



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 1, 2014**

On this 1st day of April 2014 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	J.F. “Johnny” Cuellar
Commissioner	David R. Fox
Commissioner	Olga M. Noriega
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Leonardo Olivares
City Secretary	Elizabeth M. Walker
City Attorney	Ramon Vela

Also present: Juan Salas, IT Department; Bret Mann, Finance Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Chief Michael Kelley, Police Department; Chief Jimmy Cuellar, Fire Department; Arnold Becho, Library Director; David Salinas, Public Utilities Director; Olga Garza, Public Facilities Assistant Director; Veronica Ramirez, Human Resources Director; Gloria Givilancz, and other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, March 14, 2014.
- B. Mayoral Proclamations and Recognitions.
The Mayor presented a proclamation for National Crime Victims Week and a flag honoring Lt. Juan Romero.
- C. Invocation.
Pastor Richard Speer from Grace Episcopal Church delivered the invocation.
- D. Pledge of Allegiance.
Mayor Suarez recited the Pledge of Allegiance and Mayor Pro-Tem Cuellar recited the Texas flag.
- E. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC COMMENTS

There were no comments received.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 March 18, 2014. (Staffed by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of the following:
 - 1) Ordinance 2014-03 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 907 S. Texas Blvd., being Lot 8, Block 3, Hollywood Addition to Weslaco Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District" and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
 - 2) Ordinance 2014-04 accepting an agreement to vacate, abandon, and extinguish an existing 10-foot utility easement located on Lot 1 and Reserve Tract A of the 400 West Expressway 83 Subdivision and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Acceptance of a check from Senior Softball League, in the amount of \$500.00 for the use at Harlon Block Park Sports Complex from January 1 – March 31, 2014, deposit it into the Parks Department Recreation Program Budget account #01-540-2500, and authorize a budget amendment as appropriate. (Staffed by Parks and Recreation Department.) Attachment.
- D. Approval of the renewal of an Interlocal Cooperation Agreement with the County of Hidalgo for participation within the Hidalgo County Library System (HCLS) in an amount not to exceed \$15,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment.
- E. Approval of an expenditure not to exceed \$2,100.00, the approximate interest to date, of the Marion Booth Funds toward the development of a DVD collection within the Library. (Staffed by Library.) Attachment.
- F. Authorization to solicit bids for the construction of Sugarcane Drive from Westgate Drive to Border Avenue. (Staffed by Planning and Code Enforcement Department.) Attachment.
- G. Authorization to solicit requests for proposals for banking depository of municipal funds. (Staffed by Finance Department.) Attachment.

Commissioner Tafolla requested item III. H. be withheld.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the consent agenda items III. A. – G. as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

For the record, the ordinances read as follows:

ORDINANCE NO. 2014-03

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 907 S. TEXAS BLVD., BEING LOT 8, BLOCK 3, HOLLYWOOD ADDITION TO WESLACO SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM “R-1 SINGLE FAMILY DWELLING DISTRICT” TO “B-1 NEIGHBORHOOD BUSINESS DISTRICT.”

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: To rezone from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District,” Lot 8, Block 3, Hollywood Addition to Weslaco Subdivision, also being 907 S. Texas Blvd., Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 18th day of March 2014.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of April 2014.

ORDINANCE NO. 2014-04

AN ORDINANCE ABANDONING A 10’ X 488.75’ EASEMENT FOR UTILITY PURPOSES AT 400 WEST EXPRESSWAY 83 SUBDIVISION, LOT 1, CONTANING 0.11 ACRES OF LAND OUT OF FARM TRACT 119, BLOCK 162, WEST AND ADAMS TRACT SUBDIVISION, HIDALGO COUNTY, TEXAS AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREIN.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, that:

WHEREAS, a 10’ X 488.75’ utility easement for utility purposes was granted by Tejas Building and Development Corporation to the City of Weslaco at 400 West Expressway 83 Subdivision, Lot 1, containing 0.11 acres of land out of Farm Tract 119, Block 162, West and Adams Tract Subdivision, Hidalgo County, Texas which is more particularly described in Exhibit “A”, which is attached hereto and incorporated by reference herein; and

WHEREAS, said utility easement was recorded in Volume 37, Page 91-B of the map records of Hidalgo County, Texas; and

WHEREAS, utility improvements on the property described in Exhibit “A” have never been constructed and maintained; and

WHEREAS, it is the opinion of the Weslaco City Commission of the City of Weslaco that it is in the best interest of the City of Weslaco that said 10’ X 488.75’ easement for utility purposes be abandoned.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS:

Section 1.

The 10' X 488.75' easement for utility purposes described in Exhibit "A", that has been dedicated as a public utility easement shall be and the same is hereby abandoned.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 18th day of March 2014.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of April 2014.

/s/ David Suarez, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2014-13 appointing one member to an expired term on the Planning and Zoning Commission. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Resolution 2014-13 reappointing David Hernandez to an expired term on the Planning and Zoning Commission. The motion carried unanimously; Mayor Suarez was present, but not voting.

For the record, the resolution reads as follows:

RESOLUTION NO. 2014-13

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances.

WHEREAS, the terms of the members of this board are for three years; and

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT David Hernandez is appointed to serve on the Planning and Zoning Commission Board and your term will expire on 2nd day of April, 2017.

PASSED AND APPROVED on this 1st day of April, 2014.

/s/ David Suarez, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- B. Discussion and consideration to remove one member from the Board of Adjustment and Appeals and approve Resolution 2014-14 appointing one member to an unexpired term on that board. Possible action. (Staffed by Planning and Code Enforcement

Department.) Attachment.

Mayor Suarez, seconded by Commissioner Pena, moved to accept the resignation of Roy Tijerina and approve Resolution 2014-14 appointing Rob Escobar to that unexpired term on the Board of Adjustment and Appeals. The motion carried unanimously; Mayor Suarez was present, but not voting.

For the record, the resolution reads as follows:

RESOLUTION NO. 2014- 14

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF ADJUSTMENTS & APPEALS-ZONING ORDINANCE.

WHEREAS, the City of Weslaco created and established the Board of Adjustments & Appeals-Zoning Ordinance.

WHEREAS, the term of the members of this board are for two years; and

WHEREAS, the Board of Adjustments & Appeals-Zoning Ordinance members shall serve with neither compensation nor term limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Rob Escobar is appointed to serve an unexpired term on the Board of Adjustments & Appeals-Zoning Ordinance and the term will expire on 21 day of December, 2014.

PASSED AND APPROVED on this 1st day of April, 2014.

/s/ David Suarez, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

Commissioner Pena, seconded by Commissioner Noriega, moved to remove item VII. A. from its posted sequence for immediate consideration. The motion carried unanimously; Mayor Suarez was present, but not voting.

VII. EXECUTIVE SESSION

At 5:52 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 6:36 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

V. OLD BUSINESS

- A. Discussion and consideration to approve on Second and Final Reading Ordinance 2014-02 annexing a maximum of 4,516.77 acres of land into the City of Weslaco, located in Hidalgo County, Texas, which is contiguous to the city limits and hereinafter described; as shown in the attached exhibit; making findings of fact; providing a severability clause; providing an effective date; and providing for open meetings and other related matters. Second and Final Reading of Ordinance 2014-02. Possible action. (Approved on First Reading March 18, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro-Tem Cuellar described the proposed tracts as those on FM 1015 in litigation with the City of Mercedes and others as “little lollipop” areas. Commissioner Noriega stated she cannot support annexing anymore property when the City is not able to provide services to current City limits, especially when the City cannot afford it. The Mayor Pro-Tem countered that point would have been well made months ago, before the City incurred the costs of litigation related to this annexation.

The City Manager referenced the service plan previously presented to the Commission which outlines the return on investment to each tract. Mr. Charles Warren commented that he is “very pro-annexation; I believe we should annex what we can afford.”

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve on Second and Final Reading Ordinance 2014-02 annexing tracts 13, 14, 15, 17, 19, and 23 as presented, a maximum of 4,516.77 acres of land into the City of Weslaco, located in Hidalgo County, Texas, which is contiguous to the city limits and hereinafter described; as shown in the attached exhibit; making findings of fact; providing a severability clause; providing an effective date; and providing for open meetings and other related matters. By roll call vote, the motion carried as follows: FOR - Mayor Pro-Tem Cuellar, Commissioners Tafolla, Rivera, and Fox; AGAINST - Mayor Suarez, Commissioners Noriega and Pena (4-3).

For the record, the Ordinance reads as follows:

ORDINANCE NO. 2014-02

AN ORDINANCE OF THE CITY OF WESLACO, TEXAS, ANNEXING 1,282.51 ACRES OF LAND, LOCATED IN HIDALGO COUNTY, TEXAS, WHICH IS CONTIGUOUS TO THE CITY LIMITS AND HEREINAFTER DESCRIBED; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Weslaco, Texas (the “City”), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the “subject property”);

WHEREAS, the subject property hereby annexed is located within the City's extraterritorial jurisdiction and is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, the City provided the required notice to all public entities in accordance with 43.0561(c) of the Texas Local Government Code; and

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Weslaco:

Tract 13:

A tract of land containing 239.82 ac situated in the County of Hidalgo, Texas, being a part of portion of farm tracts 1030, 1031, 1032, 1034, 1035, 1036 and 1100, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 14:

A tract of land containing 200.74 ac situated in the County of Hidalgo, Texas, being a part of portion of farm tracts 1020, 1021, 1022, 1023, 1024, 1025, 1094, 1098, 1099 and 1100, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 15:

La Paloma de las Sombras Subdivision, a subdivision containing 10.00 ac of land and being part of Farm Tract 705, Block 136, West Tract Subdivision, Llano Grande Grant, as recorded in Volume 2, Pg. 34-37 of the Map Records in the office of the County Clerk of Hidalgo County, Texas

Tract 17:

A tract of land containing 35.88 ac situated in the County of Hidalgo, Texas, being a portion of farm tracts 799, 800 and 804 West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 19:

A tract of land containing 43.96 ac situated in the County of Hidalgo, Texas, being a portion of farm tracts 1011, 1018 and 1019 West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 23:

A tract of land containing 752.11 ac situated in the County of Hidalgo, Texas, being all of farm tracts 1057, 1058, and 1059 and part of the Hidalgo and Cameron County Irrigation District N0. 9 (HCCID #9) West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, also all or part of Lots 2, 7, 9,10, 15, 16 out of Block 117, Lots 1, 8, 9, 10, 11, 12 out of Block 100, Lots 4 out Block 83, part or all of Lots A thru H, N, O, P, Q, R out of the Capisallo Heights, part or all of Lots 13, 14 out of Block 84, and 3024, 3025 out of the Capisallo Subdivision, according to the plat recorded at the Hidalgo County Map Records.

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Weslaco.

SECTION 6. That the Annexed Property shall be zoned “R-1” Single Family Residential District, as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 7. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 9. The City Secretary is hereby directed to file and record a certified copy of this ordinance and maps with the County Clerk of Hidalgo County, State Comptroller and Secretary of State.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 18 day of March, 2014.

FINALLY PASSED AND APPROVED on this 1 day of April, 2013.

EXHIBIT “A”

WHEREAS, Section 43.056 of the Local Government Code of the State of Texas requires that a plan of service be prepared, prior to the publication of notice of a hearing, providing for the extension of municipal services into the area to be annexed; and

WHEREAS, the following Service Plan has been prepared for said territory and is hereby presented for public inspection and for consideration by the City Commission of the City of Weslaco, Hidalgo County, Texas.

PURSUANT TO THE PROVISIONS Section 43.056 of the Local Government Code of the State of Texas, THERE IS HEREBY prepared FOR THE AREA BOUNDED, AS DESCRIBED ABOVE, THE FOLLOWING PLAN OF SERVICE:

SECTION I: PROVISION OF SERVICES.

The City of Weslaco, Texas hereby proposes to provide for the provision of municipal services to the area to be annexed. The City shall provide the services in accordance with the provisions of its Code of Ordinances regulating the extension of said services. This service plan does not propose a uniform level of full municipal services to the territory to be annexed if characteristics of topography, land use and population density are considered by the City as a sufficient basis for providing different level of services. The following service plan shall constitute a program under which the City shall provide the following services in the area immediately after the effective date of the annexation.

1. Police Protection

Patrolling, radio responses to calls, and other routine police services using present personnel and equipment will be provided on the effective date of annexation.

2. Fire Protection

Fire protection by present personnel and equipment of the fire fighting force, within the limitations of available water, will be provided on the effective date of annexation.

3. Emergency Medical Services

Emergency medical services by present personnel and equipment will be provided on the effective date of annexation.

4 Solid Waste Collection

The same regular solid waste collection service now provided within the city will be extended to the annexed area. However, before the second anniversary of the effective date of the annexation the City will not prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; nor will the City impose a fee for solid waste management services on a person who continues to use the services of a privately owned solid waste management service provider in that two year period.

5. Maintenance of Water and Wastewater Facilities

a. Water Service

Maintenance of existing city owned water lines in annexed areas will be in accordance with established policies of the city.

b. Wastewater Service.

Maintenance of existing city owned wastewater lines will be in accordance with the established policies of the city.

6. Maintenance of Roads and Streets, including Road and Street Lighting

a. Maintenance of Roads and Streets

(1) Emergency maintenance of streets (repair of hazardous chuckholes, measures necessary for traffic flow, etc.) will begin on the effective date of annexation.

(2) Routine maintenance on the same basis as in the present city limits, will begin in the annexed area immediately after the effective date of the annexation.

(3) Reconstruction and resurfacing of streets, installation of storm drainage ditches, and other major improvements, as the need thereof is determined by the governing body, will be accomplished under the present established policies of the city.

b. Street and Road Lighting

Installed street lighting will be maintained in accordance with current standards.

7. Maintenance of Any other Publicly Owned Facility, Building or Service

a. Inspection and code enforcement services

Any inspection or code enforcement services now provided by the city (building, electrical, plumbing, health, animal control, etc.) will begin in the annexed area on the effective date of annexation.

b. Planning and Zoning

(1) The planning and zoning jurisdiction of the city will extend to the annexed area on the effective date of annexation.

(2) The area annexed will be zoned as R-1 Single Family Residential District on the effective date of annexation.

c. Parks, playgrounds and swimming pools

Any public park, playground or swimming pool will be maintained by the City in accordance with current city standards on the effective date of the annexation.

SECTION II: EXTENSION OF SERVICES.

area to be annexed, provided that the City of Weslaco owns the Certificate of Convenience and Necessity for the area as determined by the Texas Commission on Environmental Quality. The City shall provide the services in accordance with the provisions of its Code of Ordinances regulating the extension of said services. The City will provide full municipal services no later than 2 ½ years after the effective date of the annexation pursuant to Section 43.056 Local Government Code of the State of Texas..

1. EXTENSION OF WATER AND WASTEWATER FACILITIES

a. Water Service

- (1) Water for domestic, commercial and industrial use will be provided at city rates, from existing city lines within two and one-half (2 ½) years from the effective date of annexation.
- (2) Extension of water lines into annexed areas will be in accordance with city ordinances and will be accomplished within two and one-half (2 ½) years from the effective date of annexation
- (3) Extension of water lines to undeveloped land within the annexed area will be done according to existing ordinances covering extension of utilities and will be paid by the property owners.

b. Wastewater Service.

- (1) Adequate wastewater service to the area shall be supplied within two and one-half (2½) years from the effective date of annexation, according to existing ordinances covering extension of utilities.
- (2) Extension of wastewater lines into annexed areas will be in accordance with city ordinances and will be accomplished within two and one-half (2 ½) years from the effective date of annexation.
- (3) Extension of wastewater lines to undeveloped land within the annexed area will be done according to existing ordinances covering extension of utilities and will be paid by the property owners.

2. EXTENSION OF ROADS AND STREETS, INCLUDING ROAD AND STREET LIGHTING

a. Extension of Roads and Streets

- (1) The extension of roads to inhabited areas in the annexation and paving of existing streets will conform to current city ordinances and be completed within two and one-half (2 ½) years.
- (2) Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.
- (3) Street name signs where needed, will be installed within two and one-half (2½) years, after the effective date of annexation.

b. Street and Road Lighting

Street lighting will be installed in accordance with current standards at the time of petition to the governing body for placement of a street light.

SECTION III: APPROVAL AND TERM OF SERVICE PLAN

1. Upon completion of the public hearings at which this service plan is presented for public inspection and consideration, this service plan shall be attached to the ordinance annexing the territory described above and approved as part of the ordinance.
2. This service plan shall become effective upon the final approval of the ordinance annexing the territory described above.

3. This service plan shall be valid for a period not to exceed ten years from the date of annexation.

/s/ David Suarez, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- B. Discussion and consideration to authorize a Public Purpose Services contract with the Weslaco Bicultural Museum d.b.a. Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$63,100.00 effective October 1, 2013 through September 30, 2014. Possible action. (This item was tabled March 18, 2014. Requested by Weslaco Museum; Staffed by Parks and Recreation Department.) Attachment.

Mr. Jesse Colin, representing the Museum, introduced the new management team and reiterated that organization desires to be self-sufficient, but isn't there yet. Commissioner Noriega expressed reservations about a retroactive agreement; Commissioner Pena expressed concerns about compliance with Hotel Occupancy Tax regulations.

Commissioner Tafolla, seconded by Commissioner Pena, moved to remove the item from the table. The motion carried unanimously; Mayor Suarez was present, but not voting.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to authorize a Public Purpose Services contract with the Weslaco Bicultural Museum d.b.a. Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$63,100.00 effective April 1, 2014 through September 30, 2014. The motion carried unanimously; Mayor Suarez was present, but not voting.

- III. H. Declaration as surplus outdated GLOCK Caliber .40 Generation 2 and 3 service weapons and authorization of the sale of fifty-eight of them to current Weslaco Police Officers at a one-time payroll deduction in the amount of \$250.00/each and authorize a budget amendment as appropriate. (Staffed by Police Department.) Attachment.

As withheld from consent agenda, Chief Kelley stated that as presented, this program complies as a private sale, with all available weapons committed to a current officer or as a departmental reserve. Commissioner Tafolla stated he preferred to table the item until the cost of a background check may be determined so that the sale of these weapons may be open to the public.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to table the item as presented. The City Attorney clarified that such motion is undebateable, unamendable. The motion carried with Commissioners Noriega and Pena against (4-2); Mayor Suarez was present, but not voting.

VI. NEW BUSINESS

- A. Discussion and consideration to approve an Interlocal Agreement with Hidalgo

County Precinct 1 for the reconstruction and repaving of Joe Stephens Avenue from Votech Drive to Sugarcane Drive for cost share in materials and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented.

The City Manager stated that though this street had not been identified as a priority on the ranking sheet just a few months ago, it has since been torn up subsequent to improvements at the constable's office, presenting an opportunity to leverage funds for reconstruction and repaving since that street will be more visible after the slated closure of Sugarcane Drive.

In response to Commissioner Pena, the City Manager further clarified that the cost as proposed is \$132,000.00, with the County providing labor and equipment. In response to the Mayor, Mr. Mann stated this project may be an eligible expense from the 2013 bond issuance.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to amend the motion to use 2013 bond proceeds first, then general fund money toward the \$132,000.00 cost. The motion carried unanimously; Mayor Suarez was present, but not voting.

The original motion carried unanimously; Mayor Suarez was present, but not voting.

- B. Discussion and consideration to award the Construction-Manager-At-Risk Contractor to the best qualified, most advantageous bidder for the construction phase of the Weslaco Boys and Girls Club Recreation Center, in a Guaranteed Maximum Price amount not to exceed \$1,230,000.00, funded in part by the Texas Parks and Wildlife as Project Number 51-000065, as shown on architectural drawings design completed by Alcocer Garcia Associates Architectural Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment.

The City Manager that though E-CON had been previously awarded, regrettably they have been unable to negotiate a Guaranteed Maximum Price and staff recommends awarding the next highest ranked bidder, Peacock Construction. A shortfall of about \$320,000.00 remains. The Mayor recommended the City pledge City Park instead of the Horton Campus to assist in the shortfall; Mr. Arce expressed concern about consuming any space at City Park, where parking already is limited.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to table the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- C. Discussion and consideration to authorize Final Pay Application to LeFevre Engineering for the Lift Station No. 36 project in an amount not to exceed \$1,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed

by Public Utilities Department.) Attachment.

The City Manager stated this lift station feeds the South Waste Water Treatment Plant; this project refurbished the wetwell and lines and recommends approval.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- D. Discussion and consideration to authorize Final Pay Application to JF Utility for the Lift Station No. 36 project in an amount not to exceed \$39,400.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

In response to Commissioner Noriega, the City Manager confirmed this amount includes the change order for final payment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- E. Discussion and consideration to award Oil Patch Fuel & Supply as the best qualified, most advantageous vendor for the Unleaded and Diesel Fuel bid for a period of one year and authorize a budget amendment as appropriate. Possible action. (Staffed by Finance Department.) Attachment.

The City Manager stated this is the current vendor and recommends approval.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Consultation with Special Counsel regarding Cause No. C- 5929-13-H City of Weslaco, Texas v. City of Mercedes, Texas in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to retain Ellis, Koeneke, & Ramirez, L.L.P. Special Counsel regarding Cause No. C- 5929-13-H City of Weslaco, Texas v. City of Mercedes, Texas in the 389th Judicial District Court of Hidalgo County.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to amend the motion to identify Edmundo Ramirez as lead counsel. The motion carried unanimously; Mayor Suarez was present, but not voting.

The original motion carried unanimously; Mayor Suarez was present, but not voting.

IX. ADJOURNMENT

With no other business before the Commission, at 7:58 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the April 1, 2014 regular meeting. The motion carried unanimously; Mayor Suarez was present, but not voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. "Johnny" Cuellar

COMMISSIONER, David R. Fox

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Fidel L. Pena, III