



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 19, 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 19, 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
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- A. Certification of Public Notice.
 - B. Invocation.
 - B. Pledge of Allegiance.
 - C. 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 HEARINGS

- A. To solicit input on the proposed municipal tax rate of \$0.6867/\$100.00 valuation, the same rate as last year, for fiscal year 2014-2015 and schedule a record vote September 2 and 16, 2014. 3
- B. To solicit input on behalf of Marlen Garza, owner and Adela Mireles Gonzalez for a Conditional Use Permit to operate a daycare at 1411 W. 18th Street, also being the N212.07'-W205.40 FT 732 1AC GR 0.88AC Net, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 4
- C. To solicit input on behalf of Dolgencorp of Texas, Inc. dba Dollar General Store #14456 for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2100 S. Texas Blvd., also being Lot 1, RSBR Weslaco (FM 88) Subdivision, Weslaco, Hidalgo County, Texas. 5

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 August 5, 2014. 6-21
(Staffed by City Secretary’s Office.) Attachment.
- B. Approval of the renewal of the Lease Agreement with the Weslaco Youth 22-28
Football League for the use of Isaac Rodriguez multi-purpose fields and
Harlon Block Sports Complex practice area, for a term of four (4) months
September 1 - December 31, 2014 and authorize the Mayor to execute any
related documents. (Staffed by Parks & Recreation Department.)
Attachment.
- C. Approval of the renewal of the Lease Agreement with the DWM United 29-32
Soccer Club to include use of the City Park Soccer Fields for a term of four
(4) months September 1 - December 31, 2014 and authorize the Mayor to
execute any related documents. (Staffed by Parks & Recreation
Department.) Attachment.
- D. Approval of the renewal of the Lease Agreement with the Mid Valley 33-35
Youth Soccer League for the use of the Soccer Fields at the Harlon Block
Sports Complex Park as described in Exhibit “A” for a term of four (4)
months beginning September 1, 2014 and ending December 31, 2014, and
authorize the Mayor to execute any related documents. (Staffed by Parks &
Recreation Department.) Attachment.
- E. Approval of the request from H-E-B to place banner promoting Feast of 36
Sharing at intersection of Texas and Pike Boulevards and authorize the
Mayor to execute any related documents as may be required by the Texas
Department of Transportation. (Staffed by Parks & Recreation Department.)
Attachment.
- F. Authorization of the solicitation of proposals for the Rehabilitation of Lift 37
Station 37, authorize a budget amendment as appropriate, and authorize the
Mayor to execute any related documents. (Staffed by Public Utilities
Department.) Attachment.
- G. Approval of the renewal of the partnership with Texas A&M University – 38-39
Kingsville (TAMUK) and the Task Force by participating in the Texas
Commission on Environmental Quality (TCEQ) Non-Point Source Program
FY 2015 Clean Water Act Section §319(h) Grant program, authorize a
budget amendment as appropriate, and authorize the Mayor to execute any
related documents. (Staffed by Public Utilities.) Attachment.
- H. Approval of Amendment #1 to the 2014 Interlocal Agreement with the 40-43
County of Hidalgo for the implementation of the Community Development

Block Grant (CDBG) under Grant No. B-13-UC-48-0501 setting the City's allotment at \$302,528.00 for activities to be carried out in the City's jurisdiction, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Agreement approved June 17, 2014; Staffed by City Manager's Office.) Attachment.

- I. Authorization of the solicitation of proposals for automated irrigation system for detention easement area granted by Weslaco Independent School District. (Staffed by Planning and Code Enforcement Department.) Attachment. 44
- J. Authorization of the solicitation of sealed bids for two (2) 1996 – 1998 Used Dump Trucks with a 5–15 yard capacity, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Facilities.) Attachment. 45
- K. Approval of a budget amendment in an amount not to exceed \$15,000.00 for Fiscal Year 2014 from the Water Fund (51) to the General Fund (01) for the Maintenance of Streets and Motor Fuel and Lube expenses for the Streets & Drain Ditch Maintenance divisions. (Staffed by Public Facilities.) Attachment. 46-47

V. OLD BUSINESS

- A. 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. (There was no action on this item August 5, 2014; Staffed by Planning and Code Enforcement Department.) Attachment. 48-52
- B. Discussion and reconsideration 1) to extend current policies, 2) authorize self-insured options, or 3) authorize staff to solicit proposals from qualified insurance carriers for Group Health Insurance and authorize the Mayor to execute any related documents. Possible action. (Commission extended policy August 5, 2014; Staffed by Human Resources.) Attachment. 53

VI. NEW BUSINESS

- A. Discussion and consideration on behalf of Marlen Garza, owner and Adela Mireles Gonzalez to approve a Conditional Use Permit to operate a daycare at 1411 W. 18th Street, also being the N212.07'-W205.40 FT 732 1AC GR 0.88AC Net, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (A three-fourths vote is required to approve in accordance with the Weslaco Code of Ordinances §150-20(d) as twenty-percent of affected property owners protested; Staffed by Planning and Code Enforcement Department.) Attachment. 54-66
- B. Discussion and consideration on behalf of Dolgencorp of Texas, Inc. dba 67-78

Dollar General Store #14456 to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2100 S. Texas Blvd., also being Lot 1, RSBR Weslaco (FM 88) Subdivision, Weslaco, Hidalgo County, Texas, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- C. Discussion and consideration to approve Ordinance 2014-10, the "Peddlers and Solicitors Ordinance," in order to amend ordinance number 96-14, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations, repealing prior ordinances and providing for servability. First Reading of Ordinance 2014-10. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 79-90
- D. Discussion and consideration to authorize the purchase of components for the 5300 Mammoth Rotor for the South Wastewater Treatment Plant, from a sole source vendor EVOQUA Water Technologies LLC for the amount not to exceed \$49,800.00 as per quote No. 06-25-2014-MR-FR, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 91-96
- E. Discussion and consideration to approve the Election Services Contract with the Hidalgo County Elections Department to conduct the Joint City of Weslaco and Weslaco Independent School District General Election of November 4, 2014 pursuant to Texas Election Code Chapter 271, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Office of the City Secretary.) Attachment. 97-101
- F. Discussion and consideration to approve payment to Amigos del Valle, Inc. and authorize a budget amendment as appropriate. Possible action. (Requested by Commissioner Noriega and Mayor Suarez.)

VII. REPORT

- A. Update on the ongoing operation of the Weslaco Animal Shelter and the 2014-2015 Intergovernmental Cooperative Agreement with Palm Valley Animal Center. (Requested by Mayor Pro-Tem Cuellar and Commissioner Pena.)

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. 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 IAFF-WFFA Local 3207 as authorized by §551.071 of the Texas Government Code.
- B. Contract Negotiations – Discussion with City Manager and City Attorney regarding the Architectural and Construction Oversight Contract between the City of Weslaco and Boultinghouse Simpson Gates Architects for the design and construction oversight of the New Valley Nature Center as authorized by §551.071 of the Texas Government Code. (Requested by Mayor Suarez.)
- C. Pending Litigation - Consultation with City Attorney regarding in re No. P-35,821 *In the Estate of Fernando Saenz, Deceased*, in the Probate Court of Hidalgo County, Texas as authorized by §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 15th day of August 2014 at 9:00 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.