



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JANUARY 5, 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, January 5, 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** 1-2
- A. Certification of Public Notice.
 - B. Invocation.
 - C. Pledge of Allegiance.
 - D. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 of the Minutes of the Regular Meeting on December 15, 2015. 3-21
(Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Ordinance 2015-41 to rezone 210 E. Pike Blvd., also being a Lots 5 22-23

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 held December 15, 2015; Staffed by Planning and Code Enforcement Department.) Attachment;

2) 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 held December 15, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

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| C. | Authorization to submit an application renewing the ERate 2016-2017 Grant program which gives an 80% discount on technology infrastructure, the acceptance of funds upon award, the acceptance of additional funding if awarded during the grant year and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment. | 24-26 |
| D. | Approval of a one year extension to the Interlocal Agreement with Hidalgo County Head Start Program for property located at 310 N. Kansas Avenue, effective January 1 - December 31, 2016 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. | 27-29 |
| E. | Authorization of the solicitation of Requests for Proposals (RFP) for a Firework Display at Mayor Pablo G. Pena City Park on Monday, July 4 th 2016, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. | 30-36 |
| F. | Approval of the renewal of the lease agreement with the Weslaco Mid Valley Civic Theatre effective January 1 - December 31, 2016 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. | 37-44 |
| G. | Authorization to accept funds from the U.S. Department of Justice for the U.S. Marshal/Task Force Officer in an amount not to exceed \$14,000.00 and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. | 45-47 |
| H. | Approval of a Memorandum of Understanding with the Hidalgo County Sheriff's Department pursuant to Chapter 59 of Texas Code of Criminal Procedure and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. | 48-50 |

IV. APPOINTMENTS

Standard Documentation on Appointments

- A. Discussion and consideration to approve Resolutions 2016-01, 2016-02 and 2016-03 appointing members to the Ambulance Advisory Board. Possible action. (Staffed by Fire Department.) Attachment. 51-39
- B. Discussion and consideration to appoint two members of the City Commission to a committee to consider amending the Purchasing Policy for the City of Weslaco. Possible action. (Staffed by Finance Department.) Attachment. 60-62

V. OLD 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 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. (This item was tabled on December 15, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 63-70
- B. 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. (Staff directed to review previous annexation on December 15, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 71-74
- C. Discussion and consideration regarding the City Attorney’s legal opinion on the procedure toward reconsideration of Single Member Districts. Possible action. (This item was tabled on December 15, 2015; Requested by City Manager’s Office.) Attachment. 75-77

VI. NEW BUSINESS

- A. Discussion and consideration to approve an agreement with Texas Department of Transportation (TXDOT) Aviation to acquire land north of the Mid Valley Airport with an additional cost of approximately \$20,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment. 78-79
- B. Discussion and consideration to approve Change Order #2 for the 6th Street Waterline Improvements for an extension in contract time to 80

February 5, 2016 at no cost to the City and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- C. Discussion and consideration to approve Ordinance 2016-01, amending the "Food and Food Establishment Ordinance," Codified as Chapter 58 of the Weslaco Code of Ordinances and authorize the Mayor to execute any related documents. First reading of Ordinance 2016-01. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 81-84
- D. Discussion and consideration to approve the resurfacing and striping of two (2) basketball courts at Mayor Pablo G. Pena City Park and two (2) basketball courts at Harlon Block Park, and to integrate volleyball lines onto the court by Hellas Construction, Buyboard vendor #476-15, in an amount not to exceed \$20,000.00. Possible action. (Staffed by Parks & Recreation Department.) Attachment. 85-87
- E. Discussion and consideration to ratify a contract in the amount of \$114,000.00 for the emergency repair of a pipe in the alley between Third and Seventh Streets, on the east side of Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works.) Attachment. 88-89
- F. Discussion and consideration to approve the restatement of the City of Weslaco 457 Deferred Compensation Plan with Security Benefit and authorize the Mayor to execute the adoption agreement and any related documents. Possible action. (Staffed by Human Resources.) Attachment. 90-108
- G. Discussion and consideration to accept and file a report on the financial condition of the City of Weslaco for Fiscal Year 2014-2015. Possible action. (Staffed by Finance Department.) Attachment. 109-127

VII. DEPARTMENT REPORTS

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco.
- C. Report by Planning and Code Enforcement Department - Engineering and Animal Control.
- D. Report by Severn Trent.
- E. Report by Public Works Department.
- F. Report by Parks and Recreation Department.
- G. Report by the International Water Boundary Commission.

VIII. 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. (This item was tabled December 15, 2015.)
- 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. Economic Development – Consultation with City Attorney regarding Economic Development Projects related to industrial prospects, including Project Chicken Hatch, as well as retail and airport development as authorized by §551.087 of The Texas Government Code.
- G. 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.

- H. 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.
- I. Potential Litigation - Consultation with City Attorney regarding Notice of Claim from Myrna Cuellar 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 31st day of December 2015 at 4:30 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/ 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:
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