



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
JANUARY 17, 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 17, 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. PUBLIC HEARINGS

- A. To solicit input on behalf of Van & Mary G. Moad to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 801 S. Missouri Ave., being Lots 25 & 26, Block 1, Orange Grove Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-4 Neighborhood Office District."

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 January 3, 2012. Attachment.
- B. Approval on Second and Final Reading the following Ordinances:
 - 1) 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.

(First Reading held January 3, 2012.) Attachment.

- 2) 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. (First Reading held January 3, 2012.) Attachment.
- C. Approval of the request from the Weslaco Area Chamber of Commerce to hold the 23rd Annual Texas Onion Fest on Saturday, March 24 and Sunday, March 25, 2012 at the Weslaco City Park on Airport Drive, to sell beer during the event, to place a banner promoting the event at the intersection of Texas and Pike Boulevards for two weeks prior to the event, and to waive all ordinances associated with the event. Attachment.
- D. Approval of the request to by IDEA Public Schools to utilize Harlon Block Sports Complex on May 26, 2012 from 6:00 a.m. – 12:00 p.m. for a 5K run/walk and community health fair 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.
- E. Ratification of Amendment No. 4 to the contract with Texas General Land Office (formerly Texas Department of Rural Affairs Contract No. DRS010201) with change order 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.
- F. Renewal of the lease agreement with the Weslaco Softball/Baseball League through December 31, 2012 to continue providing organized recreational activities at Softball Fields #1, 2, and 3 and concession stands at Weslaco City Park. Attachment.
- G. Renewal of the lease agreement with the Weslaco Little League through July 31, 2012 to continue providing organized recreational activities at the Isaac Rodriguez Park Multi-purpose, Minor Field and Field #1 and Field #2 at the Harlon Block/Sports Complex and Concession Stands. Attachment.
- H. Declaration as surplus brass casings, acceptance of a check in the amount of \$1,222.06 for their sale, and approval of a budget amendment in the General Fund, line item Equipment, for the purchase of firearms equipment. Attachment.

V. **APPOINTMENTS**

- A. Discussion and consideration to approve Resolution 2012-01 appointing a member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. (This item was tabled November 15, 2011.) Attachment.

- B. Discussion and consideration to approve Resolution 2012-02 confirming the appointment by the City Manager of a member to an expired term on the Civil Service Commission as per Local Government Code §143.006. Possible action. Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Van & Mary G. Moad to approve Ordinance 2012-04 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 801 S. Missouri Ave., being Lots 25 & 26, Block 1, Orange Grove Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-4 Neighborhood Office District.” First Reading of Ordinance 2012-04. Possible action. Attachment.
- B. Discussion and consideration after public hearing August 2, 2011 to approve a request by Jose Guadalupe Trevino, Jr. to approve Ordinance 2012-05 to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 512 Santa Ana Street, also being the West half of Lot 6 and all of Lot 7, Block 2, Lackland Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2012-05. Possible action. (There was no action on this item August 2, 2011; a three-fourths vote of the Commission is required to approve as Planning and Zoning Commission denied the request July 20 and August 17 and over 20% of the property owners within 200 feet of the property protested as per §150-20(d) of the Weslaco Code of Ordinances.) Attachment.
- C. Discussion and consideration to approve Resolution No. 2012-07 authorizing the submission of the Proposed Annual Work Plan and Budget for the City of Weslaco under Hidalgo County Urban County Program Funding Allocation and accepting the allocation of approximately \$308,702.00 for Year 25 (2012), authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Public hearing held October 18, 2011.) Attachment.
- D. Discussion and consideration to approve Ordinance 2012-03 authorizing the issuance of “City of Weslaco, Texas Tax and Revenue Certificates of Obligation, Series 2012,” entering into a bond purchase agreement and a paying agent/registrars agreement, and other matters related thereto, and authorize the Mayor to execute any related documents. First Reading of Ordinance 2012-03. Possible action. Attachment.
- E. Discussion and consideration to authorize a budget amendment in the amount of \$34,305.00 from the Elections Department to Code Enforcement (\$30,000.00) for animal shelter expenses and the Public Facilities Department (\$4,305.00) for the acquisition of a vehicle [2001 Ford F-150 Diesel Truck, Vehicle Identification Number (VIN) 1FTNW21F41EB97407 from the Weslaco Police Department]. Possible action. Attachment.

- F. Discussion and consideration to authorize the use of the Capital Improvement Fund for the rehabilitation of Lift Station No. 36 and authorize a budget amendment as appropriate. Possible action. Attachment.
- G. Discussion and consideration to authorize a contract with Saenz Utility Contractors for pre-construction services of a construction manager-at-risk project as per §271.118 of the Texas Local Government Code for the emergency rehabilitation of Lift Station 36, authorize budget amendments as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Lift Station 36 declared an imminent threat as per §252.022(a) (2) of the Local Government Code on November 1, 2011; contract authorized December 20, 2011.) Attachment.
- H. Discussion and consideration to authorize staff to solicit proposals and/or to extend the term of the existing 125 Cafeteria Plan policies (optional/voluntary supplemental insurance; i.e., vision, dental, life, cancer, etc.) for City of Weslaco employees for an additional year, April 1, 2012 to March 31, 2013, at no cost to the City. Possible action. Attachment.
- I. Discussion and consideration to accept a furniture donation of seven (7) study carrels from Gaylord Brothers Inc. at a value of \$16,750.00 for use in the Mayor Joe V. Sanchez Public Library. Possible action. Attachment.
- J. Discussion and consideration to approve a professional services contract for legislative assistance with Caballero Governmental Affairs in an amount not to exceed \$60,000.00 per year for a two-year term, February 1, 2012 – January 31, 2014, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- K. Discussion and consideration to approve a development agreement with the Economic Development Corporation for business development at the Weslaco Mid-Valley Airport and authorize the Mayor to execute any related documents. Possible action. Attachment.

VII. CITY MANAGER’S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments. Attachment.
- B. Report on Moody’s and Standard & Poor’s reports. Attachment.
- C. Report by Parks & Recreation 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, 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.

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 13th day of January, 2012 at 7:30 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.