



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
FEBRUARY 21, 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, February 21, 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. 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.
- C. Benita Valadez, administrator of Medical Financial Services, on Emergency Medical Services (EMS) collections.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Minutes of the Regular Meeting of February 7, 2012. Attachment.
- B. Approval on Second and Final Reading the following Ordinance:
 - 1) Ordinance 2012-06 amending Ordinance 1990-15 to adopt the revised Records Control Schedule as set by the Texas State Library and Archives Commission on August 25, 2011. (First Reading held February 7, 2012.) 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. February 23 and March 29, 2012 as alternate rain dates 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. (Commission approved February 16 and March 22 on January 3, 2012). Attachment.

- D. Approval of the revised License Agreement with Martin Davila, owner of Jitters Coffee House LLC, for utilization of space at the Joe V. Sanchez Public Library for a coffee shop business for a period of twelve months at a minimum monthly rental of \$700.00 or five-percent of gross receipts, whichever sum is greater, with a 6 month rent free introductory period, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (The Commission approved this item February 7, 2012.) Attachment.
- E. Approval of the Interlocal Cooperation Agreement with the County of Hidalgo for participation within the Hidalgo County Library System, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Attachment.
- F. Authorization to file the 2011 Racial Profiling Report compiled by the Weslaco Police Department as required by the Texas Code of Criminal Procedures Article 2.133 and authorize the Mayor to execute any related documents. Attachment.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2012-12, 2012-13, 2012-14, 2012-15, and 2012-16, appointing five inaugural members to the Animal Shelter Advisory Committee. Possible action. Attachment.
- B. Discussion and consideration to approve Resolutions 2012-17, 2012-18, 2012-19, 2012-20, 2012-21, 2012-22, and 2012-23, appointing seven inaugural members to the Public Facilities and Transportation Improvements Naming Committee. Possible action. Attachment.
- C. Discussion and consideration to accept the resignations of Sandra Esquivel, MD and Benita Valadez and approve Resolutions 2012-24 and 2012-25 to fill the unexpired terms of two members on the Weslaco Hospital Authority ending December 27, 2013 and June 15, 2012, respectively. Possible action. Attachment.
- D. 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. (There was no action on this item January 17, 2012.) Attachment.

V. OLD BUSINESS

- A. Discussion and consideration to renew the franchise agreement with Liquid Environmental Solutions of Texas, LLC for grease trap waste collection services for a second seven-year term with 12-months remaining on the present contract in consideration of the balance of remaining franchise fees to be paid in full up front. Possible action. (Agreement with Liquid Environmental Solutions approved March 1, 2011. There was no action on this item February 7, 2012.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2012-07 to abandon 35' of the 75' drainage easement at the rear of Lots 1 & 2 of Professional & Medical Complex Subdivision Phase I, being a 0.249 acre tract of land out of Farm Tract 17 West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. First Reading of Ordinance 2012-07. Attachment.
- B. Discussion and consideration to approve Ordinance 2012-08, to amend Ordinance 2011-30, Master Fee Schedule, to include fees associated with the service operations for the City of Weslaco Animal Shelter. Possible action. First Reading of Ordinance 2012-08. Attachment.
- C. Discussion and consideration to approve Resolution 2012-10 authorizing the solicitation and acceptance of monetary donations, supplies, food or volunteer services from local vendors and/or the public for the City of Weslaco Animal Shelter, and authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. Attachment.
- D. Discussion and consideration to approve Ordinance 2012-09, to amend Ordinance 93-13, the City Landscaping Code, to provide for the regulation of trees in public utility easements. Possible action. First Reading of Ordinance 2012-09. Attachment.
- E. Discussion and consideration to renew the existing policy coverage for the EMS Insurance for Commercial General Liability and Professional Liability, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- F. Discussion and consideration to award the best qualified, most advantageous bidders for the Cafeteria 125 Voluntary Insurance for 2012-2013 and authorize these voluntary insurance products to City employees through payroll deductions at no cost to the City. Possible action. Attachment.
- G. Discussion and consideration to adopt a formal tax compliance policy program necessary to maintain the tax-exempt status of bond issuances and

authorize the Mayor to execute any related documents. Possible action. Attachment.

- H. Discussion and consideration to approve the First Amendment to the Master Agreement with Meridian Solar, Inc. for Solar Electric System Design and Installation Services, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- I. Discussion and consideration to accept from the Texas Commission on Environmental Quality (TCEQ) notice of enforcement action in Docket No. 2011-2260-PWS-E Enforcement Case 43107 assessing an administrative penalty of \$889.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

VII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Upcoming Meetings and Appointments. Attachment.
- B. Report by Human Resources Department.
- C. Annual Report by the Weslaco Housing Authority for Fiscal Year ending September 30, 2011. Attachment.
- D. Status Report on constituent requests in District 3.

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. Potential 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.
- B. Pending Litigation – Discussion with City Attorney and Special Counsel regarding CL-11-1112-E, *Baudelio Castillo v. City of Weslaco e. al.* pursuant to §551.071 of the Texas Government Code.
- C. Pending Litigation – Discussion with City Attorney and Special Counsel regarding the appeal of the award in Arbitration 70 390 00015 11 *Weslaco Municipal Police Union and the City of Weslaco*, as authorized by §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 17th day of February, 2012 at 7:15 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.