



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 7, 2015**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, April 7, 2015 at 5:30 p.m. for the purpose of discussing the following items:

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

- I. CALL TO ORDER** Pages
1-2
- A. Certification of Public Notice.
 - B. Invocation.
 - C. Pledge of Allegiance.
 - D. Roll Call.

- II. PUBLIC COMMENTS**
- The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.
- If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

- III. PUBLIC HEARINGS**
- A. To solicit input on behalf of Martha S. Castaneda to approve a Conditional Use Permit to operate a daycare at 821 E 18th St., also being 1.433 acre an IRR TR-E285' -S228' feet out of Farm Tract 687, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 3
 - B. To solicit input on behalf of Armandina Barrerato to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License Permit at 1015 S. International Blvd., also being 1.53 acre Tract of Land out of Farm Tract 1098, Weslaco, Hidalgo County, Texas. 4

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 March 17, 2015. (Staffed by City Secretary's Office.) Attachment. 5-18
- B. Approval on Second and Final Reading of Ordinance 2015-11, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1208 South Airport Drive, also being a 0.2725 acre tract of land out of the East ½ of Lot 1-A, Olivarez #5 Subdivision Farm Tract 695, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. (First Reading held on March 17, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 19
- C. Approval of the renewal of the Summer Seamless Food Program established through the Texas Department of Agriculture accepting meals at no charge from Weslaco Independent School District Food Services Department for distribution to school age children within the 2015 Summer Reading Program and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment. 20-22
- D. Approval of the request by the Weslaco Area Chamber of Commerce to hold a 5K on Saturday, May 9, 2015 from 6:00 a.m. – 12:00 p.m. and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Staffed by Parks and Recreation Department.) Attachment. 23-24
- E. Approval of the renewal of the lease agreement with the Weslaco Mid Valley Civic Theatre effective May 1, 2015 through December 31, 2015. (Staffed by Parks and Recreation Department.) Attachment. 25-32
- F. Approval of the Data Use Agreement with the Texas Department of State Health Services for access to vital statistics records electronic repository and authorize the Mayor to execute any related documents. (Staffed by City Secretary's Office.) Attachment. 33-46
- G. Authorization of the solicitation of a Request for Proposals to replace the 8-inch cast iron waterline on Sixth Street from Business 83 to Texas Boulevard, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment. 47

V.	<u>APPOINTMENTS</u>	
	<i>Standard Documentation on Appointments</i>	48-52
A.	Discussion and consideration to approve Resolutions 2015-22, 2015-23, 2015-24, 2015-25, 2015-26, 2015-27, and 2015-28 appointing inaugural members to the Hotel Occupancy Tax Advisory Committee and authorize the Mayor to execute any related documents. Possible action. (This item was tabled on March 17, 2015; Staffed by Finance Department.) Attachment.	53-60
B.	Discussion and consideration to approve Resolutions 2015-29 and 2015-30, appointing two members to expired terms on the Library Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.) Attachment.	61-63
C.	Discussion and consideration to approve Resolution 2015-31 appointing one member to an expired term on the Ambulance Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.	64-65
VI.	<u>OLD BUSINESS</u>	
A.	Discussion and consideration to approve a Special Services Agreement on Hotel/Motel Room Occupancy Tax Proceeds between the City of Weslaco and the Economic Development Corporation of Weslaco. Possible action. (This item was tabled on March 17, 2015; Requested by Economic Development Corporation of Weslaco.) Attachment.	66-72
VII.	<u>NEW BUSINESS</u>	
A.	Discussion and consideration after public hearing on behalf of Martha S. Castaneda to approve a Conditional Use Permit to operate a daycare at 821 E 18th St., also being 1.433 acre an IRR TR-E285'-S228' feet out of Farm Tract 687, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.	73-80
B.	Discussion and consideration after public hearing on behalf of Armandina Barrera to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License Permit at 1015 S. International Blvd., also being 1.53 acre Tract of Land out of Farm Tract 1098, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.	81-96
C.	Discussion and consideration on behalf of Las Delicias, LLC, to approve the Final Plat for Las Delicias Phase II Subdivision, 9.14 acre Tract of Land out of Farm Tract 275, West and Adams Tracts Subdivision, Weslaco, Hidalgo	97-127

County, Texas, located on the Southeast corner of Mile 3 ½ West and Mile 12 North. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- D. Discussion and consideration on behalf of Texas Regional Bank to approve the Final Plat for HEB Development Weslaco Subdivision, 8.79 acres of Land, being all of Lot 3, HEB Weslaco #2 Subdivision, Weslaco, Hidalgo County, Texas, located on Southeast corner of Westgate Drive and Panther Drive. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 128-144
- E. Discussion and consideration to approve Ordinance 2015-13 appointing Mike R. Perez as City Manager of the City of Weslaco; establishing the salary of the City Manager; establishing duties, responsibilities, and at-will status as City Manager; and ordaining other matters with respect to the subject matter herein. First reading of Ordinance 2015-13. Possible action. (Staffed by City Manager’s Office.) Attachment. 145-146
- F. Discussion and consideration to cancel the current lease agreement for the use of Toluca Ranch Properties and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager’s Office.) Attachment. 147-152
- G. Discussion and consideration to award the best qualified, most advantageous bidder for the Urban County Community Development Block Grant (CDBG) funded Water/Wastewater Improvements, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager’s Office.) Attachment. 153-155
- H. Discussion and consideration to authorize the purchase of a 2016 Freightliner M2106 Pro-Patch Pothole Patcher from Freightliner of Austin (Buyboard State Vendor No. 430-13) through HD Industries (Buyboard Vendor No. 424-13), in the amount not to exceed \$146,925.70 as lease purchase, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment. 156-168
- I. Discussion and consideration to authorize the purchase of a 2015 Elgin Pelican Sweeper from Kinloch Equipment & Supply, Inc. (Texas BuyBoard Contract No. 420-13) in the amount not to exceed \$179,801.00 as lease purchase, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment. 169-175
- J. Discussion and consideration to solicit Request for Proposals for the emergency repair of the water storage tank on South Bridge Avenue to comply with the Texas Commission on Environmental Quality (TCEQ), authorize a budget 176-177

amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

- K. Discussion and consideration to award Material Testing contract to Raba-Kistner Consultants for the Border Avenue Road and Waterline Improvements in an amount not to exceed \$29,998.10, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 178-185
- L. Discussion and consideration to approve a cemetery agreement with Yolanda Avila exchanging three (3) cemetery plots located in the Old City Cemetery (located near Block 41, Lots 1 and 4) as inherited for three cemetery plots in the New Cemetery Expansion, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 186-187
- M. Discussion and consideration to award the best qualified, most advantageous respondent for Request For Bids 2014-15-19 Fourth of July Firework Display in an amount not to exceed \$14,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 188-204
- N. Discussion and consideration to amend the Professional Services Agreement for Legal Services as City Attorney to exclude prosecution duties, authorize a Request for Proposals for City Prosecutor professional legal services, and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item on March 3, 2015; Requested by Commissioner Pena and Commissioner Kerr; staffed by Municipal Court.) Attachment. 205-209
- O. Seek direction pertaining to the Request for Qualifications for Engineering Services for the Design of the Expansion of the South Wastewater Treatment Plant. Possible action. (Staffed by City Manager's Office.) Attachment. 210-223
- P. Discussion and consideration to award the contract to the best qualified, most advantageous bidder for the Boys and Girls Club Project contingent on the approval of the site change and acceptance of plans from Texas Parks and Wildlife Department (TPWD), authorize a budget amendment as appropriate, and authorize Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment. 224-225
- Q. Announcement of the appointment of the Fire Chief and confirmation by the Weslaco City Commission pursuant to §143.013 of the Local Government Code. Possible action. (Staffed by City Manager's Office.)

VIII. REPORT

- A. Presentation on the All Valley Trash Bash scheduled April 11, 2015.

IX. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection

(a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

- A. Personnel - Discussion with the City Manager regarding the Police Chief and Fire Chief applicants as authorized by §551.074 of the Texas Government Code.
- B. 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.
- C. Pending Litigation – Consultation with Special Counsel regarding Cause No. C-5929-13-H *City of Weslaco, Texas v. City of Mercedes, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.
- D. Pending Litigation – Discussion with City Attorney regarding Suit No. T-2978-14-F *Weslaco Independent School District, City of Weslaco, South Texas Independent School District, and South Texas College v. Manuel Elizondo (Deceased) and City of Weslaco (Lienholder, In Rem Only)* pursuant to §551.071 of the Texas Government Code.
- E. Pending Litigation – Discussion with City Attorney regarding Docket No. CL-

15-0914-A *Judith Campos; Jessy Campos v. Seashell Germaine, Brooks Ditto, Billy Pembleton, Karina Castanada, Danny Elizondo* pursuant to §551.071 of the Texas Government Code.

- F. Real Property – Discussion regarding the purchase and financing options of land toward runway expansion project in Weslaco, Hidalgo County, Texas as authorized by §551.072 of The Texas Government Code.
- G. 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 Weslaco Municipal Police Association as authorized by §551.071 of the Texas Government Code.

**X. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

XI. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 2nd day of April 2015 at 5:50 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary’s Office at (956) 968-3181, Ext. 1103 prior to the meeting date.