



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 17, 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, November 17, 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
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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 Fernando Malfavon to rezone 105 W. Esplanada St., also being a Lot 14, Block 7, Esplanada Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. 3
 - B. To solicit input on behalf of Raul Castillo for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 623 N. Airport Dr., also being Lot 1, Block 8, El Texano Subdivision, Weslaco, Hidalgo County, Texas. 4
 - C. To solicit input on behalf of Gabriela's Heavenly Wings dba Wingstop for 5

a Conditional Use Permit to obtain a Wine and Beer Retailer’s Off-Premise Permit at 1210 W. Expressway 83, also being Lots 1 and 5, Central Industrial Phase 1 and 2, Weslaco, Hidalgo County, Texas.

- D. To solicit input on behalf of Armandina Barrera for a Conditional Use Permit to operate an event center at 1015 S. International Blvd., also being Lot 1, Ranch House Subdivision, Weslaco, Hidalgo County, Texas. 6

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 following:
 - 1) Regular Meeting on November 3, 2015; 7-18
 - 2) Special Meeting on November 11, 2015. (Staffed by City Secretary’s Office.) Attachment. 19-22

- B. Approval on second and final reading of the following:
 - 1) Ordinance 2015-35 authorizing and allowing, under the act governing the Texas Municipal Retirement System, “Update Service Credits” in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; and establishing an effective date of January 1, 2016 for such actions (First Reading held on November 3, 2015; Staffed by Finance Department.) Attachment. 23-24

 - 2) Ordinance 2015-36 authorizing the City Manager and City Attorney to inspect Internal Affairs Disciplinary Action documentation. (First Reading held on November 3, 2015; Staffed by Police Department.) Attachment. 25

 - 3) Ordinance 2015-37 abandoning a 10’X150’ alley located behind lots 1-10 Block 14, L.D. Morgan’s Addition; creating a 10’X150’ utility easement behind lots 1-10 Block 14, L.D. Morgan’s Addition, and ordaining all other matters with respect to the subject matter hereof. (First Reading held October 20, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 26

- C. Approval of Resolution 2015-62 designating the Weslaco Health Official as the Local Rabies Control Authority (LRCA). (Staffed by Planning and 27-29

Code Enforcement Department.) Attachment.

- D. Approval of the Memorandum of Understanding with the San Juan Police Department to establish operating procedures for the Law Enforcement Emergency Regional Response Team and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment. 30-38

V. OLD BUSINESS

- A. Discussion and consideration on the selection of a Mayor Pro-Tem. Possible action. (This item was tabled on November 11, 2015.)
- B. Discussion and consideration to approve final payment to Prodigy Construction Management LLC related to Valley Nature Center. Possible action. (This item was tabled on November 3, 2015; Staffed by City Manager's Office.) Attachment. 39-68

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Fernando Malfavon to approve Ordinance 2015-38 to rezone 105 W. Esplanada St., also being a Lot 14, Block 7, Esplanada Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. Possible action. First reading of Ordinance 2015-38. (Staffed by Planning and Code Enforcement Department.) Attachment. 69-80
- B. Discussion and consideration after public hearing on behalf of Raul Castillo to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 623 N. Airport Dr., also being Lot 1, Block 8, El Texano Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 81-94
- C. Discussion and consideration after public hearing on behalf of Gabriela's Heavenly Wings dba Wingstop to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1210 W. Expressway 83, also being Lots 1 and 5, Central Industrial Phase 1 and 2, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 95-115
- D. Discussion and consideration after public hearing on behalf of Armandina Barrera to approve a Conditional Use Permit to operate an event center at 1015 S. International Blvd., also being Lot 1, Ranch House Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code

Enforcement Department.) Attachment.

- E. Discussion and consideration to approve the Final Plat of the Re-plat of Apostolic Assembly Church Subdivision, being a 4-lot subdivision, being all of Apostolic Church Assembly Church Subdivision, being a 10.00 acres of the south 20 acres of Farm Tract 115, Block 161, West Tract Subdivision, Llano Grande Grant, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 121-138
- F. Discussion and consideration on Ordinance 2015-39 relocating 4-feet out of a 10-foot drainage easement along the West side lot 4 rock springs ridge subdivision to the eastside lot 3 Rock Springs Ridge Subdivision to the drainage easement, Hidalgo County, Texas and ordaining other matters with respect to the subject matter hereof. First Reading of Ordinance 2015-39. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 139-142
- G. Discussion and consideration to approve Change Order #3 to drainage improvements to the Border Avenue improvement project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment to be provided at meeting.
- H. Discussion and consideration to approve Resolution 2015-61 to allocate votes in the election for the 2016-2017 Board of Directors of the Hidalgo County Appraisal District pursuant to §6.03 of the Texas Property Tax Code. Possible action. (Staffed by City Secretary's Office.) Attachment. 143-158
- I. Discussion and consideration to approve the request from the Weslaco Museum for an additional \$10,000.00 in funding. Possible action. (Staffed by City Manager's Office.) Attachment. 159-162
- J. Discussion and consideration to approve the purchase of library shelving and other furniture from Demco through Buyboard pricing, utilize Capital Improvement Program Funding in an amount not to exceed \$29,500.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library.) Attachment. 163-169
- K. Discussion and consideration to approve Ordinance 2015-40 authorizing a budget amendment in the amount not to exceed \$241,750 for the emergency purchase of pumps and hoses. First reading of Ordinance 2015-40. Possible action. (Staffed by Public Works.) Attachment. 170-183

VII. 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. Consultation with City Attorney regarding invoices submitted by Bickerstaff, Heath, Delgado, Acosta LLP as authorized by §551.071 of the Texas Government Code.
- E. 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.
- F. Economic Development – Consultation with City Attorney regarding Economic Development Project Bender as authorized by §551.087 of The Texas Government Code.
- G. Consultation with City Attorney on the purchase, exchange, lease or value of real property at the Mid Valley Airport as authorized by §551.072 of the Texas Local Government Code.

- H. Consultation with City Attorney on the purchase, exchange, lease or value of real property at the Mid Valley Airport as authorized by §551.072 of the Texas Local Government Code.

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

IX. 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 November 2015 at 6:35 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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