



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MAY 7, 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, May 7, 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 Amrita Trejo requesting to rezone 723 N. Padre Ave. Also being Lot 1 & 2, Blk 4, El Texano Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 Neighborhood Business district.
- E. 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.
- F. To solicit public input on Ordinance regarding the City's Participation in the Texas Enterprise Zone Program and nominating Kapal Cabinet House, LLC as an Enterprise Project. Attachment

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 Special Meeting on April 23, 2019. (Staffed by City Secretary's Office.) Attachment.
- B. Approval of Mid Valley Airport Ground Lease Agreement with Ray Walker, Hangar W-11, and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment
- C. Approval of surplus inventory provided by various departments detailing miscellaneous items and vehicles to be sold through live auction on June 1, 2019 at Public Works Building and authorize the Mayor to execute any related documents. (Staffed by Finance Department) Attachment

- D. Approval of Resolution 2019-46 to amend Resolution 2018-74 and update authorized designated individuals as signatories on certain legal financial documents with BBVA Compass Bank for the Marion Booth Endowment Certificate of Deposit, and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment
- E. Approval of Resolution 2019-47 amending Resolution 2018-73, authorizing the Mayor and City Commission, identifying Vidal Roman, Finance Director and Myra Ayala, City Secretary to exercise certain powers identified with BBVA Compass Bank, including opening of accounts, certificates of deposit, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and Commission to execute any related documents. (Staffed by Finance Department.) Attachment
- F. Approval of Resolution 2019-48 appointing Vidal Roman, Finance Director, as an Authorized Representative to conduct business with TexPool Participant Services, and authorize the Mayor to execute any related documents. (Staffed by Finance Department). Attachment
- G. Authorization to accept a monetary donation of \$8,777.04 from the Weslaco Friends of the Library and authorize the Mayor to execute any related documents. (Staffed by Library Department). Attachment
- H. Authorization to hold the July 4th celebration with Weslaco Economic Development Corporation on Thursday, July 4, 2019 at the Mayor Pablo G. Peña City Park at 300 N. Airport Drive, to sell beer during the event from 12 noon to 10 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.) Attachment
- I. Approval of the License Agreement with the Weslaco Youth Football League to host a Summer Youth Flag Football Season at Harlon Block Sports Complex open area, for a term of one month June 1, 2019 - June 30, 2019 and authorize the Mayor to execute any related documents. (Staffed by Parks Department.) Attachment
- J. Authorization to solicit sealed bids for Street Paving Materials and authorize the Mayor to execute any related documents. (Staffed by Public Works)
- K. Authorization to solicit sealed bids for Street Striping Projects and authorize the Mayor to execute any related documents.(Staffed by Public Works Department)

- L. Authorization to solicit sealed bids for Unleaded/Diesel Fuel and authorize the Mayor to execute any related documents. (Staffed by Public Works)

V. APPOINTMENTS

- A. Discussion and consideration on Resolution 2019-49 appointing a member to the Civil Service Commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment

VI. OLD BUSINESS

- A. Discussion and consideration to approve the final payment to Siemens Industry on the Performance Contracting Agreement in the amount of \$372,343.85 and authorize the Mayor to execute any related documents. Possible action. (This item was tabled on April 2, 2019; staffed by Finance Department.)

VII. NEW BUSINESS

- A. 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 and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-13. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- B. 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 and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-14. The rezone request requires three-fourth vote. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- C. 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, 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 2019-15. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

- D. Discussion and consideration after public hearing on behalf of Amrita Trejo to approve Ordinance 2019-16 to rezone 723 N Padre, also being Lot 1 & 2, Blk 4, El Texano Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One-family dwelling district to B-1 Neighborhood Business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-16. 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, Texas, approximately 115 ft. East of Texas Blvd. on Bus 83 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 Mira Vista Subdivision– being a 19.85 acres out of Farm Tract 102 and 9.72 acres out of Lot 11 and 12, BLK 113, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 2575ft. South of Bus. 83 along International Blvd 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 Citrus 674 Subdivision– being a 8.46 acre tract being a portion of Farm Tract 674, Blk 164, West Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on the Northeast Corner of Border Ave and 18th St. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- H. Discussion and consideration to approve the six month extension for the Final Plat for Maria Bonita Townhouse Subdivision – being a 2.081 acres land out of Lots 9 - 12, Bonita Homes Subdivision, Weslaco, Hidalgo County, Texas located south of 20th Street, approximately 910 feet east of Mile 4 ½ West Road 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 the six month extension for the Final Plat for Bocanegra Solis Subdivision – being a 5.00 acre tract of land being the west 5.00 acres of the east 12.00 acres of the south 33.75 acres of Farm Tract 625, West Tract Subdivision, Weslaco, Hidalgo County, Texas located on the north side of Mile 7 North Road, 699.78 feet east of Midway Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

- J. Discussion and consideration to approve Resolution 2019-50 the submission and participation of a Texas Department of Transportation General Aviation Grant for Design, Engineering and Construction of Partial Medium Intensity Runway Lighting (MIRL) replacement (5,000 feet) on Runway 14/32 and Replace Runway 32 PAPI Lighting and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment
- K. Discussion and consideration on Resolution 2019-51 expressing support of South Texas Collaborative for Housing Development (Primrose Village Development) and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment
- L. Discussion and consideration on request from the Boys & Girls Club of Weslaco, Inc. to use Mayor Pablo Pena Park Baseball/Softball Complex for programs beginning June through November 2019 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation) Attachment
- M. Discussion and consideration after public hearing on Ordinance 2019-17 regarding the City's Participation in the Texas Enterprise Zone Program and nominating Kapal Cabinet House, LLC as an Enterprise Project and authorize the Mayor to execute any related documents. First reading of Ordinance 2019-17. Possible action. (Staffed by Weslaco Economic Development Corporation.) Attachment
- N. Discussion and consideration to accept, open, award or reject the bid(s) received for Construction Materials for Drainage Project - Austin & Merida RFB No.: 2018-19-13 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)
- O. Discussion and consideration on Amendment No. 2 in the amount of \$27,000 to Halff Associates Civil Engineering Services for Storm Water Improvement Plan Contract for DR-4377 Hazard Mitigation Grant Application Assistance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department). Attachment
- P. Discussion and consideration on approval of an Ordinance canvassing election returns and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Secretary's Department.)
- Q. Discussion and consideration to approve an Order of Special Election and Notice of Special Election to fill a vacancy for Commissioner District 4 to be held on July 16, 2019 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Secretary's Department.) Attachment

- R. Discussion and consideration to reschedule or cancel the May 21, 2019 regular meeting. Possible action. (Staffed by City Manager's Office.)

VIII. REPORTS

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco.
- C. Report by Planning and Code Enforcement.
- D. Report by Inframark.
- E. Report by Public Works.
- F. Report on Capital Improvement Plan Projects.

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 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. Legal Consultation - Seek City Attorney opinion relating to breach of contract by Accela and consider authorizing City Attorney to proceed with legal action as authorized by §551.071 of the Texas 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 3rd day of May 2019 at 3:30 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: