



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, MAY 3, 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, May 3, 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 Recognitions.
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 April 19, 2016. 3-28  
(Staffed by the City Secretary's Office) Attachment.

- B. Approval on second and final reading of the following:
- 1) Ordinance 2016-13 rezoning 2319 W. Business 83, also being 8.68 acres of the West 16.18 acres of Tract 632, 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 2016-13 held April 19, 2016. Staffed by the Planning and Code Enforcement Department.) Attachment. 29
  - 2) Ordinance 2016-14 rezoning 701 S. International Blvd., also being the 2.08 acres out of Crenshaw Center Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. (First reading of Ordinance 2016-14 held April 19, 2016. Staffed by the Planning and Code Enforcement Department.) Attachment. 30
  - 3) Ordinance 2016-15 rezoning 512 Outlet St., also being a Lots 8, 9, 10 and 11, Block 16, B.F. Morgan Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. (First reading of Ordinance 2016-15 held April 19, 2016. Staffed by the Planning and Code Enforcement Department.) Attachment. 31
  - 4) Ordinance 2016-16, amending Code of Ordinances Chapter 38, Section 5 relating to Cemetery General Regulations in order to allow the installation of benches. (First Reading of Ordinance 2016-16 held April 19, 2016. Staffed by Parks and Recreation Department.) Attachment. 32-35
- 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 2016 Summer Reading Program and authorizes the Mayor to execute any related documents. (Staffed by Library.) Attachment. 36-38
- D. Approval declaring surplus of vehicle identified as Weslaco Police Unit #635, a 2004 Ford F-150 FX4 pickup truck (asset forfeiture) and authorize a trade in and funds in an amount not to exceed \$12,000.00 from asset forfeiture monies for the purchase of a vehicle for the D.E.A. Task Force Officer and authorizes the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. 39
- E. Approval of a Memorandum of Understanding with Texas A&M Forest Service (TIFMAS) program to provide opportunities to capitalize in Live-Fire training on wild land firefighting and authorize the Mayor to execute any related documents. (Staffed by the Fire Department.) Attachment. 40-44

<b>IV.</b>	<b><u>APPOINTMENTS</u></b> <i>Standard Documentation on Appointments</i>	45-49
A.	Discussion and consideration to approve Resolution 2016-34 appointing one member to an expired term on the Civil Service Commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.	50-52
<b>V.</b>	<b><u>OLD BUSINESS</u></b>	
A.	Discussion and consideration after public hearing on behalf of Judith C. Figueroa d.b.a. Juan Bota’s Drive Thru and Grill LLC to approve Conditional Use Permit to obtain a Wine and Beer Retailer’s Permit and Beverage Cartage Permit at 611 S. Texas Blvd., also being Lot 19 and 20 ft. South of Lot 20, Block 49, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (This item was tabled on April 19, 2016; Staffed by the Planning and Code Enforcement Department.) Attachment.	53-69
B.	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. (This item was tabled April 5, 2016 and remained tabled April 19, 2016; Staffed by Planning and Code Enforcement Department.) Attachment	70-75
C.	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: 1) PCO #3 – Plant 2, 3, 4 Pipe Replacement - \$844,465.00; 2) PCO #5 – Plant 3 Flocculators - \$100,000.00; 3) PCO #6 – Plant 3 Clarifier- \$150,000.00. Possible action. (There was no action on these PCOs on April 19, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.	76-81
<b>VI.</b>	<b><u>NEW BUSINESS</u></b>	
A.	Discussion and consideration to approve Resolution 2016-35 finding that AEP Texas Central Company’s application for a distribution cost recovery factor to increase distribution rates within the city should be denied; finding that the city’s reasonable rate case expenses shall be reimbursed by the company; and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager’s Office.) Attachment.	82-93
B.	Discussion and consideration to authorize final payment to Tenzo McAllen LLC in the amount of \$46,300.00 for the construction of the	94-97

expansion project at the Animal Shelter and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department.) Attachment.

- C. Discussion and consideration to award the Request for Bids 2015-16-10 Parking Lot at the Mayor Pablo G. Pena City Park-Boys and Girls Club project to the best qualified, most advantageous bidder(s) and authorize the Mayor to execute any related documents. Possible action. Staffed by the Planning and Code Enforcement Department.) Attachment. 98-100
- D. Discussion and consideration to approve Change Order No. 3 for the Boys and Girls Club Project at Mayor Pablo G. Peña City Park for a time extension and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department.) Attachment. 101
- E. Discussion and consideration to authorize solicitation of a Request For Bids for the repair of Influent Receiving Line at the South Wastewater Treatment Plant. Possible action. (Requested by Severn Trent.) Attachment. 102
- F. Discussion and consideration to authorize solicitation of a Request For Bids for the repair of an Oxidation Ditch Brush Rotor Aerator at the South Wastewater Treatment Plant. Possible action. (Requested by Severn Trent.) Attachment. 103
- G. Discussion and consideration to ratify Purchase Order No. 16-1220 to contract Southern Trenchless Solutions, LLC for emergency repairs of a sewer line located at 8<sup>th</sup> and Indiana Streets in the amount of \$33,250.00. Possible action. (Staffed by the Public Works Department.) Attachment. 104-110
- H. Discussion and consideration to award the best and most advantageous respondent to the Request for Proposal No. 2015-16-09 for Administration of Load Curtailment in ERCOT and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Finance Department.) Attachment. 111-115
- I. Discussion and consideration authorizing staff to prepare bid specification for electricity starting December 1, 2017. Possible action. (Staffed by the Finance Department.) Attachment. 116-133
- J. Discussion and consideration to approve a request from Carmen Sereno to authorize a variance at 1900 West Expressway 83 to connect to City water and wastewater systems. Possible action. (Staffed by the City Manager's Office.) Attachment. 134

- K. Discussion and consideration to authorize an Employee Payroll Deduction Program with the Food Bank of the Rio Grande Valley, Inc. and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Pro-Tem Noriega and Commissioner Peña.) Attachment.

**VII. 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 Parks and Recreation.
- G. Report by Finance Department - Quarterly Financial report.

**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 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. 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.

- D. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Wild Boar as authorized by §551.087 of The Texas Government Code.
- E. 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.

**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 April 2016 at 5:05 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled me 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.

<b>Removed from Bulletin Board</b>	Date:	Initials:
------------------------------------	-------	-----------