



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, APRIL 5, 2016**

On this 5<sup>th</sup> day of April 2016 at 5:35p.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	Leo Muñoz
Commissioner	Fidel Peña III
City Manager	Mike R. Perez
City Secretary	Elizabeth M. Walker
City Attorney	Juan E. Gonzalez

Also present: Jose Pena, IT Director; Mary Barrera, Finance Director; Veronica Ramirez, Human Resources Director; Pete Garcia, Public Works Director; Mike Swinnea, Fire Department; Chief Stephen Mayer, Police Department; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Arnold Becho, Library Director; David Arce, Parks and Recreation Director; Rosa Huerta, Municipal Court Administrator; 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, April 1, 2016.
- B. Invocation.  
Reverend Howard Bloomquist, Chaplain to the Police Department, led the invocation.
- C. Pledge of Allegiance.  
Mayor Suarez led the Pledge of Allegiance and Texas Flag.
- D. Mayoral Recognition  
Mayor Suarez proclaimed the week of April 10-16, 2016 as “Public Safety Telecommunicators” and “Volunteer South Texas Week 2016” and proclaimed the month of April as “National Autism Awareness Month.”
- E. Roll Call.

Ms. Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

## **II. PUBLIC COMMENTS**

Mr. Kevin C. Fletcher commented on the difficulty in accessing information from the Police Department.

There were no other comments.

Mayor Suarez changed the order of the day to proceed immediately to item IV. Consent Agenda in order to comply with Urban County rules on the public hearing to be held no sooner than 6:00 p.m.

## **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 15, 2016. (Staffed by City Secretary's Office.) Attachment.
- B. Approval of the renewal of the Interlocal Cooperation Agreement with the County of Hidalgo for participation within the Hidalgo County Library System (HCLS) and authorize the Mayor to execute any related documents. (Staffed by the Library.) Attachment.
- C. Approval of the renewal of the Memorandum of Understanding with the McAllen Vet Center #715 for use of space at the Weslaco Public Library to provide counseling services and authorize the Mayor to execute any related documents. (Staffed by the Library.) Attachment.

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

## **V. APPOINTMENTS**

- A. Discussion and consideration to remove one member and approve Resolution 2016-27 appointing a member to that unexpired term to the Board of Adjustment and Appeals Zoning Ordinance. Possible action. (There was no action on this resolution March 15, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro-Tem Noriega, seconded by Commissioner Peña, moved to remove Margarita Reyna and approve Resolution 2016-27 appointing Frank Castellanos to an

unexpired term to the Board of Adjustment and Appeals Zoning Ordinance. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Resolution reads as follows:

RESOLUTION 2017-27

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF ADJUSTMENTS & APPEALS-ZONING ORDINANCE.

WHEREAS, the City of Weslaco created and established the Board of Adjustments & Appeals-Zoning Ordinance.

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

WHEREAS, the Board of Adjustments & Appeals-Zoning Ordinance members shall serve with neither compensation nor term limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Francisco Castellanos is appointed to serve an unexpired term on the Board of Adjustments & Appeals-Zoning Ordinance and the term will expire on the 6<sup>th</sup> day of November, 2017.

PASSED AND APPROVED on this 5th day of April, 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**

**VI. OLD BUSINESS**

- A. Discussion and reconsideration to approve on Final Reading Ordinance 2016-08, amending the Code of Ordinances Chapter 142, the "Tow Truck Ordinance." Possible action. (Second and final reading was held March 15, 2016; Staffed by the Police Department.) Attachment.

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

The City Manager stated the tow truck operators submitted a petition at a workshop requesting the following changes to the ordinance: limit of 13 operators on the voluntary rotation list; flat fee of \$125.00/tow; clean up fee of \$25.00; winch and/or roll over fee of \$85; increase response to 20 minutes during normal workweek, Monday - Friday 8 a.m. – 5 p.m.; and wrecking service having interest in other wrecking company limit their rotation to one call per rotation list.

In response to Commissioner Kerr and Mayor Pro-Tem Noriega the allowable charge now for winch and or roll/over is \$45; there is no fee for clean up; other cities allow a charge for winch and/or roll over of \$125- \$250.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve final reading of Ordinance 2016-08 identifying a flat rate towing fee of \$150.00 with no additional increments; authorizing a special equipment fee for winch and/or roll over of \$45; increasing the allowed response time to 20 minutes during normal workweek, Monday - Friday 8 a.m. – 5 p.m.; and requiring wrecking service having interest in other wrecking company limit their rotation to once call per rotation list. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the ordinance reads as follows:

Ordinance 2016-08

#### AMENDMENT OF ORDINANCE CHAPTER 142

An amendment of the Weslaco Municode of Ordinance Chapter 142, specifically amending sections 142-10, 142-11, and 142-13 as it pertains to the number of wrecker companies on the rotation list, the location of the wrecker storage compound and office and maximum rates.

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

Sec. 142-10. Establishing a limit on the number of wrecker companies on wrecker rotation list.

The maximum number of wrecker companies on the rotation list shall not exceed thirteen. The chief of police or his designee shall determine which thirteen (13) wrecker companies will be included on the rotation list using information indicating the location, response time to calls and overall compliance with section 142-11 of this chapter by wrecker company.

(Code 1969, § 29½-10; Ord. No. 2001-02, § 10, 3-6-2001; Ord. No. 2008-34, § I, 10- 21-2008; Ord. No. 2012-14, § I, 6-28-2012)

Sec. 142-11. - Wrecker rotation list; procedures and requirements to be placed on list.

(a) The police department shall maintain a list of wrecker companies on the wrecker rotation list and a wrecker rotation schedule indicating which wrecker company is on call for service at any time.

(b) Wrecker companies that want to be placed on the wrecker rotation list shall provide the following information and documents and comply with the following requirements:

(1) Have been issued a safety and insurance compliance certificate by the city;

(2) Have applied to be on the wrecker rotation list;

(3) Have a minimum of one wrecker with lawful drivers readily available to answer calls from the police department or fire department during such times that the wrecker service is on call for services;

(4) Maintain an office building and storage compound within five (5) miles

(geodesic distance) from any point of the City of Weslaco jurisdictional boundary line and operated on a daily basis (Monday through Friday), with normal working hours from 8:00 a.m. to 5:00 p.m., with an employee physically present at the business during such normal working hours. The office building shall be served by a telephone with a number provided to the police department for calls during normal working hours. If the office is not manned 24 hours per day, seven days per week, the wrecker service shall also provide the police department with a telephone number for calls after normal working hours, weekends and holidays. An answering service or answering device shall not be used;

(5) Storage compounds shall be maintained outside the city limits;

(6) The storage compounds maintained inside the city limits at the time of the passage of the ordinance from which this chapter is derived shall contain sufficient space for storage of at least 20 motor vehicles and fenced with opaque fencing material.

(c) If there are no wreckers available at the wrecker service on call or if the police department cannot immediately make contact with the wrecker service on call, the police department shall proceed through the wrecker rotation list until a wrecker is located that is available and ready to proceed immediately to the scene of the incident requiring a vehicle to be removed.

(d) Wrecker service companies on the wrecker rotation list should be able to respond to calls according to the following schedule:

(1) During the normal workweek, Monday through Friday, 8:00 a.m. to 5:00 p.m.:

- a. Within city limits: 20 minutes.
- b. Outside city limits: 30 minutes.

(2) After normal working hours, on weekends or holidays:

- a. Within city limits: 25 minutes.
- b. Outside city limits: 35 minutes.

A wrecker service company failing to respond within five minutes of this schedule shall have its call canceled, and the next wrecker service company on the wrecker rotation list shall be called.

(e) In the event the vehicle to be towed, moved or removed exceeds the capacity of the wreckers operated by the wrecker service company on the wrecker rotation list, or in the event of an emergency wherein life or property is threatened, or in circumstances where the situation requires immediate action to protect life or property, the police department may call any wrecker service with the capability to provide the service needed.

(f) Operators of wreckers shall abide by any orders or instructions given by the police department or fire department dispatchers or the police officers and firefighters in charge at the scene.

(g) Operators of wreckers shall maintain tools and other equipment according to the

specifications established by the chief of police or his designee.

(h) Each wrecker service company on the wrecker rotation list shall keep a record of all calls made in response to requests from the city manager or his/her designee, and such records shall include the following information:

- (1) Date and time of call;
- (2) Location of vehicle to be towed or removed;
- (3) Response time;
- (4) Vehicle owner or operator;
- (5) Description and disposition of vehicle;
- (6) Charges involved;
- (7) Status of payment for charges;

Such records shall be available for inspection by the city manager or his/her designee at any reasonable time.

(i) The wrecker rotation schedule maintained by the police department shall list all wrecker services on the list in alphabetical order. Rotation shall be on a per-call basis. The rotation shall be limited to one call per list for any wrecker having interest in another wrecker company;

(j) A waiting list maintained by the police department shall list any wrecker company, in the order received, which satisfies the procedures and requirements at the time when the maximum number of wrecker companies is already on the rotation list.

(k) In addition to the fine authorized, a wrecker service company that violates any of the provisions of this chapter shall be subject to removal from the wrecker rotation list upon a hearing and may be placed on the waiting list according to the time when it evidences compliance.

Sec. 142-13. – Maximum rates.

(a) The maximum rates as identified by Section 142-13 shall be amended as follows:

1. Towing a wrecked, disabled vehicle or illegally parked vehicle: \$150.00, flat rate per response with no additional fees allowed for time increments or clean up services.
2. Use of dollies or other specialized equipment, including disconnecting transmission and the use of winches for rollovers or high water retrieval: \$45.00.
3. Towing of trucks exceeding one ton:
  - a. First hour of service (minimum charge): \$75.00.
  - b. Additional time required to remove such vehicles (per working

- hour): \$75.00.
2. Towing vehicle from outside the city limits: \$15.00 plus per mile to and from location of vehicle, \$1.50.
  3. The cost for the storage of a vehicle shall be no more than \$15.00 for the initial 24 hours, and \$15.00 for each day thereafter.
  4. The total fee charged will be made up of towing, specialized service, and storage fees as enumerated in this section.
  5. Where any state law, rule or regulation or local Master Fee Schedule as prescribed by this Code requires a different rate for services rendered by a wrecker service or storage facility or any other type of business entity regulated under this chapter, as provided for in this chapter, then such rate shall be followed without the necessity of further amendment of this chapter.

(Code 1969, § 29½-11; Ord. No. 2001-02, § 11, 3-6-2001; Ord. No. 2012-14, § I, 6-28-2012)

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

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 15<sup>th</sup> day of March, 2016.

**RECONSIDERED, PASSED AND APPROVED** on final reading at a regular meeting of the City Commission this 5<sup>th</sup> day of April, 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**

Mayor Suarez changed the order of the day and proceeded to item III.A. Public Hearing.

### **III. A. PUBLIC HEARING**

To solicit input from interested parties on the City's proposed Budget and Program Amendment to its Urban County Program funding Years 25, 26 & 27 (2012, 2013 & 2014) utilizing its original work plans.

Commissioner Peña, seconded by Commissioner Tafolla, moved to open the public hearing for III. A at 6:13 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

Mary Barrera, Finance Director, stated the public hearing was to solicit input for program amendments to the Urban County Program funding year's 25, 26 and 27 (FY 2012, 2013, 2014) work plans. There were no public comments.

Mayor Pro-Tem Noriega, seconded by Commissioner Muñoz, moved to close the public hearing at 6:19. The motion carried unanimously; Mayor Suarez was present and voting.

## **VI. OLD BUSINESS**

- B. Discussion and consideration to approve the Contingency Fund Requests (CFR) to the contract with CDM Constructors, Inc. for the Water Treatment Plant Expansion project as follows:

- 1) CFR #120 – Capping of irrigation line - \$7,503.00;
- 2) CFR #121 – Increase landing/support pad for generator steps - \$2,708.00;
- 3) CFR #124 – Modifications to existing recycle system - \$4,910.00;
- 4) CFR #127 – Drain lift station bypass pass - \$9,983.00;

and authorize the Mayor to execute any related documents. Possible action. (This item was tabled at the meeting of February 16, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

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

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

Mardoqueo Hinojosa, City Engineer, recommended payment; City Manager stated the work has been completed and the responses from the engineer of record (Briones) could have been more explanatory. Matt Kaufman, contractor, stated their work performance is based on the scope of work bid on the design phase and they are requesting payment of the work completed.

City Manager recommended to table items VI. B, C, and D, and VII. A until after executive session to confer with City Attorney.

Commissioner Tafolla, seconded by Commissioner Peña moved to table until after executive session. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez changed the order of the day to item VII. B New Business.

## **VII. NEW BUSINESS**

- B. Discussion and consideration to approve Ordinance 2016-12 to reduce the size of 25-foot electrical and utility easement along the Westside lot 47 West Gate Crossing Phase I Subdivision, Hidalgo County, Texas, to a 7.5 foot electrical and utility easement and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mardoqueo Hinojosa, City Engineer, recommended approval of the request to reduce the 25 foot electrical and utility easement to a 7.5 foot. Utility companies were contacted and no objection was received.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to approve Ordinance 2016-12 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- C Discussion and consideration to approve a drainage agreement for utilization of existing City right-of-way, being used for local drainage, to be expanded and maintained by the owner of Aria on 18<sup>th</sup> Street Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

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

Mardoqueo Hinojosa, City Engineer, stated the owner was requesting an agreement to expand existing city right-of-way for local drainage that will satisfy subdivision needs. The owner agrees to maintain the drainage swale. Staff recommends approval.

Carlos Garza, AEC Engineering, reviewed the site layout that will improve the right-of-way by landscaping and installation of sidewalks, to be maintained by the owner perpetually.

Mayor Pro-Tem Noriega, seconded by Commissioner Lopez, moved to approve a drainage agreement as proposed by the owner for utilization of existing City right-of-way with landscaping improvements and installation of ADA sidewalks and to be maintained by the owner until terminated by City. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez recessed the regular meeting of April 5, 2016 at 6:37 p.m. for the special joint meeting with the Economic Development Corporation of Weslaco. Mayor Suarez reconvened the Regular Meeting of April 5, 2016 at 7:56 p.m.

## **VII. NEW BUSINESS**

- D. Discussion and consideration to approve Change Order #1 for the North Wastewater Plant Clarifier Repairs in the amount not to exceed \$16,950.00 and authorize the Mayor to execute any related documents. Possible action. (Requested by Severn Trent.) Attachment.

Trinidad Cantu, Project Manager, stated authorization for emergency repairs had been awarded to American Industrial Constructors at a previous meeting. Staff recommended approval of Change Order No. 1 that will allow additional repair to the center column of the clarifier. The total amount of work will still be under the next lowest bidder.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve Change Order No. 1 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration to reject the contract with SmartCom Telephone as the vendor for internet access services submitted in response to the library's Request for Proposal within the ERate Year 19 cycle (FY 2016-2017) and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library.) Attachment.

Arnold Becho, Library Director, stated SmartCom did not meet eligibility requirements of the grant process for ERATE. Staff recommended to reject the contract as it would jeopardize this grant funding.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to reject the contract with SmartCom Telephone as the vendor for internet access services for ERate Year 19 cycle (FY 2016-2017) and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration to accept Time Warner Cable Business Class as the best qualified, most advantageous respondent vendor for internet access services submitted in response to the library's Request for Proposal within the ERate Year 19 cycle (FY 2016-2017), and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library.) Attachment.

Arnold Becho, Library Director, stated Time Warner Business Class meets eligibility requirements of the grant process for ERATE funding. Staff recommended awarding Time Warner Business Class as the vendor for internet access services for ERate Year 19 cycle (FY 2016-2017).

Commissioner Peña, seconded by Commissioner Tafolla, moved to award Time Warner Cable Business Class as the best qualified, most advantageous respondent vendor for internet access services submitted in response to the library's Request for Proposal within the ERate Year 19 cycle (FY 2016-2017) as recommended and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration to authorize solicitation of Request for Bids for roof repairs at 525 S. Kansas Avenue (Library) and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library.) Attachment.

Commissioner Peña, seconded by Commissioner Lopez, moved to approve.

Arnold Becho, Library Director, stated staff recommends approval to solicit request for bids for materials and services based on the scope of work identifying four

particular areas of roof leaks.

In response to Commissioner Muñoz, the problem areas are visible and staff will prepare the scope of work. Commissioner Muñoz recommended a licensed professional prepare the scope of work for the bidding process. The City Manager stated this could be done and stated \$10,000.00 had been budgeted and if necessary a budget amendment will be presented. Commissioner Peña withdrew his motion.

Commissioner Peña, seconded by Commissioner Muñoz, moved to authorize staff to hire an Architect to prepare a Request for Bids for roof repairs at 525 S. Kansas Avenue (Library). The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration to approve the Request for Qualifications for energy savings services. Possible action. (Staffed by City Manager's Office.) Attachment.

Commissioner Tafolla recommended disclosure of where corporate headquarters are located be added in Section B. City Manager reviewed the schedule of events; recommended members of the Commission serve on the evaluation committee; stated once approved no vendors may have contact with the Commission or staff. Any questions must go through the purchasing agent.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve the Request for Qualifications for energy savings services adding disclosure of headquarters be added. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to approve Resolution 2016-30 supporting and joining the Valley 1<sup>st</sup> Alliance to increase collaboration and joint action planning to address challenges and opportunities which may impact the entire Lower Rio Grande Valley region. Possible action. (Staffed by the City Manager's Office.) Attachment.

Commissioner Peña, seconded by Commissioner Lopez, moved to approve Resolution 2016-30 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Resolution 2016-30

WHEREAS, the members of this governing body wish to support increased collaboration and joint action planning to address challenges and opportunities which may impact the entire Lower Rio Grande Valley Region; and

WHEREAS, Valley 1<sup>st</sup> is a pioneering civic coalition of municipalities, supporting partnerships and cooperation to pursue shared solution strategies; and

WHEREAS, Valley 1<sup>st</sup> Alliance will work towards increasing quality of life indicators for residents of the Lower Rio Grande Valley pursuing economic growth opportunities, enhanced workforce development and working towards ensuring the region is appropriately positioned to maximize future

prosperity; and

WHEREAS, Valley 1<sup>st</sup> Alliance will pursue efforts for increased positive public image and awareness of the Rio Grande Valley's vibrant economic and tourism destinations through joint marketing efforts capitalizing on regional assets and attractions; and

WHEREAS, community proposals, initiatives and resources will be discussed, evaluated and prioritized which may impact overall growth of the region such as merging Rio Grande Valley MPO's (Metropolitan Planning Organization) and feasibility of combining designated Rio Grande Valley MSA's (Metropolitan Statistical Area); and

WHEREAS, the Valley 1<sup>st</sup> Alliance will meet routinely, as appropriate, facilitated by Lower Rio Grande Development Council (LRGVDC) as the designated Council of Governments to coordinate regional planning efforts, avoid duplicative efforts, maximize service impact and encompass community organizations and resources.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** We , the elected members of this governing body welcome the opportunity to join Valley 1<sup>st</sup> Alliance and implement regionalism by collaborating with leaders and organizations of Hidalgo, Cameron and Willacy County to produce a greater positive impact for residents Valley Wide.

PASSED AND APPROVED on this 5<sup>th</sup> day of April, 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

- J. Discussion and consideration to approve a request from Maverick to rent a 10' X 20' tract of land on the south east part of the Airport. Possible action. (Staffed by City Manager's Office.) Attachment.

City Manager stated a request was received from Maverick Industrial Services, a large employer in the City, to lease a 10x20 tract of land. They experience frequent power outages affecting their work performance and would like to install a generator on airport property. Unless TxDOT or Federal Aviation Administration objects, terms would be cancellation notice of 180 days; \$600 annually (.025/sq. foot); 10 year term with the option of two five year extensions. Staff recommends approval.

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

## **VIII. REPORTS**

- A. Report by Weslaco Area Chamber of Commerce.

Martha Noell, Executive Director went over March advertising activity; winter Texans season has ended; reported impact of visitors as a result of voting; two retreat seminars for Retail and Marketing Analysis for the existing business; the Egg Dash Event well attended and the Texas Onion Festival estimated attendance was 7,800 with no incidents reported. Thanked the Commission for the support.

B. Report by Economic Development Corporation of Weslaco.

There was no representative in attendance.

