A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 17, 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 17, 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 Five (5) Year Consolidated Plan for Community Planning and Development (CDBG) under the Urban County Program for Fiscal Years 31-35 (2018-2022). Attachment

B. To solicit input on behalf of Salomon A. Pena to obtain a Wine and Beer Retailers Off-Premise Permit at 525 N. Cantu also being Lot 7, Block 5, Villa Vista #2, Weslaco, Hidalgo County, Texas.

C. To solicit input on behalf of Elsa Garcia to rezone 1513 S. Westgate Drive also being 2.21 acres out of Farm Tract 666, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling to R-2 Duplex and Apartments 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 of the Regular Meeting on October 3, 2017. (Staffed by City Secretary's Office.) Attachment

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

1) 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 held October 3, 2017; Staffed by Planning and Code Enforcement Department.) Attachment

2) 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 held October 3, 2017; Staffed by Planning and Code Enforcement Department.) Attachment

3) 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 held October 3, 2017; Staffed by Finance Department.) Attachment

C. Approval of payment to Smartcom Telephone, LLC for annual local and long-distance voice services and authorize the Mayor to execute any related documents. (Staffed by IT Department.) Attachment

D. Authorization to submit an application renewing the ERate 2018-2019 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 the Library Department.) Attachment

E. Authorization to allow 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 authorize the Mayor to execute any related documents. (Staffed by the Library Department.) Attachment

F. Approval of the annual request to host the 2017 Mid-Valley Christmas Lighted Parade on Saturday, December 9, 2017 along with Santa Dash fun run hosted by Mid-Valley Events from 4:00 p.m. – 9:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, approve the use of City Hall parking lot to host a music event after the parade, 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. (Staffed by Parks and Recreation Department.)

G. Approval of the request from H-E-B to place banner promoting Feast of Sharing at intersection of Texas and Pike Boulevards up to three weeks before the event on December 16, 2017, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Staffed by Parks and Recreation Department.)

V. APPOINTMENTS

A. Discussion and consideration to approve Resolutions 2017-67 and 2017-68 appointing two members to expired terms on the Board of Adjustments & Appeals Zoning Ordinance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment

VI. OLD BUSINESS

A. Discussion and consideration of playscape at Pecan Grove Park and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item on September 5, 2017; Staffed by Parks and Recreation

Department.) Attachment

B. Discussion and consideration to approve the FY 2017-2018 Proposed Street Improvement Project and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item September 19, 2017; Staffed by Public Works.) Attachment

VII. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Salomon A. Pena to obtain a Wine and Beer Retailers Off-Premise Permit at 525 N. Cantu also being Lot 7, Block 5, Villa Vista #2, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement.) Attachment

B. Discussion and consideration after public hearing on behalf of Elsa Garcia to approve Ordinance 2017-52 rezoning 1513 S. Westgate Drive also being 2.21 acres out of Farm Tract 666, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling to R-2 Duplex and Apartments District. First reading of Ordinance 2017-52. Possible action. (Staffed by Planning and Code Enforcement.) Attachment

C. Discussion and consideration to adopt Ordinance 2017-45, amending Ordinance 2017-06, providing for a new schedule of rates to be charged for certain meter tapping fees and authorize the Mayor to execute any related documents. First Reading of Ordinance 2017-45. Possible action. (Staffed by Finance Department.) Attachment

D. Discussion and consideration to approve Ordinance 2017-46 amending the Master Fee Schedule with respect to library fees and permit fees, and authorize the Mayor to execute any related documents. First reading of Ordinance 2017-46. Possible action. (Staffed by Finance Department.) Attachment

E. Discussion and consideration to approve a Performance Contracting Agreement with Siemens Industry, Inc. for a turn-key solution to implement capital intensive improvements utilizing energy, operational savings and increased revenue to offset the cost of improvements, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment

F. Discussion and consideration to accept the lowest and most advantageous proposal for tax exempt financing of certain equipment required in connection with the Energy Savings Performance Contract with Siemens Industry, Inc. as requested in Request for

Proposals No. 2017-18-02, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment

G. Discussion and consideration to purchase a 2018 F-550 Fire Utility Vehicle from Buyboard under the Fire Department Apparatus replacement fund 2017-2018 budget at a cost not to exceed $225,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment

H. Discussion and consideration to amend the Ground Lease Agreement with the Weslaco Economic Development Corporation, Hangar E-24 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment

I. Discussion and consideration to approve the Economic Development Corporation of Weslaco work plan for fiscal year 2017-2018. Possible action. (Requested by Weslaco Economic Development Corporation.) Attachment

J. Discussion and consideration to approve an Interlocal Agreement for Transportation Services for a regional public transportation system, Valley Metro, in an amount not to exceed $39,292.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment

K. Discussion and consideration to amend the Travel Policy. Possible action. (Staffed by City Manager's Office.) Attachment

VIII. REPORTS

A. Report by Public Works on Flooding and Potholes.

IX. 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 or 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.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

XI. 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 October, 2017 at 4:10 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: