



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, MAY 5, 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, May 5, 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 April 21, 2015. (Staffed by City Secretary's Office.) Attachment. 3-10
- B. Approval on Second and Final Reading of the following:
  - 1) Ordinance 2015-12 repealing Ordinance 2004-23, the "City of Weslaco 11-33

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 held April 21, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

- 2) Approval on Second and Final Reading of Ordinance 2015-14, the “Peddlers and Solicitors Ordinance,” to amend ordinance number 2015-08, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations. (First reading held April 21, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 34-35

**IV. NEW BUSINESS**

- A. 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. 36
- B. Discussion and consideration to approve Ordinance 2015-16 amending the Master Fee Schedule and authorize the Mayor to execute any related documents. First Reading of Ordinance 2015-16. Possible action. (Staffed by Finance Department.) Attachment. 37-42
- C. Discussion and consideration to approve a Lease Purchase Agreement with Frost Bank in the amount to be financed of \$326,726.40 for the purchase of a 2015 Elgin Pelican Sweeper and a 2016 Freightliner M2106 Pro-Patch Pothole Patcher. Possible action. (Staffed by Public Facilities Department.) Attachment. 43-49
- D. Discussion and consideration to authorize the solicitation of Requests for Proposals for solid waste collection services. Possible action. (Staffed by Public Utilities Department.) Attachment. 50
- E. Discussion or consideration to implement the Scofflaw Program at the Municipal Court for outstanding violations and warrants and authorize the Mayor to execute any related documents. Possible action. (Staffed by Municipal Court.) Attachment. 51-65
- F. Discussion and consideration to award the best qualified, most advantageous respondent to the Request for Qualifications for City Prosecutor professional legal services, and authorize the Mayor to execute any related documents. Possible action. (Requested by Commissioners Pena and Kerr; staffed by Municipal Court.) Attachment. 66-70
- G. Discussion and consideration to approve a Memorandum of Understanding (MOU) with South Texas College in jurisdiction matters and interagency 71-74

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

- H. Discussion and consideration to approve Budget and Project Amendment No. 4 to move the Weslaco Boys and Girls Club Recreation Center project from N. Iowa between Plaza Street and First Street to Mayor Pablo G. Pena Park at 300 N. Airport Drive, funded in part by the Texas Parks and Wildlife as Project Number 51-000065, as shown on architectural drawings design completed by Alcocer Garcia Associates Architectural Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment. 75-77
- I. Discussion and consideration to amend the Hidalgo County Overweight Truck Corridor to designate FM 1015 from Progreso-Nuevo Progreso International Bridge to Mile 9 as requested by the Hidalgo County Regional Mobility Authority and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment. 78
- J. Discussion and consideration to approve Ordinance 2015-17, amending Ordinance 2014-11 establishing the Municipal Budget for Fiscal Year 2014-2015, and approving a budget amendment in the amount not to exceed \$42,000.00 to add no more than seven temporary full-time employees to the streets division of the Public Facilities Department. First Reading of Ordinance 2015-17. Possible action. (Requested by the Mayor.) Attachment. 79-82
- K. Discussion and consideration to approve Ordinance 2015-15 abandoning 20' X 830' of alley located behind lots 1-4 Block 1 South Palm Garden Estate Phase 1 and Lots 5-8 Block 1 South Palm Garden Estates Phase 2, creating a 20' x 830' utility easement behind Lots 1-4 Block 1 South Palm Garden Estate Phase 1 and lots 5-8 Block 1 South Palm Garden Estate Phase 2, and ordaining all other matters with respect to the subject matter hereof. First Reading of Ordinance 2015-15. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 83-87
- L. Discussion and consideration to select the best qualified and most advantageous respondent to Request For Bids 2014-15-23 Utah Avenue Waterline Improvements and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 88-89

V. **PROJECT REPORTS**

- A. Water Treatment Plant Expansion by Public Utilities Department.
- B. Border Avenue Reconstruction by Planning and Code Enforcement Department.
- C. Parks Restrooms Renovations by Parks and Recreation Department.

- D. Storm Damage Mitigation by Public Facilities Department.
- E. Runway Extension by Airport Department.
- F. Emergency Management Plan Update by Airport Department.

**VI. 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 City Manager regarding the Municipal Court Associate Judge applicants as authorized by §551.074 of the Texas Government Code.
- B. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code
- C. 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.
- 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.

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

**VIII. 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 1<sup>st</sup> day of May 2015 at 6:55 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.