



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 15, 2015**

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, December 15, 2015 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 1-2

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral recognition(s)
- 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 HEARINGS

- A. To solicit input on behalf of Delfina De Anda to rezone 210 E. Pike Blvd., also being a Lots 5 and 6, Block 4, B.F. White Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. 3
- B. To solicit input on behalf of ACME Partnership to rezone 2729 W. Interstate 2, also being 21.78 acres out of Farm Tract 162, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. 4

- C. To solicit input on behalf of El Patron Nightclub for a Conditional Use Permit to obtain a Mixed Beverage Permit and Mixed Beverage Late Hours Permit at 415 S. International Blvd., also being Lot 1, Block 1, Palm Aire Subdivision, Weslaco, Hidalgo County, Texas 5
- D. To solicit input on behalf of Chipotle Mexican Grill for a Conditional Use Permit to obtain a Mixed Beverage Permit and Beverage Cartage Permit at 1919 W. Expressway 83, Ste. 100, also being Lot 1, Cash Nix Addition Subdivision, Weslaco, Hidalgo County, Texas. 6
- E. 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 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 Regular Meeting on December 1, 2015. (Staffed by City Secretary’s Office.) Attachment. 8-22
- B. Acceptance of the Go Greenfields Grant in the amount of \$21,230.00 from Greenfields Outdoor Fitness to be utilized at Harlon Block Park and Mayor Pablo G. Pena City Park, authorize the purchase of equipment in an amount not to exceed \$46,000.00 as local match, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 23-27
- C. Authorization of the Finance Director to conduct any required audit of forfeiture funds as per Article 59.06 of the Code of Criminal Procedure. (Staffed by Finance Department.) Attachment. 28-29
- D. Approval of Resolution 2015-70 adopting the annual Investment Policy for the City of Weslaco and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment. 30-42
- E. Approval of Resolutions 2015-67, 2015-68 and 2015-69 amending Resolutions 2015-37, 2015-38 and 2015-39, authorizing appropriate staff to exercise certain powers identified with Greater State Bank, Lone Star National Bank and Rio Bank, respectively, including opening accounts, certificates of deposits, transferring funds, securing safe deposit boxes, 43-52

and making inquiries pertaining to accounts and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.

- F. Approval on the renewal of the Interlocal Cooperation Agreement with Hidalgo County Rural Emergency Services for rural response fire coverage and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment. 53-79
- G. Acceptance of a donation to the Weslaco Fire Department for the Volunteer Community Programs which include the Community Emergency Response Team (CERT) and Medical Reserve Corps (MRC) from Walmart, Inc. in the amount of \$1,000.00 and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment. 80
- H. Acceptance of a donation from the Lower Rio Grande Valley Development Council (LRGVDC) to the Weslaco Public Works Department transferring two recycle trailers and authorize the Mayor to execute any related documents. (Requested by the LRGVDC.) Attachment. 81-82
- I. Approval to authorize staff to solicit Requests For Qualifications (RFQs) for the groundwater, landfill gas, leachate, and groundwater assessment monitoring of the City of Weslaco Landfill located in Alton, Texas in compliance with the Texas Commission on Environmental Quality (TCEQ) 31 and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.) Attachment. 83

V. **NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Delfina De Anda to approve Ordinance 2015-41 to rezone 210 E. Pike Blvd., also being a Lots 5 and 6, Block 4, B.F. White Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First reading of Ordinance 2015-41. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 84-92
- B. Discussion and consideration after public hearing on behalf of ACME Partnership to approve Ordinance 2015-42 rezoning 2729 W. Interstate 2, also being 21.78 acres out of Farm Tract 162, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. First reading of Ordinance 2015-42. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 93-102

- C. Discussion and consideration after public hearing on behalf of El Patron Nightclub to approve a Conditional Use Permit to obtain a Mixed Beverage Permit and Mixed Beverage Late Hours Permit at 415 S. International Blvd., also being Lot 1, Block 1, Palm Aire Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 103-118
- D. Discussion and consideration after public hearing on behalf of Chipotle Mexican Grill to approve a Conditional Use Permit to obtain a Mixed Beverage Permit and Beverage Cartage Permit at 1919 W. Expressway 83, Ste. 100, also being Lot 1, Cash Nix Addition Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment 119-135
- E. 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 the 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 Planning and Code Enforcement Department.) Attachment. 136-143
- F. Discussion and consideration to approve Ordinance 2015-43 annexing additional territory to the corporate limits of the City of Weslaco, Hidalgo County, Texas on voluntary petition of land owner Southern Oaks Ranch Phase II, such land being 4.13 acres situated in and a part of Farm Tract No. 771, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located 450 feet west of Mile 3½ West Road, on the south side of Mile 6 and authorize the Mayor to execute any related documents. First reading of Ordinance 2015-43. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 144-147
- G. Discussion and consideration to approve Supplemental Agreement No. 3 to the Border Avenue Road and Waterline Improvement Project in an amount not to exceed \$5,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 148-155
- H. Discussion and consideration to accept the 2015 Tax Roll totals as prepared and presented by Pablo “Paul” Villarreal Jr., Hidalgo County Tax Assessor and Collector. Possible action. (Staffed by Finance Department.) Attachment. 156-160
- I. Discussion and consideration regarding the City Attorney’s legal opinion on the procedure toward reconsideration of Single Member Districts.

Possible action. (Requested by City Manager's Office.)

- J. Discussion and consideration to amend the Interlocal agreement with the City of Progreso Lakes, Texas for fire service to include coverage of liability and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment. 161-176
- K. Discussion and consideration to approve the lease purchase of a new 2016 Ambulance through Buy Board/HGAC in an amount not to exceed \$140,000.00 from the Apparatus Replacement Program funds Fiscal Year 2015-2016 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment. 177-178
- L. Discussion and consideration to approve the lease purchase of 2016 F-250 4x4 Truck through Buy Board/HGAC in an amount not to exceed \$50,462.00 from the Apparatus Replacement Program funds Fiscal Year 2015-2016 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment. 179-184
- M. Discussion and consideration to approve the Memorandum of Understanding with Texas A&M Engineering Extension Service (TEEX) to facilitate issuance of certificates of local training programs for the Fire Department and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment. 185-188
- N. Discussion and consideration to send written notice of termination to ENERNOC for the Demand Response Sales and Service Agreement and authorize staff to solicit proposals for services to reduce electricity consumption and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.) Attachment. 189-193
- O. Discussion and consideration to approve the Professional Services Agreement with Halff Associates Inc. for engineering services to design hike and bike trails for the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Requested by Parks and Recreation Department.) Attachment. 194-205

VI. REPORTS

- A. Report from the International Boundary and Water Commission.
- B. Report by Perdue Brandon Fielder Collins & Mott LLP on delinquent tax collection. Attachment. 206-212

VII. EXECUTIVE SESSION

§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 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. Pending Litigation – Consultation with City Attorney regarding Cause No. C-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*, as authorized by §551.071 of the Texas Government Code.
- D. Potential Litigation - Consultation with City Attorney regarding Notice of Claim for Breach of Contract and Intent to Sue from Francisco J. Garza as authorized by §551.071 of the Texas Government Code.
- E. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Chicken Hatch as authorized by §551.087 of The Texas Government Code.
- F. Pending Litigation - Consultation with City Attorney regarding Cause No. C-6090-14-B, *Zequiel Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco* as authorized by §551.071 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 11th day of December 2015 at 5:00 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/ Elizabeth Walker, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 1100 prior to the meeting date.

Removed from Bulletin Board	Date:	Initials:
------------------------------------	-------	-----------