



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, FEBRUARY 4, 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, February 4, 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 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.

**III. PUBLIC HEARINGS**

- A. To solicit input on behalf of Sylvia Mendoza, owner Arturo Robles, to approve a Conditional Use Permit to operate a dance hall with live music at 2901 W. Business Hwy. 83, also being 1.7295 acres of land out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 3
- B. To solicit input on behalf of Jardines De Weslaco, LLC, Rodolfo Ornelas, President, to approve the Final Plat of the Re-plat of El Jardin Estates Subdivision, being an 11.86 acre tract of land, more or less, out of the north 16.77 acres of Farm Tract 1040 Adams Tract Subdivision, Weslaco, Hidalgo County, Texas. 4

**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 January 21, 2014. (Staffed by City Secretary's Office.) Attachment. 5-20
- B. Acceptance of a check from All Call Metal Recycling LLC, in the amount of \$1,365.24 for used brass casings turned into scrap, deposit it into the Police Department Firearm Budget account #01-512-2760, and authorize a budget amendment as appropriate. (Staffed by Police Department.) Attachment. 21
- C. Approval of the amendment to the Mid Valley Youth Soccer League Contract to include use of the City Park Soccer Fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 22-24
- D. Approval of the amendment to the use of the DWM Soccer League Contract to include use of the City Park Soccer Fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 25-27
- E. Approval of the renewal of membership in the Texas Municipal League in an amount of \$4,217.00 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment. 28-30

**V. OLD BUSINESS**

- A. Discussion and consideration to approve a Roadway Improvement priority list with related expenditures to be paid from the Certificates of Obligation, Series 2007, authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 31-69
- B. Discussion and consideration to approve a Roadway Improvement priority list with related expenditures to be paid from the Certificates of Obligation, Series 2013, authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 70-72

**VI. NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Sylvia Mendoza, owner Arturo Robles, to approve a Conditional Use Permit to operate a dance hall with live music at 2901 W. Business Hwy. 83, also being 1.7295 acres of land out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 73-82
- B. Discussion and consideration after public hearing on behalf of Jardines De 83-99

Weslaco, LLC, Rodolfo Ornelas, President, to approve the Final Plat of the Replat of El Jardin Estates Subdivision, being an 11.86 acre tract of land, more or less, out of the north 16.77 acres of Farm Tract 1040 Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

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| C. | Discussion and consideration to approve the submission of the Final Proposed Annual Work Plan for the City of Weslaco under the Hidalgo County Urban County Program. Funding Allocation and approval of Resolution No. 2014-05 for Year 27 (2014) to accept the allocation of approximately \$308,702.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager’s Office.) Attachment.  | 100-<br>106 |
| D. | Discussion and consideration to authorize the purchase of bunker gear through Buy Board vendor contract No. 363-10 in an amount not to exceed \$47,250.00 and authorize a budget amendment as appropriate. Possible action. (Staffed by Fire Department.) Attachment.  | 107-<br>110 |
| E. | Discussion and consideration to issue a request for proposals or extend the term of the existing General/Professional Liability – EMS policy for the City of Weslaco. Possible action. (Staffed by Fire Department.) Attachment.   | 111-<br>121 |
| F. | 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:<br>1) E1-01 with Hendrickson Flying Service,<br>2) E2-00 with John Garric,<br>3) E3-01 with Dr. Charles Mild,<br>4) E4-05 with Mike Carey, Amigos Aviation, Inc.,<br>5) E5-01 with Dr. Marco Gutierrez, and<br>6) land lease for W-8 with Jerry Gifford<br>and authorize the Mayor to execute related documents. Possible action. (Staffed by Airport Department.) Attachment. | 122-<br>183 |
| G. | Discussion and consideration to approve Resolution 2014-06 electing to participate in the tax abatement agreements and authorize the Mayor to execute any related documents. Possible action. (Staffed by Legal Department.) Attachment.   | 184         |
| H. | Discussion and consideration to create an Adult Soccer League in the City of Weslaco, authorizing use of City Park north side soccer fields Mondays and Wednesdays, March 1 - June 30, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.   | 185-<br>186 |
| I. | Discussion and consideration to create an Adult Softball League in the City of Weslaco, authorizing use of Harlon Block Park fields 3 and 4, March 1 - June 30, and authorize a budget amendment as appropriate, and authorize the Mayor   | 187-<br>188 |

to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

- J. Discussion and consideration to create youth and adult tennis training classes in the City of Weslaco, authorizing use City Park tennis courts on the south end, Monday – Saturday, and authorize a budget amendment as appropriate. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 189-191

**VII. REPORT**

- A. Report by Linebarger Goggan Blair & Sampson, LLP on delinquent tax collections. Attachment. 192-197
- B. Report by Prodigy Construction Management, LLC on the Valley Nature Center construction project. Attachment. 198-201

**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. CI-13-3663-F *City of Edcouch, Texas et al. v. City of Weslaco, Texas* in the County Court of Law #6, Hidalgo County pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Consultation with Special Counsel regarding Cause No. CI-13-3660-G *City of Progreso, Texas v. City of Weslaco, Texas* in the County Court of Law #7, Hidalgo County pursuant to §551.071 of the Texas Government Code.
- 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.

- D. Pending Litigation – Consult 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.
- E. Personnel – Annual Performance Evaluation of the City Manager as authorized by §551.074 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 31<sup>st</sup> day of January 2014 at 7:25 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.