



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, March 1, 2011 at 6:00 p.m. for the purpose of discussing the following items:

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 HEARINGS

- A. To solicit input on a request by Ms. Sue Grooms to obtain a Conditional Use Permit at 514 Plaza Los Encinos, Weslaco, Texas, to obtain an Alcoholic Mixed Beverage Late Hours permit.
- B. To solicit input on a request by Ms. Jo Anne Castillo to obtain a Conditional Use Permit at 702 S. Pleasantview Drive, Weslaco, Texas, to operate a child care facility.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 February 15, 2011. Attachment.
- B. Approval on Second and Final Reading of Ordinance 2011-01 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 a part or a portion of Farm Tract 1067 and Farm Tract 1070, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas. Attachment.
- C. Approval of request from the Weslaco Memorial Elementary School to use the Gibson Park for their 17th Annual Wellness Walk on Friday, March 11, 2011, from 9:00 a.m. to 2:00 p.m. and to waive all fees associated with the event. Attachment.
- D. Approval of final payment to TEDSI Infrastructure Group, Consulting Engineers, in an amount not to exceed \$3,000.00 for the Westgate Drive Project from US 83 to Sugarcane Road. Attachment.

IV. OLD BUSINESS

- A. Discussion and reconsideration to appoint one person to the Library Board and reconsideration of Resolution No. 2011-04, appointing that member for a two year term. Possible action. Attachment.
- B. Discussion and consideration to renew the franchise agreement with Liquid Environmental Solutions for grease trap waste collection services for a second seven-year term with 21-months remaining on the present contract in consideration of the balance of remaining franchise fees to be paid in full up front. Possible action. (There was no action on this item at the February 15, 2011 meeting.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration following public hearing to approve a Conditional Use Permit at 514 Plaza Los Encinos, Weslaco, Texas, to obtain an Alcoholic mixed beverage late hours permit as requested by Ms. Sue Grooms. Possible action. Attachment.
- B. Discussion and consideration following public hearing to approve a Conditional Use Permit at 702 S. Pleasantview Drive, Weslaco, Texas, to operate a child care facility as requested by Ms. Jo Anne Castillo. Possible action. Attachment.
- C. Discussion and consideration, following approval on Second and Final Reading of Ordinance 2011-01 allowing disannexation, to approve the Final Plat of Vaquero Estates Phase I, being a 46.82 acre tract of land being all of Farm Tract 1067 and 6.82 acres out of Farm Tract 1070, West & Adams Tract Subdivision. Possible action. Attachment.
- D. Discussion and consideration to approve the Final Plat of San Jacinto Estates #9, being a 20.15 acre tract of land out of Farm Tract 312 West & Adams Tract Subdivision, Hidalgo County, Texas, located on the north side of Mile 12 ½ North Road, approximately 1,320 feet east of its Intersection with F.M. 88 (Mile 5 W Rd). Possible action. Attachment.
- E. Discussion and consideration to approve an Interlocal Agreement with the Weslaco Independent School District for the occupancy and maintenance of a 20-foot right-of-way easement and authorize the Mayor to execute the agreement. Possible action. Attachment.
- F. Discussion and consideration to authorize staff to Advertise for Bids for the construction phase of the Water Treatment Plant Generator project located at 2500 N. Texas Boulevard. Possible action. Attachment.
- G. Discussion and consideration to authorize staff to Advertise for Bids for the construction phase of the South Waste Water Treatment Plant Generator project located at 5210 South Midway Road. Possible action. Attachment.

- H. Discussion and consideration of Resolution 2011-10 to approve the designation of roadways within the City of Weslaco that are part of the Hidalgo County Non-Radioactive Hazardous Materials Movement Routes. Possible action. Attachment.
- I. Discussion and consideration to approve a request from the Weslaco Boys & Girls Club to hold the Kelly Miller Circus at Weslaco City Park, 300 North Airport Drive, on Friday, March 4 – Sunday, March 6, 2011, to suspend Weslaco City Code of Ordinances §22-24 for the limited use of live animals, and to waive all fees associated with the event. Possible action. Attachment.
- J. Discussion and consideration to approve the façade for the proposed Valley Nature Center Environmental Education Center at Gibson Park. Possible action. Attachment.
- K. Discussion and consideration to approve the Election Services Contract with the Hidalgo County Elections Department to conduct the Joint City of Weslaco and Weslaco Independent School District General Election of May 14, 2011 pursuant to Texas Election Code Chapter 271 and authorize the Mayor to execute the agreement. Possible action. Attachment.
- L. Discussion and consideration to accept the 2010 Racial Profiling Report compiled by the Weslaco Police Department as required by the Texas Code of Criminal Procedures Article 2.133. Possible action. Attachment.
- M. Discussion and consideration to authorize the use of confiscated funds for cellular phone and air card service in an amount not to exceed \$10,000.00 from the Forfeiture Account as per the Texas Code of Criminal Procedure Article 59.06 and authorize a budget amendment as needed. Possible action. Attachment.
- N. Discussion and consideration to renew service with GlobaFone, Inc. for a period of two years for a satellite phone that was obtained through a regional Homeland Security Grant as administered by the City of Brownsville Office of Emergency Management. Possible action. Attachment.
- O. Discussion and reconsideration of Resolution 2010-11 appointing a member and an alternate member to the Hidalgo County Metropolitan Planning Organization (MPO) to identify three designate proxy members. Possible action. (This Resolution was approved at the June 1, 2010 meeting.) Attachment.
- P. Discussion and consideration to authorize staff to request from the Pharr District Office of the Texas Department of Transportation at no cost 2,000 cubic yards of recycled caliche and 2,000 cubic yards of recycled asphalt (milling) for use in various projects, authorize a budget amendment and/or inventory adjustment as needed upon receipt, and authorize the Mayor to execute the letter of request. Possible action. Attachment.

- Q. Discussion and consideration to authorize staff to implement a program for the routine sale of surplus, donated books to support Library Reading programs and authorize an amendment as needed within the Summer Reading Program budget. Possible action. Attachment.
- R. Discussion and consideration to authorize staff to submit the Texas Intrastate Fire Mutual Aid System (TIFMAS) grant with no local match requirement to purchase a type VI wildland brush truck, to authorize a budget amendment as needed upon award, and authorize the Mayor to sign any related documents. Possible action. Attachment.
- S. Status report from Benita Valadez, administrator of Medical Financial Services, on Emergency Medical Services (EMS) collections.

VI. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Upcoming Meetings and Appointments. Attachment.
- B. Report on Performance Measures through the International City/County Management Association (ICMA).
- C. Report on Westgate Drive street improvements by the Texas Department of Transportation (TxDOT). Attachment.
- D. Report on the Interlocal Agreements with Hidalgo County Precinct 1 for street improvements to the following:
 - 1) Mile 9 North between Westgate Drive and Border Avenue
 - 2) Border Avenue between 18th and 34th Streets
 - 3) The intersection of Mile 10 North and Mile 5½ West.
- E. Report on the synchronization of traffic lights on Texas Boulevard. Attachment.
- F. Report on the Thoroughfare Plan.

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.]

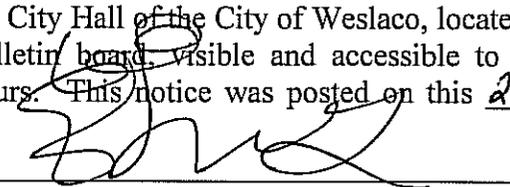
NOTE: Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Discussion with Assigned Counsel Rick Navarro regarding the offer to settle in Cause No. C-2777-09-A *Juan Romero, Santiago Cuellar, Tom Dimas, Roberto Vega, Christopher Sanchez, and William Swinnea v. the City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- B. Land Sale – Discussion with the City Manager regarding the sale of real property owned by the City of Weslaco as authorized by §551.072 of the Texas Government Code.
- C. Personnel – Discussion with the City Attorney and City Manager regarding separation of employment agreements for municipal employees as authorized by §551.071 and §551.074 of the Texas Government Code.
- D. Consultation – Consult with City Attorney regarding the legal issues in allowing the use of City facilities by municipally-chartered entities and/or non-governmental non-profit organizations as authorized by §551.071 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 25th day of February, 2011 at 7:35 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.