



**MINUTES
REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 20, 2019**

On Tuesday, August 20, 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	J.P. Rodriguez
	Commissioner	Leo Muñoz
ABSENT:	Commissioner	Josh Pedraza
STAFF:	City Manager	Mike Perez
	City Secretary	Myra L. Ayala Garza
	City Attorney	Juan E. Gonzalez

Also present: Andrew Munoz, Asst. City Manager/Airport Director, Aida Vega, Deputy City Secretary; 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 Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 16, 2019.

B. Invocation.

Father Francisco J. Solis, St. Joan of Arc Catholic Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

None.

E. Roll Call.

Myra Ayala Garza, City Secretary, called the roll, noting the absence of Commissioner Pedraza and a quorum present.

II. PUBLIC COMMENTS

None.

III. PUBLIC HEARING

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to open the public hearing at 5:36 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input on behalf of Albert Hanks requesting to rezone 2701 W. Bus Hwy 83 also being Lot 1, Las Villas Apartments, Weslaco, Hidalgo County, Texas from R-2 Duplex and Apartment District to B-2 Secondary Highway Business District.

None.

B. To solicit input on behalf of Rodolfo Rodriguez requesting a Conditional Use Permit to operate an Event Center at 1609 N. International Blvd. Ste. A & B, also being Lot 4, Blk 2, La Hacienda North P.U.D. Subdivision, Weslaco, Hidalgo County, Texas.

None.

C. To solicit input on behalf of Mario Mendiola requesting a Conditional Use Permit to have live music at 400 S. Kansas Ave., also being Lot 1-6, Blk 33, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.

None.

D. To solicit input on behalf of Weslaco Bingo, LLC requesting a Conditional Use Permit to operate a Bingo hall at 2411 Texas Blvd., also being Lots 1&2, Raq=Lin Subdivision Phase I, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.

None.

E. To solicit input to amend Ordinance number 2018-02, to create an Airport Zone District, the City of Weslaco Zoning Ordinance; codified as Chapter 150 of the Weslaco Code of Ordinances, adopting new regulations; and ordaining other matters with respect to the subject matter hereof.

None.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to close the public hearing at 5:37 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 following:

- 1) Minutes of the Regular Meeting on July 16, 2019; and
- 2) Minutes of the Special Meeting on August 13, 2019; (Staffed by City Secretary's Office.)

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

1) Approval of Ordinance 2019-27, authorizing and allow under the act governing the Texas Municipal Retirement System, "updated service credits" in said system for service performed by qualifying members of such system who presently 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 and effective date for such actions and authorize the Mayor to execute any related documents. (First reading held August 6, 2019; staffed by Finance Department.)

2) Approval on Ordinance 2019-28 abandoning a portion of right-of-way of the extension of Tennessee Avenue south of Academy Street and authorize the Mayor to execute any related documents. First reading held August 6, 2019. (Staffed by City Manager Office.)

3) Approval of Ordinance 2019-29 of the City of Weslaco relating to underage drinking; imposing criminal and civil penalties and response cost; providing for codification; severability clause and an effective date and authorize the Mayor to execute any related documents. (First reading held on August 6, 2019; staffed by Police Department.)

4) Approval of Ordinance 2019-31 a budget amendment in the amount of \$92,000 for sewer line project on Pleasantview Drive and authorize the Mayor to execute any related documents. (First reading held on August 6, 2019; staffed by Engineering Department.)

C. Approval to authorize staff to solicit bids for the supply and installation of Flap Gates as part of the City of Weslaco's Master Drainage Plan. (Staffed by Engineering Department.)

D. Approval to authorize staff to solicit bids for the removal of dirt from the proposed Regional Detention Facility on South Texas. (Staffed by Engineering Department.)

E. Approval to proceed with the purchase of the evidence van as stated on the Sirchie (Contract No: GS-07F-007DA) Quote No.: MCL2101D in an amount not to exceed \$80,000.00 NO MATCH REQUIRED and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

F. Approval of the renewal of the license agreement with Mid Valley Youth Soccer League for use of Pablo G. Pena City Park Soccer Fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

G. Approval of the renewal of the License Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area for a term of four months (September 1, 2019 - December 31, 2019 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

H. Approval to amend the contract between Tyler Technologies and the City of Weslaco whereas the transaction fee for utility billings payments on-line will be reduced to .85 cents per transaction from \$1.25 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.)

I. Approval on renewal of Interlocal Agreement(s) with the following entities for Animal Care Services:

- 1) City of Donna
- 2) City of San Juan
- 3) City of Mercedes; and
- 4) City of Pharr

and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement.)

J. Approval on Resolution 2019-62 finding that AEP Texas Central Company's application for a distribution cost recovery factor to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.)

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to approve consent agenda items A, B1, B2, C, D, E, F, G, H and I withhold item B3 and J. The motion carried; Mayor Suarez was present and voting.

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

3) Approval of Ordinance 2019-29 of the City of Weslaco relating to underage drinking; imposing criminal and civil penalties and response cost; providing for codification; severability clause and an effective date and authorize the Mayor to execute any related documents. (First reading held on August 6, 2019; staffed by Police Department.)

Joel Rivera, Chief of Police, stated the final reading of the ordinance was a history making event for the City and the State of Texas; will allow the police department to enforce and deter underage drinking mentioning the ordinance has criminal penalties and recovery costs. Melissa Alvair thanked the commission for allowing them to present the social host ordinance to help reduce underaged drinking and holding individuals accountable.

Commissioner Rodriguez, seconded by Commissioner Lopez, moved to approval Ordinance 2019-29 of the City of Weslaco relating to underage drinking; imposing criminal and civil penalties and response cost; providing for codification; severability clause and an effective date. The motion carried; Mayor Suarez was present and voting.

J. Approval on Resolution 2019-62 finding that AEP Texas Central Company's application for a distribution cost recovery factor to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.)

Mayor Pro Tem Kerr abstained from vote and discussion.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve Resolution 2019-62 finding that AEP Texas Central Company's application for a distribution cost recovery factor to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company. The motion carried; Mayor Pro Tem Kerr abstained; Mayor Suarez was present and voting.

For the record following are the ordinances and resolution.



ORDINANCE 2019-27

TMRS-USC T CPI

TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY 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 FOR SUCH ACTIONS.

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

Section 1. Authorization of Updated Service Credits.

(a) On the terms and conditions set out in Sections 853.401 through 853.403 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS ACT"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who has current service credit or prior service credit in the System in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date has at least 36 months of credited service with the System, shall be and is hereby allowed "Updated Service Credit" (as that term is defined in subsection (d) of Section 853.402 of said title) in an amount that is 50% of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 853.402 of said title). The Updated Service Credit hereby allowed shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(b) On the terms and conditions set out in Section 853.601 of said title, any member of the System who is eligible for Updated Service Credits on the basis of service with this City, and who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on 1st day of January of the calendar year preceding such allowance, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said 853.601.

(c) In accordance with the provisions of subsection (d) of Section 853.401 of said title, the deposits required to be made to the System by employees of the several participating departments on account of current service shall be calculated from and after the date aforesaid on the full amount of such person's earnings as an employee of the City.

Section 2. Increase in Retirement Annuities.

(a) On terms and conditions set out in Section 854.203 of Subtitle G of Title 8, Government Code, as amended, the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of this City under current service annuities and prior service annuities arising from service by such employees to this City. An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of annuity increase under this Section is computed as the sum of the prior and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by 30% of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this ordinance.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereby.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of this City and of its account in the Benefit Accumulation Fund of the System.

Effective Date Subject to approval by the Board of Trustees of Texas Municipal Retirement System, the updated service credits and increases in retirement annuities granted hereby shall be and become effective on the 1st day of January, 2020.

ORDINANCE NO. 2019-28

AN ORDINANCE TO ABANDON THE WEST 30-FEET OF RIGHT-OF-WAY ALSO BEING TENNESSEE AVENUE ALONG THE EASTSIDE LOTS 1 THROUGH 5 BLOCK 2 EAST HOLLYWOOD SUBDIVISION, HIDALGO COUNTY, TEXAS, 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 I. Abandoning the west 30-foot right-of-way also being Tennessee Avenue along the Eastside Lot 1 through 5 Block 2 East Hollywood Subdivision, 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 6th day of August 2019.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 20th day of August 2019.

ORDINANCE NO. 2019-29

AN ORDINANCE OF THE CITY OF WESLACO RELATING TO UNDERAGE DRINKING; IMPOSING CRIMINAL AND CIVIL PENALTIES AND RESPONSE COSTS; PROVIDING FOR CODIFICATION; SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, The City of Weslaco, a Home Rule Municipality and pursuant to the powers delegated to it by the Texas Constitution and its Home Rule Charter, has the authority to enact laws which promote the public health, safety and general welfare of its residents; and

WHEREAS, the occurrence of underage drinking on gatherings involving private property is a threat to the public health, safety, quiet enjoyment of residential property and the general welfare; and

WHEREAS, Chapter 106 of the State of Texas Alcoholic Beverage Code makes it unlawful for a person under the age of twenty-one (21) years to purchase or attempt to purchase, or consume alcoholic beverages under certain circumstances and makes it unlawful for any person to sell or provide any alcoholic beverage to any person under the age of twenty-one (21) years; and

WHEREAS, in 2018 the City of Weslaco personnel responded to calls for service due to complaints involving underage drinking at gatherings;

WHEREAS, in 2018 City of Weslaco personnel issued citations to minors in possession of alcohol, and data indicates underage youth most often obtain alcohol in social gatherings; and

WHEREAS, law enforcement response to gatherings involving underage drinking causes a drain of law enforcement resources and leaves other areas of the City with inadequate law enforcement protection and results in a disproportionate expenditure of public safety resources, which are underwritten by general taxes paid to the City by its taxpayers and residents; and

WHEREAS, alcohol policy research regarding underage drinking reflects that when communities reduce youth access to alcohol, communities experience reductions in youth alcohol use and related problems and reducing youth access to alcohol from social sources have been recognized as a best practice by the Institutes of Medicine; and

WHEREAS, communities that have adopted appropriate ordinances have seen reductions in the size of gatherings, reductions in youth perception of ease of access to alcohol, and reductions in repeat calls for service for such gatherings; and

WHEREAS, the ability of law enforcement to abate gatherings where alcohol is consumed by minors on private property will help to decrease abuse of alcohol by minors, physical altercations and injuries, sexual assaults, truancy, driving under the influence of alcohol, adolescent crime, motor vehicle crashes, neighborhood vandalism and excessive noise disturbance thereby improving public safety and overall quality of life of City residents; and

WHEREAS, persons held responsible for abetting or allowing gatherings that feature underage drinking will be more likely to properly supervise or stop such conduct at gatherings held on property in their possession or under their control; and

WHEREAS, problems associated with such gatherings at which alcoholic beverages are served to, consumed by or in the possession of underage persons are more easily deterred or prevented if law enforcement has the additional legal authority to issue a citation for a fine and/ or a citation for the cost of public safety response; and

WHEREAS, the intent of this chapter is to protect the public health, safety, quiet enjoyment of residential property, and general welfare, rather than to punish. Persons who actively or passively aid, abet, or allow gatherings involving underage drinking shall be held liable for the nuisances created by such gatherings by the imposition of fine(s) for such violations and/ or the costs associated with responding to such gatherings;

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

The City of Weslaco Code of Ordinances are hereby amended by adding the following, to be known as the "Underage Drinking Ordinance", which reads in its entirety.

Chapter 11

UNDERAGE DRINKING ORDINANCE

Sections:

11.01 Title

11.02 Legislative purpose.

11.03 Legislative findings.

11.04 Definitions.

11.05 Prohibition of gatherings involving underage drinking.

11.06 Protected activities.

11.07 Violation(s) – penalties.

11.08 Imposition of cost recovery fee for public safety responses.

11.09 Hearings on the imposition of penalty and/or imposition of cost recovery fee for public safety response- Appeals.

11.10 Billing and penalty and cost recovery fee for public safety Responses-Debt to city- Enforcement.

11.11 Remedies Cumulative-Actions-Relationship to other laws.

11.01 Title.

This chapter shall be known as the "Underage Drinking Ordinance".

11.02 Legislative purpose.

The purposes of this chapter are to:

- A. Protect the public health, safety and general welfare;
- B. Promote the reduction of underage drinking by imposing a fine on persons or entities responsible for gatherings where alcohol is consumed by, served to or in the possession of underage persons;
- C. Facilitate the enforcement of laws prohibiting the service to, consumption of or possession of alcoholic beverages by underage persons; and
- D. To offset the City's costs associated with providing fire, police, and other emergency services to gatherings involving underage drinking, by imposing a fee upon the persons or entity responsible for the gathering involving underage drinking to occur on their premises, at their residences, or at rented facilities.

11.03 Legislative findings.

The recitals set forth above are incorporated herein as legislative findings by the City Council.

11.04 Definitions.

For the purpose of this chapter, the following definitions shall apply:

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, or whatever source or by whatever process produced.

"Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, ale and every liquid or solid containing alcohol, spirits, liquor, wine, beer or ale, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Juvenile" means any person less than eighteen years of age.

"Gathering involving underage drinking" means a party or gathering of two or more persons at a residence or on other private property or rented public property upon which any underage persons, including minors and juveniles, possess or consume alcoholic beverages.

"Minor" means any person less than twenty-one years of age.

"Other private property" refers to hotel or motel room; an assembly hall or meeting room; a common room of a dwelling unit used for a party (e.g., recreation room of an apartment building); a site in a privately-owned campground; privately owned vacant lot; privately owned agricultural land; or privately-owned rural land whether occupied as a dwelling, part or other

social function, and whether owned, leased, rented or used without compensation.

"Person responsible for the gathering" means and includes, but is not limited to:

1. The person who owns, rents, leases or consents to the use of the premises where the gathering occurs; and/ or
2. The person in control of the premises; and/ or
3. The person who organized the gathering. If the person responsible for the gathering is a juvenile, then the juvenile and the parents or guardians of that juvenile who knowingly permit a gathering will be jointly and severally liable for the fine and/ or for the costs incurred for public safety services pursuant to this chapter.

"Public safety services" and/ or "Response costs" means the costs associated with responses by law enforcement, fire and other emergency response providers to gatherings involving underage drinking, including but not limited to:

1. The portion of the cost of salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with the gathering(s) involving underage drinking, and the administrative costs attributable to such response(s);
2. The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a gathering involving underage drinking; and
3. The cost of the use of any equipment or property, and the cost of repairing any equipment or property damaged, in responding to, remaining at or leaving the scene of a gathering involving underage drinking.

"Residence" includes a dwelling unit such as a home, condominium or apartment; structures on the residence other than the dwelling unit such as a garage, studio, tent, boat dock, swimming pool, barn or boat house; land on the residence whether improved or unimproved such as a yard, patio, open fields, piers or lake shores; water bodies on the residence such as a pond, lake, river or stream; a motor vehicle, camper or trailer located on the residence or a boat, watercraft, or other marine vessel located on the residence whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or gathering, and whether owned, leased, rented, or used with or without compensation.

"Underage person" means any person less than twenty-one years of age and shall have the same meaning as "minor," defined above.

11.05 Prohibition of gatherings involving underage drinking.

No person shall suffer, permit or host a gathering involving underage drinking at his or her place of residence or other private property, place or premises or host a gathering of two or more persons at a public place under his or her control.

11.06 Protected activities.

This ordinance shall not apply to activities duly permitted by the State of Texas or the City of Weslaco; or to activities protected by the First or Fourteenth Amendments to the United States Constitution or other protected activity authorized by Texas Alcohol Beverage Commission.

11.07 Violation(s) – Civil penalties.

It shall be a fineable violation for a person to conduct or knowingly allow a gathering involving underage drinking where alcohol is served to, consumed by or in the possession of an underaged person on premises controlled by the person responsible for the gathering, on premises rented by or to the person responsible for the gathering, on premises where the person responsible for the gathering resides or on premises where the person responsible for the gathering is in control of such premises during the gathering. Law enforcement personnel, at his or her discretion, may immediately issue a citation for this violation. No first warning shall be required in order for law enforcement to issue a citation.

- A. Civil penalty: A first violation of this section shall result in a Notice of Violation with a Five Hundred Dollar (\$500) fine. A second violation shall result in a Notice of Violation with a Seven Hundred and Fifty Dollar (\$750) fine. A third or subsequent violation shall result in a Notice of Violation with a One Thousand Dollar (\$1,000) fine.
- B. Peace officers employed by the City of Weslaco are hereby authorized to issue Notices of Violations for violations of the Chapter. A City police officer shall give notice of a violation of this section by issuing a Notice of Violation to any and all responsible persons identified by law enforcement within thirty (30) days of the violation. The Notice of Violation shall also give notice of the right to request a Trial to challenge the validity of the Notice of Violation.
- C. The penalty prescribed in this section is in addition to any cost recovery fee for public safety responses that may be assessed pursuant to Section 11.08.
- D. In the event that the responsible person who is in violation of this section is a juvenile, then the juvenile and the parents or guardians of that juvenile who knowingly permitted a gathering will be jointly and severally liable for the violation.

11.08 Imposition of cost recovery fee for public safety responses.

In addition to any criminal penalty imposed for violation of this section, when any gathering involving underage drinking occurs at a residence or on other private property or rented public property a peace officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the peace officer shall give to the person(s) responsible for the gathering warning that a second or follow up violation of this section on the same date or within six months of the date of the warning shall result in his/her/their liability for the cost of providing public safety services (i.e., fire, ambulance, sheriff, and other emergency providers). The requirement of a first warning does not limit the ability of public safety personnel to issue a citation for the imposition of penalties for cost recovery on the same day that the warning is given if the warning does not end the gathering involving underage drinking. The cost recovery for public safety responses shall be separate and distinct from a fine for a violation described in Section 11.07.

- A. The amount of cost recovery under this subsection shall be the response costs.
- B. The City of Weslaco Police Department shall develop a schedule of costs for use in determining response costs subject to this Chapter.
- C. In the event that the responsible person who is in violation of this section is a juvenile, then the juvenile and the parents or guardians of that juvenile who knowingly permitted the gathering will be jointly and severally liable for the imposition of penalties for the cost of providing public safety services.
- D. If there is more than one responsible person for the gathering then each responsible person shall be jointly and severally liable for the penalty and/ or for the costs incurred for public safety services pursuant to this chapter.
- E. Recovery fee(s) shall not be imposed for the medical response costs in those situations where those present at the gathering call for emergency services for an actual emergency at the premises.

11.09 Hearings on the imposition of fine and/or imposition of cost recovery fee for public safety response-Appeals.

A. The City Commission hereby appoints the person holding the position of Municipal Judge as the Administrative Hearings Officer ("Hearings Officer") to learn imposition of civil cost recovery.

B. Any person subject to a penalty pursuant to Section 11.07 or subject to a cost recovery fee for public safety responses pursuant to Section 11.08 shall have the right to request an administrative hearing within forty-five (45) days of the issuance of a Notice of Violation. To request such a hearing, the person requesting the hearing shall notify the mailing clerk in writing within forty-five (45) days of the issuance of the citation.

C. The Municipal Judge is delegated the power and duty to hear any appeal hearing under Section 11.09. The Municipal Judge shall conduct a hearing on the matter within ninety days (90) of the request for the hearing unless

one of the parties requests a continuance for good cause. The Municipal Judge shall render a decision within thirty days (30) of the conclusion of the hearing. The Municipal Judge shall have the sole authority for sustaining or overturning a Notice of Violation or imposition of response costs issued under this Chapter. The decision of the Municipal Judge shall be final; subject to any applicable law.

11.10 Billing and penalty and cost recovery fee for public safety responses--Debt to City-Enforcement.

A. The amount of the penalty and/ or cost recovery fee for public safety responses shall be deemed a debt owed to the City by the person responsible for the gathering, and, if that person is a juvenile, then also his/her parents or guardians who knowingly permitted the gathering. Any person owing such penalty and/ or fees shall be liable in an action brought in the name of the City for recovery of such penalty and/ or fees. The Police Chief shall mail notice via certified mail within twenty (20) days of the response for which the person is liable giving rise to such costs. The Police Chief shall calculate and compile an itemized list of applicable response costs. The notice shall contain the following information:

1. The name(s) of the person(s) being held liable for the payment of such costs;
2. The address of the residence or other private property where the gathering involving underage drinking occurred;
3. The date and time of the response;
4. The law enforcement, fire and/ or emergency service responder who responded;
5. The date and time of any previous warning given pursuant to Section 11.08;
6. An itemized list of the response costs for which the person(s) is liable;
7. Information regarding the date payment is due; and
8. The right to request an administrative hearing to challenge the imposition of response costs and/ or penalties.

The responsible person must remit payment of the noticed costs and/ or penalties to the City within forty- five (45) days of the notice thereof. The payment of any such costs shall be stayed upon a timely request for an administrative hearing made pursuant to Section 11.09.

B. City Council shall have the authority to file any action or proceeding to recover such penalties, public safety response costs, expenses and/ or penalties, and take any other actions at law which he may deem necessary to recover same.

11.11 Remedies Cumulative-Actions-Relationship to other laws.

A. The remedies provided under this chapter are cumulative, and shall not restrict the City to any other remedy to which it is entitled under law or equity. Nothing in this chapter shall be deemed to preclude the imposition of any criminal penalty under state law. Nor shall anything in this chapter be deemed to conflict with any penalty or provision under state law, or prohibit any conduct authorized by the state of federal constitution.

B. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

C. This Ordinance shall be immediately upon its final passage and any publication in accordance with the City Charter and the laws of the State of Texas.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 6th day of August 2019.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 20th day of August 2019.

ORDINANCE 2019-31

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 6th day of August 2019.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 20th day of August 2019.

RESOLUTION NO. 2019-62

A RESOLUTION OF THE CITY OF WESLACO TEXAS FINDING THAT AEP TEXAS INC.'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about May 1, 2019, AEP Texas Inc. ("AEP Texas" or "Company"), pursuant to Public Utility Regulatory Act ("PURA") §§ 33.001 and 36.001 filed with the City of Weslaco ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective June 5, 2019; and

WHEREAS, the City is an electric utility customer of AEP Texas and a regulatory authority [with exclusive original jurisdiction] over the rates and charges of AEP Texas within the City; and

WHEREAS, the City is a member of the Cities Served by AEP Texas ("Cities"), a membership of similarly situated cities served by AEP Texas that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP Texas' service area; and

WHEREAS, Cities is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review AEP Texas' filing; and

WHEREAS, pursuant to its exclusive original jurisdiction over AEP Texas' rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the City's attorneys and consultants recommend that the City deny the application.

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

SECTION 1. That the rates proposed by AEP Texas in an application submitted to the City by the Company on or about May 1, 2019, are hereby found to be unreasonable, and are denied.

SECTION 2. That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

SECTION 3. That Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

SECTION 6. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (jffrederick@aep.com), and to

Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this 20th day of August 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. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Albert Hanks to approve Ordinance 2019-32 to rezone 2701 W. Bus Hwy 83. Also being Lot 1, Las Villas Apartments, Weslaco, Hidalgo County, Texas from R-2 Duplex and apartment district to B-2 Secondary highway business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-32. Possible action. (Staffed by Planning and Code Enforcement Department.)

Rebekah de la Fuente, Assistant Planning Director, stated eleven (11) property owners notified; no objection received; proposed use will be a commercial plaza. The Planning and Zoning Commission and staff recommended approval.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to approve Ordinance 2019-32 to rezone 2701 W. Bus Hwy 83 on first reading as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration after public hearing on behalf of Rodolfo Rodriguez to approve a Conditional Use Permit to operate an event center at 1609 N. International Blvd. Ste. A & B, also being Lot 4, Blk 2, La Hacienda North P.U.D. Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Rebekah de la Fuente stated twenty-nine (29) property owners notified; no objection received; proposed use would be for small events. The Planning and Zoning Commission and staff recommended approval.

In response to Mayor Suarez; parking is adequate; in response to Commissioner Muñoz an event center in a commercial zone requires a conditional use permit.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez, moved to approve a Conditional Use Permit to operate an event center at 1609 N. International Blvd. Ste. A & B, as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration after public hearing on behalf of Mario Mendiola to approve a Conditional Use Permit to live music at 400 S. Kansas Ave., also being Lot 1-6, Blk 33,

Weslaco Original Townsite, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Rebekah de la Fuente stated twenty-one (21) property owners notified; no objection received; applicant proposes to have a food vendor truck with music. The Planning and Zoning Commission and staff recommended approval.

Commissioner Lopez seconded by Mayor Pro Tem Kerr moved to approve a Conditional Use Permit to live music at 400 S. Kansas Ave as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration after public hearing on behalf of Weslaco Bingo, LLC to approve a Conditional Use Permit to operate a Bingo hall at 2411 Texas Blvd., also being Lots 1&2, Raq=Lin Subdivision Phase I, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Muñoz abstained from vote and discussion.

Rebekah de la Fuente stated twenty-six (26) property owners notified; no objection received; applicant proposes to operate a bingo hall. The Planning and Zoning Commission and staff recommended approval

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to approve a Conditional Use Permit to operate a Bingo hall at 2411 Texas Blvd as presented. The motion carried; Commissioner Muñoz abstained; Mayor Suarez was present and voting.

E. Discussion and consideration on the Final Plat for Lockheart Subdivision– being a 2.12 acre tract of land being a portion of Farm Tract 284, West Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 310 feet South of Orlando Tijerina Rd. along Martin Morales Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Rebekah de la Fuente stated this was a two (2) lot subdivision outside city limits; serviced with water by North Alamo Water Supply through a 4” waterline and sewer by On-Site Sewage Facilities (OSSF). The property owner was granted variance for OSSF and drainage. The Planning and Zoning Commission and staff recommended approval stating drainage detention will be provided by excavating the existing drainage ditch along the east side of the subdivision and dedicating 75.0 feet of right of way from the centerline and acceptable to staff.

In response to Commissioner Muñoz, the development is within the City’s ETJ; drainage is compensated by developer widening an existing drainage ditch owned by Hidalgo County Irrigation Drainage District 1 who has no objection.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to approve the Final Plat for Lockheart Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration for the Final Plat for Las Villas Estates– being a 40-acre tract of land out of Farm Tract 323, Blk 130 West Tract Subdivision, Weslaco, Hidalgo County, Texas located on the Northeast corner of Mile 12 ½ N. & Mile 4W and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Rebekah de La Fuente stated this was a proposed sixty (60) lot subdivision outside city limits; serviced with water by city and sewer by OSSF; owner was granted variance for off-site drainage detention and sanitary sewer. The Planning and Zoning Commission and staff recommended approval.

In response to Commissioner Muñoz, lots are half acres.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to approve Final Plat for Las Villas Estates– being a 40-acre tract of land out of Farm Tract 323, Blk 130 West Tract Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration to approve Ordinance 2019-33 for the voluntary annexation of Westwood Gardens Subdivision - being 29 acres out of Farm Tract No. 655, West Tract Subdivision out of Llano Grande Grant, Weslaco, Hidalgo County, Texas located on the Southwest corner of Mile 6 ½ West Road and Mile 7 North and authorize the Mayor to execute any related documents. First Reading of Ordinance 2019-33. Possible action. (Staffed by Planning and Code Enforcement Department.)

Rebekah de la Fuente stated the development is a one hundred seven (107) lot subdivision; developer is requesting voluntary annexation; property being serviced with City water through a 8-inch waterline and sewer through a 12-inch sewer line. The Planning and Zoning Commission and staff recommended approval for the voluntary annexation.

Commissioner Rodriguez seconded by Commissioner Muñoz moved to approve Ordinance 2019-33 for the voluntary annexation of Westwood Gardens Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration on Ordinance 2019-34 amending Ordinance number 2018-02, to create an Airport Zone District for the City of Weslaco zoning ordinance; codified as chapter 150 of the Weslaco Code of Ordinances, adopting new regulations; and ordaining other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-34. Possible action. (Staffed by Airport.)

Andrew Muñoz, Asst. City Manager/Airport Director, stated the ordinance establishes overlay zones; establishes the Planning and Zoning Board as the decision-making body for the airport advisory board when permitting issues arise within the overlay zones and sets height restrictions; protects airspace in and around the airport. Staff recommended approval.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to approve Ordinance 2019-34 amending Ordinance number 2018-02, to create an Airport Zone District for the City of Weslaco as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to approve the Interlocal Agreement between the City of Weslaco and the City of Mercedes, Texas regarding the housing of prisoners in the City of Weslaco municipal jail and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Police Department)

Joel Rivera, Chief of Police, stated the City of Mercedes is requesting assistance to house inmates on a temporary basis; Mercedes will pay reasonable fees; legal has reviewed and approved. Staff recommends approval of the Interlocal Agreement.

In response to Commissioner Rodriguez; Chief Rivera stated housing of inmates can be accommodate and will be eight to nine months; Mercedes Police Department will transport inmates to Weslaco.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve the Interlocal Agreement between the City of Weslaco and the City of Mercedes, Texas regarding the housing of prisoners in the City of Weslaco municipal jail as presented. The motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration to accept the calculation of effective and rollback tax rates for 2019 tax year by Hidalgo County Tax Assessor-Collector Pablo "Paul" Villarreal. Possible action. (Staffed by Finance Department.)

Vidal Roman, Finance Director, presented the 2019 tax rate calculation worksheet as submitted by the Hidalgo County Tax Assessor; effective tax rate \$0.6601/100 valuation; a one percent tax increase of \$0.6667 generates an additional tax levy of \$115,340 and a one cent increase would generate \$174,757; roll back tax rate of \$0.7167 generates \$989,126 and will requires an election. Staff recommends a proposed rate of \$0.6967 representing an increase of three cents as voted by the citizens on the bond election held and will generate \$639,611.00 additional revenues; public hearings will be held September 3 and 10 with adoption of tax rate on September 17. Staff recommends acceptance of the calculated rates.

