A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 16, 2018

On Tuesday, October 16, 2018, at 5:33 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	Jose "J.P." Rodriguez
Commissioner	Letty Lopez
Commissioner	Josh Pedraza
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

Also present: Sonia Flores, Interim Finance Director; Olga Garza, Interim Parks and Recreation Director; Leo Gonzalez, Information Technology Director; Joe Pedraza, Planning and Code Enforcement; Tony Lopez, Fire Chief; Joel Rivera, Police Chief; Andrew Munoz, Airport Director; Pete Garcia, Public Works Director; 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, October 12, 2018.

B. Invocation.

Guadalupe Gonzalez, First Baptist Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

Mayor Suarez recognized National Night Out event and proclaimed October 2018 to be Domestic Violence Awareness Month. Chief Rivera recognized and thanked the community outreach team for a successful event; District Attorney Ricardo Rodriguez in attendance for the Domestic Violence Awareness Month thanked the commission and staff for the support.

E. Roll Call.

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

II. PUBLIC COMMENTS

Alicia Rodriguez voiced concerns with misuse of water by her neighbor; Caleb Jospeh Cavazos, Danny Arnold, Ashley Dickerson, Nilda Hernandez; April L. Walling and Brad Schwarz all voiced their opposition to the change of zone of 100 Laurel Drive citing concerns of congestion in the area, safety, integrity of residential neighborhood, access for emergency vehicles and limited visibility. Gail Weigel Ortiz voiced the need for emergency contact phone numbers listed to the community; curbside debris pickup is still needed and against the rezone of 100 Laurel Drive.

Daniel Sarmiento and Roberto Estevanes voiced objection to closure of Mérida and Austin streets; citing closure would limit access for emergency and school buses and other options need to be looked at.

Randy Hall stated the drainage committee had its first meeting October 9 extending an invite to the commission and taxpayers to attend the next meeting scheduled October 23.

The order of the day was changed to item C of the Public Hearing.

III. PUBLIC HEARIING

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to open the public hearing at 6:10p.m. The motion carried unanimously; Mayor Suarez was present and voting.

C. To solicit input in compliance with the Consolidated Plan for Community Planning and Development (CDBG) Urban County Program Fiscal Year 32 (2019) Needs Assessment Plan. (Staffed by Finance Department.)

Efrain Tafolla stated the CDBG allocation of funds would be upgrading water and wastewater lines in neighborhoods meeting eligibility criteria in the City; allocation of funds for City was $295,00.

Noe Silva, Nuestra Clinica del Valle, Isabel Arranda, Amigos Del Valle and Jesus Sanchez, Children Advocacy Center, requested favorable consideration for CDBG funds for their programs that offered services for discounted medical services, meals for senior centers and advocating for children.

Dina Murrillo voiced allocated funds be targeted towards infrastructure in the low-moderate income areas.

A. To solicit input on behalf of Mike Givilancz Jr. to rezone 100 Laurel Drive. Also being Lot 1, Laureles Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One-family dwelling district to B-1 Neighborhood Business District (Staffed by Planning and Code Enforcement Department.)

Connie Hovda, Nilda Hernandez, Dustin Dickerson, April Walling voiced objections to the rezone voicing integrity of residential neighborhood be kept and if rezoned will be permanently commercial.

Mike Givilancz, Applicant, stated is working with the planning department on the concern of parking by providing an area for additional parking; would not have any events on the property only photo shoots for special events; area is a business corridor for commercial growth. He requested favorable consideration and voiced a concern of an irrigation line that is draining causing odor and water gathers.

B. To solicit public input on behalf of the residents of Austin and Merida Streets who are requesting to close the two streets where they intersect with the drainage canal to allow for unrestricted drainage flow but will impact through traffic. (Staffed by Planning and Code Enforcement Department.)

Miguel Chuca and Selena Martinez objected to closure of streets on a permanent basis and Jesse Lara stated he was in favor of the closure of streets.

Teodoro Garza, requested the canals be opened temporarily and not in favor of street closure.

Maggie Pena voiced in favor of a solution in preventing flooding.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to close the public hearing at 7:02 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

IV. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of the Minutes of the Regular Meeting on October 2, 2018 (Staffed by City Secretary's Office.) .

B. Authorization to submit an application renewing the ERate 2019-2020 Grant program, accept funds upon award, accept additional funding if awarded during the grant year, and authorize the Mayor to execute any related documents. (Staffed by the Library Department.)

C. Approval of the annual renewal of a general software subscription services contract for maintenance and support with Tyler Technologies, Inc in an amount not to exceed $46,719.79 and authorize the Mayor to execute any related documents. (Staffed by Information Technology Department.)

D. Approval of the annual renewal of a general software subscription services contract for maintenance and support with PTS Solutions, Inc in an amount not to exceed $44,801.37 and authorize the Mayor to execute any related documents. (Staffed by Information Technology Department.)

E. 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, 2018 through September 30, 2019 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

F. 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, 2018 through September 30, 2019 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

G. Approval of the renewal of Professional Services Agreement as recommended by the Weslaco Hotel Occupancy Tax Advisory Committee:

1. Frontera Audubon Society - $33,000.00;
2. Lower Rio Grande Valley Nature Center - $39,100.00;
3. Weslaco Area Chamber of Commerce - $183,665.00;

and authorize the Mayor to execute any related documents. (Staffed by Finance Department.

H. Approval of a request by Valley Nature Center to utilize Gibson Park on November 10, 2018 from 12 noon - 11 p.m. for Brew in the Woods, 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 Valley Nature Center.)

I. Approval of a Mid Valley Airport Hangar Lease Agreement with Aaron Carlson, Hangar E-6, and authorize the Mayor to execute any related documents. (Staffed by Airport.)

J. Authorization to solicit sealed bids, RFB No. 2018-19-02, for the Rehabilitation of the Water Tower located on 8th Street & Bridge Ave. (Staffed by Public Works.)

K. Approval of Resolution 2018-64 increasing the Weslaco Drainage Citizens' Task Force Drainage Committee not to exceed ten and authorize the Mayor to execute any related documents. (Staffed by the City Manager's Office.)

L. Acceptance of the Local Border Security Program Award, Grant #3407202, from the Office of the Governor, in the amount of $60,000.00 with no match required and authorize the Mayor to execute any related documents. (Staffed by the Police Department.)

M. Acceptance of the Bullet-proof Vest Partnership Award, from the Office of Justice Programs, in the amount of $27,645 with no match required and authorize the Mayor to execute any related documents. (Staffed by the Police Department.)

N. Approval to adopt the charter and other formalization documents of the Marion Booth Foundation and authorize the Mayor to execute any related documents. (Staffed by Library.)

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

Following for the record, is the resolution.

RESOLUTION NO. 2018-64

A RESOLUTION OF THE CITY OF WESLACO INCREASING THE AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE NOT TO EXCEED TEN MEMBERS.

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, there shall be ten (10) members in the Weslaco Drainage Citizens' Task Force who shall be nominated one by each Commission member and approved by the whole Weslaco City Commission; and

WHEREAS, members shall be residents of the City of Weslaco, serve without compensation, and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT the Weslaco Drainage Citizens' Task Force membership hereby increased not to exceed ten (10).

PASSED AND APPROVED on this 16th day of October 2018.

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. OLD BUSINESS

A. Discussion and consideration to authorize staff to discontinue debris pickup from flood event of June 20 effective October 12, 2018 at 5 p.m. and authorize continuance of construction debris disposal at the City Shop until November 16, 2018. Possible action. (There was no action on this item October 2, 2018; Staffed City Manager's Office.)

Commissioner Rodriguez, seconded by Commissioner Pedraza moved to discuss.

Mike Perez, City Manager, stated staff met with Republic Services and discussed schedule of brush and debris and performance; debris pickup has scaled down to one-two a day for debris; containers are going half-full and charged. Staff recommend as debris accumulates call Republic Services with addresses to ensure a full container. The City Manager recommended continue for now;

monitor closely for the next 30 days; discontinue on December 31, 2018 and ensure better coordination with Republic Service to reduce the cost.

In response to Commissioner Muñoz, invoiced per truck load; will continue for now on a call basis to Republic Services and staff will notify citizens service to discontinue December 31, 2018.

There was no action on this item.

VI. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Mike Givilancz Jr. to approve Ordinance 2018-35 rezoning 100 Laurel Drive, also being Lot 1, Laureles 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 2018-35. Three-fourths vote required. Possible action. (Staffed by Planning and Code Enforcement Department.)

Rebekah De La Fuente, Senior Planner stated a petition was received representing 20% of property owners against the change of zone. The Planning and Zoning Commission action failed; staff recommends approval as the proposed use in the 2040 Land Use Plan is identified as a future commercial corridor.

In response to Commissioner, the City Manager stated in response to Commissioner Rodriguez, Chief Rivera stated about a call a week for the parking issues.

Commissioner Rodriguez, seconded by Commissioner Lopez, moved to approve Ordinance 2018-35 rezoning 100 Laurel Drive, also being Lot 1, Laureles Subdivision, as presented. The motion failed unanimously (0-6); Mayor Suarez was present and voting.

B. Discussion and consideration after public hearing on behalf of the residents of Austin and Merida Streets who are requesting to close the two streets where they intersect with the drainage canal to allow for unrestricted drainage flow but will impact through traffic. Possible action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Rodriguez, seconded by Commissioner Lopez moved to discuss.

The City Manager stated he met with the citizens, advising if they wanted to close streets and open ditches it would be temporary solution until drainage improvements can be done.

Efrain Tafolla, CAD Supervisor, overviewed the scope of work necessary for Merida Street included to cap the waterlines on both sides of the drain ditches; run an aerial through the sewer line; place barricades and berm; add safety measures; traffic re-routed and placing hammerhead ends for emergency and school bus access; Austin Street waterline already capped; eliminate sewer line adding a manhole on west side of drain ditch redirecting flow to the southside; barricade and berm.

In response to Commissioner Muñoz; cost is $20,000 done in-house to include sewer line; Commissioner Muñoz and Lopez would like an opinion from the civil engineering firm to ensure this is the most cost-effective solution for now.

Mike Bullion, Halff and Associates, stated met with drainage committee; begun study and mapping; can evaluate the area in question and make a recommendation based on findings of volumes and capacity of the area within the next couple weeks on the most beneficial solution for the City and residents.

Mayor Suarez stated no action.

C. Discussion and consideration to approve the Final Plat for North Valley Ranchettes Subdivision, being a 31.3737 acres out of Farm Tracts 317 the West & Adams Subdivision, Weslaco, Hidalgo County, Texas located approximately 1750 ft. West of Mile 4 West Road. Possible action. (Staffed by Planning and Code Enforcement.)

Rebekah De La Fuente, stated this was a twelve-lot subdivision; serviced with water by North Alamo Water Supply Company through a 16" waterline and sewer by on-site sanitary sewer facility. The property owner is requesting a variance to the ordinance for on-site sewage facility. The Planning and Zoning Commission recommended approval with variance. Staff recommends final plat approval with compliance of the ordinance.

Mayor Pro Tem Tafolla, seconded by Commissioner Pedraza, moved to approve the Final Plat for North Valley Ranchettes Subdivision with variance as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to approve the Final Plat for Rangila Subdivision, being a 1.878 acres out of Farm Tracts 29, West Tract Subdivision Vol. 2, Weslaco, Hidalgo County, Texas located approximately 1900 ft. North of West Frontage Road. Possible action. (Staffed by Planning and Code Enforcement.)

Rebekah De La Fuente, stated this was a re-subdivision of Texas Inn site; proposed as a two (2) lot subdivision is inside city limits; being serviced with water and sewer by the City. The Planning and Zoning Commission and staff recommended approval.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to approve Final Plat for Rangila Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to approve request for Pony Winter Softball League to utilize 2-3 softball fields at Pablo G. Peña Park on a first come first serve basis for a maximum of two weeks at a time. Possible action. (Staffed by Parks and Recreation Department.)

Olga Garza, Interim Parks Director, stated a request was received for a Pony Winter League and has not been able to discuss terms with a representative; recommend approving subject availability of fields with a maximum of two weeks.

Commissioner Rodriguez, seconded by Commissioner Lopez, moved to approve request for Pony Winter Softball League to utilize 2-3 softball fields at Pablo G. Peña Park subject on availability of fields with a maximum of two weeks as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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

Olga Garza stated two changes to the agreement included the lease would be for two years and language added that the building would be used as a shelter during emergency operations. Staff recommended approval.

Commissioner Lopez, seconded by Commissioner Rodriguez, moved to approve renewal of a Mutual Lease Agreement with the Boys and Girls Club of Weslaco for use of facility located at 300 N. Airport, Suite B as presented. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration to purchase through Buyboard vendor Caldwell Country a 2018-2019 Tahoe not to exceed $35,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Antonio Lopez, Fire Chief, stated the purchase was part of the 5-year capital improvement plan through the Apparatus Replacement Program and budgeted. Staff recommended approval.

Commissioner Lopez, seconded by Commissioner Rodriguez, moved to approve purchase through Buyboard vendor Caldwell Country a 2018-2019 Tahoe not to exceed $35,000 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration to solicit bids for a 2019 Ford F-250 Gas 4x4 to replace a 2004 Expedition and a 2019 F-550 gas 4x4 chassis. Possible Action. (Staffed by the Fire Department.)

Antonio Lopez stated the purchase would replace a vehicle that is not cost effective to repair; if purchased before November 1 can qualify for a government rebate; vehicles are gas offering savings; replace chassis for a brush truck; budgeted under the 5-year capital improvement plan. Staff recommended approval.

Commissioner Lopez, seconded by Commissioner Pedraza, moved to approve and authorize to solicit bids for a 2019 Ford F-250 Gas 4x4 to replace a 2004 Expedition and a 2019 F-550 gas 4x4 chassis as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to approve a Professional Services Agreement with Halff Associates for Civil Engineering Services for Stormwater Improvements Plan as negotiated. Possible action. (Staffed by City Manager's Office.)

Commissioner Lopez, seconded by Mayor Pro Tem Tafolla, moved to discuss.

The City Manager went over the total contract amount of $348,510.00 plus reimbursable expenses of $32,500; scope of tasks (7) included project management meetings (commission and drainage), prioritization of projects; base model and existing hazard identification; future improvements; evaluations of short term drainage solution; design and recommendations on retention detention facility; commission would need to determine plan of action by February 14 in order to meet deadline to call for an election in May.

Commissioner Muñoz stated the agreement was considerable information and would like more time for evaluation.

The City Manager recommended a special meeting October 23 at 4:30 to allow time for further review. Mayor Suarez recommended the City Manager continue discussion with Halff Associates in particular the billable hours.

There was no action with a meeting to be scheduled October 23 at 4:30 p.m.

J. Discussion and consideration to approve Ordinance 2018-38 amending the Code of Ordinances Chapter 98 Parks and Recreation by adding to Article I Section 98-15 “Dockless Vehicle Permits: Licenses, Permits and Miscellaneous Regulations," supporting a Valley-wide bike share initiative as coordinated by the Lower Rio Grande Valley Development Council. Possible action. (Staffed by City Manager's Office.)

The City Manager recommended approval stating the venture allows companies to bring bicycles’ into the community at no cost to the city; fee associated the user; is a franchise and can cancel in a year if not likable to the public and spearheaded by the Lower Rio Grande Development Council. Staff recommends approval.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to approve Ordinance 2018-38 amending the Code of Ordinances Chapter 98 Parks and Recreation by adding to Article I Section 98-15 “Dockless Vehicle Permits: Licenses, Permits and Miscellaneous Regulations," as presented. The motion carried unanimously; Mayor Suarez was present and voting.

K. Discussion and consideration to approve the Interlocal Agreement with the City of Mercedes for the temporary provision of potable water and wastewater service to property adjacent and adjoining Weslaco’s city limits along U.S. Business Highway 83 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

The City Manager stated the request was from the City of Mercedes that is unable to provide service to Cortino’s Restaurant; Mercedes proposes to extend infrastructure with Weslaco selling them water. Staff recommended approval.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to approve the Interlocal Agreement with the City of Mercedes for the temporary provision of potable water and wastewater service to property adjacent and adjoining Weslaco’s city limits along U.S. Business Highway 83 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VII. EXECUTIVE SESSION

At 8:04 p.m. Commissioner Muñoz, seconded by Commissioner Pedraza, moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:54 p.m. Mayor Pro Tem Tafolla stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public. Mayor Suarez did not return to the dais from Executive Session.

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.

B. Personnel - Discussion with the City Manager regarding employment of a City Secretary as authorized by §551.074 of the Texas Government Code.

There was no action.

C. Personnel - Discussion regarding the Arbitration of Appeal for settlement from Gilbert Luna as authorized by §551.074 of the Texas Government Code.

Commissioner Lopez, seconded by Commissioner Pedraza, moved to authorize the City Attorney to settle the Arbitration of Appeal from Gilbert Luna as discussed in executive session. The motion carried; Mayor Suarez was not present and voting.

D. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.

There was no action.

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

There was no action.

F. Real Property – Consultation with City Attorney on the purchase of real property legally described as Chelsea Park W6.83AC GR 5.22AC Net on Border Avenue as authorized by §551.072 of the Texas Local Government Code.

There was no action.

G. Real Property – Consultation with City Attorney on the purchase of real property legally described as West Tract W3.67AC-S10AC-N20AC FT 685 at Dawson and Oregon Streets as authorized by §551.072 of the Texas Local Government Code.

There was no action.

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

There was no action.

IX. ADJOURNMENT

Commissioner Muñoz, seconded by Commissioner Rodriguez moved to adjourn at 8:55 p.m. The motion carried unanimously.

CITY OF WESLACO

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MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth Walker

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MAYOR PRO-TEM, Gerardo "Jerry" Tafolla

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COMMISSIONER, Leo Muñoz

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COMMISSIONER, Greg Kerr

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COMMISSIONER, Jose "J.P." Rodriguez

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COMMISSIONER, Letty Lopez

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COMMISSIONER, Josh Pedraza