



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 18, 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Regular Meeting of January 4, 2011. Attachment.
- B. Approval of a one (1) year lease agreement with Amigos Del Valle, Inc. for use of the Weslaco Service Center, 1200 East 6th Street, beginning October 1, 2010 and ending September 30, 2011 with the same rates, terms, and conditions as previous lease agreements. Attachment.

III. PUBLIC HEARING

- A. To solicit input on a budget and program amendment for the remaining Community Development Block Grant (CDBG) funds from Fiscal Years 2006-2008 in the amount of \$236,802.47 to reallocate for the Weslaco Water Treatment Plant Project.

IV. OLD BUSINESS

- A. Discussion and reconsideration of the request to deannex Vaquero Estates, being an 85.76-acres 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. (Commission voted to deny this request on December 21, 2010.) Attachment.

B. 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 January 4, 2011 meeting.) Attachment.

C. 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 January 4, 2011 meeting.) Attachment.

V. NEW BUSINESS

A. Discussion and consideration to authorize after public hearing a budget and program amendment for the remaining Community Development Block Grant (CDBG) funds from Fiscal Years 2006-2008 in the amount of \$236,802.47 to reallocate for the Weslaco Water Treatment Plant Project and authorize the Mayor to execute all necessary documents. Possible action. Attachment.

B. Discussion and consideration to approve the proposed Annual Work Plan for the City of Weslaco under Hidalgo County Urban County Program Funding Allocation, approve Resolution No. 2011-02 for Year 24 (2011) to accept the allocation of approximately \$369,703.00, authorize the Mayor to execute all necessary documents including a letter of commitment and/or confirmation for City funding for expenses not covered under Urban County Program. Possible action. Attachment.

C. Discussion and consideration to approve the Interlocal Cooperation Agreement between the City of Weslaco, Weslaco Public Library, and the Hidalgo County Library System, authorize the Mayor to execute any related documents, and authorize a budget amendment as needed upon award. Possible action. Attachment.

D. Discussion and consideration to approve a lease agreement between the City of Weslaco d.b.a. Weslaco Mid Valley Airport and Epic Aviation, LLC d.b.a. Air BP Aviation Services for the replacement of Jet A refueler truck at a rate of \$1,305.00 per month as budgeted and authorize the Mayor to execute any related documents including an acknowledgement that Bank of America Leasing and Capital, LLC is financing Epic Aviation's refueler fleet. Possible action. Attachment.

E. Discussion and consideration to prepare a proposed scope of services for capital improvements at the Mid-Valley Airport and authorize the Mayor to execute the requisite letter of interest pledging 10% local match to the Texas Department of Transportation for the Aviation Facilities Development Grant. Possible action. Attachment.

- F. Discussion and consideration to approve Professional Services Agreement with Bickerstaff, Heath, Delgado, Acosta, LLP for professional services in connection with the 2011 redistricting obligation for the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. Attachment.
- G. Discussion and consideration to review the Request for Qualifications 2010-11-1 Proposals, to select the best qualified and most advantageous proposal for engineer services to prepare a Preliminary Engineering Report on the Weslaco Water Treatment Plant Project, and authorize the City Manager and City Attorney to negotiate a new professional services agreement. Possible action. Attachment.
- H. Discussion and consideration on the permanent closure of East Sugarcane Drive between North Paseo del Norte and Joe Stephens Avenue. Possible action.
- I. Discussion and consideration to approve a joint project with Hidalgo County Precinct 1 for street improvements to Mile 9 North between Westgate Drive and Border Avenue and authorize the City Attorney to prepare an Interlocal Agreement. Possible action.
- J. Discussion and consideration to approve a joint project with Hidalgo County Precinct 1 for street improvements at the intersection of Mile 10 North and Mile 5½ West and authorize the City Attorney to prepare an Interlocal Agreement. Possible action.
- K. Discussion and consideration to authorize an Interlocal Governmental Agreement with the Hidalgo County Emergency Services District No. 1 by which the City provides emergency ambulance service with not less than two ambulances to those areas of rural Hidalgo County within the established boundaries of the District and the District agrees to pay the City the sum of \$75,000.00 for the period October 1, 2010 through September 30, 2011, authorize the Mayor to execute any related documents, and authorize a budget amendment as needed upon implementation. Possible action. Attachment.
- L. Discussion and consideration to enter into a Memorandum of Understanding (MOU) with the Economic Development Corporation of Weslaco (EDC) to jointly pay the Sponsor's Share of the Texas Department of Transportation (TxDOT) Project No. AP WESLACO 5, TXDOT CSJ No. 1121WESLA Airport Expansion Project on an equal basis. Possible action. Attachment.
- M. Discussion and consideration to approve the request from the Weslaco Area Chamber of Commerce to hold the 22nd Annual Texas Onion Fest on Saturday, March 26, 2011 at the Weslaco City Park on Airport Drive, to sell beer on that day, to place a banner promoting the event at the intersection of Texas and Pike Boulevards for two weeks prior to the event, to authorize assistance from the City of Weslaco's Parks & Recreation, Police, Fire and EMS Departments, and to waive all fees and ordinances associated with the event. Possible action. Attachment.
- N. Status reports:

1. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.
2. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding monthly economic development activities. Attachment.

VI. CITY MANAGER'S REPORT

- A. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments.
- B. Update on Westgate Drive Improvement Project by a Texas Department of Transportation (TxDOT) Representative.
- C. Weslaco Housing Authority Annual Report for Fiscal Year Ending September 30, 2010 submitted as per Texas Local Government Code §392.062B. Attachment.
- D. Elections Update. Attachment.

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.]

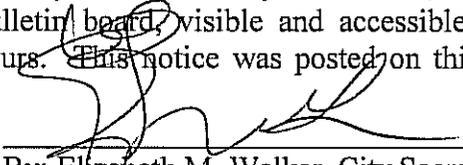
NOTE: Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Discussion with City Attorney regarding Case No. 7:10-CV-00050, *Anne-Marie Mata v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Discussion with City Attorney regarding CL-10-4248-A, *T&T Investments, Raquel Trejo & Roberto Trejo, Plaintiffs v. Falcon International Bank, The City of Weslaco, & Rio Delta Engineering, Defendants* 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. Personnel – Discussion with the City Attorney and City Manager regarding separation of employment agreements for current municipal employees as authorized by §551.071 and §551.074 of the Texas Government Code.
- E. 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 14th day of January, 2011 at 8:45 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.