



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, October 4, 2011 at 5:30 p.m. for the purpose of discussing the following items:

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Roll Call.

II. PUBLIC HEARINGS

- A. To solicit input on behalf of Belia Arce Chapa to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 2713 N. Texas Blvd., Weslaco, Texas, also being the West Tract South 0.75 North East 1.50 South 30 acres out of Farm Tract 116, West Tract Subdivision, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "R-3 Rural District."

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 20, 2011. Attachment.
 - 2) Special Meeting of September 27, 2011. Attachment.
- B. Approval on Second and Final Reading of Ordinance 2011-27 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. Attachment.
- C. Approval to authorize payroll deductions for additional voluntary insurance products through the Cypress Associates Inc. Advantage Plan with open enrollment proposed October 12 – 16, 2011. Attachment.
- D. Approval of a request by the Hidalgo County Elections Department to utilize the Mayor Eugene Braught Memorial Theater October 24 – November 8, 2011 for the Constitutional Amendment Election and waive all fees associated. Attachment.

- E. Approval of a request by Jay Dee Flores to close Yarbrough Street between Tula and Louisiana streets on October 22, 2011 from 5 p.m. – 10 p.m. Attachment.
- F. Approval of a request by Aurora House Foundation to utilize Harlon Block Sports Complex on December 3, 2011 from 7 a.m. – 12 noon for a charity walk-a-thon, authorize street closures as appropriate, and waive all fees and ordinances as may apply. Attachment.
- G. Approval of the 2011 Weslaco Invitational Soccer Tournament to be held November 11 - 13 and authorize the Mayor to execute any related documents. Attachment.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2011-55 to nominate David Hernandez as candidate to the Hidalgo County Appraisal District Board of Directors for the 2012-2013 election. Possible action. (Item as requested by the Mayor.) Attachment.
- B. Discussion and consideration to approve Resolution No. 2011-48 to appoint one member to an expired term on the Parks & Recreation Advisory Board. Possible action. Attachment.
- C. Discussion and consideration to approve Resolutions No. 2011-54 to appoint one member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. Attachment.
- D. Discussion and consideration to approve Resolution No. 2011-56 to appoint one member to an unexpired term on the Library Board. Possible action. Attachment.

V. OLD BUSINESS

- A. Discussion and consideration to approve budget amendments of inter departmental transfers to balance the Fiscal Year 2010-2011 Budget. Possible action. (There was no action on this item September 27, 2011.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Belia Arce Chapa to approve Ordinance 2011-31 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 2713 N. Texas Blvd., Weslaco, Texas, also being the West Tract South 0.75 North East 1.50 South 30 acres out of Farm Tract 116, West Tract Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “R-3 Rural District.” First reading of Ordinance 2011-31. Possible action. (Planning & Zoning Commission on September 21, 2011 denied the request; a three-fourths vote of the City

Commission is required to approve the appeal.) Attachment.

- B. Discussion and consideration to approve Ordinance 2011-30 amending Ordinance 2009-29, the Master Fee Ordinance, to revise existing fees, establish new fees, and ordain other matters with respect to the subject matter hereof. First Reading of Ordinance 2011-30. Possible action. Attachment.
- C. Discussion and consideration to approve the extension to the existing Interlocal Cooperation Agreement with Hidalgo County for Rural Emergency Services at the same terms and conditions for designated reimbursable payments per incident through December 31, 2013 and authorize the Mayor to execute any related documents. Possible action. Attachment.
- D. Discussion and consideration to accept a grant award with no local match required from Hidalgo County Precinct 1 in the form of a brush fire fighting “Skid Unit,” valued at \$25,000.00, to be mounted on a surplus “deuce and a half” truck currently stored at Mid-Valley Airport and authorize the Mayor to execute any related documents. Possible action. Attachment.
- E. Discussion and consideration to recommend to Hidalgo County Urban County Program to award lowest bid received for the water/sewer improvements project along Las Palmas, Libertad, and Republica streets, as reviewed and recommended by the project engineering firm of Quintanilla Headley & Associates and authorize the Mayor to execute any related documents. Possible action. Attachment.
- F. Discussion and consideration to authorize a staff to prepare a Request for Proposals for a service provider of coffee and related consumables for a café within the Mayor Joe V Sánchez Public Library. Possible action. Attachment.
- G. Discussion and consideration to accept an allocation of \$17,226.00 for the *Phase II-Nonpoint Source Water Quality Management Planning and Implementation Grant* through the Texas A&M University Kingsville for a rainwater recycling program at the Mayor Joe V Sánchez Public Library, provide a local match of in-kind services and monetary contribution not to exceed \$11,410.00 as budgeted, and authorize the City Manager to execute the subcontract. Possible action. Attachment.

VII. CITY MANAGER’S REPORT

- A. Report on Departmental Update, Upcoming Meetings and Appointments.
- B. Report by IT Department.

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, §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-2643-11-C, *Tomas Fonseca, et al v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

B. Pending Litigation – Discussion with City Attorney regarding Civil Action No. 10-00353, *Anthony Covacevich and Arnold Rodriguez v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

C. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Case No. 7:10-CV-00452, *Michael Fisher, Arnold Rodriguez, and Edna Salas v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

D. 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.

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 30th day of September, 2011 at 6:50 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.