A REGULAR MEETING

OF THE WESLACO CITY COMMISSION

TUESDAY, DECEMBER 5, 2017

On Tuesday, December 5, 2017, 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 members present:

Mayor	David Suarez
Mayor Pro-Tem	Gerardo "Jerry" Tafolla
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
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; Ted Walensky, Assistant Police Chief; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation Director; Andrew Munoz, Airport Director; Rosa Huerta, Court Coordinator; Joe Pedraza, Health Official; and other staff members

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 1, 2017. Chief Tony Lopez extended appreciation to Pastor Sanchez and the First Baptist Church for again collaborating with the City to open a warming shelter this Thursday and possibly Friday.

B. Invocation.

Pastor Ray Sanchez, First Baptist Church, led the invocation.

C. Pledge of Allegiance.

The Mayor led the Pledge of Allegiance and Texas Flag.

D. Mayoral recognition.

Mayor Suarez advised the public the MyWeslaco application is now active and urged the citizens to utilize this online tool to submit work orders.

E. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Rodriguez and a quorum present.

II. PUBLIC COMMENTS

Edward Mejia stated concerns regarding speeding in his neighborhood, lack of signage near elementary school and lack of sidewalks.

III. REPORTS

A. Report by L & G Engineers on Mile 6 Project.

Carlos Perales, L&G Engineers, reported this is a $20 million project to increase Mile 6 from Mile 9 to Mile 11 with five lanes and improve with curb, gutter and sidewalks on both sides; $12.8 million is contributed by the Metropolitan Planning Organization as secured by Mayor Suarez, with Weslaco contributing 13% as local share. Hidalgo County Drainage District 1 is contributing with the outfalls. Plans should be submitted this summer, 65 parcels in the right of way should be acquired and construction should commence one year from now.

B. Report by Lower Rio Grande Valley Development Council on Valley Metro Ridership Program.

There was no representative and no report.

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 21, 2017;
2.) Record of the Workshop on November 28, 2017. (Staffed by City Secretary's Office.)

B. Acceptance of the funds in the amount of $15,000.00 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. (Staffed by Police Department.)

C. Approval of Mid Valley Airport Hangar Lease Agreement with Charles Mild, Hangar E-3, and authorize the Mayor to execute any related documents. (Staffed by Airport.)

D. Approval of Mid Valley Airport Ground Lease Agreement with Marvin Yarbrough, Hangar W-20, and authorize the Mayor to execute any related documents. (Staffed by Airport.)

E. Approval to solicit bids for the relocation of waterline for Weslaco North Fire Station Subdivision. (Staffed by Planning and Code Enforcement.)

F. Approval of Resolution 2017-84 to terminate the Multiple Use Agreement with the Texas Department of Transportation for inactive approved bus stop locations along their right-of-way on U.S. Business Highway 83 and Texas Boulevard. (Staffed by Planning and Code Enforcement.)

G. Approval of Resolution 2017-81 amending Resolution 2016-70, authorizing the Mayor and City Commission, identifying Commissioner Jose "J.P." Rodriguez, to exercise certain powers identified with BBVA Compass Bank, including opening of accounts, certificates of deposit, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and Commission to execute any related documents. (Staffed by Finance Department.)

H. Approval of Resolution 2017-82 to approve and adopt the annual Investment Policy for the City of Weslaco and authorize the Mayor to execute any related documents. (Staffed by Finance Department.)

Commissioner Kerr, seconded by Commissioner Pedraza, moved to approve consent agenda items A, B, C, D, E, G, and H withholding Item F as requested by Mayor Pro Tem Tafolla. The motion carried unanimously; Mayor Suarez was present and voting.

F. Approval of Resolution 2017-84 to terminate the Multiple Use Agreement with the Texas Department of Transportation for inactive approved bus stop locations along their right-of-way on U.S. Business Highway 83 and Texas Boulevard. (Staffed by Planning and Code Enforcement.)

The City Manager stated this was a request from the Texas Department of Transportation requesting those bus shelters never constructed be considered terminated. Mayor Pro Tem Tafolla requested staff research why the bus shelters were not built before any final decision is made on terminating locations, if any. There was no action on this item.

For the record, the resolutions are as follows:

RESOLUTION NO. 2017-81

STATE OF TEXAS	§	RESOLUTION AUTHORIZING MAYOR DAVID SUAREZ, MEMBERS OF THE CITY COMMISSION, AND APPROPRIATE STAFF AS SIGNATORIES ON CERTAIN LEGAL FINANCIAL DOCUMENTS FOR THE CITY OF WESLACO
COUNTY OF HIDALGO	§	
CITY OF WESLACO	§	

1. I, Elizabeth M. Walker, certify that I am the City Secretary of The City of Weslaco, organized under the laws of Texas, Federal Employer ID Number 74-6002544, engaged in Municipal business under the name of the City of Weslaco, and that the following is a correct copy of the resolution adopted at a meeting of the City Commission duly and properly called and held on December 5, 2017. This resolution appears in the minutes of this meeting and has not been rescinded or modified.
2. Be it Resolved that,

(a) BBVA Compass Bank is designated as a depository for the funds of the City of Weslaco.
(b) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by this Financial Institution.
(c) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the City of Weslaco with this financial institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
(d) Any of the persons named below, so long as they act in a representative capacity as agents of the City of Weslaco, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with this financial institution, concerning funds deposited in this financial institution, moneys borrowed from this financial institution or any other business transacted by and between the City of Weslaco and this financial institution subject to any restrictions stated below.
(e) Any and all prior resolutions adopted by the City Commission of the City of Weslaco and certified to this Financial Institution as governing the operations of the City of Weslaco's account(s), are in full force and effect, unless supplemented or modified by this authorization.
(f) The City of Weslaco agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of the City of Weslaco, and authorizes the financial institution named above, at anytime, to charge the City of Weslaco for all checks, drafts, or other orders, for the payment of money, that are properly drawn on this financial institution, and contain the required number of signatures for this purpose.

3. The officials designated below are authorized to conduct business as indicated:

	Name and Title	Signature
(A)	David Suarez, Mayor	______________________
(B)	Gerardo Tafolla, Mayor Pro-Tem	______________________
(C)	Leonardo Munoz Jr., Commissioner	______________________
(D)	Greg Kerr, Commissioner	______________________
(E)	Jose J.P. Rodriguez, Commissioner	______________________
(F)	Leticia Lopez, Commissioner	______________________
(G)	Joshua S.M. Pedraza, Commissioner	______________________
(H)	Mike R. Perez, City Manager	______________________
(I)	Elizabeth M Walker, City Secretary	______________________
(J)	Maria Barrera, Finance Director	______________________
(K)	Sonia Flores, Assistant Finance Director	______________________

Indicate A, B, C, D and/or E

<u>A – H</u>	(1)	Exercise all of the powers listed (2) through (9)
<u>A – H, J, K</u>	(2)	Open any deposit or checking account(s) in the name of the City of Weslaco
<u>A – H</u>	(3)	Endorse checks and orders for the payment of money and withdraw funds on deposit with this financial institution. Number of authorized signatures required for this purpose <u>2</u>. Number of authorized signatures required for payroll purpose <u>1</u>.
<u>A – H,J,K</u>	(4)	Open any certificate of deposit account and withdraw or transfer funds from the certificate of deposit on deposit with this financial institution. Number of authorized signatures required for this purpose <u>2</u>.
<u>A – H, J,K</u>	(5)	Transfer funds from operations account to the payroll account, investment account or paying agent approved by City Commission by telefax or other electronic means. Number of authorized signatures required for this purpose <u>1</u>.

A – H	(6)	Borrow money on behalf and in the name of the City of Weslaco executes and delivers promissory notes or other evidences of indebtedness. Number of authorized signatures required for this purpose 2.
A – H	(7)	Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the City of Weslaco as security for sums borrowed and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment. Number of authorized signatures required for this purpose 1.
A – H, J	(8)	Enter into written lease for the purpose of renting and maintaining a Safe Deposit Box in this financial institution. Number of authorized signatures required to gain access and to terminate the lease 1.
A – K,	(9)	Authorized to make inquiries as to status, account balance pertaining to the City of Weslaco.

4. I further certify that the City Commission of the City of Weslaco has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the foregoing resolutions and to confer the power granted to the persons named who have full power and lawful authority to exercise the same.

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of this Corporation on December 5, 2017.

RESOLUTION NO. 2017-82

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS APPROVING THE INVESTMENT POLICY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Sec. 2256 of the Texas Government Code, also known as the Public Funds Investment Act (PFIA), requires the governing body of an investing entity to adopt by rule, order ordinance, or resolution, a written investment policy regarding the investment of its funds; and

WHEREAS, once an investment policy has been adopted, the PFIA also requires the governing body to review the investment policy and investment strategies annually; and

WHEREAS, the PFIA states that the governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies; and

WHEREAS, the City's designated Investment Officer has reviewed the current investment policy and recommends changes as presented herein and recommends approval; and

WHEREAS, the City Commission desires to approve the amended Investment Policy;

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

SECTION 1. THAT, the City Commission has reviewed the attached Investment Policy for the City of Weslaco and the policies and strategies contained therein (Attachment "A").

SECTION 2. THAT the City Commission hereby adopts the attached Investment Policy as the City's Investment Policy.

SECTION 3. THAT all resolutions, or parts of resolutions in force with provisions relating to this resolution, which are inconsistent or in conflict with the terms or provisions contained herein, are hereby repealed to the extent of any such conflict only. The non-conflicting sections, sentences, paragraphs, and phrases shall remain in full force and effect.

SECTION 4. THAT this resolution shall become effective immediately upon its passage and approval.

PASSSED AND APPROVED this 5th day of December 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 approve Resolution 2017-83 appointing one member to the unexpired term of Adrian Torres on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. (Staffed by Planning and Code Enforcement.)

Mayor Pro Tem Tafolla, seconded by Commissioner Kerr, moved to approve Resolution 2017-83 appointing Maria Cisneros to the unexpired term on the Board of Adjustments and Appeals to the Zoning Ordinance. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the resolution is as follows:

RESOLUTION NO. 2017-83

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF ADJUSTMENTS & APPEALS-ZONING ORDINANCE.

WHEREAS, the City of Weslaco created and established the Board of Adjustments & Appeals-Zoning Ordinance.

WHEREAS, the term of the members of this board are for two years; and

WHEREAS, the Board of Adjustments & Appeals-Zoning Ordinance members shall serve with neither compensation nor term limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Maria Cisneros is appointed to serve an unexpired term on the Board of Adjustments & Appeals-Zoning Ordinance and the term will expire on 14th day of December 2019.

PASSED AND APPROVED on this 5th day of December 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

B. Discussion and consideration to nominate a member of the Weslaco community who has made significant civic contributions and achievements and authorize the Weslaco City Commission to sign the nomination form. Possible action. (Staffed by City Manager's Office.)

Commissioner Lopez, seconded by Commissioner Pedraza, moved to nominate Daryl Smith to the Rio Grande Valley Walk of Fame as part of BorderFest 2017. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

A. Discussion and consideration to approve Ordinance 2017-53 authorizing a budget amendment as appropriate in amount of $17,167.11 to purchase Water Rescue Dry Suits awarded under a Homeland Security Grant and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Antonio Lopez, Fire Chief, stated the purchase of the dry suits were reimbursable under the grant and recommended approval. The suits would support the activities by the water team utilized by Texas Task Force One.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve Ordinance 2017-83 authorizing a budget amendment as appropriate in the amount of $17,167.11 to purchase Water Rescue Dry Suits awarded under a Homeland Security Grant as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve the reconstruction of railroad crossing at the intersection of U.S. Business Highway 83 and Utah Avenue and authorize Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa, City Engineer/Director of Planning and Code Enforcement, stated Rio Valley Switching Company submitted an estimated quote of $75,012.30 and a fixed quote in the amount of $78,764. Staff recommends the fixed quote be approved as the best value for the city.

Commissioner Lopez, seconded by Commissioner Kerr, moved to approve the reconstruction of railroad crossing at the intersection of U.S. Business Highway 83 and Utah Avenue to Rio Valley Switching authorizing the fixed quote in the combined amount of $78,764 for both the main and side tracks as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to approve an Interlocal with Weslaco Independent School District (WISD) for the creation, management and maintenance of a Cafe in the Mayor Joe V Sanchez Public Library. Possible action. (Staffed by Library.)

Commissioner Kerr abstained from discussion and vote.

Arnold Becho, Library Director, stated WISD would supply personnel, supplies, equipment for the café with library staff providing some managerial assistance. The concept of a café has been in past discussions and now a feasible project as it would be run by students. Staff recommends approval.

Mayor Pro Tem Tafolla, seconded by Commissioner Muñoz, moved to approve an Interlocal with Weslaco Independent School District (WISD) for the creation, management and maintenance of a Cafe in the Mayor Joe V Sanchez Public Library as presented. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

D. Discussion and consideration to approve an asset transfer to Hidalgo County Precinct One. Possible action. (Staffed by Public Works.)

The City Manager stated two inoperable pieces of equipment, a Pneumatic roller and a street sealer, were identified for auction; however, the County requested to acquire the equipment, repair it, then loan it back to the City when needed. In exchange, they offer in-kind contribution to other paving projects. Staff recommends approval.

Commissioner Kerr, seconded by Commissioner Pedraza, moved to approve an asset transfer to Hidalgo County Precinct One as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to approve an Interlocal Agreement with the City of Donna authorizing the sale of water at a rate of $1.70/1,000 gallons for a twenty-five year term. Possible action. (Staffed by City Manager's Office.)

The City Manager stated discussions with Donna for the sale of water consummated in a proposed agreement with the following terms: price of $1.70 per thousand gallons; 15-year initial term with two 5-year extensions; cost renegotiated every 5 years with a 3% increase if no agreement reached. The City of Weslaco will purchase and install the meters and Donna will extend waterlines. Staff recommends approval as in addition to the revenue this additional demand actually will allow the water plants to operate more efficiently. It is estimated that Weslaco will sell approximately one million gallons to Donna each year.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to approve an Interlocal Agreement with the City of Donna authorizing the sale of water at a rate of $1.70/1,000 gallons for a twenty-five year term as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to authorize a one-time supplement to all full-time, non-civil service employees. Possible action. (Staffed by City Manager's Office.)

The City Manager recommended all non-civil service receive a one-time supplement at an estimated cost of $40,000. The City Manager would be excluded because of his contract. He recommended employees with 12-months receive $300; 6-12 months receive $150; 3-6 months receive $100 and less than 3 months $0.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez moved to approve a one-time supplement to all full-time, non-civil services employees as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VII. EXECUTIVE SESSION

At 6:22 p.m. Mayor Pro Tem Tafolla, seconded by Commissioner Pedraza, moved the regular meeting to convene in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:43 p.m. Mayor Suarez announced 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.

There was no action on this item.

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.

There was no action on this item.

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

Mayor Pro Tem Tafolla, seconded by Commissioner Muñoz, moved to authorize Commissioner Kerr to represent the City at the mediation with CDM on Friday. The motion carried unanimously; Mayor Suarez was present and voting.

D. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related for retail development Project Ocean as authorized by §551.087 of The Texas Government Code.

Commissioner Kerr abstained from discussion on this item.

There was no action on this item.

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

Commissioner Kerr abstained from discussion on this item.

There was no action on this item.

IX. ADJOURNMENT

Mayor Pro Tem Tafolla, seconded by Commissioner Kerr, moved to adjourn at 7:44 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Gerardo “Jerry” Tafolla

COMMISSIONER, Leo Muñoz

COMMISSIONER, Greg Kerr

ABSENT

COMMISSIONER, Jose “J.P.” Rodriguez

COMMISSIONER, Letty Lopez

COMMISSIONER, Josh Pedraza