



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, FEBRUARY 19, 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, February 19, 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.

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 Della Fay Perez requesting to rezone 903 S. Border Ave., Also being a 0.70 acre tract of land being the North 185.00 feet of the South 360 feet of Lot 4, H.L. Stebbins Subdivision of the NW 10.00 ac of Farm Tract 672, Block 164, West Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to R-2 Duplex and Apartment District.

- B. To solicit input on behalf of Antonio Duran requesting a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit at 2901 W. Bus 83, also being the W 1.77 acres- an IRR Tract S88 Farm Tract 626 being 1.77 ac Net, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

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) Record of Workshop Meeting on January 5, 2019;
 - 2) Record of Special Meeting on January 22, 2019; and
 - 3) Minutes of the Regular Meeting on February 5, 2019 (Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of the following:
- 1) Approve Ordinance 2019-03 a budget amendment for the Animal Care Services Building for metal repairs to the roof and purling not exceeding \$19,000.00 and authorize the Mayor to execute any related documents. (First reading held February 5, 2019; Staffed by Planning & Code Enforcement Department.) Attachment
- C. Approval to renew a Service Agreement with SmartCom Telephone for a three-year term for Telecommunications Data and Internet Services for City owned facilities and authorize the Mayor to execute any related documents. (Staffed by Information Technology Department.) Attachment
- D. Approval on the submission of a Letter of Intent to the US Army Corps of Engineers under the Flood Plain Management Service Program, Section 206 of the Flood Control Act of 1960 and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.) Attachment
- E. Approval on the submission of a Letter of Intent to the US Army Corps of Engineers under the Planning Assistance to State Program, Section 22 of the Water Resources Development Act of 1974, as amended and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.) Attachment

- F. Approval on Resolution 2019-21 to apply to the Office of the Governor's Criminal Justice Division Funding Announcement (FY2020 Criminal Justice Program, JAG) to fund salary for a non-civil service Evidence Technician in an amount not to exceed \$45,000 and authorize the Mayor to execute any related documents. (Staffed by the Police Department.)
Attachment
- G. Approval on Resolution 2019-22 to apply to the Office of the Governor's Homeland Security Grants Division Funding Announcement (FY2020 Local Border Security Program) to fund overtime for peace officers and support staff in an amount not to exceed \$120,000 and authorize the Mayor to execute any related documents. (Staffed by the Police Department.) Attachment
- H. Approval on Resolution 2019-23 to apply to the Office of the Governor's Criminal Justice Division Funding Announcement (FY2020 Truancy Prevention and Intervention Program) to fund the First Offender Case Manager's salary, purchase a laptop and obtain an operation budget in an amount not to exceed \$75,000.00 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
Attachment
- I. Approval on Resolution 2019-24 to apply to the Office of the Governor's Criminal Justice Division Funding Announcement (General Victim Assistance Program) to fund the Crime Victim Coordinator's salary and purchase a laptop in an amount not to exceed \$50,000.00 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

Attachment
- J. Approval on Resolution 2019-25 to apply to the Office of the Governor's Criminal Justice Division Funding Announcement (Violence Against Women Justice and Training Program) to fund training for law enforcement officers, judges, other court personnel, other police support personnel and prosecutors on violence against women in an amount not to exceed \$30,000.00 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
Attachment
- K. Approval on Resolution 2019-26 to apply to the Office of the Governor's Homeland Security Grants Division Funding Announcement (2019 State Homeland Security Program – LETPA Projects) to fund the salary of a Crime Fusion Intelligence Analyst in an amount not to exceed \$55,000 and authorize the Mayor to execute any related documents. (Staffed by the Police Department.)

Attachment

- L. Approval of Resolution 2019-27 to apply to the Office of the Governor's Homeland Security Grants Division Funding Announcement (2019 State Homeland Security Program – REGULAR Projects) to purchase a drone in an amount not to exceed \$50,000 and authorize the Mayor to execute any related documents. (Staffed by the Police Department.)

