



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 15, 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, November 15, 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 a Weslaco Restaurant, LLC dba El Ahuehuate Tequila & Grill is requesting a Conditional Use Permit to obtain a Mixed Beverage Late Hours Permit at 2708 N. Texas Blvd., also being 0.76 acres S150'-N711'-E220'-W250 out of Farm Tract 107, West Tract Subdivision, Weslaco, Hidalgo County, Texas. (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 November 1, 2016
(Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of Ordinance 2016-42 authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Update Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; and establishing an effective date of January 1, 2017 for such actions. (First Reading held November 1, 2016; Staffed by Finance Department.) Attachment.
- C. Approval of an agreement with South Texas College allowing Work Study employment at the Mayor Sanchez Public Library and authorize the Mayor to execute any related documents. (Staffed by the Library Department.) Attachment.
- D. Authorization to solicit sealed bids for Street Materials (Hot Mix, Flex Base, Cold Mix, and MC30 Oil) to be utilized in city street improvements and construction. (Staffed by Public Works.) Attachment.
- E. Authorization to use funds from the Court Technology Fund to pay the annual fees for Incode Services, which includes the Court Case Management, Police (Non-Incode Interface to Court), and AcuCorp Run Time software programs, in the amount not to exceed \$9,654.08. (Staffed by Municipal Court.) Attachment.
- F. Acceptance of the Hidalgo-2015 OPSG grant, Number 3173401 (StoneGarden), awarded in the amount of \$100,000.00 to the Police Department with no local match required and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- G. Approval of the annual request by the Weslaco Chamber of Commerce to host the 2016 Mid-Valley Christmas Lighted Parade on Saturday, December 10, 2016 from

4:00 p.m. to 6:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Staffed by Police Department.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Weslaco Restaurant, LLC dba El Ahuehuete Tequila & Grill to approve a Conditional Use Permit to obtain a Mixed Beverage Late Hours Permit at 2708 N. Texas Blvd., also being 0.76 acres S150'-N711'-E220'-W250 out of Farm Tract 107, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- B. Discussion and consideration to approve Final Plat for Silverado Subdivision being 2.99 acres tract of land of all of Lot 2, Estate One Subdivision, Weslaco, Hidalgo County, Texas located on the Northeast corner of Mile 6 ½ West and of Mile 11 North. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- C. Discussion and consideration to approve Final Plat of Extreme Nutrition Subdivision being a 0.564 acre tract of land being all of Reserve Tract B of 400 West Expressway 83 Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- D. Discussion and consideration to approve Ordinance 2016-43 amending Ordinance 69-9 "An Ordinance Establishing a First Zone and a Second Fire Zone, and Fixing the Boundaries of Each Such Zone," excluding certain zones from First and Second Fire Zones and authorize the Mayor to execute any related documents. First Reading of Ordinance 2016-43. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- E. Discussion and consideration to award Request For Proposals No. 2016-17-03 to the most advantageous bidder, Mid-Valley Equipment, for the trade-in value of the Caterpillar CS54B Paving & Compaction Pad-foot Shell Kit for a 2001 Caterpillar 924G Loader and a 2007 Case 580N SMII Backhoe, at no cost to the City. Possible action. (Staffed by Public Works Department.) Attachment.
- F. Discussion and consideration to approve the purchase of eight (8) new city units in an amount not to exceed \$220,000.00 from the Capital Outlay funds Fiscal Year 2016-2017 and authorize the Mayor to execute any related documents. Possible action.

(Staffed by Parks and Recreation Department.) Attachment.

- G. Discussion and consideration to approve a Mutual Lease Agreement with the Lower Rio Grande Valley Nature Center for the Environmental Education Center at the Valley Nature Center and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.
- H. Discussion and consideration to authorize Mayor and City Manager to lock in electricity rates based on lowest cost to City. Possible action. (Staffed by Finance.) Attachment.
- I. Discussion and consideration to approve an Interlocal Cooperative Agreement for the Weslaco Housing Authority for the management and operation of the proposed 1015 Apartment Complex multifamily project and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.) Attachment.

VI. REPORTS

- A. Quarterly Investment Report - Finance Department. Possible action to accept and file.
- B. Report by Weslaco Area Chamber of Commerce.
- C. Report by Economic Development Corporation of Weslaco.
- D. Report by Severn Trent.
- E. Report by Planning and Code Enforcement.
- F. Report by Public Works.
- G. Report by Parks and Recreation Department.
- H. Report by Fire Department.
- I. Report by Library.

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 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 incentive programs related to Project PanAm as authorized by §551.087 of The Texas Government Code.
- C. 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.
- D. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at 1411 W. 18th Street, Weslaco, Texas as authorized by §551.072 of the Texas Local 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 11th day of November, 2016 at 5:10 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.

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: