

**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 of City Hall, located at 255 South Kansas Avenue, on Tuesday, April 19, 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 April 5, 2011. Attachment.
- B. Approval of the request by Hidalgo County Head Start Program for use of Harlon Block Sports Complex on May 13, 2011 and waive all fees associated with the event. Attachment.
- C. Approval of the request by Xplicit Vision to use the Weslaco City Park pavilion #24 on June 25, 2011 10 a.m. - 8 p.m. for their First Annual Car Show to benefit Teach the Children and waive all fees associated with the event. Attachment.
- D. Approval of the request by RGVLowriders Car Club for use of the Weslaco City Park, pavilion #24, two parking lots, and four barricades on August 7, 2011 from 10:00 a.m. – 8:00 p.m. for their fifth annual car show and waive all fees associated with the event. Attachment.
- E. Approval of the request by St. Joan of Arc Catholic Church to close the intersections at the 100 block of Illinois and 200 block of East Second as well as the 200 block of Iowa Street and 400 block of Second Street on Friday, April 22 from 2:30 p.m. – 4:30 p.m. and waive all fees associated with the event. (Item as requested by Mayor Pro-Tem Cuellar and Commissioner Rivera.) Attachment.
- F. Approval of the request to close Texas Boulevard/FM 88 from 4th to 6th Streets from 1:00 p.m. to 7:00 p.m. on April 25, 2011 for the filming of a movie, to provide a certification of the minutes as evidence of local

concurrence, and authorize the Mayor to sign any related documents as may be required by the Texas Department of Transportation for video production on state right-of-way. (Item as requested by the Mayor.) Attachment.

III. OLD BUSINESS

- A. Discussion and consideration to accept a bid received on tax resale property described as Lots 4 and 5, Block 13, L.D. Morgan's Addition, approve Resolution No. 2011-21 authorizing the tax resale, authorize a budget amendment as may be appropriate, and authorize the Mayor to execute the tax resale deed and any related documents. Possible action. (This item was tabled April 5, 2011.) Attachment.
- B. Discussion and consideration to award the bid contract for the Wastewater Treatment Plat Standby Generator Set Replacement Bid No. 2010-11-04 to Holt Cat in the amount of \$235,319.83, waive the informalities of the bid, and authorize the Mayor to execute all necessary documents. Possible action. (There was no action on this item April 5, 2011.) Attachment.
- C. Discussion and consideration to implement departmental reorganization with appropriate budget amendments. Possible action. (There was no action on this item April 5, 2011.) Attachment.

IV. NEW BUSINESS

- A. Discussion and consideration to authorize staff to issue a Request for Proposals for the purchase of an excavator. Possible action. Attachment.
- B. Discussion and consideration to accept the proposal from Raba-Kistner Consultants, Inc. in an amount not to exceed \$29,800.00 for the installation of five (5) additional gas monitoring probes at the City of Weslaco Landfill located in Alton, Texas, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- C. Discussion and consideration to approve updates to the City of Weslaco Emergency Management Plan and its Annexes A, G, L and V and authorize staff to incorporate non-substantive changes to comply with state mandate. Possible action. (Annex C was approved March 15, 2011.) Attachment.
- D. Discussion and consideration regarding the scheduled opening of the U.S. Customs Facility at the Weslaco Mid Valley Airport and authorize the Mayor to execute any related documents, including the Commercial Surety Application. Possible action. Attachment.
- E. Discussion and consideration to accept a donation of \$20,000.00 from Texas Library Association for furniture, books, and magazines at the Library Commons, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

- F. Discussion and consideration to utilize a paperless agenda packet for regular meetings of the City Commission. Possible action. Attachment.
- G. Discussion and consideration to approve the lease agreement with the Lower Rio Grande Valley Development Council for use of the current Fire Prevention Office. Possible action. Attachment.
- H. Discussion and consideration to authorize the issuance and sale of the Economic Development Corporation of Weslaco Sales Tax Revenue and Refunding Bonds, Taxable Series 2011, adopt Resolution 2011-22 relating thereto, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- I. Status reports:
 - 1. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding monthly economic development activities.
 - 2. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.
 - 3. James Parkey, Corplan Corrections, Inc., regarding the status of the proposed Family Unit Immigration Facility in Weslaco.

V. CITY MANAGER'S REPORT

- A. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments. Attachment.
- B. Report on 2011 Municipal Election. Attachment.
- C. Report on Traffic Controls at Los Arcos Subdivision.

VI. 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.

VII. 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.

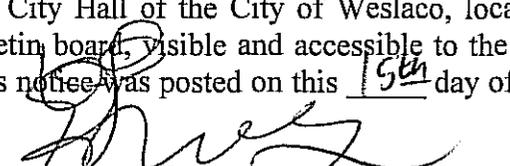
- A. Pending Litigation – Consult with City Attorney regarding *CL-11-1112-E Baudelio Castillo v. City of Weslaco, Texas; Weslaco Police Department; Leonardo Olivarez; Texas Municipal Police Association; Kevin Lawrence, Weslaco Municipal Police Union; Alvino Flores; Robert Lopez; Dolores Gandy Salinas; Federico Salazar; Armando Espinoza; Ted Stuart Walensky; Gabriel Medellin; Eduardo Galvan; Mobile Video Tapes, Inc., d/b/a KRGV TV Channel 5 News Station and Jordan Williams* pursuant to §551.071 of the Texas Government Code.
- B. Consultation – Consult with the City Manager and City Attorney regarding the possible investigation of the acts and conduct of employees in a City of Weslaco Department pertaining to the City Cemetery pursuant to Article V §19 of the Weslaco City Charter and §551.071 (2) of the Texas Government Code.

**VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

IX. 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 15th day of April, 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.