



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, JUNE 17, 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, June 17, 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 June 3, 2014. (Staffed by City Secretary's Office.) Attachment. 3-11
- B. Authorization to use forfeiture funds for payment not to exceed \$14,000.00 to GT Distributors, Inc., Buyboard Vendor contract #432-13, for the purchase of ten (10) Sig Sauer 5.56 Rifles with MS3 Sling and Sling Plate and authorize a 12-14

budget amendment as appropriate. (Staffed by Police Department.) Attachment.

- C. Acceptance of the grant award from County of Hidalgo 2013 Operation Stone Garden in the amount of \$109,401.61 for overtime, fringe benefits, and equipment at the Weslaco Police Department, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. 15-54
- D. Acceptance of the grant award from the Texas Department of Public Safety, Texas Rangers Division for the Border Security Program fiscal year 14 (LBSP-13) in the amount of \$25,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. 55-64
- E. Approval of Resolution 2014-28 setting public hearing dates on the proposed annexations. (Staffed by Planning and Code Enforcement Department.) Attachment. 65-67
- F. Authorization for the solicitation of sealed bids for Street Materials to be utilized in city street improvements and construction, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Facilities Department.) Attachment. 68

**IV. APPOINTMENTS**

*Standard Documentation on Appointments*

69-73

- A. Discussion and consideration to accept the resignation of Carlos Robledo, approve Resolution 2014-29 appointing one member to his unexpired term on the Weslaco Health Facilities Development Corporation, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment. 74-76

**V. NEW BUSINESS**

- A. Discussion and consideration to place a Charter Referendum with the upcoming General Election to amend Single Member Districts to designate all at-large. Possible action. (Requested by Commissioner Noriega and Mayor Suarez.)
- B. Discussion and consideration on behalf of the Henry Revocable Trust by Mary Hausenfluck to approve the Final Plat of Henry's Corner Subdivision, being a 1.704 acre tract of land out of Farm Tract 190, West and Adams Tracts Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 77-85
- C. Discussion and consideration to approve the 2014 Interlocal Agreement with 86-103

the County of Hidalgo for the implementation of the Community Development Block Grant (CDBG) under Grant No. B-13-UC-48-0501 setting the City's allotment at \$302,528.00 for activities to be carried out in the City's jurisdiction, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

- D. Discussion and consideration to approve the emergency purchase in the amount of \$45,830.00 for Module Repair and installation of UV Lamps at the City of Weslaco South Wastewater Treatment Plant from Radiant Industrial Solutions, Inc., authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 104-106

## **VI. REPORTS**

- A. Status update on the following:
1. Streetlight study;
  2. Sweeper services;
  3. Clean Sweep schedule; and
  4. Valley Nature Center construction.

## **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 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 389<sup>th</sup> Judicial District Court of Hidalgo County pursuant to §551.071 of The Texas Government Code. (Requested by the Mayor.)
- B. Pending Litigation – Discussion with the City Attorney regarding Cause No. LC14-074JM *City of Weslaco and Chachalaca Aero, LLC v. John Pate* in the Justice Court Precinct One Place Two, Hidalgo County, Texas as authorized by §551.071(1) of The Texas Government Code.
- C. 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.

**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 13<sup>th</sup> day of June 2014 at 9:05 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.