



**A SPECIAL MEETING  
OF THE WESLACO CITY COMMISSION  
FRIDAY, SEPTEMBER 5, 2014**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Special Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Friday, September 5, 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. Pledge of Allegiance.
  - C. 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. NEW BUSINESS**

- A. Discussion and consideration to approve Ordinance 2014-15 annexing a maximum of 1,253.74 acres of land into the City of Weslaco, located in Hidalgo County, Texas, which is contiguous to the city limits and hereinafter described; as shown in the attached exhibit; making findings of fact; providing a severability clause; providing an effective date; and providing for open meetings and other related matters. First Reading of Ordinance 2014-15. Possible action. (Public Hearings held July 28 and 29, 2014; Staffed by Planning and Code Enforcement Department.) Attachment. 3-14

**IV. ADJOURNMENT**

I hereby certify this **Notice of a Special 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 2<sup>nd</sup> day of September 2014 at 5:00 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 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.



## Standardized Agenda Request Form

<b>Date of Meeting:</b> September 5, 2014		<b>Agenda Item No.</b> (to be assigned by CSO): I	
<b>From</b> (name, title, department and who submitting on behalf of, if any): Elizabeth Walker, City Secretary			
<b>Subject:</b> Call to Order, includes the following: A. Certification of Public Notice. B. Pledge of Allegiance. C. Roll Call.			
<b>Discussion:</b> A. Mayor will Call to Order and certify Public Notice. B. Mayor will lead Pledge of Allegiance; Mayor Pro-Tem may lead Texas Flag. C. City Secretary will call roll.			
<b>Fiscal Note:</b>			
Amount: \$ N/A	Term of Impact: [#] year(s)	Identified in Current Budget: Y/N	
<b>Additional Action Prompted:</b> <input type="checkbox"/> Mayor's Signature <input type="checkbox"/> Public Hearing <input type="checkbox"/> Budget Amendment <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance – First Reading <input type="checkbox"/> Ordinance – Final Reading			
<b>If item previously considered, provide date and action by Commission:</b> N/A			
<b>If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:</b> N/A			
<b>Advisory Review, if any</b> (name of board/committee, date of action, recommendation): N/A			
<b>Recommendation for Commission Action:</b> Four or more Commissioners present constitutes a Quorum; otherwise, no action may be taken.			
<b>Attachments, if any</b> (list and provide in Word or PDF, formatted as 8 ½ X 11”): One-page with pledges and mission statement.			
<b>Responsibilities upon Approval:</b> Conduct meeting per Ordinance 2011-05, according to Roberts Rule of Order and commencing at 5:30 p.m.			

# City of Weslaco

*"The City on the Grow"*



David Suarez, Mayor  
John F. Cuellar, Mayor Pro-Tem, District 2  
David R. Fox, Commissioner, District 1  
Olga M. Noriega, Commissioner, District 3  
Gerardo "Jerry" Tafolla, Commissioner, District 4  
Lupe V. Rivera, Commissioner, District 5  
Fidel L. Pena, III, Commissioner, District 6

Leonardo Olivares, City Manager

## The Pledge of Allegiance to the Flag

"I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL."

## The Pledge of Allegiance to the State Flag

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

*\*The pledge was amended by House Bill 1034 during the 80th Legislature with the addition of "one state under God." The revised wording became effective on June 15, 2007.*

## Preamble to the Constitution of the United States of America

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## STATEMENT OF VISION: AN INTERNATIONAL CENTER OF GROWTH

Friendly people with vision, courage and integrity

## STATEMENT OF MISSION: COMMITMENT TO EXCELLENCE IN PUBLIC SERVICE

- \*Positive Attitude of Courtesy & Concern
- \*Doing it Right the First Time
- \*Sensitive to the citizens' needs
- \*Friendly Respect for All
- \*Service without Hassle



## Standardized Agenda Request Form

<b>Date of Meeting:</b> September 5, 2014		<b>Agenda Item No.</b> (to be assigned by CSO): <b>III. A.</b>	
<b>From</b> (name, title, department and who submitting on behalf of, if any): Mardoqueo Hinojosa, P.E., Interim Planning Director/City Engineer			
<b>Subject:</b> Discussion and consideration to approve First Reading Ordinance 2014-XX annexing a maximum of 1,253.74 acres of land into the City of Weslaco, located in Hidalgo County, Texas, which is contiguous to the city limits and hereinafter described; as shown in the attached exhibit; making findings of fact; providing a severability clause; providing an effective date; and providing for open meetings and other related matters. First Reading of Ordinance 2014-XX.			
<b>Discussion:</b> Public hearings were held July 28-29. Proposed area is adjacent to city limits as required by Local Government Code.			
<b>Funding Source</b> (budget code, if applicable):			
Amount: \$	Term of Impact: #[ ] year(s)	Identified in Current Budget: No	
<b>Additional Action Prompted:</b> <input checked="" type="checkbox"/> Mayor's Signature <input type="checkbox"/> Public Hearing <input type="checkbox"/> Budget Amendment <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance – First Reading <input checked="" type="checkbox"/> Ordinance – Final Reading			
<b>If item previously considered, provide date and action by Commission:</b> N/A			
<b>If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:</b> Public hearings held July 28-29, 2014.			
<b>Advisory Review, if any</b> (name of board/committee, date of action, recommendation): N/A			
<b>Recommendation for Commission Action:</b> Staff recommends approval			
<b>Attachments, if any</b> (list and provide in Word or PDF, formatted as 8 ½ X 11”):			
<b>Responsibilities upon Approval:</b> City staff will follow-up with execution of ordinance.			

## **SERVICE PLAN FOR ANNEXED AREAS**

**WHEREAS**, Section 43.056 of the Local Government Code of the State of Texas requires that a plan of service be prepared, prior to the publication of notice of a hearing, providing for the extension of municipal services into the area to be annexed; and

**WHEREAS**, the following Service Plan has been prepared for said territory and is hereby presented for public inspection and for consideration by the City Commission of the City of Weslaco, Hidalgo County, Texas.

**PURSUANT TO THE PROVISIONS Section 43.056 of the Local Government Code of the State of Texas, THERE IS HEREBY prepared FOR THE AREA BOUNDED, AS DESCRIBED ABOVE, THE FOLLOWING PLAN OF SERVICE:**

### **SECTION I: AREA COVERED BY SERVICE PLAN.**

The following area to be annexed is covered by the provisions of this service plan:

#### Tract 1

A tract of land containing 160.58 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 186, 183, 174, 173, 184, 172, 115 and 185, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

#### Tract 2

A tract of land containing 151.78 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 128, 141, 172, 207, 208 and 209, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

#### Tract 3

The west 4.37 acres of Tejas Cuatro Subdivision, a subdivision containing 10.00 acres out of Farm Tract 115, Block 161, West Tract Subdivision, Llano Grande Grant, and Tejas Cuatro Phase 2 Unit A Subdivision, being a 13.78 acre subdivision out of Farm Tract 172, Block 161, West Tract Subdivision as recorded in Volume 2, Pg 34-37 of the Map Records in the office of the County Clerk of Hidalgo County, Texas.

#### Tract 4

A tract of land containing 494.00 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 201, 202, 203, 204, 205, 206, 207, 226, 227, 228, 229, 285 and 286 West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

#### Tract 5

A tract of land containing 55.79 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tract 280, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

#### Tract 6

A tract of land containing 147.01 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 83, 84, 85, and 86, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

#### Tract 7

A tract of land containing 169.90 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 281, 282, and 333, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

#### Tract 8

A tract of land containing 70.31 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 103 and 104, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

### **SECTION II: PROVISION OF SERVICES.**

The City of Weslaco, Texas hereby proposes to provide for the provision of municipal services to the area to be annexed. The City shall provide the services in accordance with the provisions of its Code of Ordinances regulating the extension of said services. This service plan does not propose a uniform level of full municipal services to the territory to be annexed if characteristics of topography, land use and population density are considered by the City as a sufficient basis for providing different level of services. The following service plan shall constitute a program under which the City shall provide the following services in the area immediately after the effective date of the annexation.

#### **1. Police Protection**

Patrolling, radio responses to calls, and other routine police services using present personnel and equipment will be provided on the effective date of annexation.

#### **2. Fire Protection**

Fire protection by present personnel and equipment of the fire fighting force, within the limitations of available water, will be provided on the effective date of annexation.

#### **3. Emergency Medical Services**

Emergency medical services by present personnel and equipment will be provided on the effective date of annexation.

#### **4 Solid Waste Collection**

The same regular solid waste collection service now provided within the city will be extended to the annexed area. However, before the second anniversary of the effective date of the annexation the City will not prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; nor will the City impose a fee for solid waste management services on a person who continues to use the services of a privately owned solid waste management service provider in that two year period.

#### **5. Maintenance of Water and Wastewater Facilities**

##### **a. Water Service**

Maintenance of existing city owned water lines in annexed areas will be in accordance with established policies of the city.

##### **b. Wastewater Service.**

Maintenance of existing city owned wastewater lines will be in accordance with the established policies of the city.

#### **6. Maintenance of Roads and Streets, including Road and Street Lighting**

##### **a. Maintenance of Roads and Streets**

(1) Emergency maintenance of streets (repair of hazardous chuckholes, measures necessary for traffic flow, etc.) will begin on the effective date of annexation.

(2) Routine maintenance on the same basis as in the present city limits, will begin in the annexed area immediately after the effective date of the annexation.

(3) Reconstruction and resurfacing of streets, installation of storm drainage ditches, and other major improvements, as the need thereof is determined by the governing body, will be accomplished under the present established policies of the city.

##### **b. Street and Road Lighting**

Installed street lighting will be maintained in accordance with current standards.

#### **7. Maintenance of Any other Publicly Owned Facility, Building or Service**

##### **a. Inspection and code enforcement services**

Any inspection or code enforcement services now provided by the city (building, electrical, plumbing, health, animal control, etc.) will begin in the annexed area on the effective date of annexation.

##### **b. Planning and Zoning**

(1) The planning and zoning jurisdiction of the city will extend to the annexed area on the effective date of annexation.

- (2) The area annexed will be zoned as R-1 Single Family Residential District on the effective date of annexation.

**c. Parks, playgrounds and swimming pools**

Any public park, playground or swimming pool will be maintained by the City in accordance with current city standards on the effective date of the annexation.

**SECTION III: EXTENSION OF SERVICES.**

The City of Weslaco, Texas hereby proposes to provide for the extension of municipal services to the area to be annexed, provided that the City of Weslaco owns the Certificate of Convenience and Necessity for the area as determined by the Texas Commission on Environmental Quality. The City shall provide the services in accordance with the provisions of its Code of Ordinances regulating the extension of said services. The City will provide full municipal services no later than 2 ½ years after the effective date of the annexation pursuant to Section 43.056 Local Government Code of the State of Texas..

**1. Extension of Water and Wastewater Facilities**

**a. Water Service**

- (1) Water for domestic, commercial and industrial use will be provided at city rates, from existing city lines within two and one-half (2 ½) years from the effective date of annexation.
- (2) Extension of water lines into annexed areas will be in accordance with city ordinances and will be accomplished within two and one-half (2 ½) years from the effective date of annexation
- (3) Extension of water lines to undeveloped land within the annexed area will be done according to existing ordinances covering extension of utilities and will be paid by the property owners.

**b. Wastewater Service.**

- (1) Adequate wastewater service to the area shall be supplied within two and one-half (2½) years from the effective date of annexation, according to existing ordinances covering extension of utilities.
- (2) Extension of wastewater lines into annexed areas will be in accordance with city ordinances and will be accomplished within two and one-half (2 ½) years from the effective date of annexation.
- (3) Extension of wastewater lines to undeveloped land within the annexed area will be done according to existing ordinances covering extension of utilities and will be paid by the property owners.

**2. EXTENSION OF ROADS AND STREETS, INCLUDING ROAD AND STREET LIGHTING**

**a. Extension of Roads and Streets**

- (1) The extension of roads to inhabited areas in the annexation and paving of existing streets will conform to current city ordinances and be completed within two and one-half (2 ½) years.

- (2) Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.
- (3) Street name signs where needed, will be installed within two and one-half (2½) years, after the effective date of annexation.

**b. Street and Road Lighting**

Street lighting will be installed in accordance with current standards at the time of petition to the governing body for placement of a street light.

**SECTION IV: APPROVAL AND TERM OF SERVICE PLAN**

1. Upon completion of the public hearings at which this service plan is presented for public inspection and consideration, this service plan shall be attached to the ordinance annexing the territory described above and approved as part of the ordinance.
2. This service plan shall become effective upon the final approval of the ordinance annexing the territory described above.
3. This service plan shall be valid for a period not to exceed ten years from the date of annexation.

**SUBMITTED** on this the \_\_\_\_ day of \_\_\_\_\_, 2014, for public inspection and consideration and for approval by the City Commission of the City of Weslaco, Hidalgo County, Texas.

CITY OF WESLACO

\_\_\_\_\_  
DAVID SUAREZ, MAYOR

ATTEST:

\_\_\_\_\_  
ELIZABETH WALKER, CITY SECRETARY

**ORDINANCE NO. 2014-15**

**AN ORDINANCE OF THE CITY OF WESLACO, TEXAS, ANNEXING 1,253.74 ACRES OF LAND, LOCATED IN HIDALGO COUNTY, TEXAS, WHICH IS CONTIGUOUS TO THE CITY LIMITS AND HEREINAFTER DESCRIBED; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.**

**WHEREAS**, the City of Weslaco, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

**WHEREAS**, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

**WHEREAS**, the subject property hereby annexed is adjacent and contiguous to the present City limits;

**WHEREAS**, the boundaries of the City are contiguous to the subject property on at least two sides;

**WHEREAS**, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

**WHEREAS**, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

**WHEREAS**, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

**WHEREAS**, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:**

**SECTION 1.** That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Weslaco:

#### Tract 1

A tract of land containing 160.58 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 186, 183, 174, 173, 184, 172, 115 and 185, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

#### Tract 2

A tract of land containing 151.78 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 128, 141, 172, 207, 208 and 209, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

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being part or portions of Farm Tracts 281, 282, and 333, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

Tract 8

A tract of land containing 70.31 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 103 and 104, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

**SECTION 3.** That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

**SECTION 4.** That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 5.** That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Weslaco.

**SECTION 6.** That the Annexed Property shall be zoned "R-1" Single Family Residential District, as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

**SECTION 7.** That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**SECTION 9.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't. Code*.

**PASSED AND APPROVED** on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

**FINALLY PASSED AND APPROVED** on this \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF WESLACO

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DAVID SUAREZ, MAYOR

ATTEST:

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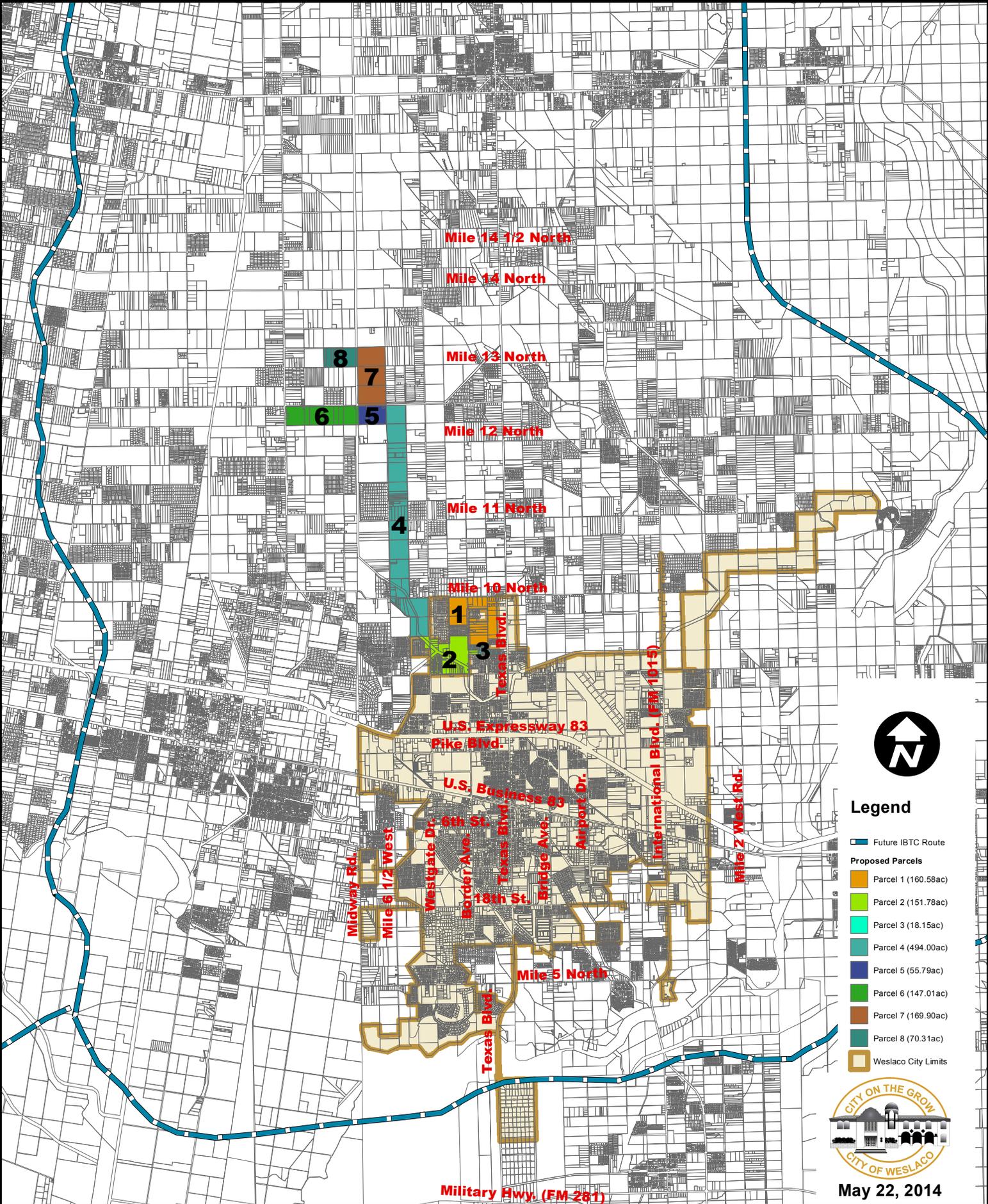
ELIZABETH WALKER, CITY SECRETARY

AS TO FORM:

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RAMON VELA, CITY ATTORNEY

**EXHIBIT "A"**



### Legend

- Future IBTC Route
- Proposed Parcels
  - Parcel 1 (160.58ac)
  - Parcel 2 (151.78ac)
  - Parcel 3 (18.15ac)
  - Parcel 4 (494.00ac)
  - Parcel 5 (55.79ac)
  - Parcel 6 (147.01ac)
  - Parcel 7 (169.90ac)
  - Parcel 8 (70.31ac)
- Weslaco City Limits



May 22, 2014

## 2014 ANNEXATION MAP