



**MINUTES OF A REGULAR MEETING OF
THE WESLACO CITY COMMISSION
TUESDAY, MARCH 17, 2020**

On Tuesday, March 17, 2020, at 5:37 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 member's present:

PRESENT:	Mayor	David Suarez
	Mayor Pro-Tem	Letty Lopez
	Commissioner	Greg Kerr
	Commissioner	Josh Pedraza
	Commissioner	J.P. Rodriguez
	Commissioner	Leo Muñoz
	Commissioner	Adrian Farias

ABSENT: None.

City Manager	Mike R. Perez
Interim City Secretary	Norma A. Cantu
City Attorney	Juan E. Gonzalez

Also present: Andrew Munoz, Assistant City Manager/Aviation Director, Vidal Roman, Finance Director, Martin Vela, Information Technology Director; Albert Aldana, City Engineer, Joe Pedraza, Asst. Planning and Code Enforcement Director; Joel Rivera, Police Chief, Antonio Lopez, Fire Chief, Veronica Ramirez, HR Director; Pete Garcia, Public Works Director; Olga Garza, Asst. Public Works Director, Martin Mata, Asst. Library Director; Molly Vallejo and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor David Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, March 13, 2020.

B. Invocation.

Pastor David McCain, First Presbyterian Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral recognition.

There were no Recognitions.

E. Roll Call.

Norma A Cantu, Interim City Secretary, called the roll, noting at the time of roll call the absence of Commission Greg Kerr and a quorum present.

Let the record show Commissioner Kerr arrived at 5:43pm.

II. PUBLIC COMMENTS

Sandra Reyna voiced her concerns on the lack of maintenance at Cavazos Park. She shared some photos of the vandalism of the playgrounds, leaky water fountain and weedy areas.

III. PUBLIC HEARING

Commissioner Muñoz, seconded by Mayor Pro Tem Lopez, moved to open the public hearing at 5:45 pm. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input on behalf of Texas Regional Bank to rezone 1325 Dolores Huerta. Also being 4.50 Acres Gross being the W650.3'-S422.39' of Farm Tract 31 West Tract Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One-family dwelling district to B-2 Secondary and highway business district.

No comments received.

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 on second and final reading of the following:

1) Approval on Ordinance 2020-03 renaming Tanglewood South Drive recorded as part of Westgate Wood Subdivision Unit 2 to Meadow Wood South Drive and authorize the Mayor to execute any related documents. (First reading held March 3, 2020; staffed by Planning and Code Enforcement Department.)

2) Approval on Ordinance 2020-04 renaming Paseo del Norte Avenue to Dolores Huerta Avenue and authorize the Mayor to execute any related documents. (First reading held March 3, 2020; staffed by Planning & Code Enforcement Department.)

3) Approval on Ordinance 2020-05 amending the Master Fee Schedule Ordinance 2019-41 Sect. Planning & Zoning Residential Construction Fees and authorize the Mayor to execute any related documents. (First reading held March 3, 2020; staffed by Planning and Code Enforcement Department.)

B. Acceptance to continue with the Memorandum of Understanding between the United States Marshal Service Task Force and Weslaco Police Department and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

C. Acceptance of the 2019 Racial Profiling Report compiled by the Weslaco Police Department (WPD) as required by the Texas Code of Criminal Procedures Article 2.132 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

D. Approval on renewal of the Affiliation Agreement for Clinical Experience with the City of Weslaco Fire/EMS and Texas State Technical College-Harlingen and authorize the Mayor to execute any related documents. (Staffed by Fire Department.)

E. Approval to solicit competitive sealed bids for the construction of the North Side Sports Complex located at 320 East Mile 11 Road (RFB No.: 2019-20-01) and authorize the Mayor to execute any related documents. (Staffed by Airport.)

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

V. APPOINTMENTS

A. Discussion and consideration to approve Resolution 2020-18 appointing one (1) member to the Parks and Recreation Board to an unexpired term through August 01, 2020 and authorize the Mayor to execute any related documents. Possible action. (This item was tabled March 3, 2020; staffed by Parks and Recreation Department.)

Commissioner Kerr, seconded by Commissioner Pedraza motioned to remove this item from the table.

Commissioner Pedraza, seconded by Commissioner Kerr, moved to approve Resolution 2020-18 appointing Alejandro Livas to an unexpired term through August 1, 2020 to the Parks & Recreation Board. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve Resolution 2020-19 appointing members to the Weslaco Recycling Task Force and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

Pete Garcia, Public Works Director reported the Weslaco Recycling Task Force board member terms have expired at the same time. All members are interested in being reappointed with the exception of Manuel Ramos creating one vacant position. The board recommends appointing Lainey Garcia for the vacancy.

Commissioner Pedraza, seconded by Commissioner Muñoz, moved to approve Resolution 2020-19 re-appointing members (Gail Weigel Ortiz, Ignacio H. Cavazos, Maria L. Gonzalez and Jim Chapman) and fill the vacancy with Lainey Garcia to the Weslaco Recycling Task Force. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration on Resolution 2020-20 appointing one (1) board member to the Ambulance Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Mayor Pro Tem Lopez, seconded by Commissioner Kerr, moved to approve Resolution 2019-20 re-appointing Patrick Gonzalez to the Ambulance Advisory Board. The motion carried unanimously; Mayor Suarez was present and voting.

VI. OLD BUSINESS

A. Discussion and consideration and approval of Allowance Expenditure No. 4 regarding the North Side Fire Station Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.)

Andrew Muñoz introduced Eli Alvarado who gave an update on the contingency items that included ground lighting for the flagpole, and landscaping/irrigation which resulted in credits and proposed expenditures. The Owner contingency allowance is \$50,000 and the total decrease allowance is \$45,802.00 which leaves the remaining balance of \$1,651.00. Project is 98% complete.

Commissioner Kerr, seconded by Commissioner Pedraza moved to approve Allowance Expenditure No. 4 regarding the North Side Fire Station Project. The motion carried unanimously; Mayor Suarez was present and voting

VII. NEW BUSINESS

A. Discussion to accept and file the City of Weslaco's Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2019 as presented by Carr, Riggs & Ingram, LLC and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Vidal Roman, Finance Director stated the Comprehensive Annual Financial Report ending September 30, 2019 was completed by Carr, Riggs & Ingram.

Quentin Anderson reviewed the comprehensive report along with the transmittal letter profiling the financial position, noting the Certificate of Achievement for Excellence in Financial Reporting

recognition received. He summarized assets and liabilities of the governmental funds, with a net position of \$26,282,194 representing 23.5% of the annual operations which exceeds internal policies. Following an overview of debt, he summarized recommendations as follows: Emergency Medical Service Billing and reconciliation process, budgetary process and expenditures in excess of appropriations and Solid Waste Management expenditure controls. Overall the City is in good financial position.

Commissioner Muñoz, seconded by Mayor Pro Tem Lopez, moved to accept and file the City of Weslaco's Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2019 as presented by Carr, Riggs, & Ingram, LLC. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve Ordinance 2020-06 amending the City of Weslaco's budget for the Water and Sewer Capital Projects Fund in the amount of \$63,010 for capital outlay acquisition and authorize the Mayor to execute any related documents. First reading of Ordinance of 2020-06. Possible action. (Staffed by Finance Department.)

Vidal Roman is requesting approval of a budget amendment of \$63,010.00 for the purchase of three (3) trucks for Inframark. The vehicles were previously approved by City Commission on March 3, 2020.

Commissioner Kerr, seconded by Mayor Pro Tem Lopez moved to approve Ordinance 2020-06 amending the City of Weslaco's budget for the Water and Sewer Capital Projects Fund in the amount of \$63,010.00 for capital outlay acquisition. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration after public hearing on behalf of Texas Regional Bank to approve Ordinance 2020-07 to rezone 1325 Dolores Huerta. Also being 4.50 Acres Gross being the W650.3'-S422.39' of Farm Tract 31 West Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary and highway business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2020-07. Possible action. (Staffed by Planning and Code Enforcement Department.)

Joe Pedraza, Asst. Planning & Code Enforcement Director reported the applicant is requesting to rezone 1325 Dolores Huerta; nine (9) property owners were notified and no opposition was met. Planning & Zoning Board approved item on March 4, 2020 for an event center.

Mayor Pro Tem Munoz, seconded Commissioner Pedraza moved to approve Ordinance 2020-07 to rezone 1325 Dolores Huerta being 4.50 Acres Gross of W650.3'- S422.39' of Farm Tract 31 West Tract Subdivision. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to adopt Ordinance 2020-08 amending Ordinance 2007-54 being the Access Management Policy Ordinance to allow for 30' curb cuts for residences with u-shaped driveways and three (3) car garages and authorize the Mayor to execute any related documents. First reading of Ordinance 2020-08. Possible Action. (Staffed by Planning & Code Enforcement Department.)

Joe Pedraza stated city has seen a growing trend for 30' curb cuts for residences with u-shaped driveways and three (3) car garages but the current ordinance does not properly accommodate for appropriately sized curb cuts/entry ways. The Planning & Zoning Commission recommended approval of the proposed ordinance amendment on March 4, 2020. The Planning & Zoning Commission also requested that the section of the ordinance regulating shared access driveways on major thoroughfares be amended. The proposed changes to that section of the ordinance will be presented at a later date

Commissioner Muñoz asked for clarification of proposed Access Management Policy. Staff recommends approval of 30" curb cuts.

Commissioner Pedraza, seconded by Commissioner Kerr moved to adopt Ordinance 2020-08 amending Ordinance 2007-54 being Access Management Policy Ordinance to allow for 30' curb cuts for residences with u-shaped driveways and three (3) car garages. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration on the variance request to section 26-27(k)(2) pertaining to the dedication of half streets for Weslaco Plaza Subdivision – being a re-subdivision of 6.595 acres being all of Lots 1 and 2, Limon Subdivision, Weslaco, Hidalgo County, Texas, located approximately 1,150 feet East of Westgate Dr. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Kerr abstained from vote and discussion of this item.

Joe Pedraza reported that Weslaco Plaza was approved by City Commission on September 2018. As part of the plat, half of the required right-of-way was dedicated as Dragonfly Avenue as a connector street from Frontage Road to Pike Blvd. The City ordinance does not allow for the construction of half streets; therefore, the developer is requesting a variance. The design and construction of Dragonfly Avenue was approved by engineering during the pre-construction phase of this development.

Anthony Covacevich is opposing the development of the half street. His concerns are as follows: 1) 26-07(1) requires that the request be made prior to the project; 2) 26-07(2) there must be conditions that deprive the owner of the reasonable use of his land. The owner has sufficient land to comply with the ordinance; 3) 26-07(4) the granting of the variance would be detriment of the property of the safety of the occupant of the adjacent property who is mentally disabled.

Mr. Covacevich stated the developer had talked to him about an offer for his property, but the proposal was not submitted in writing.

Mario Reyna, Designer Engineer with Melden & Hunt stated he had worked with the previous City Engineer Mardoqueo Hinojosa and went through the subdivision process and followed all City guidelines for this development. Mr. Reyna would like to clear any loose ends so the street can be open to traffic and work with the landowner to suffice any concerns.

After further discussion, the Mayor recommended to table the item until the next meeting requesting the City Manager send a letter to Mr. Covacevich.

Commissioner Muñoz, seconded by Commissioner Farias motioned to table the item.

F. Discussion and consideration for the Final Plat for Highland Manor Subdivision – being 8.25 acres out of Farm Tract 238, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, approximately on the Northwest corner of Mile 11 North and Mile 5 ½ West and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Joe Pedraza stated the proposed eleven (11) lot subdivision outside the City limits are being serviced with water by NAWSC 6” waterline and sewer by OSSF. The property is within a flood zone and developer is asking for a variance to permit OSSF an off-site drainage. Staff recommends approval of final plat and compliance with ordinance for variance request.

Commissioner Pedraza, seconded by Mayor Pro Tem Lopez moved to approve the Final Plat for Highland Manor Subdivision being 8.25 acres out of Farm Tract 238, West & Adams Tract Subdivision, Weslaco approximately on the Northwest corner of Mile 11 North and Mile 5 ½ West. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and re-consideration of the Final Plat for San Jacinto Estates No10. Phase II Subdivision – being 13.49-acre tract of land out of Farm Tract 94, West & Adams Tract Subdivision, Hidalgo County, Texas. Approximately on the Northwest corner of Mile 10 North Road and Mile 4 West Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Joe Pedraza stated the developer is requesting a variance for setbacks for lots located within the cul-de-sac to permit a 15’ front setback and 10’ rear setback. The City ordinance requires a 20’ front setback with a cul-de-sac and 20% of the lot depth with a maximum of 24’ for a rear setback. Staff is recommending approval.

Commissioner Muñoz, seconded by Commissioner Farias moved to approve the Final Plat for San Jacinto Estates No. 10 Phase II Subdivision being 13.49-acre tract of land out of Farm Tract 94, West & Adams Tract Subdivision approximately on the Northwest corner of Mile 10 North Road and Mile 4 West Road. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration on COPS School Violence Prevention Program (SVPP) grant in the amount of \$500,000 with a **25% MATCH REQUIREMENT** to fund improvements to security at schools and on school grounds and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.)

Commissioner Kerr abstained from vote and discussion of this item.

Police Chief Joel Rivera stated this grant (COPS School Violence Prevention Program) will fund improvements/purchase of communication for security at schools and on school grounds.

Commissioner Pedraza seconded by Mayor Pro Tem Lopez moved to approve the COPS School Violence Prevention Program (SVPP) grant in the amount of \$500,000 with a 25% Match requirement to fund improvements to security at schools and on school grounds. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

I. Authorization to enter into an Asset Disposition Services Agreement with PropertyRoom.com and the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.)

Police Chief Joel Rivera is requesting to enter into an agreement with PropertyRoom.com for Asset Disposition Services. PropertyRoom.com involves surplus asset management, selling, auction, disposition and related services. Staff recommends approval. Contract can be cancelled at any time.

Commissioner Muñoz, seconded by Mayor Pro Tem Lopez moved to approve authorization to enter into an Asset Disposition Services Agreement with PropertyRoom.com. The motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration on final payment to RGV Industrial Machine Shop and Pumps in the amount of \$67,038.00 for their work on IBWC Levee Project and authorize Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

City Manager, Mike R. Perez stated this is the final payment of \$67,038.00 for work performed at the IBWC levee damaged by erosion created by the pumps.

Commissioner Munoz seconded by Commissioner Kerr moved to approve final payment to RGV Industrial Machine Shop and Pumps in the amount of \$67,038.00 for their work on IBWC Levee Project. The motion carried unanimously; Mayor Suarez was present and voting.

K. Discussion and consideration to authorize city staff to solicit competitive sealed bids or use a cooperative purchasing organization (i.e. Buy Board etc.) for the purchase of brush service equipment and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

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

City Manager Mike Perez stated this item is to begin soliciting competitive bids for brush service equipment.

Olga Garza, Asst. Public Works Director is looking at the possibility of soliciting bids through cooperative purchase vendor. The breakdown cost of purchasing would be three (3) gravel brush trucks, one (1) John Deer tractor for brush in the alleys and a crew cab half ton diesel truck for a supervisor and miscellaneous item in the amount of \$711,000.

Commissioner Pedraza, seconded by Mayor Pro Tem Lopez moved to approve authorizing city staff to solicit competitive sealed bids or use a cooperative purchasing organization (i.e. Buy

Board, etc.) for the purchase of brush service equipment. The motion carried; Commissioner Farias abstained; Mayor Suarez was present and voting.

VIII.

EXECUTIVE SESSION

At 6:53 p.m. Commissioner Munoz, seconded by Commissioner Pedraza moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:39 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 section §551.071 of the Texas Government Code.

Approved as discussed in Executive Session.

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

No Action.

D. Real Property – Consultation with City Attorney on the purchase, sale, exchange, lease or value of real property located at the Southeast corner of East Pike Boulevard and Vo-Tech Drive as authorized by section §551.072 of the Texas Government Code.

Approved as discussed in Executive Session.

E. Legal Consultation - Seek City Attorney opinion relating to Interlocal Agreement for Sale of Water to City of Donna as authorized by section §551.072 of the Texas Government Code.

Approved with changes as discussed in Executive Session.

X.

ADJOURNMENT

Commissioner Pedraza, second by Commissioner Kerr, moved to adjourn the meeting at 8:41 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

INTERIM CITY SECRETARY, Norma A Cantu

MAYOR PRO-TEM, Letty Lopez

COMMISSIONER, Leo Muñoz

COMMISSIONER, Jose “J.P.” Rodriguez

COMMISSIONER, Greg Kerr

COMMISSIONER, Josh Pedraza

COMMISSIONER, Adrian Farias