



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, FEBRUARY 18, 2014**

On this 18<sup>th</sup> day of February 2014 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

|                |                         |
|----------------|-------------------------|
| Mayor          | David Suarez            |
| Mayor Pro-Tem  | J.F. “Johnny” Cuellar   |
| Commissioner   | David R. Fox            |
| Commissioner   | Olga M. Noriega         |
| Commissioner   | Gerardo “Jerry” Tafolla |
| Commissioner   | Lupe Rivera             |
| Commissioner   | Fidel L. Pena, III      |
| City Manager   | Leonardo Olivares       |
| City Secretary | Elizabeth M. Walker     |
| City Attorney  | Ramon Vela              |

Also present: Juan Salas, IT Department; Bret Mann, Finance Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Martin Mata, Assistant Library Director; David Salinas, Public Utilities Director; Trinidad Cantu, Assistant Public Utilities Director; Santiago Cuellar, Fire Chief; Police Chief Michael Kelley; Oscar Garcia, Public Facilities Director; and other staff members and citizens.

**I. CALL TO ORDER**

- A. Certification of Public Notice.  
Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, February 14, 2014.
- B. Invocation.  
Senior Minister Howard Bloomquist from Central Christian Fellowship gave the invocation.
- C. Pledge of Allegiance.  
Mayor Suarez recited the Pledge of Allegiance and Mayor Pro-Tem Cuellar recited the Texas flag.
- D. Roll Call.  
Elizabeth Walker, City Secretary, called the roll, noting the arrival of Mayor Pro-Tem Cuellar at 5:39 p.m.

**II. PUBLIC COMMENTS**

There were no comments received.

### **III. PUBLIC HEARINGS**

- A. To solicit input on behalf of Dollar General Store #9071 to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2111 W. Business Highway 83, also being Lot 1, Dollar General First Addition Subdivision, Weslaco, Hidalgo County, Texas.

At 5:33 p.m., Commissioner Tafolla, seconded by Commissioner Rivera, moved to open the public hearing. There were no comments received.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to close public hearing. The motion carried unanimously; Mayor Suarez was present, but not voting

### **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 February 4, 2014. (Staffed by City Secretary's Office.) Attachment.
- B. Approval of the Right of Entry Agreement between Time Warner Cable and the City of Weslaco to the property and building(s) located at 301 S. Border Ave. (Valley Nature Center), authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Facilities Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

### **V. OLD BUSINESS**

- A. Discussion and consideration to approve the submission of the Final Proposed Annual Work Plan for the City of Weslaco under the Hidalgo County Urban County Program. Funding Allocation and approval of Resolution No. 2014-05 for Year 27 (2014) to accept the allocation of approximately \$308,702.00 and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item February 4, 2014; Staffed by the City Manager's Office.) Attachment.

The City Manager explained most of the funds are committed to water and wastewater improvements at the original townsite, with some committed to parks improvements; all are eligible activities for low to moderate income communities.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

For the record, Resolution 2014-05 reads as follows:

RESOLUTION # 2014-05

A RESOLUTION ADOPTING THE WORK PLAN AND BUDGET FOR YEAR TWENTY-SEVEN (27) URBAN COUNTY PROGRAM

WHEREAS, the City of Weslaco is participating in the Urban County Program; and

WHEREAS, the City of Weslaco conducted a Public Hearing on Tuesday, October 15, 2013 at 6:00 P.M. at the Weslaco City Hall Legislative Chambers to solicit public input on community needs in compliance with CDBG requirements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

The Urban County work plan and budget for Year Twenty-seven (27) 2014 is hereby adopted as follows:

Year 27 (2014)

| <u>PROGRAM ACTIVITY</u>     | <u>BUDGET</u>      |
|-----------------------------|--------------------|
| General Administration      | \$5,000.00         |
| Water/Sewer Improvements    | \$259,392.00       |
| Park, Recreational Facility | <u>\$44,310.00</u> |
| TOTAL                       | \$308,702.00       |

PASSED, APPROVED AND ADOPTED THIS THE 18<sup>th</sup> DAY OF FEBRUARY, 2014

/s/ David Suarez, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

**VI. NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Dollar General Store #9071 to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2111 W. Business Highway 83, also being Lot 1, Dollar General First Addition Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager noted the Planning and Zoning Commission as well as staff recommend approval.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- B. Discussion and consideration to approve a Railroad Master Grade Crossing Maintenance Agreement with Rio Valley Switching Company for the rehabilitation of existing railroad crossings within the Weslaco city limits and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code

Enforcement Department.) Attachment.

The City Manager noted this agreement facilitates the work previously prioritized in bond agreements. In response to the Mayor, Mr. Mardoqueo Hinojosa clarified though this agreement identifies all crossings, the three crossings funded for maintenance are Border Avenue, Illinois Avenue, and Republic Avenues at Business 83. In response to Commissioner Rivera, Mr. Hinojosa stated that maintenance may be conducted at the Bridge Avenue for an additional fee. In response to Commissioner Pena, the City Attorney stated this agreement may be perpetual as presented.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- C. Discussion and consideration to authorize the solicitation of sealed bids for Unleaded and Diesel Fuel, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- D. Discussion and consideration to authorize the purchase of Badger Orion Meters and Trimble Ranger Handhelds from a sole source vendor Badger Meter, Inc., for the total not to exceed \$55,790.92, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

Mr. David Salinas clarified this item replaces existing inventory until the whole system is updated.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- E. Discussion and consideration to approve the Exempt and Non-Exempt classified positions with corresponding pay grade and ranges for fiscal year 2013-2014. Possible action. (Staffed by Human Resources Department.) Attachment.

The City Manager highlighted as a substantive change the creation of the Assistant City Manager position, as well as Engineering Technician and Planner in the Planning and Code Enforcement Department. The mechanic has been reassigned from the Public Utilities to the Public Facilities department and the title changed for the Clerk I/Receptionist at the Police Department. The City Manager clarified budget amendments have not been requested at this time.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the

item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- F. Discussion and consideration to authorize the purchase of INCODE Time Entry Module from sole source vendor Tyler Technologies in an amount not to exceed \$16,000.00 and authorize a budget amendment as appropriate. Possible action. (Staffed by Finance Department.) Attachment.

Mr. Bret Mann stated this is a software module compatible with the current financial management system to streamline timekeeping of hourly employees; there is an annual maintenance fee of \$1,800.00.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- G. Discussion and consideration to approve the use of Series 2007 Bond proceeds for the cost of the airport extension project in the amount of \$343,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Commission authorized the prioritization of Certificate of Obligation Series 2007 funds on February 4, 2013; Staffed by Public Facilities Department.) Attachment.

The City Manager stated this is a state-grant funded project, with a ten percent local match split evenly with the Economic Development Corporation of Weslaco. The City Attorney confirmed this is an eligible expense from the proposed Series 2007 Bond proceeds.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- H. Discussion and consideration to approve the purchase of paving equipment from BuyBoard, Holt Cat vendor contract #424-13 in the amount not to exceed \$846,040.00 utilizing Certificates of Obligation Series 2007 funds of \$842,000.00 and \$4,040.00 from Street and Highways General Fund, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Commission authorized the prioritization of Certificate of Obligation Series 2007 funds on February 4, 2013; Staffed by Public Facilities Department.) Attachment.

Mr. Oscar Garcia stated this funds the equipment; to make the most of the purchase, he believes he needs two more heavy equipment operators.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

- I. Discussion and consideration to approve the interlocal agreement with Hidalgo

County (Precinct 1) for street improvements, including design and construction, of Border Avenue from Mile 5 North to Mile 6 North (18<sup>th</sup> Street) in an amount not to exceed \$1,075,400.00 as 48% of the total project cost, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

Mr. Hinojosa indicated at a later meeting the contract amendment with the project engineer will be presented for consideration; it should be about four months to design.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

Commissioner Pena, seconded by Commissioner Noriega, moved to discuss New Business items J – M after Executive Session. The motion carried unanimously; Mayor Suarez was present, but not voting.

## **VII. EXECUTIVE SESSION**

At 6:23 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:00 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

## **VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

- J. Discussion and consideration to approve Resolution 2014-07 establishing the Extraterritorial Jurisdictional boundary with the City of Progreso, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

The City Manager stated following some litigation, Weslaco agrees not to annex certain tracts originally proposed and both cities recognize the 2005 annexation of Los Ranchitos subdivision and the Extraterritorial Jurisdictional boundaries of 3.5 miles and 0.5 miles.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

For the record, Resolution 2014-07 reads as follows:

### RESOLUTION NO. 2014-07

A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT IN CITY OF PROGRESO V. CITY OF WESLACO IN CAUSE NUMBER CL-13-3660-G, ESTABLISHING THE EXTRATERRITORIAL JURISDICTIONAL (“ETJ”) BOUNDARY WITH THE CITY OF PROGRESO, TEXAS AND AUTHORIZE THE MAYOR TO EXECUTE ANY RELATED DOCUMENTS AND SETTING AN EFFECTIVE DATE

WHEREAS, City of Progreso filed a Temporary Restraining Order, Permanent Injunction and

Original Petition against the City of Weslaco on November 21, 2013 claiming that the City of Weslaco's annexation would overlap into the City of Progreso's ETJ; and

WHEREAS, in good faith both cities entered into negotiations in order to settle the suit and avoid costly litigation; and

WHEREAS, the City of Weslaco has agreed not to annex tracts 16 and 20 as described on the 2013 Weslaco annexation plan; and the City of Progreso consents to the City of Weslaco's annexation of the property previously annexed into the City of Weslaco's municipal boundaries by City of Weslaco Ordinance No. 2005-55 and thereby establishing both municipal boundaries and ETJ boundaries;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

Section 1. City of Weslaco and City of Progreso agree to resolve Cause No. CL-12-3660-G and enter into a Settlement Agreement where the City of Weslaco has agreed not to annex tracts 16 and 20 as described on the 2013 Weslaco annexation plan; and the City of Progreso consents to the City of Weslaco's annexation of the property previously annexed into the City of Weslaco's municipal boundaries by City of Weslaco Ordinance No. 2005-55 thereby establishing both municipal boundaries and ETJ boundaries, attached hereto as Exhibit 1 and incorporated into for all purposes to this Resolution.

Section 2. The Mayor is hereby authorized to execute any and all legal documents necessary to fulfill the purpose and intent of this Resolution.

Section 3. This Resolution shall become effective upon approval of the Settlement Agreement by both municipalities

PASSED, APPROVED AND RESOLVED in Weslaco, Texas, this the 18th day of February 2014.

/s/ David Suarez, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- K. Discussion and consideration to approve Resolution 2014-08 establishing the Extraterritorial Jurisdictional boundary with the City of Edcouch, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

The City Manager stated that in the same hearing as aforementioned, the Cities of Elsa and La Villa acted as interveners; this establishes Mile 14 ½ North as the Extraterritorial Jurisdictional boundary.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

For the record, Resolution 2014-08 reads as follows:

RESOLUTION NO. 2014-08

A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT IN CITY OF EDCOUCH V. CITY OF WESLACO IN CAUSE NUMBER CL-13-3663-F, ESTABLISHING THE EXTRATERRITORIAL JURISDICTIONAL ("ETJ") BOUNDARY WITH THE CITY

OF EDCOUCH, TEXAS AND AUTHORIZE THE MAYOR TO EXECUTE ANY RELATED DOCUMENTS AND SETTING AN EFFECTIVE DATE

WHEREAS, City of Edcouch filed a Temporary Restraining Order, Permanent Injunction and Original Petition against the City of Weslaco on November 22, 2013 claiming that the City of Weslaco's annexation would overlap into the City of Edcouch's ETJ; and

**WHEREAS**, the City of Elsa, Texas and the City of La Villa, Texas intervened in the lawsuit as Plaintiffs because they also had concerns over potential conflicts in ETJ; and

WHEREAS, in good faith the cities entered into negotiations in order to settle the suit and avoid costly litigation; and

WHEREAS, the City of Weslaco agrees that its ETJ between it and the cities of Elsa, Edcouch and La Villa shall extend no further north than the north right-of-way line of Mile 14½ North Road between the western line of the right-of-way of FM 493 and the eastern right-of-way line of County Line Road, also known as FM 1425, and thereby establishing both municipal boundaries and ETJ boundaries;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

Section 1. City of Weslaco and City of Edcouch agree to resolve Cause No. CL-13-3663-F and enter into a Settlement Agreement where the City of Weslaco agrees that its ETJ between it and the cities of Elsa, Edcouch and La Villa shall extend no further north than the north right-of-way line of Mile 14½ North Road between the western line of the right-of-way of FM 493 and the eastern right-of-way line of County Line Road, also known as FM 1425, thereby establishing both municipal boundaries and ETJ boundaries, attached hereto as Exhibit 1 and incorporated into for all purposes to this Resolution.

Section 2. The Mayor is hereby authorized to execute any and all legal documents necessary to fulfill the purpose and intent of this Resolution.

Section 3. This Resolution shall become effective upon approval of the Settlement Agreement by approval by the governing bodies of the Cities of Edcouch, Elsa and La Villa.

PASSED, APPROVED AND RESOLVED in Weslaco, Texas, this the 18th day of February 2014.

/s/ David Suarez, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- L. Discussion and consideration to approve Resolution 2014-09 establishing the Extraterritorial Jurisdictional boundary with the City of Elsa, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

The City Manager stated as discussed previously, the ETJ boundary is Mile 14 ½ North.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

For the record, Resolution 2014-09 reads as follows:

RESOLUTION NO. 2014-09

A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT WITH THE CITY OF ELSA AS INTERVENOR IN CITY OF EDCOUCH V. CITY OF WESLACO IN CAUSE NUMBER CL-13-3663-F, ESTABLISHING THE EXTRATERRITORIAL JURISDICTIONAL (“ETJ”) BOUNDARY WITH THE CITY OF ELSA, TEXAS AND AUTHORIZE THE MAYOR TO EXECUTE ANY RELATED DOCUMENTS AND SETTING AN EFFECTIVE DATE

WHEREAS, City of Edcouch filed a Temporary Restraining Order, Permanent Injunction and Original Petition against the City of Weslaco on November 22, 2013 claiming that the City of Weslaco’s annexation would overlap into the City of Edcouch’s ETJ; and

**WHEREAS**, the City of Elsa, Texas intervened in the lawsuit as Plaintiff because the City of Elsa also had concerns over potential conflicts in ETJ; and

WHEREAS, in good faith the cities entered into negotiations in order to settle the suit and avoid costly litigation; and

WHEREAS, the City of Weslaco agrees that its ETJ between it and the cities of Elsa, Edcouch and La Villa shall extend no further north than the north right-of-way line of Mile 14½ North Road between the western line of the right-of-way of FM 493 and the eastern right-of-way line of County Line Road, also known as FM 1425, and thereby establishing both municipal boundaries and ETJ boundaries;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

Section 1. City of Weslaco and City of Elsa agree to resolve Cause No. CL-13-3663-F and enter into a Settlement Agreement where the City of Weslaco agrees that its ETJ between it and the cities of Elsa, Edcouch and La Villa shall extend no further north than the north right-of-way line of Mile 14½ North Road between the western line of the right-of-way of FM 493 and the eastern right-of-way line of County Line Road, also known as FM 1425, thereby establishing both municipal boundaries and ETJ boundaries, attached hereto as Exhibit 1 and incorporated into for all purposes to this Resolution.

Section 2. The Mayor is hereby authorized to execute any and all legal documents necessary to fulfill the purpose and intent of this Resolution.

Section 3. This Resolution shall become effective upon approval of the Settlement Agreement by approval by the governing bodies of the Cities of Edcouch, Elsa and La Villa.

PASSED, APPROVED AND RESOLVED in Weslaco, Texas, this the 18th day of February 2014.

/s/ David Suarez, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- M. Discussion and consideration to approve Resolution 2014-10 establishing the Extraterritorial Jurisdictional boundary with the City of La Villa, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

The City Manager stated as discussed previously, the ETJ boundary is Mile 14 ½ North.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present, but not voting.

For the record, Resolution 2014-10 reads as follows:

RESOLUTION NO. 2014-10

A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT WITH THE CITY OF LA VILLA AS INTERVENOR IN CITY OF EDCOUCH V. CITY OF WESLACO IN CAUSE NUMBER CL-13-3663-F, ESTABLISHING THE EXTRATERRITORIAL JURISDICTIONAL (“ETJ”) BOUNDARY WITH THE CITY OF LA VILLA, TEXAS AND AUTHORIZE THE MAYOR TO EXECUTE ANY RELATED DOCUMENTS AND SETTING AN EFFECTIVE DATE

WHEREAS, City of Edcouch filed a Temporary Restraining Order, Permanent Injunction and Original Petition against the City of Weslaco on November 22, 2013 claiming that the City of Weslaco’s annexation would overlap into the City of Edcouch’s ETJ; and

**WHEREAS**, the City of La Villa, Texas intervened in the lawsuit as Plaintiff because they also had concerns over potential conflicts in ETJ; and

WHEREAS, in good faith the cities entered into negotiations in order to settle the suit and avoid costly litigation; and

WHEREAS, the City of Weslaco agrees that its ETJ between it and the cities of Elsa, Edcouch and La Villa shall extend no further north than the north right-of-way line of Mile 14½ North Road between the western line of the right-of-way of FM 493 and the eastern right-of-way line of County Line Road, also known as FM 1425, and thereby establishing both municipal boundaries and ETJ boundaries;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

Section 1. City of Weslaco and City of La Villa agree to resolve Cause No. CL-13-3663-F and enter into a Settlement Agreement where the City of Weslaco agrees that its ETJ between it and the cities of Elsa, Edcouch and La Villa shall extend no further north than the north right-of-way line of Mile 14½ North Road between the western line of the right-of-way of FM 493 and the eastern right-of-way line of County Line Road, also known as FM 1425, thereby establishing both municipal boundaries and ETJ boundaries, attached hereto as Exhibit 1 and incorporated into for all purposes to this Resolution.

Section 2. The Mayor is hereby authorized to execute any and all legal documents necessary to fulfill the purpose and intent of this Resolution.

Section 3. This Resolution shall become effective upon approval of the Settlement Agreement by approval by the governing bodies of the Cities of Edcouch, Elsa and La Villa.

PASSED, APPROVED AND RESOLVED in Weslaco, Texas, this the 18th day of February 2014.

/s/ David Suarez, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

A. Pending Litigation - Discussion with assigned defense counsel Anthony B. James

regarding a settlement offer in C-2201-11-I Pascual Hernandez and Maria Luisa Hernandez v. City of Weslaco as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- B. Pending Litigation - Consult 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.

Commissioner Pena, seconded by Commissioner Fox, moved to replace Shelton Valadez with Mary Ibarra from Farrimond Castillo & Bresnahan, PC of San Antonio. The motion carried unanimously; Mayor Suarez was present but voting.

- C. Pending Litigation – Discussion with Special Counsel and City Attorney regarding Sigler Winston Greenwood & Associates Inc. v. City of Weslaco, Cause No. C-3090-11-D pursuant to §551.071 of the Texas Government Code.

Commissioner Pena, seconded by Commissioner Tafolla, moved to replace Shelton Valadez with Mary Ibarra from Farrimond Castillo & Bresnahan, PC to continue as Special Counsel. The motion carried unanimously; Mayor Suarez was present but not voting.

- D. Pending Litigation – Consultation with Special Counsel regarding Cause No. CI-13-3663-F City of Edcouch, Texas, et al, v. City of Weslaco, Texas in the County Court of Law #6, Hidalgo County pursuant to §551.071 of the Texas Government Code.

Commissioner Fox, seconded by Commissioner Rivera, moved to approve the settlement agreement in Cause No. CI-13-3663-F City of Edcouch, Texas, et al, v. City of Weslaco, Texas in the County Court of Law #6 as presented. The motion carried unanimously; Mayor Suarez was present but not voting.

- E. Pending Litigation – Consultation with Special Counsel regarding Cause No. CI-13-3660-G City of Progreso, Texas v. City of Weslaco, Texas in the County Court of Law #7, Hidalgo County pursuant to §551.071 of the Texas Government Code.

Commissioner Fox, seconded by Commissioner Rivera, moved to approve the settlement agreement in Cause No. CI-13-3660-G City of Progreso, Texas v. City of Weslaco, Texas in the County Court of Law #7 as presented. The motion carried unanimously; Mayor Suarez was present but not voting.

- F. Personnel – Consult with City Attorney regarding Felix Sanchez as authorized by §551.074 of the Texas Government Code.

Commissioner Pena, seconded by Commissioner Fox, moved to retain Cassandra Ortiz with Kassahn & Ortiz, P.C. The motion carried unanimously; Mayor Suarez was present, but not voting.

## **IX. ADJOURNMENT**

With no other business before the Commission, at 7:11 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the February 18, 2014 regular meeting. The motion carried unanimously; Mayor Suarez was present, but not voting.

CITY OF WESLACO

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MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth M. Walker

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MAYOR PRO-TEM, J.F. "Johnny" Cuellar

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COMMISSIONER, David R. Fox

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COMMISSIONER, Olga M. Noriega

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COMMISSIONER, Gerardo "Jerry" Tafolla

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COMMISSIONER, Lupe Rivera

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COMMISSIONER, Fidel L. Pena, III