



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 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, March 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 Martinez III requesting to rezone 609 Hidalgo St., Also being Lot 14-15, BLK 7. Weslaco Original Townsite, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.
- C. To solicit input on behalf of Red Rock Real Estate Development Group, LTD requesting to rezone 1321 S. International Blvd. Also being a 1.42 acre tract of Farm Tract 1020 West and Adams Tract Subdivision, proposed Lot 1, BLK 1. Mira Vista, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district.
- D. To solicit input on behalf of Red Rock Real Estate Development Group, LTD. requesting to rezone 3602 Camino Real Viejo. Also being a 5.00 Acre Tract Of Land Out Of Farm Tract 1020 Out Of Lot 12 BLK 113 West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.
- E. To solicit input on behalf of Alejandro Pena requesting to rezone 1704 N. International Blvd. Also being Lot A, BLK F. Pecan Grove Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district
- F. 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.
- G. To solicit input on behalf of Magar Investment LLC requesting a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 2708 N. Texas Blvd., also being the S150'-N711'-E220'-W250' FT 107 0.76AC NET, West Tract Subdivision, Weslaco, Hidalgo County, Texas, approximately the Northeast corner of Texas Blvd and Sugarcane Dr.

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 Special Meeting on February 13, 2019; and
 - 2) Minutes of the Regular Meeting on March 5, 2019 (Staffed by City Secretary's Office.) Attachment.

- B. Approval on renewal of License Agreement for Annual “Movies at the Park” at Mayor Pablo G. Peña City Park located at 300 N. Airport Drive for the 2019 season and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation.) Attachment
- C. Approval to authorize staff to proceed with purchase of Bulletproof vests for Weslaco Police Department sworn personnel in the amount not to exceed \$47,600.00 (Qty 68 BVP's) and authorize the Mayor to execute any related documents. (Staffed by the Police Department.) Attachment

V. OLD BUSINESS

- A. Discussion and consideration to authorize staff to solicit bids for drainage improvements for Merida and Austin Streets and authorize the Mayor to execute any related documents. Possible action. (This item was tabled on March 5, 2019; staffed by Engineering Department.)

VI. 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 Martinez III to approve Ordinance 2019-08 to rezone 609 Hidalgo St., also being Lot 14-15, BLK 7. Weslaco Original Townsite, 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 2019-08. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- C. Discussion and consideration after public hearing on behalf of Red Rock Real Estate Development Group, LTD to approve Ordinance 2019-09 to rezone 1321 S. International Blvd. Also being a 1.42 acre tract of Farm Tract 1020 West and Adams Tract Subdivision, proposed Lot 1, BLK 1. Mira Vista, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-09. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

- D. Discussion and consideration after public hearing on behalf of Red Rock Real Estate Development Group, LTD, to approve Ordinance 2019-10 to rezone 3602 Camino Real Viejo also being a 5.00 Acre Tract Of Land Out Of Farm Tract 1020 Out Of Lot 12 BLK 113 West and Adams 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 2019-10. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- E. Discussion and consideration after public hearing on behalf of Alejandro Pena, to approve Ordinance 2019-11 to rezone 1704 N. International Blvd. Also being Lot A, BLK F. Pecan Grove Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-11. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- F. 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 Department.) Attachment
- G. Discussion and consideration after public hearing on behalf of Magar Investment LLC to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 2708 N. Texas Blvd., also being the S150'-N711'-E220'-W250' FT 107 0.76AC NET, West Tract Subdivision, Weslaco, Hidalgo County, Texas, approximately the Northeast corner of Texas Blvd and Sugarcane Dr. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment
- H. Discussion and consideration to approve the Final Plat for Avanti At Sienna Palms Legacy - being a 6.5 acres out of the Juan Jose Ynojosa De Balli Survey, Abstract No. 54, being a portion of Farm Tract Subdivision out of Llano Grande Grant, Weslaco, Hidalgo County, Texas located on the East Side of Mile 6 ½ W. ¼ Mile South of Mile 10 N. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

- I. Discussion and consideration to approve Ordinance 2019-12 for the voluntary annexation of the Avanti At Sienna Palms Legacy - being a 7.9 acres out of the Juan Jose Ynojosa De Balli Survey, Abstract No. 54, being a portion of Farm Tract Subdivision out of Llano Grande Grant, Weslaco, Hidalgo County, Texas located on the East Side of Mile 6 ½ W. ¼ mile south of Mile 10 N. First Reading of Ordinance 2019-12. Possible action. (Staffed by Planning and Code Enforcement Department). Attachment
- J. Discussion and consideration on request from Weslaco Centennial Committee for use of Old Chamber Offices for Weslaco 100 events and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment
- K. Discussion and consideration to accept the most advantageous bidder, SmartCom Telephone, as the vendor for internet access services submitted in response to the Library's Request for Proposal within the E-Rate Year 22 cycle (Fiscal Year 2019-2020), and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.) Attachment
- L. Discussion and consideration to reject the bid in response to the Library Basic Network Maintenance and Equipment Services Request For Proposals and authorize the Mayor to execute any related documents. possible action. (Staffed by the Library Department) Attachment
- M. Discussion and consideration to authorize purchase of a JD 8295R Tractor and a Scraper (Option 1 or Option 2) from Deere & Company, Buyboard Vendor Contract No. 529-17, in the amount not to exceed \$425,967.64 and authorize the Mayor to execute all related documents. Possible action. (Staffed by Public Works Department.) Attachment
- N. Discussion and consideration on Memorandum of Understanding between City of Weslaco Fire Department and Med-Care Ambulance on pilot program for emergency responses and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department) Attachment
- O. Discussion on presentation of material for distribution to the public as related to the upcoming May 4, 2019 Bond Election. Possible action. (Staffed by City Manager.) Attachment

VII. REPORTS

- A. Report by Weslaco Police Department

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. 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
- C. Personnel - Discussion regarding goals, objections and evaluation of the Chief of Police, Joel Rivera, as authorized by §551.074 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. 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.
- F. 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.

- G. Real Property - Consultation with City Attorney on the purchase of real property legally described as Farm Tract 743, West Adams Addition located on South Texas Blvd South of 18th Street as authorized by §551.072 of the Texas Local Government Code
- H. Economic Development – Consultation with City Attorney regarding Economic Development incentive program related to Project Tube as authorized by §551.087 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 March, 2019 at 4:30 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/ Myra Ayala, 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: