



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, August 2, 2011 at 5:30 p.m. for the purpose of discussing the following items:

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Mayoral Proclamations and Recognitions.
- C. Invocation.
- D. Pledge of Allegiance.
- E. Roll Call.

II. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. David Fox and Mary Lopez, with the Boys & Girls Club of Weslaco, regarding quarterly activities.
- B. The Honorable Joe V. Sanchez, former Mayor of the City of Weslaco.

III. PUBLIC HEARINGS

- A. To solicit input on a request by Jose Guadalupe Trevino, Jr. to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 512 Santa Ana Street, also being the West half of Lot 6 and all of Lot 7, Block 2, Lackland Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District."
- B. To solicit input on a request by Ramiro R. Lozano to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 103 Pena Avenue, also being Lot 2, Block 1, Feliza Pena Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District."
- C. To solicit input on a request by Juan J. Lopez and Adina S. Lopez to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 623 N. Tio Ave., Weslaco, Texas, also being Lot 1, Block 7, El Texano Subdivision, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "R-2 Duplex and Apartment District."

IV. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence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 July 19, 2011. Attachment.
- B. Approval of Minutes of the Special Meeting of July 25, 2011. Attachment.
- C. Approval of the renewal of the Inter-local Cooperation Contract between City of Weslaco Police Department and the Texas Department of Public Safety effective September 1, 2011 - August 31, 2013 to control uniformity of procedures as well as consistency of paperwork and supplies of the Breath Testing Program and authorize the Mayor to execute any related documents. Attachment.
- D. Approval to authorize use of Federal Equitable Sharing funds in an amount not to exceed \$641.00 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.
- E. Approval of Resolution 2011-44 in support of a grant application to the Texas Department of Public Safety Texas Ranger Division for participation with the Local Border Security Program (Operation Border Star) for the Fiscal Year 2011-2012. (Grant approved July 19, 2011.) Attachment.
- F. Approval of the renewal of the Interlocal Cooperation Agreement between the City of Edinburg - Dustin Michael Sekula Memorial Library and the City of Weslaco for hosting of the Library Union Automation System and authorize the Mayor to execute any related documents. Attachment.
- G. Approval of the renewal of the Interlocal Cooperation Agreement between the County of Hidalgo and the City of Weslaco for participation within the Hidalgo County Library System and authorize the Mayor to execute any related documents. Attachment.
- H. Approval of the renewal of the lease agreement with Weslaco Youth Football League for use of the Multi-Purpose field, Minor Practice Field, parking lot, and concession stand at Isaac Rodriguez Park as well as practice fields at Harlon Block Sports Complex effective September 1, 2011 - December 31, 2011 and authorize the Mayor to execute any related documents. Attachment.
- I. Approval of the renewal of the annual Host Agency Agreement with AARP Senior Community Service Employment Program allowing the City of Weslaco to accept participants through a short-term work-training program and authorize the Mayor to execute any documents. Attachment.
- J. Approval of the request to close Texas Boulevard/FM 88 from Third to Fourth Streets from 5:30 p.m. to 10:00 p.m. on August 18, September 22, and October 20, 2011 for a block party entitled *Al Fresco Weslaco – Jazz on*

the Street coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer by a Texas Alcoholic Beverage licensed vendor, waiving any fees or ordinances associated, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. Attachment.

- K. Approval of a Budget Amendment in the amount of \$4,052.00 for the disposal of scrap tires and the security monitoring of the former Sanitation/Recycle Center building. Attachment.
- L. Approval of a Budget Amendment in the amount of \$14,800.00 for the costs of the Professional Services Agreement with Halff and Associates, Inc. for the preparation and submission of an application to the Texas Water Development Board for a loan from the Clean Water State Revolving Fund for Fiscal Year 2011. Attachment.

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2011-41 to appoint one member to an unexpired term on the Traffic Safety Committee. Possible action. (This item was tabled July 19, 2011.) Attachment.

VI. OLD BUSINESS

- A. Discussion and consideration to approve the Development Agreement and Lease between the City of Weslaco and the Economic Development Corporation of Weslaco for the southern part of Weslaco City Hall to be a site for a new “Business, Visitor and Event Center” and authorize the Mayor to execute the agreement. Possible action. (Agreement authorized April 5, 2011; Minute order authorized July 19, 2011 so EDC may continue negotiations with architect, contractor and allow access to facility.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing to approve a request by Jose Guadalupe Trevino, Jr. to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 512 Santa Ana Street, also being the West half of Lot 6 and all of Lot 7, Block 2, Lackland Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2011-18. Possible action. (A three-fourths vote of the Commission is required to approve as Planning and Zoning Commission denied the request and over 20% of the property owners within 200 feet of the property protested as per §150-20(d) of the Weslaco Code of Ordinances.) Attachment.
- B. Discussion and consideration after public hearing to approve a request by

Ramiro R. Lozano to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 103 Pena Avenue, also being Lot 2, Block 1, Feliza Pena Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2011-19. Possible action. (A three-fourths vote of the Commission is required to approve as Planning and Zoning Commission denied the request as per §150-20(d) of the Weslaco Code of Ordinances.) Attachment.

- C. Discussion and consideration after public hearing to approve a request by Juan J. Lopez and Adina S. Lopez to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 623 N. Tio Ave, Weslaco, Texas, also being Lot 1, Block 7, El Texano Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “R-2 Duplex and Apartment District.” First Reading of Ordinance 2011-20. Possible action. (A three-fourths vote of the Commission is required to approve as over 20% of the property owners within 200 feet of the property protested as per §150-20(d) of the Weslaco Code of Ordinances.) Attachment.
- D. Discussion and consideration on behalf of Ezequiel Reyna, Jr. to approve the Final Plat of the Re-Subdivision of Block 11A Second Amended Plat of Tierra Santa Golf Club and Community Phase I Lot 40, a 0.088 of an acre (3,810.479 square feet) tract of land out of Block 11A, Second Amended Plat of Tierra Santa Golf Club and Community Phase I Subdivision and authorize the Mayor to execute any related documents. Possible action. Attachment.
- E. Discussion and consideration on behalf of Solidad Administradora & Portafolios to approve the Final Plat of the Re-Subdivision of Prada Estates Subdivision, being Lots 1-31 Prada Estates, Hidalgo County, Texas, located on Mile 8 North and Mile 2 ½ West and authorize the Mayor to execute any related documents. Possible action. Attachment.
- F. Discussion and consideration on behalf of Mike Givilancz to approve the Final Plat of Laureles Re-Subdivision of Lots 2, 3, 4, a 0.822 acre tract of land out of Laureles Subdivision, Hidalgo County, Texas, located at the northwest corner of the Intersection of Mile 5 West and Laurel Drive and authorize the Mayor to execute any related documents. Possible action. Attachment.
- G. Discussion and consideration to approve Resolution 2011-45 which recognizes that various Rio Grande Valley governmental representatives have formed the “Rio Grande Valley Communications Group” to establish a consolidated, regional communications interoperability operation to coordinate the use of public safety communications amongst Rio Grande Valley governmental departments and agencies, authorizes the City of Weslaco to join the “Rio Grande Valley Communications Group” as a public agency member and the Mayor, the City Manager or staff designee as representative and alternate, and authorizes the Mayor to execute any

related documents. Possible action. Attachment.

- H. Discussion and consideration to authorize a Request for Proposals and an Interlocal Agreement with the Economic Development Corporation of Weslaco for improvements to the Fire Prevention Complex. Possible action. Attachment.
- I. Discussion and consideration to approve a short-term lease with the Lower Rio Grande Valley Development Council for use of space within Weslaco City Hall. Possible action. Attachment.
- J. Discussion and consideration to authorize a Budget Amendment in the amount of \$106,500.00 for the water consumption fees for the remainder of Fiscal Year 2011 and the Valley Proud Environmental Council sponsorship. Possible action. Attachment.

VIII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Upcoming Meetings and Appointments. Attachment.
- B. Report on FY 2012 Municipal Budget.
- C. Report on Pending Litigation. Attachment.

IX. 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.

X. 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.

If, during the course of this meeting, the discussion of any item on the agenda should be held in executive or closed session, the City Commission will convene in such executive session in accordance with §551.001 of the Texas Government Code. At the time of the posting of this agenda, there are no executive session items.

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

XII. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 29th day of July, 2011 at 12:30 p.m. and will remain so posted continuously for at least 72-hours proceeding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

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.