



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
THURSDAY, MAY 23, 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 Thursday, May 23, 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 on second and final reading of the following:

- 1) Approval on 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 held on May 7, 2019; staffed by Planning and Code Enforcement Department.) Attachment
- 2) Approval on 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 held May 7, 2019; staffed by Planning and Code Enforcement Department.) Attachment
- 3) Approve Ordinance 2019-16 to rezone 723 N Padre, 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 and authorize the Mayor to execute any related documents. (First reading held on May 7, 2019; staffed by Planning and Code Enforcement Department.) Attachment
- 4) Approval 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 held May 7, 2019; staffed by Weslaco Economic Development Corporation.) Attachment

B. Authorization to continue participation in the LESO program allowing City to obtain military surplus equipment for law enforcement use and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

C. Authorization to apply for the FY2019 Texas State Library Interlibrary Loan Lending Reimbursement Program and authorize the Mayor to execute any related documents. (Staffed by the Library Department.) Attachment

IV. APPOINTMENTS

A. Discussion and consideration to approve Resolution 2019-52 appointing an official member and an alternate member to the Amigos del Valle, Inc. Board of Directors and authorize the Mayor to execute any related documents. Possible action.

(Requested by Amigos del Valle.) Attachment

V. OLD BUSINESS

- A. 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. (This item was tabled on May 7, 2019; staffed by Planning and Code Enforcement Department.) Attachment
- B. 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. (This item was tabled on May 7, 2019; staffed by Planning and Code Enforcement Department.) Attachment

VI. NEW BUSINESS

- A. Discussion and consideration to approve an Interlocal Agreement with Weslaco Independent School District and the City of Weslaco for community outreach through cooperative efforts by providing information regarding resources for the improvement of the health, safety, and welfare of individuals in Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment
- B. Discussion and consideration to contract Southern Trenchless, Buyboard Vendor Contract No. 555-18, for sewer line pipe bursting project on Texas Blvd. (from 3rd St. - 7th St.) in an amount not to exceed \$139,994 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment
- C. Discussion and consideration on Resolution 2019-53 suspending the June 5, 2019 effective date of AEP Texas Inc.'s request for rate change to permit City time to study; approving cooperation with Cities served by AEP; hiring LLoyd Gosselink Attorneys and Consulting Services to negotiate and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment

- D. Discussion and consideration on Resolution 2019-54 authorizing intervention in AEP Texas Inc.'s requested rate change proceeding before the commission; approving cooperation with the cities served by AEP Texas; hiring Lloyd Gosselink Attorneys and Consulting Services to negotiate and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Managers Office.) Attachment
- E. Discussion and consideration on request from WesFAR Apts LLC for Traffic Impact Study Waiver for proposed 304 Unit Multi-Family Development and authorize cost participation for construction and installation of road improvements on Frost Proof Drive and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Managers Office.) Attachment
- F. Discussion and consideration on Interlocal between City of Weslaco and the Hidalgo County Drainage District #1 for the reimbursement for improvements included in the Austin and Merida Crossings Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

VII. REPORTS

- A. Report by Library 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. 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.
- F. Legal Consultation - Seek City Attorney opinion on potential litigation concerning a trailer located East of Pleasantview Drive on E Expressway Frontage as authorized by §551.071 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 17th day of May 2019 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: