



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, FEBRUARY 17, 2015**

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 17, 2015 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. Mayoral Proclamations.
- E. 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. Due to the Texas Open Meetings Act, 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 on behalf of TP Weslaco, LLC to approve Conditional Use Permit to obtain a Mixed Beverage Permit and Mixed Beverage Late Hours Permit at 1022 W. Expressway 83, also being Sarina Group Lot 1, Weslaco, Hidalgo County, Texas. 3

- B. To solicit input on behalf of Ramon Barrera to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1015 South International Boulevard, also being 1.53 acre Tract of Land out of Farm Tract 1098, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. 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 February 3, 2015. (Staffed by City Secretary’s Office.) Attachment. 5-17
- B. Approval on Second and Final Reading of the following:
 - 1.) Ordinance 2015-04, amending Ordinance 69-9 “An Ordinance Establishing a First Zone and a Second Fire Zone, and Fixing the Boundaries of Each Such Zone,” excluding certain zones from First and Second Fire Zones and authorize the Mayor to execute any related documents. (First Reading held on February 3, 2015; Staffed by Planning and Code Enforcement.) Attachment. 18
 - 2.) Ordinance 2015-05, creating a Weslaco Historical Commission, adopting its mission and appointing members. (First Reading held on February 3, 2015; Requested by Mayor Pro-Tem Noriega and Commissioner Fox; staffed by Planning and Code Enforcement.) Attachment. 19-38
- C. Approval of the renewal of the Routine Airport Maintenance Program Grant through the Texas Department of Transportation Aviation Division for Fiscal Year 2014-2015 for maintenance on a 50/50 cost share and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment. 39-53
- D. Acceptance of the grant award from the Texas Department of Public Safety, Texas Rangers Division for the Border Security Program fiscal year 15 (LBSP-13) in the amount of \$45,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Police.) Attachment. 54-68
- E. Authorization of the renewal of annual membership in the Lower Rio Grande Valley Development Corporation (LRGVDC) Membership Dues in the amount of \$6,750.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by City Manager’s Office.) Attachment. 69
- D. Authorization of the renewal of annual membership in the Lower Rio Grande Valley Development Corporation (LRGVDC) Regional Interop Communications Preventative Maintenance Contribution for 2015 in the amount of \$446.56, authorize a budget amendment as appropriate, and

authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment.

- E. Acceptance of inventory transfer from Lower Rio Grande Valley Development Corporation (LRGVDC), to include plotters, scanners, projectors, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities.) Attachment. 74-80
- F. Approval of a request by IDEA Public Schools to utilize Harlon Block Sports Complex on March 28, 2015 from 7 a.m. – 12 noon for a 5k, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Staffed by Parks and Recreation.) Attachment. 81-82
- G. Approval of a request from the Weslaco Area Chamber of Commerce to host the Heart of America Carnival as part of Texas Onion Fest at Pablo G. Pena City Park, 300 North Airport Drive, on March 23 – March 30, 2015. (Staffed by Parks and Recreation.) Attachment. 83
- H. Approval to host the Kelly Miller Circus at Pablo G. Pena City Park, 300 North Airport Drive, on February 24 – 25, to suspend portions of Ordinances §22-24 for the limited use of live animals. (Staffed by Parks and Recreation.) Attachment. 84-88
- I. Authorization to solicit bids for the construction of Border Avenue from 18th Street to Mile 5 North Road. (Staffed by Planning and Code Enforcement.) Attachment. 89-91

V.

APPOINTMENTS

Standard Documentation on Appointments

92-96

- A. Discussion and consideration to nominate a member of the Weslaco community who has made significant civic contributions and achievements to the Rio Grande Valley Walk of Fame as part of BorderFest 2015 and authorize the Weslaco City Commission to sign the nomination form. Possible action. (Requested by City Manager’s Office.) Attachment. 97-101
- B. Discussion and consideration to accept the resignation of Dr. Roger Heredia and approve Resolution 2015-17 appointing one member to an unexpired term on the Weslaco Health Facilities Development Corporation and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance.) Attachment. 102-104

VI.

NEW BUSINESS

- A. Discussion and consideration to approve Conditional Use Permit to obtain a 105-

	Mixed Beverage Permit and Mixed Beverage Late Hours Permit at 1022 W. Expressway 83, also being Sarina Group Lot 1, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.	122
B.	Discussion and consideration on behalf of Ramon Barrera to approve Ordinance 2015-06 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1015 South International Boulevard, also being 1.53 acre Tract of Land out of Farm Tract 1098, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. First Reading of Ordinance 2015-06. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.	123-135
C.	Discussion and consideration on behalf of Ramon Barrera to approve the Final Plat for Ranch House Subdivision, being 6.48 acres of Farm Tract 1098, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, located one-quarter of a mile South of Business 83, on the East side of FM 1015. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.	136-155
D.	Discussion and consideration to approve Ordinance 2015-07 amending Article III, Section 27-57 Uniformity; Official Devices of the Traffic Ordinance of the City of Weslaco to install a four way stop sign at the intersection of Calle De La Republica and Llano Grande Street. First Reading of Ordinance 2015-07. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.	156-163
E.	Discussion and consideration to approve Ordinance 2015-08, the “Peddlers and Solicitors Ordinance,” in order to amend ordinance number 96-14, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations, repealing prior ordinances and providing for severability. First Reading of Ordinance 2015-08. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.	164-177
F.	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, approve Resolution 2015-18 for year 28 (2015) to accept the allocation of approximately \$302,525.00 and authorize Mayor to execute any related documents. Possible action. (Staffed by City Manager’s Office.) Attachment.	178-191
G.	Discussion and consideration to award the Construction-Manger-At-Risk Contractor to the best qualified, most advantageous bidder for the construction phase of the Weslaco Boys and Girls Club Recreation Center, funded in part by the Texas Parks and Wildlife as Project Number 51-000065 as shown on the architectural drawings design completed by Alcocer Garcia Associates Architectural Services, authorize City Manager to negotiate the Construction-Manager-At Risk Contract and authorize Mayor to execute any related	192-197

- documents. Possible action. (Staffed by City Manager's Office.) Attachment.
- H. Discussion and consideration to approve a Special Services Agreement on Hotel/Motel Room Occupancy Tax Proceeds between the City of Weslaco and the Economic Development Corporation of Weslaco. Possible action. (Requested by Economic Development Corporation of Weslaco.) Attachment. 198-200
 - I. Discussion and consideration to approve a Special Services Agreement on Hotel/Motel Room Occupancy Tax Proceeds between the City of Weslaco and the Weslaco Area Chamber of Commerce. Possible action. (Requested by Weslaco Chamber of Commerce.) Attachment. 201-209
 - J. Discussion or consideration to award the best qualified, most advantageous respondent to the Request For Qualifications for Fines and Fees Collection Services of delinquent municipal accounts, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Municipal Court.) Attachment. 210-224
 - K. Discussion and consideration to appoint a Municipal Court Judge and Associate Judge and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Pro-Tem and Mayor; staffed by Municipal Court.) 225-227
 - L. Discussion and consideration to authorize the Texas Army National Guard to use the Mid Valley Airport facilities as well the Second floor of the Public Facilities building for billeting during Annual Training April 10 - April 25, 2015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment. 228
 - M. Discussion and consideration to authorize the purchase of various remodeling material for Harlon Block Park, Pablo G. Pena Park, Gibson Park, and Isaac Rodriguez Park from Home Depot and the use of Home Depot gift cards to purchase the supplies needed in an amount not to exceed \$20,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation.) Attachment. 229-236
 - N. Discussion and consideration to authorize the participation with Valley Proud Environmental Council (VPEC) in promoting the Keep Texas Beautiful and Keep America Beautiful annual Great American Clean Up through the All Valley Trash Bash Saturday, April 11, 2015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 237-240
 - O. Discussion and consideration to approve the Waterline Access Agreement with North Alamo Water Supply Company and Adobe Unlimited LLC for Midway 241-258

Court Phase 3 subdivision, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment.

- P. Discussion and consideration to award the best qualified, most advantageous bidder for hydroseeding at the Water Treatment Plant, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 259-264
- Q. Discussion and consideration to extend the term(s) of the General/Professional Liability – EMS policy and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment. 265-275
- R. Discussion and consideration to waive the criteria requirements specified in Ordinance 2011-16, codified as Article VIII §82.201-204, and to approve Resolution 2015-19 amending the name of Pablo G. Pena City Park as Mayor Pablo G. Pena City Park, and authorize the Mayor to execute any related documents. Possible action. (A three-fourths vote is required to waive the criteria; Requested by the Mayor and Mayor Pro-Tem.) Attachment. 276
- S. Discussion and consideration to approve Resolution 2015-20 appointing one member and one alternate to the Hidalgo County Urban County Advisory Council and authorize the Mayor to execute any related documents including the proxy form. Possible action. (Requested by the Mayor.) Attachment to be provided at the meeting.

VII. 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 maintained as part of the certified agenda.

- A. Personnel - Discussion with the Interim City Manager regarding the Police Chief and Fire Chief applicants as authorized by §551.074 of the Texas Government Code.
- B. Personnel - Discussion regarding the goals, objectives, and evaluation of the Interim City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- C. Personnel - Discussion with the Interim City Manager regarding the separation of former City Manager Leonardo Olivares as authorized by §551.074 of the Texas Government Code.
- D. Pending Litigation – Discussion with the City Attorney regarding Cause No. LC14-074JM *City of Weslaco and Chachalaca Aero, LLC v. John Pate* in Hidalgo County, Texas as authorized by §551.071 of The Texas Government Code. (Requested by Commissioners Kerr and Pena.)
- E. Pending Litigation – Discussion with the City Attorney regarding Cause No. CL-2165-E *L&G Concrete Construction, Inc., Plaintiffs v. RCD Infrastructure, LLC, Enriquez Enterprises, Inc., and City of Weslaco, Defendants* in Hidalgo County, Texas as authorized by §551.071 of The Texas Government Code. (Requested by the Mayor.)
- F. Pending Litigation - Discussion with City Attorney and Special Counsel regarding Cause No. C-081-13 B *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* as authorized by §571.074 of the Government Code.

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

IX. 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 13th day of February 2015 at 5:25 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. 1103 prior to the meeting date.