

## 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 in the Legislative Chamber, located at 255 South Kansas Avenue, on Tuesday, January 4, 2011 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 TO ORDER**

- A. Roll Call/Establish a Quorum.
- B. Certification of Public Notice.
- C. Invocation.
- D. Pledge of Allegiance.
- E. Mayoral Proclamations.

### **II. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Special Meeting of December 16, 2010. Attachment.
- B. Approval of Minutes of the Regular Meeting of December 21, 2010. Attachment.
- C. Approval on second and final reading of Ordinance No. 2010-26 amending Section 1 of Ordinance 77-16, adopted on August 16, 1977, and codified in the Weslaco Code of Ordinances as Section 138.58 "Water Rates prescribed" and amending Section 1 of Ordinance 67-10, adopted on June 27, 1967, and codified in the Weslaco Code of Ordinances as Section 138.59 "Sewer Rates prescribed;" by providing for a new schedule of rates to be charged for treated water delivered through the system of the Public Utilities Department of the City of Weslaco; and providing for a new schedule of rates to be charged for the use of wastewater treatment facility of the City of Weslaco; and providing for an effective date after the second publication of this ordinance, and ordaining other matters with respect to the subject matter hereof. Attachment.
- D. Approval on second and final reading of Ordinance 2010-27 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." Attachment.

### III. APPOINTMENTS

- A. Discussion and consideration to remove one member of the Board of Directors of the Economic Development Corporation of Weslaco as authorized by Article VI of the Articles of Incorporation of the Economic Development Corporation of Weslaco. Possible action.
- B. Discussion and consideration of Resolution 2011-01 to fill the unexpired term created by the vacancy of the previously removed member of the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. Attachment.

### IV. 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 21, 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 21, 2010 meeting.) Attachment.
- C. Discussion and consideration 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. Possible action. (There was no action on this item at the December 21, 2010 meeting.) Attachment.
- D. Discussion and consideration to enter into an Interlocal Agreement with the City of Pharr to formalize the collection and transfer of recyclable products and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item at the December 21, 2010 meeting.) Attachment.
- E. 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. (There was no action on this item at the December 21, 2010 meeting.) Attachment.

### V. NEW BUSINESS

- A. Discussion and consideration to authorize a contract with the Weslaco Bicultural Museum d.b.a. Weslaco Museum in an amount not to exceed \$80,000.00 to

provide public purpose services to the City of Weslaco citizens effective October 1, 2010 through September 30, 2011. Possible action. Attachment.

- B. Discussion and consideration to authorize the Mayor to execute any and all documents required for the Development Agreement between The Economic Development Corporation of Weslaco and Darden Restaurants, Inc. Possible action. (Commission authorized negotiation by the Economic Development Corporation of Weslaco of such agreement on September 7, 2010). Attachment.
- C. Discussion and consideration to approve final payment to Halff Associates in the amount of \$10,630.20 for design and construction phase and reimbursable expenses on the North Waste Water Treatment Plant. Possible action. Attachment.
- D. Discussion and consideration to approve final payment to Sigler Winston Greenwood & Associates in the amount of \$722.50 for design and construction phase and reimbursable expenses on the North Waste Water Treatment Plant. Possible action. Attachment.

## **VI. CITY MANAGER'S REPORT**

- A. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments.

## **VII. 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.

## **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.]

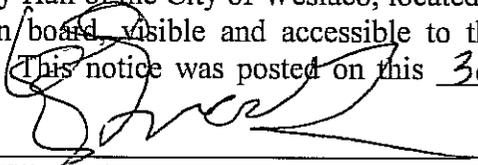
**NOTE:** Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Cause No. C-3865-10-I, *City of Weslaco v. Champion Energy Services LLC* pursuant to §551.071 of the Texas Government Code.
- B. 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.
- C. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Case No. 7:09-CV-0118, *Claudio Lucio v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.
- D. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Case No. 7:10-CV-00452, *Michael Fisher, Arnold Rodriguez, and Edna Salas v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.
- E. 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.
- F. 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.

**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 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 30<sup>th</sup> day of December, 2010 at 5:30 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.