

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, February 1, 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. PUBLIC HEARING

- A. To solicit input on a request to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone Lots 1 through 32, Northcross Subdivision, Weslaco, Hidalgo County, Texas, from "R-2 Duplex and Apartment District" to "R-1 Single Family Dwelling District."
- B. To solicit input on a request to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 208 S. Border Avenue, Weslaco, Texas, also being Lot 1 Block 1, Park View Subdivision, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District."

III. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 18, 2011. Attachment.
- B. Approval of Minutes of the Special Meeting of January 20, 2011. Attachment.

IV. OLD BUSINESS

- A. Discussion and reconsideration of 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. Possible action. (The Commission approved this item at the January 4 meeting.) 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 Hidalgo Urban County Program. Possible action. (There was no action on this item at the January 18 meeting.) Attachment.
- C. Discussion and consideration to approve a lease agreement between the City of Weslaco 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. (There was no action on this item at the January 18 meeting.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration to approve the professional services agreement as negotiated with CDM for engineer services to prepare a Preliminary Engineering Report on the Weslaco Water Treatment Plant Project and authorize the Mayor to execute the agreement. Possible action. Attachment.
- B. Discussion and consideration to approve an Interlocal Agreement with Hidalgo County Precinct 1 for street improvements to Mile 9 North between Westgate Drive and Border Avenue and authorize the Mayor to execute the agreement. Possible action. Attachment.
- C. Discussion and consideration to approve an Interlocal Agreement with Hidalgo County Precinct 1 for street improvements at the intersection of Mile 10 North and Mile 5½ West and authorize the Mayor to execute the agreement. Possible action. Attachment.
- D. Discussion and consideration to amend Ordinance No. 2005-09 to provide for the disannexation of unimproved area from territory of the corporate limits of the City of Weslaco, described as an 85.76 acre tract of land being all of Farm Tract 1067 and the west 45.76 acres of Farm Tract 1010, West and Adams Tracts

Subdivision, Weslaco, Hidalgo County, Texas. First Reading of Ordinance 2011-01. Possible action. Attachment.

- E. Discussion and consideration after public hearing to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone Lots 1 through 32, Northcross Subdivision, Weslaco, Hidalgo County, Texas, from “R-2 Duplex and Apartment District” to “R-1 Single Family Dwelling District.” First Reading of Ordinance 2011-02. Possible action. Attachment.
- F. Discussion and consideration after public hearing to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 208 S. Border Avenue, Weslaco, Texas, also being Lot 1 Block 1, Park View Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2011-03. Possible action. Attachment.
- G. Discussion and consideration to approve the scope of services and engineering fees to Quintanilla, Headley and Associates, Inc. for engineering services for Water/Sewer Improvements Project in the amount of \$35,610.00 utilizing Urban County Program Year 23 (2010) funds and to authorize budget and program amendment funds and authorize the Mayor to execute all necessary documents. Possible action. Attachment.
- H. Discussion and consideration to approve Payment 1 in the amount of \$18,980.00 in accordance with the Professional Services Agreement with Dos Logistics, Inc. as the Grant Recipient for approved preliminary engineering plans specifications for the South Waste Water Plant Treatment Generator project located at 5210 South Midway Road, authorize a budget amendment if needed, and authorize the Mayor to execute all necessary documents. Possible action. Attachment.
- I. Discussion and consideration to approve Invoice No. 446F-1 in the amount of \$22,750.00 in accordance with the Professional Services Agreement with Cruz-Hogan Consultants, Inc. as the Grant Recipient for approved preliminary engineering plans specifications by for the Water Plant Treatment Generator project located at 2500 North Texas Blvd., authorize a budget amendment if needed, and authorize the Mayor to execute all necessary documents. Possible action. Attachment.
- J. Discussion and consideration to approve Change Order No. 2 from Closner Construction in the amount of \$13,400.00 for an increase in contract price due to the removal and replacement of steel casings through existing 60’ drain pipe in connection with the relocation of City of Weslaco’s utilities for the widening of Westgate Drive and authorize the Mayor to execute all necessary documents. Possible action. Attachment.
- K. Discussion and consideration to authorize a budget amendment for the employment of a sponsored projects manager (grant writer) as approved in the City of Weslaco Organizational Chart. Possible action. Attachment.

- L. Discussion and consideration to approve payment to Beck Disaster Recovery, Inc. in the amount of \$101,643.87 for services rendered related to Hurricane Dolly and authorize a budget amendment as needed. Possible action. Attachment.
- M. Discussion and consideration to approve the purchase of 400 Badger Orion Integral Transmitters and 50 Orion Integral Pit Date Profile Transmitters from sole vendor Badger Meter, Inc. for a total of \$73,311.00 as budgeted. Possible action. Attachment.
- N. Discussion and consideration to authorize the City Manager and City Attorney to prepare a Memorandum of Understanding and Resolution toward a joint election with the Weslaco Independent School District during the General Election on May 14, 2011 pursuant to Texas Election Code Chapter 271. Possible action. Attachment.
- O. Discussion and consideration to authorize the City Manager and City Attorney to negotiate a Development Agreement with The Economic Development Corporation of Weslaco (EDC), as authorized by the EDC's Board of Directors at their January 19, 2011 meeting, to determine the feasibility of converting the vacant portion of City Hall into a multipurpose venue and convention center. Possible action. Attachment.
- P. Discussion and consideration to authorize submission of the FEMA Fire Prevention Grant in the amount of \$17,064.00 to purchase notebook computers with inspection software pledging 10% local match, authorize a budget amendment as needed upon award, and authorize the Mayor to sign any related documents. Possible action. Attachment.
- Q. Discussion and consideration to authorize submission of the Criminal Justice Program Grant to the Office of the Governor towards a minimum amount of \$10,000.00 with no local match required for the acquisition of equipment to assist in the investigation of arson fires, authorize a budget amendment as needed upon award, and authorize the Mayor to sign any related documents. Possible action. Attachment.
- R. Discussion and consideration to authorize submission by the Weslaco Public Library to the Schools and Libraries Program of the Universal Service Fund (ERate) which provides discounts for telecommunication services, Internet access, and internal connections and authorize the Mayor to sign any related documents. Possible action. Attachment.
- S. Discussion and consideration to waive all fees associated with the following events:
 - 1. The request from the Valley Nature Center to hold a public Raptor Show on Sunday, February 20, 2011 from 2 to 3 p.m. at Harlon Block Sports Complex. Attachment.

2. The request from the Valley Nature Center to use the Gibson Pool, Park Shelter No. 5 and adjoining basketball courts on May 8th from 10:00 a.m. to 8:00 p.m. during the Family Dragonfly Days hosted with Estero Llano Grande State Park. Attachment.
 3. The request from the Traditionals Car Club to use the Weslaco City Park Pavilion No. 24 and two (2) parking lots next to the baseball fields from noon to 6:00 p.m. on Sunday, April 17, 2011. Attachment.
 4. The request from the RGV Vets and Wounded Vets Foundation to host its First Annual HEROES at Isaac Rodriguez Park for a 5K Run/Walk on March 19, 2011 from 7:00 a.m. to noon with the assistance from the Parks Department. Attachment.
 5. The request from the Weslaco Memorial Elementary School to use the Gibson Park for their 17th Annual Wellness Walk on Thursday, March 10, 2011, from 9:00 a.m. to 2:00 p.m. Attachment.
 6. The request from the Mujeres Unidas to use the Historic City Hall Commission Chambers during the year 2011 to continue holding their Battering Intervention and Prevention Program Classes every Tuesday from 5:30 p.m. to 8:00 p.m. Attachment.
 7. The request from the Mid Valley Youth Soccer Club to use the Historic City Hall Commission Chambers to host their Rio Valley Youth Soccer Association referee clinic on Friday, February 11th from 6:00 p.m. to 8:00 p.m., Saturday, February 12th from 8:00 a.m. to 5:00 p.m., and Sunday, February 13th from 8:00 a.m. to 5:00 p.m. Attachment.
- T. Discussion and consideration to authorize submission of an application for State Fiscal Year 2011 Clean Water State Revolving Fund Mainstream Funding to the Texas Water Development Board in response to an invitation from that agency for project identified as #8930, improvements at the South Waste Water Treatment Plant, in the amount of \$28,930,000.00, and authorize the Mayor to sign any related documents. Possible action. Attachment.
- U. Discussion and consideration to authorize submission of an application for State Fiscal Year 2011 Clean Water State Revolving Fund Mainstream Funding to the Texas Water Development Board in response to an invitation from that agency for project identified as #8931, improvements at the North Waste Water Treatment Plant, in the amount of \$19,462,544.00, and authorize the Mayor to sign any related documents. Possible action. Attachment.
- V. Discussion and consideration to accept the proposal for professional engineering services by Sigler, Winston, Greenwood Engineering, LLC to prepare two applications for State Fiscal Year 2011 Clean Water State Revolving Fund Mainstream Funding to the Texas Water Development Board for projects identified as #8930 and #8931 and authorize the City Manager to execute the agreement. Possible action. Attachment.

W. Status reports:

1. Luis Contreras, Executive Director of the Weslaco Museum, on quarterly activities.

VI. CITY MANAGER'S REPORT

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

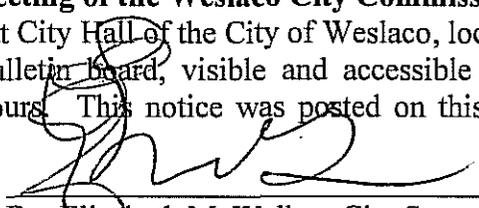
- A. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Case No. 7:09-CV-0118, *Claudio Lucio v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

- B. Personnel – Discussion with the City Manager regarding the negotiations on the appointment of the Chief of Police for the City of Weslaco as authorized by §551.074 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 28th day of January, 2011 at 6:15 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.