



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 15, 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 the proposed redistricting illustrative plans concerning proposed new boundaries for City of Weslaco Commissioner Districts.

III. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco (EDC), regarding monthly economic development activities. Attachment.
- B. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 November 1, 2011. Attachment.
- B. Approval on Second and Final Reading of the following ordinances:
 - 1. 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 held November 1, 2011. Attachment.

2. 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 held November 1, 2011. Attachment.

3. 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 held November 1, 2011. Attachment.

- C. Approval of Amendment No. 2 to the contract with Texas General Land Office (formerly Texas Department of Rural Affairs Contract No. DRS010201) to revise the project schedule for the generator installation at the Water Treatment Plant and South Waste Water Treatment Plant and authorize the Mayor to execute any related documents. Attachment.
- D. Approval of use of the Municipal Court Technology Fund for the lease or purchase of a copy/printer/facsimile machine in an amount not to exceed \$9,500.00 and authorize a budget amendment as appropriate. Attachment.
- E. Approval of the request by BMF Car/Truck Club to use City Park pavilions 23, 24, and 25 on December 11, 2011 from 9:00 a.m. - 6:00 p.m. for a car/truck show to benefit Toys 4 Tots and waive all fees associated. Attachment.
- F. 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. (There was no action on this item November 1, 2011.) Attachment.

V. APPOINTMENTS

- A. 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. (This item was tabled November 1, 2011.) Attachment.
- B. Discussion and consideration to accept the resignation of Andres Noriega and approve Resolution No. 2011-65 to appoint one member to an unexpired term on the Weslaco Health Facilities Development Corporation. Possible action. Attachment.

- C. Discussion and consideration to accept the resignation of Ruben Cardenas and approve Resolution No. 2011-66 to appoint one member to an unexpired term on the Mid Valley Airport Board. Possible action. Attachment.
- D. Discussion and consideration to approve Resolution No. 2011-67 to appoint one member to an expired term on the Planning and Zoning Commission. Possible action. Attachment.
- E. Discussion and consideration to approve Resolution No. 2011-68 to appoint one member to an expired term on the Planning and Zoning Commission. Possible action. Attachment.
- F. Discussion and consideration to approve Resolution No. 2011-69 to appoint one member to an expired term on the Planning and Zoning Commission. Possible action. Attachment.
- G. Discussion and consideration to approve Resolution No. 2011-70 confirming the appointment by Mayor Miguel D. Wise of a member to the City of Weslaco Housing Authority Board to an expired term as authorized by §302.031 of the Texas Local Government Code. Possible action. Attachment.
- H. Discussion and consideration to approve Resolution No. 2011-71 confirming the appointment by Mayor Miguel D. Wise of a member to the City of Weslaco Housing Authority Board to an expired term as authorized by §302.031 of the Texas Local Government Code. Possible action. Attachment.

VI. OLD BUSINESS

- A. 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. (There was no action on this item November 1, 2011.) Attachment.
- B. 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. (There was no action on this item November 1, 2011.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration to adopt the FY 2010-2011 Annual Tax Collection Report as prepared by Armando Barrera, Jr., Hidalgo County Tax Assessor and Collector. Possible action. Attachment.

- B. Discussion and consideration to approve Amendment No. 21 to the existing contract between the City of Weslaco and Operations Management International, Inc. (OMI) by increasing the base fee 2.9% for the annual Consumer Price Index (CPI), corresponding to an increase not to exceed \$83,449.00, for professional operation and maintenance services of the City of Weslaco Water and Wastewater Treatment for fiscal year October 1, 2011 to September 30, 2012, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- C. Discussion and consideration to approve the purchase of two rotors for the South Wastewater Treatment Facility by CH2M Hill OMI in an amount not to exceed \$29,140 from the repairs budget and authorize the Mayor to execute any related documents. Possible action. Attachment.
- D. Discussion and consideration to adopt Ordinance 2011-37 amending Ordinance 2008-31, as previously codified in the City of Weslaco Code of Ordinance as Section 62.51, to establish new residential, commercial, and industrial garbage rates; requiring commercial containers in some instances; establishing a rate to be charged for commercial container garbage collection; and ordaining an effective date. First Reading of Ordinance 2011-37. Possible action. Attachment.
- E. Discussion and consideration to recommend to Hidalgo County Urban County Program to award LCM Corporation, a certified contractor through the Buy Board, the contract to construct the restrooms at La Placita Park as per drawings proposed with Project #4187E HUD Grant # 5004-80-0306-5000-8000, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- F. Discussion and consideration to approve Resolution 2011-72 adopting the Standard Operating Procedures and Regional Interoperable Communications Plan as proposed by the Lower Rio Grande Valley Development Council Homeland Security Advisory Committee. Possible action. Attachment.
- G. Discussion and consideration to approve an Interlocal Cooperation Agreement with the County of Hidalgo to conduct 2010 Operation Stonegarden (Federal Grant Award 2009-SJ-T90011) to receive overtime and equipment funding for law enforcement activities, authorize a budget amendment as appropriate, and authorize the Mayor, Finance Director and Chief of Police to execute any related documents. Possible action. Attachment.
- H. Discussion and consideration to accept a grant awarded to the Weslaco Fire Department from the Texas Forest Service under the TIFMAS Grant Assistance Program for a Type VI Engine and authorize the Mayor to execute any related documents. Possible action. Attachment.

- I. Discussion and consideration to approve the 2012 City of Weslaco Holiday Schedule. Possible action. Attachment.
- J. Discussion and consideration on behalf of Beto Salinas Flores, L.L.C. to approve Final Plat of the Vaquero Estates Phase II - A 38.85 Acre Tract out of Farm Tract 1070, West and Adams Tract Subdivision, Hidalgo County, Texas, located on F.M. 1015 and Mile 10 ¼ North on the east side of Vaquero Estates Phase I. Possible action. (Item as requested by the Mayor.) Attachment.
- K. Discussion and consideration to adopt Ordinance 2011-36 repealing Ordinance 75-18 to dissolve the Weslaco Traffic Safety Committee and designate a Traffic Safety Officer. First Reading of Ordinance 2011-37. Possible action. Attachment.

VIII. CITY MANAGER’S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments. Attachment.
- B. Report on Monthly Compensatory Time and Overtime. Attachment.
- C. Report on Interim Legislative Activities by Caballero Governmental Affairs. Attachment.
- D. Report on enforcement of the political sign provisions of the sign ordinance. Attachment.
- E. Report on Delinquent Fine Collections at Municipal Court. Attachment.
- F. Report by City Secretary’s Office.

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 regarding Cause No. C-3090-11-D, *Sigler, Winston, Greenwood, & Associates, Inc. v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Discussion with City Attorney and Special Assigned Counsel Michael Garza regarding Cause No. CL-10-2165-E, *L&G Concrete Construction, Inc., Arnulfo Gonzalez, Plaintiffs v. RCD Infrastructure, LLC, Enriquez Enterprises, Inc. [sic], Defendants* pursuant to §551.071 of the Texas Government Code.
- C. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Garza & Pena, PLLC regarding *Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* 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 10th day of November, 2011 at 8:00 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.