



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

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Reading of Proclamation.
- E. Roll Call.

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**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 behalf of Silbia L. Lombardo dba Las Dos Fronteras to rezone 401 Mile 6½ West Road, also being Lots 1 and 2, Anaqua Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. 3
- B. To solicit input on behalf of Silbia L. Lombardo dba Las Dos Fronteras for a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License at 401 Mile 6½ West Road, also being Lots 1 and 2, Anaqua Subdivision, Weslaco, Hidalgo County, Texas. 4

- C. To solicit input on behalf of JMH, LLC for a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 1600 N. Westgate Dr., Ste. 300, also being Lot 10, Home Depot-Weslaco Subdivision, Weslaco, Hidalgo County, Texas. 5
- D. To solicit input on behalf of Blazin Wings, Inc. for a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 1909 West Expressway 83, also being Lot 1, Cash Nix Addition Phase 2 Subdivision, Weslaco, Hidalgo County, Texas. 6
- E. To solicit input on behalf of Tropical Texas Behavioral Health to rezone 2215 W. Bus 83, also being a 7.98 acre irrigation tract of the W361.05'-E721.56', excluding irrigation tract E87.91'-N249.29', out of Farm Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. 7
- F. To solicit input on behalf of Tropical Texas Behavioral Health for a Conditional Use Permit to operate a mental group therapy center at 2215 W. Business 83, also being a 7.98 acre irrigation tract of the W361.05'-E721.56', excluding irrigation tract E87.91'-N249.29', out of Farm Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 8

**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 September 1, 2015. (Staffed by City Secretary's Office.) Attachment. 9-23
- B. Approval on Second and final reading of the following: 24-27
  - 1) 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 2015-14 was September 1, 2015; Staffed by Finance Department.) Attachment.
  - 2) Ordinance 2015-25 authorizing a budget amendment to transfer 28-30

funds from the general and sanitation funds into the Capital Improvement Program. (First reading of Ordinance 2015-14 was September 1, 2015; Staffed by Finance Department.) Attachment.

- 3) 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 was September 1, 2015; Staffed by Finance Department.) Attachment. 31-34
  - 4) Ordinance 2015-29 repealing Ordinance 2012-17, codified as Article VI §2-193 Candidate Filing Fee. (First Reading was September 1, 2015; Requested by the Mayor.) Attachment. 35
- C.. Approval of the annual request by the Economic Development Corporation of Weslaco to close Texas Boulevard/FM 88 between U.S. Business Highway 83 and Fifth St. on the third (3<sup>rd</sup>) Thursday of each month from October 2015 to September 2016 between 3:00 PM and 10:00 PM for Alfresco Weslaco Music & Art on the Street and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Requested by Weslaco EDC.) Attachment. 36-37
- D. Authorization to reapply and renew the Reading Is Fundamental (RIF) grant for FY 2015-2016, to accept funds upon award throughout the year, to provide local matching funds so long as these funds do not exceed 25% of the total granted amount in each instance and do not exceed \$700.00 total annually, and authorize the Mayor to execute any related documents throughout the year. (Staffed by the Library.) Attachment. 38-39
- E. Approval of the renewal of the Intergovernmental Cooperative Agreement with Palm Valley Animal Center commencing October 1, 2015 through September 30, 2016 and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.) Attachment. 40-45
- F. Approval of the renewal of Remote Birth Access contract with Department State Health Services for the period September 1, 2015 to August 31, 2017 and authorize the Mayor to execute any related documents. (Staffed by City Secretary's Department.) Attachment. 46-52
- G. Approval of the renewal of payment to Tyler Technologies for yearly maintenance fee in the amount of \$9,771.86 from the Court Technology Fund and authorize the Mayor to execute any related documents. (Staffed by Municipal Court). Attachment. 53-55

- H. Authorization of the solicitation of bids for the City of Weslaco yearly Unleaded and Diesel Fuel Supply. (Staffed by Public Facilities Department.) Attachment. 56

**V. OLD BUSINESS**

- A. Discussion and consideration to approve on second and final reading of Ordinance 2015-27 adopting the City of Weslaco budget appropriation for the fiscal year October 1, 2015 – September 30, 2016. Roll call vote required. Possible action. (First reading held September 1, 2015; Staffed by Finance Department.) Attachment. 57
- B. Discussion and consideration to approve on second and final reading of 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 Weslaco, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. Roll call vote required. Possible action. (First reading held September 1, 2015; Staffed by Finance Department.) Attachment. 58-59
- C. 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. (There was no action on this item September 1, 2015. Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment. 60-74
- D. 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. (There was no action on this item September 1, 2015. Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment. 75-89

**VII. NEW BUSINESS**

- A. Discussion and consideration to award the Commercial Package and Employer's Liability Insurance to the best qualified, most advantageous 90-93

- bidder(s), and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.
- B. Discussion and consideration to award the Basic Life & Accidental Death & Dismemberment Product to the best qualified, most advantageous bidder(s) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment. 94-96
- C. Discussion and consideration to award the Health Insurance Products to the best qualified, most advantageous bidder(s) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment. 97-105
- D. Discussion and consideration to award the Workers Compensation Product to the best qualified, most advantageous bidder(s) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment. 106-109
- E. Discussion and consideration after public hearing on behalf of Silbia L. Lombardo dba Las Dos Fronteras to approve Ordinance No. 2015-30 to rezone 401 Mile 6½ West Road, also being Lots 1 and 2, Anaqua Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. First reading of Ordinance 2015-30. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 110-118
- F. Discussion and consideration after public hearing on behalf of Silbia L. Lombardo dba Las Dos Fronteras for a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License at 401 Mile 6½ West Road, also being Lots 1 and 2, Anaqua Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Three-fourths vote required; Staffed by Planning and Code Enforcement Department.) Attachment. 119-133
- G. Discussion and consideration after public hearing on behalf of JMH, LLC to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 1600 N. Westgate Dr., Ste. 300, also being Lot 10, Home Depot-Weslaco Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 134-149
- H. Discussion and consideration after public hearing on behalf of Blazin Wings, Inc. to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit at 1909 West Expressway 83, also being Lot 1, Cash Nix Addition Phase 2 Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) 150-169

Attachment.

- I. Discussion and consideration after public hearing on behalf of Tropical Texas Behavioral Health to approve Ordinance No. 2015-31 to rezone at 2215 W. Business 83, also being a 7.98 acre irrigation tract of the W361.05'-E721.56', excluding irrigation tract E87.91'-N249.29', out of Farm Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas. First Reading of Ordinance No. 2015-31. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 170-179
- J. Discussion and consideration after public hearing on behalf of Tropical Texas Behavioral Health to approve a Conditional Use Permit to operate a mental group therapy center at 2215 W. Business83, also being a 7.98 acre irrigation tract of the W361.05'-E721.56', excluding irrigation tract E87.91'-N249.29', out of Farm Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.) Attachment. 180-189
- K. Discussion and consideration on behalf of Lorenzo and Diana Rodriguez to approve Final Plat for L&D Rodriguez Subdivision, being 5.60 acres of the South 11.20 acres of Farm Tract 198, Block 181, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located on the West side of Mile 6 West Road, approximately 1,490 feet North of Mile 10 North Road. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 190-212
- L. Discussion and consideration to approve Change Order for Request For Bids 2014-15-17 Border Avenue Road and Waterline Improvements for an amount not to exceed \$13,408.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 213-214
- M. Discussion and consideration to approve Resolution No. 2015-50 nominating a candidate to the Hidalgo County Appraisal District Board of Directors for the 2016-2017 election and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Office of the City Secretary.) Attachment. 215-218
- N. Discussion and consideration to approve grant agreement with Texas Department of Transportation for the Airport Routine Maintenance Agreement FY 2015-2016 at a cost not to exceed 10% as the City of Weslaco shared cost and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department). Attachment. 219-233
- O. Discussion and consideration to approve Change Order No. 1 to the agreement with Texas Department of Transportation Aviation Division 234-237

for the rehabilitation of the runway in order to include the extension by 10,000 feet and authorize the cost share of 10% not to exceed \$471,307.00 as previously allocated and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.

- P. Discussion and consideration to approve the Interlocal Governmental Agreement – Ambulance Service with the Hidalgo County Emergency Services District No. 1 for the period October 1, 2015 – September 30, 2017 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment. 239-245
- Q. Discussion and consideration to award contract bid No. 2014-15-30 Waterworks Collection and Distribution Materials to the lowest responsible bidder, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment. 246-257
- R. Discussion and consideration to award the best qualified, most advantageous respondent to the Request for Proposals for Municipal Audit Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 258-260
- S. Discussion and consideration to select members to a review committee for City Attorney/Legal Services for the City of Weslaco responses to the Request for Qualifications 2014-15-32. 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. 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.
- D. 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.
- E. 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.* as authorized by §571.074 of the Government Code.
- F. Pending Litigation - Consultation with City Attorney regarding Cause No. C-4346-15-G, *Adela Mireles Gonzalez v. the City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- G. 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.

**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 11<sup>th</sup> day of September 2015 at 4:50p.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: