



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 20, 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, October 20, 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
1-2
- 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 in compliance with the Consolidated Plan for Community Planning & Development (CDBG) Urban County Program Fiscal Year 29 (2016) Needs Assessment Plan. 3
 - B. To solicit input on behalf of Bertha A. Martinez for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 163 S. Texas Blvd., also being Lot 17 and S10'-E90' of Lot 18, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas. 4
 - C. To solicit input on behalf of Arturo Ramos, Jr. to approve a rezone at 818 E. Agostadero St., also being a Lots 1 and 2, Block 3, Roosevelt School 5

Addition Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District.

- D. To solicit input on behalf of Raul Ugalde to rezone 1901 W. Business 83, also being a 0.38 acre out of Farm Tract 633, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. 6
- E. To solicit input on Policy Procedures For Conversion of an Alley into a Utility Easement. 7

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 October 6, 2015; 8-17
 - 2) Special Meeting on October 9, 2015; (Staffed by City Secretary's Office.) Attachment. 18-20
- B. Approval of the renewal of the agreement with ITheatre to provide literacy programing free of cost and waive fees associated with the use of the theatre facility for the ITheatre FY 2015-2016 theatrical season. (Staffed by Library.) Attachment. 21-26
- C. Approval of the request from H-E-B to sponsor the rental of the entertainment stage from Rental World in the amount not to exceed \$2,373.00 for Feast of Sharing on December 12, 2015, place a banner promoting the event at the intersection of Texas Blvd. and Sgt. M.C. Garcia and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Staffed by Public Works Department.) Attachment. 27-30
- D. Approval of a one (1) year extension to the Interlocal Agreement with Texas A&M University-Kingsville to actively participate in the LRGV TPDES Regional Task Force formed to respond and aid compliance with the Texas Commission on Environmental Quality Phase II TPDES Storm Water Rules and authorize the Mayor to execute related documents. (Staffed by Public Works Department.) Attachment. 31-34

V. APPOINTMENTS

Standard Documentation on Appointments 35-39

- A. Discussion and consideration to approve Resolution 2015-53 appointing one member to an expired term on the Civil Service Commission. Possible action. (Staffed by Human Resources.) Attachment. 40-41
- B. Discussion and consideration to approve Resolution 2015-54 appointing one member to an expired term on the Board of Adjustments & Appeals - Zoning Ordinance. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 42-43
- C. Discussion and consideration to approve Resolution 2015-55 appointing one member to an unexpired term on the Library Board. Possible action. (Staffed by Library.) Attachment. 44-46
- D. Discussion and consideration to approve Resolution 2015-56 appointing one member to an expired term on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (Staffed by Weslaco Economic Development Department.) Attachment. 47-50

VI. OLD BUSINESS

- A. Discussion and consideration adopting a Policy and Procedures for Conversion of an Alley into a Utility Easement and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 51-55
- B. Discussion and reconsideration to approve Ordinance 2015-15 abandoning 20' X 830' of alley located behind lots 1-4 Block 1 South Palm Garden Estate Phase 1 and Lots 5-8 Block 1 South Palm Garden Estates Phase 2, creating a 20' x 830' utility easement behind Lots 1-4 Block 1 South Palm Garden Estate Phase 1 and lots 5-8 Block 1 South Palm Garden Estate Phase 2, and ordaining all other matters with respect to the subject matter hereof. First Reading of Ordinance 2015-15. Possible action. (This item was tabled July 7, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 56-79
- C. Discussion and consideration on behalf of Ricardo Quintanilla to renew an agreement abandoning a 20' alley located behind lots 1-2 Block 14, L.D. Morgan Addition and to the east of lots 8-10, Block 14, L.D. Morgan Addition. Possible action. (Commission directed July 7, 2015 this item return after policy adopted; Staffed by Planning and Code Enforcement Department.) Attachment. 80-87

VII. NEW BUSINESS

- A. Discussion and consideration to recognize The Tamez Financial Group, LLC as the Agent of Record for the City group health insurance plan and recognizing Carlos Tamez, Producer ID HA0030, as the Producer of 88-90

Record representative and the General Agent in negotiations with Allegian Health Plans, subsidiaries & affiliations for the employee health care benefit program(s) effective October 1, 2015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

- B. Discussion and consideration to amend the City of Weslaco Personnel Policies and Procedures Manual revising the holiday schedule and adding personal days. Possible action. (Requested by Human Resources Department.) Attachment. 91-94
- C. Discussion and consideration to approve a pay raise for non-Civil Service employees. Possible action. (Requested by Commissioners Tafolla and Fox.) Separate enclosure.
- D. Discussion and consideration after public hearing on behalf of Bertha A. Martinez to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 163 S. Texas Blvd., also being Lot 17 and S10'-E90' of Lot 18, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 95-110
- E. Discussion and consideration after public hearing on behalf of Arturo Ramos, Jr. to approve Ordinance 2015-32 to rezone 818 E. Agostadero St., also being Lots 1 and 2, Block 3, Roosevelt School Addition Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. First Reading of Ordinance 2015-32. Possible action. (This item requires a three-fourths vote; Staffed by Planning and Code Enforcement Department) Attachment. 111-123
- F. Discussion and consideration after public hearing on behalf of Raul Ugalde to approve Ordinance 2015-33 to rezone 1901 W. Business 83, also being a 0.38 acre out of Farm Tract 633, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First Reading of Ordinance 2015-33. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 124-133
- G. Discussion and consideration to approve the Final Plat for Vaquero Estates Phase IV Subdivision, being a 39.03 acre Tract of Land out of Farm Tracts 1066 and 1071, West and Adams Subdivision, Weslaco Hidalgo County, Texas located on the East side of FM 1015 and South of Mile 11 North Road, approximately 1,307 feet South of said intersection. Possible action. (Staffed by Planning and Code Enforcement Department) Attachment. 134-158

- H. Discussion and consideration to approve Ordinance 2015-34, the “Parking Lot Pavement Markings Ordinance,” amending Ordinance 86-27 as codified in Article III, Section 134-142. First Reading of Ordinance 2015-34. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 159-162
- I. Discussion and consideration to approve close out contract for construction services performed by Balch Machine for Utah Waterline Improvements and authorize final payment of any outstanding invoices in an amount not to exceed \$14,040.88 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 163-167
- J. Discussion and consideration to approve the Cemetery Plot Financing Policy with payment plan option for those plots on the expansion side of Weslaco City Cemetery and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 168-171
- K. Discussion and consideration to authorize the purchase of six (6) vehicles as budgeted as follows: 172-181
- A. 1 - 2016 Ford F350 Crew Cab 4x4 \$46,000.00 for Parks Department;
 - B. 1 - 2016 Ford F250 Crew Cab 4x4, \$44,292.60 for Fire Department;
 - C. 1 - 2016 Ford F350 4x2 \$43,840.00 for Police Department;
 - D. 2 - 2016 Ford F150 Regular Cab 4x2, \$25,930.00 for Code Enforcement and Public Works Department;
 - E. 1 - 2016 Ford Taurus SE \$20,972.00 for Public Works Department;
- from Caldwell County (Buyboard State Vendor No. 430-13) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- L. Discussion and consideration to approve final payment to Prodigy Construction Management LLC related to Valley Nature Center. Possible action. (Staffed by City Manager’s Office.) Attachment. 182-189
- M. Discussion and consideration to reject all pending applications received to the solicitation for Request for Qualifications for City Attorney. Possible action. (Staffed by City Manager’s Office.)
- N. Discussion and consideration to interview those law firms which submitted responses by October 15, 2015 to the Request for Qualifications for City Attorney. Possible action. (Staffed by City Manager’s Office.)
- O. Discussion and consideration to possibly select the City Attorney for the City of Weslaco and authorize the Mayor to negotiate a professional services agreement. Possible action. (Staffed by City Manager’s Office.)

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 *Jacinto Estrada v. City of Weslaco, Texas* as authorized by §551.071 of the Texas Government Code.
- E. Personnel – Discussion regarding the top three candidates toward possible selection of City Attorney as authorized by §551.074 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 16th day of October 2015 at 6:40 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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