



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JUNE 7, 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, June 7, 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

Pages
1-2

- 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 on behalf of Sonja Ortega for a Conditional Use Permit to operate a private school at 706 S. Iowa Ave., also being Lots 1-8, Block 60, Old Weslaco Townsite Subdivision, Weslaco, Hidalgo County,

3

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

- B. To solicit input on behalf of Kumori Sushi and Teppanyaki for a Conditional Use Permit to obtain a Mixed Beverage Permit and Beverage Cartage Permit at 2017 W. Expressway 83, Suites 7 & 8, also being Lot B-1, Jones, Davis, Harren Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.) 4
- C. To solicit input on behalf of El Ahuehuete Tequila & Grill for a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Mixed Beverage Permit at 2708 N. Texas Blvd., also being 0.76 acres S150'-N711'-E220'-W250' out of Farm Tract 107, West Tract Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.) 5

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 May 17, 2016. (Staffed by City Secretary's Office.) 6-17
- B. Approval on second and final reading of Ordinance 2016-18 rezoning 2320 S. Border Ave., also being 1.81 acres S297'-E293' excluding S121'-W70' out of Farm Tract 734, 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 2016-18 was May 17, 2016; Staffed by Planning and Code Enforcement Department.) 18
- C. Acceptance of donation for the Weslaco Fire Department Community Programs (Summer Camp June 19-23, 2016) from the following: 19
- Knapp Medical Center - \$5,000.00;
 - Payne Auto Group Creative Marketing Associates - \$500.00;

- Trinity MEP Engineering, LLC - \$500.00.

(Staffed by Fire Department.) Attachment.

- D. Authorization for the solicitation of sealed bids for the striping of 6th Street between Westgate Drive and Business 83 and Airport Drive between 6th Street and 8th Street, and multiple adjacent areas to accommodate bike lanes. (Staffed by Public Works.) 20

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2016-38, 2016-39, 2016-40, 2016-41, 2016-42, 2016-43, and 2016-44 appointing members to terms on the Weslaco Mid-Valley Airport Committee, staggered not to exceed three years, and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Airport Department.) Attachment. 21-34

VI. OLD BUSINESS

- A. 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 May 17, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 35-40
- B. Discussion and consideration after public hearing on behalf of Melden & Hunt, Inc. to approve Ordinance 2016-17 rezoning 2200 S. Texas Blvd., also being 7.47 acres out of Farm Tract 743, excluding an irrigation Tract E343.08`- N307.54, 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 2016-17. Possible action. (This item was tabled on May 17, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 41-55

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Sonja Ortega to approve a Conditional Use Permit to operate a private school at 706 S. Iowa Ave., also being Lots 1-8, Block 60, Old Weslaco Townsite 56-74

Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- B. Discussion and consideration after public hearing on behalf of Kumori Sushi and Teppanyaki to approve a Conditional Use Permit to obtain a Mixed Beverage Permit and Beverage Cartage Permit at 2017 W. Expressway 83, Suite 7 & 8, also being Lot B-1, Jones, Davis, Harren Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 73-91

- C. Discussion and consideration to approve Ordinance 2016-19, amending the “Sign Ordinance,” Codified as Chapter 114 of the Weslaco Code of Ordinances, to increase the allowed size of a wall sign in commercial zones and authorize the Mayor to execute any related documents. First reading of Ordinance 2016-12. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 92-95

- D. Discussion and consideration to approve Ordinance 2016-20, amending Sections 134-133 of the Weslaco Code of Ordinances, to eliminate on-street parking on Airport Avenue between 6th - 18th Streets and authorize the Mayor to execute any related documents. First reading of Ordinance 2016-20. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 96-98

- E. Discussion and consideration to adopt a policy for unclaimed money. Possible action. (Staffed by Finance Department.) Attachment. 99-100

- F. Discussion and consideration to amend the City of Weslaco purchasing policy. Possible action. (Staffed by Finance Department.) Attachment. 101-114

- G. Discussion and consideration to approve Ordinance 2016-21 adopting a mid-year budget amendment and authorize the Mayor to execute any related documents. First Reading of Ordinance 2016-21. Possible action. (Staffed by Finance Department.) Attachment. 115-119

- H. Discussion and consideration after Public Hearing to approve budget and program amendment to Urban County Program funding years 25, 26 and 27 (2012, 2013, and 2014) utilizing its original work plans and authorize the Mayor to execute any related documents. Possible action. (Staffed

by the Finance Department.) Attachment.

- I. Discussion and consideration to accept AEP Texas Central Company's distribution cost recovery factor to increase distribution rates as negotiated; and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment. 122
- J. Discussion and consideration to approve the purchase of a submersible pump for Lift Station No. 37 from Xylem in an amount not to exceed \$18,366.44 and authorize the Mayor to execute any related documents. Possible action. (Requested by Severn Trent.) Attachment. 123-129
- K. Discussion and consideration to award Request For Bids 2015-16-11 Rotor at the South Wastewater Treatment Plant to best qualified, most advantageous respondent and authorize the Mayor to execute any related documents. Possible action. (Requested by Severn Trent.) Attachment. 130-134
- L. Discussion and consideration to award Request For Bids 2015-16-12 Influent Pipe at the South Wastewater Treatment Plant to best qualified, most advantageous respondent and authorize the Mayor to execute any related documents. Possible action. (Requested by Severn Trent.) Attachment. 135-139
- M. Discussion and consideration to approve the proposed amended City of Weslaco Official Travel Policy and Procedures and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.) Attachment. 140-153
- N. Discussion and consideration to approve Resolution 2016-45 supporting State Highway 68 in Hidalgo County, Texas, a north-south rural divided highway for the purpose of facilitating the flow of traffic, promoting public safety, and maintaining continuity of the state highway system and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.) Attachment. 154-156
- O. Discussion and consideration to reject all responses received to the invitation for Request for Qualifications No. 2015-16-08 Energy Services Companies for Performance Contracting and authorize the return of all proposals unopened. Possible action. (Staffed by City Manager's 157

Office.) Attachment.

- P. Discussion and consideration to name Tamez Financial Group, LLC as the agent of record for vision plan benefits. Possible action. (Staffed by City Manager's Office.) Attachment. 158
- Q. Discussion and consideration to replace the assigned full-time position of Engineer in Training (EIT) with CAD Technician within Planning and Code Enforcement Department. Possible action. (Staffed by City Manager's Office.) 159

VIII. REPORTS

- A. Report on Safety Inspection and Workers Compensation by Human Resources Department. Possible action to accept and file.
- B. Report by Weslaco Area Chamber of Commerce.
- C. Report by Economic Development Corporation of Weslaco.
- D. Report on Drainage, Engineering and Vector Control by Planning and Code Enforcement Department.
- E. Report by Severn Trent.
- F. Report by Public Works Department.
- G. Report on Summer Reading Program by Library Department.
- H. Report on Summer Youth Camp and Hurricane Season Readiness by Fire Department.
- I. Report on City of Weslaco, Limited Tax Refunding Bonds, Series 2016 Pricing Results by Finance Department.

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 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. Pending Litigation - Consultation with City Attorney regarding *Cause No. C-6090-14-B, Zequiél 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.
- 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. Pending Litigation – Discussion with the City Attorney regarding Cause No. CL-15-0412-G *Maricruz Magana and Esmelinda Magana et al. v. City of Weslaco* and Alejandra Vanessa Baez-Garcia in Hidalgo County, Texas 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 3rd day of June, 2016 no later than 6:50 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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