



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 3, 2017**

On Tuesday, October 3, 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: Sonia Flores, Assistant Finance Director; Veronica Ramirez, Human Resources Director; Jose Pena, Information Technology Director; Pete Garcia, Public Works 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, Martin Mata, Library Assistant Director; Joe Pedraza, Health Official; 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, September 29, 2017.

B. Invocation.

Pastor Thomas Murray, Grace Episcopal Church, led in the invocation.

C. Pledge of Allegiance.

The Mayor led the Pledge of Allegiance and Texas Flag.

D. Mayoral recognition.

The Mayor recognized with appreciation the donation of twelve defibrillators, valued nearly \$15,000.00, from the Knapp Medical Center Volunteer Auxiliary to the Police Department.

E. Roll Call.

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

II. PUBLIC COMMENTS

Evelia Castillo, Wellness Coalition, expressed favor for the event, “Weslaco Bikearoos,” promoting bicycle safety.

Noting the stipulation that the public hearing be held no sooner than 6:00 p.m., the Mayor changed the order of the day and introduced item IV immediately.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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) Ordinance 2017-40 rezoning 400 N Republic Street also being Lots 12, 13, and 14, STAATS Addition Subdivision, Weslaco, Hidalgo County, Texas, from R-2 Duplex and Apartments District to B-4 Neighborhood Office District and authorize the Mayor to execute any related documents. (First reading was held September 19, 2017; Staffed by Planning and Code Enforcement.)

2) Ordinance 2017-41 rezoning 1210 Valley View also being Lot 6, Ashmelmont Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District and authorize the Mayor to execute any related documents. (First reading was held on September 19, 2017; Staffed by Planning and Code Enforcement.)

3) Ordinance 2017-42 rezoning 1319 E. 18th Street also being Lot 24, Margo Terrace Estates 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 was held on September 19, 2017; Staffed by Planning and Code Enforcement.)

4) Ordinance 2017-43 authorizing a budget amendment as appropriate for the Solid Waste Account in the amount of \$27,000.00 and authorize the Mayor to execute any related documents. (First reading was held on September 19, 2017; Staffed by Public Works.)

B. Approval of the renewals of the Professional Services Agreements as recommended by the Weslaco Hotel Occupancy Tax Advisory Committee:

1. Frontera Audubon Society - \$30,800.00;

2. Lower Rio Grande Valley Nature Center - \$32,500.00;

3. Weslaco Area Chamber of Commerce - \$191,740.00;

and authorize the Mayor to execute any related documents.

C. Approval of Ordinance 2017-50 authorizing a negotiated resolution with Texas Gas Service regarding the company's 2017 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause and other matters as ordained. First Reading of Ordinance 2017-50. (Staffed by Finance Department.)

D. Approval of a request by the Weslaco Bikearoos to utilize Harlon Block Park on October 14, 2017 from 8 a.m. – 12 p.m. for a Bike Rodeo, and authorize the Mayor to execute any related documents as may be required and waive any fees that may be associated with the event. (Requested by Weslaco Bikearoos.)

E. Approval of a renewal of a Public Purpose Service Contract with the Weslaco Bicultural Museum d.b.a Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$63,100.00 effective October 1, 2017 through September 30, 2018 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

F. Approval of the renewal of a Public Purposes Services Contract with the Boys & Girls Club of Weslaco in an amount not to exceed \$50,000.00 for the public purpose services and activities in this contract, effective October 1, 2017 through September 30, 2018, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

G. Approval of a renewal of a Mutual Lease Agreement with the Boys and Girls Club of Weslaco for the use of the facility located at 300 N. Airport, Suite B and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

H. Approval of renewal yearly agreement with UT-RGV for Stormwater Task Force in an amount not to exceed \$15,876.00 and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.)

I. Approval of the purchase of one (1) new city unit for Animal Care Services in an amount not to exceed \$58,367.00 from the Capital Outlay funds Fiscal Year 2017-2018 and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.)

J. Authorization to use the Court Technology Fund to pay the yearly fee for Incode Services, which include the Court Case Management, Police (non-Incode Interface to Court), and AcuCorp Run Time in the amount not to exceed \$10,136.79. (Staffed by Municipal Court.)

K. Approval of the renewal of payment to Smartcom Telephone, LLC for annual internet services and city facility network connectivity and authorize the Mayor to execute any related documents. (Staffed by IT Department).

L. Approval of the renewal of payment to PTS Solutions, Inc for yearly software maintenance fee and authorize the Mayor to execute any related documents. (Staffed by IT Department).

M. Approval of the renewal of payment to Tyler Technologies for yearly software maintenance fee and authorize the Mayor to execute any related documents. (Staffed by IT Department).

Commissioner Kerr, seconded by Mayor Pro-Tem Tafolla, moved to approve consent agenda items A, B, C, D, E, F, G, H, J, K, L and M withholding item I. The motion carried unanimously; Mayor Suarez was present and voting.

I. Approval of the purchase of one (1) new city unit for Animal Care Services in an amount not to exceed \$58,367.00 from the Capital Outlay funds Fiscal Year 2017-2018 and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.)

Mardoqueo Hinojosa, City Engineer/Director of Planning and Code Enforcement, stated the purchase of the vehicle was slightly over budget with the shortage to be paid from the general fund. The unit will help in responding to 6,000 calls yearly. In response to Commissioner Kerr, this is the third vehicle to the fleet since the shelter was expanded and will be designated for problematic areas of the city needing traps. In response to Mayor Pro-Tem Tafolla, the vehicle is 4-wheel diesel with a custom box and warranty.

Mayor Pro Tem Tafolla, seconded by Commissioner Kerr, move to approve consent agenda item I as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the ordinances are as follows:

ORDINANCE NO. 2017-40

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 400 N REPUBLIC STREET ALSO BEING LOTS 12, 13, AND 14, STAATS ADDITION SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-2 DUPLEX AND APARTMENTS DISTRICT TO B-4 NEIGHBORHOOD OFFICE DISTRICT

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

SECTION I: R-2 Duplex and Apartments District to B-4 Neighborhood Office District being Lots 12, 13, and 14, STAATS Addition Subdivision, also being 400 N Republic 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 19th day of September, 2017.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of October 2017.

ORDINANCE NO. 2017-41

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1210 VALLEY VIEW DRIVE ALSO BEING LOT 6, ASHMELMONT SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT TO B-4 NEIGHBORHOOD OFFICE DISTRICT.

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

SECTION I: R-1 One Family Dwelling District to B-4 Neighborhood Office District being Lot 6, Ashmelmont Subdivision, also being 1210 Valley View Drive, 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 19th day of September, 2017.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of October, 2017.

ORDINANCE NO. 2017-42

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1319 E. 18TH STREET ALSO BEING LOT 24, MARGO TERRACE ESTATES SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT TO 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, Margo Terrace Estates Subdivision, also being 1319 E. 18th 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 19th day of September, 2017.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of October, 2017.

ORDINANCE 2017-43

AN ORDINANCE AMENDING ORDINANCE NUMBER 2016-31, APPROVING AND ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017, FINDING NEED TO AMEND THE 2016-2017 MUNICIPAL BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City Commission of the City of Weslaco utilized diligent thought and attention to the preparation of the 2016-2017 budget; and

WHEREAS, unusual and unforeseen conditions have arisen during the fiscal year which have, or will require, the expenditure of additional funds constituting an emergency expenditure; and

WHEREAS, Section 102.009 of the Texas Local Government Code authorizes the City to amend its budget in such a manner as to provide for emergency expenditures as an amendment to the original budget in a case of grave public necessity to meet an unusual and unforeseen condition; and

WHEREAS, the City Commission finds the amendments in the line items identified in the attached Exhibit are reasonable,

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

SECTION 1. FINDINGS. The City Commission finds the statements made in the preamble above are true.

SECTION 2. BUDGET LINE ITEMS. The City Commission approves the budget amendments in the attached Exhibit as such change is necessary to meet an unusual and unforeseen condition as the result of an emergency.

SECTION 3. BUDGET TOTAL. The City Commission further finds the amended budget line items identified in such Exhibit will not cause the total expenditures in the budget to exceed the total amount of estimated revenue.

SECTION 4. APPROVAL. The 2016-2017 Official Budget, adopted by Ordinance 2016-31, is hereby reallocated, revised, amended and approved as set forth in the attached Exhibit.

SECTION 5. AUTHORIZATION. The City Manager is authorized to undertake action to execute such transfers in accordance with state law, and file, or cause to be filed, a true and correct copy of this Ordinance, with the attached budget amendment, with the City Secretary.

SECTION 6. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 19th day of September, 2017.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of October, 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. NEW BUSINESS

A. Discussion and consideration to approve the following: 1) Minutes of Regular Meeting on September 19, 2017; and 2) Record of Workshop on September 27, 2017. Possible action. (Pulled from consent agenda on request by Commissioners Kerr and Munoz; Staffed by City Secretary's Office.)

Commissioner Kerr stated the Commission action is reflected correctly in the minutes; he simply desired to clarify the appointments of the agents of record for the Voluntary Supplemental Products and offered no changes to the record.

Mayor Pro-Tem Tafolla, seconded by Commissioner Kerr, moved to approve Minutes of Regular Meeting on September 19, 2017 and Record of Workshop on September 27, 2017 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve an Interlocal Agreement with Hidalgo County Precinct No. 1 on Midway Road improvements and authorize the Mayor to execute any related documents. Possible action. (Requested by Precinct 1.)

County Commissioner David Fuentes, Precinct 1, stated the Milano's Road improvements project was near completion and requests approval of a similar interlocal agreement for South Midway Road improvements; the interlocal outlines a cost participation from the Cities of Donna and Weslaco in the amount of \$200,000 each and the County in the amount of \$500,000 toward the total project cost of \$910,000; both the County and Donna approved their contributions.

The City Manager noted Weslaco has more roadway abutting than Donna resulting from the ETJ agreement and the road would be fully reconstructed with 8" caliche base, 2" asphalt and bar ditches designed in coordination with Drainage District #1; he added Commissioner Noriega, although absent, was in favor of the project.

Mayor Pro-Tem Tafolla, seconded by Commissioner Kerr, moved to approve an Interlocal Agreement with Hidalgo County Precinct No. 1 on Midway Road Improvements as presented. The motion carried unanimously; Mayor Suarez was present and voting.

III. PUBLIC HEARING

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to open the public hearing at 6:09 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input in compliance with the Consolidated Plan for Community Planning and Development (CDBG) Urban County Program Fiscal Year 31 (2018) Needs Assessment Plan.

Sonia Flores, Assistant Finance Director, stated the public hearing was required for solicitation of requests for CDBG program funds.

Jeannette Gonzalez, Treasurer for CASA, stated this is an organization of Court Appointed Special Advocates for children to be placed in foster and permanent homes; 192 children were assisted last year with 34 from Weslaco. She requested favorable consideration for funding.

Mayor Pro-Tem Tafolla, seconded by Commissioner Kerr, moved to close the public hearing at 6:12 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to award Request For Bids 2016-17-27 Rehabilitation of Lift Station No. 37 to the lowest most advantageous bidder and authorize Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated six (6) bids were received, tabulated and evaluated. The lowest respondent is Castle Construction with a base bid of \$426,268.17 with a cash allowance for odor control. Staff recommends approval of the lowest respondent noting references were checked; this bid allows razor profit margin, evidenced by the difference between lowest and highest bidders. In response to Mayor Suarez, no change orders are expected unless unforeseen circumstances.

Commissioner Kerr, seconded by Commissioner Lopez, moved to award Request For Bids 2016-17-27 Rehabilitation of Lift Station No. 37 to Castle Construction as the lowest most advantageous bidder as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to approve Ordinance 2017-48 amending Ordinance 1998-27, the City Telecommunication Ordinance, codified as Chapter 130, and adding uniform, nondiscriminatory requirements for users of City right-of-way and authorize the Mayor to execute any related documents. First reading of Ordinance 2017-48. Possible action. (Staffed by Planning and Code Enforcement Department).

Mardoqueo Hinojosa stated the proposed ordinance is an amendment to the Telecommunications Ordinance, explaining cities Valley-wide are adopting a similar ordinance to assist in the regulation of cell nodes in right-of-way. Staff recommends approval.

The City Manager stated newly enacted state legislation limits the fee to be charged at \$250.00 permit fee. A coalition of cities currently is suing the state asserting entities should be able to charge according to their franchise agreements.

Mayor Pro-Tem Tafolla, seconded by Commissioner Muñoz, moved to approve Ordinance 2017-48 amending Ordinance 1998-27, the City Telecommunication Ordinance, as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to approve Ordinance 2017-49 amending Ordinance 320, the City Zoning Ordinance, codified as Chapter 150, adding a new Division 10 (“Overlay Design District”) to section 150-3 (“Districts”), and adding section 150-11.1 Design District and authorize the Mayor to execute any related documents. First reading of Ordinance 2017-49. Possible action. (Staffed by Planning and Code Enforcement Department).

Mardoqueo Hinojosa recommended approval stating similar to the aforementioned item, this amendment to the ordinance establishes regulation of cell nodes in the city.

Mayor Pro-Tem Tafolla, seconded by Commissioner Muñoz, moved to approve Ordinance 2017-49 amending Ordinance 320, the City Zoning Ordinance, codified as Chapter 150, adding a new Division 10 (“Overlay Design District”) to section 150-3 (“Districts”), and adding section 150-11.1 Design District. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to adopt the City of Weslaco Design Manual for the Installation of Network Nodes and Node Support Poles Pursuant to Tex. Loc. Gov. Code Chapter 284. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa recommended approval stating the design manual establishes guidelines on the installation of cell nodes in the public rights-of-way.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to adopt the City of Weslaco Design Manual for the Installation of Network Nodes and Node Support Poles. The motion carried unanimously; Mayor Suarez was present and voting.

VI. EXECUTIVE SESSION

At 6:24 p.m. Mayor Pro-Tem Tafolla, seconded by Commissioner Muñoz, moved the regular Meeting to convene in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:00 p.m. Mayor Suarez announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VII. 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.

Mayor Pro-Tem Tafolla, seconded by Commissioner Kerr, moved to authorize the City Attorney and City Manager to engage in negotiations with local counsel as discussed in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

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

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to authorize the City Attorney to finish the negotiated document as discussed in Executive Session. The motion carried with Commissioner Kerr abstaining; Mayor Suarez was present and voting.

VIII. ADJOURNMENT

Mayor Pro-Tem Tafolla, seconded by Commissioner Muñoz, moved to adjourn at 7:01 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, Olga Noriega

COMMISSIONER, Letty Lopez

COMMISSIONER, Josh Pedraza