



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 20, 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 20, 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. PUBLIC HEARING

- A. To solicit input on behalf of CNMK Texas Properties, LLC for a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License at 2113 W. Expressway 83, also being Lots 5C, Jones-Davis-Harren Subdivision Unit #2, Weslaco, Hidalgo County, Texas (Staffed by Planning and Code Enforcement Department) Attachment.

- B. To solicit input on behalf of Gustavo Corona and Gilbert Rendon dba New York Deli for a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 1400 N. Westgate Dr., also being Lots 16-18, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department) Attachment.
- C. To solicit input on behalf of Melden & Hunt, Inc. to rezone 2601 S. Border Ave., also being the Northwest 8.163 acres out of Farm Tract 739, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. (Staffed by Planning and Code Enforcement Department) Attachment.
- D. To solicit input on the submission of a grant application to Texas Parks and Wildlife Department for Isaac Rodriguez Park. (Staffed by Parks and Recreation Department.)

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 September 6, 2016 (Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Ordinance 2016-34 approving 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. (First Reading held September 6, 2016; Staffed by Planning and Code Enforcement.) Attachment.
 - 2) 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 held September 6, 2016; Staffed by the Finance Department.) Attachment.

- 3) 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 held September 6, 2016; Staffed by Finance Department.) Attachment.
 - 4) Ordinance 2016-32 ratifying the property tax increase reflected in the 2016-2017 fiscal year budget. (First Reading held September 6, 2016; Staffed by Finance Department.) Attachment.
 - 5) 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 held September 6, 2016; Staffed by Public Works.) Attachment.
- C. Approval of the renewal of an agreement with Drug Enforcement Administration for Fiscal Year 16-17. (Staffed by Police Department.) Attachment.
 - D. Approval of a request by Valley Nature Center to utilize Gibson Park on November 12, 2016 from 12 noon - 10 p.m. for Brew in the Woods, and authorize the Mayor to execute any related documents as may be required, and waive any fees that may be associated with the event. (Requested by Parks and Recreation Department.) Attachment.
 - E. Authorization to reapply and renew the Reading Is Fundamental (RIF) grant for FY 2016-2017, to accept funds upon award throughout the year, to provide local matching funds not to exceed 25% of the total granted amount in each instance and not to exceed \$700.00 total annually, and to allow the Mayor to execute any associated documents. (Staffed by Library Department.) Attachment.
 - F. Acceptance of donated monies and gift donations from local vendors and/or the public for library programming within Fiscal Year 2016 – 2017. (Staffed by Library Department.) Attachment.
 - G. Acceptance of donations to the City of Weslaco's 2016 Clean Sweep Program for supplies from various suppliers. (Staffed by Planning and Code Enforcement Department.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of CNMK Texas Properties, LLC to approve Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late

Hours License at 2113 W. Expressway 83, also being Lots 5C, Jones-Davis-Harren Subdivision Unit #2, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- B. Discussion and consideration after public hearing on behalf of Gustavo Corona and Gilbert Rendon dba New York Deli to approve Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 1400 N. Westgate Dr., also being Lots 16-18, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- C. Discussion and consideration to approve Ordinance 2016-35, the Voluntary Annexation of the 20.00 acres of Farm Tract 739 West Tract Subdivision, Weslaco, Hidalgo County, Texas and adjacent right-of-way, located on the Southeast side of S Border Avenue, being 1400 feet North of the intersection of Mile 5 North Road and S. Border Avenue. First Reading of Ordinance 2016-35. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.
- D. Discussion and consideration after public hearing on behalf Melden & Hunt, Inc. to approve Ordinance 2016-37 rezoning 2601 S. Border Ave., also being the Northwest 8.163 acres out of Farm Tract 739, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. First reading of Ordinance 2016-37. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- E. Discussion and consideration to instruct staff to prepare amendments to the zoning regulations of day cares in residential zones. Possible action. (Requested by Commissioners Munoz and Kerr; Staffed by Planning and Code Enforcement Department.)
- F. Discussion and consideration to approve an Interlocal agreement with Hidalgo County for reconstruction and repaving of Milano Road from 18th Street to U.S. Business Highway 83 and 6th Street from Milano Road to City limit line in an amount not to exceed \$218,122.97 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- G. Discussion and consideration of a request from the City of Edcouch to extend a Professional Services Agreement to provide technical services by providing animal control and mainly impoundment services for the

Planning Department of Edcouch and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- H. Discussion and consideration of a request from the City of Mercedes to extend a Professional Services Agreement to provide technical services by providing animal control and mainly impoundment services for the Planning Department of Mercedes and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- I. Discussion and consideration of a request from the City of Elsa to extend a Professional Services Agreement to provide technical services by providing animal control and mainly impoundment services for the Planning Department of Elsa and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- J. Discussion and consideration of a request from the City of La Villa to extend a Professional Services Agreement to provide technical services by providing animal control and mainly impoundment services for the Planning Department of La Villa and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- K. Discussion and consideration to approve a four-way stop at the intersection of 2nd Street and Illinois Avenue and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- L. Discussion and consideration to approve an agreement with MYD Properties, LLC for the drainage improvements along the intersection of Railroad Street and Iowa Avenue and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- M. Discussion and consideration to authorize the demolition of the former Valley Nature Center building. Possible action. (Staffed by Planning and Code Enforcement.)
- N. Discussion and consideration to approve Resolution 2016-60 authorizing the submission of a grant application to Texas Parks and Wildlife for the re-development of Isaac Rodriguez Park in an amount not to exceed \$500,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Attachment.

- O. Discussion and consideration to approve Ordinance 2016-36 amending the Master Fee Schedule and authorize the Mayor to execute any related documents. First reading of Ordinance 2016-36. Possible action. (Staffed by Finance Department.) Attachment.
- P. Discussion and consideration to award the Commercial Insurance Package to the best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.
- Q. Discussion and consideration to award the Workers' Compensation Insurance to the best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

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 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.

**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 16th day of September, 2016 at 4:40 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.

Removed from Bulletin Board

Date:

Initials: