



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 7, 2017**

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, March 7, 2017 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 Valley Donna Food Mart Inc. requesting a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 718 W. 6th St., also being Lots 14-17 and W1/2 Lot 18, Block 4, Glendale Addition Subdivision, Weslaco, Hidalgo County, Texas. Attachment

- B. To solicit input on behalf of Robert W. McNabney requesting a Conditional Use Permit to obtain a Retail Dealer's On-Premises Late Hours License at 2901 W. Business 83, also being 1.77 acres Irrigation Tract S881.60'-E179.15' out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 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 February 21, 2017.
(Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of the following:
- 1) Ordinance 2017-04 to reduce a detention pond easement line by 66 feet on Lot 2, Bonita Homes Subdivision. (First Reading held February 14, 2017; Staffed by Planning and Code Enforcement Department.) Attachment
 - 2) Ordinance 2017-06, amending Ordinance 2013-26, providing for a new schedule of rates to be charged for certain meter tapping fees. (First Reading held February 21, 2017; Staffed by Finance Department.) Attachment
 - 3) City of Weslaco Building and Safety Codes (First Reading of Ordinances held February 21, 2017; Staffed by Planning & Code Enforcement Department.)
 1. Ordinance 2017-07 the 2015 Edition of the International Building Code Property and Maintenance Standards for the regulation and governing of conditions and maintenance of all property, including the condemnation and demolition of structures unfit for human occupancy and providing for the issuance of permits and collection of fees.
 2. Ordinance 2017-08 the 2015 Edition of the International Existing Building Code for the regulation and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings and providing for the issuance of permits and collection of fees.
 3. Ordinance 2017-09 the 2015 Edition of the International Residential Code for the regulation and governing of construction, replacements, repairs and demolition

of detached one and two family dwellings and multiple single family dwellings; providing for the issuance of permits and collection of fees.

5. Ordinance 2017-11 the 2015 Edition of the International Fire Code for the regulation and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits and collection of fees.

6. Ordinance 2017-12 the 2015 Edition of the International Plumbing Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of plumbing systems; and providing for the issuance of permits and collection of fees.

7. Ordinance 2017-13 the 2015 Edition of the International Mechanical Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of mechanical systems; and providing for the issuance of permits and collection of fees.

8. Ordinance 2017-14 the 2015 Edition of the International Fuel Gas Code for the regulation and governing of fuel gas systems and gas-fired appliances and providing for the issuance of permits and collection of fees.

9. Ordinance 2017-15 the 2015 edition of NFPA Life Safety Code 101 relating to construction and to maintenance of buildings and public safety, health and general welfare; and providing for the issuance of permits and collection of fees.

10. Ordinance 2017-16 the 2015 Edition of the International Swimming Pool and Spa Code governing of design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment; and providing for the issuance of permits and collection of fees.

11. Ordinance 2017-17 the 2014 National Electrical Code as the Electrical Code of the City, repealing any previous editions. Attachment

4) Ordinance 2017-18, authorizing a budget amendment in the amount of \$150,000.00 for drainage improvements at Beatriz Garza Middle School on Sugarcane Drive. (First reading held February 21, 2017; Staffed by City Manager's Office.) Attachment

C. Approval of the request by Weslaco Independent School District (WISD) to utilize Isaac Rodriguez Park on April 8, 2017 from 6 a.m. – 12 noon for the Cowboy/Cowgirl for Dyslexia 5K Run, and authorize the Mayor to execute any related documents as may be required. (Requested by WISD.) Attachment

- D. Approval of the renewal of the Interlocal Cooperation Agreement with the County of Hidalgo for participation within the Hidalgo County Library System (HCLS) and authorize the Mayor to execute any related documents. (Staffed by the Library.) Attachment
- E. Approval on the renewal of the listed Affiliation Agreements for Clinical Experience for EMT, Advanced EMT and Paramedic clinical ride outs and authorize the Mayor to execute any related documents:
 - 1) Weslaco FD EMS and HealthWebCE;
 - 2) Weslaco FD EMS and Valley Baptist Medical Center;
 - 3) Weslaco FD EMS and South Texas Health System; and
 - 4) Weslaco FD EMS and Doctors Hospital at Renaissance(Staffed by the Fire Department.) Attachment
- F. Acceptance of a grant award in the amount of \$19,200.00 with no matching funds required from U.S. Department of Homeland Security to the City of Weslaco Fire Department for Water Rescue Dry Suits for Special Operations Team, approve Resolution 2017-17 regarding this grant, and authorize the Mayor to execute any related documents. (Staffed by the Fire Department.) Attachment

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2017-18 appointing a member to the Planning and Zoning Commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- B. Discussion and consideration to approve Resolution 2017-19 appointing a member to the Ambulance Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Fire Department.) Attachment
- C. Discussion and consideration to approve Resolution 2017-20 establishing the City of Weslaco Recycling Task Force and approve Resolutions 2017-21, 2017-22, 2017-23, 2017-24, and 2017-25 appointing citizen members to the same and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works.) Attachment
- D. Discussion and consideration to accept one resignation from the Weslaco 100 Committee and approve Resolution 2017-26 appointing a member to that unexpired

term and authorize the Mayor to execute any related documents. Possible action. (Staffed by Museum.) Attachment

VI. OLD BUSINESS

- A. Discussion and consideration to adopt Ordinance 2017-10, the 2015 Edition of the International Energy Conservation Code, for the regulation and governing of energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2017-10. Possible action. (There was no action on this item February 21, 2017; Staffed by Planning and Code Enforcement Department.) Attachment
- B. Discussion on the Single Member District Model for the City of Weslaco. (This item was tabled February 21, 2017; Requested by Commissioners Munoz and Kerr.)

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Valley Donna Food Mart Inc. to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 718 W. 6th St., also being Lots 14-17 and W1/2 Lot 18, Block 4, Glendale Addition Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment
- B. Discussion and consideration after public hearing on behalf of Robert W. McNabney to approve a Conditional Use Permit to obtain a Retail Dealer's On-Premises Late Hours License at 2901 W. Business 83, also being 1.77 acres Irrigation Tract S881.60'-E179.15' out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement.) Attachment
- C. Discussion and consideration to approve the Final Plat for Pleasant View Village Subdivision, being a 8.55 acre tract of land out of Farm Tract 709, Block 136, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located along the East right-of-way of Pleasant Village Drive, and about 1250 feet South of the U.S. Business Highway 83 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement.) Attachment
- D. Discussion and consideration to approve the Final Plat for Fern Oak Subdivision,

being a 1.20 acre tract of land out of Farm Tract 117, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located at 209 W. Sugar Cane Dr. and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement.) Attachment

- E. Discussion and consideration to accept the most advantageous bidder, SmartCom Telephone, as the vendor for internet access services submitted in response to the Library's Request for Proposal within the E-Rate Year 20 cycle (Fiscal Year 2017-2018), and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.) Attachment
- F. Discussion and consideration to approve the current Fiscal Year 2016/2017 Street Improvement Projects schedule and the continuation of FY 2016/2017 Street Improvement Projects list. Possible action. (Staffed by Public Works.) Attachment
- G. Discussion and consideration to approve the paving of Medrano Road. Possible action. (Requested by Commissioners Pedraza and Lopez.) Attachment
- H. Discussion and consideration to approve rules for the rental of Park fields. Possible action. (Staffed by Parks and Recreation Department.)
- I. Discussion and consideration to authorize the submission of a waiver of retro-activity for the north side property comprised of 45.944 acres located in 48.682 acres of land out of Farm Tracts 98 and 114 West Tract Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment
- J. Discussion and consideration to authorize the additional repairs needed on the Kansas Avenue concrete water tower, including painting and caulking of the interior of the tank, in an amount not to exceed \$37,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment

VIII. REPORTS

- A. Quarterly investment report for 12/31/2016. Possible action to accept and file.
- B. Quarterly financial report for 12/31/2016. Possible action to accept and file.
- C. Report by Economic Development Corporation of Weslaco.

- D. Report by Weslaco Area Chamber of Commerce.
- E. Report by Severn Trent.
- F. Report by Planning and Code Enforcement.
- G. Report by Human Resources Department - Leave Donation Policy.
- H. Report by Public Works.
- I. Report by Parks and Recreation Department.

IX. 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. Legal Opinion - Consultation with City Attorney on legal opinion related to the appointments of Municipal Judges as authorized by §551.071 of the Texas Government Code.

- D. Legal Opinion - Consultation with City Attorney on legal opinion related to the contract with neighboring cities for the sale of water as authorized by §551.071 of the Texas Government Code.
- E. Pending Litigation - Report by City Attorney regarding all pending litigation as provided to City Auditor as authorized by §551.071 of the Texas Government Code.
- F. Legal Opinion - Consultation with City Attorney on legal opinion related to government services consulting as authorized by §551.071 of the Texas Government Code.
- G. Economic Development - Discussion regarding Project Chicken Hatch as authorized by §551.087 of the Texas Government Code.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

XI. 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 3rd day of March, 2017 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: