



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 18, 2014**

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 18, 2014 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 HEARING 3

- A. To solicit input on behalf of Miguel Salinas, Jr. to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 907 S. Texas Blvd., being Lot 8, Block 3, Hollywood Addition to Weslaco Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District”.

III. 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.

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 4, 2014. (Staffed by City Secretary's Office.) Attachment.	4-14
B.	Acceptance of a check from the Texas Comptroller of Public Accounts annual allocation from the Law Enforcement Officer Standards and Educations (LEOSE) in the amount of \$4,317.29 to be utilized for training for the Weslaco Police Officers and authorize a budget amendment as appropriate. (Staffed by Police Department.) Attachment.	15
C.	Ratification of three Intended Use Plans submitted to the Texas Water Development Board Clean Water and Drinking Water State Revolving Funds in the amounts of \$12,991,927.00, \$47,808,358.00 and \$832,320.00 and authorize the Mayor and/or City Manager to execute any related documents. (Staffed by Public Utilities Department.) Attachment.	16-46
V.	<u>APPOINTMENTS</u> <i>Standard Documentation on Appointments</i>	47-51
A.	Discussion and consideration to remove one member from the Parks and Recreation Advisory Board and approve Resolution 2014-12 appointing a member to that unexpired term. Possible action. (Requested by Commissioners Noriega and Pena; Staffed by Parks and Recreation Department.) Attachment.	52-53
VI.	<u>OLD BUSINESS</u>	
A.	Discussion and consideration to authorize the hiring of five personnel for either the Public Facilities Department or the Parks and Recreation Department and authorize a budget amendment as appropriate. Possible action. (This item was tabled March 4, 2014; Staffed by Public Facilities Department.) Attachment.	54-62
B.	Discussion and consideration to approve the following T-Hangar leases for a period not to exceed five years for aircraft storage or aviation related business only: 1) E6-02 with James B. Carlson Farms, 2) E7-00 with Garric Warbirds, 3) E8-06 with Anderson Columbia Co., 4) E9-02 with Wyatt Agri Products, and 5) E10-01with Dr. Reynaldo Rodriguez, and authorize the Mayor to execute related documents. Possible action. (This item was tabled March 4, 2014; Staffed by Airport Department.) Attachment.	63-117
VII.	<u>NEW BUSINESS</u>	
A.	Discussion and consideration after public hearing on behalf of Miguel Salinas, Jr. to approve Ordinance 2014-03 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 907 S. Texas Blvd., being Lot 8, Block 3, Hollywood Addition to Weslaco Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business	118-129

District” and authorize the Mayor to execute any related documents. First Reading of Ordinance 2014-03. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

- B. Discussion and consideration to approve Ordinance 2014-04 accepting an agreement to abandon an existing 10-foot utility easement located on Lot 1 and Reserve Tract A of the 400 West Expressway 83 Subdivision and authorize the Mayor to execute any related documents. First Reading of Ordinance 2014-04. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 130-139
- C. Discussion and consideration to approve the Final Plat of Martinez Estates Subdivision, being a 0.61 acre tract of land being all of Lot 1, La Paloma Subdivision Unit 1 and a 0.24 acre tract of land out of Farm Tract 1078, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 140-162
- D. Discussion and consideration to approve the Final Plat of Midway Court Phase II Subdivision, being a re-subdivision of 2.627 acres out of Farm Tract 644, Block 177, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 163-171
- E. Discussion and consideration to authorize a Public Purpose Services contract with the Weslaco Bicultural Museum d.b.a. Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$63,100.00 effective October 1, 2013 through September 30, 2014. Possible action. (Requested by Weslaco Museum.) Attachment. 172-180
- F. Discussion and consideration to program capital outlay from the Lease/Purchase agreement with Frost Bank to the Information Technology Department in an amount not to exceed \$85,000.00 from the APC Battery allocation for the purchase of network equipment. Possible action. (Staffed by Information Technology Department.) Attachment. 181
- G. Discussion and consideration to authorize an Amnesty Program in the City of Weslaco for the months of April and May 2014 for individuals who have outstanding tickets, fines, and warrants in the City of Weslaco Municipal Court. Possible action. (Staffed by Municipal Court.) Attachment. 182-183

VIII. 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 – Consultation with Special Counsel regarding Cause No. C-5929-13-H *City of Weslaco, Texas v. City of Mercedes, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Consultation with City Attorney regarding *City of Weslaco, Texas v. John Pate* pursuant to §551.071 of the Texas Government Code.
- C. Pending Litigation - Discussion with assigned defense counsel Anthony B. James regarding C-2201-11-I *Pascual Hernandez et al v. City of Weslaco* in the 389th Judicial District Court of Hidalgo County as authorized by §551.071 of the Texas Government Code.
- D. Potential Litigation – Consultation with the City Attorney regarding G.A.S. Enterprises on the Valley Nature Center Project pursuant to §551.071 of the Texas Government Code.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

X. 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 14th day of March 2014 at 7:55 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.