



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 17, 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, September 17, 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.

The Public may comment on anything on the agenda, however if you comment on 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 MAG Investments RGV LLC requesting a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 400 S. Kansas Ave., also being Lot 1-6, Blk 33, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas, approximately 560 ft. South of Bus 83 on Kansas Ave.
- B. To solicit input on behalf of Martin Hinojosa requesting a Conditional Use Permit to operate a boarding facility at 1110 S. Airport Dr., also being Lot 6, Ro-Ellen Addition UT. No. 2, Weslaco, Hidalgo County, Texas.

- C. To solicit input on behalf of Herman Mendez requesting to rezone 2949 & 2941 N. Texas. Also being Lot C1 & C2, Apostolic Assembly Church Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district.

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:
 - 1) Regular Meeting on August 20, 2019;
 - 2) Special Meeting on August 27, 2019; and (Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Approval on Ordinance 2019-36 amending Ordinance 2018-21, Section 26-34 Drainage relating to the 50-year storm drainage requirements. (First reading held September 3, 2019; staffed by Engineering Department.) Attachment
- C. Approval of Mid Valley Airport Hangar Lease Agreement with Coastal Bend Regional Advisory Council and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment
- D. Approval of Mid Valley Airport Hangar Lease Agreement with Clifford Robert Gardner Jr for Hanger W-16 and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment
- E. Approval for application to BJA-2019-16313 Department of Justice Bureau of Justice Assistance Gulf States Regional Law Enforcement Technology Assistance Initiative Grant for technology that enhances information and intelligence sharing between law enforcement agencies to reduce crime in our communities with an amount not to exceed \$80,000 with NO MATCH REQUIREMENT and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment
- F. Approval for a renewal of an agreement with the Drug Enforcement Administration of State and Local HIDTA Task Force cooperation for Fiscal Year 2019-2020 and authorize Police Chief Joel Rivera to execute any related documents. (Staffed by Police Department.) Attachment
- G. Approve an Interlocal Agreement with the City of Alamo for Animal Care Services

and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.) Attachment

- H. Approval on renewal of Interlocal Agreement(s) with the following entities for Animal Care Services:

- 1) City of Elsa
- 2) City of Edcouch
- 3) City of Penitas
- 4) City of La Villa; and
- 5) Willacy County

and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.) Attachment

- I. Approval of a request by Valley Nature Center to utilize Gibson Park on November 9, 2019 from 7 a.m. - 11 p.m. for Brew in the Woods, and authorize the Mayor to execute any related documents as may be required, and waive any fees that may be associated with the event. (Requested by Valley Nature Center.)
- J. Approval on request from the American Cancer Society to host the Mid Valley Relay for Life at Mayor Pablo G. Pena City Park on April 3, 2020 and to waive appropriate ordinances associated with the event and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment
- K. Approval on renewal of a Facilities Usage Agreement with South Texas College for use of Harlon Block Park (Fields), 1020 W. 18th Street, Weslaco, Texas and Mayor Pablo G. Pena City Park (Fields and/or Tennis Courts), 300 North Airport Drive, from August 26, 2019 – August 7, 2020 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment
- L. Approval of a Facility Use Agreement for the Boys & Girls Club Building located at 300 South Airport Drive Suite B between the City of Weslaco and The American Red Cross and authorize the Mayor to execute any documents as required. (Staffed by Parks and Recreation Department.) Attachment
- M. Approval on renewal of the Interlocal agreement between County of Hidalgo and the City of Weslaco to provide and receive pickup and disposal service of commercial waste for the Sheriff's East Substation and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.) Attachment

V. **APPOINTMENTS**

- A. Discussion and consideration to approve Resolution 2019-67 appointing three members to expired terms on the Parks and Recreation Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment

VI. NEW BUSINESS

- A. Discussion and consideration to approve Resolution 2019-68 supporting Proposition 8 a constitutional amendment in the upcoming November 2019 statewide elections for the creation of the Flood Infrastructure Fund (Requested by County Commissioner Precinct 1 David Fuentes and Citizens Drainage Advisory Board.) Attachment
- B. Presentation from Hidalgo County Precinct 1 on drainage projects from 2018 Drainage Bond. (Requested by County Commissioner Precinct 1 David Fuentes).
- C. Discussion and consideration after public hearing on behalf of MAG Investments RGV LLC to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 400 S. Kansas Ave., Also being Lot 1-6, Blk 33, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas, approximately 560 ft. South of Bus 83 on Kansas Ave. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- D. Discussion and consideration after public hearing on behalf of Martin Hinojosa to approve a Conditional Use Permit to operate a boarding facility at 1110 S. Airport Dr., Also being Lot 6, Ro-Ellen Addition UT. No. 2, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- E. Discussion and consideration after public hearing on behalf of Herman Mendez to approve Ordinance 2019-37 to rezone 2949 & 2941 N. Texas also being Lot C1& C2, Apostolic Assembly Church Subdivision, 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 2019-37. Possible Action. (Staffed by Planning and Code Enforcement Department.) Attachment
- F. Discussion and consideration on the Final Plat for San Jacinto Estates No. 10 – being a 42.25 acre tract of land being all of Farm Tract 87 and 2.25 acres out of Farm Tract 94, West and Adams Tract Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- G. Discussion and consideration on the Final Plat for Tejas Cuatro Phase II Subdivision – being a 21.21 acre tract of land out of Farm Tract 172, West and Adams Tract Subdivision, , Weslaco, Hidalgo County, Texas located approximately 2000 ft North

of the intersection of W. Sugar Cane Dr. & Mile 5 ½ West and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

- H. Discussion and consideration on the Final Plat for Garcia Oak Estates Subdivision – being a 2.15 acre tract of land out of Farm Tract 646, West Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 3055 ft South of Bus 83 along Milanos Rd and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- I. Discussion and consideration on the Final Plat for Westwood Gardens Subdivision - being a 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. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- J. Discussion and consideration on Ordinance 2019-38 for the Voluntary Annexation of Garcia Oak Estates Subdivision – being a 2.15 acre tract of land out of Farm Tract 646, West Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 3055 ft South of Bus 83 along Milanos Rd and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-38. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- K. Discussion and consideration for a six month extension of the Final Plat for Ramos Commercial Plaza – being a 2.042 acre out of Farm Tract 124, Block 162, West Tract Addition, Weslaco, Hidalgo County, Texas located, approximately 600 feet North of W Expressway 83 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- L. Discussion and consideration to approve the FY 2019-2020 Proposed Street Improvement Projects and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment
- M. Discussion and consideration on notice received from the Texas Lottery Commission to approve continued share of bingo prize fees as set forth in House Bill 914 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.) Attachment
- N. Discussion and consideration to renew the Commercial Package and Employer's Liability Insurance with Texas Municipal League Intergovernmental Risk Pool (TMLIRP) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.)

- O. Discussion and consideration to approve Ordinance 2019-39 adopting the City of Weslaco's budget appropriation for the fiscal year October 1, 2019 to September 30, 2020 and authorize the Mayor to execute any related documents. First Reading of Ordinance 2019-39. ROLL CALL VOTE REQUIRED. Possible action. (Staffed by Finance Department.) Attachment
- P. Discussion and consideration to approve Ordinance 2019-40 adopting and levying ad valorem tax rate for the 2019-2020 fiscal year and authorize the Mayor to execute any related documents. First Reading of Ordinance 2019-40. ROLL CALL VOTE REQUIRED. Possible action. (Staffed by Finance Department.) Attachment
- Q. Discussion and consideration to approve the Economic Development Corporation of Weslaco annual budget and work plan for fiscal year 2019-2020. Possible action. (Requested by Weslaco Economic Development Corporation.) 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 section §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 section §551.074 of the Texas Government Code.
- C. Real Property – Consultation with City Attorney on the purchase of real property

located at the corner of Witmer Street and South Bridge Avenue as authorized by section §551.072 of the Texas Local Government Code.

- D. Pending Litigation – Consultation with City Attorney regarding Cause No. CL-19-4777-B Eli Joshua Lopez v. City of Weslaco as authorized by section §551.071 of The Texas Government Code
- E. Economic Development - Consultation with City Attorney regarding financial offer or other incentives for proposed development of property legally described as the West Tract N-820.04'-Farm Tract 13, Weslaco, Hidalgo County, Texas located on Mile 3 1/2 West, as authorized by section §551.087 of the Texas Local 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 13th day of September, 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: