



## 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, September 6, 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. Sandra de la Fuente, Weslaco Museum, on quarterly activities.
- B. David Mendez, with Bickerstaff Heath Delgado Acosta, LLP, regarding draft plans for redistricting of the Single Member Districts and designation by the Weslaco City Commission of the illustrative plan for public hearings. Possible action.

### **III. PUBLIC HEARINGS**

- A. To solicit input on a request by Fred Perez to amend Ordinance 320 and the City of Weslaco Zoning map to rezone Professional & Medical Plaza Phase I & II Subdivision, Weslaco, Texas, also being Farm Tract 17, West Tract Subdivision, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-2 Secondary & Highway Business District."
- B. To solicit input on a request by Marco Garcia to approve a Conditional Use Permit to operate a bar/lounge and to obtain a mixed beverage and late hours permit at 331 S. Texas Blvd, Weslaco, Texas, also being Lot 17, Block 26, Weslaco Original Townsite, Hidalgo County, Texas.
- C. To solicit input on a request by Amirta Trejo to approve a Conditional Use Permit to operate a Daycare Center at 723 N. Padre Avenue, Weslaco, Texas, also being Lot 1 & 2, Block 4, El Texano Subdivision, Hidalgo County, Texas.

### **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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 16, 2011. Attachment.
- B. Approval of Minutes of the Special Meeting of August 18, 2011. Attachment.
- C. Approval on Second Reading of the following ordinances:
  - 1. Ordinance 2011-22 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.” Attachment.
  - 2. Ordinance 2011-07 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. Attachment.
  - 3. Ordinance 2011-08 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. Attachment.
  - 4. Ordinance 2011-09 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. Attachment.
  - 5. Ordinance 2011-10 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. Attachment.
  - 6. Ordinance 2011-11 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. Attachment.
  - 7. Ordinance 2011-12 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. Attachment.

8. Ordinance 2011-13 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. Attachment.

9. Ordinance 2011-14 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. Attachment.

10. Ordinance 2011-15 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. Attachment.

11. Ordinance 2011-21 to adopt the 2008 National Electrical Code as the Electrical Code of the City. Attachment.

- D. Approval of the Letter of Interest and Letter of Authorization with Schneider Electric Buildings Americas, Inc. authorizing a preliminary assessment of City facilities for energy and operational costs reduction at no expense to the City and authorize the Mayor to execute any related documents. Attachment.
- E. Approval of the renewal of Federal Work Study agreements with The University of Texas Pan American, including the America Reads Challenge, America Counts Challenge, and Community Service programs, to allow the City of Weslaco to obtain student volunteer assistance and authorize the Mayor to execute any related documents. Attachment.
- F. Approval of the letter of support for Border 2012 Grant Application as submitted by Texas A&M University Kingsville on behalf of the Rio Grande Valley TPDES Storm Water Task with a match of up to 20 hours of local in-kind labor per year for a period of one and a half years and a one-time contribution of \$800.00, to authorize a budget amendment as needed upon award, and authorize the Mayor and/or the City Manager to sign any related documents. Attachment.
- G. 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 November 5, 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. (Commission approved October 1 on August 16, 2011).

Attachment.

- H. Approval of the request to close Kansas Avenue from Sixth to Seventh Streets from 5:00 p.m. to 7:00 p.m. on October 31, 2011 for the First Baptist Church Fall Festival. Attachment.
- I. Approval on reconsideration 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 – January 31, 2012 and authorize the Mayor to execute an related documents. (Commission approved through December 31 on August 2, 2011.) Attachment.

V. **NEW BUSINESS**

- A. Discussion and consideration after public hearing to approve a request by Fred Perez to amend Ordinance 320 and the City of Weslaco Zoning map to rezone Professional & Medical Plaza Phase I & II Subdivision, Weslaco, Texas, also being Farm Tract 17, West Tract Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-2 Secondary & Highway Business District” and authorize the Mayor to execute any related documents. First Reading of Ordinance 2011-23. Possible action. Attachment.
- B. Discussion and consideration after public hearing to approve a request by Marco Garcia to approve a Conditional Use Permit to operate a bar/lounge and to obtain a mixed beverage and late hours permit at 331 S. Texas Blvd, Weslaco, Texas, also being Lot 17, Block 26, Weslaco Original Townsite, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. Attachment.
- C. Discussion and consideration after public hearing to approve a request by Amirta Trejo to approve a Conditional Use Permit to operate a Daycare Center at 723 N. Padre Avenue, Weslaco, Texas, also being Lot 1 & 2, Block 4, El Texano Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. Attachment.
- D. Discussion and consideration on behalf of John Kittleman, Four D-Partnership & CDC/SMT Broadcast, LLC to approve final plat of KRGV/Clear Channel Subdivision, being a resubdivision of 4.514 acres out of Farm Tract 40, West and Adams Tracts Subdivision, located on U.S. Expressway 83 and Paso del Norte and authorize the Mayor to execute any related documents. Possible action. Attachment.
- E. Discussion and consideration to approve Resolution 2011-46 in opposition to the federal closure of the USDA Kika de la Garza Subtropical Research Center. Possible action. Attachment.

- F. Discussion and consideration to approve payment to CH2MHILL – OMI in the amount of \$93,010.75 for overages in the \$250,000.00 annual repair allowance as stipulated by contract and authorize budget amendments as appropriate. Possible action. Attachment.
- G. Discussion and consideration to authorize renewal of an Interlocal Governmental Agreement with the Hidalgo County Emergency Services District No. 1 on the same terms and conditions by which the City provides emergency ambulance service with not less than two ambulances to those areas of rural Hidalgo County within the established boundaries of the District and the District agrees to pay the City the sum of \$75,000.00 for the period October 1, 2011 through September 30, 2012 and authorize the Mayor to execute any related documents. Possible action. Attachment.

**VI. CITY MANAGER’S REPORT**

- A. Report on Departmental Update, Upcoming Meetings and Appointments. Attachment.
- B. Report on Bond Rating by Standard and Poor’s.
- C. Report on FEMA grants projects.
- D. Report by Fire Department.

**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 filing an answer in Cause No. 2201-11-I *Pascual Hernandez and Maria Luisa Hernandez v. The City of Weslaco, Texas* pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Discussion with Special Assigned Counsel Michael Garza regarding proposed settlement in Cause No. CL-2165-E *L&G Concrete Construction, Inc., Plaintiffs v. RCD Infrastructure, LLC, Enriquez Enterprises, Inc. and City of Weslaco, 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 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 2<sup>nd</sup> day of September, 2011 at 12:20 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.