

**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 16, 2016**

On this 16th day of August, 2016 at 5:33 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	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; Juan Salas, IT; Pete Garcia, Public Works Director; Mike Swinnea, Fire Department; Captain Robert Lopez, Police Department; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation Department; Arnoldo Becho, Library Director; Andrew Muñoz, Airport Director; and other staff members and citizens

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Pro-Tem Noriega called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 12, 2016.

B. Invocation.

Pastor Bob Slade, Love of Christ Church, led the invocation.

C. Pledge of Allegiance.

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

D. Mayoral recognition.

There were no recognition at this time.

E. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the absence of Mayor David Suarez.

II. PUBLIC COMMENTS

Rosbel Mendiola, Mendiola Concrete, stated he has not received full payment as a sub-contractor for the Boys and Girls Club Project from J Con Contractor and requested confirmation sub-contractors be paid by release of final payment to the general contractor.

Albert Ortiz and Al Ybarra, Weslaco Youth Football League, thanked the Commission for all the support to the league and asked for a designated 100 yard football field.

III. PUBLIC HEARINGS

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

A. To solicit input from the public regarding the City of Weslaco ad valorem property tax rate, assessed at the same rate as last year, \$0.6767/\$100.00 valuation, pursuant to §26.05(d) of the Texas Tax Code.

Mary Barrera, Finance Director, stated this was the first of two public hearings required and the other public hearing is scheduled for August 23rd. No comments were received from the public.

Mardoqueo Hinojosa, Planning Director, stated items B thru M were structures determined to be dilapidated by the health official, fire marshal and building official. Annually these structures are submitted before the commission for approval to demolish. Staff presented twelve cases with four requesting voluntary demolition. Rolando Gonzalez, Building Official, stated site inspection, title searches and State Statue compliance for each property was done.

B. To solicit input on the proposed demolition order for unoccupied building located at 101 South Illinois Avenue, being Lots 17-18, Block B, Weslaco Original Townsite, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Rolando Gonzalez, Building Official, stated the site is abandoned with taxes due. No other comments received.

C. To solicit input on the proposed demolition order for unoccupied building located at 205 North Republic Street, being Lot 22, Block 6, Christensen Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Rolando Gonzalez, Building Official, stated the site abandoned and substandard. No other comments received.

D. To solicit input on the proposed demolition order for unoccupied building located at 1604 Ramos Drive, being West Tract N123.5'-E157.26'-W314.52', Farm Tract 728 0.445 acres A/K/A Lot 2, City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit

for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Rolando Gonzalez, Building Official, stated this residence was repossessed for taxes due and is over a gas easement; it has never been occupied. No other comments received.

E. To solicit input on the proposed demolition order for unoccupied building located at 509 South Texas Blvd, being Lots 39-40, Block 42, Weslaco Original Townsite, an addition to the City of Weslaco as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Rolando Gonzalez stated owner did not comply with previous Commission action and interior walls have since collapsed.

F. To solicit input on the proposed demolition order for unoccupied building located at 1301 Davenport Street, being Lots 18-20, Block 10, Davenport #1, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Rolando Gonzalez stated demolition permit was processed and never completed.

G. To solicit input on the proposed demolition order for unoccupied building located at 719 North Republic Street, being the East ½ of Lots 1&2, Block 2, Hughes Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Rolando Gonzalez stated this structure has collapsed.

H. To solicit input on the proposed demolition order for unoccupied building located at 1605 Ramos Drive, being West Tract S123.5'-N277'-E157.26'-W344.52, Farm Tract 728 A/K/A Lot 2, City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Rolando Gonzalez stated this structure is substandard and abandoned. No other comments received.

I. To solicit input on the proposed demolition order for unoccupied building located at 609 West Hidalgo Street, being Lots 14-15, Block 7, Weslaco, Original Townsite, and addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of

Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Rolando Gonzalez stated the owner requesting voluntary demolition. Antonio Martinez, son of owner Graciela M. Maldonado requested additional time to demolish.

J. To solicit input on the proposed demolition order for unoccupied building located at 300 Bluebonnet Street, being Lots 3-5, Block 3, Expressway Heights Subdivision Unit 1, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Rolando Gonzalez stated the owner requests voluntary demolition for two structures on site. Maria Pineda, daughter of deceased owner, requested additional time to the 60 days to demolish the structures.

K. To solicit input on the proposed demolition order for unoccupied building located at 219 North Palmas Street, being Lot 23, Block 11, Northside Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Rolando Gonzalez stated the owner requests voluntary demolition. Brian Morrison, President of Acquire, Renovate & Sell, recently acquired the property and stated he will be demolishing voluntarily within 60 days.

L. To solicit input on the proposed demolition order for unoccupied building located at 506 South Indiana Avenue, being Lot N17.7'-1, Block 38, Weslaco Original Townsite and Lot 4 Block 38 A. Canal Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Frank Montalvo, owner, apologized for the property nuisance and was in agreement with the demolition.

M. To solicit input on the proposed demolition order for unoccupied building located at 2018 Abilene Drive, being Lot 16, Block 4, Expressway Heights, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225.

Roland Gonzalez stated the structure is dilapidated but occupied; the tenant wants to purchase the property and renovate. Leonarda Gonzalez requested time to allow financing and renovation of property and permission to place a small trailer to remain on the property while renovation is complete. She was cleaning the property.

N. To solicit input on behalf of Nho Chan Tu for a Conditional Use Permit obtain a Wine and Beer Retailer's Permit at 702 S. Texas Blvd., also being Lots 1 and 2, Blk 57-A, Canal Property Subdivision, and 45.3 feet north of Lot 1, Blk 57, Original Townsite of Weslaco Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department)

Randy Jimenez requested favorable consideration.

O. To solicit input on behalf of Nancy Bazan for a Conditional Use Permit to operate a daycare at 610 W. 13th St., also being Lot 7, Blk 1, Rowena Subdivision Unit #1, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department)

Jack Mims, Jerry Close, Gail W Ortiz, Marge Baggett, residents, voiced their concerns and objection citing safety, traffic, property devaluation and requested the recommendation of the Planning and Zoning Committee for denial be upheld.

Nancy Bazan, applicant, stated she is proposing a fence to address safety and providing parking spaces to alleviate traffic and would address any problems if they occur. Felix Rodriguez supported the request that would benefit the community.

Commissioner Tafolla, seconded by Commissioner Peña, moved to close the public hearing at 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 following:

1. Minutes of the Regular Meeting on August 2, 2016;
2. Record of the Budget Workshop on August 10, 2016; and
3. Record of the Budget Workshop on August 11, 2016. (Staffed by City Secretary's Office.)

B. Approval of the Lease Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area, for a term of 4 months (September 1, 2016-December 31, 2016) and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

C. Approval of the renewal of the lease agreement with Mid Valley Youth Soccer League for use of Pablo G. Pena City Park soccer fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

D. Approval of the renewal of the Federal Work-Study Community Service, America Reads, and America Counts agreements with the University of Texas Rio Grande Valley and authorize the Mayor to execute any related documents. (Staffed by Library Department.)

E. Approval of the renewal of the service agreement with Trafficpayment.com and authorize the Mayor to execute any related documents. (Staffed by Municipal Court.)

F. Approval of the renewal of agreement between Texas 1033 Grant Program and City of Weslaco Police Department and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

Commissioner Tafolla, seconded by Commissioner Lopez, moved to approve consent agenda items A through F as presented.

The City Manager interjected modifications to the lease agreements were recommended. City Attorney recommended an indemnification clause and 30-day termination clause without cause be added to the lease agreements with the Weslaco Youth Football and Mid Valley Youth Soccer leagues. Commissioner Tafolla rescinded his motion.

Commissioner Tafolla, seconded by Commissioner Lopez, moved to approve the consent agenda with the recommendation of the City Attorney for modification of lease agreements. The motion carried unanimously, Mayor Pro-Tem Noriega was present and voting.

V. APPOINTMENTS

A. Discussion and consideration to accept the resignations of Roy Tijerina and Joe Garza from the Weslaco Hotel Occupancy Tax Advisory Committee and approve Resolutions 2016-52 and 2016-53 appointing two members to unexpired terms. Possible action. (Staffed by Finance Department.)

Commissioner Peña, seconded by Commissioner Lopez moved to approve.

Elizabeth Walker stated no new applications have been received. Commissioner Peña rescinded his motion.

Commissioner Peña, seconded by Commissioner Kerr, moved to accept the resignations of Roy Tijerina and Joe Garza and table the appointments. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

B. Discussion and consideration to approve Resolution 2016-54 appointing an official member and an alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2016-2017 and authorize the Mayor to execute any related documents. Possible action. (Requested by Amigos del Valle.)

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve Resolution 2016-54 appointing Commissioner Tafolla as official member and Mayor Pro Tem Noriega as alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2016-2017 and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

For the record resolution is as follows:

RESOLUTION 2016-54

A RESOLUTION APPOINTING A MEMBER AND AN ALTERNATE MEMBER TO THE AMIGOS DEL VALLE, INC. BOARD OF DIRECTORS FOR FISCAL YEAR 2016-2017

WHEREAS, the Amigos del Valle, Inc. has requested that a City of Weslaco elected official be appointed to serve as the official member of the Amigos del Valle, Inc. Board of Directors; and

WHEREAS, the City of Weslaco may elect to appoint an individual of the City of Weslaco to serve in place of the official member; and

WHEREAS, the Amigos del Valle, Inc. has requested that a City of Weslaco elected official be appointed to serve as an alternate member of the Amigos del Valle, Inc. Board of Directors; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO that Gerardo “Jerry” Tafolla be appointed as the official member of the Amigos del Valle, Inc. Board of Directors.

BE FURTHER RESOLVED that Olga Noriega, City Commissioner be appointed as an alternate member of the Amigos del Valle, Inc. Board of Directors and a copy of this Resolution shall be delivered to the Amigos del Valle, Inc. to evidence these appointments.

PASSED AND APPROVED this 16th day of August, 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

VI. NEW BUSINESS

Mardoqueo Hinojosa clarified items H, I, J, and L were voluntary demolition requesting additional time. Staff recommends allowable time of four months to complete.

A. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 101 South Illinois Avenue, being Lots 17-18, Block B, Weslaco Original Townsite, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Tafolla, seconded by Commissioner Peña, moved to authorize demolition order for items VI. A, B, C, D, E, F, G and K as presented. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

B. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 205 North Republic Street, being Lot 22, Block 6, Christensen Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of item VI. A.

C. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 1604 Ramos Drive, being West Tract N123.5'-E157.26'-W314.52', Farm Tract 728 0.445 acres A/K/A Lot 2, City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of item VI. A.

D. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 509 South Texas Blvd, being Lots 39-40, Block 42, Weslaco Original Townsite, an addition to the City of Weslaco as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of item VI. A.

E. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 1301 Davenport Street, being Lots 18-20, Block 10, Davenport #1, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of item VI. A.

F. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 719 North Republic Street, being the East ½ of Lots 1&2, Block 2, Hughes Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and

welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of item VI. A.

G. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 1605 Ramos Drive, being West Tract S123.5'-N277'-E157.26'-W344.52, Farm Tract 728 A/K/A Lot 2, City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of item VI. A.

H. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 609 West Hidalgo Street, being Lots 14-15, Block 7, Weslaco, Original Townsite, and addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Peña, seconded by Commissioner Tafolla, moved to approve items VI. H, I, and J voluntary demolition as requested to be completed within four months from receipt of notification. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

I. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 300 Bluebonnet Street, being Lots 3-5, Block 3, Expressway Heights Subdivision Unit 1, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of item VI. H.

J. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 219 North Palmas Street, being Lot 23, Block 11, Northside Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of item VI. H.

K. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 506 South Indiana Avenue, being Lot N17.7'-1, Block 38, Weslaco Original Townsite and Lot 4 Block 38 A. Canal Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of item VI. A.

L. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 2018 Abilene Drive, being Lot 16, Block 4, Expressway Heights, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Peña, seconded by Commissioner Lopez, moved to table the item for the next regular meeting. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

Commissioner Peña, seconded by Commissioner Tafolla, requested the next agenda include an item pertaining to the tenant's request to have a mobile home trailer on the property during renovations.

M. Discussion and consideration after public hearing on behalf of Nho Chan Tu to approve a Conditional Use Permit obtain a Wine and Beer Retailer's Permit at 702 S. Texas Blvd., also being Lots 1 and 2, Block 57-A, Canal Property Subdivision, and 45.3 feet north of Lot 1, Block 57, Original Townsite of Weslaco Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated twenty-eight property owners were notified with no objection received. Planning and Zoning Commission and staff recommend approval; previous use was a restaurant.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve a Conditional Use Permit obtain a Wine and Beer Retailer's Permit at 702 S. Texas Blvd. as presented. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

N. Discussion and consideration after public hearing on behalf of Nancy Bazan to approve Conditional Use Permit to operate a daycare at 610 W. 13th St., also being Lot 7, Block 1, Rowena Subdivision Unit #1, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requires three-fourths vote to approve; Staffed by Planning and Code Enforcement Department.)

The City Manager noted it is practice the Mayor be present when an item calls for a super-majority vote; Mr. Mardoqueo Hinojosa added a super-majority is required as both 20% of affected property owners protested and the Planning and Zoning Commission opposed.

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

O. Discussion and consideration to approve final payment for GNH Construction for the Parking Lot project at Mayor Pablo G. Peña City Park in an amount not to exceed \$25,800.57. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated this was final payment to include retainage and overage for work done on the entrance and pavilion area and recommended approval. In response to Commissioner Muñoz disbursement of payment will not be done until close out documents are received.

Commissioner Tafolla, seconded by Commissioner Peña, moved to approve final payment for GNH Construction for the Parking Lot project at Mayor Pablo G. Peña City Park in an amount not to exceed \$25,800.57. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

P. Discussion and consideration to approve Change Order Number 1 to Request for Bids 2015-16-14 Sixth Street Striping Project, removing the items related to street signage and reducing award amount by \$40,500.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated the contractor has agreed to remove the street signage work and reduce the contract amount. Staff will do the work and quotes have been received for materials with the lowest being \$6,758.95. 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.

Q. Discussion and consideration to reduce the size of 15-foot drainage and utility easement along the South side lot 8, Block A Pecan Grove Phase II Subdivision, Hidalgo County, Texas, to a 10 foot Drainage and utility easement. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated staff recommends approval; there are no utilities in the easement.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve as first reading of Ordinance 2016-29 and reduce a 15-foot drainage and utility easement along the South side lot 8, Block A Pecan Grove Phase II Subdivision to a 10 foot Drainage and utility easement. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

R. Discussion and consideration to award Request For Bids No. 2015-16-16 to the lowest responsible bidder for the purchase of a 1998 Caterpillar BL Long Reach Excavator in the amount not to exceed \$65,000.00. Possible action. (Staffed by Public Works.)

Pete Garcia, Public Works Director, recommended awarding Mid Valley Equipment as lowest responsible bidder for the purchase of a 1998 Caterpillar BL Long Reach Excavator in the amount not to exceed \$65,000.00.

In response to Commissioner Tafolla, the lowest bid has been reduced by \$2,000 and life expectancy of the equipment depends on the maintenance upkeep and use. In response to Commissioner Lopez maintenance logs are not available. In response to Mayor Pro Tem Noriega the second lowest bidder for a 2007 model upon inspection by staff did not want to start. The City Manager stated the Commission can reject all bids and authorize to rebid for a new model

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve award Request For Bids No. 2015-16-16 to Mid Valley Equipment as the lowest responsible bidder for the purchase of a 1998 Caterpillar BL Long Reach Excavator in the amount not to exceed \$65,000.00 as recommended. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

S. Discussion and consideration to ratify Amendment No. 2 to the Agreement with the Texas Department of Transportation for project 1421WESLA increasing the local contribution in an amount not to exceed \$17,545.00, an increase of \$3,030.00, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) At

Andrew Muñoz, Airport Director, stated TXDOT requested additional drainage improvements to the north end of the runway project that would increase the local contribution by \$3,030.00. Staff recommends approval.

Commissioner Peña, seconded by Commissioner Kerr, moved to approve and ratify Amendment No. 2 to the Agreement with the Texas Department of Transportation for project 1421WESLA increasing the local contribution as presented. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

T. Discussion and consideration to approve Resolution 2016-55 opposing the recent administrative efforts by the Texas Department of Transportation to no longer apply the economically disadvantaged county program to off-system (Non-TXDOT roadways) transportation projects throughout the state and more specifically Hidalgo County. Possible action. (Staffed by City Manager's Office.)

The City Manager stated the Metropolitan Planning Organization notified cities that TXDOT was proposing new regulations that would have non-TXDOT roadways ineligible for funding and Westgate improvements would no longer be eligible for funding. Staff recommends approval; Commissioner Kerr noted it effectively serves to voice our displeasure.

Commissioner Peña, seconded by Commissioner Kerr, moved to approve Resolution 2016-55 opposing the recent administrative efforts by the Texas Department of Transportation as recommended. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

U. Discussion and consideration to approve Ordinance 2016-28 authorizing a negotiated resolution with Texas Gas Service regarding the company's 2016 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause and other matters as ordained. First Reading of Ordinance 2016-28. Possible action. (Staffed by City Manager's Office.)

The City Manager stated the gas company proposed a rate increase. The Lower Rio Grande Development Council was the lead agency hired to negotiate a reduced rate. Staff recommends approval of the negotiated settlement agreement that offers an average monthly saving of \$.065 to the residents.

Commissioner Tafolla, seconded by Commissioner Peña, moved to approve Ordinance 2016-28 authorizing a negotiated agreement with Texas Gas Service regarding the company's 2016 cost of service adjustment as recommended. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

VII. EXECUTIVE SESSION

At 7:05 p.m. Mayor Pro Tem Noriega announced the regular meeting to convene in executive session. At 8:30 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.

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.

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 Kerr, seconded by Commissioner Tafolla, moved to authorize the City Attorney precede on the purchase, exchange, lease or value of real property discussed in executive session. The motion carried unanimously; Mayor Pro Tem Noriega 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.

There was no action matter resolved.

E. Economic Development – Consultation with City Attorney regarding Economic Development opportunities and incentive programs related to industrial prospects, including Project Chicken Hatch "B", 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 regarding a lease agreement for Economic Development Project Wild Boar "B" as authorized by §551.087 of The Texas Government Code.

There was no action on this item.

G. Economic Development – Consultation with City Attorney regarding an incentive at the airport for Economic Development Project Golden Eagle as authorized by §551.087 of The Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to authorize the City Manager to proceed with negotiations as discussed in executive session regarding an incentive at the airport for Economic Development Project Golden Eagle. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

H. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at 1411 West 18th Street as authorized by §551.072 of the Texas Local Government Code.

Commissioner Peña, seconded by Commissioner Tafolla, moved to authorize an appraisal be done and authorize to advertise on the sale, exchange, lease or value of real property located at 1411 West 18th Street. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

I. 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 and City Attorney to proceed as discussed in executive session regarding Civil Case No. 7:15-CV-334 Alvino Flores with negotiations complete before the next regular meeting. The motion carried unanimously; Mayor Pro Tem Noriega was present and voting.

IX. ADJOURNMENT

With no other business before the commission, at 8:32 p.m. on August 16, 2016, Commissioner Tafolla, seconded by Commissioner Muñoz moved to adjourn the regular meeting. The motion carried unanimously; Mayor Suarez was absent.

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