



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 16, 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, April 16, 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 Humberto Garza requesting to rezone 413 N. Kansas Ave. also being Lot 14-15, Blk 4, Gonzalez Addition, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 Neighborhood Business district.

- B. To solicit input on behalf of Alejandro Pena requesting to rezone 416 W Austin, also being Lot 2, Apostolic Assembly Church Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district.
- C. To solicit input on behalf of Avanti at Sienna Palms Legacy, LP. requesting to rezone 3520 N. Milano Rd. Also being a 6.13 acre tract of Farm Tract 125, Lot 1, Blk 1, West Tract Subdivision out of Llano Grande Grant, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.
- D. To solicit input on behalf of Silvia Betancourt requesting a Conditional Use Permit to operate an event center at 108 E. Bus 83, Also being a 0.1632-acre tract of land being the W90' of Lot 1, Blk 17, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas, approximately 115 ft. East of Texas Blvd. on Bus 83.

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 April 2, 2019.
(Staffed by City Secretary's Office.) Attachment.
- B. Authorization to apply to the Office of Justice Programs BJA Stop School Violence Program a grant with a 25% **REQUIRED MATCH** and authorize the mayor to execute any related documents. (Staffed by Police Department.)
- C. Authorization to apply to the COPS 2019 Community Policing development Program Grant with **NO REQUIRED MATCH** and authorize the Mayor to execute any related documents. (Staffed by Police) Attachment
- D. Approval on Resolution 2019-45 for uthorization to apply to Criminal Justice Division Project Safe Neighborhoods Program, FY2020 Grant with **NO REQUIRED MATCH** and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment

- E. Approval for the submission of the Notice of Intent (NOI), under DR-4377, to the Texas Department of Emergency Management (TDEM) for the Acquisition of Right-of-Way and Real Property for the construction of Regional Detention Facility's and related infrastructure for Project Identified as Project 3 and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.) Attachment
- F. Approval for the submission of the Notice of Intent (NOI), under DR-4377, to the Texas Department of Emergency Management (TDEM) for the Acquisition of Right-of-Way and Real Property for the construction of Regional Detention Facility's for Projects Identified as and related infrastructure for Project Identified as Project 6 and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.) Attachment
- G. Approval for the submission of the Notice of Intent (NOI), under DR-4377, to the Texas Department of Emergency Management (TDEM) for the Acquisition of Right-of-Way and Real Property for the construction of Regional Detention Facility's and related infrastructure for Project Identified as Project 8 and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.) Attachment

V. APPOINTMENTS

- A. Discussion and consideration on Resolution 2019-08, 2019-09 and 2019-10 appointing members to the Weslaco 2020 Complete Count Census Committee and authorize the Mayor to execute any related documents. Possible action. (This item was tabled on April 2, 2019; Staffed by Planning and Code Enforcement Department.) Attachment
- B. Discussion and consideration on Resolution 2019-42 and Resolution 2019-43 appointing members to expired terms on the Library Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library Department.) Attachment
- C. Discussion and consideration on Resolution 2019-44 extending term limit of the Weslaco 100 until final festivity celebrations of the Weslaco's Centennial Celebration and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.)

VI. OLD BUSINESS

- A. Discussion and consideration of request from The Fajita Cook-off, Inc. to use Mayor Pablo Pena Park on October 19, 2019 for a festival with applicant paying for all costs and authorize the Mayor to execute any related documents. Possible action. (This item was tabled on April 2, 2019; staffed by Parks and Recreation Department.)

VII. NEW BUSINESS

- A. Discussion and acceptance on the resignation letter from Gerardo "Jerry" Tafolla, Commissioner District 4 of the City of Weslaco City Commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Managers Office.) Attachment
- B. Discussion and consideration after public hearing on behalf of Humberto Garza to approve Ordinance 2019-13 to rezone 413 N. Kansas Ave. also being Lot 14-15, Blk 4, Gonzalez Addition, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 Neighborhood Business district. First reading of Ordinance 2019-13. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- C. Discussion and consideration after public hearing on behalf of Alejandro Peña to approve Ordinance 2019-14 to rezone 416 W Austin, also being Lot 2, Apostolic Assembly Church Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary highway business district. First reading of Ordinance 2019-14. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- D. Discussion and consideration after public hearing on behalf of Avanti at Sienna Palms Legacy, LP. to approve Ordinance 2019-15 to rezone 3520 N. Milano Rd. Also being a 6.13 acre tract of Farm Tract 125, Lot 1, Blk 1, West Tract Subdivision out of Llano Grande Grant, Weslaco, Hidalgo County, and Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district. First reading of Ordinance 2019-15. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- E. Discussion and consideration after public hearing on behalf of Silvia Betancourt to approve a Conditional Use Permit to operate an event center at 108 E. Bus 83, Also being a 0.1632-acre tract of land being the W90' of Lot 1, Blk 17, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, and Texas, approximately 115 ft. East of Texas Blvd. on Bus 83s and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

- F. Discussion and consideration to approve the Pleasant View Heights Subdivision—being a 20.33 acres out of Re- Subdivision of Lots 3 & 4, Rev M. Perez Dream Acres Subdivision, Weslaco, Hidalgo County, Texas located approximately 1500 ft. South of Interstate 2 along Pleasantview Dr. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- G. Discussion and consideration to approve the six month extension for the Final Plat for Saltillo Plaza Subdivision – being a 1.66-acre tract out of the West 10 acres of the South 20 acres of Farm Tract 31, West Tract Subdivision, Weslaco, Hidalgo County, Texas located on the Southeast corner of N. Bridge Avenue and Dolores Huerta. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- H. Discussion and consideration to approve the interlocal agreement with Hidalgo County Health Department and the City of Weslaco regarding septic systems within the City Limits and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment
- I. Discussion and consideration of implementing and/or amending the policy for delinquent water accounts and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment
- J. Discussion and consideration to replace Project No. 17 - Pike Blvd. in the current FY 2017-2018 Street Improvement List with Vo-Tech Dr. (from Sugar Sweet Dr. to Joe Stephens Ave.) in the estimated amount of \$75,933.30. Possible action. (Staffed by Public Works Department) Attachment
- K. Discussion and consideration on acceptance of the Drainage Study performed by Halff and Associates and authorize the Mayor to execute any related item. Possible action. (Drainage Committee Chairman, Randy Hall and Mike R. Perez) 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 lawsuit 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. Pending Litigation - Report by City Attorney regarding all pending litigation as provided to City Auditor as authorized by §551.071 of the Texas Government Code
- E. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at 901 N. Airport Drive as authorized by §551.072 of the Texas Local Government Code.
- F. Real Property – Consultation with City Attorney on the purchase of real property located at the corner of Witmer Street and South Bridge Avenue as authorized by §551.072 of the Texas Local Government Code.

- G. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of real property located at the Southeast corner of East Pike Boulevard and Vo-Tech Drive Weslaco, Hidalgo County, Texas as authorized by §551.072 of the Texas Local 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 12th day of April at 4:00 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/ 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: