



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 2, 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, December 2, 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 November 18, 2014. 3-15
(Staffed by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of the following:
 - 1. Ordinance 2014-20, amending Ordinance 320 and the City of Weslaco 16

- Zoning map to rezone 4019 Moreland Drive, also being Lot 2, Royal Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. (First reading held November 18, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.
2. Ordinance 2014-21, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1609 Davenport St., also being Lots 2-7, Block 7, Davenport Subdivision #1, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. (First reading held November 18, 2014; Staffed by Planning and Code Enforcement Department.) Attachment. 17
 3. Ordinance 2014-22, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1902 East 18th Street, also being 6.48 acres of Farm Tract 770, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartment District. (First reading held November 18, 2014; Staffed by Planning and Code Enforcement Department.) Attachment. 18
- C. Approval of the request by San Martin de Porres Catholic Church to host the Our Lady of Guadalupe Romeria Parade on Friday, December 12, 2014 from 6:00 p.m. – 8:00 p.m. on Pike Boulevard from Texas Boulevard to Westgate Drive, Westgate Drive to Corpus Christi, and Corpus Christi to Anacuita, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Requested by San Martin de Porres Catholic Church.) Attachment. 19-20
- D. Authorization for the Mayor Joe V Sánchez Public Library to permit authors and presenters to sell their associated books or merchandise upon approval from the Library Director when providing a free program to the public. (Staffed by Library Department.) Attachment. 21
- E. Approval of a request by Aurora House Foundation to utilize Harlon Block Sports Complex on February 7, 2015 from 7 a.m. – 12 noon for a charity walk-a-thon, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Requested by Aurora House.) Attachment. 22
- F. Authorizations to submit a new application for an American Express Corporate Card – Points Program Card Holder for the City of Weslaco, authorize a budget amendment to redeem the points program, and authorize the Mayor and/or Card Holder to execute any related documents. (Staffed by Finance Department.) Attachment. 23-24

G.	Acceptance of 121 Home Depot gift cards valued at \$500.00 each with a total value of \$60,500.00, redeemed through the American Express Corporate Card Program Points, authorize a budget amendment as appropriate, and authorize the Mayor and/or Card Holder to execute any related documents. (Staffed by Finance Department.) Attachment.	25-26
H.	Approval of Resolution 2014-47, appointing Elizabeth Walker, Interim City Manager and Rosalinda Palomo, Accountant as Authorized Representatives to conduct business with TexPool Participant Services, and authorize the Mayor to execute any related documents. (Staffed by Finance Department). Attachment.	27-29
I.	Approval of Resolution 2014-63 amending Resolution 2013-98 authorizing the Mayor and City Commissioners to exercise certain powers identified with BBVA Compass Bank, including opening accounts, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and City Commissioners to execute any related documents. (Requested by Finance Department.) Attachment.	30-33
J.	Approval of Resolution 2014-64 amending Resolution 2013-99 authorizing the Mayor and City Commissioners to exercise certain powers identified with Plains Capital Bank, including opening accounts, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and City Commissioners to execute any related documents. (Requested by Finance Department.) Attachment.	34-37
K.	Approval of Resolution 2014-62 amending Resolution 2010-20 establishing a retention period for all volunteer applications through September 30 of the year filed, and authorize the Mayor to execute any related documents. (Staffed by City Manager’s Office.) Attachment.	38-39
L.	Authorization to solicit a request for proposals for Fines and Fees Collection Services of delinquent municipal accounts, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. (Staffed by Municipal Court.) Attachment.	40
M.	Authorization to solicit a request for proposals for the forensic audit for the design and construction cost of the Water Treatment Plant Expansion Project, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. (Requested by Commissioner Kerr and Commissioner Pena.)	
IV.	<u>APPOINTMENTS</u> <i>Standard Documentation on Appointments</i>	41-45
A.	Discussion and consideration to remove three members from the Planning and Zoning Commission and approve Resolutions 2014-48, 2014-49, and 2014-50	46-49

appointing three members to those unexpired terms. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- B. Discussion and consideration approve Resolutions 2014-51, 2014-52, 2014-53, 2014-54, 2014-55, 2014-56 and 2014-57 to appoint members to the Economic Development Corporation of Weslaco to terms as assigned. Possible action. (Amended Articles of Formation Filed; Staffed by the Economic Development Corporation of Weslaco.) Attachment. 50-57
- C. Discussion and consideration to approve Resolutions 2014-58, 2014-59, and 2014-60 appointing three members to expired terms on the Animal Shelter Advisory Committee. Possible action. (Staffed by Planning & Code Enforcement Department.) 58-61
- D. Discussion and consideration to remove two members and approve Resolution 2014-61 appointing a member and an alternate member to the Lower Rio Grande Valley Development Council (LRGVDC). Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 62

V. OLD BUSINESS

- A. Discussion and consideration to approve Ordinance 2014-18 on the Second and Final Reading regarding the voluntary annexation of Sinai Subdivision also being the 4.24 acre tract of land out of Farm Tract No. 708, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, located east of Mile 3 ½ West, approximately 2,027 feet north of Mile 6 North Road. Possible action. (This item was tabled November 18, 2014; first reading held October 21, 2014. Staffed by Planning and Code Enforcement.) Attachment. 63-65
- B. Ordinance 2014-19, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 3602 North Texas Blvd., also West Tract Northwest 1.25 acres an Irrigation Tract S228'-N558'-W345' of Farm Tract 109, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. (First reading held November 18, 2014; Staffed by Planning and Code Enforcement Department.) Attachment. 66-67

VI. NEW BUSINESS

- A. Discussion and consideration to approve the addendum to the Professional Services Agreement with Garcia and Pena, CPAs to perform Hotel/Motel Occupancy Tax Program Audit for the past ten fiscal years, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 68-69
- B. Discussion and consideration to approve Ordinance 2014-23, prohibiting the sale, exhibition, and possession of fireworks within the City of Weslaco, and 70-72

authorize the Mayor to execute any related documents. First Reading of Ordinance 2014-23. Possible action. (Staffed by Fire Department.) Attachment.

- C. Discussion and consideration to approve Ordinance 2014-24, establishing the construction and maintenance of sidewalks and curbs on private property throughout the city for the safety and convenience of pedestrians, and authorize the Mayor to execute any related documents. First Reading of Ordinance 2014-24. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 73-78
- D. Discussion and consideration to award the best qualified, most advantageous bidder for Request For Bids No. 2014-15-02 for the rehabilitation of the Sanitary Sewer Manhole on 18th Street in an amount not to exceed \$40,450.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 79-85
- E. Discussion and consideration to award the best qualified, most advantageous bidder for Request For Bids No. 2014-15-01 for electrical services for the Water and Wastewater Treatment Plants and Lift Stations, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 86-94
- F. Discussion and consideration to award the best qualified, most advantageous bidder for Request For Bids No. 2014-15-06 for Sodium Thiosulfate for the Water and Wastewater Treatment Plants and Lift Stations in the amount of \$0.142 per pound, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 95-111
- G. Discussion and consideration to award the best qualified, most advantageous bidder Request For Bids No. 2014-15-04 Sodium Hypochlorite to for the Water and Wastewater Treatment Plants and Lift Stations in the amount of \$0.0927 per pound, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 112-140
- H. Discussion and consideration to reject all bids from Request For Bids No. 2014-15-03 Dewatering Containers and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 141-143
- I. Discussion and consideration to approve the Memorandum of Understanding to extend the Collective Bargaining Agreement through September 30, 2015 with 144-145

the Weslaco Fire Fighters Association IAFF, Local #3207, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by the Weslaco Fire Fighters Association.) Attachment.

- K. Discussion and consideration to increase the matching contribution to the Firemen's Pension Fund from ten to twelve percent and establishing an effective date of December 21, 2014 for such actions, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by the Weslaco Firemen's Pension Board.) Attachment. 146
- L. Discussion and consideration to authorize to solicit a request for proposals to conduct a cross study to identify fiscal and operational efficiencies for the Water, Wastewater, and Lift Station systems, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents.. Possible action. (Requested by Mayor Suarez and Commissioner Pena.)

VII. REPORTS

- A. Report on the Prioritization List of the Capital Outlay Fund Year 2015 towards City Park Projects by Parks and Recreation Department. Attachment. 147
- B. Report on the Professional Service Agreement with the Interim City Attorney. Attachment. 148

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 – 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.
- B. Pending Litigation - Discussion with City Attorney and Special Counsel regarding Cause No. C-081-13 B *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* as authorized by §571.074 of the Government Code. (Requested by Mayor Suarez and Mayor Pro-Tem Noriega.)
- C. Pending Litigation – Discussion with City Attorney regarding *Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* pursuant to §551.071 of the Texas Government Code. (Requested by Mayor Suarez and Mayor Pro-Tem Noriega.)

**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 26th day of November 2014 at 6:00 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/ Rebekah de la Fuente, Interim 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.