



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 15, 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, March 15, 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

Pages
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- 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. PUBLIC HEARING

- A. To solicit input on behalf of Ismael Rodriguez for a conditional use permit to operate an event center at 1025 N. Texas Blvd. Suite 3, also being 13.69 acres Irrigation Tract N688.8'-W1021.05' AKA Tract A, B, C & N96'-S271.20'-W381' out of Farm Tract 120, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 3
- B. To solicit input on behalf of Edith Garcia for a conditional use permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1400 North Westgate Drive, Suite 400, also being Lots 16-18, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas. 4

- C. To solicit input on behalf of Robert W. McNabney for a conditional use permit to obtain a Wine and Beer Retailer’s On-Premises Permit at 2901 W. Business 83, also being 1.77 acres Irrigation Tract S881.60’-E179.15’ out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 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 March 1, 2016. 6-15
(Staffed by City Secretary’s Office.) Attachment.
- B. Approval on second and final reading of Ordinance 2016-10, authorizing 16-18
a budget amendment in the amount of \$39,236.00 for bus transportation services between South Texas College Mid Valley Campus and the Delta area, and authorize the Mayor to execute the interlocal agreement for these services. (First reading held March 1, 2016; Staffed by City Manager’s Office.) Attachment.
- C. Acceptance of the 2015 Racial Profiling compiled by the Weslaco Police 19-50
Department as required by the Texas Code of Criminal Procedure Article 2.133 and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- D. Acceptance of a check from the Texas Comptroller of Public Accounts 51-55
annual allocation from the Law Enforcement Officer Standards and Educations (LEOSE) in the amount of \$4,403.66 to be utilized for training for the Weslaco Peace Officers. (Staffed by Police Department.) Attachment.
- E. Acceptance of 2016 Dodge Ram 1500 from the Office of Fleet 56-62
Management GSA Federal Acquisition Service, US Marshals, from their seized funds and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- F. Acceptance of a check from Trek B in the amount of \$5,236.20 from 63-64
LRGV Regional Advisory Council on Trauma TSA “V” to be utilized for Emergency Medical Services (EMS) education and training for the Weslaco Fire Fighters. (Staffed by Fire Department.) Attachment.

V. APPOINTMENTS

Standard Documentation on Appointments

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- A Discussion and consideration to approve Resolution 2016-26 and Resolution 2016-27 appointing members to unexpired terms to the Board of Adjustment and Appeals Zoning Ordinance. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 70-76

VI. OLD BUSINESS

- A. Discussion and consideration to approve on Second and Final Reading Ordinance 2016-08, amending the Code of Ordinances Chapter 142, the “Tow Truck Ordinance,” and authorize the Mayor to execute any related documents. Second and Final Reading of Ordinance 2016-08. Possible action. (First Reading held February 16, 2016 and there was no action on this item March 1, 2016; Staffed by the Police Department.) Attachment. 77-81

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Ismael Rodriguez to approve a conditional use permit to operate an event center at 1025 N. Texas Blvd. Suite 3, also being 13.69 acres Irrigation Tract N688.8'-W1021.05' AKA Tract A, B, C & N96'-S271.20'-W381' out of Farm Tract 120, 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. 82-93
- B. Discussion and consideration after public hearing on behalf of Edith Garcia to approve a conditional use permit to obtain a Wine and Beer Retailer’s Off-Premise Permit at 1400 North Westgate Drive, Suite 400, also being Lots 16-18, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 94-110
- C. Discussion and consideration after public hearing on behalf of Robert W. McNabney to approve a conditional use permit to obtain a Wine and Beer Retailer’s On-Premises Permit at 2901 W. Business 83, also being 1.77 acres of Irrigation Tract S881.60’-E179.15’ out of Farm Tract 626, 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. 111-126
- D. Discussion and consideration to approve a six (6) month extension to the plat for Las Delicias Phase II Subdivision, being a 9.14 acre Tract of Land out of Farm Tract 275, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, located on the Southeast corner of Mile 3 ½ West and Mile 12 North and authorize the Mayor to execute any related 127-128

documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- E. Discussion and consideration to authorize the submission of a grant to Resources & Ecosystems, Sustainability, Tourist Opportunities & Revived Economies (RESTORE) from the Texas Commission on Environmental Quality for a Regional Detention Facility (RDF) adjacent to Harlon Block Park with no local match required and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 129
- F. Discussion and consideration to approve the Contingency Fund Request (CFR) of the contract with CDM Constructors, Inc. for the Water Treatment Plant expansion project as follows: 130-140
A) PCO #3 - \$844,465.00;
B) PCO #4 - \$36,631.00.
Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- G. Discussion and consideration to approve Ordinance 2016-11 on first as final reading authorizing the issuance of “City of Weslaco, Texas Limited Tax Refunding Bonds, Series 2016,” a paying agent/registrar agreement, and an escrow agreement; providing for the sale of such bonds; delegating authority to City representatives to select obligations to be refunded and approve final terms of the bonds, approving all other matters related thereto and authorize the Mayor to execute any related documents. First and Final Reading of Ordinance 2016-11. Possible action. (Staffed by Financial Advisor and Bond Counsel.) Attachment. 141-196
- H. Discussion and consideration to approve a Memorandum of Understanding with the Hidalgo County Regional Mobility Authority in support of the International Bridge Trade Corridor and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager’s Office.) Attachment. 197-201
- I. Discussion and consideration to approve Resolution 2016-28 dissolving the Interjurisdictional Emergency Management Program among the Cities of Weslaco, Donna, and Mercedes and authorizing the Mayor to appoint an Emergency Management Coordinator for the City of Weslaco and execute any related documents. Possible action. (Staffed by Fire Department.) Attachment. 202
- J. Discussion and consideration to approve Airport Project Participation Agreement with the Texas Department of Transportation for project 1621WESLA, the extension of runway and taxiway improvements at the Mid Valley Municipal Airport with ten percent local match and authorize the Mayor to execute any related documents. Possible action. (Staffed by

Finance Department.) Attachment.

- K. Discussion and consideration to award the best qualified, most advantageous respondent to the Request for Proposals for basic maintenance of internal connections and other computer services within the ERate Year 19 cycle (FY 2016-2017), and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library Department.) Attachment. 244-323
- L. Discussion and consideration to award the best qualified, most advantageous respondent to the Request for Proposals for internet access services within the ERate Year 19 cycle (FY 2016-2017), and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library Department.) Attachment. 324-380
- M. Discussion and consideration to approve a 36-month lease for multi-function printers for City departments using a cost per copy method as budgeted and authorize the Mayor to execute a purchasing coop pre-approved contract and any other related documents. Possible action. (Staffed by Information Technology Department.) Attachment. 381-402
- N. Discussion and consideration to award Request For Bids No. 2015-16-04 to the best qualified, most advantageous respondent for the period of one (1) year (2016 – 2017). Possible action. (Staffed by Public Works.) Attachment. 403-405
- O. Discussion and consideration to select the best qualified, most advantageous respondent to the Request for Proposals 2015-16-06 Shade Canopies for Various Parks, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 406-407
- P. Discussion and consideration to authorize a change to the Capital Improvement Program reallocating funds for shade canopies at various City parks. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 408
- Q. Discussion and consideration to authorize a change to the Capital Improvement Program reallocating funds for the installation of exercise equipment awarded by grant at Harlon Block Park. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 408

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 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. 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.
- E. Pending Litigation - Consultation with Attorney to give a legal briefing regarding Civil Case No. 7:15-CV-334 *Alvino Flores v. City of Weslaco, et al.* in the United States District Court for the Southern District of Texas – McAllen Division as authorized by §551.071(1) of the Texas Government Code.
- F. Pending Litigation – Consultation with City Attorney regarding Cause No. C-1277-15-H *Elvia Caballero Lopez d/b/a or a/k/a Caballero Governmental Affairs v. City of Weslaco, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §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 11th day of March 2016 at 4:50 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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