



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, MARCH 1, 2016**

On this 1<sup>st</sup> day of March 2016 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	Olga Noriega
Commissioner	Greg Kerr
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Letty Lopez
Commissioner	Fidel L. Peña, III
Commissioner	Leo Muñoz
City Manager	Mike R. Perez
City Secretary	Elizabeth M. Walker
City Attorney	Juan E. Gonzalez

Also present: Jose Pena, IT Director; Veronica Ramirez, Human Resources Director; Pete Garcia, Public Works Director; Chief Tony Lopez, Fire Department; Captain Robert De La Cerda, Police Department; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Arnold Becho, Library Director; David Arce, Parks and Recreation 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 Friday, February 26, 2016.
- B. Invocation.  
Father Carlos Zuniga, St. Pius X Catholic Church, led the invocation.
- C. Pledge of Allegiance.  
Mayor Suarez led the Pledge of Allegiance and Texas Flag.
- D. Mayoral Recognition  
Mayor Suarez proclaimed March as “Youth Art Month.”
- E. Roll Call.  
Ms. Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

**II. PUBLIC COMMENTS**

There were no public comments received.

**III. CONSENT AGENDA**

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

- A. Approval of the Minutes of the Regular Meeting on February 16, 2016. (Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of the following:
  - 1) Ordinance 2016-07, amending Ordinance 2013-22 the "Subdivision Ordinance," Codified as Appendix B, Article I, Section 26 of the Weslaco Code of Ordinances to assess a park fee per new dwelling and authorize the Mayor to sign any related documents. (First Reading held February 16, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.
  - 2) Ordinance 2016-09, authorizing a budget amendment in the amount not to exceed \$69,475.00, for capital improvements at the North Wastewater Treatment Plant and authorize the Mayor to sign any related documents. (First Reading held February 16, 2016; Staffed by Finance Department.) Attachment.

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

For the record, the ordinance reads as follows:

**ORDINANCE 2016-07**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2013-22, THE CITY OF WESLACO SUBDIVISION ORDINANCE; CODIFIED AS APPENDIX B, ARTICLE I, SECTION 26 OF THE WESLACO CODE OF ORDINANCES, ADOPTING NEW REGULATIONS; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO TEXAS THAT:**

**SECTION I.**

Ordinance 2013-22 passed and approved on October 15, 2013 as "Subdivision Ordinance" and Codified as Appendix B, Article I, Section 26 of the Weslaco Code of Ordinances is hereby amended.

**SECTION II.**

After second and final reading of this Ordinance the amended subdivision ordinance sections

will be adopted and codified as Appendix B, Article I, Section 26 of the Weslaco Code of Ordinances and said Chapter shall read as follows:

**APPENDIX B, ARTICLE I, SECTION 26 SUBDIVISION ORDINANCE**

**Sec. 26-37. Park dedication of fees in lieu of requirements.**

*d) Money in lieu of land.*

- 3) To the extent that other sections of this section require, the dedication requirement shall be met by a payment in lieu of land set from time to time by ordinance of the city commission, sufficient to acquire and develop land and to provide adjacent streets and utilities for a neighborhood park to serve the area in which such development is located. Unless changed by the city commission, such price shall be computed on the basis of:
  - a. \$400.00 per-lot for R-1, R-3 and M-1 districts and;
  - b. \$250.00 per-dwelling unit for R-2 district

Cash payments may be only used for the acquisition, development or improvement of a neighborhood park, bicycle trails, and/or streets and utilities adjacent to the neighborhood park.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this this 16<sup>th</sup>, day of February, 2016.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 1<sup>st</sup> day of March, 2016.

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

**ATTEST:**  
/Elizabeth Walker, **CITY SECRETARY**

**APPROVED AS TO FORM:**  
/s/ Juan E. Gonzalez, **CITY ATTORNEY**

**IV. APPOINTMENTS**

- A. Discussion and consideration to approve Resolution 2016-03 appointing a member to the Ambulance Advisory Board. Possible action. (There was no action on this item February 16, 2016; Staffed by Fire Department.) Attachment.

In response to Mayor Suarez, one application of interest was received today from Maria Villa.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to approve Resolution 2016-03 appointing Maria Villa as a member to the Ambulance Advisory Board. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, following is Resolution 2016-03:

**RESOLUTION NO. 2016-03**

**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** Maria Villa is appointed to serve on the Ambulance Advisory Board and the term will begin on March 15 15 2016 and will expire on March 15, 2018.

**PASSED AND APPROVED** on this 1<sup>st</sup> day of March, 2016.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

/s/Juan E. Gonzalez, **CITY ATTORNEY**

- B. Discussion and consideration to approve Resolutions 2016-10, 2016-11, 2016-12, 2016-13, 2016-14, 2016-15, 2016-16, 2016-17, 2016-18, 2016-19, 2016-20, 2016-21, 2016-22, 2016-23, 2016-24, and 2016-25 appointing members to the Weslaco 100 Committee to prepare the centennial celebration. Possible action. (Requested by Commissioners Kerr and Lopez.) Attachment.

Commissioner Tafolla, seconded by Mayor Pro-Tem, moved to discuss.

In response to Mayor Suarez and Commissioner Kerr no applications have been received. The resolutions presented are for sixteen (16) individual appointments.

The City Manager clarified a committee of entity representatives was created a few years ago, but never met. The item as presented would allow individuals with enthusiasm and commitment to begin preparations of the centennial celebration for budgeting. In response to Mayor Pro-Tem and Commissioner Peña, staff will solicit applications.

There was no action on this item.

**V. OLD BUSINESS**

- A. Discussion and consideration to approve the Contingency Fund Request (CFR) to the contract with CDM Constructors, Inc. for the Water Treatment Plant Expansion project in a combined amount not to exceed \$262,512.00 as follows:

- M) CFR #120 – Capping of irrigation line- \$7,503.00;
- N) CFR #121 – Increase landing/support pad for generator steps - \$2,708.00;
- P) CFR #124 – Modifications to existing recycle system - \$3,310.00;
- R) CFR #127 – Drain lift station bypass pass - \$9,983.00;

Possible action. (This item was tabled February 16, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

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

Commissioner Peña, seconded by Commissioner Tafolla, moved to discuss.

Mardoqueo Hinojosa, City Engineer, stated the Engineer of Record for the City has not responded to any request for recommendation. CDM requests favorable consideration; staff recommends no action.

There was no action on this item.

- B. Discussion and consideration to approve on Second and Final Reading Ordinance 2016-08, amending the Code of Ordinances Chapter 142, the “Tow Truck Ordinance,” and authorize the Mayor to execute any related documents. Second and Final Reading of Ordinance 2016-08. Possible action. (First Reading held February 16, 2016; Staffed by the Police Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Peña, moved to discuss.

The City Manager stated the amendments would allow businesses within a five mile radius of the City limits and increase the number of towing businesses from ten (10) to twelve (12). In response to Commissioner Tafolla, there are ten currently on the rotation list; compliance is regulated by State data base and staff verifies all documents are current. Commissioner Tafolla recommended a limit of fourteen overall. A workshop will be scheduled to address the concerns of allowable charges and number of businesses.

There was no action on this item.

## **VI. NEW BUSINESS**

- A. Discussion and consideration to extend the term of the existing 125 Cafeteria Plan (optional/voluntary supplemental insurance; i.e., vision, dental, life, cancer, etc.) for City employees for an additional year, effective April 1, 2016 to March 31, 2017, at no cost to the City and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment.

Veronica Ramirez, HR Director, recommended approval to extend the term of the existing 125 Cafeteria Plan. The vendors confirmed there will be no rate increase.

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

- B. Discussion and consideration to select the best qualified, most advantageous respondent to the Request for Bids 2015-16-03 Animal Shelter Construction/Expansion Project, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.

Mardoqueo Hinojosa, City Engineer, stated five (5) bids were received ranging from \$39,000.00 to \$114,000.00. Staff recommended awarding to the lowest bidder, Tenzo McAllen, LLC. Staff requested an additional quote for painting the entire structure, which would still be the low bid at a total of \$43,900.00.

The City Manager stated monies budgeted were \$7,000.00. Staff evaluated the improvements needed and determined additional kennels and coverage from the weather elements would be more conducive and a budget amendment will be required for the project. The City will recoup some of the cost as a result of an agreement with the City of San Juan.

Commissioner Peña, seconded by Commissioner Lopez, moved to select Tenzo McAllen, LLC as recommended as the best qualified, most advantageous respondent to the Request for Bids 2015-16-03 Animal Shelter Construction/Expansion Project, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration to approve an agreement with Total Commitment Construction regarding the proposed Pleasantview Village Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.

Mardoqueo Hinojosa, City Engineer, stated two options had been presented at the previous meeting for the proposed Pleasantview Village development. The agreement selects the extension of a 12" gravity line, rather than lift station, and outlines developers' and city responsibility, cost breakdown and subdivision approval requirement. In response to Commissioner Muñoz total cost is \$167,149.00 with City participation of \$50,144.70 with additional costs of dewatering and service connection.

Armando Gutierrez, Developer, stated the scope of work includes trenching, trench boxes, cuppling, clean out cap and manholes. The cost he believes is reasonable.

Commissioner Peña, seconded by Commissioner Lopez, moved to approve as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration to award the best qualified, most advantageous

respondent to the Request for Bids for water pump hoses and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works.) Attachment.

Pete Garcia, Public Works Director, recommended awarding to JGB Enterprise Inc. for a total cost of \$26,900.44. The bid is under the budgeted amount of \$46,000. The hoses are for three 12” water pumps recently purchased.

Commissioner Peña, seconded by Commissioner Lopez, moved to award JGB Enterprise Inc. as recommended as the best qualified, most advantageous respondent to the Request for Bids for water pump hoses and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration to authorize the submission of a grant with Connecting Texas Libraries Statewide, Inc. (CTLS) for 3-D printing technology within the Library with no local match required and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library.) Attachment.

Arnold Becho, Library Director, stated a 3D printer will provide the community access to the latest technology. Minimal cost to the library would be supplies that would be recouped by charging a minimal fee to the public of ten cents/gram. Staff recommends approval.

Commissioner Tafolla, seconded by Commissioner Peña, moved to authorize as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration to approve Ordinance 2016-10, authorizing a budget amendment in the amount of \$39,236.00 for bus transportation services between South Texas College Mid Valley Campus and the Delta area, and authorize the Mayor to execute the interlocal agreement for these services. First reading of Ordinance 2016-10. Possible action. (Staffed by City Manager’s Office.) Attachment.

The City Manager stated the City contributed \$35,000.00 for services of bus transportation from Brownsville to Mission as budgeted. The EDC contributes additional monies for bus services for students from the Delta area to STC; the City partnered in this service in the past with a contribution \$39,236.00 and was not budgeted this year. Staff recommends approval of a budget amendment for continued services of the STC JagExpress.

In response to Commissioners Tafolla and Muñoz, Maribel Contreras, Assistant Director, stated there has been a increase of people using the buses so that they are investing in bigger buses to accommodate the demand. The capacity of the buses ranges from 19 to 26 seats and fares range from free to \$1.00.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve

Ordinance 2016-10 authorizing a budget amendment in the amount of \$39,236.00 for bus transportation services between South Texas College Mid Valley Campus and the Delta area, and authorize the Mayor to execute the interlocal agreement. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration to authorize the solicitation of Qualifications from firms that would install improvements to reduce energy usage. Possible action. (Staffed by City Manager's Office.) Attachment.

The City Manager stated at a previous workshop firms dealing with energy savings improvements for city facilities had been presented. Staff requested authorization to prepare solicitation of qualifications that would outline the scope of work and return to the Commission for approval.

Commissioner Peña, seconded by Commissioner Tafolla, moved to authorize as presented. The motion carried unanimously; Mayor Suarez was present and voting.

## **VII. REPORTS**

- A. Report by Weslaco Area Chamber of Commerce.

Martha Noell, Executive Director, reported the Weslaco Area Chamber of Commerce will be distributing 90,000 flyers to northbound visitors from Mexico to promote Weslaco businesses and nature tourism. The Chamber also is creating a soft adventure guide of activities not nature related. Two seminars are scheduled with Retail Coach on Thursday that will offer marketing ideas to the businesses free of charge.

- B. Report by Economic Development Corporation of Weslaco.

There was no representative in attendance.

- C. Report by Planning and Code Enforcement Department - Engineering and Animal Control.

Mardoqueo Hinojosa reported Border Avenue street improvements are waiting on materials with project completion at 76%; Boys and Girls Club construction remains ongoing with project substantially complete by April 25; 6<sup>th</sup> Street waterline improvements are ongoing with completion expected March 18. He also reported animal care totals for the first quarter are 448 of which sixty-three were adopted.

- D. Report by Severn Trent.

Trinidad Cantu reported on the Nitrification Action Plan that will need to be adopted; the clarifier repairs at the North Waste Water Treatment Plant should be completed by April 8; and lift station improvements are done. The City Manager reported notice was received from Texas Commission on Environmental Quality with

corrective actions needed at water tower facilities.

E. Report by Public Works Department.

Pete Garcia reported on the paving of 6<sup>th</sup> Street and Westgate Drive and the reconstruction of 7<sup>th</sup> Street, including repairing concrete curb and installing new fire hydrants; overlay of Stone, Tula, and Yarbrough Streets; and roll off containers at Plazita and Mesquite Streets. The drain ditch pumps have been received.

F. Report by International Boundary and Water Commission.

There was no representative in attendance.

G. Report by Jeff Chapman, Special Counsel, related to Briones Consulting and Engineering and the Water Treatment Plant.

Jeff Chapman, Special Counsel, stated he was retained to audit the water treatment plant expansion project which included CDM Contractors and Briones Consulting Engineering. Based on documents received from CDM Contractors that firm followed their statutory and contractual obligations with a few outstanding issues.

The Briones Consulting Engineering audit was more difficult as result of lack of cooperation from that firm in providing information requested for design services. A lawsuit was filed against Briones Engineering petitioning negligence, misrepresentation, fraud and breach of fiduciary obligations.

**VIII. EXECUTIVE SESSION**

At 7:29 p.m., Mayor Suarez announced the regular meeting to convene in Executive Session. At 8:19 p.m., Mayor Suarez 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. 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.

B. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- C. Pending Litigation – Consultation with City Attorney regarding Cause No. C-0435-13-A, Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director, as authorized by §551.071 of the Texas Government Code.

Commissioner Peña, seconded by Commissioner Tafolla, moved to authorize the City Manager and City Attorney to settle with the authorized amount as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Pending Litigation - Consultation with City Attorney regarding Cause No. C-6090-14-B, Zequiél Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- E. Pending Litigation - Consultation with Attorney to give a legal briefing regarding Civil Case No. 7:15-CV-334 Alvino Flores v. City of Weslaco, et al. in the United States District Court for the Southern District of Texas – McAllen Division as authorized by §551.071(1) of the Texas Government Code.

There was no action on this item.

**X. ADJOURNMENT**

With no other business before the commission, at 8:20 p.m. on March 1, 2016, Commissioner Peña, seconded by Commissioner Kerr, moved to adjourn the regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

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MAYOR, David Suarez

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MAYOR PRO-TEM, Olga Noriega

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COMMISSIONER, Leo Muñoz

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COMMISSIONER, Greg Kerr

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COMMISSIONER, Gerardo “Jerry” Tafolla

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COMMISSIONER, Letty Lopez

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COMMISSIONER, Fidel L. Peña, III