



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JUNE 21, 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 21, 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

- A. Certification of Public Notice. 1-2
- 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 El Ahuehete Tequila & Grill for approval of 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 3

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

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 June 7, 2016. 4-19
(Staffed by City Secretary's Office.) Attachment.

- B. Approval on second and final reading of the following:
 - 1) 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. (Staffed by Planning and Code Enforcement Department.) Attachment. 20-21

 - 2) 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. (Staffed by Planning and Code Enforcement Department.) Attachment. 22

 - 3) Ordinance 2016-21 adopting a mid-year budget amendment and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment. 23-26

- C. Approval of a Memorandum of Understanding with Region One Education Service Center for provision of free GED classes and other adult education opportunities at the Mayor Joe V. Sanchez Public Library and authorize the Mayor to execute any related documents. (Staffed by 27-30

Library.) Attachment.

- D. Approval of an expenditure not to exceed \$1,429.00, the approximate interest to date of the Marion Booth Endowment Funds, toward the purchase of a rug and signage for the children's area of the library. (Staffed by Library.) Attachment. 31-56
- E. Authorization of the issuance of request for qualifications for professional services for geotechnical and material testing. (Staffed by Planning and Code Enforcement Department.) 57
- F. Acceptance and approval of the submission of the continuous grant application for the 2016 Local Border Security Program to the Office of the Governor of the State of Texas and authorize the Mayor to execute any related documents. (Staffed by the Police Department). Attachment. 58-60

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 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. (These resolutions were tabled June 7, 2016; Staffed by the Airport Department.) Attachment. 61-69

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 June 7, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 70-75
- 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 76-89

action. (This item was tabled on June 7, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of El Ahuehete Tequila & Grill for approval of 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 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 90-106

- B. Discussion and consideration to accept the Weslaco Public Library Roof Survey provided ROFA Architects. Possible action. (Staffed by Library.) Attachment. 107-133

- C. Discussion and consideration to approve Ordinance 2016-22 adopting a budget amendment in the amount of \$40,000.00 for the four-month rental of a long reach excavator on a yearly basis for the Drain Ditch Expansion Project. First reading of Ordinance 2016-22. Possible action. (Staffed by Public Works.) Attachment. 134-136

- D. Discussion and consideration to approve final payment in the amount of \$23,210.00 to Tenzo McAllen for canopy project at Mayor Pablo G. Pena City Park Soccer fields/workout stations. Possible action. (Staffed by Parks and Recreation.) Attachment. 137-138

- E. Discussion and consideration to approve the re-allocation of CIP funds in the amount of \$80,000.00 from street improvement project funding for paving the jogging, walking, and cycling trail at Harlon Block Park. Possible action. (Staffed by Pubic Works.) 139

- F. Discussion and consideration to approve Resolution 2016-46 expressing support of South Texas Collaborative for Housing Development and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment. Attachment. 140

- G. Discussion and consideration to approve 2016 Interlocal Agreement with County of Hidalgo for the implementation of the Community Development Block Grant (CDBG) under Grant No. B-16-UC-48-0501 setting the City's allotment at \$279,535.00 for activities to be carried out in the City's jurisdiction and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 141-208
- H. Discussion and consideration to approve Resolution 2016-47 expressing support of the collaborative Customer Service Initiative throughout the City of Weslaco to distinguish itself as a City of Choice. Possible action. (Staffed by City Manager's Office.) Attachment. 209
- I. Discussion and consideration to approve Ordinance 2016-23, amending the "Zoning Ordinance," Section 150-19 of the Weslaco Code of Ordinances, to remove the 60 day clause on "any appeal or permit granted by the board of adjustment shall not be valid if construction authorized by said permit is not begun within a period of 60 days" and authorize the Mayor to execute any related documents. First reading of Ordinance 2016-23. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment Attachment. 210-212

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 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 – Discussion with the City Attorney regarding Cause No. C-2394-16-F *Maria Jacinta Camarena v. City of Weslaco* as authorized by §551.071 of The Texas Government Code.
- D. Consultation with City Attorney on the purchase, exchange, lease or value of real property as authorized by §551.072 of the Texas Local Government Code. (North Texas; Intersection of Mile 11 and Texas Blvd)

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 17th day of June at 6:00 pm 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. 1100 prior to the meeting date.

Removed from Bulletin Board	Date:	Initials:
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