



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 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, December 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 Divine Custom Homes requesting a Conditional Use Permit to operate an Event Center at 1002 E. Expy 83, also being a 1.15-acre tract, IRR TR W 140.27'-E 290.40'-S387.48' out of Farm Tract 41, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

- B. To solicit input on behalf of SWG Engineering to rezone 1531 N. International Blvd. also being Adams Tract N25AC-S28.84AC FT 1038 EXC S660'-E330 20AC NET, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.
- C. To solicit input on behalf of Steven Valdez requesting a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 418 S. Texas Blvd. Suite A, also being lot 4 and 5, Block 34, Weslaco Original Townsite, 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 following:
 - 1) Minutes of the Regular Meeting on November 19, 2019; Staffed by City Secretary Department.) Attachment.
- B. Approval to terminate a Weslaco Mid Valley Airport Ground Lease Agreement with Tenant Chistopher De Leon D/B/A De Leon Aircraft Maintenance Professional and Harold Cain for Hanger W6 and approval of a Weslaco Mid Valley Ground Lease Agreement with Tenant Gary Wise for Hangar W6 and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment
- C. Acceptance of funds in the amount of \$3,750.00 from the U.S. Department of Justice United States Marshals Services for overtime operations by the City of Weslaco Police Department pursuant to the Memorandum of Understanding and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment

V. APPOINTMENTS

- A. Discussion and consideration to accept the resignation of Cynthia Cabaza from the Weslaco Economic Development Corporation and approve Resolution 2019-82 appointing one member to an unexpired term and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Weslaco Economic Development Corporation.) Attachment

VI. OLD BUSINESS

- A. Discussion and consideration on Ordinance 2019-50 to convert the twenty- foot alley running between Lots 1-20, Block 4, Gonzalez Addition into a utility easement and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-50. Possible action. (This item was tabled November 19 and remained tabled December 3, 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; remained tabled December 3, 2019; staffed by Finance Department.) Attachment
- C. Discussion and consideration and approval of Allowance Expenditure No. 3 regarding the North Side Fire Station Project and authorize the Mayor to execute any related documents. Possible Action. (This item was tabled December 3, 2019; staffed by Airport.)

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Divine Custom Homes to approve a Conditional Use Permit to operate an Event Center at 1002 E. Expy 83, also being a 1.15-acre tract, IRR TR W 140.27'-E 290.40'-S387.48' out of Farm Tract 41, 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
- B. Discussion and consideration after public hearing on behalf of Steven Valdez to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 418 S. Texas Blvd. Suite A, also being lot 4 and 5, Block 34, 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
- C. Discussion and consideration after public hearing on behalf of SWG Engineering to approve Ordinance 2019-51 to rezone 1531 N. International Blvd. also being Adams Tract N25AC-S28.84AC FT 1038 EXC S660'-E330 20AC NET, 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 2019-51. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

- D. Discussion and consideration to award the best qualified, most advantageous response to the Request for Qualifications for the City of Weslaco Alton Landfill Post-Closure Care Monitoring (RFQ No. 2019-20-05). Possible action. (Staffed by Public Works Department.) Attachment
- E. Discussion and consideration of date and time for a City Commission Retreat to discuss the following: Land Use Master Plan, Solid Waste, Long Term Financials and Stability and Capital Outlay Projects. Possible action. (Staffed by City Manager.)
- F. Discussion and consideration to approve Resolution 2019-83 expressing support for application to the Texas Department of Housing and Community Affairs for the 2020 competitive nine-percent housing tax credits for Weslaco Village Apartments and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment
- G. Discussion and consideration on Inter-local Agreement between City of Weslaco and Hidalgo and Cameron Counties Irrigation District No. Nine to grant Weslaco a license in, over and across the Weslaco designated ditches to access, maintain, operate, expand, and/or repair and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment
- H. Discussion and consideration on Mutual Aid Agreement between City of Weslaco and Tu VIDA Medical Transport, Inc. for ambulance mutual aid services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment
- I. Discussion and consideration on Mutual Aid Agreement between City of Weslaco and South Point EMS for ambulance mutual aid services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire 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. Legal Consultation - Seek City Attorney opinion relating to the lawsuit with CDM as authorized by §551.071 of the Texas Government Code.
- C. Consultation – Seek City Attorney opinion on arbitration proceedings by the Weslaco Firefighters Association (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.
- D. Real Property– Consultation with City Attorney on the acquisition of real property legally described as Lot 16, Block 2, La Paloma De La Sombras Subdivision for the Pleasantview drainage improvements project as authorized by §551.072 of the Texas Local Government Code.
- E. Real Property– Consultation with City Attorney on the acquisition of real property legally described as a 29.08 acre of land consisting of 15.24 acres out of Farm Tract 705 and 13.84 acres out of Farm Tract 706, West Tract Subdivision the Pleasantview drainage improvements project as authorized by §551.072 of the Texas Local Government Code.

- F. Real Property– Consultation with City Attorney on the acquisition of real property legally described as a 0.87 acre tract of land out of Farm Tract 706, West Tract Subdivision the Pleasantview drainage improvements project as authorized by §551.072 of the Texas Local 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 13th day of December 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: