



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 18, 2017**

On Tuesday, July 18, 2017, 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:

Mayor Pro Tem	Gerardo “Jerry” Tafolla
Commissioner	Leo Muñoz
Commissioner	Olga Noriega
Commissioner	Letty Lopez
Commissioner	Josh Pedraza
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

Also present: Mary Barrera, Finance Director; Veronica Ramirez, Human Resources Director; Jose Pena, Information Technology Director; Tony Lopez, Fire Chief; Stephen Mayer, Police Chief; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation Director; Arnold Becho, Library Director; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Pro-Tem Tafolla called the meeting to order and certified the public notice of the meeting as properly posted Friday, July 14, 2017.

B. Invocation.

Pastor Joey Aguilar, First Baptist Church, led in the invocation.

C. Pledge of Allegiance.

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

D. Mayoral recognition.

None presented.

E. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the absence of Mayor Suarez and Commissioner Kerr and noting the arrival of Commissioner Noriega at 5:55 p.m.; a quorum was present.

II. PUBLIC COMMENTS

Jim Chapman voiced concerns against a border wall at Santa Ana Wildlife Refuge and hoped that a resolution would be passed by the Commission opposing it.

III. PUBLIC HEARING

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

A. To solicit input on behalf of Ramzan A. Mosani to obtain a Wine and Beer Off-Premise Permit at 1540 E. Business Highway 83 also being Lot 1, Airport Medical Center Subdivision, Weslaco, Hidalgo County, Texas.

Dan Sanchez, representing the owner, stated this was a change of ownership and requested favorable consideration.

B. To solicit input on behalf of Norma Hernandez to rezone 1801 South Bridge also being Lot 16, Block 5, Kathleen Park Subdivision, Weslaco, Hidalgo County, Texas from R-2 Duplex and Apartments District to B-1 Neighborhood Business District.

No comments received.

C. To solicit input on behalf of Leo and Emma Salazar to rezone 425 Frost Proof Drive also being Lot 21, Frost Proof Heights Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District.

Art Valdez stated he lived across the street from property and was in favor of the rezone.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to close the public hearing at 5:40 p.m. The motion carried unanimously; Mayor Pro-Tem Tafolla 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) Record of Workshop on June 20, 2017;

2) Minutes of Regular Meeting on June 20, 2017; and

3) Record of Workshop on July 6, 2017. (Staffed by City Secretary's Office.)

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

1) Ordinance 2017-31 rezoning 113 Adelita Street, also being Lot 12, Colonia San Francisco Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District and authorize the Mayor to execute any related documents. (First reading of Ordinance 2017-31 was held June 20, 2017; Staffed by Planning and Code Enforcement.)

2) Ordinance 2017-32 rezoning 724 N. Padre Avenue also being Lot 24, Block 3, El Texano Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District and authorize the Mayor to execute any related documents. (First reading of Ordinance 2017-32 was held June 20, 2017; Staffed by Planning and Code Enforcement.)

C. Approval of an amendment to the inter-local cooperation agreement with Hidalgo County for assessment and collections of property taxes. (Staffed by Finance Department.)

D. Renewal of an Interlocal Governmental Agreement – Ambulance Service with the Hidalgo County Emergency Services District No. 1 for the period October 1, 2017 – September 30, 2019 and authorize the Mayor to execute any related documents. (Staffed by Fire Department.)

E. Approval of an Interlocal Cooperation Agreement between the Lower Rio Grande Valley Development Council and the City of Weslaco for the acceptance and operation of the State of Texas asset Ambulance Bus. (Staffed by Fire Department.)

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve consent agenda items A, B2, C, D, and E withholding consent agenda item B1 as presented. The motion carried unanimously; Mayor Pro-Tem Tafolla was present and voting.

Commissioner Muñoz filed a conflict of disclosure statement for consent agenda item B1 and abstained from vote and discussion.

Commissioner Pedraza, seconded by Commissioner Lopez, moved to approve consent agenda item B1 as presented. The motion carried with Commissioner Muñoz abstaining; Mayor Pro-Tem Tafolla was present and voting.

For the record, the following are the ordinances:

ORDINANCE NO. 2017-31

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 113 ADELITA STREET, ALSO BEING LOT 12, COLONIA SAN FRANCISCO SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENTS DISTRICT.

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

SECTION I: R-1 One Family Dwelling District to R-2 Duplex and Apartments District being Lot 12, Colonia San Francisco Subdivision, West Tract Subdivision, also being 113 Adelita Street, Weslaco, 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 20th day of June, 2017.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 18th day of July, 2017.

ORDINANCE NO. 2017-32

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 724 N. PADRE AVENUE, ALSO BEING LOT 24, BLOCK 3, EL TEXANO SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT B-1 NEIGHBORHOOD BUSINESS DISTRICT.

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

SECTION I: R-1 One Family Dwelling District to B-1 Neighborhood Business District being Lot 24, Block 3, El Texano Subdivision, West Tract Subdivision, also being 724 N. Padre Avenue, Weslaco, 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 20th day of June, 2017.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 18th day of July, 2017

CITY OF WESLACO
/s/David Suarez, **MAYOR**

ATTEST:
/s/Elizabeth M. Walker, **CITY SECRETARY**

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

V. APPOINTMENTS

A. Discussion and consideration to accept the resignation of Mary Martin from the Weslaco 100 Committee and approve Resolution 2017-53 appointing one member to that unexpired term. Possible action. (Staffed by the Museum.)

Commissioner Lopez, seconded by Commissioner Pedraza, moved to accept the resignation of Mary Martin. The motion carried; Mayor Pro-Tem Tafolla was present and voting.

There was no action on Resolution 2017-53 to appoint a member to that unexpired term.

VI. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Ramzan A. Mosani to obtain a Wine and Beer Off-Premise Permit at 1540 E. Business Highway 83 also being Lot 1, Airport Medical Center Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa, City Engineer/Director of Planning, stated staff and the Planning and Zoning Commission recommend approval.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve a Wine and Beer Off-Premise Permit at 1540 E. Business Highway 83 also being Lot 1, Airport Medical Center Subdivision. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

B. Discussion and consideration after public hearing on behalf of Norma Hernandez to approve Ordinance 2017-33 rezoning 1801 South Bridge also being Lot 16, Block 5, Kathleen Park Subdivision, Weslaco, Hidalgo County, Texas from R-2 Duplex and Apartments District to B-1 Neighborhood Business District and authorize the Mayor to execute any related documents. First reading of Ordinance 2017-33. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated thirteen property owners were notified and no objection received. Planning and Zoning recommend approval; staff recommends denial as property does not conform to the land use plan. Commissioner Muñoz requested the Land Use Plan on the next meeting for modification.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve Ordinance 2017-33 rezoning 1801 South Bridge also being Lot 16, Block 5, Kathleen Park Subdivision. The motion carried unanimously; Mayor Pro-Tem Tafolla was present and voting.

C. Discussion and consideration after public hearing on behalf of Leo and Emma Salazar to rezone 425 Frost Proof Drive also being Lot 21, Frost Proof Heights Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated the owner had withdrawn his request; no action on this item necessary.

D. Discussion and consideration to approve Ordinance 2017-34 amending Ordinance No. 2014-02 to provide for the disannexation of all or part of Farm Tracts 1057, 1058, 1059 and Irrigation District No. 9 (HCCID #9) out of Tract 116 of the West and Adams Tract Subdivision and authorize Mayor to execute any related documents. First reading of Ordinance 2017-34. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated the property is located on the northeast corner of the City and the owner submitted consideration for a development agreement. Staff stated the owner is now requesting for dis-annexation of the property. Staff recommends approval to dis-annex the property as requested.

Commissioner Lopez, seconded by Commissioner Pedraza, moved to approve Ordinance 2017-34 amending Ordinance No. 2014-02 to provide for the dis-annexation of all or part of Farm Tracts 1057, 1058, 1059 and Irrigation District No. 9 (HCCID #9) out of Tract 116 of the West and Adams Tract Subdivision. The motion carried unanimously; Mayor Pro-Tem Tafolla was present and voting.

E. Discussion and consideration on request from Stella Corporation for a development agreement for 60.02 acres out Adams Tract FT 1059. Possible action. (Staffed by City Manager's Office.)

