



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, JANUARY 20, 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, January 20, 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. 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 the 2014-2015 City Comprehensive Plan as prepared by Gonzalez-De La Garza Consulting Engineers. 3-10
  - B. To solicit input on behalf of Mario M. Womble to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 301 S. Bridge Ave., also being Lot 6, Blk 4, Molby Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. 11
  - C. To solicit input on behalf of Craig Jenkins to amend Ordinance 320 and the City of Weslaco Zoning map to rezone Lots 1, 2, 11, and 12, Block 2 and Lot 1, Block 3, Fresno Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One 12

Family Dwelling District to B-2 Secondary Highway Business District.

- D. To solicit input on behalf of Raul Ugalde to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2504 N. Bridge Avenue, Suite. B, also being Mom and Pop Plaza Lot 1, Weslaco, Hidalgo County, Texas. 13

**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 6, 2015. (Staffed by City Secretary's Office.) Attachment. 14-27
- B. Approval of the lease agreement with Rio Valley Youth Soccer Association for use of Pablo G. Pena City Park Soccer fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 28-40
- C. Approval of the renewal of the lease agreement with Mid Valley Youth Soccer League for use of Pablo G. Pena City Park Soccer fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 41-59
- D. Approval of the renewal of the lease agreement with Weslaco Little League for use of Isaac Rodriguez Park Multi-Purpose Field and Minor Field and Concession Stands and Harlon Block/Sports Complex Field #1, Field #2 and Concession Stands and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 60-67
- E. Approval of the renewal of the lease agreement with Weslaco Softball/Baseball League and approve the use of the Softball/Baseball Fields 1, 2 and 3 and concession stand at Pablo G. Pena City Park and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 68-75
- F. Approval of the one year interlocal agreement extension with the Hidalgo County Head Start Program for the property located at 310 N. Kansas Avenue, effective January 1 – December 31, 2015 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 76-90

G.	Authorization of Request for Proposals (RFPs) to maintain current internet access, provide and install necessary equipment, and supply automated services within the confines of the Schools and Libraries Program of the Universal Service Fund (E-rate). (Staffed by Library.) Attachment.	91-110
H.	Approval of Resolutions 2015-04, 2015-05, and 2015-06 authorizing the Mayor, Commissioners, and Interim City Manager to exercise certain powers identified with Greater State Bank, Lone Star National Bank, and Rio Bank, respectively, including opening accounts, certificate of deposits, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize them to execute any related documents. (Staffed by Finance Department.) Attachment.	111- 123
I.	Authorization to utilize Federal Equitable Sharing Funds forfeiture account in an amount not to exceed \$3,000.00 for an annual subscription to West Group, also known as Clear Plus Web Analytics, for identification software and authorize a budget amendment as appropriate. (Staffed by Police Department.) Attachment.	124- 125
<b>V.</b>	<b><u>APPOINTMENTS</u></b> <i>Standard Documentation on Appointments</i>	126- 130
A.	Discussion and consideration to approve Resolutions 2015-07 and 2015-08 appointing two members to expired or unexpired terms, removing members as appropriate, on the Weslaco Health Facilities Development Corporation and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.	131- 133
<b>VI.</b>	<b><u>NEW BUSINESS</u></b>	
A.	Discussion and consideration after public hearing on behalf of Mario M. Womble to approve Ordinance 2015-01 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 301 S. Bridge Ave., also being Lot 6, Blk 4, Molby Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. First Reading of Ordinance 2015-01. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.	134- 145
B.	Discussion and consideration after public hearing on behalf of Craig Jenkins to approve Ordinance 2015-02 amending Ordinance 320 and the City of Weslaco Zoning map to rezone Lots 1, 2, 11, and 12, Block 2 and Lot 1, Block 3, Fresno Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. First Reading of Ordinance 2015-02. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.	146- 158

- C. Discussion and consideration after public hearing on behalf of Raul Ugalde to approve a Conditional Use Permit to obtain a Wine and Beer Retailer’s Off-Premise Permit at 2504 N. Bridge Avenue, Suite. B, also being Mom and Pop Plaza Lot 1, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 159-171
- D. Discussion and consideration to authorize a grant submission to the Hidalgo County Metropolitan Planning Organization for the Federal Transit’s Administration 5310 Program for Enhanced Mobility for Seniors and Persons with Disabilities with a 20% match and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 172-175
- E. Discussion and consideration to authorize the purchase of time and attendance management system for payroll recordkeeping in an amount not to exceed \$80,000.00 and authorize a budget amendment as appropriate. Possible action. (Staffed by Information Technology Department.) Attachment. 176-178
- F. Discussion and consideration to authorize the purchase of audio visual equipment for broadcasting City meetings in an amount not to exceed \$20,000.00 from the PEG Channel Fund and authorize a budget amendment as appropriate. Possible action. (Staffed by Information Technology Department.) Attachment. 179-180
- G. Discussion and consideration to reject sole bid received in response to Request For Bids No. 2014-15-08 and authorize to re-advertise and solicit sealed bids for the purchase of two (2) recycling trailers, utilizing grant funds through the LRGVDC Solid Waste Program, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 181-194
- H. Discussion and consideration to approve Ordinance 2015-03 amending the Code of Ordinances §114-17, “Political signs and banners; removal,” adding such sections to provide for the placement of political signs on private property, to provide for the regulation of electioneering on public property and election polling places; to provide a repealing clause; to provide a severability clause; to provide a penalty for each offense; and to provide an effective date. First Reading of Ordinance 2015-03. Possible action. (Staffed by City Secretary’s Office.) Attachment. 195-204
- I. Discussion and consideration to approve ground leases between the City of Weslaco d.b.a. Mid Valley Airport and Shari Pate for Hangars W15 and W16 for a period not to exceed five (5) years and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment. 205-224
- J. Discussion and consideration to authorize the monetary Annual Service Award 225-

to retiree Lori A. Maldonado in the amount of \$320.00, ratify the program as an employee benefit, and authorize a budget amendment as appropriate. Possible action. (Staffed by Human Resources.) Attachment.

**VII. REPORT**

- A. Report by Bond Counsel on the Series 2008A and 2008B Bonds from the Law Firm of Bracewell and Giuliani.

**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 maintained as part of the certified agenda.

- A. Pending Litigation – Consultation with City Attorney regarding Cause No. CL-14-2697-B *Juan J. Garcia, Sr. v. City of Weslaco* in County Court At Law #2 of Hidalgo County pursuant to §551.071 of The Texas Government Code.
- B. Personnel - Discussion regarding the goals and objectives 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 Police Chief and Fire Chief applicants as authorized by §551.074 of the Texas Government Code.
- D. Pending Litigation – Consult with Special Assigned Counsel Arnold Aguilar regarding Civil Action No. M-13-395, *DKIII Hornback Enterprises, Ltd., Plaintiff, v. John Cuellar, Guadalupe Rivera, Jerry Tafolla, Leo Olivarez, and*

*Jose Martinez, David Fox and the City of Weslaco, Defendants* in U.S. District Court for the Southern District of Texas, McAllen Division as authorized by §551.071 of the Texas Government Code.

- E. Potential Litigation – Discussion with City Attorney regarding recent annexations by neighboring jurisdictions as authorized by §551.071 of the Texas Government Code.
- 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 §571.071 of the 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 16<sup>th</sup> day of January 2015 at 1:30 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.