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

Mardoqueo Hinojosa, City Engineer, reported Border Avenue street improvements should be paved by end of the week and the project closed out within 3-4 weeks; Boys and Girls Club construction remains ongoing with project to be substantially completed by April 25 with parking lot improvements going out for bids Monday. The 6<sup>th</sup> Street waterline is installed and the contractor is working on tie-ins; the project is 60 days late and contractor is being penalized \$350/day. The Animal Shelter project construction is 80% complete; a change order for fencing will be needed. Rabies clinic and vector control literatures are being distributed.

D. Report by Severn Trent.

Trinidad Cantu reported Lift Station 35 improvements are being done in phases; the City Manager approved an emergency repair to Lift Station 35 in the amount of \$9,500.00 to avoid sewer back into homes. The solar panels at South Waste water plant have been repaired.

E. Report by Public Works Department.

Pete Garcia, Public Works, reported street improvements for FY 2015-2016 nearly are completed and should begin with FY 2016-17 street improvements next week; he also reported on landscaping city property and mowing weedy lots.

F. Report by Police Department on 2015 End of Year Crime Reduction Results.

Chief Mayer presented the end of the year Report 2015 thanking the Commission, community and sworn personnel. Overall crime decreased 22%.

**IX. EXECUTIVE SESSION**

At 8:46 p.m., Mayor Suarez announced the regular meeting to convene in Executive Session. At 9:50 p.m., Mayor Suarez announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

- VI. B. Discussion and consideration to approve the Contingency Fund Requests (CFR) to the contract with CDM Constructors, Inc. for the Water Treatment Plant Expansion project as follows:

- 1) CFR #120 – Capping of irrigation line - \$7,503.00;
- 2) CFR #121 – Increase landing/support pad for generator steps - \$2,708.00;
- 3) CFR #124 – Modifications to existing recycle system - \$4,910.00;
- 4) CFR #127 – Drain lift station bypass pass - \$9,983.00;

and authorize the Mayor to execute any related documents. Possible action. (This item was tabled at the meeting of February 16, 2016; Staffed by Planning and Code Enforcement Department.) Attachment

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

- C. Discussion and consideration to approve the release of the remaining portion of retainage of the 2.5% of the contract for CDM Constructors, Inc. for the Water Treatment Plant Expansion project in amount not to exceed \$350,673.67 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

The Mayor declared this item on the table.

- D. Discussion and consideration to approve the Contingency Fund Request (CFR) of the contract with CDM Constructors, Inc. for the Water Treatment Plant expansion project as follows:

- 1) PCO #3 – Plant 2, 3, 4 Pipe Replacement - \$844,465.00;
- 2) PCO #4 – Plant 2 Sedimentation Basin Rehabilitation - \$36,631.00;
- 3) PCO #5 – Plant 3 Flocculators - \$100,000.00;
- 4) PCO #6 – Plant 3 Clarifier- \$150,000.00.

Possible action. (This item was tabled at the meeting held March 15, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

The item remained on the table.

- VII. A. Discussion and consideration to approve compensation for project delays to CDM Constructors, Inc. in an amount not to exceed \$960,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

The Mayor declared this item on the table.

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

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

Commissioner Peña, seconded by Commissioner Tafolla, moved to extend the City Manager's contract one year and the City shall pay health insurance as part of the compensation package. The motion carried unanimously; Mayor Suarez was present and voting.

- 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-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.

- D. 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.

- E. Pending Litigation – Consultation with City Attorney regarding Cause No. C-1277-15-H *Elvia Caballero Lopez d/b/a or a/k/a Caballero Governmental Affairs v. City of Weslaco, 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.

- F. Potential Litigation - Consultation with City Attorney regarding Emmanuel Jimenez as authorized by §551.071 of the Texas Government Code.

Commissioner Peña, seconded by Mayor Pro-Tem Noriega, moved to authorize the City Manager and City Attorney to execute the settlement agreement as discussed in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Personnel - Discussion regarding the goals, objectives, and annual evaluation of the Police Chief for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

The City Manager noted Chief Mayer had a successful review. There was no action on this item.

## **XI. ADJOURNMENT**

With no other business before the commission, at 10:00 p.m. on April 5, 2016, Commissioner Tafolla, seconded by Commissioner Peña, 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

ATTEST:

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CITY SECRETARY, Elizabeth Walker

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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