



**MINUTES
REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 17, 2019**

On Tuesday, December 17, 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	Letty Lopez
	Commissioner	Greg Kerr
	Commissioner	J.P. Rodriguez
	Commissioner	Leo Muñoz
	Commissioner	Adrian Farias
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, Jose Martin Vela, Information Technology Director; Joel Rivera, Police Chief, Antonio Lopez. Fire Chief, Veronica Ramirez, HR Director; Pete Garcia, Public Works Director; Martin Asst. Library Director; Rebekah de la Fuente, Interim Planning and Code Enforcement Director, Rosa Huerta, Court Coordinator 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, December 20, 2019.

B. Invocation.

Father Francisco J. Solis, Saint Joan of Arc 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 a quorum present

II. PUBLIC COMMENTS

Antonio Lopez, Fire Chief, stated with the imminent cold weather forecasted, the City is partnering with First Baptist Church in opening a warming station at 600 S. Kansas advising the public if anyone is need doors will open at 6:00 p.m.

Omar Rodriguez, Parks and Recreation Director, stated vendor RGV Solar Lights was staged on the northside parking lot for a demonstration on LED Solar lights inviting the commission as the City may be looking into this.

III. PUBLIC HEARING

Commissioner Muñoz seconded by Mayor Pro Tem Lopez, moved to open the public hearing. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input on behalf of Divine Custom Homes requesting a Conditional Use Permit to operate an Event Center at 1002 E. Expy 83, also being a 1.15-acre tract, IRR TR W 140.27'-E 290.40'-S387.48' out of Farm Tract 41, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

None received.

B. To solicit input on behalf of SWG Engineering to rezone 1531 N. International Blvd. also being Adams Tract N25AC-S28.84AC FT 1038 EXC S660'-E330 20AC NET, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.

None received.

C. To solicit input on behalf of Steven Valdez requesting a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 418 S. Texas Blvd. Suite A, also being lot 4 and 5, Block 34, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.

None received.

Commissioner Muñoz seconded by Mayor Pro Tem Lopez, moved to the close the public hearing. 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 November 19, 2019; Staffed by City Secretary Department.)

B. Approval to terminate a Weslaco Mid Valley Airport Ground Lease Agreement with Tenant Chistopher De Leon D/B/A De Leon Aircraft Maintenance Professional and Harold Cain for Hanger W6 and approval of a Weslaco Mid Valley Ground Lease Agreement with Tenant Gary Wise for Hangar W6 and authorize the Mayor to execute any related documents. (Staffed by Airport.)

C. Acceptance of funds in the amount of \$3,750.00 from the U.S. Department of Justice United States Marshals Services for overtime operations by the City of Weslaco Police Department pursuant to the Memorandum of Understanding and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

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

V. APPOINTMENTS

A. Discussion and consideration to accept the resignation of Cynthia Cabaza from the Weslaco Economic Development Corporation and approve Resolution 2019-82 appointing one member to an unexpired term and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Weslaco Economic Development Corporation.)

Mike Perez, City Manager, stated no action required advising the commission member Cynthia Cabaza withdrew her resignation.

No action.

VI. OLD BUSINESS

A. Discussion and consideration on Ordinance 2019-50 to convert the twenty- foot alley running between Lots 1-20, Block 4, Gonzalez Addition into a utility easement and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-50. Possible action. (This item was tabled November 19 and remained tabled December 3, 2019; staffed by Planning and Code Enforcement Department.)

The City Manager stated no action at this time.

B. Discussion and consideration to approve Ordinance 2019-44 amending Section 12 of Ordinance 397, to fix residential, commercial, and industrial garbage rates; providing an effective date; and ordaining other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-44. Possible action.

(This item was tabled October 15, 2019; remained tabled December 3, 2019; staffed by Finance Department.)

The City Manager stated no action at this time.

C. Discussion and consideration and approval of Allowance Expenditure No. 3 regarding the North Side Fire Station Project and authorize the Mayor to execute any related documents. Possible Action. (This item was tabled December 3, 2019; staffed by Airport.)

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

Mayor Pro Tem Lopez, seconded by Commissioner Rodriguez, moved to remove the item off the table. The motion carried; Commissioner Muñoz abstained; Mayor Suarez was present and voting.

Andrew Munoz, Asst. City Manager/Aviation Director, stated there would be no impact to the budget as the contingency fund has not been used; changes to scope of work included modification of doors with light kit; backflow preventer as required by NAWs ; add slats to fencing at the generator and add IT tray installation. Staff recommended approval.

Commissioner Kerr, seconded, by Mayor Pro Tem Lopez, moved to approve Allowance Expenditure No. 3 regarding the North Side Fire Station Project as presented. The motion carried; Commissioner Muñoz abstained; Mayor Suarez was present and voting.

VII. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Divine Custom Homes to approve a Conditional Use Permit to operate an Event Center at 1002 E. Expy 83, also being a 1.15-acre tract, IRR TR W 140.27'-E 290.40'-S387.48' out of Farm Tract 41, West Tract 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, Interim Planning and Code Enforcement Director, stated twenty-eight property owners were notified with no objection received. The Planning and Zoning Commission and staff recommended approval.

In response to Commissioner Muñoz, staff would verify occupancy capacity and advise.

Commissioner Muñoz, seconded by Mayor Pro Tem Lopez, moved to approve a Conditional Use Permit to Divine Custom to operate an Event Center at 1002 E. Expy 83 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration after public hearing on behalf of Steven Valdez to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 418 S. Texas Blvd. Suite A, also being lot 4 and 5, Block 34, 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-eight property owners were notified with no objection received. The Planning and Zoning Commission and staff recommended approval subject that one security guard is on duty during peak hours (10pm to closing).

Mayor Pro Tem Lopez, seconded by Commissioner Kerr moved to approve a Conditional Use Permit to Steven Valdez to obtain a Wine and Beer Retailer's Permit at 418 S. Texas Blvd. Suite A subject that one security guard is on duty during peak hours (10pm to closing). The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration after public hearing on behalf of SWG Engineering to approve Ordinance 2019-51 to rezone 1531 N. International Blvd. also being Adams Tract N25AC-S28.84AC FT 1038 EXC S660'-E330 20AC NET, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-51. Possible action. (Staffed by Planning and Code Enforcement Department.)

Rebekah de la Fuente stated eighty-four property owners were notified with no objection received. The Planning and Zoning Commission and staff recommended approval.

Commissioner Muñoz, seconded by Commissioner Rodriguez, moved to approve Ordinance 2019-51 to rezone 1531 N. International Blvd as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to award the best qualified, most advantageous response to the Request for Qualifications for the City of Weslaco Alton Landfill Post-Closure Care Monitoring (RFQ No. 2019-20-05). Possible action. (Staffed by Public Works Department.)

Mayor Pro Tem Lopez, seconded by Commissioner Rodriguez, moved to approve.

Pete Garcia, Public Works Director, stated six proposals received; staff ranked and evaluated and recommended Raba Kistner be awarded stating they have been monitoring the landfill for the past several years.

In response to Commissioner Muñoz, proposals received included SCS, Ambiotec, TRC, Terracon, Tetra Tech and Raba Kistner. Commissioner Muñoz recommended to negotiate with Raba Kistner and if not the most advantageous to the City bring back to the commission.

Mayor Pro Tem Lopez, seconded by Commissioner Rodriguez, moved to amend original motion to negotiate with Raba Kistner for the City of Weslaco Alton Landfill Post-Closure Care Monitoring as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration of date and time for a City Commission Retreat to discuss the following: Land Use Master Plan, Solid Waste, Long Term Financials and Stability and Capital Outlay Projects. Possible action. (Staffed by City Manager.)

The City Manager stated the commission has held a retreat on a Saturday to review city present and future goals; recommended some matters to discuss would be Land Use Master Plan, Charter, Solid Waste and financials of the City; presented either January 4 or 11, 2020 for consideration

beginning at 8am and wrapping up at 1:30pm. The commission could advise him on any other issue they may wish to address for discussion.

Commissioner Muñoz suggested January 11; several commissioners noted they would not be available January 11.

Commissioner Kerr, seconded by Mayor Pro Tem Lopez, moved to approve January 4, 2020 for a City Commission Retreat. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to approve Resolution 2019-83 expressing support for application to the Texas Department of Housing and Community Affairs for the 2020 competitive nine-percent housing tax credits for Weslaco Village Apartments and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

The City Manager introduced Walter Martinez, representative for Prospera Housing Community Services. Mr. Martinez stated Prospera was a nonprofit affordable housing developer; owner and manages the Weslaco Village Apartments that are over forty years old located in Weslaco; seeking to apply for tax credits with the Texas Department of Housing and Community Affairs to build forty-four newly constructed units with an additional six units that would be modern and energy efficient; need support from the City to maximize the criteria of the score for the application process that is competitive statewide; stated development will offer a variety of resident service programs, amenities, a Services Coordinator (part-time) and computer learning center.

In response to Mayor Suarez , Commissioner Rodriguez and Mayor Pro Tem Lopez, the residents will be relocated at no expense to them; developer, as regulated by HUD requirements, must assist with connections and/or reconnections of utilities (water, light and gas); residents will have options on relocation area so long as within the required guidelines of HUD; all efforts to relocate them in Weslaco will be done and relocation may begin May 2021.

Commissioner Kerr, seconded by Mayor Pro Tem Lopez, moved to approve Resolution 2019-83 expressing support for application to the Texas Department of Housing and Community Affairs for the 2020 competitive nine-percent housing tax credits for Weslaco Village Apartments as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Following is the resolution.

RESOLUTION 2019-83

Resolution of the City Commission of the City of Weslaco, Texas in support of the proposed affordable rental housing development known as Weslaco Village Apartments

WHEREAS, TG 105 Weslaco Village, LP has proposed a development for affordable rental housing at 1601 S. Bridge Ave., Weslaco, Texas 78596 named Weslaco Village Apartments in the City of Weslaco to demolish/reconstruct the existing 44 apartment units and add 6 market rate units for a total of 50 units when completed; and

WHEREAS, TG 105 Weslaco Village, LP has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2020 Competitive 9% Housing Tax Credits for the Weslaco Village Apartments

It is hereby RESOLVED, that the City of Weslaco, acting through its governing body, hereby confirms that it supports the proposed Weslaco Village Apartments located at 1601 S. Bridge Ave., Weslaco, Texas 78596 and that this formal action has been taken to put on record the opinion expressed by the City of Weslaco, and

FURTHER RESOLVED that for and on behalf of the Governing Body, Mayor David Suarez is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

PASSED AND APPROVED this 17th day of December 2019 at a Regular Meeting of the City Commission of the City of Weslaco, Texas.

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

G. Discussion and consideration on Inter-local Agreement between City of Weslaco and Hidalgo and Cameron Counties Irrigation District No. Nine to grant Weslaco a license in, over and across the Weslaco designated ditches to access, maintain, operate, expand, and/or repair and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

Commissioner Kerr abstained from vote and discussion.

The City Manager requested no action so to allow staff to meet with the irrigation districts to clarify the roles of each entity, the jurisdiction of the ditches identified as pending, Weslaco's, accepted and review those areas that impact Weslaco residents the most when flood events occur. The agreement references maintenance will be done by the drainage district once the ditches are cleaned. Staff would like to prioritize those ditches affecting Weslaco residents since it would be city labor and equipment cleaning ditches adjacent to city limits as the irrigation district is lacking manpower and the necessary equipment.

In response to Commissioner Muñoz, the city can clean the ditches with the newly purchased equipment; drainage ditches in the city have been maintained routinely; no new equipment would be purchased for this task; only the ditches belonging to Weslaco will be maintained by the City. In response to Commissioner Rodriguez; staff would prioritize areas using the drainage master plan to determine the areas impacted by flooding.

No action.

H. Discussion and consideration on Mutual Aid Agreement between City of Weslaco and Tu VIDA Medical Transport, Inc. for ambulance mutual aid services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

The City Manager requested no action at this time. Staff needs verification VIDA is eligible as a 911 provider

No action.

I. Discussion and consideration on Mutual Aid Agreement between City of Weslaco and South Point EMS for ambulance mutual aid services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Commissioner Muñoz, seconded by Mayor Pro Tem Lopez, moved to approve.

The City Manager stated a pilot program in place allows for Med Care to respond in the City of Weslaco for 911 calls as needed; South Point EMS (formerly Hidalgo County EMS) provides ambulance services to Donna and as a neighboring city staff recommends adding South Point to the pilot program when needed; as other ambulance service providers meet eligibility as EMS providers they can be added creating a rotation list. The City Manager recommended approval and continue the pilot program and continue adding eligible ambulance providers not to exceed another six months and re-visit if necessary, to solicit for proposals.

In response to Commissioner Farias; Antonio Lopez, Fire Chief, stated the State of Texas regulates the licensing for EMS responders automatically are on a statewide mutual aid responder; charges are regulated by Medicare/Medicaid and the agreement with South Point will permit them to respond when needed in the City. Comm. Farias stated he would like the process of soliciting proposals begin. The City Manager stated an amended motion would be needed to authorize staff to begin the request for proposals (RFP) within the next six months.

In response to Commissioner Rodriguez, Chief Lopez stated an outside ambulance provider is utilized only when no City resources (ambulance) are available; ambulance services are licensed based on the level of care as regulated by the state (transfer or 911 provider) and City has been in situations where all five ambulances are on calls requiring Med Care to be on notice. Mayor Suarez stated to compile a list of 911 providers in response to Mayor Suarez, the City currently use 911 providers; no cost to the City. Mayor Suarez stated to compile a list of 911 providers and bring back.

Commissioner Muñoz, seconded by Mayor Pro Tem Lopez, moved to approve Mutual Aid Agreement between City of Weslaco and South Point EMS for ambulance mutual aid services as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. EXECUTIVE SESSION

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

At 7:11 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

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

No action.

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

No action.

C. Legal Consultation – Seek City Attorney opinion on arbitration proceedings by the Weslaco Firefighters Association (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.

Commissioner Farias seconded by Mayor Pro Tem Lopez, moved to proceed with arbitration as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

D. Real Property– Consultation with City Attorney on the acquisition of real property legally described as Lot 16, Block 2, La Paloma De La Sombras Subdivision for the Pleasantview drainage improvements project as authorized by §551.072 of the Texas Local Government Code.

No action.

E. Real Property– Consultation with City Attorney on the acquisition of real property legally described as a 29.08 acre of land consisting of 15.24 acres out of Farm Tract 705 and 13.84 acres out of Farm Tract 706, West Tract Subdivision the Pleasantview drainage improvements project as authorized by §551.072 of the Texas Local Government Code.

No action.

F. Real Property– Consultation with City Attorney on the acquisition of real property legally described as a 0.87 acre tract of land out of Farm Tract 706, West Tract Subdivision the Pleasantview drainage improvements project as authorized by §551.072 of the Texas Local Government Code.

No action.

X. ADJOURNMENT

Commissioner Farias, seconded by Commissioner Muñoz, moved to adjourn the December 17, 2019 meeting at 7:12 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, Letty Lopez

COMMISSIONER, Leo Muñoz

COMMISSIONER, Jose “J.P.” Rodriguez

COMMISSIONER, Adrian Farias

COMMISSIONER, Greg Kerr

ABSENT

COMMISSIONER, Josh Pedraza