



## 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 16, 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. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco (EDC), regarding monthly economic development activities and status on the Fiscal Year 2011-2012 EDC workplan and budget. Attachment.
- B. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.
- C. David Fox and Mary Lopez, with the Boys & Girls Club of Weslaco, regarding quarterly activities.
- D. Salomon Torres, District Director for Congressman Ruben Hinojosa, regarding the federal consideration to close the Kika de la Garza Subtropical Agricultural Research Center of the United States Department of Agriculture (USDA).

### **III. PUBLIC HEARINGS**

- A. To solicit input on a request by Jeff Everitt to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 901 S. Texas Blvd., Weslaco Texas, also being Lot 11 & 12, Block 3, Hollywood Subdivision, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 August 2, 2011. Attachment.
- B. Approval of the request to close Texas Boulevard/FM 88 from Fifth to Sixth Streets from 3:00 p.m. to 11:00 p.m. on October 1, 2011 for the Seventh Annual Pan de Campo Fundraiser coordinated by the Weslaco Museum of Local History and Cultural Art, waive any fees 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.

V. **NEW BUSINESS**

- A. Discussion and consideration after public hearing to approve a request by Jeff Everitt to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 901 S. Texas Blvd., Weslaco Texas, also being Lot 11 & 12, Block 3, Hollywood Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2011-22. Possible action. Attachment.
- B. Discussion and consideration to approve the Preliminary Engineering Report on the Water Treatment Plant as prepared by CDM. Possible action. Attachment.
- C. Discussion and consideration to declare that the Water Treatment Plant is exceeding capacity and failing to meet public water demand, thereby creating an imminent threat to public health and safety as per §252.022(a) (2) of the Local Government Code. Possible action.
- D. Discussion and consideration to authorize staff to renew or solicit proposals for the following:
  - 1. Employee Group Health Insurance;
  - 2. Basic Life & Accidental Death & Dismemberment;
  - 3. Commercial Insurance Package; and
  - 4. Workers’ Compensation Coverage.Possible action. (There was no action on this item July 19, 2011.) Attachment.
- E. Discussion and consideration to update City of Weslaco building and safety codes as recommended in the 2006 International Code Congress (There was no action on this item June 21, 2011.):
  - 1. To adopt the 2006 Edition of the International Building Code Property and Maintenance Standards for the regulation and governing of conditions and maintenance of all property, including the condemnation and demolition of structures unfit for human occupancy and providing for the issuance of permits and collection of fees. First Reading of Ordinance

2011-07. Possible action. Attachment.

2. To adopt the 2006 Edition of the International Existing Building Code for the regulation and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-08. Possible action. Attachment.

3. To adopt the 2006 Edition of the International Residential Code for the regulation and governing of construction, replacements, repairs and demolition of detached one and two family dwellings and multiple single family dwellings; providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-09. Possible action. Attachment.

4. To adopt the 2006 Edition of the International Energy Conservation Code for the regulation and governing of energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-10. Possible action. Attachment.

5. To adopt the 2006 Edition of the International Fire Code for the regulation and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-11. Possible action. Attachment.

6. To adopt the 2006 Edition of the International Plumbing Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of plumbing systems; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-12. Possible action. Attachment.

7. To adopt the 2006 Edition of the International Mechanical Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of mechanical systems; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-13. Possible action. Attachment.

8. To adopt the 2006 Edition of the International Fuel Gas Code for the regulation and governing of fuel gas systems and gas-fired appliances and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-14. Possible action. Attachment.

9. To adopt the NFPA Life Safety Code 101-2006 Edition relating to construction and to maintenance of buildings and public safety, health and general welfare; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-15. Possible action. Attachment.

- F. Discussion and consideration to adopt the 2008 National Electrical Code as the Electrical Code of the City. First Reading of Ordinance 2011-21. Possible action. Attachment.
- G. Discussion and consideration to declare and dispose of surplus property from all City departments through a public auction as per Ordinance No. 86-08 and authorize a public auction at the Public Facilities building on August 27, 2011. Possible action. Attachment.
- H. Discussion and consideration to approve the Memorandum of Understanding with the South Texas Chapter of the American Red Cross to provide staffing assistance to Red Cross approved shelters within City Limits prior to and after a major critical incident and authorize the Mayor to execute any related documents. Possible action. Attachment.

**VI. CITY MANAGER'S REPORT**

- A. Report on Departmental Update, General Fund Balance, Upcoming Meetings and Appointments.
- B. Report by Police Department.
- C. 2011 Texas Comptroller Leadership Circle Recognition.
- D. Report on Pending Litigation. Attachment.

**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 *C-1834-08-E, Zequiél Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. The City of Weslaco, Defendants* pursuant to §551.071 of the Texas Government Code.
- B. Potential Litigation – Discussion with the City Attorney regarding a demand letter sent by Jones Galligan Key & Lozano, Attorneys, on behalf of Sigler Winston Greenwood & Associates as authorized by §551.071 of the Texas Government Code.
- C. Potential Litigation – Discussion with the City Attorney regarding the liability of Hidalgo and Cameron Counties Irrigation District No. 9 on the installation of the drainage line for Walgreens Project as authorized by §551.071 of the Texas Government Code.
- D. Potential Litigation – Discussion with the City Attorney regarding a request for compensation by Jones Construction on the Weslaco Landing Rights Air Facility Project 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 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 12<sup>th</sup> day of August, 2011 at 6:30 p.m. and will remain so posted continuously for at least 72-hours preceding 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.