



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, MARCH 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, March 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. 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 Irene Rodriguez to obtain a Wine and Beer Retailer's Off-Premise Permit at 1400 North Westgate Drive, Suite 400, also being Lots 16-18, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas. 3
  - B. To solicit input on behalf of Juan L. Sanchez and Katherine Gonzalez to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 730 Victory Drive, also being Lots 7-12, Block 2, Villa Vista Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. 4

- C. To solicit input on behalf of Rene Ortiz Jr. to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1208 South Airport Drive, also being a 0.2725 acre tract of land out of the East ½ of Lot 1-A, Olivarez #5 Subdivision Farm Tract 695, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. 5

**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 March 3, 2015. (Staffed by City Secretary's Office.) Attachment. 6-26
- B. Approval on Second and Final Reading of Ordinance 2015-09, establishing a Hotel Occupancy Tax Advisory Committee and authorize the Mayor to execute any related documents. (First Reading held on March 3, 2015; Staffed by Finance Department.) Attachment. 27-29
- C. Authorization of the termination of the Interlocal Agreement between the City of Weslaco and the City of Edinburg for hosting of the Library's automation system and authorize the Mayor to sign any related documents. (Staffed by Library Department.) Attachment. 30-38
- D. Approval of the renewal of an Interlocal Cooperation Agreement with the County of Hidalgo for participation within the Hidalgo County Library System (HCLS) at no cost to the City, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment. 39-46
- E. Acceptance of the 2014 Racial Profiling compiled by the Weslaco Police Department as required by the Texas Code of Criminal Procedure Article 2.133 and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. 47-77
- F. Acceptance of a check from the Texas Comptroller of Public Accounts annual allocation from the Law Enforcement Officer Standards and Educations (LEOSE) in the amount of \$4,256.98 to be utilized for training for the Weslaco Peace Officers and authorize a budget amendment as appropriate. (Staffed by Police Department.) Attachment. 78-79
- G. Approval of the request from the South Texas Conjunto Association to host the 80-86

South Texas Truck Show at Harlon Block Sports Complex on May 17, 2015, to sell beer during the event, to place a banner promoting the event at the intersection of Texas and Pike Boulevard for two weeks prior to the event, and to waive appropriate ordinances associated with the event. (Staffed by Parks and Recreation Department.) Attachment.

- H. Acceptance of a check from Kelly Miller Circus, in the amount of \$1084.00 for the use of Harlon Block Park on February 24-25, 2015 for Circus, deposit it into miscellaneous revenue account, and authorize a budget amendment as appropriate. (Staffed by Parks Department.) Attachment. 87-90
- I. Approval of the Memorandum of Understanding (MOU) with the Texas A&M Engineering Extension Service (TEEX) for training of personnel as required by the Texas Commission on Fire Protection and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment. 91-94
- J. Acceptance of EMS county funds from the Lower Rio Grande Valley Regional Advisory Council on Trauma Service Area V in the amount of \$5,270.40 for the purchase of another stretcher and authorize a budget amendment as appropriate. (Staffed by Fire Department.) Attachment. 95-97
- V. **APPOINTMENTS** 98-102  
*Standard Documentation on Appointments*
  - A. Discussion and consideration to approve Resolutions 2015-22, 2015-23, 2015-24, 2015-25, 2015-26, 2015-27, and 2015-28 appointing inaugural members to the Hotel Occupancy Tax Advisory Committee and authorize the Mayor to execute any related documents. Possible action. (This item was tabled on March 3, 2015; Staffed by Finance Department.) Attachment. 103-109
  - B. Discussion and consideration to select not to exceed four candidates to the Board of Directors for the Military Highway Water Supply Corporation and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 110-115
- VI. **OLD BUSINESS**
  - A. Discussion and reconsideration to award the best qualified, most advantageous bidder for internet services submitted in response to the Request for Proposal within the E-Rate Year 18 Cycle (FY 2015-2016) and authorize the Mayor to execute any related documents. Possible action. (Commission awarded Smartcom on March 3, 2015; Staffed by Library Department.) Attachment. 116-117
  - B. Discussion and reconsideration to award the best qualified, most advantageous bidder for basic network maintenance of internal connections, equipment, and other computer services submitted in response to the Request for Proposal 118-119

within the E-Rate Year 18 Cycle (FY 2015-2016) and authorize the Mayor to execute any related documents. Possible action. (Commission awarded Insight on March 3, 2015; Staffed by Library Department.) Attachment.

- C. 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. (This item was tabled on February 17, 2015; Requested by Economic Development Corporation of Weslaco.) Attachment. 120-122
- D. Discussion and consideration to approve on Second and Final Reading 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. Possible action. (This item was tabled on February 3, 2015; First reading held January 20, 2015; Staffed by City Secretary’s Office.) Attachment. 123-130

**VII. NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Irene Rodriguez to approve a Conditional Use Permit to obtain a Wine and Beer Retailer’s Off-Premise Permit at 1400 North Westgate Drive, Suite 400, also being Lots 16-18, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 131-154
- B. Discussion and consideration after public hearing on behalf of Juan L. Sanchez and Katherine Gonzalez to approve Ordinance 2015-10 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 730 Victory Drive, also being Lots 7-12, Block 2, Villa Vista Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. First Reading of Ordinance 2015-10. Possible action. (Requires three-fourths vote as Planning and Zoning Commission recommended denial; Staffed by Planning and Code Enforcement Department.) Attachment. 155-175
- C. Discussion and consideration after public hearing on behalf of Rene Ortiz Jr. to approve Ordinance 2015-11 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1208 South Airport Drive, also being a 0.2725 acre tract of land out of the East ½ of Lot 1-A, Olivarez #5 Subdivision Farm Tract 695, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. First Reading of Ordinance 2015-11. Possible action. (Requires three-fourths vote as Planning and Zoning Commission recommended denial; Staffed by Planning 176-189

and Code Enforcement Department.) Attachment.

- D. Discussion and consideration to approve Ordinance 2015-12 repealing Ordinance 2004-23, the “City of Weslaco Sign Ordinance,” codified as Chapter 114 of the Weslaco Code of Ordinances, to adopt new regulations and ordain other matters with respect to the subject matter hereof. First Reading of 2015-12. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 190-216
- E. Discussion and consideration to approve final payment Southern Trenchless for the Rehabilitation of sanitary sewer manholes on 18<sup>th</sup> street in the amount of \$54,850.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 217-221
- F. Discussion and consideration regarding street projects and their paving schedule and establish priorities. Possible action. (Staffed by City Manager’s Office.) 222-223
- G. Discussion and consideration to select the best qualified, most advantageous respondent for the roadway improvements for Request For Bids 2014-15-17 Border Avenue Road and Waterline Improvements, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 224-226
- H. Discussion and consideration to approve an Interlocal agreement with Hidalgo County for reconstruction and repaving of Eighteenth Street from FM 1015 to South Airport and South Airport from Eighteenth Street to Mile 5 ½ North and Mile 5 ½ North from South Airport Drive to Pleasantview Drive in an amount not to exceed \$200,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 227-236
- I. Discussion and consideration to approve an Interlocal agreement with Hidalgo County for reconstruction and repaving of Votech from Pike Boulevard to Mile 9 North/Sugarcane Drive in an amount not to exceed \$200,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 237-245
- J. Discussion and consideration to authorize the use of forfeiture funds and utilize Federal Equitable Sharing Funds in an amount of \$16,000.00 for payment of overtime for Task Force operations with the Drug Enforcement Administration (DEA), and for the renewal of the six-month lease agreement with CAPPS Rent A Car, Inc. for DEA Task Officer, authorize a budget amendment as 246-247

appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.

**VIII. REPORT**

- A. Report on Water Treatment Plant expansion project by Briones Engineering.

**IX. 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 regarding the extension of current interim contract or the appointment of a City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- D. 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.

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

**XI. 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 March 2015 at 4:50 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.