



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 18, 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, October 18, 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. Signing Ceremony with Texas A&M - Kingsville.
- E. Mayoral recognition.
- F. 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 Nilda Peña for a Conditional Use Permit to operate a daycare at 2301 E. 12th St., also being Lot 1, Blk 3, La Paloma de las Sombras Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.) Attachment.
- B. To solicit input on behalf of South Texas Collaborative for Housing Development to rezone 2615 E. Sugarcane Dr., also being the 29.41 acres out of Farm Tract 62, 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.

- C. To solicit input on behalf of Fernando Garcia to rezone 209 W. Sugarcane Dr., also being the 1.20 acre tract of land being the W132'-E528'-N396' out of Farm Tract 117, 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 behalf of Hídalía Ocaña dba ProDental Lab to rezone 410 N. Kansas Ave., also being Lots 6 and 7, Block 5, Gonzalez Addition Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. (Staffed by Planning and Code Enforcement Department.) Attachment.

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 October 4, 2016 (Staffed by City Secretary's Office.) Attachment. Attachment.
- B. Approval on request from Weslaco Independent School District for Mutual Termination of Ground Lease dated July 18, 2013 for real property located at Farm Tract 47, West Tract Subdivision (Horton School campus) and authorize the Mayor to execute any related documents. (Staffed by the City Manager's Office). Attachment.
- C. Approval of the renewals of the Professional Services Agreements as recommended by the Weslaco Hotel Occupancy Tax Advisory Committee:
 - 1. Weslaco Area Chamber of Commerce - \$178,613.00;
 - 2. Frontera Audubon - \$32,500.00;
 - 3. Valley Nature Center - \$32,500.00;and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- D. Approval of a renewal of participation in a regional public transportation system, Valley Metro, for Route 31 in an amount not to exceed \$30,000.00 and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.) Attachment.
- E. Authorization to submit an application renewing the ERate 2017-2018 Grant program,

the acceptance of funds upon award, the acceptance of additional funding if awarded during the grant year, and authorization to have the Mayor to execute any related documents. (Staffed by the Library Department.) Attachment.

- F. Authorization to apply for two grants, the (1) Fiscal Year 2017 HSGP (Homeland Security Grant Program) and (2) LETPA (Law Enforcement Terrorism Prevention Activities) and authorize the Mayor to execute any related documents. (Staffed by Weslaco Police Department.) Attachment.

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2016-61 appointing one member to the Parks and Recreation Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Parks and Recreation Department.) Attachment.

VI. OLD BUSINESS

- A. Discussion and consideration to reject all responses received to the invitation for Request for Qualifications No. 2015-16-08 Energy Services Companies for Performance Contracting and authorize the return of all proposals unopened. Possible action. (This item was tabled June 7, 2016; Staffed by City Manager's Office.) Attachment.
- B. 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. (This item was tabled September 20, 2016; Staffed by Human Resources.) Attachment.
- C. Discussion and consideration to approve a Mutual Lease Agreement with the Boys and Girls Club of Weslaco for the use of the facility located at 300 N. Airport, Suite B and authorize the Mayor to execute any related documents. Possible action. (This item was tabled October 4, 2016; staffed by Parks and Recreation Department.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Nilda Peña to approve Conditional Use Permit to operate a daycare at 2301 E. 12th St., also being Lot 1, Block 3, La Paloma de las Sombras Subdivision, 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 South Texas Collaborative for Housing Development to approve Ordinance 2016-38 rezoning 2615 E. Sugarcane Dr., also being the 29.41 acres out of Farm Tract 62, 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 2016-38. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Fernando Garcia to approve Ordinance 2016-39 rezoning 209 W. Sugarcane Dr., also being the 1.20 acre tract of land being the W132'-E528'-N396' out of Farm Tract 117, 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 2016-39. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- D. Discussion and consideration after public hearing on behalf of Hidalia Ocaña dba ProDental Lab to approve Ordinance 2016-40 rezoning 410 N. Kansas Ave., also being Lots 6 and 7, Block 5, Gonzalez Addition Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First reading of Ordinance 2016-40. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- E. Discussion and consideration to approve the final plat of Descanso Subdivision, being 5.278 acres out of Farm Tract 743, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- F. Discussion and consideration to amend the policy for the write-off of uncollectible EMS billings. Possible action. (Staffed by Finance Department.) Attachment.
- G. Discussion and consideration to approve the Airport Business Plan and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment.
- H. Discussion and consideration to authorize the submission of the Weslaco Mid Valley Airport's Fiscal Year 2016-2017 Texas Department of Transportation Grant for Routine Airport Maintenance Program, Project M1721WESL, in the amount not to exceed \$100,000.00 with a 50/50 cost share, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment.
- I. Discussion and consideration to accept the 2016 COPS Hiring Grant awarded to Weslaco Police Department to hire four police officers dedicated to community policing and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.

- J. Discussion and consideration to approve Proposal PSF16-341-00 from Raba Kistner Environmental, Inc. in the amount not to exceed \$189,900.00, for the four-year Landfill Post-Closure Care Monitoring as stated on RFP 2015-16-13. (Staffed by Public Works Department.) Attachment.
- K. Discussion and consideration to approve the architectural fee negotiated with ROFA architects for roof repairs at the Mayor Joe V. Sanchez Public library. Possible action. (Staffed by the Library Department.) Attachment.

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. 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.
- C. 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.

**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 14th day of October, 2016 at 5:25 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.

Regular Meetings of the Weslaco City Commission stream live online at <http://www.weslacotx.gov/Agendas.html>. Archived video of some meetings are also available.

Removed from Bulletin Board

Date:

Initials: