



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 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, December 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. PUBLIC HEARING

- A. To solicit input on the Smoking Ordinance. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:
 - 1) Regular Meeting on November 15, 2016 and
 - 2) Special Called Meeting of November 16, 2016. (Staffed by City Secretary's Office.) Attachment
- B. Approval on second and final reading of 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 held November 15, 2016; Staffed by Planning and Code Enforcement Department.) Attachment
- C. Approval of Resolution 2016-69 to approve and adopt the annual Investment Policy for the City of Weslaco and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment
- D. Approval of Resolutions 2016-70 and 2016-71 amending Resolutions 2015-65 and 2015-66 authorizing the Mayor and City Commission, identifying Commissioner Josh Pedraza, to exercise certain powers identified with BBVA and Frost Bank, including opening of accounts, certificates of deposit, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and Commission to execute any related documents. (Staffed by Finance Department.) Attachment
- E. Authorization of the Finance Director to conduct any required 2016-2017 audit of forfeiture funds as per Article 59.06 of the Code of Criminal Procedure. (Staffed by Finance Department.) Attachment
- F. Acceptance of funds in the amount of \$13,000.00 from United States Department of Justice Marshals Services for overtime operations by the City of Weslaco Police Department pursuant to the Memorandum of Understanding. (Staffed by Police Department.) Attachment
- G. Approval of the application and acquisition of controlled property by Weslaco Police Department at no cost to the City through the LESO 1033 Program. (Staffed by Police Department.) Attachment

- H. Acceptance of reimbursement funds from the Federal Bureau of Investigation (FBI) for state and local law enforcement agencies (LEA) for the cost of overtime incurred by task force related activities in the amount of \$17,753.00 for Fiscal Year 2016-2017. (Staffed by Police Department.) Attachment
- I. Authorization and acceptance of the 2017 STEP - Impaired Driving Mobilization Grant, reimbursing \$33,000.00 for police officer overtime to support focused DWI saturation patrols and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment
- J. Approval of the renewal of the lease agreement with Weslaco Little League for use of Issac Rodriguez Park Multi-Purpose Field and Minor Field and Concession Stands and Harlon Block/Sports Complex Field #1, Field #2 and Concession Stands effective February 1, 2017 through July 31, 2017 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment
- K. Approval of the renewal of the lease agreement with Weslaco Softball/Baseball League and approve the use of the Softball/Baseball Field 1, 2 and 3 and Concession Stand at Mayor Pablo G. Peña City Park effective February 1, 2017 through July 31, 2017 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment
- L. Approval of the request from the Weslaco Area Chamber of Commerce to hold the 28th Annual Texas Onion Fest on Saturday, March 25, 2017 at the Mayor Pablo G. Peña City Park on Airport Drive, 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, to waive appropriate ordinances associated with the event and allow a carnival. (Requested by Weslaco Area Chamber of Commerce.) Attachment
- M. Acceptance of \$1,000.00 donation by Hyman and Lily Shapiro to the Mayor Joe V. Sanchez Public Library for the purchase of new books. (Staffed by Library.) Attachment

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2016-67 appointing one member to the Board of Adjustments and Appeals-Zoning Ordinance and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department.) Attachment

VI. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2016-41, repealing Ordinances 87-16 and 93-17, codified as Chapter 60, "Health and Sanitation," Article III, Smoking Regulations in Public Buildings, and adopting "Smoking Regulations" prohibiting smoking of tobacco products and electronic smoking materials in certain enclosed and non-enclosed areas within City limits, prohibiting smoking on City premises and other property, repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause; providing for effective date and publication; providing a severability clause; providing for inclusion in the code; providing for a penalty; providing for proper notice and meeting. First Reading of Ordinance 2016-41. Possible action. (Staffed by City Manager's Office.) Attachment
- B. Discussion and consideration to approve Ordinance 2016-44, a budget amendment in an amount not to exceed \$50,000.00, transferring equipment items to budget line item 516 "Equipment" from the Apparatus Replacement Program for the Fire Department. First Reading of Ordinance 2016-44. Possible action. (Staffed by Fire Department.) Attachment
- C. Discussion and consideration to approve the purchase of a 2017 Chevy Tahoe through Buy Board contract bid #430-13 in an amount not to exceed \$45,000.00 to replace a 2004 Ford Taurus assigned to the Fire Marshal's Office. Possible action. (Staffed by Fire Department.) Attachment
- D. Discussion and consideration to approve the purchase of a 2017 Ford 450 Type 1 Ambulance under HGAC contract AM10-14 in an amount not to exceed \$176,000.00 under the Fire Department Apparatus Replacement Program. Possible action. (Staffed by Fire Department.) Attachment
- E. Discussion and consideration to accept the proposal for financing of 2017 Ferrara Fire Rescue/Pumper Truck from Frost Bank Leasing and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment
- F. Discussion and consideration to award RFB No. 2016-17-04 Waterworks Collection/Distribution Materials to the lowest bidder, Ferguson Waterworks, for materials to be purchased on an as needed basis. Possible action. (Staffed by Public Works.) Attachment
- G. Discussion and consideration to authorize the railroad crossing improvement project

at Border Avenue (side track) with Rio Valley Switching Company in an amount not to exceed \$89,797.00 as budgeted and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

- H. Discussion and consideration to select engineering firm(s) for a rotation based on the Request for Qualifications 2016-17-06 for Geotechnical Engineering and Construction Material Testing Services and authorize Mayor to execute any related documents. Possible Action. (Staffed by Planning and Code Enforcement Department.) Attachment
- I. Discussion and consideration to seek clarification on interpretation of the Sidewalk Ordinance. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- J. Discussion and consideration to ratify First Amendment to Retail Sales Agreement with Texas General Land Office executed by the City Manager, accepting electricity rate of \$0.03566/KWH (current rate \$0.0505). Possible action. (Staffed by Finance Department.) Attachment
- K. Discussion and consideration to approve an agreement with the State Energy Conservation Office (SECO) and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment
- L. Discussion and consideration to award the Invitation for Proposal 2016-17-08 Demolition of Underground Storage Tanks and Related Equipment to the best qualified, most advantageous respondent and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment
- M. Discussion and consideration to cancel the regular meeting of the Weslaco City Commission on December 20, 2016. Possible action. (Staffed by City Secretary's Office.) Attachment
- N. Discussion and consideration to approve the Sublease Agreement between the Economic Development Corporation of Weslaco and the Weslaco Area Chamber of Commerce, Inc. for approximately 1,677 square feet of the facility known as the "Business Visitors Event Center" at 275 South Kansas Avenue, premises part of the 2012 Development Agreement with the City, and authorize the Mayor to execute any related documents. Possible action. (Requested by the Economic Development Corporation.) Attachment

VII. REPORTS

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

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. Personnel - Discussion regarding the handling of exempt time related to Efrain Tafolla as authorized by §551.074 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.
- E. Economic Development - Discussion regarding seeking a City Attorney opinion amending the City of Weslaco Foreign Trade Zone as authorized by §551.087 of the Texas Government Code.
- F. Economic Development - Discussion regarding Project "Rolling On" as authorized by §551.087 of the Texas Government Code.
- G. Potential Litigation - Consultation with City Attorney regarding Super 8 hotel 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 December, 2016 at 5:30 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: