A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 1, 2016

On Tuesday, November 1, 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	Gregg Kerr
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; Olga Garza, Public Works Assistant Director; Jaime Hernandez, Assistant Fire Chief; Stephen Mayer, Police Chief; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation Director; Arnold Becho, Library 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 28, 2016.

B. Invocation.

Chaplain Howard Bloomquist, John Knox Village and the Weslaco Police Department, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral recognition.

Mayor Suarez recognized the service and volunteerism of all veterans on Veterans Day.

F. Roll Call.

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

II. PUBLIC COMMENTS

There were no comments received.

III. CONSENTAGENDA

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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) Record of Workshop Meeting on October 18, 2016; Attachment

2) Minutes of the Regular Meeting on October 18, 2016. (Staffed by the City Secretary's Office.) Attachment.

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

1) 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 held October 18, 2016; Staffed by Planning and Code Enforcement Department.)

2) 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 held October 18, 2016; Staffed by Planning and Code Enforcement Department.).

C. Approval on First Reading of Ordinance 2016-42 authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Update Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; and establishing an effective date of January 1, 2017 for such actions. First Reading of Ordinance 2016-42. (Staffed by Finance Department.)

D. Acceptance of donated funds from Mr. and Mrs. Santos Villanueva for exterior benches. (Staffed by Library Department.)

Commissioner Kerr, second by Commissioner Muñoz, moved to approve consent items A through D as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following are the ordinances:

ORDINANCE NO. 2016-38

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING 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.

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 29.41 acres out of Farm Tract 62, West Tract Subdivision, also being 2615 E. Sugarcane Dr., 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 18th day of October, 2016.
PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of November, 2016.

ORDINANCE NO. 2016-39

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 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.

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 1.20-acre tract of land being the W132'-E528'-N396' out of Farm Tract 117, West Tract Subdivision, also being 209 W. Sugarcane Dr., 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 18th day of October, 2016.
PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of November, 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

IV. APPOINTMENTS

A. Discussion and consideration to approve Resolution 2016-62 appointing one member to the

<u>Ambulance Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department).</u>

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve Resolution 2016-62 reappointing Annette Valadez to the Ambulance Advisory Board. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following is the Resolution:

RESOLUTION NO. 2016-62

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE AMBULANCE ADVISORY BOARD.

WHEREAS, the City of Weslaco has established the Ambulance Advisory Board pursuant to Section 14-1(A) of Ordinance No. 78-39; and

WHEREAS, the terms of the members of this board are for two years; and

WHEREAS, the Ambulance Advisory Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Annett Valadez is appointed to serve on the Ambulance Advisory Board and the term will begin on November 1, 2016 and will expire on December 20, 2018.

PASSED AND APPROVED on this 1st day of November, 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

B. <u>Discussion and consideration to approve Resolution 2016-63, 2016-64 and 2016-65 appointing members to the Economic Development Corporation of the Weslaco Board of Directors and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Economic Development Corporation). Attachment.</u>

Commissioner Tafolla, seconded by Mayor Pro-Tem Noriega, moved to appoint Rick Talbert, Joe Olivares and Ricardo Quintanilla to the Economic Development Corporation. The motion failed with the Mayor and Commissioners Kerr, Lopez and Muñoz against (3-4); Mayor Suarez was present and voting.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve Resolution 2016-63 reappointing Rick Talbert, Resolution 2016-64 reappointing Joe Olivares and Resolution 2016-65 reappointing Rodolfo Cisneros to the Economic Development Corporation of the Weslaco Board of

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

For the record, the following are the resolutions.

RESOLUTION NO. 2016-63

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Rick Talbert appointed to a term as a member of the Board of Directors of the Economic Development Corporation that will expire on the 2nd day of December, 2019.

PASSED AND APPROVED on this 1st day of November, 2016.

RESOLUTION NO. 2016-64

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Joe Olivares appointed to a term as a member of the Board of Directors of the Economic Development Corporation that will expire on the 2nd day of December, 2019.

PASSED AND APPROVED on this 1st day of November, 2016.

RESOLUTION NO. 2016-65

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Rodolfo Cisneros appointed to a term as a member of the Board of Directors of the Economic Development Corporation that will expire on the 2nd day of December, 2019.

PASSED AND APPROVED on this 1st day of November, 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

C. Discussion and consideration to accept the resignation of Alan Gonzalez and approve Resolution 2016-66 appointing one member to an unexpired term on the Weslaco Mid Valley Airport Advisory Committee. Possible action. (Staffed by Airport.)

Commissioner Kerr, seconded by Commissioner Lopez, moved to accept the resignation of Alan Gonzalez and approve Resolution 2016-66 appointing Raul Cabaza III to an unexpired term on the Weslaco Mid Valley Airport Advisory Committee. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following is the resolution:

RESOLUTION NO. 2016-66

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO MID-VALLEY AIRPORT COMMITTEE.

WHEREAS, the City of Weslaco has established the Weslaco Mid-Valley Airport Committee pursuant to Section 6-34 of the Weslaco Municipal Code Book; and

WHEREAS, the members of this board shall serve staggered terms of three years with not more than two committee member's terms expiring on the same date years; and

WHEREAS, the Weslaco Mid-Valley Airport Committee members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Raul Cabaza III is appointed to serve an unexpired term on the Weslaco Mid-Valley Airport Committee and your term will begin on November 1, 2016 and expire on June 22, 2017.

PASSED AND APPROVED on this 1st day of November 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. NEWBUSINESS

A. Discussion and consideration to amend the contract with Severn Trent Services to adjust the annual base fee and compensation effective as of the adjustment date for the budget year 2016-2017 and authorize the Mayor to execute any related documents. Possible action. (Requested by Severn Trent.)

Commissioner Kerr, seconded by Commissioner Tafolla, moved to amend the contract and approve to adjust the annual base fee and compensation effective as of the adjustment date for the budget year 2016-2017 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve sludge hauling at the Water Treatment Plant and authorize the Mayor to execute any related documents. Possible action. (Requested by Severn Trent.)

Commissioner Peña, seconded by Commissioner Tafolla, moved to approve sludge hauling at the Water Treatment Plant as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to order a new 2017 Fire Truck under the Weslaco Fire Department Apparatus Replacement Program as budgeted at a cost not to exceed $670,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Tony Lopez, Fire Chief, stated the purchase would replace a 1996 pumper truck; the new truck would be a pumper and rescue company truck, which reduces the trucks needed to respond to residential structural fires, allowing one to remain available to other residents of the City, and recommended approval.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve the purchase of a new 2017 Fire Truck under the Weslaco Fire Department Apparatus Replacement Program as budgeted at a cost not to exceed $670,000.00 as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to authorize the solicitation of proposals for the demolition of the Old City Shop and related infrastructure, located at 306 South Bridge Street. Possible action. (Staffed by City Manager's Office.)

Mike Perez, City Manager, stated Andrew Muñoz researched the cost of demolition of the old City Shop for relocation of central fire and police stations.

Andrew Muñoz reviewed the estimated cost of $160,000.00 based on an Environmental Assessment completed in 2009. Staff will look at cost reduction by salvaging and recycling of material.

In response to Commissioner Muñoz and Mayor Suarez, there appears nothing of value aside from wood trusses that could be sold; the cost includes removal of the tanks but not soil testing.

Commissioner Peña, seconded by Commissioner Tafolla, moved to authorize the solicitation of proposals for the demolition of the Old City Shop and related infrastructure, located at 306 South Bridge Street as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to approve final payment to Pavement Markings, LLC for the 6th

Street Striping Project for an amount not to exceed $129,709.20 and authorize Mayor to execute any related documents. Possible Action. (Staffed by Planning and Code Enforcement Department)

Mardoqueo Hinojosa stated the contract had increased as a result of striping west of Westgate Drive, which was added to the original contract. A grant from Texas A&M University will be received for $29,800.01 for bike lane materials. Staff recommends approval.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve final payment to Pavement Markings, LLC for the 6th Street Striping Project for an amount not to exceed $129,709.20 as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration on update on the Boys and Girls Club building. Possible action. (Requested by Mayor David Suarez).

Commissioner Kerr, seconded by Commissioner Lopez, moved to discuss.

Mike Perez, City Manager, stated a sub-contractor voiced his concern that he has not been paid for services rendered for the project. The architect and bonding company were sent letters as submitted by sub-contractor. Mardoqueo Hinojosa stated final payment has not been authorized and the contractor appears owed $50,000.00. Rosebel Mendiola stated he has not been paid in over a year and is owed $19,914.87.

Commissioner Muñoz, seconded by Commissioner Peña, moved for the Mayor and City Manager to meet with Contractor and sub-contractor within 30-days and bring back a recommendation to the next City Commission meeting. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration to allow the Mayor Joe V Sánchez Public Library to implement a Food for Fines program supporting local food drives and the RGV Food Bank during the Holiday Season and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library Department.

Arnold Becho, Library Director, stated one can of food donated will forgive a fine. The program will not apply to the cost of lost or damaged library items. Staff recommends approval of the program supporting local food drives.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve a Food for Fines program supporting local food drives and the RGV Food Bank during the Holiday Season as presented. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager announced no reports would be provided at this time and deferred to the next meeting.

VI. REPORTS

A. Quarterly Investment Report - Finance Department. Possible action to accept and file.
B. Report by Weslaco Area Chamber of Commerce.
C. Report by Economic Development Corporation of Weslaco.
D. Report by Severn Trent.
E. Report by Planning and Code Enforcement.
F. Report by Public Works.
G. Report by Parks and Recreation Department.

H. Report by Fire Department.
I. Report by Library.

VII. EXECUTIVESESSION

At 6:15 p.m. Mayor Suarez announced the regular meeting to convene in executive Session. At 6:53 p.m. Mayor Suarez 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. 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.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve the agreement as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

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.

Commissioner Kerr abstained from discussion and vote and filed a conflicts disclosure statement.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to authorize the Mayor to execute all agreements as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

D. 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.

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

There was no action on this item.

IX. ADJOURNMENT

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to adjourn at 7:00 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

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MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth Walker

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MAYOR PRO-TEM, Olga Noriega

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COMMISSIONER, Leo Muñoz

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COMMISSIONER, Greg Kerr

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COMMISSIONER, Gerardo "Jerry" Tafolla

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COMMISSIONER, Letty Lopez

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COMMISSIONER, Fidel L. Peña, III