



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
MONDAY, NOVEMBER 3, 2014**

On this 3<sup>rd</sup> day of November 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	Olga M. Noriega
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Fidel L. Pena, III
City Manager	Leonardo Olivares
City Secretary	Elizabeth M. Walker
Interim City Attorney	Juan Guerra

Also present: Juan Salas, IT Department; Interim Chief Chris Sanchez, Fire Department; Interim Chief Sergio Ramirez, Police Department; David Salinas, Public Utilities Director; Trinidad Cantu, Assistant Public Utilities Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Veronica Ramirez, Human Resources Director; Olga Garza, Assistant Public Facilities Director; Rosie Palomo, Finance Department, David Arce, Park & Recreation Director; Gloria Givilancz, Grants Coordinator; 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, October 31, 2014.
- B. Invocation.  
Pastor Ray Sanchez of First Baptist 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 the absence of Commissioners Fox and Rivera.

**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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 October 21, 2014. (Staffed by City Secretary's Office.) Attachment.
- B. Acceptance of a grant in the amount of \$34,278.00 from the Texas Department of Public Safety Homeland Security Grant Program, federal grant award number EMW-2014-SS00029, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment.
- C. Acceptance of a grant in the amount of \$1,000.00 from Wal-Mart Foundation to purchase smoke detectors to assist the citizens of Weslaco as needed, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- D. Approval of the renewal of the City's membership in the Texas Municipal League in the amount of \$4,238.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by City Manager's Office.) Attachment.
- E. Authorization for the solicitation of sealed bids for the purchase of two (2) recycling trailers utilizing grant funds through Lower Rio Grande Valley Development Council Solid Waste Grant Program, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. (Staffed by Public Facilities.) Attachment.
- F. Authorization for the solicitation of Request for Proposals to purchase a Magda Rotor with shafts and stainless steel blades for the North Wastewater Treatment Plant, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities.) Attachment.
- G. Authorization for the solicitation of Request for Proposals to purchase two (2) Zero Turn 60" Mowers, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. (Staffed by Public Utilities.) Attachment.
- H. Authorization of the renewal of a Food for Fines program at the Mayor Joe V. Sanchez Public Library, allowing library patrons to exchange canned goods for outstanding library fees through December 2014 in support of a food drive by the Rio Grande Valley Food Bank. (Staffed by the Library.) Attachment.

- I. Authorization of an expenditure in an amount not to exceed \$2,500.00 from the Preservation Fund for the purchase of death record binders, birth record binders, secure life ledger paper, and other supplies for the permanent retention of vital records as prescribed by the Texas Health & Safety Code §191.0045 (h), authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. (Staffed by City Secretary's Office.) Attachment.

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

#### IV. NEW BUSINESS

- A. 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, 2014 through September 30, 2015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

In response to Commissioner Noriega, the City Manager clarified this money is budgeted in the General Fund.

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

- B. Discussion and consideration to approve a Public Purpose Services contract and/or Lease Agreement with the Boys & Girls Club of Weslaco, Inc. in an amount not to exceed \$50,000.00 effective October 1, 2014 through September 30, 2015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

The City Manager stated this contract would provide for the operating expenditures of the Boys and Girls Club of Weslaco; the expense is budgeted.

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

- C. Discussion and consideration to authorize final payment to Prodigy Construction Management, LLC, Payment Application #5, in the amount of \$18,113.05 for the construction of the Environmental Education Center project at the Valley Nature Center, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities.) Attachment.

The Mayor cited a contractual provision which requires the signature of the architect to finalize. Mr. Alex Palacios, on behalf of Prodigy Construction Management, LLC, stated that the architect of record has refused to complete the project, so though the architect should issue the certificate, since he “hasn’t been on the job” to monitor the work, it “would be fraud.” Ms. Gloria Givilancz stated that Texas Parks and Wildlife does not require a certificate of completion for grant compliance.

Mr. Palacios reiterated that Prodigy is married to the City for twelve months as contract warranty. Mr. Juan Guerra stated that the City’s contract with the contractor remains, through the contract with the architect may not be in effect; he noted that given the history of absence of the architect as well as four payments already paid from the City to contractor, he recommends final payment to Prodigy Construction as proposed.

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

- D. Discussion and consideration to approve a Mutual Lease Agreement with the Lower Rio Grande Valley Nature Center for the lease of the newly constructed Environmental Education Center project at the Valley Nature Center and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities.) Attachment.

The City Manager stated this lease agreement would be with the Valley Nature Center for the new facility as previously described; the lease agreement with the existing facility will be terminated at a later meeting.

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

- E. Discussion and consideration to approve the City of Weslaco’s Investment Policy and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.

The City Manager explained the Investment Policy is reviewed annually in compliance with the Texas Public Funds Act; this is the same policy as the previous year.

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

- F. Discussion and consideration to approve the Waterline Access Agreement with North Alamo Water Supply Corporation-Adobe Unlimited, LLC and Midway Courts Phase

2 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment.

The City Manager stated this is a trilateral agreement among the City, the developer Adobe Unlimited, LLC, and North Alamo Water Supply Corporation governing fire hydrants.

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

**V. EXECUTIVE SESSION**

The Commission did not convene in executive session.

**VI. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

- A. Pending Litigation – Consultation with City Attorney regarding Cause No. C-7941-14-G *Leticia Pequeno, Remigio Pequeno et al. vs. Juan Hernandez and the City of Weslaco* in the 370<sup>th</sup> Judicial District Court of Hidalgo County as authorized by §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to authorize assigned special counsel to file an answer regarding Cause No. C-7941-14-G *Leticia Pequeno, Remigio Pequeno et al. vs. Juan Hernandez and the City of Weslaco* in the 370<sup>th</sup> Judicial District Court of Hidalgo County. The motion carried unanimously; Mayor Suarez was present and voting.

- 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. 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.

There was no action on this item.

**VII. ADJOURNMENT**

With no other business before the Commission, at 6:03 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to adjourn the November 3, 2014 regular meeting. The motion carried unanimously; Mayor Suarez was present, but not voting.

CITY OF WESLACO

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MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth M. Walker

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

(absent)

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COMMISSIONER, David R. Fox

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COMMISSIONER, Olga M. Noriega

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COMMISSIONER, Gerardo "Jerry" Tafolla

(absent)

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COMMISSIONER, Lupe Rivera

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COMMISSIONER, Fidel L. Pena, III