



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 18, 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, November 18, 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. 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. Personnel – Discussion regarding the continued employment of Weslaco City Manager Leonardo Olivares as authorized by §551.074 of the Texas Government Code.
- B. Personnel – Discussion regarding the appointment of an Interim City Manager for the City of Weslaco by §551.074 of the Texas Government Code.

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

IV. 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.

V. PUBLIC HEARINGS

- A. To solicit input on behalf of Adriana Vela for a Conditional Use Permit a obtain a Mixed Beverage Late Hours Permit at 415 South International Boulevard, also being Lot 1, Block 1, Palm Aire Subdivision, Weslaco, Hidalgo County, Texas. 3
- B. To solicit input on behalf of Dolgencorp of Texas Inc. d/b/a Dollar General for a Conditional Use Permit to obtain a Wine and Beer Retailer’s Off- Premise Permit at 2905 North Westgate, also being Lot 1, RSBR Westgate Subdivision, Weslaco, Hidalgo County, Texas. 4
- C. To solicit input on behalf of Irene Kaplan to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1902 East 18th St., also being 6.48 acres of Farm Tract 770, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to PUD Planned Unit Development. 5
- D. To solicit input on behalf of Paula Villanueva to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 3602 North Texas Blvd., also West Tract Northwest 1.25 acres an Irrigation Tract S228’-N558’-W345’ of Farm Tract 109, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. 6

- E. To solicit input on behalf of Marcelo Garcia to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 4019 Moreland Drive, also being Lot 2, Royal Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. 7
- F. To solicit input on behalf of Arturo Ramos to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1609 Davenport St., also being Lots 2-7, Block 7, Davenport Subdivision #1, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. 8

VI. 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 following:
 - 1) Regular Meeting on November 3, 2014 and 9-14
 - 2) Special Meeting on November 12, 2014. (Staffed by City Secretary’s Office.) Attachment. 15-18
- B. Approval on Second and Final Reading of Ordinance 2014-18 regarding the voluntary annexation of Sinai Subdivision also being the 4.24 acre tract of land out of Farm Tract No. 708, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, located east of Mile 3 ½ West, approximately 2,027 feet north of Mile 6 North Road. (First reading held October 21, 2014; Staffed by Planning and Code Enforcement.) Attachment. 19-20
- C. Authorization of the solicitation of proposals for City of Weslaco municipal pool rehabilitation at Isaac Rodriguez Park and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 21
- D. Approval of the 2015 Calendar Year City of Weslaco Holiday Schedule. (Staffed by Human Resources Department.) Attachment. 22-23
- E. Approval of the annual request by the Economic Development Corporation of Weslaco to host the 2014 Mid-Valley Christmas Lighted Parade on Thursday, December 18, 2014 from 6:00 p.m. – 9:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, approve the use of City Hall parking lot to host Alfresco Weslaco after the parade, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Requested by the Economic Development Corporation of Weslaco.) 24-25

Attachment.

- F. Authorization of the utilization of Federal Equitable Sharing funds in the amount not to exceed \$30,000.00 for the purchase of computers and software for the Communications Division, cell phone services and air cards used by CID, and Actsoft fleet tracking and Watchguard for patrol units, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. 26

VII. APPOINTMENTS

Standard Documentation on Appointments 27-31

- A. Discussion and consideration to remove one member from the Parks and Recreation Advisory Board and to approve Resolution 2014-46 appointing one member to that unexpired term and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Pro-Tem Noriega and the Mayor.) Attachment. 32-33

VIII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Adriana Vela to approve a Conditional Use Permit to obtain a Mixed Beverage Late Hours Permit at 415 South International Boulevard, also being Lot 1, Block 1, Palm Aire Subdivision, Weslaco, Hidalgo County, Texas, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 34-42

- B. Discussion and consideration after public hearing on behalf of Dolgencorp of Texas Inc. d/b/a Dollar General to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off- Premise Permit at 2905 North Westgate, also being Lot 1, RSBR Westgate Subdivision, Weslaco, Hidalgo County, Texas, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 43-52

- C. Discussion and consideration after public hearing on behalf of Irene Kaplan to approve Ordinance 2014-22, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1902 East 18th Street, also being 6.48 acres of Farm Tract 770, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to PUD Planned Unit Development. First Reading of Ordinance 2014-22. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 53-61

- D. Discussion and consideration after public hearing on behalf of Paula Villanueva to approve Ordinance 2014-19, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 3602 North Texas Blvd., also West Tract Northwest 1.25 acres an Irrigation Tract S228'-N558'-W345' of Farm Tract 62-70

- 109, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First Reading of Ordinance 2014-19. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration after public hearing on behalf of Marcelo Garcia to approve Ordinance 2014-20, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 4019 Moreland Drive, also being Lot 2, Royal Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. First Reading of Ordinance 2014-20. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 71-79
- F. Discussion and consideration after public hearing on behalf of Arturo Ramos to approve Ordinance 2014-21, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1609 Davenport St., also being Lots 2-7, Block 7, Davenport Subdivision #1, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First Reading of Ordinance 2014-21. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 80-90
- G. Discussion and consideration to approve the Final Plat of Midway Court Phase III, being 11.262 acres out of Farm Tract 644, Block 177, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, located at the Northeast intersection of Midway Road (Mile 7 West Road) and Mile 6 ½ North, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 91-110
- H. Discussion and consideration to award the best qualified, most advantageous proposal for the Request for Proposals for the Design/Build Irrigation System for the Detention Pond on Sugarcane Drive between Cleckler-Heald Elementary and Beatriz Garza Middle School, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 111
- I. Discussion and consideration to adopt Sidewalk Transition Plan to provide means of compliance with Americans with Disabilities Act (ADA) standards. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 112-116
- J. Discussion and consideration to award the best qualified, most advantageous bidder in response to the Request for Qualifications 2013-14-12 Water Storage Tank Engineering Inspection and Evaluation Services for the tank located on Bridge Avenue and Kansas Avenue, authorize a budget amendment as 117-138

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

- K. Discussion and consideration to authorize Buyboard contract 401-12 to vendor Superior Alarm in an amount not to exceed \$48,954.86 to upgrade the CCTV system at City Hall and Public Facilities building with servers and additional cameras, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 139-140
- L. Discussion and consideration to select the sole respondent to Request For Qualifications No. 2014-15-05 City Attorney/Legal Services for the City of Weslaco and authorize the Interim City Manager to negotiate a professional services agreement. Possible Action. (Staffed by City Manager's Office.) Attachment. 141-160
- M. Discussion and consideration to authorize the Notice of Termination for the Contract with Linebarger Goggan Blair & Sampson, LLP for the collection of delinquent municipal fines and fees pursuant to Article 6.02 of the contract and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Secretary's Office.) Attachment. 161-166
- N. Discussion and consideration to authorize the Notice of Termination for the Legislative Assistance Agreement with Caballero Governmental Affairs pursuant to Section III of the agreement and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Pro-Tem Noriega and Commissioner Pena.) Attachment. 167-170
- O. Discussion and consideration to designate Tamez Financial Group, LLC of 1022 South Texas Blvd Weslaco, Texas 78596 as the Agent of Record for the City of Weslaco's Current Group Health Plan (Blue Cross Blue Shield), Life Insurance Plan (ING), and Short and Long Term Disability Plans (Lincoln). Possible Action. (Requested by the Mayor.)
- P. Discussion and consideration to remove the five (5) current Directors of the Economic Development Corporation of Weslaco pursuant to its authority under Article 6.4 of the Articles of Formation. Possible Action. (Requested by Mayor Pro-Tem Noriega and the Mayor.)
- Q. Discussion and Consideration to Amend the Articles of Formation of the Economic Development Corporation of Weslaco to increase the number of Directors from five (5) to seven (7) and that the Directors not be Weslaco City Commissioners and be Citizens of Weslaco and authorize the Mayor to execute any related documents. Possible Action. (Requested by Mayor Pro-Tem Noriega and the Mayor.)
- R. Discussion and consideration to negotiate an Interlocal Agreement with the

Weslaco Independent School District to provide storm shelters, warming stations, safe havens, and/or other shelters for the citizens of Weslaco and homeless individuals during inclement weather or when an urgent and compelling need exists for their health and safety. Possible Action. (Requested by Mayor Pro-Tem Noriega and the Mayor.)

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 14th day of November 2014 at 10:40 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.