



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MAY 17, 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, May 17, 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
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- 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 Melden & Hunt, Inc. to rezone 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.

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- B. To solicit input on behalf of Maria Bertha Treviño to rezone 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. 4

IV. REPORTS

- A. Report by Weslaco Area Chamber of Commerce. Attachment. 5
- B. Report by Economic Development Corporation of Weslaco. Attachment. 6
- C. Report on Engineering and Animal Control by Planning and Code Enforcement Department.
- D. Report by Severn Trent.
- E. Report by Public Works Department.
- F. Report by Parks and Recreation Department.
- G. Report by Human Resources Department.
- H. Report by Finance Department - Quarterly Financial report. Possible action to accept and file. Attachment. 7-20
- I. Report by Finance Department - Quarterly Investment report. Possible action to accept and file. Attachment. 21-22

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 3, 2016 (Staffed by City Secretary's Office.) Attachment. 23-36
- B. Approval of a Memorandum of Understanding with the Health and Human Services Commission (HHSC) certifying participation by the Mayor Sanchez Public Library within the Community Partner Program and authorize the Mayor to execute any related documents. (Staffed by the Library Department). Attachment. 37-43

- C. Acceptance of a grant award for the Fire Department Medical Reserve Corps for a Summer Camp community program in the amount of \$15,000.00 from the National Association of County and City Health Officials. (Staffed by Fire Department.) Attachment. 44-47

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 April 19, 2016 and there was no action on May 3, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 48-53

VII. NEW BUSINESS

- A. 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. (Staffed by Planning and Code Enforcement Department.) Attachment. 53-67
- B. Discussion and consideration after public hearing on behalf of Maria Bertha Trevino to approve 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. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 68-77
- C. Discussion and consideration to approve the Final Plat of Sinai Subdivision, being 4.10 acre tract of land out of Farm Tract 708, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, located east of Mile 3½ West, approximately 2,027 feet north of Mile 6 North Road. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 78-88

- D. Discussion and consideration to approve the Final Plat for WesFAR Subdivision, being 20.00 acres being a part or portion of Lot 131, Block 162, West Tract Subdivision, Weslaco, Hidalgo County, Texas located on the Southeast corner of side Lot 131, within the N. Border Avenue right-of-away. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 89-106
- E. Discussion and consideration to approve the close out of the contract for construction services performed by Texas Cordia Construction, LLC for the Border Avenue Road & Waterline Improvements Project and authorize final payment of any outstanding invoices in an amount not to exceed \$301,711.86. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 107-110
- F. Discussion and consideration to approve the close out of the contract for design and construction services performed by TEDSI Infrastructure Group for Border Avenue Road & Waterline Improvements Project and authorize final payment of any outstanding invoices in an amount not to exceed \$6,610.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 111
- G. Discussion and consideration to approve the close out of the contract for construction material testing performed by Raba Kistner for Border Avenue Road & Waterline Improvements Project and authorize final payment of any outstanding invoices in an amount not to exceed \$1,432.20 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 112-114
- H. Discussion and consideration to approve the City of Weslaco Audit for Fiscal Year 2014-2015 presented by City Independent Auditor Long Chilton, LLP. Possible action. (Staffed by Finance Department.) Attachment. 115-125
- I. Discussion and consideration to approve the ICMA Retirement Health plan as established by voluntary employee contributions and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment. 126-136
- J. Discussion and consideration to approve the extension to the contract with Severn Trent by 24-months in exchange for a capital contribution. Possible action. (Staffed by City Manager's Office.) Attachment. 137-161

- K. Discussion and consideration to authorize a 50/50 cost share with the Economic Development Corporation of Weslaco, with the City's contribution not to exceed \$18,853.97, for the repair of the electrical signage at the City Hall complex and at the intersection of Texas Boulevard and Business 83. Possible action. (Staffed by the City Manager's Office.) Attachment. 162
- L. Discussion and consideration to approve Resolution 2016-36, engaging legal counsel and rate consultants to review the Texas Gas Service Company 2016 Cost of Service Adjustment ("COSA") Rate Filing, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment. 163-166

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 - 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. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Wild Boar as authorized by §551.087 of The Texas Government Code.
- E. Economic Development - Consultation with City Attorney regarding an Incentive Agreement for Economic Development Project Chair as authorized by §551.087 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 13th day of May, 2016 at 4:45 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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