



**MINUTES
REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 6, 2019**

On Tuesday, August 6, 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 Pro Tem	Greg Kerr
	Commissioner	Letty Lopez
	Commissioner	J.P. Rodriguez
	Commissioner	Leo Muñoz
ABSENT:	Mayor	David Suarez
STAFF:	Asst. City Manager	Andrew Munoz
	Deputy City Secretary	Aida Vega
	City Attorney	Juan E. Gonzalez

Also present: Molly Valley, 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; Molly Vallejo, Secretary; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Pro Tem Kerr called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 2, 2019.

B. Invocation.

Pastor Timothy Aguiar, Open Door Baptist Church, led the invocation.

C. Pledge of Allegiance.

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

D. Mayoral Recognition.

None.

E. Roll Call.

Aida Vega, Deputy City Secretary, called the roll, noting at the time of roll call the absence of Mayor Suarez and Commissioner Rodriguez and a quorum present.

II. PUBLIC COMMENTS

None.

III. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Special Meeting on July 23, 2019. (Staffed by City Secretary Department.)

B. Approval of the renewal of the Host Agency Agreement with AARP Foundation for the Senior Community Service Employment Program at no cost to the City and authorize the Mayor to execute any related documents. (Staffed by Human Resources Department.)

C. Approve Interlocal Participation Agreement for the GoodBuy Purchasing Cooperative between GoodBuy and the City of Weslaco to facilitate compliance with state bidding requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings, for Program Members and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

D. Approve Interlocal Agreement between the City of Weslaco and South Texas College to enter into cooperative agreement to provide the terms and conditions for the use, maintenance, and operation of "Tyler Technologies New World Computer Aided Dispatch (CAD) and Records Management System RMS", hereinafter referred to as "New World" for law enforcement dispatch services and authorized the Mayor to execute any related documents. (Staffed by Police Department.)

E. Approval to purchase turnkey package, a 2020 Chevrolet Malibu Fleet vehicle for the Weslaco Police department in an amount not to exceed \$22,000 out of capital outlay budget and authorize the Mayor to execute any relate documents. Funds allocated for this purchase are currently available in Account line Item: 101-5202-550100 Capital Outlay. (Staffed by Police Department.)

F. Approval on first reading 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 of Ordinance 2019-27. (Staffed by Finance Department.)

G. 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 of Ordinance 2019-28. (Staffed by City Manager Office.)

H. Approval on the purchase of Panasonic Toughbook Laptop Computers for the Weslaco Police Department Patrol Division using DIR contract as budgeted in an amount not to exceed \$48,816 and authorize the Mayor to execute any related documents. (Staffed by Information Technology.)

I. Approval of an agreement between South Texas Vo-Tech and the City of Weslaco Public Library to allow for employment of Federal work-study students and authorize the Mayor to execute any related documents. (Staffed by the Library Department.)

Commissioner Muñoz, seconded by Commissioner Lopez moved to approve consent agenda items A through I as presented. The motion carried; Mayor Pro Tem Kerr was present and voting.

IV. OLD BUSINESS

A. 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. (This item was tabled on July 16, 2019; staffed by Engineering Department.)

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

Juan E. Gonzalez, City Attorney, requested for consultation in executive session and no action at this time.

V. NEW BUSINESS

A. Discussion and consideration to approve an 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 of Ordinance 2019-29. Possible action. (Staffed by Police Department.)

Joel Rivera, Chief of Police, stated similar action has been adopted by City of Alton and Palmview; describes underage drinking as more than a gathering of two at his or her residence or public place in their control; imposes criminal and civil penalties; describes due process and cost recovery. The ordinance has been reviewed and approved by legal. Staff recommended approval.

Melissa, Alviar, Behavioral Health Solutions of South Texas, shared statistics and success in other cities, focuses on underage drinking awareness; promote a drug free environment; the WISD School supports the coalition; the goal is to protect the youth. Stated educational presentations will be done to stress accountability and responsibilities of hosting a social event; trainings to the public and law enforcement will be done and further stated communities who have implemented the social host ordinance have seen a positive impact.

In response to Commissioner Muñoz and Commissioner Pedraza; Ms. Alviar, stated the ordinance outlines accountability of the individual hosting gatherings and encourages underage drinking because it's their event; awareness through parent conferences, trainings to the educators, students and health fairs would be done.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve Ordinance 2019-29 on first reading. The motion carried unanimously; Mayor Pro Tem Kerr was present and voting.

B. Discussion and consideration to renew Health Insurance including EAP with Blue Cross Blue Shield and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.)

Veronica Ramirez, Human Resources Director, recommended to renew; represents a 4.1 increase and the plan rates are either HMO or PPO.

In response to Commissioner Pedraza, staff stated the increase is reasonable considering the losses; Blue Cross was awarded in 2017 for one year with optional one-year renewals (two). This would be the last renewal and bids will be solicited next year. Ms. Araceli Garza, BCBS Representative, staff negotiated the rate from just over 10% to the 4.1. In response to Commissioner Muñoz there was no rate increase last year.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve and renew Health Insurance including EAP with Blue Cross Blue Shield as presented. The motion carried unanimously; Mayor Pro Tem Kerr was present and voting.

C. Discussion and consideration to renew Supplemental Insurance including 125 Cafeteria plan and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.)

Veronica Ramirez, recommended approval to renew the carriers for the supplemental insurances to include the 125 Cafeteria plan. There is no increase in any of the voluntary products and no cost to the city that include Ameriflex-FSA/125; Colonial Life-Cancer/Critical Illness; Cigna-Accident; Eyetopia-Vision; Blue Cross Blue Shield-Dental and The Standard-short/long term disability and term life & ADD.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve and renew Supplemental Insurance carriers including 125 Cafeteria Plan as presented. The motion carried unanimously; Mayor Pro Tem Kerr was present and voting.

D. Discussion and consideration to renew Life and AD&D and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.)

Veronica Ramirez stated rates remained the same and this was the group life insurance benefit for the all employees. Staff recommended approval to renew with Dearborn National.

In response to Commissioner Lopez; face value of benefit is \$100,000.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve and renew Life and AD&D with Dearborn National as presented. The motion carried unanimously; Mayor Pro Tem Kerr was present and voting.

E. Discussion and consideration to renew the Workers Compensation Insurance with Texas Municipal League Intergovernmental Risk Pool (TMLIRP) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.)

Veronica Ramirez stated there was a decrease of \$70,652.00; past rate contribution was \$263, 916 this year is \$193,264; modifier also down from a .67 to a .46 and recommended approval to renew the Workers Compensation Insurance with Texas Municipal League Intergovernmental Risk Pool (TMLIRP).

In response to Commissioner Muñoz; decrease attributed to trainings for employees and managers by consultant done quarterly and a high year loss was dropped. In response to Commissioner Lopez payroll increased as a result of hiring's but not significantly.

Commissioner Muñoz seconded by Commissioner Lopez moved to approve and renew the Workers Compensation Insurance with Texas Municipal League Intergovernmental Risk Pool (TMLIRP) as presented. The motion carried unanimously; Mayor Pro Tem Kerr was present and voting.

F. Discussion and consideration of Ordinance 2019-30 on First and final reading approving a negotiated resolution between the City and Texas Gas Service regarding the company's Cost of Service Adjustment tariff filing; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance; and requiring delivery of this ordinance to the company and the City's legal counsel and authorize the Mayor to execute any related documents. Possible action. First and final reading of Ordinance 2019-30. (Staffed by Finance Department.)

Vidal Roman, Finance Director, recommended approval stating the negotiated rate was found to be reasonable by the consultant and attorneys hired by the cities. The residential rate will increase by .50 cents and commercial will be \$15.04 per cubic usage.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve Ordinance 2019-30 on First and final reading approving a negotiated resolution between the City and Texas Gas Service regarding the company's Cost of Service Adjustment tariff. The motion carried unanimously; Mayor Pro Tem Kerr was present and voting.

For the record following is the ordinance.

ORDINANCE NO. 20019-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESLACO, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND TEXAS GAS SERVICE ("TGS" OR "THE COMPANY") REGARDING THE COMPANY'S APRIL 30, 2019 COST OF SERVICE ADJUSTMENT ("COSA") FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING NEW TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY'S AND TGS' REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY'S AND THE CITY'S LEGAL COUNSEL.

WHEREAS, the City of Weslaco, Texas ("City") is a gas utility customer of Texas Gas Service ("TGS" or "the Company"), and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, pursuant to the terms of the agreement settling TGS' 2017 Statement of Intent to increase rates, to which City was a signatory, the City and other municipalities within the Rio Grande Valley Service Area and TGS worked collaboratively to develop the Cost of Service Adjustment ("COSA") tariff that allows for an expedited comprehensive rate review process; and

WHEREAS, on or about April 30, 2019, TGS filed with the City a COSA tariff seeking to increase natural gas rates to all customers residing in the City; and

WHEREAS, the Company has requested a system-wide increase of \$2,161,343; and

WHEREAS, the City coordinated a review of TGS' COSA filing and designated attorneys and consultants to resolve issues in the Company's COSA filing; and

WHEREAS, the Company has filed evidence that existing rates are unreasonable and should be changed; and

WHEREAS, independent analysis by the City's rate expert concluded that TGS is able to justify an increase over current rates; and

WHEREAS, the City's attorney and consultant recommend that the City approve the Settlement Agreement reflecting increased revenues of \$2,087,516 on a system-wide basis; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by the City and are just, reasonable, and in the public interest; and

WHEREAS, the negotiated resolution of the Company's COSA filing and the resulting rates are, as a whole, in the public interest; and

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

Section 1. That the City Council finds that the existing rates for natural gas service provided by TGS are unreasonable and the new tariffs implementing this Ordinance, which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

Section 2. That a rate increase of \$2,087,516 on a system-wide basis is reasonable.

Section 3. That TGS shall reimburse the reasonable ratemaking expenses of the City in processing the Company's rate application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That the tariffs attached as Attachment A to this Ordinance shall become effective for meters read on and after July 29, 2019 consistent with the COSA tariff.

Section 8. That a copy of this Ordinance shall be sent to TGS, care of Stephanie Houle, 1301 South Mopac, Suite 400, Austin, Texas 78746, and to Thomas L. Brocato, Special Counsel to the City, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED on first and final reading this 6th 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

G. Discussion and consideration to approve Ordinance 2019-31 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 of Ordinance 2019-31. Possible action. (Staffed by Engineering Department)

Rebekah De La Fuente, Senior Planner, stated this is the remaining contract balance for the project and recommended approval of the budget amendment.

In response to Commissioner Muñoz, work almost completed; payment of \$50,000 will be done and remaining balance upon final completion of project as agreed on contract terms.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve Ordinance 2019-31 budget amendment in the amount of \$92,000 for sewer line project on Pleasantview Drive. The motion carried unanimously; Mayor Pro Tem Kerr was present and voting.

H. Discussion and consideration to approve the Interlocal Agreement with Hidalgo County Precinct 1 on cost participation for roadway improvements not to exceed \$55,104.78 for Mile 10 from Westgate Drive (Mile 6) to FM 88 (Mile 5) project and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

Andrew Munoz, Assistant City Manager/Airport Director, stated this is the ongoing roadway expansion project for Mile 10 and recommended approval of the city's cost share participation as presented.

In response to Commissioner Muñoz; staff would need to verify if there was any stipulation in the agreement for payment such as completion of right-of-way acquisition; funding was requested by the County as they are ready to proceed with this phase of the roadway improvement.

Staff recommended to table.

Commissioner Pedraza seconded by Commissioner Lopez moved to table the item. The motion carried unanimously; Mayor Pro Tem Kerr was present and voting.

I. Discussion and consideration to approve Allowance Expenditure Authorization No. 1 for the North Side Fire Station Project as presented by Alvarado Architects and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)

Commissioner Muñoz abstained from vote and discussion.

Eli Alvarado, Alvarado Architects & Assoc, Inc., stated the city has an allowance for contingency funds in the amount of \$50,000 for the project and any changes that would increase/decrease the funds need commission approval.

Andrew Muñoz stated as the project is progressing, staff has been able to identify cost savings by making changes. The changes were reviewed and agreed with by the contractor, city and architect and require commission approval before the contractor can move forward. Staff recommends approval as submitted by the Architect and represents a cost savings.

In response to Mayor Pro Tem Kerr; staff stated primary cost savings were roofing material changes and waterline relocation for the Fire Marshalls office; small changes included electrical, removal of fire hydrant and type of insulation of roofing material. In response to Commissioner Pedraza, the changes would increase the owner's contingency from \$50,000 to \$55,688.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve Allowance Expenditure Authorization No. 1 for the North Side Fire Station Project as presented by Alvarado Architects. The motion carried; Commissioner Muñoz abstained; Mayor Pro Tem Kerr was present and voting.

J. Discussion and consideration to approve Allowance Expenditure Authorization No. 2 for the North Side Fire Station Project as presented by Alvarado Architects and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)

Commissioner Muñoz abstained from vote and discussion.

Eli Alvarado, Architect, stated budgeted monies for the test and balance of the HVAC system was \$10,000 and monies spent were \$1,950.00. Andrew Munoz stated the cost savings will increase the contingency fund and recommended approval.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve Allowance Expenditure Authorization No. 2 for the North Side Fire Station Project as presented by Alvarado Architects as presented. The motion carried; Commissioner Muñoz abstained; Mayor Pro Tem Kerr was present and voting.

K. Discussion and presentation of exterior colors as presented by Alvarado Architects for the North Side Fire Station Project. (Staffed by Airport.)

Eli Alvarado stated project is 35% complete; at project site weekly; reports submitted on progress; presented exterior colors for the metal wall panels, roofing, roofing main canopy, stucco, and masonry spilt face block and masonry-brick.

Commissioner Muñoz commented on the height of the building name seemed below the top of the doorway and be higher to avoid vandalism. Eli Alvarado stated this will be brought back for official name of the building and adjustments made at that time.

No action item was presentation only.

VI. REPORTS

A. Report by Weslaco Area Chamber of Commerce.

Barbara Jean Garza, CEO, went over advertising stated a slight increase resulting of membership fees for area hotels; upgrading website; visitors for the month totaled 1,078 includes out-of-state with common requests for maps; twelve facility reservations; looking to update facility; launching new campaign “We Got This” that promotes key tourism such as nature, history and arts and culture of Weslaco. Coordinating a Weslaco Business Expo and Job Fair with Workforce Solutions on September 6, 2019.

B. Report by Economic Development Corporation of Weslaco.

Marie McDermott reported on grand opening of CiLogistics; ongoing workforce training for Weslaco companies; audit requested for incentive agreement for UTRGV CIC project; budget preparations underway and summary leads totaled 61.

C. Report by Inframark.

George Quintana, Project Manager II Inframark, reported on water treatment plant treated 6.2 million gallons of water; no violations and sludge pump and guide rail repairs done; North wastewater plant 2.2 million gallons water treated, hydro ranger repairs done and no violations; South Wastewater Plant treated 1.3 million gallons of water treated; UV module repairs done and no violations. Reported on Lift Sta 18 second pump installed and Lift Sta 21 improved by installing security fence.

VII. EXECUTIVE SESSION

At 6:28 p.m. Commissioner Muñoz, seconded by Commissioner Pedraza, moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Pro Tem Kerr was present and voting.

At 7:54 p.m. Mayor Pro Tem Kerr 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 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 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.

No action.

E. 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 by §551.071 of the Texas Government Code.

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

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 7:55 p.m. The motion carried unanimously; Mayor Pro Tem Kerr was present and voting.

CITY OF WESLACO

ABSENT

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