



## 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 20, 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 with year-end overview. Attachment.
- B. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.
- C. Ken Jones, Executive Director of the Lower Rio Grande Valley Development Council, on the organization's relocation to Weslaco.

### **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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 the following Minutes:
  - 1) Regular Meeting of September 6, 2011. Attachment.
  - 2) Special Meeting of September 8, 2011. Attachment.
  - 3) Special Meeting of September 9, 2011. Attachment.
  - 4) Special Meeting of September 12, 2011. Attachment.
- B. Approval on Second Reading of Ordinance 2011-23 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. Attachment.
- C. Approval to not renew the agreement for Assistant Municipal Court Judge

Services with the Honorable Jaime Balli upon completion of the current term of office expiring September 30, 2011 pursuant to Texas Government Code §29.005. Attachment.

- D. Approval of the renewal of the Cooperative Agreement between the Weslaco Police Department and the Drug Enforcement Administration (DEA) effective October 1, 2011 to September 30, 2012 by which the Weslaco Police Department continues to assign one (1) experienced officer to the McAllen HIDTA Task Force and HIDTA, subject to availability of funds, will reimburse for overtime payments not to exceed \$17,202.25. Attachment.
- E. Approval of Resolution 2011-51 in support of the Rio South Texas Regional Planning Consortium in seeking financial aid through an application to the 2011 Sustainable Communities Regional Planning Grant Program at no financial impact to the General Fund. Attachment.
- F. Approval of the renewal of the contract with the Texas Department of Transportation Aviation Division through the Routine Airport Maintenance Program Grant in Fiscal Year 2011-2012 for maintenance of the Automated Weather Observation Station (AWOS) on a 50/50 cost share for a total payment by the City of \$1,650.00 and authorize the Mayor to execute any related documents. Attachment.

#### **IV. APPOINTMENTS**

- A. Discussion and consideration to approve Resolution 2011-52 to fill the unexpired term of one member from Place 1 on the Board of Directors of the Economic Development Corporation of Weslaco. (Item as requested by Commissioners Garza and Noriega.) Possible action. Attachment.
- B. Discussion and consideration of Resolution 2011-53 to fill the unexpired term of one member from Place 7 on the Board of Directors of the Economic Development Corporation of Weslaco. (Item as requested by Commissioners Garza and Noriega.) Possible action. Attachment.

#### **V. OLD BUSINESS**

- A. 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. (There was no action on this item September 6, 2011.) Attachment.

**VI. NEW BUSINESS**

- A. Discussion and consideration to approve the Cost of Service Adjustment (COSA) filing by Texas Gas Services effective August 1, 2011 for an increase of \$1.05/ month for the average residential user. First Reading of Ordinance 2011-27. Possible action. Attachment.
- B. Discussion and consideration to approve the workplan and budget for the Economic Development Corporation of Weslaco for fiscal year 2011-2012. Possible action. Attachment.

**VII. CITY MANAGER'S REPORT**

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments.

**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.

At the time of the posting of this agenda, there are no executive session items.

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 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 15<sup>th</sup> day of September, 2011 at 7:00 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.