



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, MAY 20, 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, May 20, 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** Page  
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- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Roll Call.

**II. PUBLIC HEARINGS**

- A. To solicit input for a Conditional Use Permit to operate a special events center at 1411 W. 18th Street, also being the N212.07'-W205.40 FT 732 1AC GR 0.88AC Net, West Tract Subdivision, Weslaco, Hidalgo County, Texas. (Requested by Adela Mireles Gonzalez.) 3
- B. To solicit input for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1600 S. Texas Blvd, also being Lot 1, Southgate Center Subdivision, Weslaco, Hidalgo County, Texas. (Requested by Quality Licensing Corporation.) 4
- C. To solicit input to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1901 Maria Isabel Drive, also being Lot 24, Colonia San Francisco de Weslaco, Weslaco, Hidalgo County, Texas, from "R-1 One-Family Dwelling District" to "R-2 Duplex and Apartment District." (Requested by Robert Rangel.) 5

**III. 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.

**IV. NEW BUSINESS**

- A. Discussion and consideration for a Conditional Use Permit to operate a special events center at 1411 W. 18th Street, also being the N212.07'-W205.40 FT 732 1AC GR 0.88AC Net, West Tract Subdivision, Weslaco, Hidalgo County, Texas (requested by Adela Mireles Gonzalez) and authorize the Mayor to execute any related documents. Possible action. (A three-fourths vote is required to approve in accordance with the Weslaco Code of Ordinances §150-20(d) as Planning & Zoning Commission recommended denial; Staffed by Planning and Code Enforcement Department.) Attachment. 6-17
- B. Discussion and consideration for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1600 S. Texas Blvd, also being Lot 1, Southgate Center Subdivision, Weslaco, Hidalgo County, Texas (requested by Quality Licensing Corporation) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 18-30
- C. Discussion and consideration to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1901 Maria Isabel Drive, also being Lot 24, Colonia San Francisco de Weslaco, Weslaco, Hidalgo County, Texas, from "R-1 One-Family Dwelling District" to "R-2 Duplex and Apartment District"(requested by Robert Rangel) and authorize the Mayor to execute any related documents. Possible action. First Reading of Ordinance 2014-06. (Staffed by Planning and Code Enforcement Department.) Attachment. 31-40
- D. Discussion and consideration to approve Amendment No. 2 to an existing contract with TEDSI Infrastructure Group in an amount not to exceed \$5,500.00 to include the Right-Of-Way staking fee related to roadway improvements on Sugarcane Road (Mile 9 North) from Westgate Drive (Mile 6 West) to Border Avenue (Mile 5½ West), authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 41-45
- E. Discussion and consideration to select the best qualified, most advantageous bidder for the roadway improvements on Sugarcane Road (Mile 9 North) from Westgate Drive (Mile 6 West) to Border Avenue (Mile 5 1/2 West) and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 46-174
- F. Discussion and consideration to select the best qualified, most advantageous consulting firm for the City of Weslaco Five Year Comprehensive Plan and authorize the City Manager to negotiate a professional planning and engineering services contract and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 175-176

- G. Discussion and consideration to select the best qualified, most advantageous consulting firm for the Master Drainage Plan and authorize the City Manager to negotiate a professional engineering services contract for the Drainage Plan, and authorize Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 177-178
- H. Discussion and consideration to approve Resolution 2014-26, engaging legal counsel and rate consultants to review the Texas Gas Service Company 2014 COSA Rate Filing, and authorize the Mayor to execute the resolution.. Possible action. (Staffed by Legal Department.) Attachment. 179-180
- I. Discussion and consideration to approve the City of Weslaco Audit for Fiscal Year 2013-2014 presented by City Independent Auditor Manuel L. Garcia of Garcia and Pena, CPAs. Possible action. (Staffed by Finance Department.) Attachment. 181
- J. Discussion and consideration of status report from District 3 Commissioner Olga Noriega regarding District 3 and City of Weslaco projects and concerns. Possible action. (Requested by Commissioner Olga Noriega and Commissioner Fidel Pena).
- K. Discussion and consideration to authorize staff to solicit proposals for Waterworks Collection and Distribution Materials, awarding the best qualified and lowest bidding vendor; and authorize the Mayor to execute any related documents and budget amendments as may be required. Possible action. (Staffed by Public Utilities Department). Attachment. 182-194
- L. Discussion and consideration to engage David Mendez and firm of Bickerstaff, Heath, Delgado & Acosta LLP, regarding City of Weslaco's district map. (Staffed by City Manager's Office). Attachment.

**V. 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.
- B. Pending Litigation – Consultation with Special Counsel and City Attorney regarding a proposed settlement offer in Cause No. C-3090-11-D *Sigler Winston Greenwood & Associates Inc. v. City of Weslaco*, pursuant to §551.071 of the Texas Government Code.

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

**VII. 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 May 2014 at 5:15 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/ Leonardo Olivares, City Manager

**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.