



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 19, 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, December 19, 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 on behalf of Rashad Javed Rana to rezone 1720 W. 18th Street also being the 3.00 acres out of Farm Tract 658, West Tract, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling to R-3 Rural 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 following:

- 1.) Minutes of the Regular Meeting on December 5, 2017
- 2.) Record of the Workshop on December 6, 2017. (Staffed by City Secretary's Office.) Attachment.

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

- 1) Ordinance 2017-53 authorizing a budget amendment as appropriate in the amount of \$17,167.11 to purchase Water Rescue Dry Suits awarded under a Homeland Security Grant and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment

C. Approval of the request from the Weslaco Area Chamber of Commerce to hold the 29th Annual Texas Onion Fest on Saturday, March 24, 2018 at the Mayor Pablo G. Pena City Park on Airport Drive, to sell beer during the event, to place a banner promoting the event at the intersection of Texas and Pike Boulevard and Westgate and Frontage for two weeks prior to the event, to waive appropriate ordinances associated with the event and allow a carnival. (Requested by Weslaco Area Chamber of Commerce.) Attachment

D. Authorization to solicit Requests for Proposals (RFP) for Fireworks Display for 4th of July Celebration at Harlon Block Park or Pablo G Pena City Park on Wednesday, July 4, 2018, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment

E. Approval of Resolution 2017-86 authorizing the submittal of a Solid Waste Grant Application to the Lower Rio Grande Valley Development Council in the amount of \$30,000.00 for fiscal years 2017 and 2018 to fund the operations of the Recycle Center, authorized acceptance upon award, and authorize the Mayor to execute any related documents. (Staffed by Public Works.) Attachment

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2017-85 establishing an appointment policy and rotation schedule for the designation of the Mayor Pro Tempore. Possible action. (Staffed by City Secretary's Office.) Attachment

VI. OLD BUSINESS

- A. 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 October 17, 2017; Staffed by Public Works.) Attachment
- B. Discussion and consideration on Resolution 2017-84 to terminate the Multiple Use Agreement with the Texas Department of Transportation for inactive approved bus stop locations along their right-of-way on U.S. Business Highway 83 and Texas Boulevard. Possible action. (There was no action on December 5, 2017; Staffed by Planning and Code Enforcement.) Attachment

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Rashad Javed Rana to approve Ordinance 2017-54 rezoning 1720 W. 18th Street also being the 3.00 acres out of Farm Tract 658, West Tract, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling to R-3 Rural District. First reading of Ordinance 2017-54. Possible action. (This item requires three-fourths vote as it was denied by Planning and Zoning Commission; Staffed by Planning and Code Enforcement Department.) Attachment
- B. Discussion and consideration to approve a six-month extension of the Final Plat for Descanso Subdivision – being a 5.278 acres out of Farm Tract 743, the West and Adams Tract Subdivision Weslaco, Hidalgo County, Texas, located at 2200 S. Texas Boulevard. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- C. Discussion and consideration to approve City cost share participation in an amount not to exceed \$43,000.00 for sanitary sewer upgrades on the Midway Mobile Subdivision to accommodate future growth. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- D. Discussion and consideration to approve final payment to CDM Constructors, Inc. for the Weslaco Water Treatment Plant & Offsite Distribution System Project. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

- E. Discussion and consideration to approve Interlocal Agreement for Mile 6 West Project Phase III with Hidalgo County for an amount not to exceed \$532,772.26. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- F. Discussion and consideration to amend Section V of the Interlocal Cooperation Agreement for Tax Assessment and Collection and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment
- G. Discussion and consideration to allow the Library to participate within the Region 1 ERate application for the establishment of a regional fiber optic network and to submit a Letter of Agency allowing Region 1 to apply on behalf of the City of Weslaco. Possible action. (Staffed by Library.) Attachment
- H. Discussion and consideration to approve final payment and execution of the substantial completion document for the Roof Renovation Project at the Mayor Joe V Sanchez Public Library. Possible action. (Staffed by Library.) Attachment
- I. Discussion and consideration to approve Ordinance 2017-55 authorizing a budget amendment for Airport in amount of \$41,815.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment
- J. Discussion and consideration to terminate the Fire Service contract with the City of Progreso for fire protection services within the City of Progreso by the Weslaco Fire Department. Possible action. (Staffed by Fire Department.)

VIII. REPORTS

- A. Report by Perdue Brandon Fielder Collins & Mott LLP on delinquent tax collection.
- B. Report by Lower Rio Grande Valley Development Council on Valley Metro Ridership Program.

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 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. Personnel - Discussion and possible selection of Interim Police Chief as authorized by Section 551.074 of the Texas Government Code.
- C. 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.
- D. Legal Consultation - Seek City Attorney opinion relating to the mediation with CDM as authorized by §551.071 of the Texas Government Code.
- E. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related for retail development Project Ocean as authorized by §551.087 of The Texas Government Code.
- F. Economic Development – Consultation with City Attorney regarding Economic Development incentive program related to Project Anchor as authorized by §551.087 of the Texas Government Code.
- G. Real Property – Consultation with City Attorney on the purchase, sale, exchange, lease or value of real property consisting of 2 acres more or less with improvements out of Farm Tract 666 located on South Westgate Drive as authorized by §551.072 of

the Texas Local Government Code.

- H. Real Property – Consultation with City Attorney on the purchase, sale, exchange, lease or value of real property consisting of 12.79 unimproved acres more or less out of Farm Tract 666 located on Mile 6 and 18th Street as authorized by §551.072 of the Texas Local 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 15th day of December, 2017 at 4:40 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: