



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 1, 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, September 1, 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 HEARINGS

- A. To solicit input on the proposed demolition order for unoccupied buildings as dilapidated, substandard, unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225 located on the following premises:

- 1) 115 North Kansas Avenue, being Gonzalez, Block 1, Lot 12-13,
an Addition to the City of Weslaco, Hidalgo County, Texas;
- 2) 204 North Pueblo Street, being Christensen, Block 6, Lot 9 & 10,
an Addition to the City of Weslaco, Hidalgo County, Texas;

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- 3) 204 South Libertad Street, being Weslaco Original Townsite, Block 7, Lot 3, an Addition to the City of Weslaco, Hidalgo County, Texas; 6
- 4) 603 North Tio Street, being El Texano, Lots 11-12, Block 7, an Addition to the City of Weslaco, Hidalgo County, Texas; 7
- 5) 806 Missouri Avenue, being Orange Grove, Lot 4, Block 2, an Addition to the City of Weslaco, Hidalgo County, Texas; 8
- 6) 1003 South Texas Boulevard, being West Tract W165' – S107.5' N767.5' FT 682.41 AC GR .34 AC Net, Block 6, Lot 12, an Addition to the City of Weslaco, Hidalgo County, Texas; 9
- 7) 1500 Katie Street, being Black #2, Lot 12, Block 6, an Addition to the City of Weslaco, Hidalgo County, Texas; 10
- 8) 2316 East 10th Street, being Kaymar #2, Block 4, Lot 9, an Addition to the City of Weslaco, Hidalgo County, Texas 11
- 9) 218 South Indiana Avenue, being Weslaco Original Townsite, Block 21, Lots 6, an Addition to the City of Weslaco, Hidalgo County, Texas.

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) Public Hearing Meeting on August 14, 2015; 12-13
 - 2) Regular Meeting on August 18, 2015. (Staffed by City Secretary’s Office.) Attachment. 14-29
- B. Approval on Second and Final Reading of Ordinance 2015-23 amending Ordinance 2014-15 to provide for the disannexation of certain unimproved area from the territory to the corporate limits of the City of Weslaco, Hidalgo County, Texas and ordain other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. (First Reading held August 18, 2015; Staffed by City Secretary’s Office.) Attachment. 30
- C. Authorization of the renewal of the Operation Stonegarden grant and its compliances and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. 31-41

V. OLD BUSINESS

- A. Discussion and consideration after public hearing August 18, 2015 on behalf Irma Valerio Salinas to approve Conditional Use Permit to operate 42-55

an event center at 623 W. Business Highway 83, also being Lot 1, Harding-Gill Subdivision. Possible action. (This item was tabled on August 18, 2015. Staffed by Planning and Code Enforcement Department.) Attachment.

- B. Discussion and consideration after public hearing August 18, 2015 on behalf of Adela M. Gonzalez to approve Ordinance 2015-22 to rezone 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District Subdivision. First Reading of Ordinance 2015-22. Possible action. (This item was tabled on August 18, 2015. Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment. 56-71

- C. Discussion and consideration after public hearing August 18, 2015 on behalf of Adela M. Gonzalez to approve a Conditional Use Permit to operate an event center at 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (This item was tabled on August 18, 2015. Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment. 72-82

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing to authorize the demolition orders for the following unoccupied buildings as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225:
 - 1) 115 North Kansas Ave., being Gonzalez, Block 1, Lot 12-13, an Addition to the City of Weslaco, Hidalgo County, Texas; 83-91
 - 2) 204 North Pueblo Street, being Christensen, Block 6, Lot 9 & 10, an Addition to the City of Weslaco, Hidalgo County, Texas; 92-100
 - 3) 204 South Libertad Street, being Weslaco Original Townsite, Block 7, Lot 3, an Addition to the City of Weslaco, Hidalgo County, Texas; 101-108
 - 4) 603 North Tio Street, being El Texano, Lots 11-12, Block 7, an Addition to the City of Weslaco, Hidalgo County, Texas; 109-116
 - 5) 806 Missouri Avenue, being Orange Grove, Lot 4, Block 2, an Addition to the City of Weslaco, Hidalgo County, Texas; 117-125
 - 6) 1003 South Texas Boulevard, being West Tract W165' – S107.5' N767.5' FT 682.41 AC GR .34 AC Net, Block 6, Lot 12, an Addition to the City of Weslaco, Hidalgo County, Texas; 126-135
 - 7) 1500 Katie Street, being Black #2, Lot 12, Block 6, an Addition to the City of Weslaco, Hidalgo County, Texas; 136-144

- 8) 2316 East 10th Street, being Kaymar #2, Block 4, Lot 9, an Addition to the City of Weslaco, Hidalgo County, Texas; 145-152
- 9) 218 South Indiana Avenue, being Weslaco Original Townsite, Block 21, Lots 6, an Addition to the City of Weslaco, Hidalgo County, Texas. 153-159
- Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration to approve Ordinance 2015-24 establishing a capital improvement program fund; promulgating rules and regulations concerning the building and maintaining of such fund, and the permitted withdrawals and prohibitions; repealing all ordinances or parts of ordinances in conflict; providing a savings clause; providing an effective date. First reading of Ordinance 2015-24. Possible action. (Staffed by Finance Department.) Attachment. 160-165
- C. Discussion and consideration to approve Ordinance 2015-25 authorizing a budget amendment to transfer funds from the general and sanitation funds into the Capital Improvement Program. First reading of Ordinance 2015-25. Possible action. (Staffed by Finance Department.) Attachment. 166-170
- D. Discussion and consideration to approve Resolution 2015-50 authorizing the loan of \$2,000,000.00 from the Solid Waste Fund to the Water Fund and establishing the terms of repayment. Possible action. (Staffed by Finance Department.) Attachment. 171-173
- E. Discussion and consideration to approve Ordinance 2015-26 establishing a Fire Department equipment replacement fund, promulgating rules and regulations concerning the building and maintaining of such fund, and the permitted withdrawals and prohibitions; repealing all ordinances or parts of ordinances in conflict; providing a savings clause; providing an effective date. First reading of Ordinance 2015-26. Possible action. (Staffed by Finance Department.) Attachment. 174-178
- F. Discussion and consideration to approve Ordinance 2015-27 adopting the City of Weslaco budget appropriation for the fiscal year October 1, 2015 – September 30, 2016. First Reading of Ordinance 2015-27. Roll call vote required. Possible action. (Staffed by Finance Department.) Attachment. 179-181
- G. Discussion and consideration to approve Ordinance 2015-28 adopting the City of Weslaco ad valorem property tax rate of \$0.6767/\$100.00 valuation, effectively a 7.36 percent increase in the tax rate, pursuant to §26.05(B) of the Texas Tax Code on all taxable property within the City of Weslaco, Texas for Tax Year 2015, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of 182-185

Weslaco, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. First Reading of Ordinance 2015-28. Roll call vote required. Possible action. (Staffed by Finance Department.) Attachment.

- H. Discussion and consideration to approve the close out contract for construction services performed by Texas Cordia Construction, LLC for Sugarcane Drive Road Improvements and authorize final payment of any outstanding invoices in an amount not to exceed \$73,368.00 and authorize the Mayor to execute any related documents. Possible action (Staffed by Planning and Code Enforcement Department) Attachment. 186-190
- I. Discussion and consideration to approve the close out contract for construction materials testing performed by Millennium Engineers Group, Inc, for Sugarcane Drive Road Improvements and authorize final payment of any outstanding invoices in an amount not to exceed \$20,165.13 and authorize the Mayor to execute any related documents. Possible action (Staffed by Planning and Code Enforcement Department) Attachment. 191-206
- J. Discussion and consideration to approve the close out contract for design and construction services performed by TEDSI Infrastructure Group for Sugarcane Drive Road Improvements and authorize final payment of any outstanding invoices in an amount not to exceed \$10,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department) Attachment. 207-209
- K. Discussion and consideration to extend the due date on the policy for Alley Abandonment/Utility Easement until the October 20, 2015 City Commission Meeting. Possible action. (Staffed by Planning and Code Enforcement Department) Attachment. 210
- L. Discussion and consideration to approve the purchase of a network data storage appliance using a State of Texas DIR contract in an amount not to exceed \$27,000.00 as budgeted and authorize the Mayor to execute any related documents. Possible action. (Staffed by IT Department.) Attachment. 211-212
- M. Discussion and consideration to approve Ordinance 2015-29 repealing Ordinance 2012-17, codified as Article VI §2-193 Candidate Filing Fee. First Reading of Ordinance 2015-29. Possible action. (Requested by the Mayor.) Attachment. 213-217
- N. Discussion and consideration to approve the Request for Qualifications 2014-15-32 for City Attorney/Legal Services for the City of Weslaco with timeline. Possible Action. (Staffed by City Manager's Office.) Attachment. 218-234

- O. Discussion and consideration to approve the Economic Development Corporation of Weslaco Budget and Workplan for Fiscal Year 2015-2016. Possible action. (Requested by Economic Development Corporation of Weslaco.) Attachment. 235-246
- P. Discussion and consideration to direct the City Attorney to prepare a docket report with litigation status by two weeks of this meeting date. Possible action. (Requested by Commissioners Kerr and Fox.)

VII. DEPARTMENT UPDATES

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco.
- C. Engineering by Planning and Code Enforcement Department.
- D. Water and Wastewater Systems by Public Utilities Department.
- E. Paving and Flooding by Public Works Department.
- F. City Cemetery by Parks and Recreation Department.

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. Personnel – Discussion regarding the Department Directors’ salaries as authorized by §551.074 of the Texas Government Code.

- C. Legal Consultation - Consultation with City Attorney to seek a legal opinion regarding the CDM and Briones Engineering contracts pursuant to §551.071 and/or §552.071 of the Texas Government Code.
- D. Legal Consultation – Consultation with City Attorney seeking advice about contemplated litigation against Briones Engineering, as Project Engineer, and CDM Constructors, as Construction Manager at-Risk, relating to the construction of the Weslaco Water Treatment Plant Project pursuant to §551.071 of the Texas Government Code.
- E. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.
- F. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Police Union (Weslaco Municipal Police Association) as authorized by §551.071 of the Texas Government Code.
- G. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Chicken Hatch as authorized by §551.087 of The Texas Government Code.
- H. Pending Litigation - Consultation with City Attorney regarding Civil Action No. 7:15-cv-334 *Alvino Flores, Sr. v. Sergio Ramirez, et al.* in the United States District Court for the Southern District of Texas as authorized by §551.071 of the Texas Government Code.
- I. Pending Litigation - Consultation with City Attorney regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- J. Pending Litigation - Consultation with City Attorney regarding Docket No. C-4346-15-G, *Adela Mireles Gonzalez v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- K. Pending Litigation - Discussion with City Attorney and Special Counsel regarding Cause No. C-081-13 B *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* and consider the settlement offer as authorized by §571.074 of the 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 28th day of August 2015 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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