



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 5, 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, November 5, 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 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 October 1, 2019.
(Staffed by City Secretary Department.) Attachment.

B. Approval on second and final reading of the following:

- 1) Approval on 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 held October 15, 2019; staffed by Finance Department.) Attachment
- 2) Approval on Ordinance 2019-42 amending Ordinance 2013-22, the City of Weslaco Subdivision Ordinance- Annexation and Development Agreement requirement; and authorize the Mayor to execute any related documents. (First reading held October 15, 2019; staffed by Planning & Code Enforcement Department.) Attachment
- 3) Approval on 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 held October 15, 2019; staffed by Finance Department.) Attachment

C. Approval on the renewal of a Public Purposes Services Contract with the Boys & Girls Club of Weslaco in an amount not to exceed \$75,000.00 for the public purpose services and activities in this contract, effective October 1, 2019 through September 30, 2020 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment

D. Approval on the renewal of a Public Purpose Service Contract with the Weslaco Bicultural Museum d.b.a. Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$63,100.00 effective October 1, 2019 through September 30, 2020 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment

E. Approval on the renewal of Professional Services Agreement as recommended by the Weslaco Hotel Occupancy Tax Advisory Committee and approved by the City Commission as follow:

1. Frontera Audubon Society - \$ 39,000.00
2. Valley Nature Center - \$ 40,800.00 and
3. Weslaco Chamber of Commerce \$236,635.00

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

F. Approval to ratify acceptance of Office of the Governor's Criminal Justice Division Funding Grant #3814601, a grant to fund the Crime Victim Coordinator salary and purchase a laptop and printer in an amount not to exceed \$33,984.05 with a **20% MATCH REQUIRED (\$8,496.01)** and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment

- G. Approval to ratify acceptance of grant award from the Office of the Governor's Homeland Security Grants Division Funding (2019 State Homeland Security Program – LETPA Projects) in an amount of \$19,000 with **NO MATCH REQUIRED** and authorize the Mayor to execute any related documents. (Staffed by the Police Department.) Attachment
- H. Approval on Resolution 2019-75 to apply to the Criminal Justice Division Opioid Antagonist Grant Program, FY2020 for an amount not to exceed \$100,000 with **NO MATCH REQUIRED** and authorize the Mayor to execute any related documents (Staffed by Police Department.) Attachment
- I. Approval to authorize the Mayor Joe V Sánchez Public Library to implement a Food for Fines program supporting local food drives and the RGV Food Bank during the Holiday Season and to start a toy drive collection and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment
- J. Approval to authorize staff to solicit Request for Qualifications for professional services for geotechnical and material testing and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.)
- K. Approval on request from the Weslaco Centennial Committee to install street banners across N. Texas Blvd. and N. Westgate Dr. below E. Frontage Rd. on or before November 1, 2019 and remove after December 10, 2019 and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.) Attachment
- L. Approval of payment to Rio Grande Valley Communication Group in the amount of \$42,504.00 for various departmental subscription usage and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment
- M. Approval to authorize solicitation for Request for Qualifications to provide Architectural/Engineering design services for the Airport hangar project. (Staffed by Airport.) Attachment

IV. **APPOINTMENTS**

- A. Discussion and consideration to approve Resolution 2019-73 appointing a member to an expired term on the Board of Adjustments & Appeals to the Zoning Ordinance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment

V. **OLD BUSINESS**

- A. 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. (This item was tabled October 15, 2019; staffed by Planning and Code Enforcement Department.) Attachment

- B. 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. (This item was tabled October 15, 2019; staffed by Finance Department.) Attachment
- C. Discussion and consideration to approve the FY 2019-2020 Proposed Street Improvement Projects and authorize the Mayor to execute any related documents. Possible action. (There was no action on September 17, 2019; staffed by Public Works Department.) Attachment
- D. 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 and no action October 15, 2019; staffed by Engineering Department.)

VI. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2019-46 amending Ordinance 1989-06, The City of Weslaco Off-Street Parking and Loading Spaces Ordinance-Dance Halls/Event Centers; and authorize the Mayor to execute any related documents. First Reading of Ordinance 2019-46. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment
- B. Discussion and consideration to approve Resolution 2019-74 to allocate votes in the election for the 2020-2021 Board of Directors of the Hidalgo County Appraisal District pursuant to §6.03(e) of the Texas Property Tax Code and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Managers Office.) Attachment
- C. Discussion and consideration on the purchase of Capital Outlay equipment approved for FY 2019-2020 as follows:
 - 1. Compact Van (1) - Bldg. Maint. not to exceed \$22,250.00 through Gunn Chevrolet TXMAS SMARTBUY CONTRACT
 - 2. Truck 3/4 ton (1) - Streets Dept not to exceed \$31,800.00 through Caldwell Country

Chev. Buyboard Contract vendor 521-16

3. Truck 3/4 ton (1) - Parks Dept not to exceed \$32,000.00 through Caldwell Country Chev. Buyboard Contract vendor 521-16

4. Utility Tractor 5065E (1) - Parks Dept. not to exceed \$43,800.00 through Buyboard Contract #529-17 vendor Deere & Company

5. Mower Flex Wing FM2120R (1) - Parks Dept. not to exceed \$26,500.00 through Buyboard Contract #529-17 vendor Deere & Company

6. Tractor Z970R Mower (1) - Parks Dept. not to exceed \$14,400.00 through Buyboard Contract #529-17 vendor Deere & Company;

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

- D. Discussion and consideration on Ordinance 2019-47 establishing a Series 2019 Drainage Capital Project fund for drainage improvements in the amount of \$10,107,256 and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-47. Possible action. (Staffed by Finance Department.) Attachment
- E. Discussion and consideration on Ordinance 2019-48 approving a budget amendment for the Series 2019 Drainage Capital Project fund for drainage improvements in the amount of \$10,107,256.30 and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-48. Possible action. (Staffed by Finance Department.) Attachment
- F. Discussion and consideration on Ordinance 2019-49 establishing an Interest & Sinking Debt Fund on the Series 2019 Bond issue related to drainage improvements and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-49. Possible action. (Staffed by Finance Department.) Attachment
- G. Discussion and consideration on the purchase of 2 EKG Monitors (LP 15) for total of \$55,665.60 approved for FY 2019-2020 CIP and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment
- H. Discussion and consideration on request from the Weslaco Centennial Committee on the closure of streets from December 6-10, 2019 for the Centennial Celebration festivities:
- 1) Designate S. Illinois Ave from Business 83 to East 6th Street a one-way street from 4pm on Friday, December 6th to 8:00 p.m. Sunday, December 8th;
 - 2) Closure of 4th, 5th and 6th streets from S. Kansas Ave to S. Illinois Ave for Fiesta Cien from 6pm Friday, December 6 to midnight Sunday, December 8;
 - 3) Closure of E. Agostadero Street and E. Plaza Street from N. Kansas Ave to N Illinois and use of La Plazita Park for Conjunto Neighborhood Dance from 7pm to 10pm on Saturday, December 6;
 - 4) Closure of N. Texas Blvd from Lone Star Bank to Su Casa Adult Day Care on Railroad Street from 6pm to 9pm Saturday, Dec 6 for Posada; and

5) Closure of Pike Blvd. from Westgate Drive to the wet parking entrance of Weslaco High School for fireworks at Bobby Lackey Stadium from 8pm to 9pm December 10; and
to waive all fees for all Special Events for the Centennial Celebration authorizing the Mayor to execute any related documents as may be required by the Texas Department of Transportation. Possible action. (Requested by Weslaco 100 Committee.) Attachment

- I. Discussion and consideration to approve a six-month extension of the Final Plat for JOW Subdivision, 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. Possible action. (Staffed by Planning and Code Enforcement Department.)

VII. REPORTS

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco.
- C. Report by Inframark.
- D. Report by Public Works.

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. Legal Consultation - Seek City Attorney opinion relating to the lawsuit with CDM as authorized by §551.071 of the Texas Government Code.
- E. 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.
- F. 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.
- G. 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 §551.072 of the Texas Local Government Code
- H. 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.

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 1st day of November 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: