



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JUNE 2, 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, June 2, 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

Pages
1-2

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Roll Call.

II. INSTALLATION OF CITY MARSHAL/CHIEF OF POLICE

- A. Administer the Oath of Office to Stephen Scot Mayer as the City Marshal/Chief of Police for the City of Weslaco.

III. 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.

IV. PUBLIC HEARINGS

- A. To solicit input on behalf of Nelda Gonzalez to approve a Conditional Use Permit to operate a daycare at 114 Adelita St., also being Lot 28, San Francisco Subdivision, Weslaco, Hidalgo County, Texas. 3
- B. To solicit input on behalf of Juana Oralia Sanchez to approve a Conditional Use Permit to operate a daycare at 1411 W. 18th St., also being a 0.88 acre tract of 4

the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

- C. To solicit input on behalf of Rink-N-Roll Roller Rink to approve a Conditional Use Permit to operate an event center at 701 S. International Blvd., also being the 2.08 acres out of Crenshaw Center Subdivision, Weslaco, Hidalgo County, Texas. 5
- D. To solicit input on behalf of Jose Leonardo Olivares to approve a Conditional Use Permit to operate a Bed and Breakfast at 1702 S. Airport Dr., also being a 1.00 acre tract of land N166.20'-S918.47'-292.40' of Farm Tract 697, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 6
- E. To solicit input on behalf of Khan's Grill & Beer Castle to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 2307 W. Expressway 83, also being Lot 4, Town Center Subdivision, Weslaco, Hidalgo County, Texas. 7
- F. To solicit input on behalf of Tom's Automotive to rezone 1802 N. International Blvd., also being 2.802 acre tract of the S221.75'-N881.75'-W330' out of Farm Tracts 1042 and 1043, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. 8

V. 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 May 5, 2015. (Staffed by City Secretary's Office.) Attachment. 9-38
- B. Approval on Second and Final Reading of Ordinance 2015-17, amending Ordinance 2014-11 establishing the Municipal Budget for Fiscal Year 2014-2015, and approving a budget amendment in the amount not to exceed \$42,000.00 to add no more than seven temporary full-time employees to the streets division of the Public Facilities Department. (First Reading held May 5, 2015; Requested by the Mayor.) Attachment. 39-41
- C. Authorization of the Mayor Joe V. Sánchez Public Library partnership with the South Texas Literacy Coalition to allow application for free books and literacy services to the community at no cost to the City, and to accept books at no charge if accepted as a partner, throughout calendar years of 2015 and 2016 and 42-49

authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment.

- D. Authorization to utilize Federal Equitable Sharing funds to renew the Leads Online annual contract, an investigative system used to recover stolen property, in an amount not to exceed \$5,000.00 and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. 50
- E. Authorization to utilize Federal Equitable Sharing funds for monthly usage of Air cards through Verizon in the amount of \$6,400.00, and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. 51
- F. Approval for Parks and Recreation Department along with Weslaco Economic Development Corporation to hold the July 4th celebration on Saturday, July 4, 2015 at the Mayor Pablo G. Pena City Park at 300 N. Airport Drive, to sell beer during the event, authorizing the sale of wine and beer by a Texas Alcoholic Beverage Commission (TABC) licensed vendor 12 noon – 10 p.m., and to waive appropriate ordinances associated with the event and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 52
- G. Approval of Resolution 2015-32 adopting the Scofflaw Program at the Municipal Court for outstanding violations and warrants and authorize the Mayor to execute any related documents. (Staffed by Municipal Court.) Attachment. 53-55

VI. OLD BUSINESS

- A. Discussion and consideration to approve Ordinance 2015-16 amending the Master Fee Schedule and authorize the Mayor to execute any related documents. First Reading of Ordinance 2015-16. Possible action. (There was no action on this item May 5, 2015; Staffed by Finance Department.) Attachment. 56-68
- B. Discussion and reconsideration to approve Ordinance 2015-15 abandoning 20' X 830' of alley located behind lots 1-4 Block 1 South Palm Garden Estate Phase 1 and Lots 5-8 Block 1 South Palm Garden Estates Phase 2, creating a 20' x 830' utility easement behind Lots 1-4 Block 1 South Palm Garden Estate Phase 1 and lots 5-8 Block 1 South Palm Garden Estate Phase 2, and ordaining all other matters with respect to the subject matter hereof. First Reading of Ordinance 2015-15. Possible action. (This item was denied May 5, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 69-74
- C. Discussion and consideration to approve on Second and Final Reading Ordinance 2015-03 amending the Code of Ordinances §114.06, "Special Sign Categories, Permitted, and Prohibited Signs," adding such sections to provide 75-82

for the placement of political signs on private property, to provide for the regulation of electioneering on public property and election polling places; to provide a repealing clause; to provide a severability clause; to provide a penalty for each offense; and to provide an effective date. Possible action. (This item was tabled on April 21, 2015; First reading held January 20, 2015; Staffed by City Secretary's Office.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Nelda Gonzalez to approve a Conditional Use Permit to operate a daycare at 114 Adelita St., also being Lot 28, San Francisco Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 83-84
- B. Discussion and consideration after public hearing on behalf of Juana Oralia Sanchez to approve a Conditional Use Permit to operate a daycare at 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Applicant withdrew; Staffed by Planning and Code Enforcement Department.) Attachment. 85-86
- C. Discussion and consideration after public hearing on behalf of Rink-N-Roll Roller Rink to approve a Conditional Use Permit to operate an event center at 701 S. International Blvd., also being the 2.08 acres out of Crenshaw Center Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 87-95
- D. Discussion and consideration after public hearing on behalf of Jose Leonardo Olivares to approve a Conditional Use Permit to operate a Bed and Breakfast at 1702 S. Airport Dr., also being a 1.00 acre tract of land N166.20'-S918.47'-292.40' of Farm Tract 697, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 96-106
- E. Discussion and consideration after public hearing on behalf of Khan's Grill & Beer Castle to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 2307 W. Expressway 83, also being Lot 4, Town Center Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 107-121
- F. Discussion and consideration after public hearing on behalf of Tom's Automotive to approve Ordinance 2015-16 to rezone 1802 N. International Blvd., also being 2.802 acre tract of the S221.75'-N881.75'-W330' out of Farm Tracts 1042 and 1043, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway 122-132

Business District. First Reading of Ordinance 2015-16. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- G. Discussion and consideration on behalf of CIL Properties to approve the Final Plat for CIL Properties Subdivision, being a 7.362 acre Tract of Land out of the West half of Farm Tract 2, Block 134, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located on the Southwest corner of the intersection of Sugar Sweet Avenue and Sugarcane Drive and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 133-163
- H. Discussion and consideration on behalf of Jacinto Garza to approve the Final Plat for San Jacinto Estates No. 9 Subdivision, being 20.15 acre Tract of Land Out of Farm Tract 312, West and Adams Subdivision, Weslaco, Hidalgo County, Texas, located on the North side of Mile 12½ North Road, approximately 1,320 feet East of intersection F.M. 88 (Mile 5 West Road) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 164-188
- I. Discussion and consideration on behalf of St. Pius X Catholic Church to approve an extension to the sixty (60) day time period set for a variance request to begin construction of a classroom expansion project. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 189-195
- J. Discussion and consideration to approve Change Order No. 1 to the Border Avenue Road and Waterline Improvements project between 18th Street and Mile 5 North to perform additional treatment to the road's subgrade by increasing lime treatment from 2% to 4.5-5.5% and install a junction box at a combined cost not to exceed \$80,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 196-197
- K. Discussion and consideration to approve the installation of rubber speed bumps/humps on 12th Street between Border Avenue and Texas Boulevard. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 198-200
- L. Discussion and consideration to approve Resolution 2015-33, engaging legal counsel and rate consultants to review the Texas Gas Service Company 2015 Cost of Service Adjustment ("COSA") Rate Filing, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Legal Department.) Attachment. 201-204
- M. Discussion and consideration to approve Amendment 2 to the PCS Site Agreement between Sprint Spectrum L.P., a Delaware limited partnership, ("SSRCLP"), and the City of Weslaco ("Owner") in order to add or swap 205-210

antennas and other equipment to the site of the water tower and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

- N. Discussion and consideration to approve the Waterline Access Agreement with North Alamo Water Supply Corporation and Jazman RGV Group, LLC for Cotton Estates Central Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 211-229
- O. Discussion and consideration to appoint a committee to review proposals for the operation and maintenance of the water and wastewater system. Possible action. (Staffed by City Manager's Office.)
- P. Discussion and consideration to accept bids received on tax resale property described as follows: Lot 6 and the West 25 feet of Lot 5, Block 4, Villa Vista, Unit 2, an addition to the City of Weslaco, account no. V3800-02-004-0005-00; approve Resolution 2015-34 authorizing the tax resale, and authorize the Mayor to execute the tax resale deeds and any related documents. Possible action. (Staffed by Finance Department.) Attachment. 230-241
- Q. Discussion and consideration to authorize the solicitation of Texas Department of Transportation funding for the 2015 Highway Safety Improvement Program with a local match in an amount not to exceed \$25,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 242-243
- R. Discussion and consideration to reschedule or cancel the June 16, 2015 regular meeting. Possible action. (Staffed by City Manager's Office.)

VIII. PROJECT REPORTS

- A. Border Avenue Reconstruction by Planning and Code Enforcement Department.
- B. Water Treatment Plant Expansion by Public Utilities Department.
- C. Paving Update by Public Works Department.
- D. Runway Extension by Airport Department.
- E. Reconstruction of Circulation Desk and purchase of furniture with Urban County Grant by Library.

IX. 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 with the City Manager regarding the Finance and IT Directors applicants as authorized by §551.074 of the Texas Government Code.
- B. Personnel - Discussion with the City Manager regarding the appointment of Municipal Court Associate Judge(s) as authorized by §551.074 of the Texas Government Code.
- C. 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
- D. Pending Litigation – Consult 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.
- E. Pending Litigation – Consultation with City Attorney regarding Cause No. C-1361-15-E *Mobile Video Tapes, Inc., D/B/A KRGV-TV v. City of Weslaco, Texas, Mike Perez* in the 275th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.
- F. Pending Litigation – Discussion with City Attorney regarding Cause No. CCD-0033-F *In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* pursuant to §551.071 of the Texas Government Code.
- G. Pending Litigation - Consultation with City Attorney regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco* as authorized by §551.071 of the Texas Government Code.

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

XI. **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 29th day of May 2015 at 3:15 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. 1103 prior to the meeting date.