Attachment

- M. Approval of a one year renewal Advanced Education Consultant Agreement between the City of Weslaco and Armando A. Martinez to advance the EMS Training and Continuing Education of the Weslaco Fire Department EMS Division and authorize the Mayor to execute any related documents. (Staffed by Fire Department.)

Attachment

- N. Approval of the renewal of the Professional Services Contract with Dr. Andrew Levine for Emergency Medical Services Director in an amount not to exceed \$40,000.00 per year for a two-year term February 2019-February 2021 and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment
- O. Approval of Resolution 2019-28 authorizing members of staff as signatories on certain legal financial documents for the City of Weslaco with Army Navy Community Credit Union and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2019-29 appointing a board member to an expired term on the Ambulance Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Fire Department.) Attachment
- B. Discussion and consideration to approve Resolutions 2019-30, 2019-31, 2019-32, 2019-33 and 2019-34 appointing members to expired terms on the Weslaco Recycling Committee Task Force and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment

VI. OLD BUSINESS

- A. Discussion and consideration to award the Request for Bid received for the construction of the new fire station and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Della Fay Perez, to approve Ordinance 2019-07 to rezone 903 S Border Ave. also being a 0.70 acre tract of land being the north 185.00 feet of the south 360 feet of Lot 4, H.L. Stebbins Subdivision of the NW 10.00 ac of Farm Tract 672, Block 164, West Tract Subdivision, 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 2019-07. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- B. Discussion and consideration after public hearing on behalf of Antonio Duran to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit at 2901 W. Bus 83, also being the W 1.77 acres- an IRR Tract S88 Farm Tract 626 being 1.77 ac Net, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment
- C. Discussion and consideration to approve the Final Plat for Midway Country Estates– being a 28.55 acres out of Farm Tracts 216, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located, approximately 1700 ft West of Mile 6 1/2 West Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment
- D. Discussion and consideration to approve the Final Plat for Midway Villas Subdivision– being a 4.613 acres out of Re- Subdivision of Farm Tract 154, Blk 179, West Tract Subdivision, Weslaco, Hidalgo County, Texas located Approximately 500 ft. North of W Expy 83W and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment
- E. Discussion and consideration to convert King Estates Subdivision – being the 10.00 acres out of Farm Tract 17, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located on Pleasantview Drive just south of Interstate 2 from a public subdivision to a private subdivision and authorize the Mayor to execute any related documents. Possible action (Staffed by Planning and Code Enforcement.) Attachment. Attachment

- F. Discussion and consideration to approve Resolution No. 2019-36 adopting the 2019 Work Plan and Budget for Year 32 of the Urban County Program and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment
- G. Discussion and consideration to approve a Memorandum of Understanding (MOU) with the City of South Padre Island and City of Weslaco for Weslaco Fire Department AmBus operations during Spring Break 2019 at a cost of \$10,500 and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Weslaco Fire-EMS Dept.) Attachment
- H. Discussion and consideration to approve Change Order No. 1 from Tri-Gen Construction for a decrease in the amount of \$200,254.65 for the New North Side Fire Station Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment
- I. Discussion and consideration on 2017-2018 Street Improvement projects and prioritization list and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment
- J. Discussion and consideration to approve the Interlocal Agreement with the City of Mercedes to provide ambulance billing and associated support services, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance 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 §551.074 of the Texas Government Code.
- B. Legal Consultation - Seek City Attorney opinion relating to the mediation with CDM as authorized by §551.071 of the Texas Government Code.
- C. Legal Consultation - Consultation with City Attorney regarding City of Weslaco v. Briones Consulting and Engineering as authorized by §551.071 of the Texas Government Code.
- D. Economic Development – Consultation with City Attorney regarding Economic Development incentive program related to Project Motorcycle as authorized by §551.087 of the Texas Government Code.
- E. Personnel - Evaluation and interview of Municipal Judges and possible selection of Municipal Judges for the City of Weslaco as authorized by §551.074 of the Texas 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 15th day of February, 2019 at 5:00 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/ Adelaida Vega, Interim 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: