



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 5, 2014**

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, August 5, 2014 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. 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 on the Proposed Construction of the Boys & Girls Club Facility Building at 300 North Airport Drive, Weslaco, Texas, Hidalgo County. 3-4

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 July 15, 2014. (Staffed by City Secretary's Office.) Attachment. 5-19

- B.. Approval on Second and Final reading of the following:
- 1) Ordinance 2014-07 authorizing a negotiated resolution with Texas Gas Service regarding the company’s May 1, 2014 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 held July 15, 2014; Staffed by City Attorney.) Attachment. 20-35
 - 2) Ordinance 2014-08 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 2112 W. Pike Blvd., also being 8.647 acres out of Farm Tract 152, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway District. (First Reading held July 15, 2014; Staffed by Planning and Code Enforcement Department.) Attachment. 36
 - 3) Ordinance 2014-09 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 3827 E. Expressway 83, also being Adams Tract an IRR TR N32.61’-E55.83’ 0.02AC NET, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway District. (First Reading held July 15, 2014; Staffed by Planning and Code Enforcement Department.) Attachment. 37
 - C. Approval of the renewal of the Federal Work Study agreements with The University of Texas Pan American, including the America Reads Challenge, America Counts Challenge, and Community Service programs, to allow the City of Weslaco to obtain student volunteer assistance at no cost to the City and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment. 38-52
 - D. Approval to declare and dispose of additional surplus property from various City departments through a public auction as per Ordinance No. 86-08, authorize a budget amendment as appropriate to recognize proceeds from the sale of assets and confiscated property from this event, and authorize the Mayor to execute any related documents. (Surplus and auction authorized July 15, 2014; Staffed by Finance Department.) Attachment. 53-56
 - E. Approval of the 2014-2015 Intergovernmental Cooperative Agreement with Palm Valley Animal Center renewing participation in the ongoing operation of the Weslaco Animal Shelter and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.) Attachment. 57-63
 - F. Approval of a Memorandum of Understanding with Texas A&M 64-75

Engineering Extension Service, authorizing the Mayor, City Manager, and/or designee to serve as member of the Texas Task Force One with costs reimbursable to the City, and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment.

- G. Authorization of the solicitation of proposals for a 6,500 gallon Double Wall Captor Tank a Chemical Bulk Tank for Hydrochloric Acid for the Water Treatment Plant, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment. 76
- H. Authorization of the solicitation of proposals for chemicals, sludge and outside services necessary for the operation of the Water, Wastewater, and Lift Station systems, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment. 77

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2014-35 appointing an official member and an alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2014-2015. Possible action. (Requested by Amigos del Valle.) Attachment. 78-82

VI. OLD BUSINESS

- A. Discussion and consideration to approve final payment from Hidalgo County Urban County Program Project in the amount not to exceed \$134,194.46 for the City of Weslaco Water Treatment Plant 12-Inch Recycle Line, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item on July 15, 2014; Staffed by Public Utilities Department.) Attachment. 83-91

VII. NEW BUSINESS

- A. Discussion and consideration to accept bids received on tax resale property described as follows: 92-99
 - (1) Lots 1 and 2, Expressway Heights Subdivision; and
 - (2) Lots 16 and 17, Block 3, Gonzalez Addition.approve Resolution 2014-36 authorizing the tax resale, authorize a budget amendment as appropriate, and authorize the Mayor to execute the tax resale deeds and any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- B. Discussion and consideration to award Bid No. 2013-13-09 to the lowest responsible bidder for the purchase of five new cardiac monitors in an amount not to exceed \$161,596.75, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment. 100-104

- C. Discussion and consideration to award Bid No. 2013-14-10 Waterworks Collection and Distribution Materials to the lowest responsible bidder for the amount not to exceed \$301,659.07, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 105-115
- D. Discussion and consideration to approve Resolution 2014-34, updating a water conservation and drought contingency plan, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 116-139
- E. Discussion and consideration to approve the logos for the Bridge Avenue and Milano's Road Water Towers, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 140
- F. Discussion and consideration to approve an Election Order toward a joint election with the Weslaco Independent School District during the General Election on November 4, 2014 pursuant to Texas Election Code Chapter 271 and authorize the Mayor and Commissioners to execute any related documents. Possible action. (Staffed by Office of the City Secretary.) Attachment. 141-143
- G. Discussion and consideration to approve the City of Weslaco tax rate, take record vote and schedule public hearings as needed. Possible action. (Staffed by Finance Department.) Attachment. 144-145
- H. Discussion and consideration to approve the interlocal cooperation agreement for tax assessment and collection with the County of Hidalgo Office of Tax Assessor-Collector effective October 1, 2014 – September 30, 2015 in an amount not to exceed \$46,260.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 146-148
- I. Discussion and consideration to authorize the solicitation of proposals and/or request for qualifications for professional services for interim legal services, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Commissioner Noriega and Mayor Suarez.)
- J. Discussion and consideration to approve a Professional Services Agreement for interim legal services, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment. 149-163
- K. Discussion and consideration to award Bid No. 2013-14-11 to the lowest responsible bidder for street materials, including Hot Mix (delivered) and Cold Mix-Caliche-MC30 Oil (at location) in an amount not to exceed 164-165

\$1,023,460.00 purchased as needed with price agreement for a period of one year commencing on date of award, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment.

- L. Discussion and reconsideration to approve the Drainage Detention Easement and the contract for granting of Drainage Detention Easement with the Weslaco Independent School District and the City of Weslaco for a 5.62 acre tract of land out of Farm Tract 140 Block 162, West and Adams Tract Subdivision, Hidalgo County and authorize the Mayor to execute any related documents. Possible action. (Approved November 19, 2013; Staffed by Planning and Code Enforcement Department.) Attachment. 166-177
- M. Discussion and consideration 1) to extend current policies, 2) authorize self-insured options, or 3) authorize staff to solicit proposals from qualified insurance carriers for the following: 178-186
1. Worker's Compensation Insurance;
 2. Employer's Liability;
 3. Commercial Package (Commercial Property Insurance, Commercial General Liability, Airport Liability, Commercial Crime Liability, Law Enforcement Liability, Commercial Automobile Insurance, Error and Omissions Liability, Umbrella Liability Coverage, etc.);
 4. Basic Life & Accidental Death & Dismemberment; and/or
 5. Group Health Insurance
- and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item June 3, 2014; Staffed by Human Resources.) Attachment.
- N. Discussion and consideration to approve a Professional Services Agreement to prepare the City of Weslaco Five Year Comprehensive Plan and the Master Drainage Plan, 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. 187-191

VIII. 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 distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation - Consultation with assigned defense counsel Anthony B. James regarding C-2201-11-I *Pascual Hernandez et. al. v. City of Weslaco* in the 398th Judicial District Court of Hidalgo County to discuss the Summary Judgment on July 16, 2014 as authorized by §551.071 of the Texas Government Code.
- B. Pending Litigation - Consultation with City Attorney regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco.* 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 City Attorney regarding Civil Action No. 1:14-cv-636, *Robert Lopez, Federico Salazar, Javier Garcia, Maria Dolores Salinas, Ted Walensky, Xenia Yarrito Miramontes, Lorenzo Colunga, Romeo Guerra, Rodolfo Rodriguez, Jr., Felix Salinas, Gerardo Oliva, Brooks Ditto, Alberto Ponce, Esmeraldo Lopez, Liandro Gonzalez, Arnulfo Sandoval and Plaintiffs v. Sergio Ramirez, in his individual capacity, Defendant* as authorized by §551.071 of the Texas Government Code.
- E. Pending Litigation - Consultation with City Attorney regarding Case No. 7:14-CV-00675, *Martinez v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- F. Pending Litigation – Consult with Special Assigned Counsel Arnold Aguilar regarding Civil Action No. M-13-395, *DKIII Hornback Enterprises, Ltd., Plaintiff, v. John Cuellar, Guadalupe Rivera, Jerry Tafolla, Leo Olivarez, and Jose Martinez, David Fox and the City of Weslaco, Defendants* in U.S. District Court for the Southern District of Texas, McAllen Division as authorized by §551.071 of the Texas Government Code.
- G. Pending Litigation – Consultation with Special Counsel regarding a revised settlement agreement in 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.

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

X. 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 August 2014 at 9:10 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. 3100 prior to the meeting date.