



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MAY 16, 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, May 16, 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 Garmed Investments to rezone 510 S. Nebraska, also being Lot 5, Block 39, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. Attachment

- B. To solicit input on behalf of Jacinta Hernandez for a Conditional Use Permit for a Wine & Beer Off-Premise Permit at 2504 N. Bridge Avenue, also being Lot 3, Mom & Pop Plaza 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 May 2, 2017.
(Staffed by City Secretary's Office.) Attachment
- B. Approval of Resolution 2017-42 authorizing submission of a grant application in the amount of \$2,000.00 by the Weslaco Police Department to Wal-Mart's Community Grant Program and authorize the Mayor to execute any related documents. (Staffed by the Weslaco Police Department.) Attachment
- C. Approval of the renewal of the Cooperation Agreement with the County of Hidalgo to continue participation in the Hidalgo County Urban County program for the period of 2018 - 2020. (Staffed by Finance Department.) Attachment
- D. Approval of the assignment by Joule Energy Services of Demand Response Contract to Lone Star Demand Response, for the duration of the original contract, three years effective June 1, 2016, and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment
- E. Approval of a Memorandum of Understanding (MOU) with the United States Customs and Border Patrol Protection, Office of Border Patrol, Rio Grande Valley Sector for Emergency Medical Services training at no cost to the City and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment
- F. Approval on renewal agreement with the Texas Department of State Health Services (DSHS), identified as contract number 531-18-0375-00001 to provide access to the Texas Electronic Registration Remote System for issuance of individual birth certificates effective September 1, 2017 – August 31, 2018 and authorize the Mayor to execute any related documents. (Staffed by the City Secretary's Office.) Attachment

- G. Approval on request by Elks Lodge #2057 to close Gibson Park early for their 20th Annual McCaleb Charity Shrimp Boil on May 18th, 2017 to begin at 6 p.m. (Requested by Commissioners Lopez and Kerr on behalf of Paul McDaniel, Chairman Weslaco Elks Lodge #2057.) Attachment

V. OLD BUSINESS

- A. 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. (The item remained tabled on May 2, 2017; staffed by Planning and Code Enforcement Department. Item will require a 3/4 vote as item was denied by Planning & Zoning Commission.) Attachment

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Garmed Investments to approve Ordinance 2017-26 rezoning 510 S. Nebraska, also being Lot 5, Block 39, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District and authorize the Mayor to execute any related documents. First reading of Ordinance 2017-26. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- B. Discussion and consideration after public hearing on behalf of Jacinta Hernandez to approve a Conditional Use Permit for a Wine & Beer Off-Premise Permit at 2504 N. Bridge Avenue, also being Lot 3, Mom & Pop Plaza Subdivision, Weslaco, Hidalgo County, Texas and authorize Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- C. Discussion and consideration to approve the Final Plat for JOW Subdivision, being a 28.33-acre tract of land out of Farm Tract 62, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located at 2615 E. Sugar Cane Drive 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 Pablo Pena Jr. Subdivision, being a 2.12-acre tract of land out of Farm Tract 146, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located 200 feet North of Expressway 83 and Westgate Drive and authorize the Mayor to execute any related documents.

Possible action. (Staffed by the Planning and Code Enforcement.) Attachment

- E. Discussion and consideration to approve final payment for Artillery Construction, LLC in an amount not to exceed \$33,573 .20 for the 2nd Street Sidewalk Improvement Project and authorize Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- F. Discussion and consideration to approve interlocal agreements with the University of Texas - Rio Grande Valley for two summer internships and a graduate engineer in the Planning and Code Enforcement Department and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- G. Discussion and consideration to approve an amended Interlocal Cooperation Agreement between the County of Hidalgo and City for Phase I and II road improvements for Mile 6 West Road (Westgate Drive) between Mile 9 North Road and Mile 11 North Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.) Attachment
- H. Discussion and consideration to select a respondent to Request For Qualifications No. 2016-17-14 Architectural Engineering Design Services for a new Fire Station and Combined Police/Central Fire Station. Possible action. (Staffed by Finance Department.) Attachment
- I. Discussion and consideration to approve Ordinance 2017-25 adopting a mid-year budget amendment and authorize the Mayor to execute any related documents. First reading of Ordinance 2017-25. Possible action. (Staffed by the Finance Department.) Attachment
- J. Discussion and consideration to accept, open, award and/or reject the sole bid received to Bid No.: 2016-17-24 Public Sale of Property located on the Northeast corner of Intersection of Dolores Huerta Avenue/Paseo Del Norte and Interstate 2 Weslaco, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment
- K. Discussion and consideration to accept and approve the Weslaco Mid Valley Airport's Hangar Compliance Program and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment
- L. Discussion and consideration to adopt the Weslaco Mid Valley Airport Lease

Agreement Rates and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment

- M. Discussion and consideration to accept and approve the Weslaco Mid Valley Airport's Lease Agreement Template and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment
- N. Discussion and consideration to accept and approve changing the assigned Weslaco Mid Valley Airport's Identifier and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment
- O. Discussion and consideration to approve the purchase of one new patrol vehicle through the Stonegarden grant program as budgeted and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment
- P. Discussion and consideration to approve Resolution 2017-41 providing Insurance Coverage for Advisory Board Members and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment
- Q. Discussion and consideration to select an energy services company for performing contracting. Possible action. (Staffed by City Manager's Office.)
- R. Discussion and consideration to set the date and time for a Workshop of the City Commission to discuss Single Member Districts. Possible action. (Staffed by City Manager's Office.)
- S. Discussion and consideration to follow-up on previous discussions to synchronize the traffic lights on three major thoroughfares. Possible action. (Requested by Mayor Pro-Tem Tafolla and Commissioner Noriega.)

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. 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.
- 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. 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. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of real property located at the Southeast corner of East Pike Boulevard and Vo Tech Drive Weslaco, Hidalgo County, Texas as authorized by §551.072 of the Texas Local Government Code.
- F. Economic Development – Consultation with City Attorney regarding Economic Development opportunities and incentive programs related to Project Chicken Hatch "B" as authorized by §551.087 of The Texas 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 12th day of May, 2017 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/ 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: