



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
FEBRUARY 7, 2012**

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, February 7, 2012 at 5:30 p.m. for the purpose of discussing the following items:

**I. CALL TO ORDER**

- A. Certification of Public Notice.
- B. Mayoral Proclamations and Recognitions.
- C. Invocation.
- D. Pledge of Allegiance.
- E. Roll Call.

**II. PUBLIC HEARINGS**

- A. To solicit input on behalf of Delma Gonzalez to approve a Conditional Use Permit to operate a daycare center at 1918 E. 2<sup>nd</sup> Street, also being Lot 73, Park Meadows Unit II Subdivision, Weslaco, Hidalgo County, Texas.

**III. STATUS REPORTS AND VISITORS WITH BUSINESS**

- A. Katie Walters, Advocacy Alliance Center of Texas, on voting initiatives.

**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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 of January 17, 2012. Attachment.
- B. Approval on Second and Final Reading the following Ordinances:
  - 1) Ordinance 2012-04 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 801 S. Missouri Ave., being Lots 25 & 26, Block 1, Orange Grove Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-4 Neighborhood Office District." (First Reading held January 17, 2012.) Attachment.
  - 2) Ordinance 2012-05 to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 512 Santa Ana Street, also

being the West half of Lot 6 and all of Lot 7, Block 2, Lackland Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2012-05. (First Reading held January 17, 2012; a three-fourths vote of the Commission is required to approve as Planning and Zoning Commission denied the request July 20 and August 17 and over 20% of the property owners within 200 feet of the property protested as per §150-20(d) of the Weslaco Code of Ordinances.) Attachment.

- C. Approval of Resolution 2012-08 mandating at City Cemetery the use of concrete or other non-permeable materials on all graves. (Item as requested by the Mayor.) Attachment.

**V. APPOINTMENTS**

- A. Discussion and consideration to accept the resignation of Lina Lawrence and approve Resolution 2012-09 to fill the unexpired term of one member from Place 1 on the Board of Directors of the Economic Development Corporation of Weslaco ending September 30, 2013. Possible action. Attachment.

**VI. NEW BUSINESS**

- A. Discussion and consideration to approve a Conditional Use Permit to operate a daycare center at 1918 E. 2<sup>nd</sup> Street, also being Lot 73, Park Meadows Unit II Subdivision, Weslaco, Hidalgo County, Texas on behalf of Delma Gonzalez. Possible action. Attachment.
- B. Discussion and consideration to approve the Final Plat of Midway Court Phase I Subdivision - being a 3.667 acre tract of land out of Farm Tract 644, Block 177, West and Adams Tract Subdivision, Hidalgo County, Texas on behalf of Adobe Construction, LLC, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- C. Discussion and reconsideration to approve an interlocal agreement with Hidalgo County for street improvements on Westgate Drive from Mile 9 – Mile 11 and authorize the Mayor to execute any related documents. Possible action. (Interlocal approved January 3, 2012.) Attachment.
- D. Discussion and consideration to accept a utility easement and right-of-way from Jason Eberly, declare it as public property, and authorize the Mayor to execute the agreement. Possible action. Attachment.
- E. Discussion and consideration to approve Final Payment to DKIII Hornback RFD for the Lift Station #27 project in an amount of \$24,862.50 and Final Payment to Sigler Winston Greenwood for engineering fees related to the same project in an amount of \$5,075.00 subject to certain conditions as outlined by the project engineer. Possible action. Attachment.

- F. Discussion and consideration to approve a budget amendment in the amount of \$155,000.00 for the 25% grant match for the Engineering Services for Phase I of the FEMA Drainage Improvement Projects at Las Brisas and the South Detention Pond (projects DR 1791-119 and DR 1791-134, respectively) and authorize the Mayor to execute any related documents. Possible action. Attachment.
- G. Discussion and consideration to approve Amendment No. 1 to Contract No. CSO 193 with the Texas Comptroller of Public Accounts State Energy Conservation Office (SECO) related to the American Recovery and Reinvestment Act (ARRA) to install a 302.68 KW ground-mounted solar photovoltaic (PV) system to modify the total contracted agreement to \$1,680,479.00 and modify the contracted agreement match to \$421,120.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- H. Discussion and consideration to renew the franchise agreement with Liquid Environmental Solutions of Texas, LLC for grease trap waste collection services for a second seven-year term with 12-months remaining on the present contract in consideration of the balance of remaining franchise fees to be paid in full up front. Possible action. (Agreement with Liquid Environmental Solutions approved March 1, 2011.) Attachment.
- I. Discussion and consideration to approve the License Agreement with Martin Davila, owner of Jitters Coffee House LLC, for utilization of space at the Joe V. Sanchez Public Library for a coffee shop business for a period of twelve months at a minimum monthly rental of \$700.00 or five-percent of gross receipts, whichever sum is greater, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- J. Discussion and consideration to authorize staff to submit a grant application to the Universal Service Fund ERate 2012-2013 program for telecommunication services, internet access, and basic maintenance, accept funds upon award, and accept of additional funding if awarded during the grant year, authorize a budget amendment as appropriate, authorize issuance of any Request for Proposals as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- K. Discussion and consideration approve the amendment to the service agreement with Time Warner Cable Business Class to expand internet connectivity to 40 X 40 Mbps at the Mayor Joe V. Sánchez Public Library, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- L. Discussion and consideration to adopt Ordinance 2012-06 amending Ordinance 1990-15 to adopt the revised Records Control Schedule as set by the Texas State Library and Archives Commission on August 25, 2011. Possible action. Attachment.

**VII. CITY MANAGER’S REPORT**

- A. Report on Departmental Update, Upcoming Meetings and Appointments.
- B. Report by Human Resources Department.

**VIII. 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. 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.

**IX. 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 distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary’s Office.

- A. Economic Development – Discussion to authorize the Economic Development Corporation of Weslaco to enter into a Development Agreement that provides an incentive over One Hundred Thousand Dollars (\$100,000.00) for a significant expansion of a local business pursuant to §551.087 of the Texas Government Code.

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

**XI. 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 3<sup>rd</sup> day of February, 2012 at 6:00 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.