



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 5, 2016**

On this 5th day of July, 2016 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	David Suarez
Mayor Pro-Tem	Olga Noriega
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Letty Lopez
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Fidel Peña III
City Manager	Mike R. Perez
City Secretary	Elizabeth M. Walker
City Attorney	Juan E. Gonzalez

Also present: Mary Barrera, Finance Director; Veronica Ramirez, Human Resources Director; Jose Peña, IT Director; Pete Garcia, Public Works Director; Chief Tony Lopez, Fire Department; Chief Mayer; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Arnoldo Becho, Library Director; Andrew Muñoz, Airport Director; Rosa Huerta, Municipal Court Coordinator; 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, July 1, 2016.

B. Invocation.

Pastor J.J. Wicke, First Baptist Church led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral recognition.

The Mayor recognized the upcoming birthdays of Mayor Pro-Tem Noriega and Commissioner Tafolla.

E. Roll Call.

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

II. PUBLIC COMMENTS

There were no comments received.

III. CONSENT AGENDA

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

A. Approval of the Minutes of the Regular Meeting on June 21, 2016. (Staffed by City Secretary's Office.)

B. Approval on second and final reading of the following:

1) Ordinance 2016-17 rezoning 2200 S. Texas Blvd., also being 7.47 acres out of Farm Tract 743, excluding an irrigation Tract E343.08`- N307.54, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. (First reading held June 21, 2016; Staffed by Planning and Code Enforcement Department.)

2) Ordinance 2016-23, amending the "Zoning Ordinance," Section 150-19 of the Weslaco Code of Ordinances, to remove the 60 day clause on "any appeal or permit granted by the board of adjustment shall not be valid if construction authorized by said permit is not begun within a period of 60 days" and authorize the Mayor to execute any related documents. (First Reading held June 21, 2016; Staffed by Planning and Code Enforcement Department.).

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

For the record the following are the ordinances.

ORDINANCE NO. 2016-17

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 2200 S. TEXAS BLVD., ALSO BEING 7.47 ACRES OUT OF FARM TRACT 743, EXCLUDING AN IRRIGATION TRACT E343.08`-N307.54`, 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 One Family Dwelling District to R-2 Duplex and Apartments District, being the 7.47 acres out of Farm Tract 743, excluding an irrigation Tract E343.08'-N307.54', West Tract Subdivision, also being 2200 S Texas Blvd., 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 21st day of June, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 5th day of July, 2016.

ORDINANCE 2016-23

AN ORDINANCE AMENDING ORDINANCE NUMBER 320, CODIFIED AS SECTION 150-19 OF THE WESLACO CODE OF ORDINANCES, ADOPTING NEW REGULATIONS; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

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

SECTION I.

Ordinance 320 passed and approved on December 1, 1959 to amend the Board of Adjustments regulations and Codified as Section 150-19 of the Weslaco Code of Ordinances is hereby amended.

SECTION II.

After second and final reading of this Ordinance the amended ordinance sections will be adopted and codified as 150-19 of the Weslaco Code of Ordinances and said Section shall read as follows:

Sec.150-19. Board of Adjustment

- e. The board of adjustment shall have the following powers::
 - 5) Any appeal or permit granted by the board of adjustment shall have perpetual approval for the property.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 21st day of June, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 5th day of July, 2016.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Elizabeth Walker, CITY SECRETARY

IV. APPOINTMENTS

- A. Discussion and consideration to remove one member and approve Resolution 2016-49 appointing one member to that unexpired term on the Board of Adjustments and Appeals to the Zoning Ordinance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

In response to Commissioner Peña, the City Manager stated a letter had been received signed by three board members expressing the working relationship with another member was not productive. In response to Commissioner Tafolla, the City Manager stated he had not listened to the audio of the meetings and relied on the opinions of the other members. Commissioner Kerr called for the question.

Mayor Pro-Tem Noriega, seconded by Commissioner Kerr, moved to remove Edward Mejia from the Board of Adjustments and Appeals to the Zoning Ordinance. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Peña raised a point of order that the Commission had not acted to appoint a replacement; the Mayor stated the resolution would be brought back next meeting.

Commissioner Peña, seconded by Commissioner Tafolla, moved to table Resolution 2016-49 until the next meeting. The motion carried unanimously; Mayor Suarez was present and voting.

V. OLD BUSINESS

- A. Discussion and consideration to approve compensation for project delays to CDM Constructors, Inc. in an amount not to exceed \$960,000.00 and authorize the Mayor to execute any related documents. Possible action. (This item was tabled June 7, 2016 and there was no action June 21, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro Tem Noriega, second by Commissioner Kerr, moved to remove the item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager stated CDM contacted staff and advised they were in the process of gathering information this week. Once received, staff along with Jeff Chapman will review toward a recommendation for the next meeting. If CDM does not provide the documentation, the item will be removed from the agenda until such time CDM is ready to proceed. Staff recommends tabling the item.

Mayor Pro-Tem Noriega, second by Commissioner Kerr, moved to table as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2016-24 disannexing in accordance with the boundary lines affixed by the City of Mercedes settlement agreement and City of Donna Memorandum of Understanding. First reading of Ordinance 2016-24. Possible action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Kerr abstained from vote and discussion.

Mardoqueo Hinojosa, Planning Director, stated the ordinance proposed would document both the settlement agreement with the City of Mercedes and the Memorandum of Understanding with Donna for Extraterritorial Jurisdictional boundaries as agreed. The City Manager stated a letter to the Mayor of Donna was sent defining Midway Road/Mile 7 as the division line as agreed to in meetings. This action addresses election deadlines and clarification of property taxes as a result of boundary changes. Staff recommends approval.

Mayor Pro-Tem Noriega, seconded by Commissioner Tafolla, moved to approve Ordinance 2016-24 disannexing in accordance with the boundary lines affixed by the City of Mercedes settlement agreement and City of Donna Memorandum of Understanding. The motion carried with Commissioner Kerr abstaining; Mayor Suarez was present and voting.

- B. Discussion and consideration to approve Resolution 2016-50 authorizing the submission of the Weslaco Parks, Recreation, and Open Space Master Plan to Texas Parks and Wildlife Department. Possible action. (Staffed by Parks and Recreation.)

Sally Galvik, Consultant, reviewed the ten year Master Plan developed for 2016-2026, a requirement of the Texas Parks and Wildlife Master Plan grant process. Citizen surveys, focus groups, non-profit organizations and the Parks Board were solicited for suggestions of parks facilities and amenities. Approval rating of parks satisfaction had increased in 2016 to 60% from 57% in 2007. Marketing efforts revealed the community using the internet and web services.

Commissioner Peña, seconded by Commissioner Kerr, moved to approve Resolution 2016-50 authorizing the submission of the Weslaco Parks, Recreation, and Open Space Master Plan to Texas Parks and Wildlife Department. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration to identify the top ten (10) park priorities for the next ten (10)

years. Possible action. (Staffed by Parks and Recreation.)

Sally Galvik, Consultant, stated identifying the top ten park priorities gives consideration of additional points during the grant process. The top ten rankings identified trail plans; new parks on the North side; additional lights at parks; splash park; youth soccer and baseball fields; picnic areas; indoor recreation center; leisure pool and amphitheater. These rankings were a result of the citizen input and the Commission may amend the rankings as needed at any time to be submitted to the Texas Parks and Wildlife.

Commissioner Peña, second by Commissioner Tafolla, moved to approve the top ten (10) park priorities for the next ten (10) years as identified and presented. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration to approve the reinvestment of the Booth Endowment Funds through the purchase of a Certificate of Deposit with Rio Bank for the term of 18 months in an amount not to exceed \$240,000.00. Possible action. (Staffed by Library Department.)

Arnold Becho, Library Director, stated Ms. Marion Booth left \$500,000 to the Library 10 years ago that established the Marion Booth Endowment. The Library Board recommends investing the principal of the funds and spending only interest earned from certificates of deposit. The City Manager recommended approval suggesting future investments be structured as a stair step to respond to the changing interest rates.

Commissioner Peña, seconded by Commissioner Tafolla, moved to approve the reinvestment of the Booth Endowment Funds through the purchase of a Certificate of Deposit with Rio Bank for the term of 18 months in an amount not to exceed \$240,000.00. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration to award the bid to the sole respondent for the purchase of a 2016 Ford Transit van for EMS division training in an amount not to exceed \$34,000.00 as budgeted. Possible action. (Staffed by Fire Department.)

Fire Chief Tony Lopez stated the purchase would replace a 1996 training van and recommended to award to sole respondent Boggus Ford.

Commissioner Tafolla, seconded by Commissioner Peña, moved to award the bid to the sole respondent for the purchase of a 2016 Ford Transit van to Boggus Ford in an amount not to exceed \$34,000.00 as budgeted. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration to ratify Amendment No. 1 to the Agreement with the Texas Department of Transportation for project M1621WESL related to the RAMP grant at the Airport increasing the local contribution in an amount not to exceed \$40,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)

Andrew Munoz, Airport Director, recommended amending the grant amount from \$20,000.00 to \$100,000.00 for FY 2015-16. This is the maximum grant amount allowed and stated the grant is a 50/50 annual contribution share cost with the City. The Airport Advisory Board recommended approval. In response to Commissioner Muñoz, the additional \$40,000.00 local contribution, by raising the total grant amount, would come from the general fund.

Commissioner Peña, seconded by Commissioner Lopez, moved to ratify Amendment No. 1 to the Agreement with the Texas Department of Transportation for project M1621WESL related to the RAMP grant at the Airport increasing the local contribution in an amount not to exceed \$40,000.00. The motion carried unanimously; Mayor Suarez was present and voting.

VII. REPORTS

A. Report by Weslaco Area Chamber of Commerce.

Martha Noell, Chamber Director, reported on strong advertising for summer, including a new branding campaign initiated with two billboards with an “imagine” theme and joint advertising efforts with the Nature Centers.

B. Report by Economic Development Corporation of Weslaco.

Mary McDermott, Interim EDC Director, reported the 4th of July event was well attended with an estimated 5,000 attendees; the UTRGV grant process is moving forward and results should be in the next couple of weeks; and the summary of leads list identifies 32 prospects interested.

C. Report by Planning and Code Enforcement.

Mardoqueo Hinojosa reported the ribbon cutting for the Boys and Girls Club was held and is substantially complete with the parking lot to be paved within the next week; 6th Street should be substantially complete by the end of the week with final tie ins being done with two fire hydrants needed to be connected; stripping plans are complete and bidding documents are being finalized to go out next week. Joe Pedraza reported on revenues received from the City of San Juan will be used to kick off the Spay/Neuter Program and weekend code enforcement included removing signs from right-a-way enforcing itinerant vendor regulations.

D. Report by Severn Trent.

There was no report as a representative was unable to attend.

E. Report by Public Works Department.

Pete Garcia reported on addressing several water breaks; installing an A/C unit at the annex building; ongoing paving projects in the city; replacing old fire hydrants; improving

detention ponds and maintaining drain ditches and completing inventory of materials for sandbags.

F. Report by Parks and Recreation Department.

David Arce, Parks Director, reported on ribbon cutting events at Valley Nature Center and Boys and Girls Club; AEP powerlines are now underground at the Valley Nature Center; the pool opened with a slow start but at full capacity and the 4th of July event well attended and has received great comments. The Dog Park ribbon cutting ceremony is planned for tomorrow.

VIII. EXECUTIVE SESSION

At 6:46 p.m. Mayor David Suarez announced the regular meeting to convene in executive session. At 7:46 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.

There was no action on this item.

C. Real Property - Consultation with City Attorney on the purchase, exchange, lease or value of real property (North Texas; Intersection of Mile 11 and Texas Boulevard) as authorized by §551.072 of the Texas Local Government Code.

Commissioner Peña, seconded by Commissioner Lopez, moved to authorize the City Manager and City Attorney to proceed with negotiations on the purchase, exchange, lease or value of real property as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

D. Pending Litigation – Consultation with City Attorney regarding Cause No.C-1277-15-H *Elvia Caballero Lopez d/b/a or a/k/a Caballero Governmental Affairs v. City of Weslaco, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

Commissioner Peña, seconded by Commissioner Lopez, moved to authorize the City Manager and City Attorney to proceed with mediation negotiations regarding Cause No.C-1277-15-H *Elvia Caballero Lopez d/b/a or a/k/a Caballero Governmental Affairs v. City*

of Weslaco, as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting

- E. Personnel - Discussion regarding the investigation by the Department of Justice into an Americans with Disabilities Act complaint against the Police Department as authorized by §551.074 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Peña, moved to authorize the City Attorney prepare a response regarding the investigation by the Department of Justice into an Americans with Disabilities Act complaint against the Police Department. The motion carried unanimously; Mayor Suarez was present and voting

X. ADJOURNMENT

With no other business before the commission, at 7:48 p.m. on July 5, 2016, Commissioner Peña, seconded by Commissioner Tafolla, 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. Peña, III