MINUTES
REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 16, 2019

On Tuesday, July 16, 2019, at 5:30 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:

PRESENT:	Mayor	David Suarez
	Mayor Pro Tem	Greg Kerr
	Commissioner	Letty Lopez
	Commissioner	Josh Pedraza
	Commissioner	J.P. Rodriguez
	Commissioner	Leo Muñoz
ABSENT:	None.	
STAFF:	City Manager	Mike R. Perez
	City Secretary	Myra L. Ayala Garza
	City Attorney	Juan E. Gonzalez

Also present: Aida Vega, Deputy City Secretary; Andrew Munoz, Assistant City Manager/Airport Director/Asst. City Manager, Vidal Roman, Finance Director, Omar Rodriguez, Parks and Recreation Director, Leo Gonzalez, Information Technology Director; Ben Worsham, City Engineer/Planning Director; Joel Rivera, Police Chief, Antonio Lopez, Fire Chief, Veronica Ramirez, HR Director; Pete Garcia, Public Works 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, July 12, 2019.

B. Invocation.

Pastor Elias Peralez, Pave the Way Ministries Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

Myra Ayala Garza, City Secretary, stated Senator Eddie Lucio was in attendance. Senator Lucio recognized and honored Andy Veliz with Senate Resolution No. 357 and the Texas Flag for his dedication and service to the community.

Coach Lopez, Weslaco Little League, thanked the commission for the opportunity to recognize the Senior Division Weslaco Little League (boys aged group of 14-16) team on the accomplishments of District 24 Championship and Sectional Championship.

E. Roll Call.

Myra L. Ayala Garza, City Secretary, called the roll, noting at the time of roll call the absence of Mayor Pro Tem Kerr and a quorum present.

II. PUBLIC COMMENTS

Ruben Cardenas, Fitness & Playground Consultant, stated new to tha business, Kompan a company that offers design products for playground equipment to accommodate activities for all children to include special solutions for special needs.

III. PUBLIC HEARING

A. To solicit input on behalf of Beverly Amaya requesting a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 3700 E Expressway 83, also being Lot 5, Redbird Subdivision #2, Weslaco, Hidalgo County, Texas.

Commissioner Muñoz, seconded by Commissioner Lopez moved to open the public hearing at 6:00 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Muñoz, seconded by Commissioner Lopez moved to close the public hearing at 6:01 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 July 2, 2019. (Staffed by City Secretary Department.)

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

1) Ordinance 2019-24 establishing a depreciation fund to be known as the Building Depreciation Fund and authorize the Mayor to execute any related documents. (First reading held July 2, 2019; staffed by Finance Department.)

2) Ordinance 2019-25 adopting a budget amendment for funding appropriations for the Building Depreciation Fund and authorize the Mayor to execute any related documents. (First reading held July 2, 2019; staffed by Finance Department.)

C. Approval of the Interlocal Cooperative Agreement between the City of Mission, Texas and the Mayor Joe V. Sanchez Public Library for participation within the Hidalgo County Library System E-Commerce Program that would allow collection of monies due from patrons electronically (debit or credit cards). (Staffed by Library Department.)

D. Approval to apply and accept grants from business corporations and private foundations to be used towards the operation of the Weslaco Animal Care Services and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.)

Commissioner Pedraza seconded by Commissioner Lopez moved to approve consent agenda as presented. The motion carried; Mayor Suarez was present and voting.

For the record, following are the ordinances.

O R D I N A N C E NO. 2019- 24

AN ORDINANCE ESTABLISHING A BUILDING DEPRECIATION FUND; PROMULGATING RULES AND REGULATIONS CONCERNING THE BUILDING AND MAINTAINING OF SUCH FUND, AND THE PERMITTED WITHDRAWALS AND PROHIBITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weslaco maintains various municipal buildings providing services to the citizens of Weslaco utilizing its capital assets; and

WHEREAS, the performance and continued use of these capital assets is essential to the health, safety, economic development and quality of life of those receiving services; and

WHEREAS, budgetary pressures often impede capital program expenditures or investments for maintenance and replacement, making it increasingly difficult to sustain the asset in a condition necessary to provide expected service levels; and

WHEREAS, as the physical condition of the asset declines, deferring maintenance and/or replacement could increase long-term costs and liabilities; and

WHEREAS, the City Commission desires to address the continuing investment necessary to properly maintain and replace its capital assets, while maintaining a fiscally conservative “pay-as-you-go” policy.

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

SECTION ONE. A Building Depreciation Fund is to be added to the Code of Ordinances Chapter 2 Administration Section 2-280 of the Code of Ordinances of the City of Weslaco, to be known as Article XI – Building Depreciation Fund to read in its entirety as follows:

§XXX ESTABLISHMENT AND FUNDING OF THE BUILDING DEPRECIATION FUND.

(A) A fund is hereby established, to be maintained by the Finance Department and separately maintained from the other funds of the City, to be designated the Building Depreciation Fund (the BD Fund).

(B) The BD Fund shall be accounted for as a separate Internal Service Fund of the City.

(C) Contributions will be derived from rental income on the rental facilities from the University of Texas Rio Grande Valley from year to year,

(D) At the option of the City Commission, other sources may be used to contribute to the Fund, such as proceeds from rental of other property.

(E) Contributions shall be added to such Fund per the above criteria. Notwithstanding, nothing in this section shall be construed to mean that any contribution to the Fund is mandatory, but such will be solely at the discretion of the City Commission.

SECTION TWO. A new section under Chapter 2 Administration Section 2-281 of the Code of Ordinances of the City of Weslaco, to be known as Article XI to read in its entirety as follows:

§XXX EXPENDITURES FROM THE BUILDING DEPRECIATION FUND; PROHIBITED EXPENDITURES.

(A) The City shall develop a policy to require a complete inventory and periodic measurement of the physical condition of all existing capital assets of the City, and then appropriately plan and budget for any capital replacement needs.

(B) Withdrawals from the Fund require the authorization of the City Commission.

(C) Withdrawals from the Fund should be restricted to:

(1) pay for capital equipment replacements as presented and approved within the Building Depreciation budget approved by the City Commission for each fiscal year,

(2) make up for a severe shortfall in funds where projected revenues re not met, typically because of unexpected negative influence on revenue stream,

(3) pay for catastrophic repair events of such magnitude that the cost of such would initiate an unplanned tax or rate increase or a greater than planned tax or rate increase (i.e. increases that would not have been needed if such event had not occurred). At the time of any such withdrawal for (2) or (3), a plan to raise taxes and/or rates over a reasonable time period to a level sufficient to cover the ongoing cost of maintenance and operations should be presented to the Commission and adopted.

(D) Withdrawal from the Fund should not be allowed for the following reasons:

(1) to make any expenditure not clearly and directly for an approved capital asset defined in the asset inventory.

(2) to pay for expense made necessary because of growth, expansion, or enhancement of existing services or inflation.

(3) for the operations of the facilities.

SECTION THREE. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Weslaco, Texas, and this Ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION FIVE. This Ordinance shall become effective from and after its passage as provided by law.

PASSED AND APPROVED this the 2nd day of July 2019 at a Regular Meeting of the City Commission of the City of Weslaco, Texas.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 16th day of July 2019.

ORDINANCE 2019-25

AN ORDINANCE AMENDING ORDINANCE NUMBER 2018-27, APPROVING AND ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019, FINDING NEED TO AMEND THE 2018-2019 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 2018-2019 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 2018-2019 Official Budget, adopted by Ordinance 2018-27, 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 2nd day of July 2019.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 16th day of July 2019.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Myra L. Ayala Garza, CITY SECRETARY

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

V. OLD BUSINESS

A. Discussion and consideration to approve an amendment to the Performance Contracting Agreement between City of Weslaco, TX and Siemens Industry, Inc. dated November 21, 2017 and authorize the Mayor to execute any related documents. Possible action. (This item was tabled July 2, 2019; staffed by Engineering Department.)

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

Commissioner Muñoz seconded by Commissioner Lopez moved to approve.

Benjamin Worsham, City Engineer/Director of Planning, stated Siemens Industry is requesting to amend the agreement on how the calculations for savings associated with the HVAC Armor from kilowatt pre-impose usage to include enthalpy and the cooling load for the HVAC units. Engineering staff recommends approval. The City Manager recommended to deny stating there is no benefit to the City.

Mayor Suarez called the question, the original motion failed unanimously. Mayor Suarez was present and voting.

VI. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Beverly Amaya to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 3700 E Expressway 83 also being Lot 5, Redbird Subdivision #2, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Zenaida Guerrero, Engineering Assistant I, stated eight (8) property owners were notified and no objection received. The Planning and Zoning Commission recommended approval contingent to one security officer on duty during late hours. Staff recommended approval.

Commissioner Pedraza, seconded by Commissioner Rodriguez moved to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 3700 E Expressway 83 as presented with the condition of one security officer on duty during late hours as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration for the Final Plat for La Plazita Subdivision Phase II– being a 2.575-acre tract of land out of Farm Tract 1068, West and Adams Tract Subdivision, and a portion of Lot 4, La Plazita Subdivision, Weslaco, Hidalgo County, Texas located on FM 1015 and Mile 10 ¼ North and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Zenaida Guerrero, stated this was a proposed four (4) lot subdivision outside city limits; serviced with water by North Alamo Water Supply through a 2" waterline and sewer by on-site sewage facility. The owner is requesting a variance to the on-site sewage facility and fire hydrants requirements. The Planning and Zoning Commission recommended approval with variances. Staff recommended approval with compliance of ordinance for on-site sewage facility and fire hydrants.

Commissioner Lopez, seconded by Commissioner Pedraza, moved to approve a Final Plat for La Plazita Subdivision Phase II– being a 2.575-acre tract of land out of Farm Tract 1068, West and Adams Tract Subdivision with variances as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration on the North-side Park Master Plan and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, presented options of the park amenities that deviated from the previous master plan approved in 2017 during the preparation and submittal of grants. The proposed changes would not affect the grant award. The awarded grant monies require fitness equipment station, tennis court with lighting and fencing, basketball court with lighting, sand volleyball court with lighting, youth soccer field court, nature and hike and bike trails, splash pad and amphitheater stating total grant awards is around $1.9million. Staff has met with Gignac Architects to address current and future development. Option 1 would preserve 8.6 acres for nature trails, have the water component and soccer fields on the west side with future development on the east side for softball/baseball fields. Option 2 preserves 8.8 acres with the soccer fields on the east side. Staff recommends approval of Option 2.

In response to Mayor Suarez changes will not affect the grant monies awarded and in response to Commissioner Lopez concession stands are identified in future development only restrooms for now. In response to Commissioner Rodriguez no bleachers for soccer fields. In response to Commissioner Pedraza, the City Manager stated recommended changes has a savings; County proposes in phases the installation of a play scape and concession stands are proposed in the future.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve Option 2 for the North-side Park Master Plan as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and clarification on the interpretation of Ordinance 2018-21, Section 26-34 Drainage relating to the 50-year storm drainage requirements on existing subdivisions. Possible action. (Staffed by Engineering Department.)

Commissioner Muñoz abstained from vote and discussion and filed a conflict disclosure statement.

Commissioner Pedraza seconded by Commissioner Lopez moved to discuss.

Benjamin Worsham stated his interpretation of the ordinance is all building permits and subdivisions under the definition of development shall detain at a 50-year storm and release at a 10-year and was enforcing this requirement.

The City Manager stated the adoption of the 50-year storm was done by amending the subdivision ordinance and his interpretation of the ordinance is "new development" not subdivisions that were done under a 25-year or 10-year storm drainage detention. The concern is the ability for those developments previously approved to comply with a 50-year storm as a result of existing infrastructure or lack of area. The City Engineers interpretation is any development comply with the 50-year storm and requested clarification on how to proceed to ensure there is no liability against the City.

In response to Mayor Suarez, Ben Worsham stated the Engineering Department is requiring all development (subdivisions and building permits) adhere to a 50-year retention unless it meets the exemption of small development. The City Manager recommended consultation with City Attorney in executive session. Juan E. Gonzalez, City Attorney, stated he can provide an opinion and discuss to ensure no potential litigation. Mayor Suarez recommended to table and allow an opinion be formulated.

Commissioner Lopez seconded by Commissioner Rodriguez moved to table. The motion carried; Commissioner Muñoz abstained; Mayor Suarez was present and voting.

Mayor Pro Tem Kerr in attendance.

E. Discussion and consideration on petition from residents of Pena Avenue for the installation of speed humps and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department).

Commissioner Muñoz seconded by Commissioner Pedraza moved to approve.

Benjamin Worsham stated a petition was received for speed humps; a speed study was done for seven consecutive days and based on data collected, Pena Street does not warrant the installation of a speed hump or traffic calming devices nor does the cost sharing for the installation of a speed hump meet the requirements under the ordinance. Staff recommends denial;

In response to Mayor Suarez, percentile of traffic was an average of 27miles (both direction east-west); and would be installed mid-block of the street. The City Manager stated speed limit for the neighborhood is 30mph; no ordinance found that approved less speed and if the residents agree on cost and placement they could pay for the full installation and cost for two was $4,500. Mayor Pro Tem Kerr was concerned with liability if done by the neighborhood if the recommendation is denial.

In response to Commissioner Rodriguez; Ben Worsham stated the street is not a connector for a school and did not believe the data would change; with the development of True-Fit, Pena Street became a cut through for traffic towards FM 88; Chief Rivera stated an analysis of traffic could be done. In response to Mayor Pro Tem Kerr, Ben Worsham stated the concern was speed, but the data does not support it; in response to Commissioner Pedraza, closure of the street could result in complaints since it is a public street.

Commissioner Muñoz, seconded by Commissioner Pedraza, moved to amend the original motion to deny as recommended by staff with more patrol of the area. The motion carried unanimously; Mayor Suarez was present and voting.

VII. EXECUTIVE SESSION

At 6:47 p.m. Commissioner Lopez, seconded by Commissioner Rodriguez, moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:25 p.m. Mayor Suarez stated 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.

No action.

B. Personnel - Discussion on the organizational structure and compensation of the Engineering/Planning Department as authorized by §551.074 of the Texas Government Code.

No action.

C. Personnel - Discussion regarding the evaluation, reassignment, duties, discipline or dismissal of a police officer for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

No action.

D. Legal Consultation - Seek City Attorney opinion relating to the lawsuit with CDM as authorized by §551.071 of the Texas Government Code.

No action.

E. Legal Consultation - Seek City Attorney opinion relating to the Weslaco Fire Fighters Association Collective Bargaining Labor Agreement for October 1, 2018 - September 30, 2020 as authorized by §551.071 of the Texas Government Code.

F. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Police Union (Weslaco Municipal Police Association) as authorized by §551.071 of the Texas Government Code.

No action.

IX. ADJOURNMENT

Commissioner Muñoz, seconded by Commissioner Lopez moved to adjourn the meeting at 7:25 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

Myra L. Ayala Garza, CITY SECRETARY

MAYOR PRO-TEM, Greg Kerr

COMMISSIONER, Leo Muñoz

COMMISSIONER, Jose “J.P.” Rodriguez

VACANT
COMMISSIONER,

COMMISSIONER, Letty Lopez

COMMISSIONER, Josh Pedraza