



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, APRIL 7, 2015**

On this 7<sup>th</sup> day of April 2015 at 5:32 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
City Manager	Mike R. Perez
Records Specialist	Nikki Mowbray
City Attorney	Frank Garza

Also present: Juan Salas, IT Department; Sonia Flores, Assistant Finance Director; Veronica Ramirez, Human Resources Director; David Salinas, Public Utilities Director, Trinidad Cantu, Assistant Public Utilities Director; Mardoqueo Hinojosa, City Engineer/Planning Director; Interim Chief Chris Sanchez, Fire Department; Captain Ted Walensky, Police Department; David Arce, Parks and Recreation Director; Tony Vargas, Public Facilities Department; Arnold Becho, Library 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 Thursday, April 2, 2015.
- 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 the Texas flag.
- D. Roll Call.  
Nikki Mowbray, Records Specialist, called the roll, noting perfect attendance.

**II. PUBLIC COMMENTS**

There were no comments received.

### III. PUBLIC HEARINGS

- A. To solicit input on behalf of Martha S. Castaneda to approve a Conditional Use Permit to operate a daycare at 821 E. 18th St., also being 1.433 acre an IRR TR-E285'-S228' feet out of Farm Tract 687, West Tract Subdivision, Weslaco, Hidalgo County, Texas.
- B. To solicit input on behalf of Armandina Barrera to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License Permit at 1015 S. International Blvd., also being 1.53 acre Tract of Land out of Farm Tract 1098, Weslaco, Hidalgo County, Texas.

Commissioner Tafolla, seconded by Commissioner Pena, moved to open the public hearings concurrently at 5:36 p.m. The motion carried unanimously; Mayor Suarez was present and voting. No comments were received for either of the items.

Commissioner Tafolla, seconded by Commissioner Pena, moved to close the public hearings concurrently at 5:37 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

### IV. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the Regular Meeting on March 17, 2015. (Staffed by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of Ordinance 2015-11, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1208 South Airport Drive, also being a 0.2725 acre tract of land out of the East ½ of Lot 1-A, Olivarez #5 Subdivision Farm Tract 695, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. (First Reading held on March 17, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.
- C. Approval of the renewal of the Summer Seamless Food 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 2015 Summer Reading Program and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment.
- D. Approval of the request by the Weslaco Area Chamber of Commerce to hold a 5K on

Saturday, May 9, 2015 from 6:00 a.m. – 12:00 p.m. and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Staffed by Parks and Recreation Department.) Attachment.

- E. Approval of the renewal of the lease agreement with the Weslaco Mid Valley Civic Theatre effective May 1, 2015 through December 31, 2015. (Staffed by Parks and Recreation Department.) Attachment.
- F. Approval of the Data Use Agreement with the Texas Department of State Health Services for access to vital statistics records electronic repository and authorize the Mayor to execute any related documents. (Staffed by City Secretary's Office.) Attachment.
- G. Authorization of the solicitation of a Request for Proposals to replace the 8-inch cast iron waterline on Sixth Street from Business 83 to Texas Boulevard, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the consent agenda as presented; Commissioner Pena moved to withhold item IV. G. for discussion.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to amend the motion to approve items IV. A, B, C, D, E, and F as presented. The motion carried unanimously; Mayor Suarez was present and voting.

In response to Commissioner Pena, the City Attorney confirmed item IV. G. should read "Request for Bids" instead of "Request for Proposals" as presented.

Commissioner Pena, seconded by Commissioner Tafolla, moved to authorize the solicitation of a Request for Bids to replace the 8-inch cast iron waterline on Sixth Street from Business 83 to Texas Boulevard, 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.

For the record, Ordinance 2015-11 reads as follows:

**ORDINANCE NO. 2015-11**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1208 S. AIRPORT DR., ALSO BEING A 0.2725 ACRE TRACT OF LAND OUT OF THE EAST ½ OF LOT 1-A, OLIVAREZ #5 SUBDIVISION FARM TRACT 695, WEST AND ADAMS TRACT SUBDIVISION, 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 1208 S. Airport Dr., also being a 0.2725 acre tract of land out of the East ½ of Lot 1-A, Olivarez #5 Subdivision Farm Tract 695, West and Adams Tract Subdivision, 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 17<sup>th</sup> day of March, 2015.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 7<sup>th</sup> day of April, 2015.

**CITY OF WESLACO**  
/s/ David Suarez, **MAYOR**

**ATTEST:**  
/s/ Elizabeth M. Walker, **CITY SECRETARY**

**APPROVED AS TO FORM:**  
/s/ Frank Garza, **CITY ATTORNEY**

**V. APPOINTMENTS**

- A. Discussion and consideration to approve Resolutions 2015-22, 2015-23, 2015-24, 2015-25, 2015-26, 2015-27, and 2015-28 appointing inaugural members to the Hotel Occupancy Tax Advisory Committee and authorize the Mayor to execute any related documents. Possible action. (This item was tabled on March 17, 2015; Staffed by Finance Department.) Attachment.

Mayor Pro-Tem Noriega nominated Rafael Caballero, Nancy Sanchez, Sergio Lozano, James Simmons to the Hotel Occupancy Tax Advisory Committee.

Commissioner Fox nominated Rogelio Tijerina, Jr.; Commissioner Tafolla nominated Joe Garza; and Mayor Suarez nominated Spencer Bell to the Hotel Occupancy Tax Advisory Committee. The Records Specialist indicated applications had not been received by Joe Garza, though he is present at the meeting, and Spencer Bell, though the Mayor indicated he had spoken with him by telephone.

The motion to approve Resolutions 2015-22, 2015-23, 2015-24, 2015-25, 2015-26, 2015-27, and 2015-28 appointing by acclamation inaugural members to the Hotel Occupancy Tax Advisory Committee as nominated and authorize the Mayor to execute any related documents carried unanimously; Mayor Suarez was present and voting.

For the record, the Resolutions read as follows:

**RESOLUTION NO. 2015-22**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOTEL OCCUPANCY TAX ADVISORY COMMITTEE**

**WHEREAS**, the City of Weslaco has established the Hotel Occupancy Tax Advisory Committee pursuant to Ordinance 2015-09; and

**WHEREAS**, the term of one member on the Hotel Occupancy Tax Advisory Committee is for three (3) years; and

**WHEREAS**, The Hotel Occupancy Tax Advisory Committee's board members shall serve staggered terms without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Spencer Bell is appointed to a term as a member of the Hotel Occupancy Tax Advisory Committee that will expire not later than the 7<sup>th</sup> day of April, 2018.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of April, 2015.

**RESOLUTION NO. 2015-23**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOTEL OCCUPANCY TAX ADVISORY COMMITTEE**

**WHEREAS**, the City of Weslaco has established the Hotel Occupancy Tax Advisory Committee pursuant to Ordinance 2015-09; and

**WHEREAS**, the term of one member on the Hotel Occupancy Tax Advisory Committee is for three (3) years; and

**WHEREAS**, The Hotel Occupancy Tax Advisory Committee's board members shall serve staggered terms without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** James Simmons is appointed to a term as a member of the Hotel Occupancy Tax Advisory Committee that will expire not later than the 7<sup>th</sup> day of April, 2018.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of April, 2015.

**RESOLUTION NO. 2015-24**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOTEL OCCUPANCY TAX ADVISORY COMMITTEE**

**WHEREAS**, the City of Weslaco has established the Hotel Occupancy Tax Advisory Committee pursuant to Ordinance 2015-09; and

**WHEREAS**, the term of one member on the Hotel Occupancy Tax Advisory Committee is for three (3) years; and

**WHEREAS**, The Hotel Occupancy Tax Advisory Committee's board members shall serve staggered terms without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Nancy Sanchez is appointed to a term as a member of the Hotel Occupancy Tax Advisory Committee that will expire not later than the 7<sup>th</sup> day of April, 2018.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of April, 2015.

**RESOLUTION NO. 2015-25**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOTEL OCCUPANCY TAX ADVISORY COMMITTEE**

**WHEREAS**, the City of Weslaco has established the Hotel Occupancy Tax Advisory Committee pursuant to Ordinance 2015-09; and

**WHEREAS**, the term of one member on the Hotel Occupancy Tax Advisory Committee is for three (3) years; and

**WHEREAS**, The Hotel Occupancy Tax Advisory Committee's board members shall serve staggered terms without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Joe Garza is appointed to a term as a member of the Hotel Occupancy Tax Advisory Committee that will expire not later than the 7<sup>th</sup> day of April, 2018.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of April, 2015.

**RESOLUTION NO. 2015-26**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOTEL OCCUPANCY TAX ADVISORY COMMITTEE**

**WHEREAS**, the City of Weslaco has established the Hotel Occupancy Tax Advisory Committee pursuant to Ordinance 2015-09; and

**WHEREAS**, the term of one member on the Hotel Occupancy Tax Advisory Committee is for three (3) years; and

**WHEREAS**, The Hotel Occupancy Tax Advisory Committee's board members shall serve staggered terms without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Rogelio Tijerina, Jr. is appointed to a term as a member of the Hotel Occupancy Tax Advisory Committee that will expire not later than the 7<sup>th</sup> day of April, 2018.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of April, 2015.

**RESOLUTION NO. 2015-27**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOTEL OCCUPANCY TAX ADVISORY COMMITTEE**

**WHEREAS**, the City of Weslaco has established the Hotel Occupancy Tax Advisory Committee pursuant to Ordinance 2015-09; and

**WHEREAS**, the term of one member on the Hotel Occupancy Tax Advisory Committee is for three (3) years; and

**WHEREAS**, The Hotel Occupancy Tax Advisory Committee's board members shall serve staggered terms without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF**

WESLACO, TEXAS THAT Sergio Lozano is appointed to a term as a member of the Hotel Occupancy Tax Advisory Committee that will expire not later than 7<sup>th</sup> day of April, 2018.

PASSED AND APPROVED on this 7<sup>th</sup> day of April, 2015.

**RESOLUTION NO. 2015-28**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOTEL OCCUPANCY TAX ADVISORY COMMITTEE**

WHEREAS, the City of Weslaco has established the Hotel Occupancy Tax Advisory Committee pursuant to Ordinance 2015-09; and

WHEREAS, the term of one member on the Hotel Occupancy Tax Advisory Committee is for three (3) years; and

WHEREAS, The Hotel Occupancy Tax Advisory Committee's board members shall serve staggered terms without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Rafael Caballero is appointed to a term as a member of the Hotel Occupancy Tax Advisory Committee that will expire not later than 7<sup>th</sup> day of April, 2018.

PASSED AND APPROVED on this 7<sup>th</sup> day of April, 2015.

**CITY OF WESLACO**  
/s/ David Suarez, **MAYOR**

**ATTEST:**  
/s/ Elizabeth M. Walker, **CITY SECRETARY**

**APPROVED AS TO FORM:**  
/s/ Frank Garza, **CITY ATTORNEY**

- B. Discussion and consideration to approve Resolutions 2015-29 and 2015-30, appointing two members to expired terms on the Library Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.) Attachment.

Mayor Pro-Tem Noriega, seconded by Commissioner Tafolla, moved to approve Resolutions 2015-29 and 2015-30, reappointing Juan Hernandez and Joe Rios as two members to expired terms on the Library Board and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Resolutions read as follows:

**RESOLUTION NO. 2015-29**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE LIBRARY BOARD.**

WHEREAS, the City of Weslaco has established the Library Board pursuant to Section 17-17 of the

Weslaco Municipal Code Book; and

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

WHEREAS, the Library 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 Hernandez is appointed to serve a two year term on the Library Board and the term will expire on May 17, 2017.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of April 2015.

**RESOLUTION NO. 2015-30**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE LIBRARY BOARD.**

WHEREAS, the City of Weslaco has established the Library Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

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

WHEREAS, the Library 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** Joe Rios is appointed to serve a two year term on the Library Board and the term will expire on May 7, 2017.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of April 2015.

**CITY OF WESLACO**  
/s/ David Suarez, **MAYOR**

**ATTEST:**  
/s/ Elizabeth M. Walker, **CITY SECRETARY**

**APPROVED AS TO FORM:**  
/s/ Frank Garza, **CITY ATTORNEY**

- C. Discussion and consideration to approve Resolution 2015-31 appointing one member to an expired term on the Ambulance Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

Mayor Pro-Tem Noriega, seconded by Commissioner Tafolla, moved to approve Resolution 2015-31 reappointing Sandra Esquivel to an expired term on the Ambulance Advisory Board and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Resolution reads as follows:

**RESOLUTION NO. 2015-31**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE AMBULANCE ADVISORY BOARD.**

**WHEREAS**, the City of Weslaco has established the Ambulance Advisory Board pursuant to Section 14-1(A) of Ordinance No. 78-39; and

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

**WHEREAS**, the Ambulance Advisory Board members shall serve without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Sandra Esquivel is appointed to serve a two year term on the Ambulance Advisory Board and the term will begin on May 7, 2015 and expire on May 6, 2017.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of April, 2015.

**CITY OF WESLACO**  
/s/ David Suarez, **MAYOR**

**ATTEST:**  
/s/ Elizabeth M. Walker, **CITY SECRETARY**

**APPROVED AS TO FORM:**  
/s/ Frank Garza, **CITY ATTORNEY**

**VI. OLD BUSINESS**

- A. Discussion and consideration to approve a Special Services Agreement on Hotel/Motel Room Occupancy Tax Proceeds between the City of Weslaco and the Economic Development Corporation of Weslaco. Possible action. (This item was tabled on March 17, 2015; Requested by Economic Development Corporation of Weslaco.) Attachment.

Commissioner Pena, seconded by Commissioner Tafolla, moved to remove the item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Pena, seconded by Commissioner Fox moved to begin discussion on this item. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Pena, seconded by Commissioner Rivera moved to approve a Special Services Agreement on Hotel/Motel Room Occupancy Tax Proceeds between the City of Weslaco and the Economic Development Corporation of Weslaco in an amount not to exceed \$32,000.00 paid through April 2015. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Fox, seconded by Commissioner Tafolla, moved to change the order of the day to take item VII. Q. from its posted sequence for immediate consideration. The motion carried unanimously; Mayor Suarez was present and voting.

**VII. NEW BUSINESS**

- Q. Announcement of the appointment of the Fire Chief and confirmation by the Weslaco City Commission pursuant to §143.013 of the Local Government Code. Possible action. (Staffed by City Manager's Office.)

Mayor Pro-Tem Noriega, seconded by Commissioner Fox, moved to appoint Tony Lopez as Fire Chief. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez stated five finalists were interviewed by a committee consisting of the Mayor, Mayor Pro-Tem, Commissioner Tafolla, City Manager, and City Secretary. The City Manager added that Tony Lopez has been working with the Weslaco Fire Department for a long time, is a licensed paramedic with a number of certifications that also qualified him to be the best candidate for this position.

- A. Discussion and consideration after public hearing on behalf of Martha S. Castaneda to approve a Conditional Use Permit to operate a daycare at 821 E. 18th St., also being 1.433 acre an IRR TR-E285'-S228' feet out of Farm Tract 687, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated the legal notice appeared in the newspaper on March 16, 2015. This property has been used as a daycare for some time, but the owners have since changed. He stated staff and the Planning and Zoning Commission recommends approval.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve a Conditional Use Permit to operate a daycare at 821 E. 18th St., also being 1.433 acre an IRR TR-E285'-S228' feet out of Farm Tract 687, West Tract Subdivision, Weslaco, Hidalgo County, Texas. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration after public hearing on behalf of Armandina Barrera to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License Permit at 1015 S. International Blvd., also being 1.53 acre Tract of Land out of Farm Tract 1098, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated the legal notice appeared in the newspaper on March 16, 2015; four property owners were notified within a 200-foot radius. He stated staff and the Planning and Zoning Commission recommends approval.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve a

Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License Permit at 1015 S. International Blvd., also being 1.53 acre Tract of Land out of Farm Tract 1098, Weslaco, Hidalgo County, Texas. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration on behalf of Las Delicias, LLC, to approve the Final Plat for Las Delicias Phase II Subdivision, 9.14 acre Tract of Land out of Farm Tract 275, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, located on the Southeast corner of Mile 3½ West and Mile 12 North. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated this is a five-lot subdivision within the extraterritorial jurisdiction outside of Weslaco city limits and is serviced by North Alamo Water Supply Company. The owner is requesting a variance on septic tanks and storm detention requirements. He stated the Planning and Zoning Commission recommends approval with variances.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the Final Plat for Las Delicias Phase II Subdivision, 9.14 acre Tract of Land out of Farm Tract 275, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, located on the Southeast corner of Mile 3½ West and Mile 12 North. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration on behalf of Texas Regional Bank to approve the Final Plat for HEB Development Weslaco Subdivision, 8.79 acres of Land, being all of Lot 3, HEB Weslaco #2 Subdivision, Weslaco, Hidalgo County, Texas, located on Southeast corner of Westgate Drive and Panther Drive. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated this plat is three-lots; it will be serviced by the city's water and sewer, with an eight-inch water line and eight-inch sewer line. The owner requested a name change of the subdivision to HEB Development instead of Texas Regional Bank after it was approved by the Planning and Zoning Commission; after discussing it with the legal department, it may still be approved despite the name change. He stated the Planning and Zoning Commission recommends approval.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the Final Plat for HEB Development Weslaco Subdivision, 8.79 acres of Land, being all of Lot 3, HEB Weslaco #2 Subdivision, Weslaco, Hidalgo County, Texas, located on Southeast corner of Westgate Drive and Panther Drive. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration to approve Ordinance 2015-13 appointing Mike R. Perez as City Manager of the City of Weslaco; establishing the salary of the City Manager; establishing duties, responsibilities, and at-will status as City Manager; and ordaining other matters with respect to the subject matter herein. First reading of

Ordinance 2015-13. Possible action. (Staffed by City Manager's Office.) Attachment.

In response to Mayor Suarez, the City Attorney clarified this ordinance is necessary to comply with the charter and grant additional authorities that is vested in the office of the City Manager. The City Attorney recommended approval of the item.

Commissioner Fox, seconded by Commissioner Tafolla, moved to approve Ordinance 2015-13 appointing Mike R. Perez as City Manager of the City of Weslaco; establishing the salary of the City Manager; establishing duties, responsibilities, and at-will status as City Manager; and ordaining other matters with respect to the subject matter herein. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration to cancel the current lease agreement for the use of Toluca Ranch Properties and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

The City Manager explained the intention behind the purchase in 2008 was to promote tourism; however, due to the property's location outside of the city's extraterritorial jurisdiction, it is staff's recommendation to cancel the agreement.

Commissioner Pena, seconded by Commissioner Fox, moved to cancel the current lease agreement for the use of Toluca Ranch Properties and authorized 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 for the Urban County Community Development Block Grant (CDBG) funded Water/Wastewater Improvements, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

The City Manager clarified this item is on the agenda to make the Commissioners aware that this project is currently underway as managed by the CDBG program to replace the water and sewer lines through the alleys. The grant will be awarded by the County and the low bidder is Saenz Brothers in the amount of \$437,393.00.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to award Saenz Brothers as the best qualified, most advantageous bidder for the Urban County Community Development Block Grant (CDBG) funded Water/Wastewater Improvements, authorize 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 authorize the purchase of a 2016 Freightliner M2106

Pro-Patch Pothole Patcher from Freightliner of Austin (Buyboard State Vendor No. 430-13) through HD Industries (Buyboard Vendor No. 424-13), in the amount not to exceed \$146,925.70 as lease purchase, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment.

The City Manager stated the money that would have been allocated to hire a Public Information Officer will instead be used to purchase the pothole patcher and street sweeper. In response to Mayor Suarez, the City Manager stated it will take approximately 150-180 days to receive the new pothole patcher, and it will have a ten-year lifespan with a one-year warranty. He explained only one truck is currently in use at this time until the paving program starts, when the goal will be to accomplish ten miles per year. Because the new trucks will be equipped with heaters to keep the hot mix heated, the process will be more efficient.

Commissioner Pena, seconded by Commissioner Fox, authorized the purchase of a 2016 Freightliner M2106 Pro-Patch Pothole Patcher from Freightliner of Austin (Buyboard State Vendor No. 430-13) through HD Industries (Buyboard Vendor No. 424-13), in the amount not to exceed \$146,925.70 as lease purchase, 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.

- I. Discussion and consideration to authorize the purchase of a 2015 Elgin Pelican Sweeper from Kinloch Equipment & Supply, Inc. (Texas BuyBoard Contract No. 420-13) in the amount not to exceed \$179,801.00 as lease purchase, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment.

The City Manager stated this would cost \$3,372.51 per month for five years; this new street sweeper will be able to fit in narrower streets and tighter areas than the City's current sweepers. In response to Mayor Suarez, Mr. Tony Vargas stated it would take approximately three months to receive the new sweeper; one sweeper is currently still in working condition.

Mayor Pro-Tem Noriega stated she has been receiving many complaints from residents that certain areas of the City are not being swept; the City Manager stated the goal is to sweep commercial areas and main corners of the City every day and the residential areas at least once per month.

Commissioner Tafolla, seconded by Commissioner Pena, authorized the purchase of a 2015 Elgin Pelican Sweeper from Kinloch Equipment & Supply, Inc. (Texas BuyBoard Contract No. 420-13) in the amount not to exceed \$179,801.00 as lease purchase, 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.

- J. Discussion and consideration to solicit Request for Proposals for the emergency repair of the water storage tank on South Bridge Avenue to comply with the Texas Commission on Environmental Quality (TCEQ), 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 this item is to address findings during the inspection of the Bridge water tower completed by Dunham Engineering. The Bridge tower has structural issues on the ladder, plus holes that are visible in the roof of the tank. Their recommendation was to have these repairs addressed within a twelve-month period with a cost of \$47,000.00, which is above the 25% level that was authorized by the change order. He stated this item is to proceed with a solicitation of Request for Proposals to reduce the cost.

Commissioner Pena, seconded by Commissioner Fox, authorized to solicit Request for Proposals for the emergency repair of the water storage tank on South Bridge Avenue to comply with the Texas Commission on Environmental Quality (TCEQ), 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 award Material Testing contract to Raba-Kistner Consultants for the Border Avenue Road and Waterline Improvements in an amount not to exceed \$29,998.10, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated material testing for the Border Avenue project is set to begin in the next few weeks; Raba-Kistner is one of the companies in the rotation. He recommended approval of this item. Mr. Hinojosa stated Gilbert Garcia, Efrain Tafolla and Israel Gaona will be conducting the inspections at half-day intervals.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to award Material Testing contract to Raba-Kistner Consultants for the Border Avenue Road and Waterline Improvements in an amount not to exceed \$29,998.10, 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.

- L. Discussion and consideration to approve a cemetery agreement with Yolanda Avila exchanging three (3) cemetery plots located in the Old City Cemetery (located near Block 41, Lots 1 and 4) as inherited for three cemetery plots in the New Cemetery Expansion, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

Mr. David Arce stated despite the fact that no property deeds were located for the

above-mentioned plots, his findings show that the plots belong to the family. He explained he could not recommend approval in the absence of the property deed, but the Commission has the authority to approve the item.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve a cemetery agreement with Yolanda Avila exchanging three (3) cemetery plots located in the Old City Cemetery (located near Block 41, Lots 1 and 4) as inherited for three cemetery plots in the New Cemetery Expansion, 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.

- M. Discussion and consideration to award the best qualified, most advantageous respondent for Request For Bids 2014-15-19 Fourth of July Firework Display in an amount not to exceed \$14,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

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

Mr. David Arce stated Pyro Shows was the only respondent that met all of the specifications. He added it would cost \$12,000.00 for a 15-minute show at the soccer fields at Mayor Pablo G. Pena City Park; \$14,000.00 was the original amount budgeted. In response to Mayor Pro-Tem Noriega, Mr. Arce clarified guests would not be permitted to bring their own fireworks to the show. Commissioner Pena recommended advertising for the fireworks display on KWES.

Commissioner Tafolla withdrew his original motion. Commissioner Tafolla, seconded by Commissioner Rivera, moved to award Pyro Shows as the best qualified, most advantageous respondent for Request For Bids 2014-15-19 Fourth of July Firework Display in an amount not to exceed \$12,000.00, 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.

- N. Discussion and consideration to amend the Professional Services Agreement for Legal Services as City Attorney to exclude prosecution duties, authorize a Request for Proposals for City Prosecutor professional legal services, and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item on March 3, 2015; Requested by Commissioners Pena and Kerr; staffed by Municipal Court.) Attachment.

Commissioner Pena recommended revising the language to read "Request for Qualifications." When asked by Commissioner Fox to explain the difference between Request for Proposals, Bids and Qualifications, the City Attorney explained that according to the definitions found in the Local Government Code, a Request for Qualifications does not always require a total amount for services. In this case, the

amount paid for the prosecutor's services can be negotiated as to whether they will be paid hourly or paid a flat rate. In response to Commissioner Tafolla, Ms. Sonia Flores stated approximately \$125,000.00 is currently budgeted for attorney fees, which would come from the General Fund balance.

Commissioner Pena, seconded by Commissioner Tafolla, moved to amend the Professional Services Agreement for Legal Services as City Attorney to exclude prosecution duties, authorized solicitation of Request for Qualifications (RFQ's) for City Prosecutor professional legal services, and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- O. Seek direction pertaining to the Request for Qualifications for Engineering Services for the Design of the Expansion of the South Wastewater Treatment Plant. Possible action. (Staffed by City Manager's Office.) Attachment.

Mr. David Salinas advised that at 75% capacity, the Texas Commission on Environmental Quality instructs "planning mode" for expansion, 85% design mode, and 95% construction mode. The South Wastewater Treatment Plant exceeded 75% three consecutive months. He suggested an infiltration study to potentially extend the current capacity of the existing plant; however, this proposed action to authorize the qualifications will allow staff to have the documentation ready to release without rushing. The City Manager stated staff will shelve the specifications

Commissioner Tafolla, seconded by Commissioner Rivera, moved to authorize the solicitation of Request for Qualifications for Engineering Services for the Design of the Expansion of the South Wastewater Treatment Plant. The motion carried unanimously; Mayor Suarez was present and voting.

- P. Discussion and consideration to award the contract to the best qualified, most advantageous bidder for the Boys and Girls Club Project contingent on the approval of the site change and acceptance of plans from Texas Parks and Wildlife Department (TPWD), authorize a budget amendment as appropriate, and authorize Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

Commissioner Rivera, seconded by Commissioner Pena, moved to approve as presented.

Mr. Eduardo Alcocer of Alcocer Garcia Associates stated there were ten bidders for the project. The lowest bidder is JCON Construction in the amount \$974,000.00, offering a price of \$76.00 per square foot. The City Manager stated the plan is to have the groundbreaking ceremony on May 15. In response to Commissioner Rivera, Mr. Alcocer stated it would take approximately six to eight months to complete the project.

Commissioner Rivera withdrew his original motion. Commissioner Rivera, seconded by Commissioner Pena, MOVED to award JCON Construction as the best qualified, most advantageous bidder for the Boys and Girls Club Project contingent on the approval of the site change and acceptance of plans from Texas Parks and Wildlife Department (TPWD), authorized a budget amendment as appropriate, and authorized Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

## VIII. REPORT

### A. Presentation on the All Valley Trash Bash scheduled April 11, 2015.

Mr. David Salinas stated this event will be April 11, 2015. Volunteers will stage at Clecker-Heald elementary with 150 citizens already have volunteered; this may be a record number of volunteers. Mr. Salinas added that twelve personnel would be on site to help haul heavy and hazardous trash items, as well as brush pickup.

## IX. EXECUTIVE SESSION

At 7:18 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:26 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

## X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

### A. Personnel - Discussion with the City Manager regarding the Police Chief and Fire Chief applicants as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

### B. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

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

There was no action on this item.

### D. Pending Litigation – Discussion with City Attorney regarding Suit No. T-2978-14-F *Weslaco Independent School District, City of Weslaco, South Texas Independent School District, and South Texas College v. Manuel Elizondo (Deceased) and City of*

Weslaco (Lienholder, In Rem Only) pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- E. Pending Litigation – Discussion with City Attorney regarding Docket No. CL-15-0914-A Judith Campos; Jessy Campos v. Seashell Germaine, Brooks Ditto, Billy Pembleton, Karina Castanada, Danny Elizondo pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- F. Real Property – Discussion regarding the purchase and financing options of land toward runway expansion project in Weslaco, Hidalgo County, Texas as authorized by §551.072 of The Texas Government Code.

There was no action on this item.

- G. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Weslaco Municipal Police Association as authorized by §551.071 of the Texas Government Code.

Mayor Pro-Tem Noriega, seconded by Commissioner Kerr, authorized the City Manager to be lead negotiator with Mayor, Commissioner Tafolla and City Attorney to be on Negotiating Team for the Collective Bargaining Agreement with Weslaco Municipal Police Association. The motion carried unanimously; Mayor Suarez was present and voting.

With no other business before the Commission, at 8:27 p.m. Commissioner Tafolla, seconded by Commissioner Kerr, moved to adjourn the April 7, 2015 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

\_\_\_\_\_  
MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth Walker

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MAYOR PRO-TEM, Olga Noriega

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COMMISSIONER, David R. Fox

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COMMISSIONER, Greg Kerr

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COMMISSIONER, Gerardo "Jerry" Tafolla

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COMMISSIONER, Lupe Rivera

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COMMISSIONER, Fidel L. Pena, III