Commissioner Pedraza, seconded by Commissioner Lopez, moved to approve.

The City Manager stated no action was necessary because of the immediately preceding action to dis-annex the property. Commissioner Pedraza rescinded his motion.

F. Discussion and consideration to approve Change Order No. 2 for the Pleasantview Sanitary Sewer Line Project for an amount not to exceed \$100,000 for additional dewatering and authorize Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated groundwater was found at 13-feet but with the installation of this sewer line there is a potential development on the West of 71 acres (property tax revenue of \$121,000.00) and the East of 137 acres (estimated over \$400,000.00 in tax revenue). There is 2,200 feet of the project requiring dewatering of the sewer line. Staff recommends approval of \$90,000 .00 for dewatering and \$10,000.00 for boring costs with the developer assisting with the boring cost also of \$10,000.00.

In response to Commissioners Muñoz and Pedraza, a previous change order was approved for \$56,000; however, this dewatering of the sewer line was unforeseen despite sampling because an unanticipated clay vein is not allowing sandy soil to drain into the adjacent ditch. The project will take two months with any additional costs for dewatering at the developer's cost. The developer stated to the Commission, "It is in my interest to finish [this development] quick."

The City Manager stated Weslaco has more lift stations than any other City its size and previous action approved this as an alternate to another lift station; he reiterated, the City will be paying for some of the cost with developer paying the rest. This infrastructure will be in place for future development, incurring less maintenance as well as less odor.

Commissioner Lopez, seconded by Commissioner Muñoz, moved to approve Change Order No. 2 for the Pleasantview Sanitary Sewer Line Project for an amount not to exceed \$100,000.00. The motion carried unanimously; Mayor Pro-Tem Tafolla was present and voting.

G. Discussion and consideration to approve a Memorandum of Understanding (MOU) with Community Loan Center Corporation to provide access to affordable small dollar loans, free financial counseling and coaching for municipal employees at no cost to the City and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.)

Veronica Ramirez, HR Director, recommended approval. The City Manager stated this was a non-profit organization that provides low cost alternatives to payday loans, amounting to \$120.00 in total interest and fees for a \$1,000.00 loan, just \$42/pay period deducted automatically from the paycheck. In response to Commissioner Noriega, the agreement can be cancelled at any time.

Commissioner Lopez, seconded by Commissioner Noriega, moved to approve a Memorandum of Understanding (MOU) with Community Loan Center Corporation to provide access to affordable small dollar loans, free financial counseling and coaching for municipal employees at no cost to the City. The motion carried unanimously; Mayor Pro-Tem Tafolla was present and voting.

H. Discussion and consideration to approve Resolution 2017-50 suspending the July 20, 2017 effective date of the statement of intent of Texas Gas Service company to increase rates within incorporated areas of its service territory to permit the city time to study the request and to establish reasonable rates; finding that the city's reasonable rate case expenses shall be reimbursed by the company; authorizing participation with other municipalities; hiring legal and consulting services and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

The City Manager recommended approval of Resolution 2017-50 stating notice from the gas company was proposing an 18.25 increase. The resolution allows cities to join together and hire counsel to review for appropriate action.

Commissioner Pedraza, seconded by Commissioner Muñoz, moved to approve Resolution 2017-50 suspending the July 20, 2017 effective date of the statement of intent of Texas Gas Service company to increase rates. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

RESOLUTION NO. 2017-50

A RESOLUTION BY THE CITY OF WESLACO, TEXAS SUSPENDING THE JULY 20, 2017 EFFECTIVE DATE OF THE STATEMENT OF INTENT OF TEXAS GAS SERVICE COMPANY TO INCREASE RATES WITHIN INCORPORATED AREAS OF ITS SERVICE TERRITORY TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; AUTHORIZING PARTICIPATION WITH OTHER RIO GRANDE VALLEY TEXAS MUNICIPALITIES; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; 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 June 15, 2017, Texas Gas Service Company, a Division of ONE Gas, Inc. ("TGS" or "Company") filed with the City of Weslaco ("City") and the other affected Rio Grande Valley municipalities a Statement of Intent seeking to increase gas utility rates within the incorporated areas of the Rio Grande Valley Service Area effective July 20, 2017; and

WHEREAS, the City is a gas utility customer of TGS and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, the Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

WHEREAS, the City retains its rights as a city with original jurisdiction including the right to suspend the application; and

WHEREAS, the City's consultants and attorneys recommend that the City suspend the application for further review.

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

SECTION 1. That the findings and recitations set out in the preamble of this Resolution are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. That the City is authorized to protect the interests of the City and protect the interests of TGS customers residing and conducting business within municipal limits.

SECTION 3. That the July 20, 2017 effective date of the request to increase rates submitted by TGS on or about June 15, 2017, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 4. That the City joins the City of McAllen and the other Rio Grande Valley municipalities in this proceeding and, subject to the right to terminate employment at any time, hereby authorizes the hiring of Geoffrey Gay of the law firm of Lloyd Gosselink Rochelle and Townsend, P.C., and Karl J. Nalepa of the consulting firm of ReSolved Energy Consulting, L.L.C. to review the Company's filing, negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of city action.

SECTION 5. That the City shall work with the City of McAllen and other affected Rio Grande Valley municipalities in the review and evaluation of whether the proposed rates are appropriate, fair, just, and reasonable; and, intervene as a necessary party in the Railroad Commission of Texas' consideration of the TGS rate filing as it affects the customers in the unincorporated areas of the Rio Grande Valley region.

SECTION 6. That the City's reasonable rate case expenses shall be reimbursed in full by TGS.

SECTION 7. 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 the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 8. That a copy of this Resolution shall be sent to Stacey McTaggart, TGS at 1301 S. MoPac Expwy., Suite 400, Austin, Texas 78746 and to Geoffrey Gay at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

SECTION 9. That this Resolution shall be and become effective from and after its adoption.

PASSED AND APPROVED on this 18th day of July, 2017.

CITY OF WESLACO
/s/David Suarez, **MAYOR**

ATTEST:
/s/Elizabeth M. Walker, **CITY SECRETARY**

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

VII. REPORTS

A. Annual update by Valley Initiative for Development and Advancement (VIDA).

Priscilla Alvarez reviewed the scope of services VIDA offers, assisting economically disadvantaged individuals attend post-secondary education. VIDA has operated 22 years with Weslaco participating since 2006; last year, VIDA served 26 Weslaco residents with Veterans and Texas Ace grants.

VIII. EXECUTIVE SESSION

At 6:24 p.m. Mayor Pro-Tem Tafolla announced the regular meeting to convene in executive session. At 6:54 p.m., Mayor Pro-Tem Tafolla announced 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 §551.074 of the Texas Government Code.

No action.

B. Pending Litigation - Consultation with City Attorney regarding City of Weslaco v. Briones Consulting and Engineering as authorized by §551.071 of the Texas Government Code.

No action.

C. Pending Litigation - Consultation with City Attorney regarding Cause No. C-6090-14-B, Zequiel Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco as authorized by §551.071 of the Texas Government Code.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve the settlement agreement with plaintiffs regarding Cause No. C-6090-14-B as discussed in executive session. The motion carried unanimously; Mayor Pro-Tem Tafolla was present and voting.

D. Economic Development – Consultation with City Attorney regarding Economic Development opportunities and incentive programs related to Project Chicken Hatch "B" as authorized by §551.087 of The Texas Government Code.

No action.

E. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related to Project PanAm as authorized by §551.087 of the Texas Government Code.

Commissioner Pedraza, seconded by Commissioner Lopez, moved to approve the Economic Development incentive program with developer related to Project PanAm as discussed in executive session. The motion carried unanimously; Mayor Pro-Tem Tafolla was present and voting.

X. ADJOURNMENT

Commissioner Noriega, seconded by Commissioner Muñoz, moved to adjourn at 6:55 p.m. The motion carried unanimously; Mayor Pro-Tem Tafolla was present and voting.

CITY OF WESLACO

ABSENT

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Gerardo “Jerry” Tafolla

COMMISSIONER, Leo Muñoz

ABSENT

COMMISSIONER, Greg Kerr

COMMISSIONER, Olga Noriega

COMMISSIONER, Letty Lopez

COMMISSIONER, Josh Pedraza