MINUTES OF A REGULAR MEETING OF THE WESLACO CITY COMMISSION TUESDAY, APRIL 2, 2019

On Tuesday, April 2, 2019, 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 member's present:

Mayor	David Suarez
Mayor Pro-Tem	Greg Kerr
Commissioner	Letty Lopez
Commissioner	Josh Pedraza
Commissioner	Leo Muñoz
City Manager	Mike R. Perez
City Secretary	Myra L. Ayala Garza
City Attorney	Juan E. Gonzalez

Also present: Aida Vega, Deputy City Secretary; Andrew Munoz, Airport Director/Interim Asst. City Manager, Vidal Roman, Finance Director, Omar Rodriguez, Parks and Recreation Director, Leo Gonzalez, Information Technology Director; Joe Pedraza, Health Official, Ben Worsham, City Engineer/Planning and Code Enforcement Director; Joel Rivera. Police Chief, Antonio Lopez, Fire Chief, Veronica Ramirez, HR Director; Pete Garcia, Public Works Director; Arnold Becho, Library Director; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor David Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, March 29, 2019.

B. Invocation.

Father Francisco Solis, St. Joan of Arc Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

Mayor Suarez proclaimed April as Celebrate the Arts Day and Month of the Military Child.

E. Roll Call.

Myra L. Ayala Garza, City Secretary, called the roll, noting the absence of Commissioner Tafolla, and Commissioner Rodriguez with a quorum present; arrival of Mayor Pro Tem Kerr at 6:51 pm.

II. PUBLIC COMMENTS

Randy Hall, Chairman for the Weslaco Drainage Committee, stated on April 9th a presentation would be done to the Weslaco Lions Club pertaining to the bond election inviting the commission and public to receive facts and literature; any non-profit or civic organization wanting a presentation to please contact him.

Police Chief Joel Rivera thanked the commission for their confidence in appointing him Chief of Police stating today was his one-year anniversary; went over the sequence of events on an animal cruelty response on March 24, 2019 that led to two arrests and the pet receiving medical attention and being fostered.

Edward Mejia stated his concern of speeding in his neighborhood resulted with speed strips placed and showed speeding in one direction. He hoped when a final report is done corrective measures will be done. He requested favorable consideration for appointment on the census committee.

III. 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 March 19, 2019. (Staffed by City Secretary's Office.) .

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

1) Approval on Ordinance 2019-08 to rezone 609 Hidalgo St., also being Lot 14-15, BLK 7. Weslaco Original Townsite, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district and authorize the Mayor to execute any related documents. (First reading held March 19, 2019; staffed by Planning and Code Enforcement Department.)

2) Approval of Ordinance 2019-09 to rezone 1321 S. International Blvd. Also being a 1.42 acre tract of Farm Tract 1020 West and Adams Tract Subdivision, proposed Lot 1, BLK 1. Mira Vista, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district and authorize the Mayor to execute any related documents. (First reading held on March 19, 2019; staffed by Planning and Code Enforcement Department.)

3) Approval of Ordinance 2019-10 to rezone 3602 Camino Real Viejo also being a 5.00 Acre Tract Of Land Out Of Farm Tract 1020 Out Of Lot 12 BLK 113 West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district and authorize the Mayor to execute any related documents. (First reading of Ordinance held March 19, 2019; staffed by Planning and Code Enforcement Department.)

4) Approval of Ordinance 2019-11 to rezone 1704 N. International Blvd. Also being Lot A, Block F. Pecan Grove Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district and authorize the Mayor to execute any related documents. First reading of Ordinance held March 19, 2019; staffed by Planning and Code Enforcement Department.)

5) Approval of Ordinance 2019-12 for the voluntary annexation of the Avanti At Sienna Palms Legacy - being a 7.9 acres out of the Juan Jose Ynojosa De Balli Survey, Abstract No. 54, being a portion of Farm Tract Subdivision out of Llano Grande Grant, Weslaco, Hidalgo County, Texas located on the east side of mile 6 ½ west ¼ mile south of mile 10 north and authorize the Mayor to execute any related documents. (First reading of Ordinance held March 19, 2019; staffed by Planning and Code Enforcement Department).

C. Approval on Resolution 2019-38 to submit grant application to Wal-Mart's Community Grant for Police Department and authorize the Mayor to sign and execute any related documents. (Staffed by Police Department.)

D. Ratification of the agreement between Behavioral Health Solution of South Texas (BHSST) and City of Weslaco Police Department for the purpose of establishing the Community Coalition Partnership (CCP) and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

E. Approval of application to the South Texas Literacy Coalition free book distribution program and authorize the Mayor to execute any related documents. (Staffed by the Library Department.)

F. Approval to terminate a Mid Valley Airport Ground Lease Agreement with Tenant Clifford Robert Gardner Jr. for Hangar W12 and to approve a Mid Valley Airport Ground Lease Agreement with Tenant Therin Frank Sojak for Hangar W12 and authorize the Mayor to execute any related documents. (Staffed by Airport Department.)

G. Approval on renewal of a Professional Services Agreement for City Prosecutor with the Law Office of Justino "J.R." Garza and authorize the Mayor to execute any related documents. (Staffed by the City Manager's Office.)

H. Approval on renewal of a Professional Services Agreement for Municipal Court Judge Samuel V. Sanchez in the amount of $45,000.00 beginning June 2019 through June 2021 and authorize the Mayor to execute any related documents. (Staffed by the City Manager's Office.)

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

For the record following are the Ordinances and Resolution.

ORDINANCE NO. 2019-08

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 609 HIDALGO ST ALSO LOTS 14-15, BLK 7. WESLACO ORIGINAL TOWNSITE, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE-FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT 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 apartment district being 609 Hidalgo St also being lots Lots 14-15, BLK 7. Weslaco Original Townsite, 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 March 2019.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of April 2019.

ORDINANCE NO. 2019-09

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1321 S. INTERNATIONAL BLVD ALSO BEING A 1.42 ACRE TRACT OF FARM TRACT 1020 WEST AND ADAMS TRACT SUBDIVISION, PROPOSED LOT 1, BLK 1. MIRA VISTA, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE-FAMILY DWELLING DISTRICT TO B-2 SECONDARY HIGHWAY 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-2 Secondary highway business district being 1321 S. International Blvd also being a 1.42-acre tract of Farm Tract 1020 West and Adams Tract Subdivision, proposed Lot 1, BLK 1. Mira Vista, 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 March 2019.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day

of April 2019.

ORDINANCE NO. 2019-10

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 3602 CAMINO REAL VIEJO ALSO BEING A 5.00 ACRE TRACT OF LAND OUT OF FARM TRACT 1020 OUT OF LOT 12 BLK 113 WEST AND ADAMS TRACT SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE-FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT 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 apartment district being 3602 Camino Real Viejo also being a 5.00 Acre Tract Of Land Out Of Farm Tract 1020 Out Of Lot 12 BLK 113 West and Adams Tract Subdivision, 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 March 2019.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of April 2019.

ORDINANCE NO. 2019-11

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1704 N. INTERNATIONAL BLVD ALSO BEING LOT A, BLK F. PECAN GROVE SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE-FAMILY DWELLING DISTRICT TO B-2 SECONDARY HIGHWAY 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-2 Secondary highway business district being 1704 N International Blvd also being Lot A, BLK F. Pecan Grove Subdivision, 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 March 2019.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of April 2019.

ORDINANCE NO. 2019-12

AN ORDINANCE ANNEXING ADDITIONAL TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS ON VOLUNTARY PETITION OF AREA LAND OWNER SUCH LAND BEING 7.90 ACRES OF LAND, LOCATED IN HIDALGO COUNTY, TEXAS, WHICH IS CONTIGUOUS TO THE CITY LIMITS AND HEREINAFTER DESCRIBED; AS SHOWN

IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Weslaco, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. There is hereby annexed on voluntary petition of area landowner as part of the territory within the corporate boundaries of the City of Weslaco the following tract located in Hidalgo County, Texas, that totals to 7.90 acres and are more specifically described as follows, to-wit:

BEING a 7.90 acre tract of land situated in the Juan Jose Ynojosa De Balli Survey, Abstract No. 54, Hidalgo County, Texas, being a portion N Mile 6 1/2 Road (a 40-foot wide right-of-way) and a portion of Farm Tract 214 of the West Tract Subdivision out of Llano Grande Grant, as recorded in Volume 2, Pages 34-37, of the Map Records of Hidalgo County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a railroad spike found (Y = 16,597,828.55', X = 1,143,102.93') marking the intersection of the centerlines of said N Mile 6 1/2 Road and Mile 10 N Road (a 40-foot wide right-of-way);

THENCE North 88°35'17" East, a distance of 20.00 feet to a point on the east line of said N Mile 6 1/2 Road;

THENCE South 01°24'43" East, along said east line, a distance of 1319.39 feet to a point on the common line of Farm Tracts 214 and 215;

THENCE North 88°57'47" East, along said common line, passing a concrete monument set at a distance of 20.00 feet and continuing a total distance of 687.85 feet to a concrete monument set;

THENCE South 01°12'25" East, a distance of 400.00 feet to a concrete monument set;

THENCE South 88°57'47" West, passing a concrete monument set at a distance of 667.85 feet and continuing a total distance of 727.85 feet to a point on the west line of aforesaid N Mile 6 1/2 Road;

THENCE North 01°12'25" West, along said west line, a distance of 400.00 feet;

THENCE North 01°24'43" West, continuing along said west line, a distance of 1319.24 feet;

THENCE North 88°55'11" East, a distance of 20.00 feet to the POINT OF BEGINNING and containing 7.90 acres (343,911 square feet) of land.

SECTION 3. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Weslaco.

SECTION 4. This ordinance shall be published in one (1) newspaper of general circulation published in Weslaco, once a week for two (2) weeks, after the last reading of the ordinance.

SECTION 5. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't. Code*.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 19th day of March, 2019.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of April 2019.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Myra L. Ayala Garza, CITY SECRETARY

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

IV. APPOINTMENTS

A. Discussion and consideration on Resolution 2019-39 appointing a member to an expired term on the Ambulance Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Fire Department.)

In response to Mayor Suarez, Fire Chief Lopez stated the member is willing to continue to serve.

Commissioner Lopez seconded by Commissioner Muñoz moved to approve Resolution 2019-39 re-appointing Sandra Esquivel on the Ambulance Advisory Board as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Following is the resolution.

RESOLUTION NO. 2019-39

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE AMBULANCE ADVISORY BOARD.

WHEREAS, the City of Weslaco has established the Ambulance Advisory Board pursuant to Section 14-1(A) of Ordinance No. 78-39; and

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

WHEREAS, the Ambulance Advisory Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Sandra Esquivel is appointed to serve on the Ambulance Advisory Board and the term will begin on May 7, 2019 and will expire on May 6, 2021.

PASSED AND APPROVED on this 2nd day of April, 2019

B. Discussion and consideration on Resolution 2019-40 amending Resolution 2019-05 Section 1 of the Weslaco 2020 Complete Count Census Committee by appointing the Clean Sweep staff as members comprised from the following departments Police (1), Fire (1), Parks (1), Public Works (1), Human Resources (1), City Secretary (1) and Planning and Code Enforcement (2) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

Rebekah de la Fuente, Senior Planner, recommended approval to amend the resolution that will allow the appointment of Clean Sweep staff as committee members. The clean sweep staff members include Eric Hernandez, Richard Stubbs, Omar Rodriguez Olga Garza, Jose Soria, Edna Silva, Daniel Sifuentes and Daniel Saenz.

Commissioner Muñoz, seconded by Commissioner Pedraza moved to approve Resolution 2019-40 amending Resolution 2019-05 Section 1 of the Weslaco 2020 Complete Count Census Committee appointing the Clean Sweep staff as presented. The motion carried unanimously. Mayor Suarez was present and voting.

Following is the resolution.

RESOLUTION 2019-40

RESOLUTION AMENDING RESOLUTION NO. 2019-05 ESTABLISHING A WESLACO 2020 COMPLETE COUNT CENSUS COMMITTEE FOR THE CITY OF WESLACO, TEXAS TO HELP PROMOTE FULL PARTICIPATION IN THE 2020 CENSUS

WHEREAS, the United States Constitution mandates a census every 10 years to determine how many seats each state will have in the United States House of Representatives; and,

WHEREAS, 2020 Census will decision-makers understand which neighborhoods need new schools and which ones need greater services for the elderly; and,

WHEREAS, 2020 Census will be the largest peacetime effort in the history of the United States; and,

WHEREAS, the City Commission recognizes the importance of a complete and accurate census count of residents for future allocation of federal and state funding of local programs; and,

WHEREAS, the City Commission encourages the residents to fully participate in the 2020 Census; and,

WHEREAS, the City Clean Sweep Committee comprised of eight (8) city staff will serve as members of the Weslaco 2020 Complete Count Census Committee.

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

SECTION 1: The City Commission establishes the Weslaco 2020 Complete Count Census Committee which shall be comprised of 14 members to be appointed by the City Commission who shall serve from February 5, 2019 to July 31, 2020.

PASSED AND APPROVED on this 2nd day of April, 2019.

C. Discussion and consideration on Resolution 2019-08, 2019-09 and 2019-10 appointing members to the Weslaco 2020 Complete Count Census Committee and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mike Perez, City Manager, recommended to table the item.

Commissioner Lopez, seconded by Commissioner Muñoz, moved to table. The motion carried unanimously; Mayor Suarez was present and voting.

V. OLD BUSINESS

A. Discussion and consideration after public hearing on behalf of Della Fay Perez, to approve Ordinance 2019-07 to rezone 903 S Border Ave. also being a 0.70 acre tract of land being the north 185.00 feet of the south 360 feet of Lot 4, H.L. Stebbins Subdivision of the NW 10.00 ac of Farm Tract 672, Block 164, West Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-07. Possible action. (This item was tabled on March 19, 2019; staffed by Planning and Code Enforcement Department.)

Commissioner Lopez, seconded by Commissioner Pedraza moved to remove the item off the table. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Lopez seconded by Commissioner Pedraza moved to discuss.

The City Manager stated an assessment had been done by the Chief of Police of the area and a super majority vote will be required.

Rebekah de la Fuente stated petitions submitted represented majority of surrounding property owners against the request (five property owners); triggering a super majority vote for approval of those commissioner's present (3 of the 5 Commissioners present and voting). Planning and Zoning Commission recommend approval; staff recommended denial since the Future Land Use Plan is residential us.

Police Chief Joel Rivera, conducted a crime prevention analysis report for the address that indicated security concerns of the home; statistics for response calls for this type of use was compared to McAllen for the organization of Mujeres Unidas that had 32 calls for services over a

three (3) year span with a majority for protective orders; some auxiliary requests; zero violent issues.

Mayor Suarez called the question on the original motion. The motion failed unanimously (5 nays-0 ayes); Mayor Suarez was present and voting.

B. Discussion and consideration on Memorandum of Understanding between City of Weslaco Fire Department and Med-Care Ambulance on pilot program for emergency responses and authorize the Mayor to execute any related documents. Possible action. (There was no action on March 19, 2019; staffed by Fire Department)

Juan E. Gonzalez, City Attorney, summarized his legal search on the question if competitive bidding is required for ambulance service, concluded in his opinion, no legal requirement to comply with bidding process, but the commission can request bids if they wanted. The City Manager recommended to approve as a pilot program for six (6) months for evaluation and bid for services if the services were still needed.

In response to Commissioner Muñoz, can be terminated at any time; in response to Mayor Suarez no cost to city; response will be limited only when no ambulance is available, and they are situated in Mercedes, ETJ of Donna, Knapp Medical Center and South Texas Health System Emergency.

Commissioner Muñoz, seconded by Mayor Pro Tem Kerr, moved to approve Memorandum of Understanding between City of Weslaco Fire Department and Med-Care Ambulance on pilot program as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

A. Discussion and consideration on Memorandum of understanding by and between City of Weslaco and Research, Applied Technology, Education, and Service (RATES) for representative appointment to Regional Drainage Task Force (MOU #R-RGV-TF-2019-0007) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering)

Benjamin Worsham, City Engineer, recommended to continue with this partnership that provides the City the ability to actively participate in the Regional Task Force; respond and comply with the Texas Commission on Environmental Quality Phase II Stormwater Rules; the city has been participating in the past; renewed as needed and budgeted.

Mayor Pro Tem Kerr, seconded by Commissioner Muñoz, moved to approve Memorandum of Understanding by and between City of Weslaco and Research, Applied Technology, Education, and Service (RATES) for representative appointment to Regional Drainage Task Force (MOU #R-RGV-TF-2019-0007) as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to assign a district on the voluntary annexation of territory located on Mile 6 1/2 West (Midway Villas development) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Office of the City Secretary.)

Myra L. Ayala Garza, City Secretary, stated Hidalgo County Elections Department advised the recent voluntary annexed territory resulted in an additional precinct to the City (Precinct 21) and needed to be assigned to a voting district; is currently undeveloped territory with no voters. Staff recommended assigning to District 4.

Commissioner Muñoz, seconded by Commissioner Pedraza, moved to approve and assign District 4 on the voluntary annexation of territory located on Mile 6 1/2 West as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration on Election Services Contract with the Hidalgo County Elections Department to conduct the City of Weslaco Special Election of May 4, 2019 pursuant to Texas Election Code Chapter 271 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Office of the City Secretary.)

Myra L. Ayala Garza recommended approval stating this was a standard agreement for election services with Hidalgo County. The agreement is a one-time service and for the Special Bond Election of May 4, 2019 as ordered by previous commission action.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez, moved to approve Election Services Contract with the Hidalgo County Elections Department to conduct the City of Weslaco Special Election of May 4, 2019 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration of request from The Fajita Cook-off, Inc. to use Mayor Pablo Pena Park on October 19, 2019 for a festival with applicant paying for all costs and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, requested to table the item. The requestor was finalizing the event and needed more time.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to table the item. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to approve the final payment to Siemens Industry on the Performance Contracting Agreement in the amount of $372,343.85 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Benjamin Worsham stated final payment is the 5% retainage and staff recommends approval.

In response to Commissioner Muñoz; warranty is one year after final payment; close-out documents have been received and minor issues being addressed (water meters); water meters will be replaced by staff if necessary, but meter replacement is under warranty. Commissioner Muñoz voiced that during the warranty period all related cost should be under warranty to include installation and equipment.

Mayor Pro Tem Kerr, seconded by Commissioner Muñoz, moved to table the item. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration on adoption of plan to address drainage issues outlined in the Drainage Master Plan as recommended by the drainage ad hoc committee and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.)

Randy Hall presented a proposed drainage project schedule with benchmark dates for consideration in the event the bond election is passed.

In response to Commissioner Muñoz, the City Manager stated commission action formally adopts the projects that will be done if the bond issuance is successful showing the citizens drainage improvements will be done.

Mayor Pro Tem Kerr, seconded by Commissioner Lopez, moved to approve the proposed drainage project schedule as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VII. REPORTS

A. Report by Weslaco Area Chamber of Commerce.

Laura Espinoza, Marketing Director, introduced Barbara Jean Garza as the newly hired President/CEO for the Weslaco Chamber of Commerce. Ms. Garza went over the activity for advertising; visitors for the month totaled 390; and held fourteen (14) events/meetings.

B. Report by Economic Development Corporation of Weslaco.

Marie McDermott, Executive Director, stated participated in ground breaking for two warehouses at the Mid Valley Industrial Park; preparing for the ICSC upcoming conference; partnering with workforce commission to submit grants for job training programs; completed three façade projects in the downtown area and working with 61 summary leads.

C. Report by Planning and Code Enforcement.

Benjamin Worsham, City Engineer, went over the staff for engineering; reported on the drainage, traffic and roadway projects and reviewed activity for geographic information systems.

D. Report by Inframark.

George Quintana, Inframark, stated attended a conference in Florida and showcased at the conference a video of Weslaco operations of the Water/Wastewater/Water Plant thanking the commission for the partnership between them.

E. Report by Public Works.

Pete Garcia, Public Works Director, reported drainage ditch maintenance complete for Pioneer, Armor and John Deer ditches; mowing of ditches ongoing as weather permits; street improvements for Mile 5 ½ West began; working on repairs to water tower at 8th and Bridge Ave; cleaning curb and gutters and pothole patching city -wide.

VIII. EXECUTIVE SESSION

At 7:07 p.m. Commissioner Muñoz, seconded by Mayor Pro Tem Kerr, moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 9:07 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

No action.

B. Personnel - Discussion regarding goals, objections and evaluation of the Fire Chief, Antonio Lopez, as authorized by §551.074 of the Texas Government Code.

No action.

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 Kerr, seconded by Commissioner Muñoz, moved to authorize the City Attorney to proceed as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

D. Legal Consultation - 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.

E. Legal Consultation - Seek City Attorney opinion relating to breach of contract by Accela and consider authorizing City Attorney to proceed with legal action as authorized by §551.071 of the Texas Government Code.

Mayor Pro Tem Kerr, seconded by Commissioner Muñoz, moved to authorize the City Manager and City Attorney to proceed as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

F. Real Property – Consultation with City Attorney on the purchase, exchange, lease or value of real property located on the Northeast and Southwest corner of Interstate 2 and North Airport Drive intersection as authorized by §551.072 of the Texas Local Government Code.

Commissioner Muñoz seconded by Commissioner Lopez, moved to authorize staff to proceed with the purchase of real property as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

G. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at 901 N. Airport Drive as authorized by §551.072 of the Texas Local Government Code.

No action.

H. Real Property – Consultation with City Attorney on the purchase of real property located at the corner of Witmer Street and South Bridge Avenue as authorized by §551.072 of the Texas Local Government Code.

Commissioner Muñoz seconded by Commissioner Pedraza, moved to authorize the City Manager and Interim Assistant City Manager to proceed with negotiations for the purchase of real property as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

X. ADJOURNMENT

Commissioner Muñoz seconded by Commissioner Pedraza, moved to adjourn the meeting at 9:08 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

_____
MAYOR, David Suarez

ATTEST:

_____
Myra L. Ayala Garza, CITY SECRETARY

_____
MAYOR PRO-TEM, Greg Kerr

_____
COMMISSIONER, Leo Muñoz

ABSENT
_____
COMMISSIONER, Jose "J.P." Rodriguez

ABSENT
_____
COMMISSIONER, Gerardo "Jerry" Tafolla

_____
COMMISSIONER, Letty Lopez

_____
COMMISSIONER, Josh Pedraza