



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 15, 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, October 15, 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 Miguel Angel Vicencio requesting a Conditional Use Permit to obtain a Mixed Beverage Permit and Food and Beverage Certificate at 2708 N. Texas Blvd., also being 0.76 acres S150'-N711'-E220'-W250 out of Farm Tract 107, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

- B. To solicit input on behalf of Joe Olivarez to rezone 710 S. Missouri. Also being Lot 3, 4, 5, 6, and 7, Blk 56, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.
- C. To solicit input in compliance with the Consolidated Plan for Community Planning and Development (CDBG) Urban County Program Fiscal Year 33 (2020) Needs Assessment Plan. (Staffed by Finance Department.) 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 following:
 - 1) Minutes of the Special Meeting on September 10, 2019;
 - 2) Minutes of the Regular Meeting on September 17, 2019; and
 - 3) Minutes of the Special Meeting on September 25, 2019. (Staffed by City Secretary Department.) Attachment.
- B. Approval on agreement with Hidalgo County Elections Department to conduct the City of Weslaco General Election on November 5, 2019 for Mayor, Commissioner District 5 and Commissioner District 6 and authorize the Mayor to execute any related documents. (Staffed by City Secretary Department.) Attachment
- C. Approval to purchase five police units in an amount not to exceed \$174,570 using Fund 415-Fire Eq. Replacement Fund from Lake Country Chevrolet through the GoodBuy Purchasing Cooperative and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- D. Approval to Terminate a Weslaco Mid Valley Airport Ground Lease Agreement with Tenant Christopher De Leon D/B/A De Leon Aircraft Maintenance Professional for Hanger W5-03 and approval of a Weslaco Mid Valley Ground Lease Agreement with Tenant Gary Wise for Hangar W5-03 authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment
- E. Authorization to submit an application renewing the ERate 2020-2021 Grant program, accept funds upon award, accept additional funding if awarded during the grant year, and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment

- F. Approval of the annual renewal of a general software subscription services contract for maintenance and support with Tyler Technologies Inc. (Incode system runs internal processes including Utility Billing, Procurement, Human Resources and Financials) in an amount not to exceed \$49,055.79 and authorize the Mayor to execute any related documents. (Staffed by Information Technology Department.) Attachment
- G. Approval of the annual renewal of a general software subscription services contract for maintenance and support with PTS Solutions, Inc (CAD, Jail and Record Management System for Police Department) in an amount not to exceed \$44,801.37 and authorize the Mayor to execute any related documents. (Staffed by Information Technology Department.) Attachment
- H. Approval of the annual request to host the 2019 Mid-Valley Christmas Parade on Saturday, December 7, 2019 along with Santa Dash fun run hosted by Snapix from 7 a.m. to 12 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, approval of the use of City Hall parking lot to stage 5k participants for start and end of run, request to waive any required fees and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right of-way. (Requested by Chamber of Commerce.)
- I. Approval to authorize staff to solicit bids for the proposed IBWC Levee repairs Project and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.)
- J. Approval to enter into an contractual agreement with the best qualified, most advantageous respondent for RFP on Municipal Audit Services and Engagement Letter and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2019-71 appointing one member to expired term 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. OLD BUSINESS

- A. Discussion and consideration to accept, open, award or reject the sole bid received for Flap Gates (RFB No.: 2018-19-18) and alternate bid of Flap Gate Installations and authorize the Mayor to execute any related documents. Possible action. (This item was tabled October 1, 2019; staffed by Engineering Department.)
- B. Discussion and consideration to accept, open, award or reject sole bid received for Fill Dirt Sale (RFB No.: 2018-19-17) and authorize the Mayor to execute any related documents. Possible action. (This item was table October 1, 2019; staffed by Engineering Department.) Attachment
- C. Discussion and consideration to approve Ordinance 2019-41 amending the Master Fee Schedule with respect to Vitals Statistics fees, Fire/EMS fees, Library fees, Planning/building fees and Police fees, and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-41. Possible action. (This item was tabled October 1, 2019; staffed by Finance Department.) Attachment

VII. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2019-42 amending Ordinance 2013-22, the City of Weslaco Subdivision Ordinance; and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-42. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment
- B. Discussion and consideration after public hearing on behalf of Miguel Angel Vicencio to approve a Conditional Use Permit to obtain a Mixed Beverage Permit and Food and Beverage Certificate at 2708 N. Texas Blvd., also being 0.76 acres S150'-N711'-E220'-W250 out of Farm Tract 107, West Tract 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 Joe Olivarez to approve Ordinance 2019-43 to rezone 710 S. Missouri. Also being Lots 3, 4, 5, 6, and 7, Blk 56, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-43. Possible Action. (Staffed by Planning and Code Enforcement Department.) Attachment

- D. Discussion and reconsideration for the Final Plat for Citrus 674 Subdivision– being a 8.46 acre tract being a portion of Farm Tract 674, Blk 164, West Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on the northeast corner of Border Ave. and 18th St., and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment
- E. Discussion and consideration for a six month extension of the Final Plat for Rangila Subdivision– being a 1.878 acres out of Farm Tracts 29, West Tract Subdivision Vol. 2, Weslaco, Hidalgo County, Texas located, approximately 1900 ft. north of west frontage road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- F. Discussion and consideration to approve 2019-2020 Inter-local Agreement with County of Hidalgo for the implementation of the Community Development Block Grant (C.D.B.G.) under Grant No. B-19-U.C-48-0501 underlining the activities that will be taken and authorize the Mayor to execute any related documents. The City allotment for this fiscal year is \$285,782.00 Possible action. (Staffed by the Finance Department.) Attachment
- G. Discussion and consideration to approve Ordinance 2019-44 amending Section 12 of Ordinance 397, to fix residential, commercial, and industrial garbage rates; providing an effective date; and ordaining other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-44. Possible action. (Staffed by Finance Department.) Attachment
- H. Discussion and consideration to approve Ordinance 2019-45 a budget amendment in the amount of \$360,000 in revenue and appropriations in the amount of \$387,435 in relation to the Hotel/Motel Tax fund and having a projected ending fund balance of \$597,685 and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-45. Possible action. (Staffed by Finance Department.) Attachment
- I. Discussion and consideration to approve a Professional Services Agreement with Sigler, Winston and Greenwood & Associates (SWG) for Engineering Services for the Pleasantview and 11th Street Drainage Project as negotiated and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment

- J. Discussion and consideration to approve a Professional Services Agreement with the Lower Rio Grande Valley Economic Development District for certain project management, reporting and support services in connection with the Economic Development Administration (EDA Project Number 08-79-05334) grant for the construction of Airport Hangars as negotiated and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment
- K. Discussion and consideration between Economic Development Corporation of Weslaco and City on financial support for the WEDC Lighting Project (underpass of Texas Blvd.) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Weslaco Economic Development Corporation.) Attachment
- L. Discussion and consideration on Resolution 2019-72 for the Multiple Use Agreement between Texas Department of Transportation and the City of Weslaco authorizing participation for the WEDC Lighting Project (underpass at Texas Blvd.) and authorize the Mayor to execute any related documents. Possible action (Staffed by Weslaco Economic Development Corporation.) Attachment
- M. Discussion and consideration to void price agreement for Caliche with Green Dream International due to unresponsiveness and award the second lowest bid to Frontera Materials Inc. in the amount of \$13.00/Ton and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment
- N. Discussion and consideration to approve an interlocal agreement with Weslaco Independent School District for eight (8) law enforcement officers to serve as school resource security officers (SRO), to be reimbursed in the amount of \$385,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment

VIII. 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. 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.
- C. Consultation – Consultation with City Attorney on negotiated agreement relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.
- D. Real Property – Consultation with City Attorney on the purchase of real property described as Lots 1-4, Block 43, Weslaco Original Townsite located at 501 S. Kansas as authorized by section §551.072 of the Texas Local Government Code.
- E. 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.

- F. Legal Consultation - Seek City Attorney opinion relating to the lawsuit with CDM as authorized by §551.071 of the Texas Government Code.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

X. 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 11th day of October, 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: