



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 6, 2016**

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, September 6, 2016 at 5:30 PM 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

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral recognition.
- E. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal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 following:

- 1) Minutes corrected of the Regular Meeting on July 19, 2016; Attachment.
- 2) Record of the Budget Workshop on August 15, 2016; Attachment.
- 3) Minutes of the Regular Meeting on August 16, 2016; Attachment.
- 4) Record of the Budget Workshop on August 17, 2016; Attachment.
- 5) Record of the Budget Workshop on August 18, 2016; Attachment.
- 6) Minutes of the Special Meeting on August 23, 2016; Attachment.
- 7) Record of Budget Workshop on August 25, 2016. (Staffed by the City Secretary's Office.) Attachment.

B. Approval on second and final reading of the following:

- 1) Ordinance 2016-28 authorizing a negotiated resolution with Texas Gas Service regarding the company's 2016 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause and other matters as ordained. (First Reading held August 16, 2016; Staffed by City Manager's Office.) Attachment.
- 2) Ordinance 2016-29 to reduce the size of 15-foot drainage and utility easement along the South side lot 8, Block A Pecan Grove Phase II Subdivision, Hidalgo County, Texas, to a 10-foot drainage and utility easement. (First reading held August 16, 2016; Staffed by Planning and Code Enforcement.) Attachment.

- C. Approval of the request from the South Texas Conjunto Association to host the South Texas Truck Show at Harlon Block Sports Complex on October 29, 2016, to sell beer during the event, to place a banner promoting the event at the intersection of Texas and Pike Boulevard for two weeks prior to the event, and to waive appropriate ordinances associated with the event. (Staffed by Parks and Recreation Department.)
- D. Approval of the renewal of a lease agreement with South Texas College for the use of Mayor Pablo G. Pena Park Tennis Courts for kinesiology classes at the Mid Valley Campus from January 1 - December 31, 2016, and authorize the Mayor to execute any related documents. (Requested by Parks and Recreation Department.) Attachment.
- E. Acceptance of donations to the Weslaco Fire Department MRC/CERT volunteer program for continuation of the program throughout the year:
1. Walmart - \$1,500.00
 2. Walmart - \$500.00
 3. Walmart - \$500.00
 4. USH of Delaware (Free Standing ER Weslaco) - \$500.00
 5. State Farm Insurance (Julian Garza, Agent) - \$150.00
 6. French's Service & Repair - \$25.00
 7. Rodeo Dental - \$500.00
- (Staffed by Fire Department.)
- F. Approval of the renewal of the agreement with TSTC EMS program for clinical ride outs of EMS students with the Weslaco Fire Department and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- G. Approval of the update of a Memorandum of Understanding (MOU) with The American Red Cross for disaster response and Shelter Management Operations in case the need to evacuate and or shelter citizens before or after a disaster/emergency and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- H. Approval of the renewal of the Intergovernmental Cooperative Agreement with Palm Valley Animal Center commencing October 1, 2016 through September 30, 2017 and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement)

Department.) Attachment.

- I. Approval of the annual renewal of a general service contract with Carahsoft for Accela software subscription services in an amount not to exceed \$31,370.70 and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.) Attachment.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2016-52 and 2016-53 appointing two members to unexpired terms to the Weslaco Hotel Occupancy Tax Advisory Committee. Possible action. (This item was tabled August 16, 2016; Staffed by Finance Department.) Attachment.
- B. Discussion and consideration to approve Resolution 2016-56, Resolution 2016-57 and Resolution 2016-58 appointing members to expired terms on the Parks & Recreation Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.
- C. Discussion and consideration to approve Resolution 2016-59 appointing one member to the unexpired term held by Ernesto Martinez on the Board of Adjustment and Appeals and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.

V. OLD BUSINESS

- A. Discussion and consideration after public hearing on behalf of Nancy Bazan to approve a Conditional Use Permit to operate a daycare at 610 W. 13th St., also being Lot 7, Block 1, Rowena Subdivision Unit #1, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (This item was tabled August 16, 2016. Requires three-fourths vote to approve; Staffed by Planning and Code Enforcement Department.) Attachment.
- B. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 2018 Abilene Drive, being Lot 16, Block 4, Expressway Heights, an addition to the

City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (This item was tabled August 16, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to issue a variance for Ordinance 86-1 on the use of mobile homes in residential districts and authorize a mobile home trailer for a period of six months during home renovations at 2018 Abilene Drive, being Lot 16, Block 4, Expressway Heights, an addition to the City of Weslaco, Hidalgo County, Texas. Possible action. (Requested by Commissioners Peña and Tafolla; Staffed by Planning and Code Enforcement Department.) Attachment.
- B. Discussion and consideration to approve the voluntary annexation of the City of Weslaco Recycling Center, Lift Station No. 36 and adjacent right-of-way also being the 7.969 acres situated in Farm Tract No. 737, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located at the intersection of Mile 5 North and Border Ave. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.
- C. Discussion and consideration to approve the section for the 2016 Clean Sweep Program. Possible action. (Staffed by Planning & Code Enforcement.) Attachment.
- D. Discussion and consideration to approve Ordinance 2016-31 adopting the City of Weslaco's budget appropriation for the fiscal year October 1, 2016 to September 30, 2017 and authorize the Mayor to execute any related documents. First Reading of Ordinance 2016-31. Roll Call Vote required. Possible action. (Staffed by the Finance Department.) Attachment.
- E. Discussion and consideration to approve Ordinance 2016-30 adopting and levying the ad valorem tax rate for the 2016-2017 fiscal year and authorize the Mayor to execute any related documents. First Reading of Ordinance 2016-30. Roll Call Vote required. Possible action. (Staffed by Finance Department.) Attachment.

- F. Discussion and consideration to approve Ordinance 2016-32 ratifying the property tax increase reflected in the 2016-2017 fiscal year budget. First Reading of Ordinance 2016-32. Possible action. (Staffed by Finance Department.) Attachment.
- G. Discussion and consideration to approve the Acquisition “Lease Purchase” contract with Frost Bank for the purchase of radio equipment upgrade and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- H. Discussion and consideration to authorize negotiations with ROFA for architecture services for roof repairs needed at the Mayor Joe V. Sanchez Public Library and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.) Attachment.
- I. Discussion and consideration to accept the Homeland Security Grant for the Weslaco Fire Department Emergency Medical Regional Response Team Hospital Shelter addition in the amount of \$67,255.30 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Fire Department). Attachment.
- J. Discussion and consideration to award the best qualified, most advantageous proposals received for the Weslaco Fire Department Emergency Medical Regional Response Team Hospital Shelter addition in an amount not to exceed \$67,255.30. Possible action. (Staffed by Fire Department.) Attachment.
- K. Discussion and consideration to approve the reallocation within the Capital Improvement Plan 2016 in the amount of \$10,000.00 to complete the Mayor Pablo G. Pena City Park entrance signs. Possible action. (Staffed by Parks and Recreation Department.) Attachment.
- L. Discussion and consideration to authorize the solicitation of proposals for the trade-in value of a 2013 Caterpillar CS54B Paving & Compaction Pad-foot Shell Kit to obtain a Backhoe and Front-End Loader at no additional cost to the City. Possible action. (Staffed by Public Works.) Attachment.
- M. Discussion and consideration to approve Ordinance 2016-33, authorizing

a budget amendment in the amount of \$63,000.00 for the purchase of the 1998 Caterpillar 330BL Long Reach Excavator from Fund Balance. First Reading of Ordinance 2016-33. Possible action. (Staffed by Public Works.) Attachment.

- N. Discussion and consideration to approve the Economic Development Corporation of Weslaco Budget and Workplan for Fiscal Year 2016-2017. Possible action. (Requested by Economic Development Corporation of Weslaco.) Attachment.

VII. REPORTS

- A. Report by Economic Development Corporation of Weslaco.
- B. Report by Weslaco Area Chamber of Commerce.
- C. Report by Planning and Code Enforcement.
- D. Report by Severn Trent.
- E. Report by Public Works.
- F. Report by Parks and Recreation.

VIII. 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 government 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 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.
- B. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.
- C. Real Property - Consultation with City Attorney on the purchase, exchange, lease or value of real property (North Texas; Intersection of Mile 11 and Texas Boulevard) as authorized by §551.072 of the Texas Local Government Code.
- D. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at Mile 6 1/2 W just south of Mile 10 N as authorized by §551.072 of the Texas Local Government Code.
- E. Economic Development – Consultation with City Attorney regarding Economic Development opportunities and incentive programs related to industrial prospects, including Project Chicken Hatch "B", as well as retail and airport development as authorized by §551.087 of The Texas Government Code.
- F. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Wild Boar "B" as authorized by §551.087 of The Texas Government Code.
- G. Economic Development – Consultation with City Attorney regarding an incentive at the airport for Economic Development Project Golden Eagle as authorized by §551.087 of The Texas Government Code.
- H. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related for retail development Project Ocean as authorized by §551.087 of The Texas Government Code.
- I. Potential Litigation - Consultation with City Attorney regarding Notice of Letter from The Garcia Law Group, PLLC and The Law Office of Shiree D. Salinas, PLLC counsel for claimants; Maria Elena De Los Santos & Samuel De Los Santos, Perla J Garcia, Celinda R. Luna, Lucila Saldana,

Maria Rosa Chaves, Seferino Rosales & Yolanda Rosales, Pedro Mendoza Jr., Pedro Mendoza III, Marilu Gonzales Mendoza, Aida Juanita Munoz, Teofilo D. Zapata and Ofelia Camacho, Jesus Alberto Martinez and Maria De La Luz Marin as authorized by §551.071 of the Texas Government Code.

- J. Potential Litigation - Consultation with City Attorney regarding possible litigation with MGM for failure to complete work on city sign as authorized by §551.071 of the Texas Government Code.

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

X. **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 2nd day of September, 2016 at 4:45 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.

Removed from Bulletin Board

Date:

Initials: