

**REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 20, 2016**

On this 20th day of September, 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	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Letty Lopez
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 Pena, IT Director; Pete Garcia, Public Works Director; Stephen Mayer, Police Chief; Jaime Hernandez, Assistant Fire Chief; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation Director; Andrew Muñoz, Airport 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, September 16, 2016.

B. Invocation.

Pastor Rene Vega, Love and Hope Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral recognition.

Mayor Suarez recognized Mayor G. Pablo Pena† for his service and dedication to Weslaco.

E. Roll Call.

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

II. PUBLIC COMMENTS

Gail W. Ortiz voiced her objection to the conditional use permit approved at 606 W. 13th Street, stating no direct benefit to the neighborhood and applicant not meeting site plan requirements.

III. PUBLIC HEARING

Commissioner Tafolla, seconded by Commissioner Kerr, moved to open the public hearing concurrently for items A through D. The motion carried unanimously, Mayor Suarez was present and voting.

A. To solicit input on behalf of CNMK Texas Properties, LLC for a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License at 2113 W. Expressway 83, also being Lots 5C, Jones-Davis-Harren Subdivision Unit #2, Weslaco, Hidalgo County, Texas (Staffed by Planning and Code Enforcement Department)

B. To solicit input on behalf of Gustavo Corona and Gilbert Rendon dba New York Deli for a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 1400 N. Westgate Dr., also being Lots 16-18, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department)

C. To solicit input on behalf of Melden & Hunt, Inc. to rezone 2601 S. Border Ave., also being the Northwest 8.163 acres out of Farm Tract 739, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. (Staffed by Planning and Code Enforcement Department)

D. To solicit input on the submission of a grant application to Texas Parks and Wildlife Department for Isaac Rodriguez Park. (Staffed by Parks and Recreation Department.)

There were no comments received.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to close the public hearing for items A through D. The motion carried unanimously, Mayor Suarez was present and voting.

IV. CONSENT AGENDA

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

A. Approval of the Minutes of the Regular Meeting on September 6, 2016 (Staffed by City Secretary's Office.)

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

1) Ordinance 2016-34 approving the voluntary annexation of the City of Weslaco Recycling Center, Lift Station No. 36 and adjacent right-of-way also being the 7.969 acres situated in Farm Tract No. 737, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located at the intersection of Mile 5 North and Border Ave. (First Reading held September 6, 2016; Staffed by Planning and Code Enforcement.) Attachment.

2) Ordinance 2016-31 adopting the City of Weslaco's budget appropriation for the fiscal year October 1, 2016 to September 30, 2017 and authorize the Mayor to execute any related documents. (First Reading held September 6, 2016; Staffed by the Finance Department.)

3) Ordinance 2016-30 adopting and levying the ad valorem tax rate for the 2016-2017 fiscal year and authorize the Mayor to execute any related documents. (First Reading held September 6, 2016; Staffed by Finance Department.)

4) Ordinance 2016-32 ratifying the property tax increase reflected in the 2016-2017 fiscal year budget. (First Reading held September 6, 2016; Staffed by Finance Department.)

5) Ordinance 2016-33, authorizing a budget amendment in the amount of \$63,000.00 for the purchase of the 1998 Caterpillar 330BL Long Reach Excavator from Fund Balance. (First Reading held September 6, 2016; Staffed by Public Works.)

C. Approval of the renewal of an agreement with Drug Enforcement Administration for Fiscal Year 16-17. (Staffed by Police Department.)

D. Approval of a request by Valley Nature Center to utilize Gibson Park on November 12, 2016 from 12 noon - 10 p.m. for Brew in the Woods, and authorize the Mayor to execute any related documents as may be required, and waive any fees that may be associated with the event. (Requested by Parks and Recreation Department.)

E. Authorization to reapply and renew the Reading Is Fundamental (RIF) grant for FY 2016-2017, to accept funds upon award throughout the year, to provide local matching funds not to exceed 25% of the total granted amount in each instance and not to exceed \$700.00 total annually, and to allow the Mayor to execute any associated documents. (Staffed by Library Department.)

F. Acceptance of donated monies and gift donations from local vendors and/or the public for library programming within Fiscal Year 2016 – 2017. (Staffed by Library Department.)

G. Acceptance of donations to the City of Weslaco's 2016 Clean Sweep Program for supplies from various suppliers. (Staffed by Planning and Code Enforcement Department.)

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

Following are the ordinances:

ORDINANCE NO. 2016-30

AN ORDINANCE LEVYING AN AD VALOREM TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY OF WESLACO, TEXAS FOR THE TAX YEAR 2016, FIXING THE TAX RATE FOR THE USE AND SUPPORT OF THE GENERAL GOVERNMENT AND FOR THE INTEREST AND SINKING FUND FOR THE REDEMPTION OF BONDS AND OTHER INDEBTEDNESS OF THE CITY OF WESLACO, TEXAS, AND FIXING A LIEN ON ALL TAXABLE PROPERTY.

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

I.

THAT, there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Weslaco for the 2016-2017 fiscal year, upon all property, real, personal and mixed, within the corporate limits of said City subject to taxation, a tax of \$0.6667 on each \$100 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth:

- a. Maintenance and operation of the General Government (General Fund) for fiscal year 2016-2017, \$0.5586 on each \$100 valuation of property. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAT LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.05%, AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$2.60.
- b. Interest and sinking fund for debt service payments for fiscal year 2016-2017, \$0.1081 on each \$100 valuation of property for the purpose of paying interest on and providing a sinking fund for the redemption of outstanding indebtedness of the City of Weslaco.

II.

THAT there is hereby fixed on each and every item of taxable property a lien for the purpose of securing the payment of the taxes assessed thereon, and said lien shall continue to exist against any item of property against which a tax is assessed here under until such tax, together with all interest shall be paid.

III.

IF, any person shall neglect or refuse to pay the taxes herein imposed on him or his property, on or before January 31, 2017 the tax collector shall apply the following schedule of penalty and interest rates for use in calculating the total amount due on delinquent tax bills:

February 2017	7.0%
March 2017	9.0%
April 2017	11.0%
May 2017	13.0%
June 2017	15.0%
July 2017	18.0%

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 6th day of September 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 20th day of September 2016.

ORDINANCE NO. 2016-31

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF WESLACO FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET FOR THE CITY OF WESLACO, TEXAS, FOR THE 2016-2017 FISCAL YEAR.

WHEREAS, the budget appended here as Exhibit A, for the fiscal year beginning October 1, 2016, and ending September 30, 2017, was duly presented to the City Commission by the City Manager, that due and timely public notice that a Public Hearing on such budget would be held on August 23, 2016, was given and made in accordance with state law and within the time limits set forth by law; that such Public Hearing was held in accordance with the law on August 23, 2016; now therefore,

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

SECTION 1. That the appropriations for the fiscal year beginning October 1, 2016, and ending September 30, 2017, for the support of the general government of the City of Weslaco, Texas be fixed and determined for said terms in accordance with the expenditures shown in the City's Fiscal Year 2016-2017 Budget, a copy of which is appended hereto as Exhibit A;

SECTION 2. That the Budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the City's Budget for the fiscal year beginning October 1, 2016, and ending September 30, 2017.

SECTION 3. That there is hereby appropriated the amount shown in said budget necessary to provide for a sinking fund for the payment of the principal and interest and the retirement of the bonded debt requirements of Fiscal 2016-2017 of the City of Weslaco.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 6th day of September, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 20th day of September, 2016.

ORDINANCE NO. 2016-32

AN ORDINANCE OF THE CITY OF WESLACO, TEXAS RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE 2016-2017 FISCAL YEAR BUDGET; PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 102.007 of the Texas Local Government Code provides in part that the adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget; and

WHEREAS, section 102.007 of the Texas Local Government Code requires that this ratification be in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tex. Tax Code, or other law; and

WHEREAS, the fiscal year 2016-2017 Budget, as adopted, requires raising more revenue from property taxes than in the previous year by 1.05%, and the City Commission desires by adoption of this Ordinance to ratify the property tax increase reflected in the City's Fiscal Year 2016-2017 Budget.

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

SECTION 1. That the Weslaco City Commission, as the governing body of the City of Weslaco, having adopted the 2016-2017 Fiscal Year Budget that will require raising more revenue from property taxes than in the previous year by 1.05%, hereby ratifies the property tax increase reflected in the 2016-2017 Fiscal Year Budget.

SECTION 2. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof.

SECTION 3. This Ordinance shall be in full force effective from and after its passage and approval.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 6th day of September, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 20th day of September, 2016.

ORDINANCE 2016-33

AN ORDINANCE AMENDING ORDINANCE NUMBER 2015-27, APPROVING AND ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016, FINDING NEED TO AMEND THE 2015-2016 MUNICIPAL BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City Commission of the City of Weslaco utilized diligent thought and attention to the preparation of the 2015-2016 budget; and

WHEREAS, unusual and unforeseen conditions have arisen during the fiscal year which have, or will require, the expenditure of additional funds constituting an emergency expenditure; and

WHEREAS, Section 102.009 of the Texas Local Government Code authorizes the City to amend its budget in such a manner as to provide for emergency expenditures as an amendment to the original budget in a case of grave public necessity to meet an unusual and unforeseen condition; and

WHEREAS, the City Commission finds the amendments in the line items identified in the attached Exhibit are reasonable, necessary, and for municipal purposes.

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

SECTION 1. FINDINGS. The City Commission finds the statements made in the preamble above are true.

SECTION 2. BUDGET LINE ITEMS. The City Commission approves the budget amendments in the attached Exhibit as such change is necessary to meet an unusual and unforeseen condition as the result of an emergency.

SECTION 3. BUDGET TOTAL. The City Commission further finds the amended budget line items identified in such Exhibit will not cause the total expenditures in the budget to exceed the total amount of estimated revenue.

SECTION 4. APPROVAL. The 2015-2016 Official Budget, adopted by Ordinance 2015-27, is hereby reallocated, revised, amended and approved as set forth in the attached Exhibit.

SECTION 5. AUTHORIZATION. The City Manager is authorized to undertake action to execute such transfers in accordance with state law, and file, or cause to be filed, a true and correct copy of this Ordinance, with the attached budget amendment, with the City Secretary.

SECTION 6. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 6th day of September, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 20th day of September, 2016.

ORDINANCE NO. 2016-34

AN ORDINANCE ANNEXING ADDITIONAL TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS ON VOLUNTARY PETITION OF AREA LAND OWNER SUCH LAND BEING 7.9688 ACRES OF LAND, LOCATED IN HIDALGO COUNTY, TEXAS, WHICH IS CONTIGUOUS TO THE CITY LIMITS AND HEREINAFTER DESCRIBED; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Weslaco, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. There is hereby annexed on voluntary 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 7.9688 acres and are more specifically described as follows, to-wit:

Tract

A tract of land containing 7.9688 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 737, West Tract Subdivision and adjacent right-of-way being the 655.03 ft. of East right-of-way being 26.14 feet of 60 ft. right-of-way and 628.89ft of 70ft right-of-way, also known as a portion of South Border Avenue (Miles 5 ½ West Road), according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Weslaco.

SECTION 6. 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.

SECTION 7. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 8. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 6th day of September, 2016.

FINALLY PASSED AND APPROVED on this 20th day of September, 2016.

CITY OF WESLACO
/s/DAVID SUAREZ, MAYOR

ATTEST:
/s/ELIZABETH WALKER, CITY SECRETARY

AS TO FORM:
/s/JUAN E. GONZALEZ, ATTORNEY FOR THE CITY

V. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of CNMK Texas Properties, LLC to approve Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License at 2113 W. Expressway 83, also being Lots 5C, Jones-Davis-Harren Subdivision Unit #2, 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 property owners were notified and no objection received. Planning and Zoning and staff recommend approval.

In response to Commissioner Muñoz, Matt Donovan stated additional security officers are assigned during peak hours--Friday, Saturday and Sunday--and sale of alcoholic beverages will be limited to highest standards in the industry.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License at 2113 W. Expressway 83 as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration after public hearing on behalf of Gustavo Corona and Gilbert Rendon dba New York Deli to approve Conditional Use Permit to obtain a Wine and

Beer Retailer's Permit at 1400 N. Westgate Dr., also being Lots 16-18, Block D, Expressway Heights 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-three property owners were notified and no objection received. Planning and Zoning and staff recommend approval.

Commissioner Tafolla, seconded by Commissioner Peña, moved to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 1400 N. Westgate Dr. as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to approve Ordinance 2016-35, the Voluntary Annexation of the 20.00 acres of Farm Tract 739 West Tract Subdivision, Weslaco, Hidalgo County, Texas and adjacent right-of-way, located on the Southeast side of S Border Avenue, being 1400 feet North of the intersection of Mile 5 North Road and S. Border Avenue. First Reading of Ordinance 2016-35. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated this was a voluntary annexation that is adjacent to property on the northeast corner previously approved for annexation as City property. Staff recommends approval.

Commissioner Tafolla, seconded by Commissioner Peña, moved to approve Ordinance 2016-35, the Voluntary Annexation of the 20.00 acres of Farm Tract 739 West Tract Subdivision, Weslaco, Hidalgo County, Texas and adjacent right-of-way, located on the Southeast side of S Border Avenue, being 1400 feet North of the intersection of Mile 5 North Road and S. Border Avenue as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration after public hearing on behalf Melden & Hunt, Inc. to approve Ordinance 2016-37 rezoning 2601 S. Border Ave., also being the Northwest 8.163 acres out of Farm Tract 739, 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 2016-37. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated with the property just approved for annexation, the developer requests rezoning of 8.163 acres to R-2 Duplex and Apartments. Staff recommends approval of first reading of the ordinance.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve Ordinance 2016-37 rezoning 2601 S. Border Ave. as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to instruct staff to prepare amendments to the zoning regulations of day cares in residential zones. Possible action. (Requested by Commissioners Munoz and Kerr; Staffed by Planning and Code Enforcement Department.)

Commissioner Muñoz voiced a need to regulate day cares in residential areas; Commissioners Kerr and Tafolla asked to see such regulations in effect in other cities. Mardoqueo Hinojosa stated staff could prepare a table of comparison; the City Manager recommended input from the Planning and Zoning Commission then report to the Commission.

Commissioner Tafolla, seconded by Commissioner Lopez, moved to authorize staff to prepare amendments to the zoning regulations of day cares in residential zones. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to approve an Interlocal agreement with Hidalgo County for reconstruction and repaving of Milano Road from 18th Street to U.S. Business Highway 83 and 6th Street from Milano Road to City limit line in an amount not to exceed \$218,122.97 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mayor Suarez stated this would be a cost sharing effort with Hidalgo County. Mr. Raul Lozano, Chief Administrator, stated if bid out, this would be a \$1.2 million project. The interlocal allows cost participation from the City and County, 35/65 split, on materials for the portion of roadway improvements within each entity's jurisdiction. There will be a slight expansion to the road and upgrades to the bar ditches; the County will convey plans and specifications, with proposed project commencement within two weeks and completion by end of calendar year.

Commissioner Tafolla, seconded by Commissioner Lopez, moved to approve an Interlocal agreement with Hidalgo County for reconstruction and repaving of Milano Road from 18th Street to U.S. Business Highway 83 and 6th Street from Milano Road to City limit line in an amount not to exceed \$218,122.97 as presented. The motion carried unanimously, Mayor Suarez was present and voting.

G. Discussion and consideration of a request from the City of Edcouch to extend a Professional Services Agreement to provide technical services by providing animal control and mainly impoundment services for the Planning Department of Edcouch and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

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

Mardoqueo Hinojosa stated during the budget workshops staff had indicated several cities would be requesting assistance with animal control. The agreement for services is the same for items H City of Mercedes, item I City of Elsa and item J City of La Villa; item H City of Mercedes is similar except proposed fees are lower as higher volume is expected. Staff recommends approval.

Commissioner Peña, seconded by Commissioner Lopez, moved to amend the motion to include item I City of Elsa and Item J City of La Villa and City of Edcouch Professional Services Agreement to provide technical services by providing animal control and mainly impoundment

service as presented and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration of a request from the City of Mercedes to extend a Professional Services Agreement to provide technical services by providing animal control and mainly impoundment services for the Planning Department of Mercedes and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated payment and fees were \$12/animal lower and recommended approval.

In response to citizen Gail Ortiz, Joe Pedraza stated there were fifteen kennels outside and nine inside; a chip reader is at the shelter as well as in each truck.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve a Professional Services Agreement to provide technical services by providing animal control and mainly impoundment service with the City of Mercedes as presented. The motion carried unanimously, Mayor Suarez was present and voting.

I. Discussion and consideration of a request from the City of Elsa to extend a Professional Services Agreement to provide technical services by providing animal control and mainly impoundment services for the Planning Department of Elsa and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of Item G.

J. Discussion and consideration of a request from the City of La Villa to extend a Professional Services Agreement to provide technical services by providing animal control and mainly impoundment services for the Planning Department of La Villa and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

See action of Item G.

K. Discussion and consideration to approve a four-way stop at the intersection of 2nd Street and Illinois Avenue and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated a request had been received from the church for a four way stop. Staff researched for the number of traffic accidents and recommends approval. Commissioner Tafolla requested staff research previous Commission action related to re-opening Illinois Avenue.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve a four-way stop at the intersection of 2nd Street and Illinois Avenue as presented. The motion carried unanimously; Mayor Suarez was present and voting.

L. Discussion and consideration to approve an agreement with MYD Properties, LLC for the drainage improvements along the intersection of Railroad Street and Iowa Avenue and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated the owner of the Onion Shed is proposing to improve the drainage for his property with a detention pond. Staff recommends approval to share cost of the drainage improvements to be maintained by the City. In response to Commissioner Tafolla, depth would be 4-5 feet and would be confirmed after review of survey of the area and improvement will be fenced.

Commissioner Lopez, seconded by Commissioner Tafolla, moved to approve an agreement with MYD Properties, LLC for the drainage improvements along the intersection of Railroad Street and Iowa Avenue as presented. The motion carried unanimously, Mayor Suarez was present and voting.

M. Discussion and consideration to authorize the demolition of the former Valley Nature Center building. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa requested authorization for demolition of the former Valley Nature Center. He stated staff already was scheduling demolition of dilapidated structures previously approved and could add to this structure to the list.

Commissioner Tafolla, seconded by Commissioner Lopez, moved to authorize the demolition of the former Valley Nature Center building. The motion carried unanimously, Mayor Suarez was present and voting.

N. Discussion and consideration to approve Resolution 2016-60 authorizing the submission of a grant application to Texas Parks and Wildlife for the re-development of Isaac Rodriguez Park in an amount not to exceed \$500,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

David Arce, Parks Director, stated funding would be from several partners toward a \$1 million project: Knapp Medical Foundation - \$200,000.00; City - \$200,000.00, and City in-kind contribution - \$200,000.00. Together this would serve as the local match to leverage from Texas Parks and Wildlife another \$500,000.00 grant. The proposed improvements include a skate park, splash pad, disc golf course, walking trail, play scape and upgrade existing pool restrooms. Staff recommends approval. In response to Commissioner Lopez there are no improvements proposed to the service center itself.

Commissioner Lopez, seconded by Commissioner Tafolla, moved to approve Resolution 2016-60 authorizing the submission of a grant application to Texas Parks and Wildlife for the re-

development of Isaac Rodriguez Park in an amount not to exceed \$500,000.00 as presented. The motion carried unanimously, Mayor Suarez was present and voting.

Following is the resolution.



**Local Park Grant Program
Resolution Authorizing Application**

R2016-60

A resolution of the City of Weslaco, Texas, as hereinafter referred to as "Applicant," designating certain officials as being responsible for, acting for, and on behalf of the Applicant in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as "Department," for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the "Program"; certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant matching share is readily available; and dedicating the proposed site for permanent (or for the term of the lease for leased property) public park and recreational uses.

WHEREAS, the Applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Department concerning the Program;

BE IT RESOLVED BY THE APPLICANT:

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

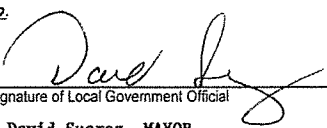
SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs the Parks and Recreation Department of the City of Weslaco, Texas to act for the Applicant in dealing with the Department for the purposes of the Program, and that David Arce is hereby officially designated as the representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the official to make application to the Department concerning the site to be known as Rodriguez Park in the City of Weslaco of Hidalgo County or use as a park site and is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreation purposes in perpetuity (or for the lease term, if legal control is through a lease). Projects with federal monies may have differing requirements.

Introduced, read and passed by an affirmative vote of the "Applicant" on this 20th day of Sept., 20

16



Signature of Local Government Official

David Suarez, MAYOR

Typed Name and Title

ATTEST:

 wcc 09/20/16

Signature

PWD 1069B - P4000 (01/2014)

O. Discussion and consideration to approve Ordinance 2016-36 amending the Master Fee Schedule and authorize the Mayor to execute any related documents. First reading of Ordinance 2016-36. Possible action. (Staffed by Finance Department.) Attachment.

Mary Barrera, Finance Director, reported the schedule was reviewed by departments with increases, decreases or elimination of fees proposed. The City Manager stated a significant amendment was in the Fire Department for EMS billing. Mary Barrera stated a discount of 10% may be provided for prompt payment on private pay. Staff recommended approval.

Commissioner Kerr, seconded by Commissioner Mayor Pro Tem Noriega, moved to approve Ordinance 2016-36 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

P. Discussion and consideration to award the Commercial Insurance Package to the best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

Veronica Ramirez, HR Director, stated two bids were received and upon tabulation the recommendation from Consultant, Roger Garza, and staff was to award TML as the most advantageous bidder.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve and award TML the Commercial Insurance Package as the best qualified most advantageous bidder as recommended. The motion carried unanimously, Mayor Suarez was present and voting.

Q. Discussion and consideration to award the Workers' Compensation Insurance to the best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.)

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

Veronica Ramirez stated two quotes were received: Texas Municipal League Intergovernmental Pool as a full funded plan and Montalvo Insurance Agency as a self-funded plan. Staff and Roger Garza, Valley Risk Consultant, evaluated both and recommended to award TML.

Roger Garza, Consultant, advised there is a substantial risk being self-funded as related to work injuries and fully funded there is no liability. The City Manager also stated it is a calculated risk when you cannot forecast work injury claims and if you do not have the reserve fund for it. There could have been a savings of \$100,000.00 if self-funded this year because the turnover rate was low and departmental management and loss control were strong.

Ramon Montalvo, Montalvo Insurance, voiced the City does not get any return from TML for a good year and did not feel it was a risk as other entities are self-funded. In response to Mayor Suarez, \$26,000.00 has been spent for loss control services by Montalvo Insurance Agency this year and there is a balance of \$5,000.00 that may be applied as a credit.

Luis Valdez, TML, reviewed the deductibles for police, fire and public employees based on a modifier stating the proposal solicited were for fully-funded and could submit for self-insured as well. Veronica Ramirez stated proposals solicited were for fully-funded. City Attorney stated self-funded could be accepted by the commission. Luis Valdez stated coverage would be extended for thirty days to allow the opportunity to submit a proposal as self-funded.

Commissioner Tafolla withdrew his motion.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to table the item until the second meeting of October as recommended for further evaluation. The motion carried unanimously; Mayor Suarez was present and voting.

VI. EXECUTIVE SESSION

At 7:23 p.m. Mayor Suarez announced the regular meeting to convene in executive session. At 8:13 p.m. Mayor Suarez announced the City Commission had completed its executive session and reconvened the regular meeting as open to the public.

VII. 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 Tafolla, seconded by Commissioner Peña, moved to authorize the Mayor and City Manager to continue negotiations as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

D. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at Mile 6 1/2 W just south of Mile 10 N as authorized by §551.072 of the Texas Local Government Code.

There was no action on this item.

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.

Commissioner Tafolla, seconded by Commissioner Peña, moved to authorize the Mayor to execute any documents as discussed in executive session with Texas A&M University. The motion carried unanimously; Mayor Suarez was present and voting.

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.

There was no action on this item.

H. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related for retail development Project Ocean as authorized by §551.087 of The Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Lopez, moved to authorize the Mayor to sign any and all documents contingent on approval by the Weslaco Economic Development Corporation. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. ADJOURNMENT

Commissioner Tafolla, seconded by Commissioner Peña, moved to adjourn at 8:14 p.m. 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

