



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, OCTOBER 7, 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, October 7, 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. PUBLIC HEARING**

- A. To solicit input in compliance with the Consolidated Plan for Community Planning & Development (CDBG) Urban County Program Fiscal Year 25 (2012), adding \$31,367.30 for the purchase of minor equipment, furnishings shelving and related fixtures for the library. 3
- B. To solicit input in compliance with the Consolidated Plan for Community Planning & Development (CDBG) Urban County Program Fiscal Year 24 and 25 (2011 and 2012), utilizing the original work plan to add the following scope of work: the installation of water lines and sewer lines and related street resurfacing improvements to include but not limited to engineering, advertisements and material testing as it pertains to project completion in the alleys between Calle Del Cedro, Calle Del Pino, Missouri Avenue and Texas 4-6

Blvd. as previously environmentally cleared.

- C. To solicit input on behalf of Ciro's Restaurant, LLC to approve a Conditional Use Permit to obtain a Mixed Beverage Late Hours permit at 1506 West Pike Blvd., also being Lot 1C, Amended Plat of Miller Commercial Subdivision, Weslaco, Hidalgo County, Texas. 7
- D. To solicit input on behalf of Erica Flores to approve a Conditional Use Permit to obtain a Beer and Wine Retailers Off-Premise permit at 525 North Cantu St., also being Lot 7, Block 5, Villa Vista Subdivision, Weslaco, Hidalgo County, Texas. 8

**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 following:
  - 1) Regular Meeting of September 16, 2014 and 9-31
  - 2) Special Meeting of September 22, 2014. (Staffed by City Secretary's Office.) Attachment. 32-36
- B. Approval on Second and Final Reading of the following:
  - 1) Ordinance 2014-15 annexing a maximum of 1,253.74 acres of land into the City of Weslaco, located in Hidalgo County, Texas, which is contiguous to the city limits and hereinafter described; as shown in the attached exhibit; making findings of fact; providing a severability clause; providing an effective date; and providing for open meetings and other related matters. (First Reading held September 5; Staffed by Planning and Code Enforcement Department.) Attachment. 37-40
  - 2) Ordinance 2014-16, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 702 S. Pleasantview Drive, also being West Tract Subdivision, BLK FT 702 150' X 150' of LT 9, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. (First Reading held September 16; Staffed by Planning and Code Enforcement Department.) Attachment. 41
  - 3) Ordinance 2014-17 regarding the voluntary annexation of the proposed Avocado Heights Subdivision also being the 6.48 acres situated in and a part of Farm Tract No. 770, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located on the south side of 18th Street, approximately 42-43

550 feet east from the intersection of Airport Drive. (First Reading held September 16; Staffed by Planning and Code Enforcement Department.) Attachment.

- C. Authorization of the utilization of Federal Equitable Sharing funds in an amount not to exceed \$10,000.00 for advertising of cold cases and leasing of a vehicle for the DEA Task Force Officer. (Staffed by Police Department.) Attachment. 44
- D. Approval of the request to hold the “Copa Univision” Soccer Tournament on November 22 and 23, 2014 at Harlon Block Sports Complex on 18<sup>th</sup> Street, to sell beer during the event, waive appropriate ordinances associated with the event, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 45-47
- E. Authorization of the solicitation of proposals to purchase dewatering containers to assist with sludge removal at the Water Treatment Plant, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment. 48
- F. Authorization to solicit Request for Qualifications for the rehabilitation of the manholes located on 18<sup>th</sup> Street, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment. 49
- G. Authorization to solicit proposals for a subcontractor agreement for electrical services necessary for the operation of the Water, Wastewater, and Lift Station systems, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment. 50
- H. Authorization to use the Court Technology Fund for the lease of a copy/printer/facsimile machine from De Lage Landen and copy overages in an amount not to exceed \$2,450.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Municipal Court.) Attachment. 51-55
- I. Approval of the request to close Texas Boulevard/FM 88 from U.S. Business Highway 83 to Fifth Streets from 3:00 p.m. to 10:00 p.m. on the third Thursday of each month, October 2014 – September 2015, with inclement weather alternate date the following Thursday, for a series of block parties entitled *Alfresco Weslaco – Music and Art on the Street* coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer by a Texas Alcoholic Beverage Commission (TABC) licensed vendor, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting 56

state right-of-way. (Requested by the Economic Development Corporation.) Attachment.

**V. APPOINTMENTS**

*Standard Documentation on Appointments* 57-66

- A. Discussion and consideration to approve Resolution 2014-42 appointing one member to an expired term on the Economic Development Corporation of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by Economic Development Corporation.) Attachment. 67-68
- B. Discussion and consideration to approve Resolution 2014-40 and Resolution 2014-41 appointing two members to expired terms on the Parks and Recreation Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 69-71

**VI. NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Ciro's Restaurant, LLC to approve a Conditional Use Permit to obtain a Mixed Beverage Late Hours permit at 1506 West Pike Blvd., also being Lot 1C, Amended Plat of Miller Commercial Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment. 72-83
- B. Discussion and consideration after public hearing on behalf of Erica Flores to approve a Conditional Use Permit to obtain a Beer and Wine Retailers Off-Premise permit at 525 North Cantu St., also being Lot 7, Block 5, Villa Vista Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment. 84-95
- C. Discussion and consideration to award the best qualified, most advantageous bidder in response to Request for Bids No. 2013-14-19 for the purchase of two (2) Dump Trucks in the combined cost not to exceed \$38,454.80, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment. 96-106
- D. Discussion and consideration to award the best qualified, most advantageous bidder in response to Request for Bids for the Lift Stations Alarm Monitoring Equipment and Services, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 107-108
- E. Discussion in consideration to award the best qualified, most advantageous 109-

- bidder in response to Request for Bids No. 2013-14-21 for the Fiberglass Chemical Storage Tank at the Water Treatment Plant, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 110
- F. Discussion and consideration to award the rehabilitation of two park restrooms (City Park and Isaac Rodriguez Park) to LMC Corporation, a Buy Board vendor, in an amount not to exceed \$60,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Commission authorized funding from General Fund on July 8, 2014; Requested by Parks and Recreation Department.) Attachment. 111-129
- G. Discussion and consideration to approve various budget amendments to municipal departments for fiscal year ending September 30, 2014. Possible action. (Staffed by Finance Department.) Attachment. 130-132

## **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 City Attorney regarding Docket No. CL-14-3640-A *Jacinto Estrada v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- B. Pending Litigation – Consultation with City Attorney regarding Cause No. C-

3865-10-I, *City of Weslaco v. Champion Energy Services, LLC* as authorized by §551.071 of the Texas Government Code.

- C Pending Litigation - Consultation with City Attorney regarding Cause No. C-081-13 B, *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* 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 3<sup>rd</sup> day of October at 8:10 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.