

**NOTICE OF A REGULAR MEETING
OF THE WESLACO CITY COMMISSION**

NOTICE IS HEREBY GIVEN

THAT, the City Commission of the City of Weslaco, Texas will hold a Regular Meeting at the Legislative Chamber, located at 255 South Kansas Avenue, on Tuesday, December 21, 2010 at 6:00 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 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 MEETING TO ORDER**
- II. ROLL CALL/ESTABLISH A QUORUM**
- III. INVOCATION/PLEDGE OF ALLEGIANCE**
- IV. MAYORAL PROCLAMATIONS**
- V. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Minutes of the Regular Meeting of December 7, 2010. Attachment.
- B. Approval to accept the Loan Star Libraries Grant in the amount of \$13,234.00 for the purchase of equipment during State fiscal year 2010 (September 1, 2010 – August 31, 2011) and authorize the Mayor to execute the contract. Attachment.
- C. Approval to accept an award from the National Association of County and City Health Officials to the Weslaco Fire Department in the amount of \$10,000.00 for the purchase of medical equipment and authorize the Mayor to execute any related documents. Attachment.
- D. Approval of the Traffic Impact analysis for IDEA Weslaco Academy on Sugarcane Drive and F.M. 1015, Sugarcane Drive and Vo Tech Road, and Sugarcane Drive and Joe Stephens Avenue. Attachment.

- E. Approval of the 2011 City of Weslaco Holiday Schedule. Attachment.
- F. Approval of the lease agreement between the City of Weslaco and the Weslaco Mid Valley Soccer Club from January 1, 2011 – December 31, 2011 to continue providing organized recreational activities in the Northeast corner of City Park on North Airport Drive. Attachment.
- G. Approval of the lease agreement between the City of Weslaco and the Benevolent and Protective Order of Elks Lodge No. 2057 from January 1, 2011 – December 31, 2011 to allow parking at 201 South Border Avenue. Attachment.
- H. Approval of the lease agreement between the City of Weslaco and the Lower Rio Grande Valley Nature Center from January 1, 2011 – December 31, 2011 for public environmental and educational purposes at 302 South Border Avenue. Attachment.
- I. Approval of the lease agreement between the City of Weslaco and the Mid Valley Civic Theatre from January 1, 2011 – December 31, 2011 for use of the Tower building located at 120 South Kansas Avenue and Tower House located at 112 East Second Street. Attachment.
- J. Approval of the lease agreement between the City of Weslaco and South Texas College from January 1, 2011 – December 31, 2011 for use of the City Park Tennis Courts located on North Airport Drive. Attachment.
- K. Approval of the lease agreement between the City of Weslaco and the Texas State Senate on behalf of Senator Eddie Lucio, Jr. from January 1, 2011 – January 8, 2013 for use of office space from the City of Weslaco. Attachment.
- L. Approval of a request by Primera Iglesia Bautista Libre to waive Weslaco City Code of Ordinances §22-24 to host a nativity scene with live animals on December 22 and 23, 2010 from 6:00 – 9:00 p.m. Attachment.

VI. PUBLIC HEARING

- A. Discussion and consideration to amend Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 206 E. Mile 10 North, Weslaco, Texas, also being Lot 2A, Meadow Oaks Estate Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First reading of Ordinance 2010-27. Possible action. Attachment.
- B. Discussion and consideration to approve a Conditional Use Permit to obtain a Mixed Beverage Permit at 801 E. Expressway 83, Weslaco, Texas, also being Lot 9, SDI Realty Subdivision, Hidalgo County, Texas. Possible action. Attachment.

VII. BOARD APPOINTMENT

- A. Discussion and consideration to appoint one person to the Board of Adjustments and Appeals to the City of Weslaco Zoning Ordinance and consideration of Resolution No. 2010-47 appointing the member for a two year term. Possible action. Attachment.
- B. Discussion and consideration to appoint one person as the City Health Officer and consideration of Resolution No. 2010-48 appointing the individual for a two year term. Possible action. Attachment.

VIII. OLD BUSINESS

- A. Discussion and consideration to approve a budget amendment of intra and inter departmental transfers for the Fiscal Year 2010-2011 Municipal Budget. Possible action. (There was no action on this item at the December 7, 2010 meeting.) Attachment.
- B. Discussion and consideration to enter into a land lease between the City of Weslaco d.b.a. Weslaco Mid Valley Airport and R. Brian Hunsaker for land on the airport to construct a 45-foot by 45-foot metal hangar for the storage of aircraft for a period of twenty (20) years at \$303.00 per year and authorize the Mayor to execute all documents relating to this lease. Possible action. (There was no action on this item at the December 7, 2010 meeting.) Attachment.
- C. Discussion and consideration to approve Amendment No. 20 to the existing contract between the City of Weslaco and Operations Management International (OMI) to increase the compensation services to be performed from \$2,204,733.00 to \$2,314,627.00 for an additional licensed operator for the recently expanded North Wastewater Treatment Plant, minimal increases to existing sludge and chemical budgets, and annual Consumer Price Index increase and authorize the Mayor to sign the amendment. Possible action. (There was no action on this item at the December 7, 2010 meeting.) Attachment.

IX. NEW BUSINESS

- A. Discussion and consideration to prepare an Interlocal Agreement with the City of Pharr to formalize the collection and transfer of recyclable products. Possible action.
- B. Discussion and consideration to approve the Interlocal Agreement with Texas A&M University Kingsville for representative appointment to the Regional Task Force in compliance with the Texas Commission on Environmental Quality Phase II Storm Water Rules and the Municipal Separate Storm Water Sewer System (MS4) permit with annual membership fee of \$14,125.00 as budgeted and consideration of Resolution No. 2010-49 appointing the representative for a one

- year term and authorize the Mayor to execute all necessary documents. Possible action. Attachment.
- C. Discussion and consideration to deannex Vaquero Estates, being an 85.76-acre tract of land out of Farm Tract 1067 and 1070, West and Adams Tracts Subdivision, Hidalgo County, Texas, located at F.M. 1015 and Mile 10 ¼ North and authorize the Mayor to execute all necessary documents. Possible action. Attachment.
 - D. Discussion and consideration of Amendment No. 1 to the contract with Texas Department of Rural Affairs (TDRA_DR) Contract No. DRS010201 – Generator Grant for the Water Treatment Plant and South Waste Water Treatment Plant to revise the project schedule and generator size and authorize the Mayor to execute all necessary documents. Possible action. Attachment.
 - E. Discussion and consideration to request a budget and program amendment from Urban County for the remaining CDBG funds from Fiscal Years 2006-2008 in the amount of \$236,802.47 to reallocate toward the Weslaco Water Treatment Plant Project and authorize the Mayor to execute any related documents. Possible action. Attachment.
 - F. Discussion and consideration to approve Change Order #3 as submitted by CDM for the North Wastewater Treatment Plant Project to share final savings in the amount of \$701,624.00 and authorize final payment in the amount of \$676,595.90. Possible action. Attachment.
 - G. Discussion and consideration to award an electric supply proposal for the City of Weslaco effective January 1, 2011 and authorize the Mayor to execute the agreement. Possible action. Attachment.
 - H. Discussion and consideration to approve Ordinance 2010-28 authorizing and allowing, under the act governing the Texas Municipal Retirement System, “Update Service Credits” in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; providing for decreased municipal contributions to the current service annuity reserve at retirement of the employees of the City of Weslaco, Texas; and establishing an effective date of January 1, 2011 for the ordinance. First reading of Ordinance 2010-28. Possible action. Attachment.
 - I. Discussion and consideration to nominate a member of the Weslaco community to the Rio Grande Valley Walk of Fame as part of BorderFest 2011 and authorize the Commission to sign the submittal form as nominators. Possible action. Attachment.

J. Status reports:

1. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding chamber activities. Attachment.
2. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding economic development activities. Attachment.
3. David Fox, chief professional officer of the Boys and Girls Club of Weslaco, on quarterly activities.

A. CITY MANAGER'S REPORT

- A. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments.
- B. Report on Voluntary Separation Plan.
- C. Report on Sick Leave Buy-Back.
- D. Legislative Update. Attachment.

XI. 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.

XII. 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.]

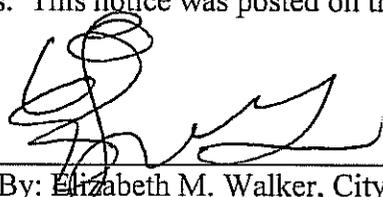
NOTE: Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Discussion with City Attorney regarding Cause No. C-215-10-E, *Anne-Marie Mata, David Salinas, and Oscar Garcia v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.
- B. Potential Litigation – Discussion with City Attorney regarding the legal issues with the commercial energy sales agreement with Champion Energy Services, LLC as authorized by §551.071 of the Texas Government Code.
- C. Personnel – Discussion with the City Manager regarding the appointment of the Chief of Police for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- D. Land Acquisition – Discussion with the City Manager regarding the purchase and acquisition of real property located in the City of Weslaco as authorized by §551.072 of The Texas Government Code.

XIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

XIV. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance outside bulletin board, visible and accessible to the general public during and after regular working hours. This notice was posted on this 17th day of December, 2010 at 5:00 a.m./p.m.


By: Elizabeth M. Walker, City Secretary
City of Weslaco

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.