

**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 4, 2016**

On Tuesday, October 4, 2016, 2016 at 5:35 PM 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 M. Noriega
Commissioner	Greg Kerr
Commissioner	Letty Lopez
Commissioner	Fidel Peña
Commissioner	Leo Muñoz
Asst. City Manager	Elizabeth M. Walker
Deputy City Secretary	Aida Vega
City Attorney	Juan E. Gonzalez

Also present: Sonia Flores, Asst. Finance Director; Veronica Ramirez, Human Resources Director; Jose Pena, IT Director; Tony Vargas, Supervisor Public Works; Ted Walensky, Asst. Police Chief; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation 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, September 30, 2016.

B. Invocation.

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

C. Pledge of Allegiance.

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

D. Mayoral recognition.

Mayor Pro Tem Noriega recognized Andy Veliz for his accomplishments in the music industry and his service to Weslaco.

E. Roll Call.

Aida Vega, Deputy City Secretary, called the roll, noting the absence of Mayor Suarez and Commissioner Tafolla who are attending the Texas Municipal League conference on behalf of the City.

II. PUBLIC COMMENTS

There were no public comments received.

III. PUBLIC HEARING

A. To solicit input in compliance with the Consolidated Plan for Community Planning & Development (CDBG) Urban County Program Fiscal Year 30 (2017) Needs Assessment Plan.

Commissioner Peña, seconded by Commissioner Lopez, moved to open the public hearing at 6:10 p.m.

Mardoqueo Hinojosa stated under CDBG allocation of funds the City would be upgrading water and wastewater lines in neighborhoods meeting eligibility criteria.

There being no other comments, Commissioner Muñoz, seconded by Commissioner Peña moved to close the public hearing at 6:14 p.m.

Commissioner Kerr, seconded by Commissioner Muñoz, moved to re-open the public hearing at 6:23 p.m. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

Anabel Zuniga, Center Manager Amigos Del Valle, thanked the commission for the support to the Senior Companion Program and stated their request of CDBG funds for this year is \$10,000 that would serve 12 meals for homebound seniors in Weslaco.

Commissioner Muñoz, seconded by Commissioner Peña, moved to close the public hearing at 6:28 p.m. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

IV. CONSENT AGENDA

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

A. Approval of the Minutes of the Regular Meeting on September 20, 2016 (Staffed by City Secretary's Office.)

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

1) 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 held September 20, 2016; Staffed by Planning and Code Enforcement.)

2) 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 held September 20, 2016; Staffed by Planning and Code Enforcement.)

3) Ordinance 2016-36 amending the Master Fee Schedule and authorize the Mayor to execute any related documents. (First Reading held September 20, 2016; Staffed by Finance Department.)

C. Approval of the renewal of a Public Purposes Services Contract with the Boys & Girls Club of Weslaco in an amount not to exceed \$50,000.00 for the public purpose services and activities in this contract, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

D. Authorization of a renewal of a Public Purpose Service Contract with the Weslaco Bicultural Museum d.b.a Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$63,100.00 effective October 1, 2016 through September 30, 2017 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

. E. Approval of the request from H-E-B to place banner promoting Feast of Sharing at intersection of Texas and Pike Boulevards up to 3 weeks before the event on December 10, 2016, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Staffed by Parks and Recreation Department)

F. Approval of the annual request to host the 2016 Mid-Valley Christmas Lighted Parade on Saturday, December 10, 2016 along with Santa Dash fun run hosted by Mid-Valley Events from 4:00 p.m.–9:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, and approve the use of City Hall parking lot to host music event after the parade, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Staffed by Parks and Recreation Department)

G. Authorization to solicit Requests for Proposals (RFP) for Fireworks Display for 4th of July Celebration at Harlon Block Park on Tuesday, July 4, 2017, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

H. Approval to solicit bids for new city vehicles, utility trailers, and tractors for departments that are approved for fiscal year 2017. (Staffed by Parks and Recreation Department.)

I. Acceptance of a 3D printer and associated equipment and supplies and authorize the Mayor to execute a Memorandum of Understanding with Central Texas Library System. (Staffed by Library Department.)

J. Approval of the renewal of membership in the Lower Rio Grande Valley Texas Pollutant Elimination System Storm Water Task Force participating in the Texas Commission on Environmental Quality Non-point Source Program and authorize the Mayor to execute an interlocal agreement with the University of Texas Rio Grande Valley and any other related documents. (Staffed by Planning and Code Enforcement Department.)

K. Approval of the renewal of the Election Services Contract with the Hidalgo County Elections Department to conduct the Joint City of Weslaco and Weslaco Independent School District General Election of November 8, 2016 pursuant to Texas Election Code Chapter 271, and

authorize the Mayor to execute any related documents including this contract and any interlocal agreement with the Weslaco Independent School District related to this election. (Staffed by Office of the City Secretary.)

L. Approval of the renewal of payment to Smartcom Telephone, LLC for annual internet services and city facility network connectivity and authorize the Mayor to execute any related documents. (Staffed by IT Department).

M. Approval of the renewal of payment to Tyler Technologies for yearly software maintenance fee and authorize the Mayor to execute any related documents. (Staffed by IT Department).

N. Approval of the renewal of payment to PTS Solutions, Inc for yearly software maintenance fee and authorize the Mayor to execute any related documents. (Staffed by IT Department).

O. Approval of a renewal of an Interlocal Agreement with the Lower Rio Grande Development Council for Cooperation & Joint Sponsorship to participate in a regional public transportation system, Valley Metro in an amount not to exceed \$39,292.00 and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.)

Commissioner Peña, seconded by Commissioner Lopez, moved to approve consent agenda items A through O as presented. The motion carried unanimously, Mayor Pro-Tem Noriega was present and voting

Following are the ordinances.

ORDINANCE NO. 2016-35

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 20.00 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 20.00 acres and are more specifically described as follows, to-wit:

Tract

A tract of land containing 20.00 acres situated in the County of Hidalgo, Texas, being the west 20.00 acres of Farm Tract 739, West Tract Subdivision and adjacent right-of-way being the 659.9 ft. of the west 60 ft. right-of-way, 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 20th day of September, 2016.

FINALLY PASSED AND APPROVED on this 4th day of October, 2016.

ORDINANCE 2016-36

AN ORDINANCE AMENDING ORDINANCE 2013-07, THE MASTER FEE SCHEDULE, TO REVISE EXISTING FEES AND ESTABLISH NEW FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, 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 1. APPROVAL. Ordinance 2013-07 passed and approved on July 2, 2013 as "The Master Fee Schedule Ordinance" and Codified as Section 2-190 of The Weslaco Code of Ordinances is hereby amended so that after final reading it shall read as follows:

ARTICLE VI. MASTER FEE SCHEDULE

Section 2-190. Scheduled established.

The fee schedule attached as an Exhibit to this Ordinance is hereby adopted as if fully forth herein. The City Commission may hereafter amend or replace this fee schedule at any time.

SECTION 2. All other provisions of Ordinance 2013-07 shall remain in full force and effect.

SECTION 3. 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 20th day of September, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 4th day of October, 2016.

ORDINANCE NO. 2016-37

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 2601 S. BORDER AVE., ALSO BEING 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.

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

SECTION I: R-1 Single Family Dwelling District to R-2 Duplex and Apartments District being Northwest 8.163 acres out of Farm Tract 739, West Tract Subdivision, also being 2601 S. Border Ave., Weslaco, Hidalgo County, Texas.

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

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

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 4th day of October, 2016.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Elizabeth M. Walker, CITY SECRETARY

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

V. NEW BUSINESS

A. Discussion and consideration to approve a Mutual Lease Agreement with the Boys and Girls Club of Weslaco for the use of the facility located at 300 N. Airport, Suite B and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

David Arce, Parks Director, stated the agreement outlines terms for the usage of the new facility and with stipulations that address compliance with City Ordinances for fundraiser usage; designation as a third option for a community shelter when necessary; and City will pay water and electricity and assistance with janitorial supplies will be budgeted not to exceed \$1,000.00 for the year.

In response to Commissioners Peña and Lopez, insurance coverage for the building will be carried by the City; the Boys and Girls Club is responsible for personal property insurance. The City Attorney recommended to table this item to allow for clarification of insurance liability coverage.

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

VI. REPORTS

A. Report by Economic Development Corporation of Weslaco.

Marie McDermott, EDC Director, reported the Alfresco event was well attended; and she and a delegation will be attending the ICSC Conference in Dallas; the EDC is hosting a Basic Franchising seminar with the Chamber and UTRGV Small Business Development; a presentation was given to Lions Club; had seven media promotions and following up on 36 summary leads.

B. Report by Weslaco Area Chamber of Commerce.

Martha Noell reported advertising in the month August was through the Hotel Occupancy Tax; in September, the Chamber launched a new mobile application that had 350 downloads; the Chamber is promoting Nature Tourism through magazine and the Business Visitors Center is preparing for Winter Texans.

C. Report by Planning and Code Enforcement.

Mardoqueo Hinojosa reported the expansion of sewer line from Pleasantview to FM 1015 would begin soon; Michigan, Oregon, and Iowa Streets will receive waterline improvements through Urban County funds.

Joe Pedraza reported on vector control quadrants with the entire City sprayed; as Health Official he is working with Texas Agriculture with tracking and trapping of mosquitos and staff would begin outreach with property owners for permission to enter private property for mosquito surveillance.

D. Report by Severn Trent.

Trinidad Cantu, Severn Trent, reported on the Water Demand for 2016; Severn Trent replaced influent lines and repaired the Brush Aerator at the Water Treatment Plant; as well as improved guild rails/basis, pumps and piping at Lift Stations No. 11, 18, 19 and 35, and rehabbed the clarifier at WWTP. Currently they are preparing for a TCEQ inspection and began a maintenance log of repairs for reference.

E. Report by Public Works.

Tony Vargas, Maintenance Supervisor, reported Airport Paving Project was completed; leveling of alleyway Sugarcane Road and Bridge Avenue was done; Harlon Block Walking trail completed; installation of street safety signage for the bike lane nearly complete; installation of sprinkler system at Police Department ongoing; repairs on manhole and sewer lines done and drain ditch maintenance efforts ongoing with new long reach excavator.

F. Report by Parks and Recreation.

David Arce, Parks Director, reported adult softball, youth football and youth soccer has begun; park sign foundation poured and material delivered; the building maintenance division was transferred under the Parks Department. Grant to Texas Parks and Wildlife successfully submitted and Tinaco lights have been turned on.

VII. EXECUTIVE SESSION

At 6:28 p.m. Mayor Pro-Tem Noriega announced the regular meeting to convene in executive session. At 6:45 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.

There was no action on this item.

D. 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.

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.

There was no action on this item.

IX. ADJOURNMENT

Commissioner Peña, seconded by Commissioner Muñoz, moved to adjourn at 6:45 p.m. The motion carried unanimously; Mayor Pro-Tem Noriega was present and voting.

CITY OF WESLACO

ABSENT

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Olga Noriega

COMMISSIONER, Leo Muñoz

COMMISSIONER, Greg Kerr

ABSENT

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Letty Lopez

COMMISSIONER, Fidel L. Peña, III