



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, MARCH 19, 2013**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, March 19, 2013 at 5:30 p.m. for the purpose of discussing the following items:

**NOTE:** If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

- I. CALL TO ORDER** Pages  
1-2
- A. Certification of Public Notice.
  - B. Invocation.
  - C. Pledge of Allegiance.
  - D. Roll Call.
- II. PUBLIC HEARINGS**
- A. To solicit input on behalf of Bravo's Pick-up, owner, Jesus E. Bravo to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1400 E. Business Hwy. 83, also being 0.4060 of one acre of land out of Farm Tract 641, Block 142, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 3
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:
    - 1) Regular Meeting of February 19, 2013; 4-18
    - 2) Regular Meeting of March 5, 2013; 19-29
    - 3) Special Meeting of March 11, 2013. 30-32(There was no action March 5 on the minutes of February 19, 2013; Requested by City Secretary's Office.) Attachment.
  - B. Approval on Second and Final Reading of Ordinance 2013-06 amending Ordinance 320 and the City of Weslaco Zoning map to rezone RSBR Weslaco (FM 88) Subdivision, also being 2.195 acres out of Farm Tract 743, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-2 Secondary and Highway District." (Requested by Requested by Planning & Code 33

Enforcement Department.) Attachment.

- C. Authorization of the solicitation of proposals for the City of Weslaco's Ethernet or Multiprotocol Label Switching Data Network and Internet Service Provider Services (City-wide fiber project). (Requested by Information Technology Department.) Attachment. 34-62
- D. Approval of Amendment No. 3 to the Weslaco Boys and Girls Club Indoor Recreation Center Texas Parks and Wildlife Project Number 51-000065 to reduce the size and location of the proposed facility from a 22,808 square foot recreation center at 1000 E. Pike Blvd. between Paso Del Norte and N. Utah Ave. in Weslaco, Hidalgo County, Texas to a 12,800 square foot recreation center at N. Iowa Ave. between Plaza St. and 1<sup>st</sup> St. in Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. (Requested by Public Facilities Department.) Attachment. 63-66
- E. Approval of the Interlocal Cooperation Agreement with the County of Hidalgo for 2011 Operation Stonegarden to enhance local law enforcement preparedness and operational readiness at no cost to the City and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment. 67-118
- F. Approval of the local agreement with the Hidalgo County Criminal District Attorney's Office for the services associated with forfeitures of contraband and authorize the Chief of Police to execute the agreement in accordance with Article 59 of the Texas Code of Criminal Procedure. (Authorization given to the Mayor on February 19, 2013, however District Attorney wants Chief of Police to execute; Requested by Police Department.) Attachment. 119-125
- G. Authorization of the utilization of Federal Equitable Sharing funds in an amount not to exceed \$10,000.00 to purchase equipment (e.g. duty gear) and authorize a budget amendment as appropriate. (Requested by Police Department.) Attachment. 126

**IV. APPOINTMENTS**

*Standard Documentation on Board Appointments* 127-131

- A. Discussion and consideration to accept the resignations of Carlos Guerra and Leonardo Olivares and approve Resolutions 2013-35 and 2013-36 to fill the terms of two members to the Weslaco Health Facilities Development Corporation. Possible action. (Requested by Finance Department.) Attachment. 132-136
- B. Discussion and consideration to approve Resolution 2013-40 to fill the expired term of one member to the Ambulance Advisory Board. Possible action. (There was no action on this item March 5, 2013; Requested by Fire Department.) Attachment. 137-138

**V. OLD BUSINESS**

- A. Discussion and consideration to approve a professional services agreement for a Rate Study of the Public Utilities of the City of Weslaco to include the water, waste water and solid waste and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item March 5, 2013; Requested by Public Utilities Department.) Attachment. 139

**VI. NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Bravo's Pick-up, owner, Jesus E. Bravo to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1400 E. Business Hwy. 83, also being 0.4060 of one acre of land out of Farm Tract 641, Block 142, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 140-148
- B. Discussion and consideration to approve Resolution 2013-42 requesting the United States Section of the International Boundary and Water Commission and the United States Department of State to pursue through appropriate Minute Orders and formal agreements whereby Mexico formalizes a compliance program under the 1944 Treaty to annually set aside water in sufficient amounts, as a priority allocation to the United States from the named tributaries in Mexico to ensure Mexico's full compliance with the 1944 Treaty and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 149-150
- C. Discussion and consideration to approve a lease agreement between the City of Weslaco d.b.a. Weslaco Mid Valley Airport and Mission Factors LLC (owned by Galen D. Kahlenberg) for the construction of a 9,000 square foot aircraft hangar and office at a fixed rate of \$0.17/square foot per annum for fifteen years and authorize the Mayor to execute any related documents. Possible action. (Requested by the Airport.) Attachment. 151-163
- D. Discussion and consideration to authorize a professional services agreement with TEDSI Infrastructure Group, 1201 E. Expressway 83, Mission, Texas 78572 for engineering services related to the Hidalgo County Metropolitan Planning Organization (HCMPO), authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 164-169

**VII. REPORTS**

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Appointments, and Feedback. Attachment. 170-181
- B. Report by Texas Commission on Environmental Quality on Drinking Water Quality. Attachment. 182-185

- C. Report by the Economic Development Corporation of Weslaco. Attachment. 186
- D. Legislative Update by Caballero Legislative Affairs. Attachment. 187-192
- E. Presentation on proposed redistricting of election precincts in the City of Weslaco in order to follow recent changes of Single Member District lines under Article 3 §28 of the Texas Election Code 42.032.
- F. Presentation by the Hidalgo County Metropolitan Planning Organization (HCMPO) on Bicycle Safety/Safe Passing Awareness.

**VIII. PUBLIC COMMENTS**

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

**IX. EXECUTIVE SESSION**

*Texas Government Code, Section 551 Open Meetings:*

*§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty*

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

*§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability*

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection

(a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

**NOTE:**

Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Consult with City Attorney regarding Cause No. C-1048-13-D, *DKIII Hornback Enterprises, Ltd., Plaintiff, v. John Cuellar, Guadalupe Rivera, Jerry Tafolla, Leo Olivarez, and Jose Martinez, Defendants* in the 206<sup>th</sup> Judicial District Court of Hidalgo County, Texas as authorized by §551.071 of the Texas Government Code.

- B. Pending Litigation – Consult with City Attorney regarding Cause No. C-0747-12- E, *Knapp Medical Center v. Weslaco Hospital Authority*, pending in the 139<sup>th</sup> Judicial District Court of Hidalgo County, Texas as authorized by §551.071 of the Texas Government Code.
- C. Pending Litigation - Consult with City Attorney regarding Cause No. C-081-13 B, *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* as authorized by §551.071 of the Texas Government Code.
- D. Land Acquisition – Discussion with City Manager regarding the acquisition of real property for certain road improvement projects as authorized by §551.072 of the Texas Local Government Code.

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

**XI. ADJOURNMENT**

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 15<sup>th</sup> day of March, 2013 at 6:25 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

**NOTE:** If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.