



**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, May 17, 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. CONVENE AS LOCAL CANVASSING AUTHORITY

- A. Report by Hidalgo County Elections Administrator regarding the May 14, 2011 City of Weslaco General Election.
- B. Discussion and consideration to canvass the election returns and approve Resolution No. 2011-29 certifying the results of the May 14, 2011 City of Weslaco General Election in accordance with Texas Election Code §67.004(a). Possible action. Attachment.
- C. Discussion and consideration to approve Resolution No. 2011-30 ordering a Special Run-off Election for a Single Member District of the City of Weslaco in accordance with Texas Election Code §2.025. Possible action. Attachment.
- D. Conduct Oaths of Office and file Statements of Elected Officers. Attachment.
- E. Discussion and consideration to select a Mayor Pro-Tem. Possible action.
- F. Reception.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 May 3, 2011. Attachment.
- B. Approval of a request to utilize Harlon Block Sports Complex for a charitable event involving a 5K/10K run/walk along with a 1 mile fun run/walk on

Sunday, September 25, 2011 in order to raise money and awareness for childhood cancer in the Rio Grande Valley, authorize any street closures for public safety, authorize assistance from City departments as appropriate, and waive all fees associated with the event. Attachment.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2011-26 to appoint a member to the World Birding Center Inc. Board of Directors. Possible action. Attachment.

V. NEW BUSINESS

- A. Discussion and consideration to authorize staff to issue a Request for Proposals for the purchase of an excavator; to negotiate an interlocal agreement with County of Hidalgo, Precinct 1 and/or Hidalgo County Drainage District No. 1 and/or Hidalgo and Cameron County Irrigation District No. 9 for the lease/use of an excavator; and, to issue a Request for Proposals for the lease of an excavator. Possible action. (Item as requested by Commissioners Tafolla and Rodriguez. There was no action on this item April 19, 2011.) Attachment.
- B. Discussion and consideration to authorize the submission of a grant application to the U.S. Department of Justice Community Oriented Policing Services (COPS) Hiring Program, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- C. Discussion and consideration to authorize use of Federal Equitable Sharing funds in an amount not to exceed \$7,200.00 for software licenses renewals, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- D. Discussion and consideration to authorize the Weslaco Public Library to reapply and renew the Reading Is Fundamental (RIF) grant for 2011-2012 with Weslaco East High School, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- E. Discussion and consideration to approve the Cooperation Agreement with the County of Hidalgo for years twenty-five, twenty-six, and twenty-seven of Community Development Block Grant funding, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- F. Discussion and consideration to award the bid contract for the Water Treatment Plant Generator Bid No. 2010-11-08 to the best qualified, most advantageous bidder in an amount not to exceed \$242,000.00 and to authorize the Mayor to execute any related documents. Possible action. Attachment.

- G. Discussion and consideration to approve the locations as recommended by the Lower Rio Grande Valley Development Council (LRGVDC) for the installation and maintenance of eight (8) bus shelters to be used by passengers on the bus system operated by the LRGVDC, authorize the dedication and/or acquisition of land for installation of the bus shelters, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Memorandum of Understanding with LRGVDC for this project approved February 15, 2011.) Attachment.
- H. Discussion and consideration to approve Resolution 2011-28 authorizing review of the Cost of Service Adjustment (COSA) filing by Texas Gas Service Company (TGS), a division of ONEOK, Inc. effective August 1, 2011, hiring legal and consulting services to negotiate with TGS, and requiring TGS to reimburse all reasonable costs associated with a joint review of this application with other cities. Possible action. Attachment.
- I. Discussion and consideration to approve the agreement with BMI for music licensing and authorize the Mayor to execute any related documents. Possible action. Attachment.
- J. Discussion and consideration to authorize the issuance and sale of the Economic Development Corporation of Weslaco Sales Tax Revenue Refunding Bonds, Taxable Series 2011A, adopt Resolution 2011-22 relating thereto, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- K. Discussion and consideration to authorize the issuance and sale of the Economic Development Corporation of Weslaco Sales Tax Revenue Bonds, Series 2011B, adopt Resolution 2011-23 relating thereto, and authorize the Mayor to execute any related documents, including the Financing/Use Agreement. Possible action. Attachment.
- L. Status reports:
 - 1. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding monthly economic development activities. Attachment.
 - 2. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.
 - 3. 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. Report on installation of restrooms at La Placita Park.
- C. Report on rerouting of water line at the Water Treatment Plant.
- D. Report on Sugar Cane Road improvements.
- E. Report on the grand opening of the U.S. Customs and Border Protection (CBP) Federal Inspection Service (FIS) general aviation processing center at Weslaco Mid-Valley Airport, with first international flight cleared.
- F. Report on recommendations by Traffic Safety Committee. Attachment.
- G. Report on Sponsored Projects.

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.]

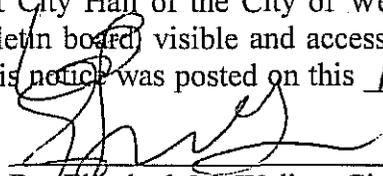
NOTE: Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Discussion with City Attorney regarding CL-11-1302-E, *Rene Rodriguez, Jr. & Ricardo Quintanilla, Plaintiffs v. City of Weslaco & Olga Medrano Noriega in her Official Capacity as Candidate for Weslaco City Commission, Defendants* pursuant to §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 14th day of May, 2011 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.