



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, SEPTEMBER 16, 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, September 16, 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.
- 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 HEARINGS**

- A. To solicit input regarding the proposed Municipal Budget for the City of Weslaco for the fiscal year beginning October 1, 2014 and ending September 30, 2015.
- B. To solicit input on behalf of Robert Acosta, d.b.a. El Rancho Grande for a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit and a Late Hours and live music permit at 318 W. Pike Blvd., also being Lot 3, Block 1, Palm Plaza Shopping Center Unit #1 Subdivision, Weslaco, Hidalgo County, Texas. 3
- C. To solicit input on behalf of Robert Acosta, d.b.a. El Dorado Restaurant #2 for a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 1609 W. Business 83, also being Lot 5, Westgate Center Subdivision, 4

Weslaco, Hidalgo County, Texas.

- D. To solicit input on behalf of Dave Ocanas Jr. to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 702 S. Pleasantview Drive, also being West Tract Subdivision, BLK FT 702 150' X 150' of LT 9, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. 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 following:
- 1) Regular Meeting of September 2, 2014 and 6-14
  - 2) Special Meeting of September 5, 2014. (Staffed by City Secretary's Office.) Attachment. 15-17
- B. Approval of the use of Harlon Block Sports Complex on Sunday, November 9, 2014 from 6:00 a.m. – 12:00 p.m. for Heroes of Faith 5k (Pajama Run), authorize street closures as appropriate, 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. (Staffed by Parks and Recreation Department.) Attachment. 18-19
- C. Approval of a request for Pico De Gallo Century Bike Ride to use City Park on December 20, 2014 from 6:00 a.m. – 8:00 p.m. for a 100 mile bike ride, 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. (Staffed by Parks and Recreation Department.) Attachment. 20
- D. Approval of an agreement with Amigos Library Services, a discount program for library related materials and services for a cost not to exceed \$1,000.00 per year for membership fee, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment. 21-23
- E. Approval of an agreement with Trans-Amigos Express and Texpress for the delivery of library materials for a cost not to exceed \$2,175.00 per year, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment. 24-25
- F. Approval of a Cooperative Agreement with Region One Education Service Center for the provision of free General Educational Development (GED) 26-28

classes at the Mayor Joe V. Sanchez Public Library beginning September 2014 and ending June 2015, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment.

- G. Approval of the renewal of the Reading Is Fundamental (RIF) Grant for Fiscal Year 2014-2015, accept funds upon award throughout the year, provide local matching funds so long as these funds do not exceed 25% of the total granted amount in each instance to not exceed \$700.00 total annually, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by Library.) Attachment. 29
- H. Approval of the renewal of the Lease Agreement with the Mid Valley Youth Soccer League for the use of the Soccer Fields at the City 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. (Commission approved Harlon Block Sports Complex on August 19, 2014; Staffed by Parks & Recreation Department.) Attachment. 30-33
- I. Authorization to extend the contract one year with Chemtrade Chemicals US, LLC in accordance with Request For Bids No. 2012-13-11 for Aluminum Sulfate and Liquid Ammonium Sulfate chemicals necessary for the operation of the Water and Wastewater systems; authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment. 34
- J. Authorization to extend the contract one year with DPC Industries Inc. in accordance with Request For Bids No. 2012-13-15 for Chlorine necessary for the operation of the Water and Wastewater systems, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment. 35

**V. OLD BUSINESS**

- A. Discussion and consideration to approve on Second and Final reading Ordinance 2014-11 approving the City of Weslaco budget appropriation for the fiscal year October 1, 2014 – September 30, 2015. Roll call vote required. Possible action. (First Reading held September 2, 2014; Staffed by Finance Department.) Attachment. 36-37
- B. Discussion and consideration to approve on Second and Final reading Ordinance 2014-12 adopting the City of Weslaco ad valorem property tax rate of \$0.6867/\$100.00 valuation, effectively a 5.13 percent increase in the tax rate, pursuant to §26.05(d) of the Texas Tax Code on all taxable property within the City of Weslaco, Texas for Tax Year 2014, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of Weslaco, providing 38-40

for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. Roll call vote required. Possible action. (First Reading held September 2, 2014; Staffed by Finance Department.) Attachment.

- C. Discussion and consideration to approve on Second and Final reading Ordinance 2014-13 amending §1 of Ordinance 77-16 and §1 of Ordinance 67-10 by providing for a new schedule of rates to be charged for treated water delivered through the system of the Public Utilities Department of the City of Weslaco and providing for a new schedule of rates to be charged for the use of wastewater treatment facility of the City of Weslaco, and ordaining other matters with respect to the subject matter hereof. Possible action. (First Reading held September 2, 2014; Staffed by Public Utilities Department.) Attachment. 41-47
- D. Discussion and consideration of all invoices submitted to the City of Weslaco from the Law Offices of Guerra and Farah, PLLC, who authorized commencement of specific research, what material was produced to City as a result of research including text messages and/or email correspondence and other issues related incurring the legal fees associated with the invoice(s). Possible action. (There was no action on this item on September 2, 2014; Requested by the Mayor.) Attachment. 48-51

**VI. NEW BUSINESS**

- A. Discussion and consideration to award the Group Health Insurance Package to the best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment. 52
- B. Discussion and consideration to approve the Exempt and Non-Exempt Classified positions for Fiscal Year 2014-2015. Possible action. (Staffed by Human Resources Department.) Attachment. 53-57
- C. Discussion and consideration on behalf of Robert Acosta, d.b.a. El Rancho Grande to approve a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit and a Late Hours and live music permit at 318 W. Pike Blvd., also being Lot 3, Block 1, Palm Plaza Shopping Center Unit #1 Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 58-69
- D. Discussion and consideration on behalf of Robert Acosta, d.b.a. El Dorado Restaurant #2 to approve a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 1609 W. Business 83, also being Lot 5, Westgate Center Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 70-81
- E. Discussion and consideration on behalf of Dave Ocanas Jr. to approve 82-91

Ordinance 2014-16, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 702 S. Pleasantview Drive, also being West Tract Subdivision, BLK FT 702 150' X 150' of LT 9, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First Reading of 2014-16. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- F. Discussion and consideration on behalf of CJ Can Investments, LP, c/o Casimiro Cantu to approve the Final Plat of the Re-plat of Lots 1-15, Aria on 18th Street Subdivision, being a re-subdivision of 1.749 acres being all of Lots 1-15, Weslaco Business Park Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 92-103
  
- G. Discussion and consideration on behalf of Adolfo E. & Irene S. Kaplan to approve Ordinance 2014-17 regarding the voluntary annexation of the proposed Avocado Heights Subdivision also being the 6.48 acres situated in and a part of Farm Tract No. 770, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located on the south side of 18th Street, approximately 550 feet east from the intersection of Airport Drive. First Reading of Ordinance 2014-17. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 104-115
  
- H. Discussion and consideration on behalf of Maximo Saenz to approve the Final Plat of IDEA Public Schools Headquarters Subdivision, being a re-subdivision of 8.647 acres out of Farm Tract 152, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 116-130
  
- I. Discussion and consideration to accept an Airport Improvement Grant for engineering services for a drainage study at the Mid Valley Airport in an amount not to exceed \$90,000.00 with ten percent local match, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment. 131-163
  
- J. Discussion and consideration to approve the Annual Work Plan and Budget for the Economic Development Corporation of Weslaco (EDCW) Fiscal Year 2014-2015 as approved by the EDCW Board of Directors. Possible action. (Staffed by the Economic Development Corporation of Weslaco.) Attachment. 164-166
  
- K. Discussion and consideration to approve Depository Services Contract(s) with the most advantageous bidder(s) for three (3) year contract(s) beginning October 1, 2014 and ending September 30, 2017 with an option to renew the contract(s) for two (2) years as authorized by Section 105.017 of the Local Government Code, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 167

- L. Discussion and consideration to approve a Professional Services Agreement for auditing services with Garcia and Pena, CPAs for professional accounting services for the fiscal year ending September 30, 2014, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 168-172
- M. Discussion and consideration to accept the invitations and authorize staff to apply with the Texas Development Board (TWDB) through the Clean Water State Revolving Fund (CWSRF) for the South Wastewater Treatment Plant Master Plan and North Wastewater Treatment Plant Expansion, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 173-179
- N. Discussion and consideration to award Request For Bids No. 2013-14-17 for Analytical Laboratory Service - Integrity Testing necessary for the operation of the Water and Wastewater systems to the lowest responsible bidder, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 180-181
- O. Discussion and consideration to award Requests for Bids No. 2012-13-12 for Sludge Transportation and Disposal services necessary for the operation of the Water and Wastewater systems to the lowest responsible bidder, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 182
- P. Discussion and consideration of all invoices submitted to the City of Weslaco from the Law Offices of Garza and Pena, PLLC, on assigned special litigation cases and corresponding work product and other issues related incurring the legal fees associated with the invoice(s). Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Tafolla.)
- Q. Discussion and consideration of all invoices submitted by the firm of Bickerstaff, Heath, Delgado & Acosta LLP, to the City of Weslaco, the Weslaco Hospital Authority, and/or Weslaco Health Facilities Development Corporation. Possible action. (Requested by the Mayor).

**VII. REPORTS**

- A. Update on the status of the Weslaco Animal Shelter Advisory Committee and the ongoing operation of the Weslaco Animal Shelter. (Requested by Commissioners Pena and Noriega.)

**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 Special Counsel regarding a revised settlement agreement in Cause No. C- 929-13-H *City of Weslaco, Texas v. City of Mercedes, Texas* in the 389<sup>th</sup> Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation - Consultation with City Attorney regarding C-7017-14-H *Modesto Pineda, Sr., Modesto Pineda, Jr. v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- C. Pending Litigation – Consultation with City Attorney regarding Cause No. C- 3865-10-I, *City of Weslaco v. Champion Energy Services, LLC* as authorized by §551.071 of the Texas Government Code.
- D. Pending Litigation - Consultation with City Attorney regarding Cause No. C- 081-13 B, *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* as authorized by §551.071 of the Texas Government Code.
- E. Pending Litigation - Consultation with City Attorney regarding Docket No. CL- 14-3345-G *Juan Zuniga v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- F. 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.

- G. Personnel - Discussion with Police Chief regarding ongoing internal affairs investigations as authorized by Chapter 143 of the Texas Local Government Code and Article 29 of the Collective Bargaining Agreement as authorized by §551.074 of the Texas Government Code. (Requested by the Mayor.)

**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 12<sup>th</sup> day of September 2014 at 9:50 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.