



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 2, 2014**

On this 2nd day of December 2014 at 5:33 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	Olga Noriega
Commissioner	David R. Fox
Commissioner	Greg Kerr
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
Interim City Manager	Elizabeth Walker
Records Specialist	Nikki Mowbray
Interim City Attorney	Frank Garza

Also present: Juan Salas, IT Department; Sonia Flores, Assistant Finance Director; David Salinas, Public Utilities Director, Trinidad Cantu, Assistant Public Utilities Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Interim Chief Chris Sanchez, Fire Department; Ted Walensky, Police Department; David Arce, Parks and Recreation Director; Veronica Ramirez, Human Resources Director; Olga Garza, Public Facilities Assistant Director; George Garrett, Airport Director; Arnold Becho, Library Director; Martin Mata, Library Assistant 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 Wednesday, November 26, 2014.
- B. Invocation.
Deacon Juan Delgado from San Martin de Porres delivered the invocation.
- C. Pledge of Allegiance.
Mayor Suarez recited the Pledge of Allegiance and Mayor-Pro Tem Noriega recited the Texas flag.
- D. Roll Call.
Nikki Mowbray, Records Specialist, 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 November 18, 2014. (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 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.
 - 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.)

Mayor Pro-Tem Noriega requested III. M be withdrawn from the consent agenda for further consideration.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve items III. A, B, C, D, E, F, G, H, I, J, K, and L as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Ordinances read as follows:

ORDINANCE NO. 2014-20

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 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

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

SECTION I: R-1 Single Family Dwelling District to B-2 Secondary and Highway Business District, Lot 2 of Royal Subdivision,, also being 4019 Moreland Drive, 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 November, 2014.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

ORDINANCE NO. 2014-21

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1609 DAVENPORT ST., ALSO BEING LOTS 2-7, BLK 7, DAVENPORT SUBDIVISION #1, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT TO B-4 NEIGHBORHOOD OFFICE DISTRICT

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

SECTION I: R-1 One Family Dwelling District to B-4 Neighborhood Office District, being Lots 2-7, Blk 7, Davenport Subdivision #1, Weslaco, Hidalgo County, Texas, also being 1609 Davenport St., 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 November, 2014.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

ORDINANCE NO. 2014-22

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1902 EAST 18TH ST., ALSO BEING LOTS 1, AVOCADO HEIGHTS SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT DISTRICT. BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: R-1 One Family Dwelling District to R-2 Duplex and Apartment District, being Lots 1, Blk 7, Avocado Heights Subdivision, Weslaco, Hidalgo County, Texas, also being 1902 East 18th St., 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 November, 2014.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

IV. APPOINTMENTS

- A. Discussion and consideration to remove three members from the Planning and Zoning Commission and approve Resolutions 2014-48, 2014-49, and 2014-50 appointing three members to those unexpired terms. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to remove Ricardo Quintanilla, Juan Gonzalez and Humberto Jorge Chavez from the Planning and Zoning Commission, and to approve Resolutions 2014-48, 2014-49, and 2014-50 appointing Juan Jose Trevino, Lazaro Cardenas and Clemente Mena to those unexpired terms. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2014-48

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 Juan Jose Trevino is appointed to serve on the Planning and Zoning Commission Board and your term will expire on 3rd day of December, 2017.

PASSED AND APPROVED on this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

RESOLUTION NO. 2014-49

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 Lazaro Cardenas is appointed to serve on the Planning and Zoning Commission Board and your term will expire on 3rd day of December, 2017.

PASSED AND APPROVED on this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

RESOLUTION NO. 2014-50

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 Clemente Mena is appointed to serve on the Planning and Zoning Commission Board and your term will expire on 3rd day of December, 2017.

PASSED AND APPROVED on this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

- 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.

Mayor Suarez, seconded by Commissioner Pena, moved to approve Resolutions 2014-51, 2014-52, 2014-53, 2014-54, 2014-55, 2014-56 and 2014-57 appointing Rick Talbert, Joe Olivarez, Martin Masso, Rodolfo Cisneros, G Stephen Charlton, Mari Fuentes-Martin, and Cynthia Cabaza to the Economic Development Corporation to terms as assigned. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2014-51

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Joe Olivarez is appointed to a term as a member of the Board of Directors of the Economic Development Corporation.

PASSED AND APPROVED on this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

RESOLUTION NO. 2014-52

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Rick Talbert is appointed to a term as a member of the Board of Directors of the Economic Development Corporation.

PASSED AND APPROVED on this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

RESOLUTION NO. 2014-53

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Martin Masso is appointed to a term as a member of the Board of Directors of the Economic Development Corporation.

PASSED AND APPROVED on this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

RESOLUTION NO. 2014-54

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Rodolfo Cisneros is appointed to a term as a member of the Board of Directors of the Economic Development Corporation.

PASSED AND APPROVED on this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

RESOLUTION NO. 2014-55

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve

staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT G Stephen Charlton is appointed to a term as a member of the Board of Directors of the Economic Development Corporation.

PASSED AND APPROVED on this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

RESOLUTION NO. 2014-56

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Mari Fuentes-Martin is appointed to a term as a member of the Board of Directors of the Economic Development Corporation.

PASSED AND APPROVED on this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

RESOLUTION NO. 2014-57

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Cynthia Cabaza is appointed to a term as a member of the Board of Directors of the Economic Development Corporation.

PASSED AND APPROVED on this 2nd day of December, 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

- 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.)

The Interim City Manager clarified that Dr. Edelstein and Mr. Joe Pedraza's terms had expired, and a new City Official would need to be elected to fill Mr. Leonardo Olivares' position on the board.

Commissioner Pena, seconded by Commissioner Kerr, moved to approve Resolutions 2014-58, 2014-59, and 2014-60 reappointing Dr. Edelstein and Mr. Pedraza, and appointed Interim City Manager Elizabeth Walker to serve on the Animal Shelter Advisory Committee. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Resolutions read as follows:

**RESOLUTION NO. 2014-58
A RESOLUTION OF THE CITY OF WESLACO ONE APPOINTING
MEMBER TO THE ANIMAL SHELTER ADVISORY COMMITTEE**

WHEREAS, Ordinance 2012-2 establishes an Animal Shelter Advisory Board that will assist the City of Weslaco in complying with the requirements of Chapter 823 of The Texas Health and Safety Code and will be codified as Division 8 of Chapter 22 of The Code of Ordinances; and

WHEREAS, The Animal Shelter Advisory Committee shall assist the City of Weslaco in complying with the requirements of Chapter 823 of The Texas Health and Safety Code; and

WHEREAS, The Animal Shelter Advisory Committee will be composed of one (1) veterinarian, one (1) City of Weslaco official, one (1) person whose duties include the daily operation of an animal shelter and one (1) representative from an animal welfare organization and one (1) citizen of the City of Weslaco; and

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this Committee will hold office for a term length staggered as assigned; and

WHEREAS, the Animal Shelter Advisory Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Elizabeth Walker is appointed to the Animal Shelter Advisory Committee for a term as assigned.

PASSED AND APPROVED on this 2nd day of December 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

RESOLUTION NO. 2014-59

A RESOLUTION OF THE CITY OF WESLACO ONE APPOINTING MEMBER TO THE ANIMAL SHELTER ADVISORY COMMITTEE

WHEREAS, Ordinance 2012-2 establishes an Animal Shelter Advisory Board that will assist the City of Weslaco in complying with the requirements of Chapter 823 of The Texas Health and Safety Code and will be codified as Division 8 of Chapter 22 of The Code of Ordinances; and

WHEREAS, The Animal Shelter Advisory Committee shall assist the City of Weslaco in complying with the requirements of Chapter 823 of The Texas Health and Safety Code; and

WHEREAS, The Animal Shelter Advisory Committee will be composed of one (1) veterinarian, one (1) City of Weslaco official, one (1) person whose duties include the daily operation of an animal shelter and one (1) representative from an animal welfare organization and one (1) citizen of the City of Weslaco; and

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this Committee will hold office for a term length staggered as assigned; and

WHEREAS, the Animal Shelter Advisory Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Steve Edelstein is appointed to the Animal Shelter Advisory Committee for a term as assigned.

PASSED AND APPROVED on this 2nd day of December 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

**RESOLUTION NO. 2014-60
A RESOLUTION OF THE CITY OF WESLACO ONE APPOINTING
MEMBER TO THE ANIMAL SHELTER ADVISORY COMMITTEE**

WHEREAS, Ordinance 2012-2 establishes an Animal Shelter Advisory Board that will assist the City of Weslaco in complying with the requirements of Chapter 823 of The Texas Health and Safety Code and will be codified as Division 8 of Chapter 22 of The Code of Ordinances; and

WHEREAS, The Animal Shelter Advisory Committee shall assist the City of Weslaco in complying with the requirements of Chapter 823 of The Texas Health and Safety Code; and

WHEREAS, The Animal Shelter Advisory Committee will be composed of one (1) veterinarian, one (1) City of Weslaco official, one (1) person whose duties include the daily operation of an animal shelter and one (1) representative from an animal welfare organization and one (1) citizen of the City of Weslaco; and

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this Committee will hold office for a term length staggered as assigned; and

WHEREAS, the Animal Shelter Advisory Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Joe Pedraza is appointed to the Animal Shelter Advisory Committee for a term as assigned.

PASSED AND APPROVED on this 2nd day of December 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

- 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.

Commissioner Pena, seconded by Mayor Pro-Tem Noriega, moved to approve

Resolution 2014-61 appointing Major Suarez as member and Mayor Pro-Tem Noriega as the alternate member. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2014-61

**THE STATE OF TEXAS § APPOINTING A MEMBER AND AN ALTERNATE
COUNTY OF HIDALGO § MEMBER TO THE LOWER RIO GRANDE VALLEY
CITY OF WESLACO § DEVELOPMENT COUNCIL (LRGVDC)**

WHEREAS, the Lower Rio Grande Valley Development Council (LRGVDC) has requested that a City of Weslaco elected official serve as the official member to its Board of Directors; and

WHEREAS, the LRGVDC further has requested that a City of Weslaco elected official serve as the alternate member of the LRGVDC Board of Directors;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO that Mayor David Suarez be appointed as the official member to serve in the LRGVDC Board of Directors.

BE FURTHER RESOLVED that Mayor Pro-Tem Olga Noriega be appointed as the alternate member to serve in the LRGVDC Board of Directors and a copy of this Resolution shall be delivered to the Lower Rio Grande Valley Development Council office to evidence these appointments.

PASSED AND APPROVED this 2nd day of December 2014.

CITY OF WESLACO

/s/David Suarez **MAYOR**

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **INTERIM CITY ATTORNEY**

VIII. EXECUTIVE SESSION

At 5:55 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:47 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

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

- 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.

There was no action on this item.

- 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.)

There was no action on this item.

- 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.)

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to replace current defense counsel Keith Livesay with Francisco Garza on behalf of the City of Weslaco 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. The motion carried with Commissioner Kerr abstained from the vote; Mayor Suarez was present and voting.

III. CONSENT AGENDA

- 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.)

Mayor Pro-Tem Noriega, seconded by Commissioner Kerr, moved to authorize the solicitation of a request for proposals for the external 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. The motion carried unanimously; Mayor Suarez was present and voting.

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.

Commissioner Kerr, seconded by Commissioner Pena, moved to re-table this item until the next regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

- 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.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve Ordinance 2014-19 to rezone 3602 North Texas Blvd. as B-4 Neighborhood Office District. The motion carried unanimously; Mayor Suarez was present and voting.

Mr. Mardoqueo Hinojosa stated the property is identified for future land use as B-1 Neighborhood Business District; B-4 Neighborhood Office District is intended for the downtown area of Weslaco as opposed to the Texas Blvd. corridor. In response to Mayor Suarez, Mr. Hinojosa recommendation was to rezone the property as B-1 Neighborhood Business District.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to withdraw their motion to approve Ordinance 2014-19 to rezone 3602 North Texas Blvd. as B-4 Neighborhood Office District. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Pena, seconded by Commissioner Fox, moved to table the item until the next regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

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.

There was no action on this item.

- B. Discussion and consideration to approve Ordinance 2014-23, prohibiting the sale, exhibition, and possession of fireworks within the City of Weslaco, and authorize the Mayor to execute any related documents. First Reading of Ordinance 2014-23. Possible action. (Staffed by Fire Department.) Attachment.

Interim Chief Chris Sanchez explained that although this fireworks ordinance had been considered previously, it was never adopted in Municode; he is currently revisiting how to put it into Municode. In response to Commissioner Pena, Mr. Sanchez stated this ordinance would be enforced by the police and the fire marshal; the penalty for any violation of the ordinance is up to a \$1,000.00 fine.

Interim City Attorney Frank Garza pointed out the language of the ordinance was very general, and recommended revising it for the second reading.

Commissioner Pena, seconded by Mayor Pro-Tem Noriega, moved to approve Ordinance 2014-23, prohibiting the sale, exhibition, and possession of fireworks within the City of Weslaco, and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- 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.

In response to Commissioner Pena, Mr. Mardoqueo Hinojosa stated this ordinance would allow the Commission to begin working on the transition plan, and would allow the City to enforce sidewalks in older subdivisions.

Commissioner Tafolla, seconded by Commissioner Rivera, moved 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. The motion carried unanimously; Mayor Suarez was present and voting.

- 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.

The Interim City Manager stated it was staff's recommendation to award Southern Trenches as the best qualified, most advantageous bidder.

David Salinas stated this item was for new concrete and sealer for the 13 manholes between Bridge Street and Border Avenue.

Commissioner Pena, seconded by Commissioner Rivera, moved to award Southern Trenches as 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, authorized a budget amendment as appropriate, and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- 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.

Mr. David Salinas stated only one bid was received; he then recommended J.C. Electric as the best qualified, most advantageous bidder. The Interim City Manager explained that criteria in the Request for Bid specifically stated the contractors must be certified, so this potentially limited the number of respondents.

Mr. Salinas clarified this contract would be for one year with renewals.

Commissioner Pena, seconded by Commissioner Fox, moved to award J.C. Electric as 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. The motion carried unanimously; Mayor Suarez was present and voting.

- 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.

In response to Commissioner Rivera, Mr. David Salinas stated this would cost approximately \$38,000 per year at a price of \$0.142, which is a very low price in comparison to the other bids received.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to award Southern Ionics as 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. The motion carried unanimously; Mayor Suarez was present and voting.

- 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.

Mr. David Salinas clarified these chemicals would be for the Water Treatment Plant; the price for these chemicals has already been budgeted. Although the price is somewhat higher than the budgeted amount, it is the lowest price that was received.

Commissioner Pena, seconded by Mayor Pro-Tem Noriega, moved to award DPC Industries as the best qualified, most advantageous bidder for 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, authorized a budget amendment as appropriate, and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- 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.

The Interim City Manager stated it was less expensive to rent than to buy the dewatering containers.

Commissioner Fox, seconded by Commissioner Tafolla, moved to reject all bids from Request For Bids No. 2014-15-03 Dewatering Containers and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- I. Discussion and consideration to approve the Memorandum of Understanding to extend the Collective Bargaining Agreement through September 30, 2015 with 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.

Mr. Felix Sanchez of the Weslaco Fire Fighters Association clarified this Memorandum of Understanding would extend the current agreement for one more fiscal year, and would allow for negotiations to begin.

Commissioner Fox, seconded by Commissioner Pena, moved to approve the Memorandum of Understanding to extend the Collective Bargaining Agreement through September 30, 2015 with the Weslaco Fire Fighters Association IAFF, Local #3207, authorized a budget amendment as appropriate, and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- 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.

The Chairman of the Fire Fighter's Pension Fund explained the members elected to increase the matching contribution from ten to twelve percent; any amount greater than twelve percent.

The Interim City Manager stated the two percent increase would translate to a fiscal impact of \$58,618 for the City this year.

In response to Mayor Suarez and Mayor Pro-Tem Noriega, the Chairman explained the reason why it had taken so long to present this item to the Commission when it should have been presented during the budget hearings in September and October was for the reason that the members had not yet made a decision, and the board members were new at that time.

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

- 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.)

Commissioner Pena stated he wanted an external cross study conducted to analyze costs of the Water, Wastewater and Lift Station Systems for the last five years.

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

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.

Mr. David Arce reported on the prioritization list of the city's park projects for the year 2015, including new scoreboards, ground covers and playgrounds for the parks, as well as the rehabilitation of the Harlon Block Sports complex and the development of an adult softball league. Also included on the priority list is a new swimming pool and restroom for Isaac Rodriguez Park, a playground and restroom for City Park, and a pavilion for Gibson Park.

Due to a number of citizen complaints received, Mayor Pro-Tem Noriega advised Mr. Arce to maintain focus on the cleanliness of the restrooms.

- B. Report on the Professional Service Agreement with the Interim City Attorney.

Attachment.

This report was not discussed.

X. ADJOURNMENT

With no other business before the Commission, at 9:10 p.m. Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to adjourn the December 2, 2014 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

INTERIM CITY SECRETARY, Rebekah de la Fuente

MAYOR PRO-TEM, Olga Noriega

COMMISSIONER, David R. Fox

COMMISSIONER, Greg Kerr

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Fidel L. Pena, III