



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, November 1, 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. PUBLIC HEARINGS

- A. To solicit public comments on behalf of VTX Communications to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 608 & 610 E. 6th Street, Weslaco, Texas, also being Tract 1, the east 40 ft. of the south 189 ft. of Lot 47 and the south 189 ft. of Lot 58, Mistletoe Park and Tract 2, all of Lot 59 and that part of Lot 61, lying South of the extension of the South line of Lot 51, Mistletoe Park, to where it would intersect the east line of Lot 61, Mistletoe Park, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District."
- B. To solicit public comments on behalf of Overland Properties, LLC to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 2111 W. Business Highway 83, Weslaco, Texas, also being West Tract E7.73 AC FT 632, 7.73 AC NET, from "R-1 Single Family Dwelling District" to "B-2 Secondary and Highway District."
- C. To solicit public comments on behalf of Van & Mary G. Moad to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 801 S. Missouri Ave., Weslaco, Texas, also being Lots 25 & 26, Block 1, Orange Grove Subdivision, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District."
- D. To solicit public comments on behalf of Irma Valerio-Salinas to approve a Conditional Use Permit to operate a bar and grill and to obtain a mixed beverage alcohol permit at 623 E. Business 83, Weslaco, Texas, also being Lot 1, Harding-Gill Subdivision, Hidalgo County, Texas.
- E. To solicit public comments on the proposed redistricting illustrative plans concerning proposed new boundaries for City of Weslaco Commissioner Districts.

III. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Lilia Ledesma with Linebarger Goggan Blair & Sampson, LLP on Delinquent Tax and Fine Collections for the Period October 1, 2010 through September 30, 2011.

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 the Minutes of the Regular Meeting of October 18, 2011. Attachment.
- B. Approval of the renewal of the Amigos Del Valle, Inc. lease agreement for fiscal year 2011-2012 with the same terms and conditions and authorize the Mayor to execute any related documents. Attachment.
- C. Approval of the renewal of the Hidalgo County Head Start Program lease agreement for fiscal year 2011-2012 with the same terms and conditions and authorize the Mayor to execute any related documents. Attachment.
- D. Approval of request by St. Pius X Catholic Church to celebrate Mass at the City Cemetery on All Souls Day, Wednesday, November 2 at noon. Attachment.
- E. Approval of the request by the Weslaco Area Chamber of Commerce to host the 2011 Mid-Valley Christmas Lighted Parade on Thursday, December 8, 2011 from 6:00 p.m. – 9:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, 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.
- F. Approval of the request by Ministerio Publico Nuevo Amanecer to use City Park on November 12, 2011 from 8:00 a.m. – 6:00 p.m. for a fundraiser with car show and food sales to support the construction of their new church and waive all fees associated. Attachment.

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2011-58 to fill the expired term of one member from Place 4 on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (There was no action on this item October 18, 2011.) Attachment.
- B. Discussion and consideration to approve Resolution 2011-59 to fill the expired term of one member from Place 5 on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (There

was no action on this item October 18, 2011.) Attachment.

- C. Discussion and consideration to approve Resolution No. 2011-61 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. 2011-62 to appoint one member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. Attachment.
- E. Discussion and consideration to approve Resolution No. 2011-63 to appoint one member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. Attachment.
- F. Discussion and consideration to approve Resolution No. 2011-47 to appoint an official member and an alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2011-2012. Possible action. Attachment.
- G. Discussion and consideration to approve Resolution 2011-64 to allocate 150 total votes in the election for the 2011-2012 Board of Directors of the Hidalgo County Appraisal District pursuant to §6.03 of the Texas Property Tax Code. Possible action. Attachment.

VI. OLD BUSINESS

- A. Discussion and consideration on Second and Final Reading to approve Ordinance 2011-29 to amend Section 1 of Ordinance 77-16, adopted on August 16, 1977 and codified in the Weslaco Code of Ordinances as §138-58 “Water Rates Prescribed” and amending Section 1 of Ordinance 67-10, adopted on June 27, 1967 and codified in the Weslaco Code of Ordinances as §138.59 “Sewer Rates Prescribed;” providing a new schedule of rates to be charged for treated water delivered through the system of the Public Utilities Department of the City of Weslaco at an increase of 18% for the average residential user; and providing a new schedule of rates to be charged for the use of wastewater treatments facilities of the City of Weslaco at an increase of 15% for the average residential user and ordaining other matters with respect to the subject matter hereof and providing for an effective date after second publication of this ordinance. Second and Final Reading of Ordinance 2011-29. Possible action. (First Reading held October 18, 2011.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of VTX Communications to approve Ordinance 2011-32 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 608 & 610 E. 6th Street, Weslaco, Texas, also being Tract 1, the east 40 ft. of the south 189 ft. of Lot 47 and the south 189 ft. of Lot 58, Mistletoe Park and Tract 2, all of Lot 59

and that part of Lot 61, lying South of the extension of the South line of Lot 51, Mistletoe Park, to where it would intersect the east line of Lot 61, Mistletoe Park, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2011-32. Possible action. Attachment.

- B. Discussion and consideration after public hearing on behalf of Overland Properties, LLC. to approve Ordinance 2011-33 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 2111 W. Business Highway 83, Weslaco, Texas, also being West Tract E7.73 AC FT 632, 7.73 AC NET, from “R-1 Single Family Dwelling District” to “B-2 Secondary and Highway District.” First Reading of Ordinance 2011-33. Possible action. Attachment.
- C. Discussion and consideration after public hearing on behalf of Van & Mary G. Moad to approve Ordinance 2011-34 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 801 S. Missouri Ave., Weslaco, Texas, also being Lots 25 & 26, Block 1, Orange Grove Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2011-34. Possible action. (Planning & Zoning Commission on October 19, 2011 denied the request; a three-fourths vote of the City Commission is required to approve the appeal.) Attachment.
- D. Discussion and consideration after public hearing on behalf of Irma Valerio-Salinas to approve a Conditional Use Permit to operate a bar and grill and to obtain a mixed beverage alcohol permit at 623 E. Business 83, Weslaco, Texas, also being Lot 1, Harding-Gill Subdivision, Hidalgo County, Texas. Possible action. Attachment.
- E. Discussion and consideration on behalf of Todd Bookout, Adobe Construction, L.L.C. to approve Final Plat of the Midway Gardens Subdivision, being a re-subdivision of 3.778 acres out of Farm Tract 643, Block 177, West and Adams Tract Subdivision, Hidalgo County, Texas and accept the drainage easement from Adobe Construction, L.L.C. Possible action. Attachment.
- F. Discussion and consideration to approve the proposed investment policies as prepared by the City of Weslaco Library Board for the funds resulting from the Marion Booth Bequest, and to authorize the City Manager, Finance Director, or designee to administer the investment according to the Texas Public Funds Investment Act, City of Weslaco Policy, and the advice of the Library Board. Possible action. Attachment.
- G. Discussion and consideration to approve the proposed Marion Booth Endowment Program Charter and authorize the Library Board to administer the Marion Booth Endowment Program. Possible action. Attachment.
- H. Discussion and consideration to approve payment to CH2MHILL- OMI in

the amount of \$56,398.32, which exceeds the \$250,000.00 annual repair allowance per contract FY 2011-2012, and authorize budget amendments as appropriate. Possible action. Attachment.

- I. Discussion and consideration to approve the A/C Technician full-time employment position and authorize a budget amendment for non-exempt wages in the Building Maintenance Fund in the amount of \$27,040.00. Possible action. Attachment.
- J. Discussion and consideration to adopt Ordinance 2011-35 pertaining to the City of Weslaco Texas Municipal Retirement System (TMRS), authorizing and allowing "Updated Service Credits" for services performed by qualifying members of such system who presently are members of the City of Weslaco, providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City, and establishing an effective date for such actions. First Reading of Ordinance 2011-35. Possible action. Attachment.
- K. Discussion and consideration to approve the professional services agreement with Garcia and Pena, Certified Public Accountants, for accounting support for Fiscal Year 2010-2011 financial statements in an amount not to exceed \$15,000.00 and authorize the Mayor to execute any related documents. Possible action. Attachment.
- L. Discussion and consideration to approve the professional services agreement with Garcia and Pena, Certified Public Accountants, for auditing services for Fiscal Year 2010-2011 in an amount not to exceed \$44,430.00 and authorize the Mayor to execute any related documents. Possible action. Attachment.
- M. Discussion and consideration to declare Lift Station 36 an imminent threat to the health and safety of the citizens of the City of Weslaco due to the existing and ongoing deterioration as per §252.022(a) (2) of the Local Government Code. Possible action.
- N. Discussion and consideration to award the Professional Service Agreement to LaFever Environmental Management Consulting, LLP for engineering services for the rehabilitation of lift station No. 36 due to existing and ongoing deterioration in the amount not to exceed \$84,410.00, authorize budget amendments as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- O. Discussion and consideration to authorize the City Manager to negotiate a construction-manager contract for the Valley Nature Center facility and associated projects at Gibson Park as per Local Government Code 252.022(a)(2). Possible action. Attachment.
- P. Discussion and consideration to approve the renewal of the contract for the Groundwater, Landfill Gas, and Leachate Monitoring Program with Raba-

Kistner Consultants, Inc. with the same terms and conditions for a four-year period, November 2011 – December 2015, at a cost not to exceed \$217,050.00 which reflects a 5% discount, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. Attachment.

- Q. Discussion and consideration to lease to purchase nine (9) 2012 Chevy Tahoe police pursuit vehicles with emergency equipment at a total cost not to exceed \$136,225.80 per year for three (3) years as per Buyboard contract pricing with Government Capital Corporation using Internal Service Funds and authorize the Mayor to execute any related documents. Possible action. Attachment.
- R. Discussion and consideration to purchase nine (9) Motorola XTL 1500 Mobile Radios for a total cost not to exceed \$17,128.00 using Internal Service Funds and authorize the Mayor to execute any related documents. Possible action. Attachment.

VIII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Upcoming Meetings and Appointments. Attachment.
- B. Report on the Weslaco Health Facilities Development Corporation Meeting on Monday, October 31, 2011. Attachment.
- C. Report by Planning/Code Enforcement Department.

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.

- A. 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.
- B. Pending Litigation – Discussion with City Attorney regarding Case No. 7:09-CV-0118, *Claudio Lucio v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

**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 28th day of October, 2011 at 8:25 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.