



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 5, 2016**

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 5, 2016 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
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- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral Recognition
- E. 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 HEARING

- A. To solicit input from interested parties on the City's proposed Budget and Program Amendment to its Urban County Program funding Years 25, 26 & 27 (2012, 2013 & 2014) utilizing its original work plans.

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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 15, 2016. (Staffed by City Secretary’s Office.) Attachment. 4-24
 - B. Approval of the renewal of the Interlocal Cooperation Agreement with the County of Hidalgo for participation within the Hidalgo County Library System (HCLS) and authorize the Mayor to execute any related documents. (Staffed by the Library.) Attachment. 25-31
 - C. Approval of the renewal of the Memorandum of Understanding with the McAllen Vet Center #715 for use of space at the Weslaco Public Library to provide counseling services and authorize the Mayor to execute any related documents. (Staffed by the Library.) Attachment. 32-36
- V. **APPOINTMENTS** 37-41
Standard Documentation on Appointments
- A. Discussion and consideration to remove one member and approve Resolution 2016-27 appointing a member to that unexpired term to the Board of Adjustment and Appeals Zoning Ordinance. Possible action. (There was no action on this resolution March 15, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 42-43
- VI. **OLD BUSINESS**
- A. Discussion and reconsideration to approve on Final Reading Ordinance 2016-08, amending the Code of Ordinances Chapter 142, the “Tow Truck Ordinance.” Possible action. (Second and final reading was held March 15, 2016; Staffed by the Police Department.) Attachment. 44-48
 - B. Discussion and consideration to approve the Contingency Fund Requests (CFR) to the contract with CDM Constructors, Inc. for the Water Treatment Plant Expansion project as follows:
 - 1) CFR #120 – Capping of irrigation line - \$7,503.00;
 - 2) CFR #121 – Increase landing/support pad for generator steps - \$2,708.00;
 - 3) CFR #124 – Modifications to existing recycle system - \$4,910.00;
 - 4) CFR #127 – Drain lift station bypass pass - \$9,983.00;and authorize the Mayor to execute any related documents. Possible action. (This item was tabled at the meeting of February 16, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 49-51
 - C. Discussion and consideration to approve the release of the remaining portion of retainage of the 2.5% of the contract for CDM Constructors, Inc. for the Water Treatment Plant Expansion project in amount not to exceed \$350,673.67 and authorize the Mayor to execute any related 52-58

documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- D. Discussion and consideration to approve the Contingency Fund Request (CFR) of the contract with CDM Constructors, Inc. for the Water Treatment Plant expansion project as follows: 59-69
- 1) PCO #3 – Plant 2, 3, 4 Pipe Replacement - \$844,465.00;
 - 2) PCO #4 – Plant 2 Sedimentation Basin Rehabilitation - \$36,631.00;
 - 3) PCO #5 – Plant 3 Flocculators - \$100,000.00;
 - 4) PCO #6 – Plant 3 Clarifier- \$150,000.00.

Possible action. (This item was tabled at the meeting held March 15, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration to approve compensation for project delays to CDM Constructors, Inc. in an amount not to exceed \$960,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 70

- B. Discussion and consideration to approve Ordinance 2016-12 to reduce the size of 25-foot electrical and utility easement along the Westside lot 47 West Gate Crossing Phase I Subdivision, Hidalgo County, Texas, to a 7.5 foot electrical and utility easement and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 71-75

- C. Discussion and consideration to approve a drainage agreement for utilization of existing City right-of-way, being used for local drainage, to be expanded and maintained by the owner of Aria on 18th Street Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 76-82

- D. Discussion and consideration to approve Change Order #1 for the North Wastewater Plant Clarifier Repairs in the amount not to exceed \$16,950.00 and authorize the Mayor to execute any related documents. Possible action. (Requested by Severn Trent.) Attachment. 83-84

- E. Discussion and consideration to reject the contract with SmartCom Telephone as the vendor for internet access services submitted in response to the library’s Request for Proposal within the ERate Year 19 cycle (FY 2016-2017) and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library.) Attachment. 85-86

- F. Discussion and consideration to accept Time Warner Cable Business Class as the best qualified, most advantageous respondent vendor for internet access services submitted in response to the library's Request for Proposal within the ERate Year 19 cycle (FY 2016-2017), and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library.) Attachment. 87-166
- G. Discussion and consideration to authorize solicitation of Request for Bids for roof repairs at 525 S. Kansas Avenue (Library) and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library.) Attachment. 167-178
- H. Discussion and consideration to approve the Request for Qualifications for energy savings services. Possible action. (Staffed by City Manager's Office.) Attachment. 179-192
- I. Discussion and consideration to approve Resolution 2016-30 supporting and joining the Valley 1st Alliance to increase collaboration and joint action planning to address challenges and opportunities which may impact the entire Lower Rio Grande Valley region. Possible action. (Staffed by the City Manager's Office.) Attachment. 193
- J. Discussion and consideration to approve a request from Maverick to rent a 10' X 20' tract of land on the south east part of the Airport. Possible action. (Staffed by City Manager's Office.) Attachment. 194-207

VIII. REPORTS

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco.
- C. Report on Engineering and Animal Control by Planning and Code Enforcement Department.
- D. Report by Severn Trent.
- E. Report by Public Works Department.
- F. Report by Police Department on 2015 End of Year Crime Reduction Results.

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 regarding the goals, objectives, and annual evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- 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.
- C. Pending Litigation - Consultation with City Attorney regarding Cause No. C-6090-14-B, *Zequiel Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- D. Pending Litigation - Consultation with Attorney to give a legal briefing regarding Civil Case No. 7:15-CV-334 *Alvino Flores v. City of Weslaco, et al.* in the United States District Court for the Southern District of Texas – McAllen Division as authorized by §551.071(1) of the Texas Government Code.
- E. Pending Litigation – Consultation with City Attorney regarding Cause No. C-1277-15-H *Elvia Caballero Lopez d/b/a or a/k/a Caballero Governmental Affairs v. City of Weslaco, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.
- F. Potential Litigation - Consultation with City Attorney regarding Emmanuel Jimenez as authorized by §551.071 of the Texas Government Code.
- G. Personnel - Discussion regarding the goals, objectives, and annual evaluation of the Police Chief for the City of Weslaco as authorized by §551.074 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 1st day of April 2016 at 5:00 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. 3100 prior to the meeting date.

Removed from Bulletin Board	Date:	Initials:
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