



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 17, 2018**

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, April 17, 2018 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 Ice House Sports Bar & Grill LLC for a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 3700 E. Expressway 83 also being Lot 5 of the Replat of Red Bird Subdivision No. 2, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.)

- B. To solicit input on behalf of Reyna 5 Enterprises LLC for a Conditional Use Permit to obtain a Mixed Beverage Permit, Food and Beverage Certificate and Beverage Cartage Permit at 812 W. Interstate 2 also being Lot 2 Replat of Lot 1, Reyna Office Park, Unit 1 Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.)

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 following:
 - 1) Regular Meeting on April 3, 2018;
 - 2) Record of Workshop meeting on April 3, 2018. (Staffed by City Secretary's Office.) Attachment.
- B. Approval of a Mid Valley Airport Ground Lease Agreement with Tenant Nelson Clopine for Hangar W-31 and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment
- C. Approval of a Mid Valley Airport Ground Lease Agreement with Tenant Scott Fuller for Hangar W-21A and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment
- D. Authorization to hold the July 4th celebration with Weslaco Economic Development Corporation on Wednesday, July 4, 2018 at the Mayor Pablo G. Peña City Park at 300 N. Airport Drive, to sell beer during the event from 12 noon to 11 p.m., to waive appropriate ordinances associated with the event, and to place a banner promoting it at the intersection of Texas and Pike Boulevards and/or Westgate Drive and Frontage 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.)
- E. Acceptance as a permanent recipient of a CERT/MRC training trailer awarded June 20, 2017 from the State of Texas Citizen Corps program to the City of Weslaco Fire Department CERT/MRC community program. (Staffed by Fire Department.) Attachment
- F. Authorization to submit an application to the Bulletproof Vest Partnership (BVP) Grant and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment

- G. Approval of request by Elks Lodge #2057 to close Gibson Park early for their 21st Annual McCaleb Charity Shrimp Boil on May 18th, 2018 to accommodate parking beginning at 6 p.m. (Requested by Paul McDaniel, Chairman, Weslaco Elks Lodge #2057.) Attachment
- H. Authorization of an expenditure in an amount not to exceed \$1,100.00 from the Preservation Fund for the purchase of death record binders, birth record binders, secure life ledger paper, and other supplies for the permanent retention of vital records as prescribed by the Texas Health & Safety Code §191.0045 (h). (Staffed by City Secretary's Office.) Attachment
- I. Authorization to bid and purchase a 2018 F-350 Ambulance at a cost of \$150,000.00 with awarded funding from Emergency Services District #1 through HGAC contract #AM10-16 and authorize the Mayor to executed any related documents. (Staffed by the Fire Department.) Attachment

V. OLD BUSINESS

- A. Discussion and consideration to approve the City of Weslaco's Comprehensive Annual Financial Report for fiscal year ending September 30, 2017 as presented by Carr, Riggs & Ingram, LLC. Possible action. (There was no action on April 3, 2018; requested by Carr, Riggs & Ingram, LLC; Staffed by Finance Department.) Attachment
- B. Discussion and consideration to approve Change Order No. 001 with Noble Texas Builders on the University of Texas Rio Grande Valley Center for Innovation and Commercialization project to decrease the project sum by \$96,956.00 per value engineering items and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item March 20 and April 3, 2018; Requested by Economic Development Corporation.) Attachment

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Ice House Sports Bar & Grill to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 3700 E. Expressway 83 also being Lot 5 of the Replat of Red Bird Subdivision No. 2, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by the Planning and Code Enforcement Department.) Attachment

- B. Discussion and consideration after public hearing on behalf of Reyna 5 Enterprises LLC for a Conditional Use Permit to obtain a Mixed Beverage Permit, Food and Beverage Certificate and Beverage Cartage Permit at 812 W. Interstate 2 also being Lot 2 Replat of Lot 1, Reyna Office Park, Unit 1 Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- C. Discussion and consideration to adopt Ordinance 2018-09 amending ordinance 2017-10 The City of Weslaco International Energy Conservation Code creating a sampling protocol for multiple dwelling units for Building Thermal Envelope Test and Duct Leakage Test and authorize the Mayor to execute any related documents. First Reading of Ordinance 2018-09. Possible action. (Staffed by Planning and Code Enforcement.) Attachment
- D. Discussion and consideration to adopt Ordinance 2018-12 amending Ordinance 2017-10 The City of Weslaco International Energy Conservation Code regarding Commissioning. First Reading of Ordinance 2018-12. Possible action. (Staffed by Planning & Code Enforcement.) Attachment
- E. Discussion and consideration to approve Change Order No. 1 for the Repairs of the Villa de Cortez Parking Garage Project in an amount not to exceed \$11,887.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- F. 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 19, 2017; Staffed by Planning and Code Enforcement.) Attachment
- G. Discussion for establishing the Board of Adjustments to the Building Code and Zoning Ordinance (merging Board of Adjustments to the Construction and Housing Code and Board of Adjustment to the Zoning). (Staffed by Planning and Code Enforcement Department.)
- H. Discussion and consideration to approve the North Fire Station layout and finalize plan. Possible action. (Staffed by City Manager's Office). Attachment
- I. Discussion and consideration to approve Resolution 2018-33 finding that AEP Texas Central Company's application for a distribution cost recovery factor to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment

- J. Discussion and consideration to approve Resolution 2018-34 opposing inclusion of a citizenship question in the 2020 Census and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment
- K. Discussion and consideration to purchase an administrative truck for the Weslaco Police Department Chief utilizing a Buyboard contract #521-16 Silsbee Ford in the amount not to exceed \$33,145.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment

VII. 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 Cause No. C-1301-18-F *Jimmie E. Steidinger, John Paul Blakely, and Roy Dale Kincaid, Plaintiffs, v. City of Weslaco and Andrew Munoz, Defendants* as authorized by §551.071 of the Texas Government Code.
- C. Legal Consultation - Seek City Attorney opinion relating to the mediation with CDM as authorized by §551.071 of the Texas Government Code.

- D. Legal Consultation - Seek City Attorney opinion relating to the demand letter from Noble Texas as authorized by §551.071 of the Texas Government Code.
- E. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related to Project Academy as authorized by §551.087 of the Texas Government Code.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

IX. 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 April, 2017 at 4:15 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/open-government/open-meetings>. Archived video of some meetings are also available.

Removed from Bulletin Board

Date:

Initials: