A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 18, 2016

On Tuesday, October 18, 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	David Suarez
Mayor Pro-Tem	Olga M. Noriega
Commissioner	Leo Muñoz
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Letty Lopez
Commissioner	Fidel Peña
City Manager	Mike Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

Also present: Mary Barrera, Finance Director; Veronica Ramirez, Human Resources Director; Jose Pena, IT Director; Tony Vargas, Supervisor Public Works; Stephen Mayer, Police Chief; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation Director; Arnold Becho, Library Director; Andrew Munoz, Airport Director; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor David Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, October 14, 2016.

B. Invocation.

Pastor Art Beckwith, RGV Fellowship Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Signing Ceremony with Texas A&M - Kingsville.

Mayor Suarez welcomed Texas A&M Kingsville Engineering Initiative leaders, Dr. Steven H. Tallant, President of Texas A&M Kingsville, and Richard S. Talbert, President of Weslaco EDC, in the collaboration efforts in bringing engineering courses to Weslaco.

E. Mayoral recognition.

There were none.

F. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Kerr.

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 for well over a year.

III. PUBLIC HEARING

Commissioner Tafolla, seconded by Mayor Pro Tem Noriega, moved to open the public hearing concurrently for items A through D at 6:04 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input on behalf of Nilda Peña for a Conditional Use Permit to operate a daycare at 2301 E. 12th St., also being Lot 1, Blk 3, La Paloma de las Sombras Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.)

No comments received.

B. To solicit input on behalf of South Texas Collaborative for Housing Development to rezone 2615 E. Sugarcane Dr., also being the 29.41 acres out of Farm Tract 62, 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.)

Sunny Phillips stated previous commission action supported the development of the project that would provide affordable housing in the community. The development is a $30-million-dollar construction project in partnership with the Weslaco Housing Authority, proposing 242 units. He requested favorable consideration to the rezone.

C. To solicit input on behalf of Fernando Garcia to rezone 209 W. Sugarcane Dr., also being the 1.20 acre tract of land being the W132'-E528'-N396' out of Farm Tract 117, 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.)

There were no comments received.

D. To solicit input on behalf of Hidalia Ocaña dba ProDental Lab to rezone 410 N. Kansas Ave., also being Lots 6 and 7, Block 5, Gonzalez Addition Subdivision, Weslaco, Hidalgo

County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. (Staffed by Planning and Code Enforcement Department.)

Hidalia Ocana, applicant, stated the business is a dental lab that works for other dentists; it has been in Weslaco for 6 years, relocating to 410 N. Kansas Avenue and will not have any through traffic.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to close the public hearing at 6:18 p.m. 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 October 4, 2016 (Staffed by City Secretary's Office.)

B. Approval on request from Weslaco Independent School District for Mutual Termination of Ground Lease dated July 18, 2013 for real property located at Farm Tract 47, West Tract Subdivision (Horton School campus) and authorize the Mayor to execute any related documents. (Staffed by the City Manager's Office).

C. Approval of the renewals of the Professional Services Agreements as recommended by the Weslaco Hotel Occupancy Tax Advisory Committee:

1. Weslaco Area Chamber of Commerce - $178,613.00;
2. Frontera Audubon - $32,500.00;
3. Valley Nature Center - $32,500.00;

and authorize the Mayor to execute any related documents. (Staffed by Finance Department.)

D. Approval of a renewal of participation in a regional public transportation system, Valley Metro, for Route 31 in an amount not to exceed $30,000.00 and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.)

E. Authorization to submit an application renewing the ERate 2017-2018 Grant program, the acceptance of funds upon award, the acceptance of additional funding if awarded during the grant year, and authorization to have the Mayor to execute any related documents. (Staffed by the Library Department.)

F. Authorization to apply for two grants, the (1) Fiscal Year 2017 HSGP (Homeland Security Grant Program) and (2) LETPA (Law Enforcement Terrorism Prevention Activities) and authorize the Mayor to execute any related documents. (Staffed by Weslaco Police Department.)

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

V. APPOINTMENTS

A. Discussion and consideration to approve Resolution 2016-61 appointing one member to the Parks and Recreation Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Parks and Recreation Department.)

Mayor Pro Tem Noriega, seconded by Commissioner Lopez, moved to approve Resolution 2016-61to re-appoint Rick Rodriguez to the Parks and Recreation Advisory Board. The motion carried unanimously; Mayor Suarez was present and voting.

The resolution is as follows:

RESOLUTION NO. 2016-61

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PARKS & RECREATION BOARD.

WHEREAS, the City of Weslaco has established the Parks & Recreation Board pursuant to Section 98-83 of the Weslaco Municipal Code of Ordinances; and

WHEREAS, the terms of the members of this board are for three years; however, following the restructuring of this Board to consist of seven members, certain terms shall be assigned for two years so that terms are staggered such that no quorum of members expires simultaneously; and

WHEREAS, the Parks & Recreation Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Enrique "Rick" Rodriguez is appointed to serve a three-year term on the Parks & Recreation Board and the term will begin on November 18, 2016 and end on November 18, 2019.

PASSED AND APPROVED on this 18th 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

VI. OLD BUSINESS

A. Discussion and consideration to reject all responses received to the invitation for Request for Qualifications No. 2015-16-08 Energy Services Companies for Performance Contracting and authorize the return of all proposals unopened. Possible action. (This item was tabled June 7, 2016; Staffed by City Manager's Office.)

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

Mike Perez, City Manager, recommended to open the requests for qualifications, appoint a committee composed of two members of the Commission with Mary Barrera, Mardoqueo Hinojosa, and himself to review.

Commissioner Tafolla, seconded by Mayor Pro Tem Noriega, moved to accept the recommendation by the City Manager to open the requests for qualifications and appoint Mayor, Commissioner Tafolla, Mardoqueo Hinojosa, Mary Barrera and City Manager to the committee.

Commissioner Peña recommended Commissioner Muñoz be appointed.

Commissioner Tafolla, seconded by Mayor Pro Tem Noriega, moved to amend the motion to also appoint Commissioner Muñoz The motion carried unanimously; Mayor Suarez was present and voting.

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

B. Discussion and consideration to award the Workers' Compensation Insurance to the best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. (This item was tabled September 20, 2016; Staffed by Human Resources.)

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

Veronica Ramirez, HR Director, stated previous action from the commission was to solicit bids from TML for a self-insured option. Roger Garza, Consultant, reviewed and evaluated all options presented from Montalvo Insurance and TML and recommended to award TML the fully funded option as the best value and less exposure to the City. Staff recommends approval to award TML.

Commissioner Tafolla, seconded by Commissioner Lopez, moved to award as recommended by staff the Workers' Compensation Insurance as fully funded option to Texas Municipal League. The motion carried unanimously; Mayor Suarez was present and voting.

C. 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. (This item was tabled October 4, 2016; staffed by Parks and Recreation Department.)

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

David Arce, Parks Director, stated the lease was reviewed by the City Attorney and amended Section 4.03 to reflect, "Lessee shall maintain liability insurance that will protect the City from any third party claims." Staff recommends approval. In response to Commissioner Peña, the Boys and Girls Club will need to be notified of the amendment.

Commissioner Peña, seconded by Commissioner Tafolla, moved to approve the Mutual Lease Agreement with the Boys and Girls Club of Weslaco for the use of the facility located at 300 N. Airport, Suite B as presented and recommended by staff. The motion carried unanimously; Mayor Suarez was present and voting.

VII. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Nilda Peña to approve Conditional Use Permit to operate a daycare at 2301 E. 12th St., also being Lot 1, Block 3, La Paloma de las Sombras 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, Planning Director, stated this an existing day care that has been in operation for 21 years and is changing ownership. Planning and Zoning Commission and staff recommend approval.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve a Conditional Use Permit to operate a daycare at 2301 E. 12th Street as presented. The motion carried unanimously; Mayor was present and voting.

B. Discussion and consideration after public hearing on behalf of South Texas Collaborative for Housing Development to approve Ordinance 2016-38 rezoning 2615 E. Sugarcane Dr., also being the 29.41 acres out of Farm Tract 62, 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 2016-38. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated twenty-five property owners were notified with one objection. Planning and Zoning Commission recommended denial. Staff recommends approval as the development will serve as a buffer to adjacent school and commercial/industrial development.

In response to Mayor Suarez and Commissioner Tafolla the development will not interfere with airport activity and apartment units will be limited to a three story development. In response to Commissioner Muñoz, Sunny Phillips stated under TDHCA guidelines the property must be maintained for by the applicant 15-years and as an affordable community project for a 30-years.

Mike Perez, City Manager, stated the construction of the building must meet sound attenuating construction standards. This will minimize noise levels so tenants will not complain of airport traffic and such note should be placed on the plat.

Mardoqueo Hinojosa stated a super majority is needed as the item was recommended for denial by the Planning and Zoning Commission. In response to Commissioner Muñoz, the denial was because development was not consistent with the commercial/industrial zoning districts.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve Ordinance 2016-38 rezoning 2615 E. Sugarcane Dr., as presented. The motion carried by super-majority with Commissioner Muñoz opposed (5-1); Mayor Suarez was present and voting.

C. Discussion and consideration after public hearing on behalf of Fernando Garcia to approve Ordinance 2016-39 rezoning 209 W. Sugarcane Dr., also being the 1.20-acre tract of land being the W132'-E528'-N396' out of Farm Tract 117, 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 2016-39. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated the development is two blocks from Texas Boulevard and adjacent to existing apartment district. Twenty property owners were notified with no objection. Planning and Zoning Commission and staff recommend approval.

Commissioner Lopez, seconded by Commissioner Peña, moved to approve to Ordinance 2016-39 rezoning 209 W. Sugarcane Dr., as presented. The motion carried unanimously, Mayor Suarez was present and voting.

D. Discussion and consideration after public hearing on behalf of Hidalia Ocaña dba ProDental Lab to approve Ordinance 2016-40 rezoning 410 N. Kansas Ave., also being Lots 6 and 7, Block 5, Gonzalez Addition Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First reading of Ordinance 2016-40. Possible action. (Staffed by Planning and Code Enforcement Department.) .

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

Mardoqueo Hinojosa stated twenty-five property owners were notified with no response received. Staff recommends denial as the location is within a residential district; Planning and Zoning Commission recommended approval.

In response to Commissioners Muñoz and Peña, 5 parking spaces would be required; if rezoned the use remains neighborhood business district regardless of ownership. Planning and Zoning Commission recommend approval citing the area is transitioning towards neighborhood businesses and the rezone is not harmful to the neighborhood.

In response to Commissioners Muñoz and Tafolla, a complaint was received of business activity in a residential area. The original use and plans submitted were residential; when inspections were done, the contractor stated it was a residence and changes to the original layout were done afterwards. Commissioner Tafolla recommended penalties be imposed if changes are not declared from the use originally requested.

Mike Perez, City Manager, recommended applicant be issued a conditional use permit for a home occupation that is non-transferable and approve a variance to allow employees; there would allow no rezone of the property. Commissioner Tafolla rescinded his motion.

Commissioner Tafolla, seconded by Commissioner Lopez, moved to deny the rezone and approve a Conditional Use Permit for a non-transferable home occupation and approve a variance to allow employees as recommended. The motion carried unanimously, Mayor Suarez was present and voting.

E. Discussion and consideration to approve the final plat of Descanso Subdivision, being 5.278 acres out of Farm Tract 743, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated previous commission action approved a rezone of the property. The developer is dedicating 75-feet of right-of-way for drainage on the north side and requesting a variance to the rear setback from 25 feet to 10 feet. Planning and Zoning Commission and staff recommend approval.

Commissioner Peña, seconded by Commissioner Tafolla, moved to approve the final plat of Descanso Subdivision and grant variance to the rear setback from 25 to 10 feet as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to amend the policy for the write-off of uncollectible EMS billings. Possible action. (Staffed by Finance Department.)

Mary Barrera recommended adjusting approval authority amounts by the Finance Director from $500 to $1,500, by the City Manager from $1,500 to $2,500 and by the Commission greater than

$2,500. The changes would reflect the revised Master Fee Schedule for EMS billings services. Staff recommends approval.

Commissioner Peña, seconded by Commissioner Lopez, moved to approve and amend the policy for write-off of uncollectible for EMS billings as presented. The motion carried unanimously, Mayor Suarez was present and voting.

G. Discussion and consideration to approve the Airport Business Plan and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)

Andrew Muñoz, Airport Director, stated the Airport Business Plan was presented to the Airport Advisory Board which recommended unanimous approval to the Commission. It was presented earlier to the Commission in Workshop.

Mayor Pro Tem Noriega, seconded by Commissioner Lopez, moved to approve the Airport Business Plan as presented. The motion carried unanimously, Mayor Suarez was present and voting.

H. Discussion and consideration to authorize the submission of the Weslaco Mid Valley Airport's Fiscal Year 2016-2017 Texas Department of Transportation Grant for Routine Airport Maintenance Program, Project M1721WESL, in the amount not to exceed $100,000.00 with a 50/50 cost share, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)

Andrew Muñoz stated the grant would allow for proposed repairs to the terminal building and reimbursements to the budget for operation and maintenance costs. The Advisory Board and staff recommend approval.

Commissioner Tafolla, seconded by Commissioner Lopez, moved to approve the submission of the Weslaco Mid Valley Airport's Fiscal Year 2016-2017 Texas Department of Transportation Grant for Routine Airport Maintenance Program, Project M1721WESL, in the amount not to exceed $100,000.00 with a 50/50 cost share. The motion carried unanimously, Mayor Suarez was present and voting.

I. Discussion and consideration to accept the 2016 COPS Hiring Grant awarded to Weslaco Police Department to hire four police officers dedicated to community policing and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

Chief Mayer stated notification of a grant award was received in the amount of $500,000 to be used over a three-year period in salary and benefits for four additional police officers. The City local match over the three-year period would be $242,580.20. Staff recommends approval.

Mayor Pro Tem Noriega, seconded by Commissioner Tafolla, moved to approve and accept the 2016 COPS Hiring Grant to hire four police officers. The motion carried unanimously, Mayor Suarez was present and voting.

J. Discussion and consideration to approve Proposal PSF16-341-00 from Raba Kistner Environmental, Inc. in the amount not to exceed $189,900.00, for the four-year Landfill Post-Closure Care Monitoring as stated on RFP 2015-16-13. (Staffed by Public Works Department.)

Olga Garza, Assistant Public Works Director, stated previous commission action awarded the proposal by Raba Kistner. Mike Perez stated staff met on several occasions to negotiate the fee that included a 10% discount ($21,252). Monitoring of the landfill satisfies TCEQ requirements and staff recommends approval of the proposal from Raba Kistner Environmental Inc.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve Raba Kistner Environmental, Inc. proposal in the amount not to exceed $189,900.00, for the four-year Landfill Post-Closure Care Monitoring for Alton Landfill. The motion carried unanimously, Mayor Suarez was present and voting.

K. Discussion and consideration to approve the architectural fee negotiated with ROFA architects for roof repairs at the Mayor Joe V. Sanchez Public library. Possible action. (Staffed by the Library Department.)

Arnold Becho, Library Director, stated staff negotiated a fee for the roof repairs at the library. ROFA Architects is proposing a fee in the amount of 10% based on actual construction costs. Staff recommends approval.

Commissioner Lopez, seconded by Commissioner Peña, moved to approve the architectural fee negotiated with ROFA architects for roof repairs at the Mayor Joe V. Sanchez Public library as recommended. The motion carried unanimously, Mayor Suarez was present and voting.

VIII. EXECUTIVE SESSION

At 7:02 p.m. Mayor Suarez announced the regular meeting to convene in executive Session. At 7:12 p.m. Mayor Suarez announced the City Commission had completed its executive session and reconvened the regular meeting as open to the public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

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

There was no action on this item.

B. 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.

C. 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.

There was no action on this item.

X. ADJOURNMENT

Commissioner Tafolla, seconded by Commissioner Munoz, moved to adjourn at 7:12 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

_____
MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth Walker

_____
MAYOR PRO-TEM, Olga Noriega

_____
COMMISSIONER, Leo Muñoz

ABSENT
COMMISSIONER, Greg Kerr

_____
COMMISSIONER, Gerardo "Jerry" Tafolla

_____
COMMISSIONER, Letty Lopez

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COMMISSIONER, Fidel L. Peña, III