



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 18, 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, April 18, 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 Miguel and Sarah Marines requesting a Conditional Use Permit to operate an Event Center at 501 S. Texas Blvd, also being Lots 43-44, Block 42, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas. Attachment

- B. To solicit input on behalf of RCI Development-Wisconsin, Ltd to rezone 1301 South Midway Road also being a 25.263-acre tract out of Farm Tract 643, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to M-1 Mobile Home District. Attachment
- C. To solicit input on behalf of Valley Donna Food Mart Inc. to rezone 718 W. 6th Street also being Lots 14-17 and the West ½ of Lot 18, Blk 4, Glendale Subdivision, Weslaco, Hidalgo County, Texas, from R-2 Duplex & Apartment District to B-1 Neighborhood Business District. Attachment
- D. 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 W 1/2 Lot 18, Blk 4, Glendale Addition Subdivision, Weslaco, Hidalgo County, Texas. Attachment

IV. CONSENTAGENDA

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 on second and final reading of the following:
 - 1) Approve Ordinance 2017-20 for the voluntary annexation of the 48.682 acres out of Farm Tracts 98 and 114 and the right-of-way along F.M. 88 between Mile 10 North Road and Mile 11 North Road. First Reading of Ordinance 2017-20 was held on April 4, 2017. (Staffed by Planning and Code Enforcement Department). Attachment
 - 2) Approve Ordinance 2017-22 creating a no parking zone on Huisache Street from Calle De La Republica to Border Avenue and authorize citations to be issued. Second and Final Reading of Ordinance 2017-22. First Reading was held on April 4, 2017. (Staffed by Public Works Department.) Attachment
- B. Approval of the renewal of the Summer Seamless Food Program established through the Texas Department of Agriculture accepting meals at no charge from Weslaco Independent School District Food Services Department for distribution to school age children within the 2017 Summer Reading Program and authorizes the Mayor to execute any related documents. (Staffed by Library.) Attachment

- C. Approval to authorize staff to solicit Requests for Proposals for Depository Services and authorize the Mayor to execute any related documents. (Staffed by the Finance Department)

V. APPOINTMENTS

- A. Discussion and consideration to accept the resignation of Sandra Hernandez from the Weslaco 100 Committee and approve Resolution 2017-39 appointing a member to an unexpired term and authorize the Mayor to execute any related documents. Possible action. (Staffed by Museum.) Attachment.

VI. OLDBUSINESS

- 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. (This item remained tabled on March 21, 2017 and April 4, 2017; Staffed by Planning and Code Enforcement Department) Attachment.
- B. Approval on second and final reading of Ordinance 2017-19 to eliminate and convert the alley located on Heritage Square No. 2 Subdivision between Sugarcane Road and Washington Street into a street with a variance to have a paved section of 20 feet. First reading of Ordinance 2017-19 was held March 21, 2017; second reading was tabled April 4, 2017. (Requested by the Mayor and Commissioner Lopez; Staffed by Planning and Code Enforcement Department.) Attachment
- C. Discussion and consideration to name the street converted from an alley located on Heritage Square No. 2 Subdivision between Sugarcane Road and Washington Street. Possible action. (There was no action on April 4, 2017; Staffed by Planning and Code Enforcement Department) Attachment.

- D. Discussion and consideration to approve the cost allocation from the Capital Improvement Program paving fund in the amount of approximately \$80,000.00 for the paving of a street converted from an alley at Heritage Square No. 2 Subdivision. Possible action. (There was no action on April 4, 2017; staffed by Planning and Code Enforcement Department) Attachment.

VII. NEWBUSINESS

- A. Discussion and consideration to declare and dispose of surplus property from various City departments as per Ordinance No. 86-08, authorize a public auction awarding a one year contract to Valley Wide Auction Services and hold a live Public Auction at Public Works Building on May 6, 2017, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department and Purchasing Office) Attachment
- B. Discussion and consideration to approve two (2) Professional Services Agreement for Municipal Court Judges and authorize the Mayor to execute any related documents. Possible action. (Staffed by Municipal Court.) Attachment
- C. Discussion and consideration to authorize a grant submission to the Hidalgo County Metropolitan Planning Organization for the Federal Transit's Administration 5310 Program for Enhance Mobility for Seniors and Persons with Disabilities with a 20% match and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Planning and Code Enforcement Department). Attachment.
- D. Discussion and consideration to approve Resolution 2017-40 engaging legal counsel and rate consultants to review AEP Texas Central Company's application for a distribution cost recovery factor to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment
- E. Discussion and consideration after public hearing on behalf of Miguel and Sarah Marines to approve a Conditional Use Permit to operate an Event Center at 501 S. Texas Blvd, also being Lots 43-44, Block 42, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action (Staffed by Planning and Code Enforcement.) Attachment.

- F. Discussion and consideration after public hearing on behalf of RCI Development-Wisconsin, Ltd to approve Ordinance 2017-23 to rezone 1301 South Midway Road also being a 25.263 acre tract out of Farm Tract 643, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to M-1 Mobile Home District. First reading of Ordinance 2017-23. Possible action. (Staffed by Planning and Code Enforcement Department. Item will require a 3/4 vote as item was denied by Planning & Zoning Commission.) Attachment.
- G. Discussion and consideration after public hearing on behalf of Valley Donna Food Mart, Inc to approve Ordinance 2017-24 to rezone 718 W. 6th Street also being Lots 14-17 and W½ Lot 18, Blk 4, Glendale Subdivision, Weslaco, Hidalgo County, Texas, from R-2 Duplex & Apartment District to B-1 Neighborhood Business District. First reading of Ordinance 2017-24. Possible action. (Staffed by Planning and Code Enforcement Department) Attachment.
- H. 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. (This item was tabled March 7, 2017; Staffed by Planning and Code Enforcement) Attachment.
- I. Discussion and consideration for approval on the revised re-development park plan for Isaac Rodriguez Park and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department) Attachment.
- J. Discussion and consideration to accept and approve the Articles of Incorporation and Bylaws of the Hidalgo County Regional Foreign Trade Zone and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office) Attachment.

VIII. REPORTS

- A. Quarterly investment report for 3/31/2017. Possible action to accept and file.
- B. Quarterly financial report for 3/31/2017. Possible action to accept and file.
- C. Report by Police Department.
- D. Report by Fire 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. Personnel - Evaluation and interview of Municipal Judges and possible selection of Municipal Judges for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- D. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at Bridge Avenue and Expressway 83 as authorized by §551.072 of the Texas Local Government Code
- E. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at 901 N. Airport Drive as authorized by §551.072 of the Texas Local Government Code

- F. Potential Litigation - Consultation with City Attorney on Notice of Claim from The J Gonzalez Law Firm on behalf of Madeleyn Werlen as authorized by §551.071 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 13th day of April, 2017 at 4:00 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: