



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 3, 2017**

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 3, 2017 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 in compliance with the Consolidated Plan for Community Planning and Development (CDBG) Urban County Program Fiscal Year 31 (2018) Needs Assessment Plan. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 on second and final reading of the following:

- 1) Ordinance 2017-40 rezoning 400 N Republic Street also being Lots 12, 13, and 14, STAATS Addition Subdivision, Weslaco, Hidalgo County, Texas, from R-2 Duplex and Apartments District to B-4 Neighborhood Office District and authorize the Mayor to execute any related documents. (First reading was held September 19, 2017; Staffed by Planning and Code Enforcement.) Attachment
- 2) Ordinance 2017-41 rezoning 1210 Valley View also being Lot 6, Ashmelmont Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District and authorize the Mayor to execute any related documents. (First reading was held on September 19, 2017; Staffed by Planning and Code Enforcement.) Attachment
- 3) Ordinance 2017-42 rezoning 1319 E. 18th Street also being Lot 24, Margo Terrace Estates Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District and authorize the Mayor to execute any related documents. (First reading was held on September 19, 2017; Staffed by Planning and Code Enforcement.) Attachment
- 4) Ordinance 2017-43 authorizing a budget amendment as appropriate for the Solid Waste Account in the amount of \$27,000.00 and authorize the Mayor to execute any related documents. (First reading was held on September 19, 2017; Staffed by Public Works.) Attachment

B. Approval of the renewals of the Professional Services Agreements as recommended by the Weslaco Hotel Occupancy Tax Advisory Committee:

1. Frontera Audubon Society - \$30,800.00;
2. Lower Rio Grande Valley Nature Center - \$32,500.00;
3. Weslaco Area Chamber of Commerce - \$191,740.00;

and authorize the Mayor to execute any related documents. Attachment

C. Approval of Ordinance 2017-50 authorizing a negotiated resolution with Texas Gas

Service regarding the company's 2017 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause and other matters as ordained. First Reading of Ordinance 2017-50. (Staffed by Finance Department.) Attachment

- D. Approval of a request by the Weslaco Bikearoos to utilize Harlon Block Park on October 14, 2017 from 8 a.m. – 12 p.m. for a Bike Rodeo, 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 Weslaco Bikearoos.) Attachment
- E. Approval of a 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, 2017 through September 30, 2018 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment
- F. Approval of the renewal of a Public Purposes Services Contract with the Boys & Girls Club of Weslaco in an amount not to exceed \$50,000.00 for the public purpose services and activities in this contract, effective October 1, 2017 through September 30, 2018, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment
- G. Approval of a renewal of a Mutual Lease Agreement with the Boys and Girls Club of Weslaco for the use of the facility located at 300 N. Airport, Suite B and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment
- H. Approval of renewal yearly agreement with UT-RGV for Stormwater Task Force in an amount not to exceed \$15,876.00 and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.) Attachment
- I. Approval of the purchase of one (1) new city unit for Animal Care Services in an amount not to exceed \$58,367.00 from the Capital Outlay funds Fiscal Year 2017-2018 and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment
- J. Authorization to use the Court Technology Fund to pay the yearly fee for Incode Services, which include the Court Case Management, Police (non-Incode Interface to

Court), and AcuCorp Run Time in the amount not to exceed \$10,136.79. (Staffed by Municipal Court.) Attachment

- K. Approval of the renewal of payment to Smartcom Telephone, LLC for annual internet services and city facility network connectivity and authorize the Mayor to execute any related documents. (Staffed by IT Department). Attachment
- L. Approval of the renewal of payment to PTS Solutions, Inc for yearly software maintenance fee and authorize the Mayor to execute any related documents. (Staffed by IT Department). Attachment
- M. Approval of the renewal of payment to Tyler Technologies for yearly software maintenance fee and authorize the Mayor to execute any related documents. (Staffed by IT Department). Attachment

V. NEW BUSINESS

- A. Discussion and consideration to approve the following:
 - 1) Minutes of Regular Meeting on September 19, 2017; and
 - 2) Record of Workshop on September 27, 2017. Possible action.(Pulled from consent agenda on request by Commissioners Kerr and Munoz; Staffed by City Secretary's Office.) Attachment
- B. Discussion and consideration to approve an Interlocal Agreement with Hidalgo County Precinct No. 1 on Midway Road improvements and authorize the Mayor to execute any related documents. Possible action. (Requested by Precinct 1.) Attachment
- C. Discussion and consideration to award Request For Bids 2016-17-27 Rehabilitation of Lift Station No. 37 to the lowest most advantageous bidder and authorize Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- D. Discussion and consideration to approve Ordinance 2017-48 amending Ordinance 1998-27, the City Telecommunication Ordinance, codified as Chapter 130, and adding uniform, nondiscriminatory requirements for users of City right-of-way and authorize the Mayor to execute any related documents. First reading of Ordinance 2017-48. Possible action. (Staffed by Planning and Code Enforcement Department). Attachment

- E. Discussion and consideration to approve Ordinance 2017-49 amending Ordinance 320, the City Zoning Ordinance, codified as Chapter 150, adding a new Division 10 (“Overlay Design District”) to section 150-3 (“Districts”), and adding section 150-11.1 Design District and authorize the Mayor to execute any related documents. First reading of Ordinance 2017-49. Possible action. (Staffed by Planning and Code Enforcement Department). Attachment
- F. Discussion and consideration to adopt the City of Weslaco Design Manual for the Installation of Network Nodes and Node Support Poles Pursuant to Tex. Loc. Gov. Code Chapter 284. Possible action. (Staffed by Planning and Code Enforcement 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. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.
- C. Economic Development – Consultation with City Attorney regarding Economic

Development opportunities and incentive programs related to Project Saddle as authorized by §551.087 of the Texas 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 29th day of September, 2017 at 4:45 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/ Elizabeth M. Walker, 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/Agendas.html>. Archived video of some meetings are also available.

Removed from Bulletin Board

Date:

Initials: