



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
JANUARY 3, 2012**

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, January 3, 2012 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.

**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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 December 20, 2011. Attachment.
  - 2) Special Meeting of December 27, 2011. Attachment.
- B. Approval on Second and Final Reading the following Ordinances:
  - 1) Ordinance 2011-41 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 2501 N. Bridge, also being the S98.2' of Lot 1, Country Acres, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District." (First Reading held December 20, 2011.) Attachment.
  - 2) Ordinance 2011-42 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone all of Lots 1 thru 121, Las Villas Santas Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "M-1 Mobile Home Subdivision District." First Reading of Ordinance 2011-42. (First Reading held December 20, 2011.) Attachment.

- C. Approval of the request to close Texas Boulevard/FM 88 from Third to Fifth Streets from 5:00 p.m. to 10:00 p.m. on January 19, February 16, and March 22, 2012 for a block party entitled *Al Fresco Weslaco – Jazz on the Street* coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer by a Texas Alcoholic Beverage licensed vendor, 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.
- D. Ratification of a revised schedule to extend one-year the Photo Voltaic Array grant project as awarded by the Texas State Energy Conservation Office. Attachment.
- E. Authorization to accept monetary and other in-kind donations from local vendors and/or the public in support of the Summer Reading Program (SRP) at the Mayor Joe V. Sanchez Weslaco Public Library and authorize a budget amendment as needed. Attachment.

**IV. APPOINTMENTS**

- A. Discussion and consideration to approve Resolutions 2011-81, 2011-82, 2011-83 and 2011-84, 2011-85, 2011-86 appointing members to the Weslaco Hospital Authority. Possible action. (This item was tabled December 27, 2011.) Attachment.

**V. NEW BUSINESS**

- A. Discussion and consideration to approve Ordinance 2012-01 amending Ordinance 77-14 to increase the number of Directors of the Weslaco Hospital Authority to seven (7) and ordaining other matters with respect to the subject matter hereof. Possible action. Attachment.
- B. Discussion and consideration to approve Ordinance 2012-02 establishing the Weslaco Animal Shelter Advisory Committee, its composition and meeting times, and ordaining other matters with respect to the subject matter hereof. Possible action. Attachment.
- C. Discussion and consideration to approve an interlocal agreement with Hidalgo County for street improvements on Westgate Drive from Mile 9 – Mile 11 and authorize the Mayor to execute any related documents. Possible action. Attachment.
- D. Discussion and consideration to approve the certificate of construction completion with Closner Construction Company, L.C. for relocation of water and sanitary sewer utilities on Westgate Drive from Expressway 83 to Sugarcane Drive and authorize the Mayor to execute any related documents. Possible action. Attachment.
- E. Discussion and consideration to purchase nine (9) 2012 Chevy Tahoe police

pursuit vehicles with emergency equipment at a total cost not to exceed \$390,132.00 as per Buyboard contract pricing with Government Capital Corporation using part of Tax Notes Series 2011 and authorize the Mayor to execute any related documents. Possible action. (Lease-to-Purchase approved November 1, 2011.) Attachment.

- F. Discussion and consideration to enter into a development agreement with the Economic Development Corporation for business development at the Weslaco Mid-Valley Airport. Possible action. Attachment.
- G. Discussion and consideration to approve an amendment to the development agreement with the Economic Development Corporation for the Business, Visitors, and Events Center to provide for grounds improvements and landscaping maintenance at the City Hall complex. Possible action. Attachment.

## **VI. CITY MANAGER'S REPORT**

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments. Attachment.
- B. Report by Airport 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 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.
- B. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Bickerstaff Heath et al. regarding the sale of Knapp Medical Center and the release of covenant on the hospital property as authorized by §571.071 of the Texas Government Code.
- C. 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.

**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 30<sup>th</sup> day of December, 2011 at 6:30 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.