



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, APRIL 19, 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, April 19, 2016 at 5:30 p.m. 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** Pages  
1-2
- A. Certification of Public Notice.
  - B. Invocation.
  - C. Pledge of Allegiance.
  - D. Mayoral Recognitions.
  - 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 Don Capetillo for a Conditional Use Permit to operate a daycare at 2009 N. International Blvd, also being South 1.74 acres of the North 4.05 acres of the South 9.99 acres of Farm Tract 1040, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas. 3
- B. To solicit input on behalf of Judith C. Figueroa d.b.a. Juan Bota's Drive Thru and Grill LLC to approve Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Beverage Cartage Permit at 611 S. Texas Blvd., also being Lot 19 and 20 ft. South of Lot 20, Block 49, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas. 4

- C. To solicit input on behalf of Ivan Garcia, Rio Delta Engineering, to rezone 2319 W. Business 83, also being 8.68 acres of the West 16.18 acres of Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. 5
- D. To solicit input on behalf of RR Company of America to rezone 701 S. International Blvd., also being the 2.08 acres out of Crenshaw Center Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. 6
- E. To solicit input on behalf of Concepcion Cardenas to rezone 512 Outlet St., also being a Lots 8, 9, 10 and 11, Block 16, B.F. Morgan Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. 7

**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 following:
  - 1.) Regular Meeting on April 5, 2016; 8-23
  - 2.) Special Meeting on April 5, 2016. (Staffed by City Secretary’s Office.) Attachment. 24-25
- B. Approval on second and final reading of Ordinance 2016-12 to reduce the size of 25-foot electrical and utility easement along the Westside lot 47 West Gate Crossing Phase I Subdivision, Hidalgo County, Texas, to a 7.5 foot electrical and utility easement and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.) Attachment. 26

**V. APPOINTMENTS**

*Standard Documentation on Appointments* 27-31

- A. Discussion and consideration to accept the resignation of Lazaro Cardenas and approve Resolution 2016-31 appointing one member to the Planning & Zoning Commission. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 32-34
- B. Discussion and consideration to remove one member and approve Resolution 2016-32 appointing one member to that unexpired term on the Board of Adjustments and Appeals – Zoning Ordinance. Possible action. 35-36

(Staffed by Planning and Code Enforcement Department.) Attachment.

- C. Discussion and consideration to approve Resolutions 2016-10, 2016-11, 2016-12, 2016-13, 2016-14, 2016-15, 2016-16, 2016-17, 2016-18, 2016-19, 2016-20, 2016-21, 2016-22, 2016-23, 2016-24, and 2016-25 appointing members to the Weslaco 100 Committee to prepare the centennial celebration. Possible action. (Staffed by City Secretary's Office.) Attachment. 37-54

**VI. OLD BUSINESS**

- A. Discussion and consideration to approve the Contingency Fund Request (CFR) of the contract with CDM Constructors, Inc. for the Water Treatment Plant expansion project as follows: 55-65
- 1) PCO #3 – Plant 2, 3, 4 Pipe Replacement - \$844,465.00;
  - 2) PCO #4 – Plant 2 Sedimentation Basin Rehabilitation - \$36,631.00;
  - 3) PCO #5 – Plant 3 Flocculators - \$100,000.00;
  - 4) PCO #6 – Plant 3 Clarifier- \$150,000.00.
- Possible action. (This item remained tabled March 15, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

- B. Discussion and consideration to approve the release of the remaining portion of retainage of the 2.5% of the contract for CDM Constructors, Inc. for the Water Treatment Plant Expansion project in amount not to exceed \$350,673.67 and authorize the Mayor to execute any related documents. Possible action. (This item was tabled April 5, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 66-72

- C. Discussion and consideration to approve compensation for project delays to CDM Constructors, Inc. in an amount not to exceed \$960,000.00 and authorize the Mayor to execute any related documents. Possible action. (This item was tabled April 5, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 73-78

**VII. NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Don Capetillo to approve a Conditional Use Permit to operate a daycare at 2009 N. International Blvd, also being South 1.74 acres of the North 4.05 acres of the South 9.99 acres of Farm Tract 1040, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department). Attachment. 79-86

- B. Discussion and consideration after public hearing on behalf of Judith C. Figueroa d.b.a. Juan Bota's Drive Thru and Grill LLC to approve 87-103

Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Beverage Cartage Permit at 611 S. Texas Blvd., also being Lot 19 and 20 ft. South of Lot 20, Block 49, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by the Planning and Code Enforcement Department). Attachment.

- C. Discussion and consideration after public hearing on behalf of Ivan Garcia, Rio Delta Engineering, to approve Ordinance 2016-13 rezoning 2319 W. Business 83, also being 8.68 acres of the West 16.18 acres of Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. First reading of Ordinance 2016-13. Possible action. (Staffed by the Planning and Code Enforcement Department). Attachment. 104-116
- D. Discussion and consideration after public hearing on behalf of RR Company of America to approve Ordinance 2016-14 rezoning 701 S. International Blvd., also being the 2.08 acres out of Crenshaw Center Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. First reading of Ordinance 2016-14. Possible action. (Staffed by the Planning and Code Enforcement Department). Attachment. 117-127
- E. Discussion and consideration after public hearing on behalf of Concepcion Cardenas to approve Ordinance 2016-15 rezoning 512 Outlet St., also being a Lots 8, 9, 10 and 11, Block 16, B.F. Morgan Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First reading of Ordinance 2016-15. Possible action. (Staffed by the Planning and Code Enforcement Department). Attachment. 128-138
- F. Discussion and consideration to approve a Single-lot Variance for Southern Oaks Ranch Phase II Subdivision, being 4.13 acres of Farm Tract 771, Block 137, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located on the South side of Mile 6 North and West of Mile 3 ½ West Road, being 500 feet West of the intersection of Mile 6 North Road and Mile 3 ½ West Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department). Attachment. 139-143
- G. Discussion and consideration to approve Change Order #1 for the Animal Shelter Expansion Project in an amount not to exceed \$2,400.00 for the installation of a privacy fence. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 144-146
- H. Discussion and consideration to approve the proposed site plan for the Dog "Bark" Park at Harlon Block Park Complex and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and 147-160

Recreation Department.) Attachment.

- I. Discussion and consideration to approve the request from the Boys & Girls Club for additional funding for flooring and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 161
- J. Discussion and consideration to approve Ordinance 2016-16, amending Code of Ordinances Chapter 38, Section 5 relating to Cemetery General Regulations in order to allow the installation of benches. First Reading of Ordinance 2016-16. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 162
- K. Discussion and Consideration to approve Resolution 2016-33 permitting a Loan Implementation Package for ICMA 457 Plan Sponsors and authorize the Mayor to execute a managed accounts services agreement and any other related documents. Possible action. (Staffed by Human Resources Department.) Attachment. 163-186
- L. Discussion and consideration to approve Amendment Number 01 to the Airport Project Participation Agreement with the Texas Department of Transportation for grant project 1121WESLA adjusting the total project costs and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 187-191
- M. Discussion and consideration to approve the purchase of computers using the State of Texas DIR contract as budgeted in an amount not to exceed \$30,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by IT Department.) Attachment. 192-198
- N. Discussion and consideration to seek a legal opinion related to limiting by ordinance the number of tow trucks within the wrecker rotation list. Possible action. (Staffed by City Manager's Office.)
- O. Discussion and consideration to approve the request from St. Pius X Catholic Church to extend the waterline approximately 125 feet. Possible action. (Staffed by City Manager's Office.) Attachment. 199
- P. Discussion and consideration to approve emergency repairs to Lift Station #35 in an amount not to exceed \$45,000.00. Possible action. (Requested by Severn Trent Services.) Attachment. 200-201

## **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 governmental 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 annual 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. Economic Development – Consultation with City Attorney on the purchase, exchange, lease or value of real property at the Mid Valley Airport with TR Valley Aviation LLC as authorized by §551.072 of the Texas Local Government Code.
- D. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Wild Boar 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 15<sup>th</sup> day of April 2016 at 4:40 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.