



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JUNE 18, 2019**

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, June 18, 2019 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 Smartcom Telephone, LLC. requesting to rezone 408 S. Nebraska. Also being Lot 5, Blk 36, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district.

- B. To solicit input on behalf of AEC Engineering, LLC.. requesting to rezone 2411 N Texas Blvd. also being Lots 1&2, Raq-Lin Subdivision Phase I, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district.
- C. To solicit input on behalf of Jack Hanks requesting a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 303 S. Texas, also being N ½ of Lot 23 and all of Lot 24, Blk 26, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.

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 June 4, 2019.
(Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Approval on Ordinance 2019-19 adopting a mid-year budget amendment and authorize the Mayor to execute any related documents. (First reading held June 4, 2019; staffed by Finance Department.) Attachment
- C. Approval and acceptance of \$1,582.68 from the Texas State Library and Archives Commission to pay for the non-discounted portion of the Library's Internet Access Service Fees during the 2019 E-Rate funding Year and authorize the Mayor to execute any related documents. (Staffed by Library Department).

Attachment
- D. Authorization for the submission of an application to the Office of the Governor Criminal Justice Division: Internet Crimes Against Children Grant (#3923901) Program with NO LOCAL MATCH REQUIRED and authorize the Mayor to execute any related documents (Staffed by Police Department). Attachment
- E. Authorization to terminate a Mid Valley Airport Ground Lease Agreement with Tenant Scott Fuller for Hangar W15 and to approve a Mid Valley Airport Ground Lease Agreement with Tenant Hector Zamarripa for Hangar W15 and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment

- F. Approval of the annual renewal for FY 19-21 LRGVDC PSAP Interlocal Agreement for the 911 Public Safety Answering Point Services and authorize the Mayor to execute any related documents. (Staffed by Weslaco Police Department.) Attachment
- G. Approval on Incentive Agreement with Economic Development Corporation of Weslaco and City for financial assistance for the Mid Valley Airport LED lighting project and authorize the Mayor to execute any related documents. (Staffed by Economic Development Corporation.) Attachment

V. OLD BUSINESS

- A. Discussion of the drainage short term projects. Possible action. (There was no action on June 4, 2019; staffed by Engineering Department.) Attachment

VI. NEW BUSINESS

- A. Discussion to accept and file the City of Weslaco's Comprehensive Annual Financial Report for fiscal year ending September 30, 2018 as presented by Carr, Riggs & Ingram, LLC and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment
- B. Discussion and consideration after public hearing on behalf of Smartcom Telephone, LLC. to approve Ordinance 2019-20 to rezone 408 S. Nebraska also being Lot 5, Blk 36, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-20. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- C. Discussion and consideration after public hearing on behalf of AEC Engineering, LLC. to approve Ordinance 2019-21 to rezone 2411 N Texas Blvd. also being Lots 1&2, Raq=Lin Subdivision Phase I, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-21. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

- D. Discussion and consideration after public hearing on behalf of Jack Hanks approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 303 S. Texas also being N ½ of Lot 23 and all of Lot 24, Blk 26, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Attachment

- E. Discussion and consideration on Ordinance 2019-22 amending ordinance number 2018-02, the City of Weslaco Zoning Ordinance; codified as chapter 150 of the Weslaco Code of Ordinances, adopting new regulations related to time limitation (6 months) to reapply for rezone; and ordaining other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-22. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment
- F. Discussion and consideration on agreement with Hidalgo County Elections Department to conduct the City of Weslaco Special Election on July 16, 2019 to fill a vacancy for Commissioner District 4 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Secretary Department.) Attachment
- G. Discussion and consideration to award RFB No. 2018-19-14 for fuel to the most advantageous bidder, Meritum Energy Holdings LP, DBA Pico Propane & Fuels, price agreement effective for one year starting on date of award with an option for an additional year renewal and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment
- H. Discussion and consideration to award RFB No. 2018-19-15 for Street Materials to the most advantageous bidders: Terra Firma Materials, CAPA Materials, Green Dream International, Frontera Materials, and Asphalt Oil Express based on Street Material-Bid Tabulation, price agreement effective for one year starting on date of award with an option for an additional year renewal and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works.) Attachment
- I. Discussion and consideration on Ordinance 2019-23 establishing Article XI. Drainage; creating Section 2-280 through Section 2-284; creating a Citizens Drainage Advisory Board and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-23. Possible action. (staffed by the City Manager.) Attachment

- J. Discussion and consideration to award a purchase contract through TRANE's Buy Board Contract 552-17 to replace and install 1 - 30 ton air-cooled condensing unit at city hall and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks Department.) Attachment
- K. Discussion and consideration to approve a general service contract with Tyler Technologies for Permitting Software and Implementation Services for the EnerGov Suite Software and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment

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. Legal Consultation - Seek City Attorney opinion relating to the lawsuit with CDM as authorized by §551.071 of the Texas Government Code.
- C. Legal Consultation - Seek City Attorney opinion relating to breach of contract by Accela and consider authorizing City Attorney to proceed with legal action as authorized by §551.071 of the Texas Government Code.

- D. 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
- E. Pending Litigation - Consultation with City Attorney related to the city's right-of-way for cell towers in City of McAllen et al v. State of Texas et al as authorized by §551.071 of the Texas Government Code.
- F. Real Property– Consultation with City Attorney on the purchase of real property legally described as West Tract W-3.67ac -S-10ac- N-20ac FT685 at Dawson and Oregon Streets as authorized by §551.072 of the Texas Local Government Code.
- G. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Police Union (Weslaco Municipal Police Association) as authorized by §551.071 of the Texas 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 14th day of June 2019 at 4:30 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/ Myra Ayala, 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/open-government/open-meetings>. Archived video of some meetings are also available.

Removed from Bulletin Board

Date:

Initials: