



EDINBURG CITY COUNCIL  
CITY OF EDINBURG, HIDALGO COUNTY, TEXAS

**REGULAR MEETING AGENDA  
6:30 PM**

**Location:** City of Edinburg  
City Hall-Council Chambers  
415 West University Dr.  
Edinburg, Texas 78541  
**NOVEMBER 15, 2017**

**I. CALL TO ORDER, ESTABLISH QUORUM**

- A. Prayer.
- B. Pledge of Allegiance.

**II. CERTIFICATION OF PUBLIC NOTICE**

**III. PUBLIC COMMENTS**

*The Mayor and City Council allow for a specific portion of the City Council Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please complete the Public Comments Form which will be located outside of the City Council Chambers and submit the completed form to the City Secretary prior to the commencement of the City Council Meeting. We ask for everyone's cooperation in following this procedure.*

**IV. CONTRACTUALS**

- A. Consider Resignation and/or Termination of Legal Services Agreement with Palacios Garza & Thompson, PC. [Richard M. Hinojosa, City Manager]
- B. Consider Hiring Interim Legal Services. [Richard M. Hinojosa, City Manager]
- C. Consider Authorizing the City Manager to Solicit Requests for Qualifications (RFQ) for Legal Services. [Richard M. Hinojosa, City Manager]

**V. PROCLAMATION**

- A. Presentation of Proclamation Recognizing:
  - 1. November 19-27, 2017 as National Family Week in Edinburg, Texas.

**VI. ECONOMIC DEVELOPMENT**

- A. Discuss and Consider Amending the Bylaws of the Edinburg Economic Development Corporation, Article II Board of Directors, Section I Powers, Number and Term of Office; and Appointments to the Edinburg Economic Development Corporation Board of Directors. [Richard M. Hinojosa, City Manager]

## VII. APPOINTMENTS

- A. Consider Appointment of a Member of the Edinburg City Council as Mayor Pro Tem [Richard M. Hinojosa, City Manager]
- B. Discuss and Consider Appointments to the City Advisory Boards and Committees for the Following:
  - 1. Amigos Del Valle Board of Directors-One Member, One Alternate
  - 2. Lower Rio Grande Valley Development Council-One Member
  - 3. Hidalgo County Metropolitan Planning Organization-One Member, One Alternate

## VIII. PUBLIC HEARINGS

- A. Hold Public Hearing and Consider the Ordinances Providing for the Comprehensive Plan Amendment from Auto Urban Uses to General Commercial Uses and the Rezoning Request from Auto-Urban Residential (AU) and Commercial Neighborhood (CN) Districts to Commercial General (CG) District, Being a 1.01 Acre Tract of Land out of Lot 2, Section 275, Texas Mexican Railway Company Survey, Located at 902 S. McColl Road, as Requested by Asenette Guerra.(**A 4/5 Vote is Required by the City Council to Overturn the Planning & Zoning Commission Action.**)[Jesus R. Saenz, Director of Planning & Zoning]
- B. Hold Public Hearing and Consider the Ordinances Providing for the Comprehensive Plan Amendment from Urban Uses to General Commercial Uses and the Rezoning Request from Urban Residential (UR) District to Commercial General (CG) District, Being a 0.45 Acre Tract of Land out of Lot 14, Section 244, Texas Mexican Railway Company Survey, Located Approximately 1,000 Feet North of Mile 17 1/2 Road along Business Highway 281, as Requested by D.G.V. LP.(**A 4/5 Vote is Required by the City Council to Overturn the Planning & Zoning Commission Action.**) [Jesus Saenz, Director of Planning & Zoning]
- C. Hold Public Hearing and Consider Ordinances Providing for the Comprehensive Plan Amendment from Auto Urban Uses to Urban Uses and the Rezoning Request from Neighborhood Conservation 7.1 (NC 7.1) District to Urban Residential (UR) District, Being Lot 41, Amended Iowa Estates Subdivision, Located at 2002 Ancira Lane, as Requested by Licett Otero.(**A 4/5 Vote is Required by the City Council to Overturn the Planning & Zoning Commission Action.**)[Jesus R. Saenz, Director of Planning & Zoning]
- D. Hold Public Hearing and Consider Ordinances Providing for the Comprehensive Plan Amendment from Suburban Uses to Auto-Urban Uses and the Rezoning Request from Suburban (S) District to Auto-Urban Residential (AU) District, Being a 0.34 Acre Tract of Land out of Lot 12, Section 239, Texas Mexican Railway Company Survey, Located at the 2700 Block of N. Jackson Road, as Requested by Joe De Leon. (**A 4/5 Vote is Required by the City Council to Overturn the Planning & Zoning Commission Action.**) [Jesus R. Saenz, Director of Planning & Zoning]

- E. Hold Public Hearing and Consider the Ordinance Providing for the Special Use Permit for the On Premise Consumption of Alcoholic Beverages for Late Hours, Being Lot 1, Concord Plaza Subdivision, Located at 1601 West Trenton Road, as Requested by Carlos Carranza. [Jesus R. Saenz, Director of Planning and Zoning]

## **IX. VARIANCES**

- A. Consider Variance Request to the City's Unified Development Code to Article 3 – District and Bulk Standards, Windsor Estates Subdivision, Being the South 10.00 Acres More or Less, out of the North 20.00 Acres of Lot 15, Section 240, Texas-Mexican Railway Company Survey, Hidalgo County, Texas, Located North of Mile 17 1/2 Road on McColl Road as Requested by Sames Engineering & Surveying. [Jesus R. Saenz, Director of Planning & Zoning].
- B. Consider Variance Requests to the City's Unified Development Code as follows:**1.)** Article 8 - Streets, Utilities, and Drainage**2.)** Article 7-Plat and Site Plan Design for Vista Bonita Subdivision No.17, a 35.67 Acre Tract Being the East 5.27 Acres of Lot 1, all of Lots 2, 3, 4, Block 23, Santa Cruz Gardens Unit No. 2, Hidalgo County, Texas., Located on the South East Corner of Ingle Road and Kenyon Road as Requested by Quintanilla, Headley and Associates, Inc. [Jesus R. Saenz, Director of Planning & Zoning].

## **X. ORDINANCE**

- A. Consider Ordinance Amending the Code of Ordinances of the City of Edinburg, Texas, at Title V, Public Works, Chapter 54, Airport Regulations Section 54.31 Airport Tenant [Sonia Marroquin, Assistant City Manager]

## **XI. RESOLUTIONS**

- A. Consider Resolution Granting an Easement and Right of Way to AEP Texas Inc. Covering the Real Property Described as an 0.0489 Acre Tract of Land, More or Less, Out of the North Fifteen (15) Acres of Lot No. Four (4), Section No. 274, Texas-Mexican Railway Company's Survey of Lands of Hidalgo County, Texas for the Rehabilitation of West Elevated Water Storage Tank and Authorize the City Manager to Execute All Documents Relating Thereto. [Arturo C. Martinez, Director of Utilities]
- B. Consider a Resolution in Support of the Museum of South Texas History (MOSTH) Application for State and Federal Tax Credits to Assist in the Construction of the Historic 1910 Hidalgo County Jail Project and Authorize the City Manager to Execute Documents Relating Thereto. [Sonia Marroquin, Assistant City Manager]

## **XII. WAIVERS**

- A. Consider Authorizing the City Manager to Waive Fees for the Use of the Edinburg Municipal Park Athletic Fields for the Annual Law Enforcement Flag Football Tournament, Edinburg Police Union Toys for Tots on Saturday, December 9, 2017. [Sonia Marroquin, Assistant City Manager]

- B.** Consider Authorizing the City Manager to Waive Fees for the Use of the Edinburg City Auditorium for the 'Miss Edinburg 2018 Scholarship' Pageant to be held on Saturday, November 25, 2017, as Requested by Minerva Olivarez & Elite Productions. [Sonia Marroquin, Assistant City Manager]

### **XIII. AWARDING OF BIDS**

- A.** Consider Awarding Bid No. 2017-91, Emergency Equipment to Tri-County Communications for Items 5 and 14 in the Amount of \$1,952.70; to Video Sound & Lights for Items 3, 4, 8, 11, 13, and 15 in the Amount of \$8,035.00; and to Fleet Safety for Items 1, 2, 6, 7, 9, 10, and 12 in the Amount of \$14,519.75. [David White, Chief of Police]
- B.** Consider Awarding Bid No. 2018-03, Construction Materials to Frontera Materials, for their Unit Price of \$4.00 Per Ton of Crushed Caliche and Upper Valley Materials LLC, for their Unit Price of \$42.99 per Ton of Type "D" Hot Mix and Authorize the City Manager to Enter Into an Agreement Relating Thereto. [Tomas D. Reyna, Director of Public Works]
- C.** Consider Awarding Bid No. 2018-12, Cold Water Meters to Zenner USA and Aqua-Metric Sales Company Based on Unit Prices as Listed. [Arturo Martinez, Director of Utilities]
- D.** Consider Awarding Bid No. 2018-13, Waterworks Fittings & Materials to ACT Pipe & Supply, Core & Main LP, and Ferguson Waterworks Based on Unit Prices as Listed. [Arturo Martinez, Director of Utilities]
- E.** Consider Awarding Bid No. 2018-14, Odor and Grease Control Chemicals to Evergreen Southwest, Per Unit Price of \$2,315 Per Drum. [Arturo Martinez, Director of Utilities]
- F.** Consider Awarding Bid No. 2018-15, 2018 All-America City 10K Shirts to AdWear & Specialty of Texas, Inc. in the Amount of \$17,536. [Joe Filoteo, Director of Parks & Recreation]
- G.** Consider Authorizing the Purchase of a Riding Deck Mower and Accessories from Amigo Power Equipment, through the Texas Local Government Purchasing Cooperative (Buyboard), in the Amount of \$19,364.39. [Tomas D. Reyna, Director of Public Works]
- H.** Consider Authorizing the Purchase of a OPW Fuel Management Model K800 from PSI (Petroleum Solutions, Inc.) through the Texas Local Government Purchasing Cooperative (Buyboard), in the Amount of \$15,900.60. [Tomas D. Reyna, Director of Public Works]
- I.** Consider Authorizing the Purchase of an Air Compressor and Air Hammer with Hose from Alamo Iron Works (AIW), through the Texas Local Government Purchasing Cooperative (Buyboard), in the Amount of \$25,525.49. [Tomas D. Reyna, Director of Public Works]
- J.** Consider Authorizing the Purchase of Faro Laser Scanner with Accident & Crime Scene Software from Faro Technologies, Inc., in the Amount of \$29,853.15. [David White, Chief of Police]

**K.** Consider Authorizing the Purchase of City Vehicles from Silsbee Ford in the Amount of \$459,808.15 and Caldwell Country in the Amount of \$53,749 through the Texas Local Government Purchasing Cooperative (Buyboard) and the Houston Galveston Area Council (HGAC). [Ascencion Alonzo, Director of Finance]

#### **XIV. CONTRACTUALS**

**A.** Consider Authorizing the City Manager to Enter Into an Agreement with the Edinburg Chamber of Commerce for the Period of October 01, 2017 through September 30, 2018 for Funding from the General Fund. [Sonia Marroquin, Assistant City Manager]

**B.** Consider Authorizing the City Manager to Enter Into an Agreement with the Edinburg Convention & Visitors Bureau, a Division of the Edinburg Chamber of Commerce, for the Period of October 01, 2017 through September 30, 2018, for Funding from the Hotel Occupancy Tax Fund. [Sonia Marroquin, Assistant City Manager]

**C.** Consider Authorizing the City Manager to Enter into an Agreement with the Museum of South Texas History for the Period of October 01, 2017 through September 30, 2018, for funding from the Hotel Occupancy Tax Fund and General Fund. [Sonia Marroquin, Assistant City Manager]

**D.** Consider Authorizing the City Manager to Enter Into an Agreement with Nevaeh's Kidz Conquering Cancer for the Period of October 1, 2017 through September 20, 2018, in the Amount Not-to-Exceed \$25,000 in Funding from the General Fund. [Sonia Marroquin, Assistant City Manager]

**E.** Consider Authorizing the City Manager to execute a Golf Program Agreement between the City of Edinburg and the Donna Independent School District for the use of Los Lagos Golf Course and Ebony Golf Course. [Tony Garcia, Director of Golf]

**F.** Consider the Approval of Memorandum of Understanding Agreement Between the City of Edinburg and the Texas Department of Public Safety. [David White, Chief of Police]

**G.** Consider Authorizing the City Manager to Enter Into Community Development Block Grant Subrecipient Agreements Between the City of Edinburg and the Following: Amigos Del Valle, Inc., Children's Advocacy Center of Hidalgo County, Court Appointed Special Advocate of Hidalgo County, Inc., and Salvation Army.[Marissa Garza, Director of Community Development/Grants Management]

**H.** Consider Authorizing the City Manager to Enter Into a Revision Agreement to the Cooperative Agreement between the City of Edinburg and the Texas A&M Forest Service for a Rural Community Fire Protection Auxiliary Dozer Force. [Shawn Snider, Fire Chief]

#### **XV. EXECUTIVE SESSION**

The City Council will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirement that Meetings be Open. The City Council May Elect To Go Into Executive Session On Any Item 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 Open Meetings Act.

- A. Discussion and Possible Action Regarding Economic Incentives Concerning Project Freedom (§551.071. Consultation with Attorney; Closed Meeting; §551.072. Deliberation Regarding Real Property; Closed Meeting; and §551.087 Deliberations Regarding Economic Development Negotiations; Closed Meeting)
- B. Discussion and Possible Action Regarding Legal Issues, Termination and/or Substitution of Counsel Concerning the following litigation matters:
  - 1) C-0741-13-I; City of Edinburg vs. AT&T, Inc. AT&T Corp., Southwestern Bell Telephone Company d/b/a AT&T Texas, R. Gutierrez Engineering Corp. , and ONEOK, Inc. d/b/a Texas Gas Service; In the 398th District Court, Hidalgo County, Texas; and
  - 2) No.17-0778; IOC Company LLC v. City of Edinburg; Texas Supreme Court. (§551.071 Consultation With Attorney; Closed Meeting)
- C. Discussion and Possible Action Regarding Legal Issues and Settlement Concerning Docket No. 44206 Petition of Sharyland Water Supply Corporation for Cease and Desist Order Against the City of Edinburg Before the Public Utility Commission of Texas (§551.071. Consultation with Attorney; Closed Meeting.)
- D. Discussion and Possible Action Regarding Legal Issues Concerning Cause No. C-4765-16-G; Royal Production Company, Inc. vs. City of Edinburg, Texas, et al; In the 370th Judicial District Court of Hidalgo County, Texas. (§551.071. Consultation with Attorney; Closed Meeting)
- E. Discussion and Possible Action Regarding Legal Issues Concerning Cause No. C-4899-17-I, Gabriel Miranda, Jr., Deceased, Maria Fuentes, Gabriel Miranda, Sr., Alexandria Suzanne Deleon, Reuben Antonio Deleon, III, Jon Hidalgo Doe vs. Harlingen Consolidated Independent School District, Arturo J. Cavazos, A.J. Ayala, Michael J. Carlsted, Laura Castro Ruiz, Edinburg Police Department, David Edward White, City of Edinburg, Texas, Richard H. Garcia, Richard M. Hinojosa, the County of Hidalgo, Texas Ramon Garcia, Norma Jean Farley, MD, Texas Education Agency, Michael Morath. (§. 551.70 Consultation with Attorney; Closed Meeting).

**OPEN SESSION**

The City Council will convene in Open Session to take necessary action, if any, in accordance with Chapter 551, Open meetings, Subchapter E, Procedures Relating to Closed Meeting, Â§551.102, Requirement to Vote or Take Final Action in Open Meeting.

**XVI. ADJOURNMENT**

*I hereby certify this Notice of a City Council Meeting was posted in accordance with the Open Meetings Act, at the City Offices of the City of Edinburg, located at the 415 West University entrance outside bulletin board, visible and accessible to the general public during and after regular working hours. This notice was posted on November 09, 2017 at 6:40 p.m.*

By: /s/Myra L. Ayala Garza  
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 Myra L. Ayala Garza, City Secretary  
 City of Edinburg, Texas

Disability Access Statement

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary Department at (956) 388-8204 at least two business days prior to the meeting so that appropriate arrangements can be made. The accessible entrance and accessible parking spaces are located at Edinburg City Hall, 415 West University.