



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, FEBRUARY 2, 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, February 2, 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
1-2

- 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 January 19, 2016 (Staffed by City Secretary's Office.) Attachment 3-14

- B. Approval on second and final reading of the following:
- 1) Ordinance 2015-43 annexing additional territory to the corporate limits of the City of Weslaco, Hidalgo County, Texas on voluntary petition of land owner Southern Oaks Ranch Phase II, such land being 4.13 acres situated in and a part of Farm Tract No. 771, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located 450 feet west of Mile 3½ West Road, on the south side of Mile 6 and authorize the Mayor to execute any related documents. (First reading of Ordinance 2015-43 held December 15, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 15-16
 - 2) Ordinance 2016-02 to rezone 1501 N. Border Ave., also being 20.00 acres out of Farm Tract 131, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. (First reading of Ordinance 2016-02 held January 19, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 17
 - 3) Ordinance 2016-03 amending Ordinance 2015-26 establishing the Fire Equipment Replacement Fund, to change from 25% of the gross revenue to the total collections. (First Reading of Ordinance 2016-03 held January 19, 2016; Staffed by Finance Department.) Attachment. 18-20
- C. Approval to authorize the solicitation of Request for Proposals (RFPs) for Fiscal Year 2016-2017 Internet Access and Basic Maintenance within the confines of the Schools and Libraries Program of the Universal Service Fund (E-rate) and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment. 21-37
- D. Approval of the renewal of the agreement for “2016 Movies at the Park” at Mayor Pablo G. Pena City Park and/or Harlon Block Park and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 38-40
- E. Approval of the renewal of the Lease Agreement with the Weslaco Softball/Baseball League and approve the use of Fields 1, 2 and 3 and concession stand at the Mayor Pablo G. Pena City Park and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 41-46
- F. Approval of the renewal of the lease agreement with Weslaco Little League for use of Isaac Rodriguez Park Multi-Purpose Field and Minor Field and Concession Stands and Harlon Block/Sports Complex Field #1, Field #2 and Concession Stands and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) 47-51

Attachment.

- G. Approval of the renewal of the lease agreement with Mid Valley Youth Soccer League for use of Mayor Pablo G Pena City Park Soccer fields for a term of four months February 1 - May 31, 2016, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 52-56
- H. Approval in cooperation with the Weslaco Economic Development Corporation to hold the July 4th celebration on Monday, July 4, 2016 at the Mayor Pablo G. Pena City Park at 300 N. Airport Drive or at Harlon Block Park Sports Complex at 1020 W. 18th street, to sell beer during the event from 12 p.m. to 10 p.m., and to waive appropriate ordinances associated with the event. (Staffed by Parks and Recreation Department.) Attachment. 57
- I. Approval of the request from Weslaco Area Chamber of Commerce and Mid Valley Events to hold an Egg Dash 5k, Saturday, March 26, 2016, approving semi-closure of a main thoroughfare and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) 58-62
- IV. APPOINTMENTS** 63-68
Standard Documentation on Appointments
- A. Discussion and consideration to approve Resolutions 2016-02 and 2016-03 appointing members to the Ambulance Advisory Board. Possible action. (This item was tabled on January 19, 2016; Staffed by Fire Department.) Attachment. 69-70
- V. OLD BUSINESS**
- A. Discussion and consideration after public hearing on behalf of Don Capetillo to approve a Conditional Use Permit to operate a daycare at 2009 N. International Blvd, also being the South 1.74 acres of the North 4.05 acres of the South 9.99 acres of Farm Tract 1040, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (This item was tabled on January 19, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 71-78
- B. Discussion and consideration to approve the Contingency Fund Request (CFR) to the contract with CDM Constructors, Inc. for the Water Treatment Plant Expansion project in a combined amount not to exceed \$262,512.00 as follows: 79-80
- a) CFR #19 – Existing pipe penetrations at Plant 1 - \$503.00; 81-85
 - b) CFR #21 – Rework of water break - \$13,495.00; 86-92

- c) CFR #22 – CCI’s concrete, excavation and backfill for Rosendin - \$8,411.00; 93-94
- d) CFR #23 – Reroute of dewatering drain line - \$18,942.00; 95-102
- e) CFR #109 – Re-route 2” service wash lines – \$4,377.00; 103-109
- f) CFR #112 – Raw Water Flow Meter and Duck Bill Check Valve - \$38,661.00; 110-114
- g) CFR #113 – Plant 4 Clarifier Isolation Valve - \$6,706.00; 115-117
- h) CFR #114 – Raw water gate, replace gate at exist RW pump station - \$29,834.00; 118-121
- i) CFR #115 – Assist City with pumps for Clarifier #1 - \$8,135.00; 122-123
- j) CFR #117 – Assist City at gravity thickener - \$14,036.00; 124-125
- k) CFR #118 – Drain Lift Station Valves and piping - \$36,752.00; 126-136
- l) CFR #119 – Changes to piping replacement at Plants 3-4 pipe gallery - \$20,218.00; 137-154
- m) CFR #120 – Capping of irrigation line- \$7,503.00; 155-159
- n) CFR #121 – Increase landing/support pad for generator steps - \$2,708.00; 160-161
- o) CFR #123 – Reroute piping for flowmeter at water recycle line - \$8,948.00; 162-167
- p) CFR #124 – Modifications to existing recycle system - \$3,310.00; 168-175
- q) CFR #126 – Backwater valve for dewatering drain line - \$6,342.00; 176-179
- r) CFR #127 – Drain lift station bypass pass - \$9,983.00; 180-184
- s) CFR #128 – Material purchase for City changes to distribution 16” to 6” - \$2,277.00; 185-189
- t) PCO #36 – Site bollards - \$10,450.00; 190-191
- u) PCO #39 – Site electrical pads - \$9,232.00; 192-193
- v) PCO #43 – \$3,689.00. 194-196

Possible action. (This item was tabled January 19, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to authorize the solicitation of Request for Proposals (RFP) for Shade Canopies at Harlon Block Park Sports Complex. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 197
- B. Discussion and consideration to authorize the solicitation for Request for Bids for the sale and removal of the mobile home located at 1411 West 18th Street, Weslaco, Texas. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 198-200
- C. Discussion and consideration to award the best qualified, most advantageous response to Request For Bids No. 2015-16-05 for the Fourth of July Firework Display and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation 201-221

Department.) Attachment.

- D. Discussion and consideration to approve the submission of the final proposed annual work plan for the City of Weslaco under the Hidalgo County Urban County Program, approve Resolution 2016-04 for year 29 (2016) to accept the allocation of approximately \$283,695.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager’s Office.) Attachment. 222-241
- E. Discussion and consideration to approve Resolution 2016-05, Resolution 2016-06, Resolution 2016-07, Resolution 2016-08 and Resolution 2016-09 expressing support for applications to the Texas Department of Housing and Community Affairs for 2016 for competitive nine-percent housing tax credits for the following proposed developments: 242
- 1) Villa Verde Estates; 243-246
 - 2) Weslaco Parkside; 247-250
 - 3) Juanita Village Apartments ; 251-254
 - 4) Lupe Village Apartments; and 255-258
 - 5) Weslaco Villas 259-262
- and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager’s Office.) Attachment.
- F. Discussion and consideration to approve Ordinance 2016-04 authorizing a budget amendment for the local match requirements for Phase II of Airport expansion project CSJ 1121WESLA in the amount of \$51,171.84 and authorize the Mayor to execute any related documents. First Reading of Ordinance 2016-04. Possible action. (Staffed by Finance Department.) Attachment. 263-268
- G. Discussion and consideration to approve Ordinance 2016-05, amending Ordinance 2013-08 the “ Landscaping Ordinance,” Codified as Article XI of Chapter 26 of the Weslaco Code of Ordinances and authorize the Mayor to sign any related documents. First reading of Ordinance 2016-05. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 269-271
- H. Discussion and consideration to approve Change Order # 1 for the Boys & Girls Club Project for \$2,776.00 for an exterior sealer, a modification to an entrance door and deductions to the contract and extension in contract time for 80 days for weather delays at no cost to the City and authorize Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 272-273
- I. Discussion and consideration on request from the City of San Juan to approve a Professional Services Agreement to provide technical services by providing animal control and impoundment services for the Planning Department of San Juan and authorize the Mayor to execute any related 274-279

documents. Possible action. (Staffed by City Manager's Office.)
Attachment.

- J. Discussion and consideration to approve the Acquisition "Lease Purchase" contract with Frost Bank for the purchase of Fire Truck, Ambulance and Ford Pick-up and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 280-347

VII. REPORTS

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco.
- C. Report by Planning and Code Enforcement Department - Engineering and Animal Control.
- D. Report by Severn Trent.
- E. Report by Public Works Department.
- F. Report by Parks and Recreation Department.
- G. Report by Finance Department – Quarterly Financial report.
- H. Report by Southern Trenchless Solutions, LLC.

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 maintained as part of the certified agenda.

- 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.

- 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-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*, as authorized by §551.071 of the Texas Government Code.
- D. Potential Litigation - Consultation with City Attorney regarding Notice of Claim for Breach of Contract and Intent to Sue from Francisco J. Garza as authorized by §551.071 of the Texas Government Code. (This item was tabled January 19, 2016.)
- E. Economic Development – Consultation with City Attorney regarding Economic Development Projects related to industrial prospects, including Project Chicken Hatch, as well as retail and airport development as authorized by §551.087 of The Texas Government Code.
- F. Economic Development – Consultation with City Attorney on the purchase, exchange, lease or value of real property at the Mid Valley Airport with TR Valley Aviation LLC as authorized by §551.072 of the Texas Local Government Code.
- G. Pending Litigation - Consultation with City Attorney regarding Cause No. C-6090-14-B, *Zequiél 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.
- H. 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.
- I. Legal Consultation - Consultation with City Attorney regarding city limit and extraterritorial jurisdiction (ETJ) boundary issues with City of Donna, Texas pursuant to §551.071 and/or §552.071 of the Texas Government Code.
- J. Potential Litigation - Consultation with City Attorney regarding Emmanuel Jimenez 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 29th day of January 2016 at 5:10 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.

Removed from Bulletin Board	Date:	Initials:
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