In response to Commissioner Muñoz, the City Manager stated the three cent increase was voted by the citizens and could not be modified to a lesser amount but next year could be reduced if bond rates are lower.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to approve and accept the calculation of effective and rollback tax rates for 2019 tax year as presented. The motion carried unanimously; Mayor Suarez was present and voting.

K. Discussion and consideration to approve Resolution 2019-60 proposing an ad valorem tax rate and setting dates on which the Commission will hold public hearings, and a date to adopt the 2019-2020 ad valorem tax rate and authorize the Mayor to execute any related documents. Roll call vote. Possible action. (Staffed by Finance Department.)

Vidal Roman stated based on budget preparations, revenue projections, and drainage bond issuance, the recommendation is to propose \$0.6967 as the ad valorem tax rate, which incorporates the additional .03cents as voted by the citizens and proposed rate does not exceed the rollback tax

rate. The public hearings are scheduled September 3 and September 10 with adoption of the tax rate on September 17 by roll call vote.

Mayor Pro Tem Kerr seconded by Commissioner Lopez, moved to approve Resolution 2019-60 proposing an ad valorem tax rate \$0.6967 and setting dates on which the Commission will hold public hearings and a date to adopt the 2019-2020 ad valorem tax rate. By roll call vote, the motion carried; Mayor Suarez was present and voting.

RESOLUTION NO. 2019-60

RESOLUTION OF THE CITY OF WESLACO, TEXAS PROPOSING AN AD VALOREM TAX RATE; SETTING A DATE ON WHICH THE COMMISSION WILL ADOPT THE 2019-2020 AD VALOREM TAX RATE AND SETTING DATES FOR PUBLIC HEARINGS, IF NECESSARY.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO:

- 1) The maximum proposed ad valorem tax rate that the Commission will consider for Fiscal Year 2019-2020 is .6967 cents per \$100 taxable value; and
- 2) If the calculation of the effective and rollback tax rates results in a rate that is lower than the proposed rate, the City Commission will consider the proposed rate at two public hearings as follows: First Public Hearing – September 03, 2019; and Second Public Hearing –September 10, 2019; and
- 3) The City Commission will adopt the Fiscal Year 2019-2020 ad valorem tax rate at 5:30 p.m. on September 17, 2019, at the Weslaco City Commission Legislative Chambers, 255 S. Kansas Avenue, Weslaco, Texas.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:
PASSED AND APPROVED on this 20th day of August 2019.

CITY OF WESLACO
/s/David Pro Tem Kerr, MAYOR

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

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

L. Discussion and consideration to approve Resolution 2019-61 approving the Housing Authority of the City of Weslaco to enter into an agreement with Housing Authority of County of Hidalgo for the development, construction and operation of the proposed Primrose Village Apartments within the City limits of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

Sunny Phillip, Executive Director STCHD, stated the development began as a co-development between the South Texas Collaborative Housing Development (STCHD) and the Weslaco Housing Authority subsidiary, Weslaco Housing Opportunity Corporation (WHOC) that has since withdrawn their participation. The Authority of the County of Hidalgo was approached for co-development and agreed but needs approval from the City and Weslaco Housing Authority and requested favorable consideration to the resolution that would support a cooperation agreement between Weslaco Housing Authority subsidiary, Weslaco Housing Opportunity Corporation and

Housing Authority of the County of Hidalgo stating the Weslaco Housing Authority and Housing Opportunity Corporation approved the agreement as well as the resolution.

In response to Commissioner Muñoz, the City would not be a party to the agreement only needs approval from the City as the development is within City jurisdiction.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to approve Resolution 2019-61 approving the Housing Authority of the City of Weslaco to enter into an agreement with Housing Authority of County of Hidalgo for the development, construction and operation of the proposed Primrose Village Apartments within the City limits of Weslaco as presented. The motion carried unanimously; Mayor Suarez was present and voting.

RESOLUTION 2019- 61

A RESOLUTION OF THE CITY OF WESLACO APPROVING THE HOUSING AUTHORITY OF THE CITY OF WESLACO ENTERING INTO A COOPERATION AGREEMENT WITH THE HOUSING AUTHORITY OF THE COUNTY OF HIDALGO FOR THE DEVELOPMENT, CONSTRUCTION AND OPERATION OF THE PRIMROSE VILLAGE APARTMENTS WITHIN THE CITY LIMITS OF THE CITY OF WESLACO.

WHEREAS, the City of Weslaco established the Housing Authority of the City of Weslaco for the purpose of providing quality safe and affordable housing to low-and moderate-income people; and

WHEREAS, the Housing Authority of the City of Weslaco and the Housing Authority of the Hidalgo County provide safe, affordable housing to people of need within the City of Weslaco and the County of Hidalgo respectively; and

WHEREAS, the Texas Local Government Code requires that the Housing Authority of the City of Weslaco and the Housing Authority of the County of Hidalgo enter into a Cooperation Agreement if the Hidalgo County Housing Authority is to undertake operations within the area of operation of the Housing Authority of the City of Weslaco; and

WHEREAS, the Housing Authority of the City of Weslaco desires to allow the Housing Authority of the Hidalgo County to develop, construct and operate the Primrose Village Apartments, a tax-exempt affordable housing development consisting of up to 242 housing units to be constructed and operated on that certain tract of real property consisting of approximately 17.46 acres of land to be known as Lot 1, J.O.W. Subdivision, Weslaco, Hidalgo County, Texas within the area of operation of the WHA for the purpose of providing quality safe and affordable housing to low and moderate income people, and desires to enter into a mutually acceptable Cooperation Agreement for those purposes;

WHEREAS, the City Commission of the City of Weslaco has determined that development of Primrose Village Apartments consisting of affordable housing will benefit the low-to-moderate income residents of the City of Weslaco with safe and affordable housing.

NOW, THEREFORE, BE IT RESOLVED that **THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** City of Weslaco approves the Housing Authority of the City of Weslaco entering into a cooperation agreement with the Housing Authority of the County of Hidalgo for the development, construction, and operation of Primrose Village Apartments within the city limits of the City of Weslaco.

PASSED AND APPROVED on this 20th day of August 2019.

CITY OF WESLACO
/s/David Pro Tem Kerr, MAYOR

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

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

M. Discussion and consideration to amend the Thoroughfare Map to add Dragon Fly Street as a connector street from Expressway (frontage road) to Pike Boulevard and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

The City Manager recommended approval to amend the Thoroughfare Map and add Dragon Fly as a connector street from Expressway 83 (frontage road) to Pike Boulevard.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez, moved to approve and amend the Thoroughfare Map to add Dragon Fly Street as a connector street from Expressway (frontage road) to Pike Boulevard as presented. The motion carried unanimously; Mayor Suarez was present and voting.

N. Discussion and consideration on request from Total Commitment Construction for funds not to exceed \$100,000.00 for completion of the Pleasant View sewer line improvements project (Lift Station #27) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

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

Benjamin Worsham, City Engineer, stated the project began in 2016 for a contract amount of \$167,149; change order number one was approved January 2017 in the amount of \$56,000 and change order number two was approved July 2017 in the amount of \$100,000 with a current contract amount of \$323,149. Contractor is requesting change order number three.

Pedro Gutierrez, contractor stated the project was for sewer line improvements for a proposed development on Pleasant View; the project had unforeseen circumstances that included sewer line be shifted into the street; depth of water table during construction of the waterline difficult and costly; need for ditch crossing done that included boring and dewatering and the flooding event in June and more heavy rains occurred; near completion of the project and needs assistance as the project cost have exceeded over \$700,000 for him.

Commissioner Muñoz voiced concern on the request for additional funds; change order two was approved with an understanding no other requests to come. The City Manager recommended a reimbursement agreement anyone connecting into the sewer line will reimburse the City. Commissioner Muñoz stated he would consider approving on a definite cost; project completed. In response to Commissioner Rodriguez change order number two was for dewatering that is still ongoing. City Manager recommended to consider the request upon completion of the project.

Commissioner Muñoz seconded by Commissioner Lopez moved to table until completion of the project. The motion carried unanimously; Mayor Suarez was present and voting.

VI. EXECUTIVE SESSION

At 6:35 p.m. Mayor Pro Tem Kerr, seconded by Commissioner Lopez, moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:08 p.m. Mayor Suarez stated 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.

No action.

B. 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.

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

No action.

D. Legal Consultation - Seek City Attorney opinion on the interpretation of Ordinance 2018-21, Section 26-34 Drainage relating to the 50-year storm drainage requirements on existing subdivisions as authorized by section §551.071 of the Texas Government Code.

No action.

E. Contract Negotiations – Discussion and possible action on proposed union contract 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.

Commissioner Muñoz, seconded by Mayor Pro Tem Kerr moved to approve the negotiated Collective Bargaining Agreement with the Police Union (Weslaco Municipal Police Association) for October 1, 2019 – October 1, 2021.

F. Legal Consultation - Consultation with City Attorney on termination of contract with Republic Services for Solid Waste Collection and Disposal Services as authorized by section §551.071 of the Texas Government Code.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez moved to approve

G. Real Property – Consultation with City Attorney on the purchase of real property located at 503 Dawson Street and legally described as West Tract E-1.33 acres out of W-5 acres out of the S-10 acres out of the N-20 acres of Farm Tract 685, Weslaco Hidalgo County, Texas as authorized by §551.072 of the Texas Local Government Code.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez, moved to authorize the City Manager to proceed as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

H. Real Property– Consultation with City Attorney on the sale of real property legally described as Lot 4, Block 143, West Tract Subdivision located in the 2400 Block of N. Texas Boulevard as authorized by §551.072 of the Texas Local Government Code.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez, moved to authorize the City Manager to proceed as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. ADJOURNMENT

Commissioner Muñoz, seconded by Commissioner moved to adjourn the meeting at 8:08 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

ABSENT
COMMISSIONER, Josh Pedraza