

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, June 7, 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 RST Texas Real Estate LP to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone a tract of land containing 0.496 of one acre out of Farm Tract 751, West and Adams Tract Subdivision, Hidalgo County, Texas, also being 410 E. 18th Street, from "R-1 Single Family Dwelling District" to "R-2 Duplex and Apartment District."
- B. To solicit input on a budget and program amendment for the Community Development Block Grant (CDBG) funds reflecting a reduction by the U.S. Department of Housing and Urban Development in the amount of \$61,001.00 for Fiscal Year 2011.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 17, 2011. Attachment.
- B. Approval to utilize Weslaco City Park to organize a Hydro Angels Over Texas Event on October 1, 2011 and waive all fees associated with the event. Attachment.
- C. Approval of a request to close certain portions of Pino and Sergeant Garcia streets on July 16, 2011 from 7:00 p.m. – 11:00 p.m. for a private wedding reception. Attachment.
- D. Approval of a request by ITheatre to use the Braught Memorial Theater for

interactive book readings as part of the Summer Reading Program and community performances throughout the 2012 production season and waive all fees associated. Attachment.

- E. Approval of a request to utilize Weslaco City Park to organize the First Annual Weslaco's "Rio Fast" classic car show with live concert on September 17, 2011 and waive all fees associated with the event. Attachment.
- F. Approval to authorize use of Federal Equitable Sharing funds in an amount not to exceed \$427.00 for court costs associated with the acquisition of one (1) seized vehicle as awarded to the Police Department, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Attachment.
- G. Approval to authorize the Weslaco Public Library Request to accept donated monies and gift donations from local vendors and/or the public for the Summer Reading Program (SRP), authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Attachment.
- H. Approval to accept meals at no charge from the Weslaco Independent School District Food Services and the Summer Feeding Program at the Weslaco Public Library 2011 Summer Reading Program and authorize the Mayor to execute any related documents. Attachment.
- I. Approval of a local match pledge not to exceed \$2,935.03 to fund the Alternative Regional Water Supply Feasibility Study as proposed by the Rio Grande Regional Water Authority to the United States Bureau of Reclamation, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Attachment.
- J. Approval of Resolution No. 2011-36 to identify the current City Commissioners and other appropriate staff as authorized signatories for legal, financial documents with BBVA Compass Bank and authorize the execution of any related documents by members of the Commission. Attachment.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2011-34 to appoint one member to an unexpired term on the Traffic Safety Committee. Possible action. (Item as requested by the Mayor.) Attachment.
- B. Discussion and consideration of Resolution 2011-33 to fill the unexpired term of one member from District 3 of the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. Attachment.
- C. Appointment by Mayor Miguel D. Wise of a member to the City of Weslaco Housing Authority Board to an unexpired term as authorized by §302.031 of

the Texas Local Government Code and approval of Resolution No. 2011-35.
Possible action. Attachment.

V. OLD BUSINESS

- A. Discussion and consideration to approve departmental reorganization to consolidate Public Facilities and Parks & Recreation Departments, and authorize budget and organizational chart amendments as appropriate (Item as requested by the Mayor. This item did not pass on May 3, 2011.) Possible action. Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone a tract of land containing 0.496 of one acre out of Farm Tract 751, West and Adams Tract Subdivision, Hidalgo County, Texas, also being 410 E. 18th Street, from "R-1 Single Family Dwelling District" to "R-2 Duplex and Apartment District." First Reading of Ordinance 2011-06. Possible action. Attachment.
- B. Discussion and consideration on behalf of Xenon, Inc. and Senon Moya, President, to approve Final Plat of the Re-Subdivision of La Plazita, Lot 4 also being La Plazita Phase II, a 3.967 Acre Tract of out of Farm Tract 1068, West and Adams Tract Subdivision, Hidalgo County, Texas, located on F.M. 1015 and Mile 10 ¼ North Road and authorize the Mayor to execute any related documents. Possible action. Attachment.
- C. Discussion and consideration to authorize after public hearing a budget and program amendment for the Community Development Block Grant (CDBG) funds reflecting a reduction by the U.S. Department of Housing and Urban Development in the amount of \$61,001.00 for Fiscal Year 2011 and authorize the Mayor to execute any related documents. Possible action. Attachment.
- D. Discussion and consideration to accept the federal share award in the amount of \$112,337.00 for funding under the Hazard Mitigation Grant Program as selected by the State of Texas and approved by the Federal Emergency Management Agency (FEMA) for City of Weslaco Phase I Conditional Approval of the Detention Pond Project #DR 1791-134, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- E. Discussion and consideration to approve a Professional Services Agreement with Cruz-Hogan Consulting Engineers, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- F. Discussion and consideration to approve Ordinance 2011-04 amending Ordinance No. 2009-18 to provide that the agenda of a regular and/or special

meeting of the Weslaco City Commission shall be posted not less than 105-hours prior to the scheduled meeting time as permitted by the Texas Open Meetings Act. First Reading of Ordinance 2011-04. Possible action. (Item as requested by the Mayor.) Attachment.

- G. Discussion and consideration to approve Ordinance 2011-05 amending Ordinance No. 2009-18 to establish that regular and special meetings of the Weslaco City Commission shall convene at 5:30 p.m. First Reading of Ordinance 2011-05. Possible action. Attachment.
- H. Discussion and consideration to approve departmental reorganization to create one position of Assistant Public Facilities Director and authorize a budget amendment as appropriate. Possible action. Attachment.
- I. Discussion and consideration to approve Resolution 2011-37 affirming the City of Weslaco's commitment to fostering a sustainable community. Possible action. Attachment.
- J. Discussion and consideration to authorize a Budget Amendment in the amount of \$61,265.00 to provide for the monitoring of the City of Weslaco landfill located in Alton, Texas. Possible action. Attachment.
- K. Discussion and consideration to authorize a Budget Amendment in the amount of \$277,000.00 to provide for the engineering services agreement with CDM for the Preliminary Engineering Report for the Water Treatment Plant Project. Possible action. Attachment.
- L. Status Reports:
 - 1. Update by Mari Garza-Bird, CDM Constructors, Inc. on the Preliminary Engineering Report for the Water Treatment Plant.
 - 2. Update by Texas Department of Transportation on the Westgate Drive Improvement Project.

VII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Upcoming Meetings and Appointments.
- B. Report on the Political Sign Ordinance. Attachment.
- C. Report on Mid Valley Airport Runway Extension Public Meeting. Attachment.
- D. Report on the Certified Estimate of Taxable Values for the 2011 tax year as provided by the Hidalgo County Appraisal District. Attachment.
- E. Report on Interlocal Agreement with Hidalgo County Precinct One on Road Improvement Projects.

VIII. 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.

IX. 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.]

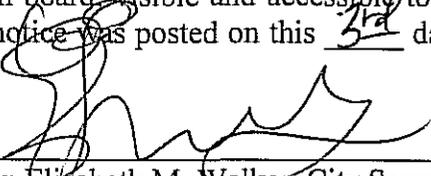
NOTE: Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Discussion with City Attorney regarding CL-11-1112-E, *Baudelio Castillo v. City of Weslaco et. Al.* pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Discussion with City Attorney regarding C-1371-11-I, *Juan Daniel Martinez v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.
- C. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Garza & Pena, PLLC regarding *Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* pursuant to §551.071 of the Texas Government Code.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

XI. 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 3rd day of June, 2011 at 7:45 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.