to 4.13 acres and are more specifically described as follows, to-wit:

METES AND BOUNDS DESCRIPTION 4.13 ACRES SITUATED IN AND
A PART OF FARM TRACT NO. 771, WEST TRACT SUBDIVISION,
WESLACO, HIDALGO COUNTY, TEXAS.

A tract or parcel of land containing 4.13 gross acres, more or less, situated in and a part of Farm Tract No. 771, West Tract Subdivision, Hidalgo County, Texas, and is herein more particularly described by metes and bounds as follows to-wit:

BEGINNING at a cotton picker spindle set on the North line of said Farm Tract 771 for the Northeast corner of said tract herein described, said cotton picker spindle also being located on the centerline of Mile 6 North Road and bears West, 535.00 feet from a cotton picker spindle found for the Northeast corner of said Farm Tract 771;

THENCE, South, 300.00 feet, with the West line of Southern Oaks Ranch Subdivision as per map recorded in volume 55, page 116 of said Hidalgo County Map Records, to a cotton picker spindle found for an inner corner hereof;

THENCE, East, 205.00 feet, with the South line of said Southern Oaks Ranch Subdivision to a 1/2-inch iron rod found for the most easterly Northeast corner of said tract herein described;

THENCE, South, 360.00 feet, to a 1/2-inch iron rod with a plastic cap stamped "R&A" set for the Southeast corner of said tract herein described;

THENCE, West, 366.00 feet to a 1/2-inch iron with a plastic Cap stamped "R&A" set for the Southwest corner of said tract herein described;

THENCE, North, at a distance of 630.00 feet pass a 1/2-inch iron rod with a plastic cap tamped "R&A" set for reference on the south Right-of-Way line of said Mile 6 North Road and continuing for a total distance of 660.00 feet to a cotton picker spindle set for the Northwest corner of said tract herein described;

THENCE, East, 161.00 feet, with the North line of said Farm Tract 771, and with the centerline of said Mile 6 North Road to the point of beginning and containing 4.13 acre of land more or less.

SECTION II: This ordinance shall be published in one (1) newspaper of general circulation published in Weslaco, once a week for two (2) weeks, after the last reading of the ordinance.

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

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of February, 2016.

ORDINANCE NO. 2016-02

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1501 N. BORDER AVE., ALSO BEING 20.00 ACRES OUT OF FARM TRACT 131, WEST TRACT SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENTS DISTRICT.

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

SECTION I: R-1 Single Family Dwelling District to 3R-2 Duplex and Apartments District being 20.00 acres out of Farm Tract 131, West Tract Subdivision, also being 1501 N. Border Ave., Weslaco, Hidalgo County, Texas.

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

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 19th day of January 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of February, 2016.

ORDINANCE NO. 2016-03

AN ORDINANCE AMENDING ORDINANCE 2015-26 ESTABLISHING AN EQUIPMENT REPLACEMENT FUND; PROMULGATING RULES AND REGULATIONS CONCERNING THE BUILDING AND MAINTAINING OF SUCH FUND, AND THE PERMITTED WITHDRAWALS AND PROHIBITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the performance and continued use of these capital assets is essential to the health, safety, economic development and quality of life of those receiving services; and

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

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

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

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

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

§50-80 ESTABLISHMENT AND FUNDING OF FIRE DEPARTMENT EQUIPMENT

REPLACEMENT FUND.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED on First Reading this the 19th day of January, 2016 at a Regular Meeting of the City Commission of the City of Weslaco, Texas.

PASSED AND APPROVED on Second Reading this the 2nd day of February, 2016 at a Regular Meeting of the City Commission of the City of Weslaco, Texas.

CITY OF WESLACO
/s David Suarez, Mayor

ATTEST:
/s/Elizabeth Walker, City Secretary

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, City Attorney

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2016-02 and 2016-03 appointing members to the Ambulance Advisory Board. Possible action. (This item was tabled on January 19, 2016; Staffed by Fire Department.) 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.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to approve Resolution 2016-02 appointing Sergio Lozano to the Ambulance Advisory Board. The motion carried unanimously; Mayor Suarez was present and voting.

The following is Resolution 2016-02:

RESOLUTION NO. 2016-02

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

WHEREAS, the City of Weslaco has established the Ambulance Advisory Board pursuant to Section 14-1(A) of Ordinance No. 78-39; and

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

WHEREAS, the Ambulance Advisory Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Sergio Lozano is appointed to serve on the Ambulance Advisory Board and the term will begin on February 16, 2016 and will expire on February 16, 2018.

PASSED AND APPROVED on this 2nd day of February, 2016.

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 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. (This item was tabled on January 19, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

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

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

Mr. Mardoqueo Hinojosa stated the owner of the property filed an objection to the use of a day care and recommended no action.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to take no action. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration to approve the Contingency Fund Request (CFR) to the contract with CDM Constructors, Inc. for the Water Treatment Plant Expansion project in a combined amount not to exceed \$262,512.00 as follows:
- a) CFR #19 – Existing pipe penetrations at Plant 1 - \$503.00;
 - b) CFR #21 – Rework of water break - \$13,495.00;
 - c) CFR #22 – CCI’s concrete, excavation and backfill for Rosendin - \$8,411.00;
 - d) CFR #23 – Reroute of dewatering drain line - \$18,942.00;
 - e) CFR #109 – Re-route 2” service wash lines – \$4,377.00;
 - f) CFR #112 – Raw Water Flow Meter and Duck Bill Check Valve - \$38,661.00;

- g) CFR #113 – Plant 4 Clarifier Isolation Valve - \$6,706.00;
- h) CFR #114 – Raw water gate, replace gate at exist RW pump station - \$29,834.00;
- i) CFR #115 – Assist City with pumps for Clarifier #1 - \$8,135.00;
- j) CFR #117 – Assist City at gravity thickener - \$14,036.00;
- k) CFR #118 – Drain Lift Station Valves and piping - \$36,752.00;
- l) CFR #119 – Changes to piping replacement at Plants 3-4 pipe gallery - \$20,218.00;
- m) CFR #120 – Capping of irrigation line- \$7,503.00;
- n) CFR #121 – Increase landing/support pad for generator steps - \$2,708.00;
- o) CFR #123 – Reroute piping for flowmeter at water recycle line - \$8,948.00;
- p) CFR #124 – Modifications to existing recycle system - \$3,310.00;
- q) CFR #126 – Backwater valve for dewatering drain line - \$6,342.00;
- r) CFR #127 – Drain lift station bypass pass - \$9,983.00;
- s) CFR #128 – Material purchase for City changes to distribution 16” to 6” - \$2,277.00;
- t) PCO #36 – Site bollards - \$10,450.00;
- u) PCO #39 – Site electrical pads - \$9,232.00;
- v) PCO #43 – \$3,689.00.

Possible action. (This item was tabled January 19, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

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

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

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

City Manager Mike Perez, stated staff, Commissioner Lopez, CCI representatives, CDM Contractors and Briones Engineering met to review the request for payment. Mr. Perez recommended payment for sub-item I, CFR 115; J, CFR 117; K, CFR 118; O, CFR 123 and S, CFR 128 as these items were requested by the City for operational and maintenance of the project. Staff is recommending sub-items F, CFR 112; M, CFR 120; N, CFR 121; P, CFR 124 and R, CFR 127 be withheld for further review. All remaining sub-items A, B, C, D, E, G, H, L, Q, T, U and V are recommended for approval for payment as well.

Mr. Briones explained the construction project began at a 15% design that resulted in changes to the construction project as it moved forward. Matt Hofmann, CDM, reviewed CFR 112 and requested as recommended by the City Manager to be paid out of the original contract amount. The cost for this item was estimated at \$150,000.00 to modify the flow meter with a duct bill needed that was accepted by the irrigation district.

In response to Mayor Pro-Tem Noriega, Mr. Briones stated these are not change orders. In response to City Manager, Mr. Briones stated CFR is “contingency fund request” and PCO is “proposed change order” related directly to the self-performance or scope of work, not a change order to the original contract. In response to Mayor Suarez, the contingency fund is \$2.4 million with \$390,000.00 applied in 2014.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve payment for all items except sub-items F, CFR 112; M, CFR 120; N, CFR 121; P, CFR 124 and R, CFR 127 for further review. The motion carried unanimously; Mayor Suarez was present and voting. Commissioner Muñoz abstained.

Mayor Suarez, seconded by Commissioner Tafolla, moved to approve payment of sub-item F, CFR 112 as a direct draw from the original contract cost. The motion carried; Mayor Suarez was present and voting. Commissioner Muñoz abstained.

The City Manager requested Commissioner Muñoz participate in review of these documents as soon as he submits the appropriate paperwork. Mr. Briones requested outstanding payment be processed.

VI. NEW BUSINESS

- A. Discussion and consideration to authorize the solicitation of Request for Proposals (RFP) for Shade Canopies at Harlon Block Park Sports Complex. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

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

Mr. David Arce, Parks Director, stated the proposals to be solicited would be for twelve canopies to be located at Harlon Block Park; eight 20x40 to be located around the bleachers and four 20x20 around the concession stands.

In response to Commissioner Tafolla, design renderings will be part of the proposals. In response to Mayor Suarez, the City Manager stated staff could request an alternate request for proposals to include canopies for Isaac Rodriguez Park and City Park.

Commissioner Kerr, seconded by Commissioner Lopez, amended the motion to solicit proposals for canopies at Harlon Block Park, Isaac Rodriguez Park and City Park. The motion carried unanimously; Mayor Suarez was present and voting.

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

- B. Discussion and consideration to authorize the solicitation for Request for Bids for the sale and removal of the mobile home located at 1411 West 18th Street, Weslaco, Texas. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

Mr. David Arce, Parks Director, reviewed the location and recommended the sale and removal of the double wide mobile home.

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

- C. Discussion and consideration to award the best qualified most advantageous response to Request For Bids No. 2015-16-05 for the Fourth of July Firework Display and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

Mr. David Arce, Parks Director, stated one respondent to the request for bids was received. Pyro Shows of Texas had done last year's event and the bid submitted included seventy additional shots for this year's event. Pyro Shows of Texas submitted a bid of \$12,500 and staff recommended approval.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to award the Request For Bids No. 2015-16-05 for the Fourth of July Firework Display to sole respondent Pyro Shows of Texas as recommended and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration to approve the submission of the final proposed annual work plan for the City of Weslaco under the Hidalgo County Urban County Program, approve Resolution 2016-04 for year 29 (2016) to accept the allocation of approximately \$283,695.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

Ms. Maria Barrera, Finance Director, recommended approval of the Resolution for the final work plan to be submitted to Urban County. The project is for water/sewer improvements in an amount of \$281,223.36 and for general administration \$2,471.64. The City Manager stated the proposed work plan is a result of workshops held to identify community needs that qualify for CDBG funds.

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

The following is Resolution 2016-04:

RESOLUTION 2016-04

A RESOLUTION ADOPTING THE WORK PLAN AND BUDGET FOR YEAR TWENTY-NINE URBAN COUNTY PROGRAM

WHEREAS, the City of Weslaco is participating in the Urban County Program; and

WHEREAS, the City of Weslaco conducted a Public Hearing on October 22, 2015 at 5:30 P.M. at the Weslaco City Hall Legislative Chambers to solicit public input on community needs in compliance with CDBG requirements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF

WESLACO TEXAS THAT:

The Urban County work plan and budget for Year Twenty-nine (29) 2016 is hereby adopted as follows:

	Year 29 (2016)
	PROGRAM ACTIVITY
	BUDGET
General Administration	\$ 2,471.64
Water/Sewer Improvements	<u>\$281,223.36</u>
TOTAL	\$283,695.00

PASSED, APPROVED AND ADOPTED THIS THE 2nd DAY OF FEBRUARY, 2016.

CITY OF WESLACO
/s/David Suarez, Mayor

ATTEST:

/s/Elizabeth M. Walker, City Secretary

APPROVED AS TO FORM:

/s/Juan E. Gonzalez, City Attorney

- E. Discussion and consideration to approve Resolution 2016-05, Resolution 2016-06, Resolution 2016-07, Resolution 2016-08 and Resolution 2016-09 expressing support for applications to the Texas Department of Housing and Community Affairs for 2016 for competitive nine-percent housing tax credits for the following proposed developments:

- 1) Villa Verde Estates;
- 2) Weslaco Parkside;
- 3) Juanita Village Apartments ;
- 4) Lupe Village Apartments; and
- 5) Weslaco Villas

and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.) Attachment.

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

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

The City Manager stated three developers were requesting letter of support for proposed housing tax credits for development in five different sites. Mr. Perez is recommending approval of the letters of support and resolutions. The developer will have to meet all zoning requirements and subdivision process.

In response to Mayor Suarez, the developers present, Bill Encinas, Donna Rickenbacker and Tim Lang all stated if the zoning is not approved the development cannot continue. In response to Commissioner Munoz, the developers agree that the site selection is controlled by a point system of the application process such as availability of land, stimulation of other development, infrastructure and schools and these developments are valued about \$18 million as taxable improvements and are

not Section 8 Housing.

In response to Mayor Pro Tem Noriega, there is a plan in place to mitigate any drainage matters. The City Manager stated the City would have some financial contribution but would be minimal.

Commissioner Tafolla, seconded by Commissioner Munoz, moved to approve Resolution 2016-05, Resolution 2016-06, Resolution 2016-07, Resolution 2016-08 and Resolution 2016-09 expressing support for applications to the Texas Department of Housing and Community Affairs for 2016 for competitive nine-percent housing tax credits for the following proposed developments:

- 1) Villa Verde Estates;
- 2) Weslaco Parkside;
- 3) Juanita Village Apartments ;
- 4) Lupe Village Apartments; and
- 5) Weslaco Villas

and authorize the Mayor to execute any related documents with the letter of support stating the development must meet all zoning requirements. The motion carried; Mayor Suarez was present and voting. Commissioner Kerr abstained.

The resolutions read as follows:

RESOLUTION NO. 2016-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, EXPRESSING SUPPORT FOR THE APPLICATION OF DWR VILLA VERDE ESTATES, LP, TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2016 COMPETITIVE NINE-PERCENT HOUSING TAX CREDITS AND FOR THE DEVELOPMENT OF VILLA VERDE ESTATES TO BE LOCATED ON LAND NEAR THE NEC OF W. MILE 5 N. RD. AND S. BORDER AVE., IN THE ETJ OF WESLACO, HIDALGO COUNTY, TEXAS

WHEREAS, DWR Villa Verde Estates, LP, and its affiliates (the “**Applicant**”) has brought to the City of Weslaco a proposal to develop an affordable rental housing community named Villa Verde Estates to be located on land near the NEC of W. Mile 5 N. Rd. and S. Border Ave., in the ETJ of Weslaco, Hidalgo County, Texas.

WHEREAS, the Applicant has advised that it intends to file an application to the Texas Department of Housing and Community Affairs (“**TDHCA**”) for an allocation of 2016 Competitive 9% Housing Tax Credits (“**HTC**”) for the construction and development of Villa Verde Estates.

WHEREAS, the Applicant has requested from the City Commission of the City of Weslaco support for its application to TDHCA and for the development of Villa Verde Estates.

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

1. The City of Weslaco, acting through its governing body, hereby confirms that it supports the proposed development of Villa Verde Estates for affordable rental housing, at its proposed location on land near the NEC of W. Mile 5 N. Rd. and S. Border Ave., in the ETJ of

Weslaco, Hidalgo County, Texas, and supports the filing of HTC Application # 16104 by the Applicant with TDHCA and hereby recognizes that this formal action has been taken to put on record the opinion expressed by the City of Weslaco as of the date of this Resolution.

2. The City of Weslaco acting through its governing body hereby authorizes, empowers, and directs David Suarez, Mayor to execute this resolution on behalf of the City of Weslaco and to certify these resolutions to TDHCA.

DULY RESOLVED by the City Commission of the City of Weslaco, Texas, on this the 2nd day, of February, 2016.

RESOLUTION 2016-06

A RESOLUTION BY THE CITY OF WESLACO, TEXAS, DECLARING SUPPORT FOR WESLACO PARKSIDE, A GENERAL DEVELOPMENT OF UP TO 120 FAMILY UNITS TO BE LOCATED AT THE NORTHEAST CORNER OF W. 18TH ST. AND S. WESTGATE DR., A HOUSING TAX CREDIT PROGRAM APPLICATION (#16198) TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2016 BY WESLACO PARKSIDELP

WHEREAS, Weslaco Parkside LP has proposed a development for affordable rental housing at the northeast corner of W. 18th St. and S. Westgate Dr. named Weslaco Parkside in the City of Weslaco; and

WHEREAS, Weslaco Parkside LP has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2016 Competitive 9% Housing Tax Credits for Weslaco Parkside

NOW THEREFORE BE IT RESOLVED, that the City of Weslaco, acting through its governing body, hereby confirms that it supports the proposed Weslaco Parkside, TDHCA # 16198 and that this formal action has been taken to put on record the opinion expressed by the city on February 2, 2016 and

FURTHER RESOLVED that for and on behalf of the Governing Body, and David Suarez, Mayor are hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

RESOLUTION 2016-07

A RESOLUTION BY THE CITY OF WESLACO, TEXAS, DECLARING SUPPORT FOR JUANITA VILLAGE APARTMENTS, TO BE LOCATED AT MILANOS ROAD AND MILE 5½ ROAD, A HOUSING TAX CREDIT PROGRAM APPLICATION (#16390) TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2016 SUBMITTED BY JUANITA VILLAGE 140 LP.

WHEREAS, Juanita Village 140, LP has proposed a development for affordable rental housing located at Milanos Road and Mile 5½ Road named Juanita Village Apartments in the City of Weslaco; and

WHEREAS, Juanita Village 140, LP has advised that it intends to submit an application to the Texas Department Housing and Community Affairs for 2016 Competitive 9% Housing Tax Credits for Juanita Village Apartments.

IT IS HEREBY RESOLVED, that acting through its governing body, hereby confirm that the City of Weslaco supports the proposed Juanita Village Apartments located at Milanos Road and Mile 5½ Road, TDHCA# 16390 and that this formal action has been taken to put on record the opinion

expressed by the City of Weslaco and;

FURTHER RESOLVED that **I, David Suarez, Mayor of the City of Weslaco** for and on behalf of the governing body hereby authorize, empower, and direct to certify this resolution to the Texas Department of Housing and Community Affairs.

PASSED AND APPROVED on this 2nd day of February, 2016.

RESOLUTION 2016-08

A RESOLUTION BY THE CITY OF WESLACO, TEXAS, DECLARING SUPPORT FOR LUPE VILLAGE APARTMENTS TO BE LOCATED AT THE MIDWAY ROAD AND MILE 6½ ROAD, A HOUSING TAX CREDIT PROGRAM APPLICATION (#16384) TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2016 SUBMITTED BY LUPE VILLAGE 140, LP.

WHEREAS, Lupe Village 140, LP has proposed a development for affordable rental housing located at Midway Road and Mile 6½ Road named Lupe Village Apartments in the City of Weslaco; and

WHEREAS, Lupe Village 140, LP has advised that it intends to submit an application to the Texas Department Housing and Community Affairs for 2016 Competitive 9% Housing Tax Credits for Lupe Village Apartments.

IT IS HEREBY RESOLVED, that acting through its governing body, hereby confirm that the City of Weslaco supports the proposed Lupe Village Apartments located at Midway Road and Mile 6½ Road, TDHCA# 16384 and that this formal action has been taken to put on record the opinion expressed by the City of Weslaco and;

FURTHER RESOLVED that **I, David Suarez, Mayor of the City of Weslaco** for and on behalf of the governing body hereby authorize, empower, and direct to certify this resolution to the Texas Department of Housing and Community Affairs.

PASSED AND APPROVED on this 2nd day of February, 2016.

RESOLUTION NO. 2016-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, EXPRESSING SUPPORT FOR THE APPLICATION OF WESLACO VILLAS, TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2016 COMPETITIVE NINE-PERCENT HOUSING TAX CREDITS AND FOR THE DEVELOPMENT OF WESLACO VILLAS TO BE LOCATED AT 2319 WEST BUSINESS HIGHWAY 83, WESLACO, HIDALGO COUNTY, TEXAS

WHEREAS, **Weslaco Partners, LP** has proposed a development for affordable rental housing at **W. Business Highway 83** named **Weslaco Villas** in the **City of Weslaco**; and

WHEREAS, **Weslaco Partners, LP** has advised that it intends to submit an application to the T Department of Housing and Community Affairs for 2016 Competitive 9% Housing Tax Credits **Weslaco Villas**; and

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

1. The City of Weslaco, acting through its governing body, hereby confirms that it

supports the proposed development of Weslaco Villas for affordable rental housing, at its proposed location at 2319 West Business Highway 83, Weslaco, Hidalgo County, Texas, and supports the filing of TDHCA Application # 16379 by Weslaco Partners, LP and hereby recognizes that this formal action has been taken to put on record the opinion expressed by the City of Weslaco as of the date of this Resolution.

2. The City of Weslaco acting through its governing body hereby authorizes, empowers, and directs David Suarez, Mayor to execute this resolution on behalf of the City of Weslaco and to certify these resolutions to TDHCA.

DULY RESOLVED by the City Commission of the City of Weslaco, Texas, on this the 2nd day, of February, 2016.

CITY OF WESLACO
/s/David Suarez, Mayor

ATTEST:

/s/Elizabeth M. Walker, City Secretary

APPROVED AS TO FORM

/s/Juan E. Gonzalez, City Attorney

- F. Discussion and consideration to approve Ordinance 2016-04 authorizing a budget amendment for the local match requirements for Phase II of Airport expansion project CSJ 1121WESLA in the amount of \$51,171.84 and authorize the Mayor to execute any related documents. First Reading of Ordinance 2016-04. Possible action. (Staffed by Finance Department.) Attachment.

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

Ms. Maria Barrera, Finance Director, stated TXDOT has encountered overages in the amount needed for land and related court costs for the project and recommended approval of the ordinance for a budget amendment not to exceed an amount of \$51,171.84 for Phase II of Airport expansion project (CSJ 1121WESLA).

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

- G. Discussion and consideration to approve Ordinance 2016-05, amending Ordinance 2013-08 the "Landscaping Ordinance," Codified as Article XI of Chapter 26 of the Weslaco Code of Ordinances and authorize the Mayor to sign any related documents. First reading of Ordinance 2016-05. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa recommended approval of the proposed amendment that provides for a reduction in the landscaped area requirement as long as ornamental trees are evenly placed at a ten (10) foot distance.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve Ordinance 2016-05 as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

- H. Discussion and consideration to approve Change Order # 1 for the Boys & Girls Club Project for \$2,776.00 for an exterior sealer, a modification to an entrance door and deductions to the contract and extension in contract time for 80 days for weather delays at no cost to the City and authorize Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa recommended approval for the change order for the amount of \$5,026 and the request of 80 additional days to complete the contract at no cost to the City. The change order as for an exterior sealer, a modification to an entrance door and deductions to the contract. The additional days were for weather delays.

Commissioner Tafolla, seconded by Commissioner Pena, moved to approve Change Order # 1 for the Boys & Girls Club Project for \$5,026.00 for an exterior sealer, a modification to an entrance door and deductions to the contract and extension in contract time for 80 days for weather delays at no cost to the City and authorize Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- I. Discussion and consideration on request from the City of San Juan to approve a Professional Services Agreement to provide technical services by providing animal control and impoundment services for the Planning Department of San Juan and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

Mr. Mardoqueo Hinojosa recommended approval of the request for Professional Services Agreement with City of San Juan to provide temporary animal control while their animal warden is out on medical leave. Mr. Hinojosa stated the assistance would not interrupt any services to the Weslaco community.

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

- J. Discussion and consideration to approve the Acquisition "Lease Purchase" contract with Frost Bank for the purchase of Fire Truck, Ambulance and Ford Pick-up and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.

Ms. Maria Barrera, Finance Director, stated approval for the purchase of a Fire Truck, Ambulance and Ford Pick-up had been acted on at a prior meeting. Staff solicited proposals for the lease purchase of the equipment and recommended to approve the lease purchase with Frost Bank for a ten year term on the Fire Truck and five year lease purchase of the ambulance and pick-up.

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

VII. REPORTS

- A. Report by Weslaco Area Chamber of Commerce.
Ms. Martha Noell reported this is the peak of Winter Texas season and related activities.
- B. Report by Economic Development Corporation of Weslaco.
Mr. Joey Trevino reported that the EDC will submit an Economic Development Agency grant for the incubation center; also, the EDC purchased 17-acres in the industrial park for development.
- C. Report by Planning and Code Enforcement Department - Engineering and Animal Control.
Mr. Mardoqueo Hinojosa reported that there is a delay on the Border Avenue project as the contractor waits on delivery of certain drainage boxes from the supplier; the Boys and Girls Club is 58% complete and Sixth Street 75% complete. He will bring proposed revisions to the sidewalk ordinance at a future meeting for consideration.
- D. Report by Severn Trent.
Following his presentation, the City Manager requested from Trinidad Cantu a map of lift station locations, identifying those pre-qualified for hazard mitigation.
- E. Report by Public Works Department.
Mr. Pete Garcia reported the sewer line replacement at Seventh Street should be complete next Friday; also, he installed new population signs at City limits.
- F. Report by Parks and Recreation Department.
Mr. David Arce reported the Greenfields equipment should arrive Friday and is working on specifications for a dog park. An Eagle Scout project will install mile markers at City Park.
- G. Report by Finance Department – Quarterly Financial report.
Ms. Mary Barrera presented fund balances for First Quarter.
- H. Report by Southern Trenchless Solutions, LLC.
The company representative was unable to attend.

VIII. EXECUTIVE SESSION

At 8:55 p.m., Mayor Suarez announced the regular meeting to convene in Executive Session. At 10:03 p.m., Mayor Suarez announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the

public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

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

Commissioner Pena, seconded by Commissioner Lopez, moved to authorize the City Manager and City Attorney to meet with Jeff Chapman in Austin. The motion carried unanimously; Mayor Suarez 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 Pena, seconded by Commissioner Kerr, moved to authorize the City Attorney to appeal Judge’s ruling. The motion carried unanimously; Mayor Suarez 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. (This item was tabled January 19, 2016.)

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

Commissioner Kerr for the record stated more than \$362,000.00 was paid to Francisco J. Garza November 2014-November 2015.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to authorize payment of \$12,500.00 to Francisco J. Garza and send letter as discussed in executive session. The motion failed with Commissioners Lopez, Muñoz, Kerr and Mayor opposed (3-4).

Mayor Suarez moved to authorize payment of \$9,500.00 to Francisco J. Garza. Motion failed from lack of a second.

- E. Economic Development – Consultation with City Attorney regarding Economic

Development Projects related to industrial prospects, including Project Chicken Hatch, as well as retail and airport development as authorized by §551.087 of The Texas Government Code.

There was no action on this item.

- F. Economic Development – Consultation with City Attorney on the purchase, exchange, lease or value of real property at the Mid Valley Airport with TR Valley Aviation LLC as authorized by §551.072 of the Texas Local Government Code.

There was no action on this item.

- G. 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 Kerr, seconded by Commissioner Pena, moved to authorize the City Attorney to mediate with Hodge & James and report back on a potential settlement in Cause No. C-6090-14-B, *Zequiél Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco*. The motion carried unanimously; Mayor Suarez was present and voting.

- H. Pending Litigation - Consultation with Attorney to give a legal briefing regarding Civil Case No. 7:15-CV-334 *Alvino Flores v. City of Weslaco, et al.* in the United States District Court for the Southern District of Texas – McAllen Division as authorized by §551.071(1) of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to authorize the City Manager to attend mediation regarding Civil Case No. 7:15-CV-334 *Alvino Flores v. City of Weslaco, et al.* The motion carried unanimously; Mayor Suarez was present and voting.

- I. Legal Consultation - Consultation with City Attorney regarding city limit and extraterritorial jurisdiction (ETJ) boundary issues with City of Donna, Texas pursuant to §551.071 and/or §552.071 of the Texas Government Code.

Commissioner Kerr abstained from discussion and vote.

Commissioner Pena, seconded by Commissioner Lopez, moved to authorize the Mayor to send a letter to the City of Donna as discussed in executive session. The motion carried; Mayor Suarez was present and voting. Commissioner Kerr abstained.

- J. Potential Litigation - Consultation with City Attorney regarding Emmanuel Jimenez as authorized by §551.071 of the Texas Government Code.

Commissioner Tafolla abstained from discussion. There was no action on this item.

X. ADJOURNMENT

With no other business before the commission, at 10:08 p.m. on February 2, 2016, Commissioner Tafolla seconded by Commissioner Kerr 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