



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MAY 6, 2014**

On this 6th day of March 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; Sonia Flores, Assistant Finance Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Interim Chief Sergio Ramirez, Police Department; Santiago Cuellar, Fire Chief; Assistant Chief Rudy Garza, Fire Department; Martin Mata, Assistant Library Director; David Salinas, Public Utilities Director; Oscar Garcia, Public Facilities Director; 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 on Friday, May 2, 2014.
- B. Invocation.
Pastor Bob Slade from Love of Christ Church delivered the invocation.
- C. Pledge of Allegiance.
Mayor Suarez recited the Pledge of Allegiance and Mayor Pro-Tem Cuellar recited the Texas flag.
- D. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC COMMENTS
There were no public 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commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 April 15, 2014. (Staffed by City Secretary's Office.) Attachment.
- B. Approval of the renewal of the Summer Feeding 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 2014 Summer Reading Program and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment.
- C. Approval of an interlocal agreement with the City of McAllen to purchase communication equipment, portable radios, mobile radios, and base stations, in an amount not to exceed \$50,000.00 as previously allocated in the Frost Bank Lease Purchase Agreement, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- D. Approval of the increase in state unemployment taxes from .1% to 2.3% for the first \$9,000.00 in wages as determined by the Texas Comptroller, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- E. Acceptance of a check from Adobe Unlimited, LLC, in the amount of \$5,600.00 for payment in lieu of land for the Midway Court Phase II Subdivision for park dedication fees as authorized by §26-37 of Appendix B of the City of Weslaco Subdivision Regulations and Policies and authorize a budget amendment as appropriate. (Staffed by Planning and Code Enforcement Department.) Attachment.
- F. Acceptance of a donation of \$44.00 from Sears and National Volunteer Fire Council into account 01-516-2043 and authorize a budget amendment as appropriate. (Staffed by Fire Department.) Attachment.
- G. Approval of Resolution 2014-24 supporting the Voting Rights Act and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.) Attachment.
- H. Approval of Resolution 2014-25 supporting the location of the University of Texas Rio Grande Valley administrative offices and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.) Attachment.

Commissioner Noriega requested item III. C be withdrawn consent agenda for further consideration.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve items III. A, B, D, E, F, G, and H as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the resolutions read as follows:

RESOLUTION NO. 2014-24

**STATE OF TEXAS § RESOLUTION IN SUPPORT OF BI-PARTISAN
COUNTY OF HIDALGO § LEGALISATION TO MODERNIZE THE VOTING
CITY OF WESLACO § RIGHTS ACT**

WHEREAS, The right to vote is a fundamental right of United States citizens and is the most important of civic rights and obligations; and

WHEREAS, The election of representatives who voice the concerns of the public ensures a responsive and accountable government; and

WHEREAS, The failure of eligible Americans to vote jeopardizes the strength and vitality of our country's democracy; and

WHEREAS, The Fifteenth Amendment to the United States Constitution ensures that the right of citizens of the United States to vote is not denied on account of race or color, and grants Congress the authority to protect the right to vote; and

WHEREAS, Congress has exercised this authority by passing the Voting Rights Act of 1965, landmark legislation that seeks to abolish discriminatory procedures and barriers that disenfranchise minority voters; and

WHEREAS, Congress has, time and again, reaffirmed the need for protection against abuses that might curtail the right to vote by renewing the Voting Rights Act of 1965; and

WHEREAS, The Voting Rights Act's highly effective preclearance procedures have been suspended as a result of the Supreme Court's decision in *Shelby County v. Holder*; and

WHEREAS, The *Shelby County* decision has greatly diminished the ability of the federal government to protect equal access to the ballot box; and

WHEREAS, Voter discrimination based on race, ethnicity, and language minority status is not a thing of the past but a current reality; and

WHEREAS, A bipartisan group of Members of Congress has proposed legislation – the Voting Rights Amendment Act of 2014, H.R. 3899 and S. 1945 – that would respond to the *Shelby County* decision by modernizing voting rights protections; and

WHEREAS, The Voting Rights Amendment Act would protect voters throughout the nation, and extend appropriate oversight to any jurisdiction with a significant recent history of discriminatorily restricting access to elections, consistent with the Constitution; and

WHEREAS, The Voting Rights Amendment Act would increase transparency in election administration and policymaking in the interest of ensuring that discriminatory voting laws do not escape the notice of advocates who have the knowledge and resources necessary to vindicate voters' rights; and

WHEREAS, The Voting Rights Amendment Act is a positive first step toward adapting the Voting Rights Act to meet 21st century needs and apply adequate scrutiny to suspect voting laws consistent with the Supreme Court's decisions;

NOW, THEREFORE BE IT RESOLVED BY THE WESLACO CITY COMMISSION to hereby record support for the Voting Rights Amendment Act of 2014, and urge Congress to enact this legislation in order to preserve integrity, equality and fairness in elections in 2014 and beyond.

PASSED AND APPROVED on this 6th day of May 2014 by the Weslaco City Commission.

RESOLUTION NO. 2014-25

STATE OF TEXAS § RESOLUTION IN SUPPORT OF LOCATING THE
COUNTY OF HIDALGO § FUTURE ADMINISTRATION BUILDING OF THE
CITY OF WESLACO § UNIVERSITY OF TEXAS RIO GRANDE VALLEY IN
THE CITY OF WESLACO

WHEREAS, the 83rd Texas Legislature approved the creation of The University of Texas in South Texas, now officially named The University of Texas Rio Grande Valley; and

WHEREAS, the Board of Regents of The University of Texas System is seeking proposals from public and private parties for the gift and/or sale to the Board of Regents of the University of Texas System of land, or land improved with a suitable building in South Texas for use as the administrative headquarters building for The University of Texas Rio Grande Valley; and

WHEREAS, the responses to RFP No. REO 03-14-2014 BOR are due by 5:00pm May 15, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WESLACO, TEXAS THAT the City of Weslaco supports the location of the Administrative Building for The University of Texas Rio Grande Valley in the City of Weslaco.

BE IT FURTHER RESOLVED THAT Mayor David Suarez is authorized to submit a response to RFP No. REO 03-14-2014 BOR that could include unimproved land or land with a suitable building that meets the proposal requirements of RFP No. REO 03-14-2014 BOR.

PASSED AND APPROVED on this 6th day of May 2014 by the Weslaco City Commission.

/s/ David Suarez, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

IV. OLD BUSINESS

- A. Discussion and consideration to declare as surplus outdated GLOCK Caliber .40 Generation 2 and 3 service weapons and authorize 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. Possible action. (This item was tabled April 15, 2014; Staffed by Police Department.) Attachment.

Mayor Pro-Tem Cuellar requested this item not be removed from the table to allow the recently appointed Interim Police Chief Sergio Ramirez the opportunity to get acclimated.

V. NEW BUSINESS

- A. Discussion and consideration to provide a grant in an amount not to exceed \$78,236.00, split 50/50 with the Economic Development Corporation of Weslaco, to South Texas College to enhance economic development by assisting with transportation to students from outside Weslaco to STC Mid-Valley Campus. Possible action. (Staffed by the Economic Development Corporation of Weslaco.) Attachment.

South Texas College; the Economic Development Corporation of Weslaco recommends approval. In response to Commissioner Noriega, the City Manager explained the funding source would be the general fund with end-of-year cost savings since not all departments spend their full budgets.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration to reimburse Valley Nature Center in an amount not to exceed \$68,717.32 for expenses on exhibits from Clarke Design, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities.) Attachment.

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

The City Manager explained the Commission previously approved a contract with Clarke Design in the amount of \$200,000.00; the former director of the Valley Nature Center paid \$68,717.32 to Clarke Design directly in order to move forward with the contract. In response to Commissioner Noriega, the City Attorney stated he was not prepared to opine if this expense qualifies through Hotel Occupancy Tax funding; in response to Mayor Pro-Tem Cuellar, Mr. Mann assured there is sufficient funding in the general fund to process this payment if approved. The Mayor called comments at the dais out of order.

Commissioners Tafolla and Rivera rescinded their motion. Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented to be paid from the General Fund. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration to authorize the purchase of new pumps, motors, and electrical panels for Lift Stations 25 and 26 from Odessa Pumps, Buyboard contract 418-13 in an amount not to exceed \$37,182.68, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment.

The City Manager stated this would replace pumps with a five year life expectancy, now ten years old at Lift Stations 25 and 26. Public Utilities Director David Salinas explained that the purchase of new pumps, motors, and electrical panels are necessary to ensure the greatest efficiency of the Lift Stations, which are not slated to be shut down until after the new receiving well is operational. Buyboard offered the lowest bid for the purchase; the new pumps come with a five year warranty.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration to reject all bids from Request for Qualifications 2013-14-04 Lift Station Alarm Monitoring Equipment and Services and re-bid the project

with revised bid documents, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment.

The City Manager recommended to reject the bids from Request for Qualifications 2013-14-04 Lift Station Alarm Monitoring Equipment and Services, as there was a significant disparity between the two responsive bidders, \$19,000.00 to \$51,000.00. He suggested to re-bid the project with revised bid documents since the timing at market may affect responses.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration to authorize the rental of a sludge disposal system from Aqua-Zyme Disposal Systems, Inc. for sludge removal at the Water Treatment Plant as needed in coordination with on-site construction, in an amount not to exceed \$2,500.00/month for a minimum of six months paid from cost savings on existing Purchase Order for Sludge Transportation and Disposal Services, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment.

After Commissioner Noriega apologized for the odorous water over the weekend, Mr. Salinas explained this system as proposed should move sludge faster to comply with the Texas Commission on Environmental Quality Agreed Order and mitigate the risk of malodorous recurrence. He assured that the water was not affected, simply that the water carried the smell and apologized publically for the inconvenience. Commissioner Pena called to question the motion.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration to ratify the emergency purchase order in the amount of \$19,095.00 for a new submersible pump to replace that at Lift Station 37 from Odessa Pumps, Buyboard contract 418-13, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment.

The City Manager explained Lift Station 37 is the last in the chain to feed the South Waste Water Treatment Plant; the engine broke and it would cost \$15,000.00 to repair it or \$19,000.00 to replace it. The Mayor declared it an emergency so that a purchase order could be processed to replace it with new submersible pump, the better value. In response to Commissioner Pena, Mr. Salinas clarified this Lift Station is not ready for elimination yet.

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

- G. Discussion and consideration of the Public Facilities and Transportation Improvements Naming Committee recommendation to select the color and logo for the City of Weslaco elevated storage tank located on Milanos Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment.

The City Manager recommended tne mec white, as recommended by the Public Facilities and Transportation Improvements Naming Committee. Mr. Salinas additionally reported the Committee recommended the Weslaco and Weslaco East High Schools logos be incorporated.

Mayor Pro Tem Cuellar, seconded by Commissioner Rivera, moved to select tne mec white as the color for the City of Weslaco elevated storage tank located on Milanos Road and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

There was no action on the logo selection.

- H. Discussion and consideration to approve the Waterline Access Agreement with North Alamo Water Supply Corporation and Medelfish, Ltd. for RSBR Westgate Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

The City Manager recommended approval of this standard agreement.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VI. REPORTS

- A. Report by Hidalgo County Regional Mobility Authority on the latest Strategic Plan Update for the State Highway 365, International Bridge Trade Corridor and State Highway 68 Projects.

Mr. Pilar Rodriguez reported on the latest Strategic Plan Update, as required by state law in even numbered years, to project funding for 2015-2019. The total project cost for the Short Term strategic plan is estimated at \$498.8 million; total Texas Department of Transportation reimbursements will be \$34.3 million for ten years following a complicated financial model because toll revenues are traffic dependent.

VII. EXECUTIVE SESSION

At 6:55 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:07 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

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.

There was no action on this item.

- B. 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.

There was no action on this item.

- C. Pending Litigation – Consultation with Special Counsel and City Attorney regarding a proposed settlement offer in Cause No. C-3090-11-D Sigler Winston Greenwood & Associates Inc. v. City of Weslaco, pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- D. Real Property – Discussion with the Economic Development Corporation of Weslaco regarding the purchase and financing options of a 20-plus acres tract of land toward Project Alpha in Weslaco, Hidalgo County, Texas as authorized by §551.072 of The Texas Government Code.

Commissioner Fox, seconded by Commissioner Tafolla, moved to allow the Economic Development Corporation of Weslaco (EDCW) to proceed with the purchase of a 20-acre tract of land in Weslaco pursuant to the terms discussed in executive session provided the EDCW site is selected and the purchase closes in response to RFP No. REO 03-14-2014 BOR for Project Alpha. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Economic Development – Discussion with the Economic Development Corporation of Weslaco to renegotiate amendments to bring an economic development project to the City of Weslaco as authorized by §551.087 of The Texas Government Code.

Commissioner Tafolla, seconded Commissioner Fox, moved to allow EDCW to negotiate amendments to a development agreement as discussed in Executive Session to bring an economic development project to the City of Weslaco and authorize the Mayor to execute the agreement. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Pending Litigation - Discussion with the City Attorney regarding a Tender, Release, and Substitution Agreement with Ohio Casualty Insurance Company regarding the Performance and Payment Bonds on the Valley Nature Center Project as authorized by §551.071 of The Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to accept the Tender, Release and Substitution Agreement with Ohio Casualty Insurance Company and the Completion Contractor selected and tendered by Ohio Casualty to complete the Valley Nature Center – Gibson Park Project as discussed in Executive Session and

authorize the Mayor to execute the Tender, Release and Substitution Agreement. The motion carried unanimously; Mayor Suarez was present and voting.

The City Attorney clarified the City will pay per the original contract, with balance of \$266,000.00 with no further liability to the City; the Insurance Company will select the contractor and pay all expenses and will make good to all subcontractors.

- G. Pending Litigation - Consultation with assigned defense counsel Anthony B. James regarding C-2201-11-I Pascual Hernandez et. al. v. City of Weslaco in the 398th Judicial District Court of Hidalgo County as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

IX. ADJOURNMENT

With no other business before the Commission, at 8:12 p.m. Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to adjourn the May 6, 2014 regular meeting. The motion carried unanimously; Mayor Suarez was present and 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