



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 20, 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, August 20, 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 Albert Hanks requesting to rezone 2701 W. Bus Hwy 83 also being Lot 1, Las Villas Apartments, Weslaco, Hidalgo County, Texas from R-2 Duplex and Apartment District to B-2 Secondary Highway Business District.
- B. To solicit input on behalf of Rodolfo Rodriguez requesting a Conditional Use Permit to operate an Event Center at 1609 N. International Blvd. Ste. A & B, also being Lot 4, Blk 2, La Hacienda North P.U.D. Subdivision, Weslaco, Hidalgo County, Texas.
- C. To solicit input on behalf of Mario Mendiola requesting a Conditional Use Permit

to have live music at 400 S. Kansas Ave., also being Lot 1-6, Blk 33, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.

- D. To solicit input on behalf of Weslaco Bingo, LLC requesting a Conditional Use Permit to operate a Bingo hall at 2411 Texas Blvd., also being Lots 1&2, Raq=Lin Subdivision Phase I, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.
- E. To solicit input to amend Ordinance number 2018-02, to create an Airport Zone District, the City of Weslaco Zoning Ordinance; codified as Chapter 150 of the Weslaco Code of Ordinances, adopting new regulations; and ordaining other matters with respect to the subject matter hereof.

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 following:
 - 1) Minutes of the Regular Meeting on July 16, 2019; and
 - 2) Minutes of the Special Meeting on August 13, 2019; (Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Approval of Ordinance 2019-27, authorizing and allow under the act governing the Texas Municipal Retirement System, "updated service credits" in said system for service performed by qualifying members of such system who presently are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the city; and establishing and effective date for such actions and authorize the Mayor to execute any related documents. (First reading held August 6, 2019; staffed by Finance Department.) Attachment
 - 2) Approval on Ordinance 2019-28 abandoning a portion of right-of-way of the extension of Tennessee Avenue south of Academy Street and authorize the Mayor to execute any related documents. First reading held August 6, 2019. (Staffed by City Manager Office.) Attachment
 - 3) Approval of Ordinance 2019-29 of the City of Weslaco relating to underage drinking; imposing criminal and civil penalties and response cost; providing for codification; severability clause and an effective date and authorize the Mayor to execute any related documents. (First reading held on August 6, 2019; staffed by

Police Department.) Attachment

- 4) Approval of Ordinance 2019-31 a budget amendment in the amount of \$92,000 for sewer line project on Pleasantview Drive and authorize the Mayor to execute any related documents. (First reading held on August 6, 2019; staffed by Engineering Department.) Attachment
- C. Approval to authorize staff to solicit bids for the supply and installation of Flap Gates as part of the City of Weslaco's Master Drainage Plan. (Staffed by Engineering Department.)
- D. Approval to authorize staff to solicit bids for the removal of dirt from the proposed Regional Detention Facility on South Texas. (Staffed by Engineering Department.)
- E. Approval to proceed with the purchase of the evidence van as stated on the Sirchie (Contract No: GS-07F-007DA) Quote No.: MCL2101D in an amount not to exceed \$80,000.00 **NO MATCH REQUIRED** and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment
- F. Approval of the renewal of the license agreement with Mid Valley Youth Soccer League for use of Pablo G. Pena City Park Soccer Fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment
- G. Approval of the renewal of the License Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area for a term of four months (September 1, 2019 - December 31, 2019 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment
- H. Approval to amend the contract between Tyler Technologies and the City of Weslaco whereas the transaction fee for utility billings payments on-line will be reduced to .85 cents per transaction from \$1.25 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment
- I. Approval on renewal of Interlocal Agreement(s) with the following entities for Animal Care Services:
 - 1) City of Donna
 - 2) City of San Juan
 - 3) City of Mercedes; and
 - 4) City of Pharrand authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement.) Attachment

- J. Approval on Resolution 2019-62 finding that 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. (Staffed by City Manager's Office.) Attachment

V. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Albert Hanks to approve Ordinance 2019-32 to rezone 2701 W. Bus Hwy 83. Also being Lot 1, Las Villas Apartments, Weslaco, Hidalgo County, Texas from R-2 Duplex and apartment district to B-2 Secondary highway business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-32. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- B. Discussion and consideration after public hearing on behalf of Rodolfo Rodriguez to approve a Conditional Use Permit to operate an event center at 1609 N. International Blvd. Ste. A & B, also being Lot 4, Blk 2, La Hacienda North P.U.D. Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- C. Discussion and consideration after public hearing on behalf of Mario Mendiola to approve a Conditional Use Permit to live music at 400 S. Kansas Ave., also being Lot 1-6, Blk 33, 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
- D. Discussion and consideration after public hearing on behalf of Weslaco Bingo, LLC to approve a Conditional Use Permit to operate a Bingo hall at 2411 Texas Blvd., also being Lots 1&2, Raq=Lin Subdivision Phase I, 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 the Final Plat for Lockheart Subdivision– being a 2.12 acre tract of land being a portion of Farm Tract 284, West Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 310 feet South of Orlando Tijerina Rd. along Martin Morales Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- F. Discussion and consideration for the Final Plat for Las Villas Estates– being a 40 acre tract of land out of Farm Tract 323, Blk 130 West Tract Subdivision, Weslaco, Hidalgo County, Texas located on the Northeast corner of Mile 12 ½ N. & Mile 4W 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 Ordinance 2019-33 for the voluntary annexation of Westwood Gardens Subdivision - being 29 acres out of Farm Tract No. 655, West Tract Subdivision out of Llano Grande Grant, Weslaco, Hidalgo County, Texas located on the Southwest corner of Mile 6 ½ West Road and Mile 7 North and authorize the Mayor to execute any related documents. First Reading of Ordinance 2019-33. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- H. Discussion and consideration on Ordinance 2019-34 amending Ordinance number 2018-02, to create an Airport Zone District for the City of Weslaco zoning ordinance; codified as chapter 150 of the Weslaco Code of Ordinances, adopting new regulations; and ordaining other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-34. Possible action. (Staffed by Airport.) Attachment
- I. Discussion and consideration to approve the Interlocal Agreement between the City of Weslaco and the City of Mercedes, Texas regarding the housing of prisoners in the City of Weslaco municipal jail and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Police Department) Attachment
- J. Discussion and consideration to accept the calculation of effective and rollback tax rates for 2019 tax year by Hidalgo County Tax Assessor-Collector Pablo "Paul" Villarreal. Possible action. (Staffed by Finance Department.) Attachment
- K. Discussion and consideration to approve Resolution 2019- 60 proposing an ad valorem tax rate and setting dates on which the Commission will hold public hearings, and a date to adopt the 2019-2020 ad valorem tax rate and authorize the Mayor to execute any related documents. Roll call vote. Possible action. (Staffed by Finance Department.) Attachment
- L. Discussion and consideration to approve Resolution 2019-61 approving the Housing Authority of the City of Weslaco to enter into an agreement with Housing Authority of County of Hidalgo for the development, construction and operation of the proposed Primrose Village Apartments within the City limits of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment
- M. Discussion and consideration to amend the Thoroughfare Map to add Dragon Fly Street as a connector street from Expressway (frontage road) to Pike Boulevard and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment

- N. Discussion and consideration on request from Total Commitment Construction for funds not to exceed \$100,000.00 for completion of the Pleasant View sewer line improvements project (Lift Station #27) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment

VI. 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 evaluation, reassignment, duties, discipline or dismissal of a police officer for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- C. Legal Consultation - Seek City Attorney opinion relating to the lawsuit with CDM as authorized by §551.071 of the Texas Government Code.
- D. Legal Consultation - Seek City Attorney opinion on the interpretation of Ordinance 2018-21, Section 26-34 Drainage relating to the 50-year storm drainage requirements on existing subdivisions as authorized by section §551.071 of the Texas Government Code.
- E. Contract Negotiations – Discussion and possible action on proposed union contract 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.

- F. Legal Consultation - Consultation with City Attorney on termination of contract with Republic Services for Solid Waste Collection and Disposal Services as authorized by section §551.071 of the Texas Government Code.
- G. Real Property – Consultation with City Attorney on the purchase of real property located at 503 Dawson Street and legally described as West Tract E-1.33 acres out of W-5 acres out of the S-10 acres out of the N-20 acres of Farm Tract 685, Weslaco Hidalgo County, Texas as authorized by §551.072 of the Texas Local Government Code.
- H. Real Property– Consultation with City Attorney on the sale of real property legally described as Lot 4, Block 143, West Tract Subdivision located in the 2400 Block of N. Texas Boulevard as authorized by §551.072 of the Texas Local Government Code.

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

VIII. 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 16th day of August 2019 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/ 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: