



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 16, 2016**

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, August 16, 2016 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 from the public regarding the City of Weslaco ad valorem property tax rate, assessed at the same rate as last year, \$0.6767/\$100.00 valuation, pursuant to §26.05(d) of the Texas Tax Code. Attachment.
- B. To solicit input on the proposed demolition order for unoccupied building located at 101 South Illinois Avenue, being Lots 17-18, Block B, Weslaco Original Townsite, an addition to the City of Weslaco, Hidalgo County,

Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.

- C. To solicit input on the proposed demolition order for unoccupied building located at 205 North Republic Street, being Lot 22, Block 6, Christensen Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.
- D. To solicit input on the proposed demolition order for unoccupied building located at 1604 Ramos Drive, being West Tract N123.5'-E157.26'-W314.52', Farm Tract 728 0.445 acres A/K/A Lot 2, City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.
- E. To solicit input on the proposed demolition order for unoccupied building located at 509 South Texas Blvd, being Lots 39-40, Block 42, Weslaco Original Townsite, an addition to the City of Weslaco as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.
- F. To solicit input on the proposed demolition order for unoccupied building located at 1301 Davenport Street, being Lots 18-20, Block 10, Davenport #1, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.
- G. To solicit input on the proposed demolition order for unoccupied building located at 719 North Republic Street, being the East ½ of Lots 1&2, Block 2, Hughes Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.

- H. To solicit input on the proposed demolition order for unoccupied building located at 1605 Ramos Drive, being West Tract S123.5'-N277'-E157.26'-W344.52, Farm Tract 728 A/K/A Lot 2, City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.
- I. To solicit input on the proposed demolition order for unoccupied building located at 609 West Hidalgo Street, being Lots 14-15, Block 7, Weslaco, Original Townsite, and addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.
- J. To solicit input on the proposed demolition order for unoccupied building located at 300 Bluebonnet Street, being Lots 3-5, Block 3, Expressway Heights Subdivision Unit 1, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.
- K. To solicit input on the proposed demolition order for unoccupied building located at 219 North Palmas Street, being Lot 23, Block 11, Northside Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.
- L. To solicit input on the proposed demolition order for unoccupied building located at 506 South Indiana Avenue, being Lot N17.7'-1, Block 38, Weslaco Original Townsite and Lot 4 Block 38 A. Canal Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.
- M. To solicit input on the proposed demolition order for unoccupied building located at 2018 Abilene Drive, being Lot 16, Block 4, Expressway Heights, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, unfit for human habitation and hazard to the

health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Attachment.

- N. To solicit input on behalf of Nho Chan Tu for a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 702 S. Texas Blvd., also being Lots 1 and 2, Blk 57-A, Canal Property Subdivision, and 45.3 feet north of Lot 1, Blk 57, Original Townsite of Weslaco Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department) Attachment.
- O. To solicit input on behalf of Nancy Bazan for a Conditional Use Permit to operate a daycare at 610 W. 13th St., also being Lot 7, Blk 1, Rowena Subdivision Unit #1, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department) 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 following:

1. Minutes of the Regular Meeting on August 2, 2016;
2. Record of the Budget Workshop on August 10, 2016; and
3. Record of the Budget Workshop on August 11, 2016.

(Staffed by City Secretary's Office.) Attachment.

- B. Approval of the Lease Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area, for a term of 4 months (September 1, 2016-December 31, 2016) and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- C. Approval of the renewal of the lease agreement with Mid Valley Youth Soccer League for use of Pablo G. Pena City Park soccer fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.

- D. Approval of the renewal of the Federal Work-Study Community Service, America Reads, and America Counts agreements with the University of Texas Rio Grande Valley and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment.
- E. Approval of the renewal of the service agreement with Trafficpayment.com and authorize the Mayor to execute any related documents. (Staffed by Municipal Court.) Attachment.
- F. Approval of the renewal of agreement between Texas 1033 Grant Program and City of Weslaco Police Department and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.

V. APPOINTMENTS

- A. Discussion and consideration to accept the resignations of Roy Tijerina and Joe Garza from the Weslaco Hotel Occupancy Tax Advisory Committee and approve Resolutions 2016-52 and 2016-53 appointing two members to unexpired terms. Possible action. (Staffed by Finance Department.) Attachment.
- B. Discussion and consideration to approve Resolution 2016-54 appointing an official member and an alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2016-2017 and authorize the Mayor to execute any related documents. Possible action. (Requested by Amigos del Valle.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 101 South Illinois Avenue, being Lots 17-18, Block B, Weslaco Original Townsite, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
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- N. Discussion and consideration after public hearing on behalf of Nancy Bazan to approve Conditional Use Permit to operate a daycare at 610 W. 13th St., also being Lot 7, Block 1, Rowena Subdivision Unit #1, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requires three-fourths vote to approve; Staffed by Planning and Code Enforcement Department.) Attachment.
- O. Discussion and consideration to approve final payment for GNH Construction for the Parking Lot project at Mayor Pablo G. Peña City Park in an amount not to exceed \$25,800.57. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.
- P. Discussion and consideration to approve Change Order Number 1 to Request for Bids 2015-16-14 Sixth Street Striping Project, removing the items related to street signage and reducing award amount by \$40,500.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.
- Q. Discussion and consideration to reduce the size of 15-foot drainage and utility easement along the South side lot 8, Block A Pecan Grove Phase II

Subdivision, Hidalgo County, Texas, to a 10 foot Drainage and utility easement. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.

- R. Discussion and consideration to award Request For Bids No. 2015-16-16 to the lowest responsible bidder for the purchase of a 1998 Caterpillar BL Long Reach Excavator in the amount not to exceed \$65,000.00. Possible action. (Staffed by Public Works.) Attachment.
- S. Discussion and consideration to ratify Amendment No. 2 to the Agreement with the Texas Department of Transportation for project 1421WESLA increasing the local contribution in an amount not to exceed \$17,545.00, an increase of \$3,030.00, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.
- T. Discussion and consideration to approve Resolution 2016-55 opposing the recent administrative efforts by the Texas Department of Transportation to no longer apply the economically disadvantaged county program to off-system (Non-TXDOT roadways) transportation projects throughout the state and more specifically Hidalgo County. Possible action. (Staffed by City Manager's Office.) Attachment.
- U. Discussion and consideration to approve Ordinance 2016-28 authorizing a negotiated resolution with Texas Gas Service regarding the company's 2016 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause and other matters as ordained. First Reading of Ordinance 2016-28. Possible action. (Staffed by City Manager's Office.) Attachment.

VII. 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. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.
- C. Real Property - Consultation with City Attorney on the purchase, exchange, lease or value of real property (North Texas; Intersection of Mile 11 and Texas Boulevard) as authorized by §551.072 of the Texas Local Government Code.
- D. Pending Litigation – Consultation with City Attorney regarding Cause No.C-1277-15-H *Elvia Caballero Lopez d/b/a or a/k/a Caballero Governmental Affairs v. City of Weslaco, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.
- E. Economic Development – Consultation with City Attorney regarding Economic Development opportunities and incentive programs related to industrial prospects, including Project Chicken Hatch "B", as well as retail and airport development as authorized by §551.087 of The Texas Government Code.
- F. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Wild Boar "B" as authorized by §551.087 of The Texas Government Code.
- G. Economic Development – Consultation with City Attorney regarding an incentive at the airport for Economic Development Project Golden Eagle as authorized by §551.087 of The Texas Government Code.

- H. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at 1411 West 18th Street as authorized by §551.072 of the Texas Local Government Code.
- I. Pending Litigation - Consultation with Attorney to give a legal briefing regarding Civil Case No. 7:15-CV-334 *Alvino Flores v. City of Weslaco, et al.* in the United States District Court for the Southern District of Texas – McAllen Division as authorized by §551.071(1) of the Texas Government Code.

**VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

IX. 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 August, 2016 at 4:20 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/ Elizabeth M. Walker, 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.

Removed from Bulletin Board

Date:

Initials: