



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
MARCH 6, 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, March 6, 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 HEARING

- A. To solicit input on a request by Trinity Development to approve Ordinance 2012-10 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 409 W. Frost Proof Drive, also being Lots 22 & 23, Frost Proof Heights Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "R-2 Duplex and Apartment District."
- B. To solicit input on a request by Palm Aire Hotels & Suites to approve a Conditional Use Permit to operate a bar & grill and to obtain a mixed beverage, late hours, and live entertainment permit at 415 S. International Blvd., also being a 7.89 gross acre tract of land out of Farm Tract 1033, Block 135, West Tract Subdivision, Weslaco, Hidalgo County, Texas.
- C. To solicit input on a request by A.J. Hanks to approve a Conditional Use Permit to operate a bar & grill and to obtain a mixed beverage late hours permit at 1600 N. Westgate Drive, Suite 300, also being Lot 10, of the Home Depot Subdivision, Weslaco, Hidalgo County, Texas.
- D. To solicit input in compliance with the Consolidated Plan for Community Planning & Development (CDBG, HOME, ESG) on the City's Budget and Program Amendment under the 25th Urban County Program (Years 2010 and 2011).

III. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Boultinghouse Simpson and Associates, Inc. and GAS Enterprises, Inc. on the Environmental Education Center Project as funded by a Texas Parks & Wildlife Grant. (Item as requested by the Mayor.)

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 February 21, 2012. Attachment.
- B. Approval on Second and Final Reading the following Ordinances:
 - 1) 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. (First Reading held February 21, 2012.) Attachment.
 - 2) 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. (First Reading held February 21, 2012.) Attachment.
 - 3) Ordinance 2012-09, to amend Ordinance 93-13, the City Landscaping Code, to provide for the regulation of trees in public utility easements. (First Reading held February 21, 2012.) Attachment.
- C. Approval to utilize Federal Equitable Sharing funds for the amount of \$491.00 to pay Court Cost for one (1) 2001 GMC Truck, vehicle identification number 2GTEC19V111272824 and (1) 1999 GMC Truck vehicle identification number 1GTEK14V3XZ509260 and (4) 22" Ruff racing custom wheels and tires awarded to the City of Weslaco Police Department. Attachment.
- D. Approval of Resolution 2012-28 amending the authorized representatives as designated for TexPool administration. Attachment.

V. APPOINTMENTS

- A. Discussion and consideration to accept the resignation of Lina Lawrence and approve Resolution 2012-09 to fill the unexpired term of one member from Place 1 on the Board of Directors of the Economic Development Corporation of Weslaco ending September 30, 2013. Possible action. (There was no action on this item February 7, 2012.) Attachment.
- B. 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. (There was no action on this item February 21, 2012.) Attachment.

- C. 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. (There was no action on this item February 21, 2012.) 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 February 21, 2012.) Attachment.
- E. Discussion and consideration to approve Resolutions 2012-26 and 2012-27 appointing two members to expired terms on the Ambulance Advisory Board. Possible action. Attachment.

VI. OLD BUSINESS

- A. Discussion and consideration to award the best qualified, most advantageous bidders for the Short/Long Term Disability and Universal Life policies as 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. (There was no action on these policies February 21, 2012.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration on behalf of Trinity Development after public hearing to approve Ordinance 2012-10 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 409 W. Frost Proof Drive, also being Lots 22 & 23, Frost Proof Heights Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “R-2 Duplex and Apartment District.” First Reading of Ordinance 2012-10. Possible action. Attachment.
- B. Discussion and consideration on behalf of Palm Aire Hotels & Suites after public hearing to approve a Conditional Use Permit to operate a bar & grill and to obtain a mixed beverage late hours and live entertainment permit at 415 S. International Blvd., also being a 7.89 gross acre tract of land out of Farm Tract 1033, Block 135, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. Attachment.
- C. Discussion and consideration on behalf of A.J. Hanks after public hearing to approve a Conditional Use Permit to operate a bar & grill and to obtain a mixed beverage late hours permit at 1600 N. Westgate Drive, Suite 300, also being Lot 10, of the Home Depot Subdivision, Weslaco, Hidalgo County, Texas. Possible action. Attachment.

- D. Discussion and consideration on behalf of Sergio Becerra Valdes to authorize a variance request for a Wine and Beer Off-Premise Retailer's Permit for Checo's Convenience Store at 1012 East 18th Street in accordance with §109.33(e) of the Texas Alcoholic Beverage Code. Possible action. Attachment.
- E. Discussion and consideration to approve the best qualified, most advantageous bidder for internet services and maintenance of computer equipment within the 2012 Schools and Libraries Program of the Universal Service Fund (ERate), which makes discounts available to eligible libraries for telecommunication services, internet access, and internal connections and authorize the Mayor to execute any related documents. Possible action. Attachment.
- F. Discussion and consideration to accept additional funding from the Reading Is Fundamental (RIF) grant for FY 2011-2012 with no local match required to support the Summer Reading Program and authorize the Mayor to electronically execute any related documents. Possible action. Attachment.
- G. Discussion and consideration to accept notice of the use of Federal forfeiture funds from the Forfeiture Account funds for payment of overtime for Drug Enforcement Agency (DEA) Task Force Officer not to exceed \$10,000.00 for law enforcement investigations and operations that may result in furthering the law enforcement goals and mission and authorize a budget amendment as appropriate. Possible action. Attachment.
- H. Discussion and consideration to prioritize street improvement projects and authorize a budget amendment as appropriate in an amount not to exceed \$67,748.96. Possible action. Attachment.
- I. Discussion and consideration to approve the best qualified, most advantageous bidder to provide online bill pay portal and interactive voice response (IVR) system. Possible action. Attachment.
- J. Discussion and consideration to ratify the 2013 Clean Water State Revolving Fund and 2013 Drinking Water State Revolving Fund project information forms on Lift Station 35 & 37, South Waste Water Treatment Plant, North Waste Water Treatment Plant, Wastewater Master Plan, and Water Master Plan as submitted to the Texas Water Development Board and authorize the Mayor to execute any related documents. Possible action. Attachment.
- K. Discussion and consideration to approve Resolution 2012-29 ratifying the Solid Waste Grant application for fiscal years 2012 and 2013 to the Lower Rio Grande Valley Development Council to fund the operations of the recycle center and authorize the Mayor to execute any related documents. Possible action. Attachment.
- L. Discussion and consideration to approve Resolution 2012-30 authorizing

staff to prepare and submit a grant application to the U.S. Department of Commerce Economic Development Administration in an amount not to exceed \$900,000.00 with a 25% allocated local match not to exceed \$34,000.00 for a regional comprehensive plan which may include the cities of Donna, Weslaco, Mercedes, La Feria, and Harlingen 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.

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

Counsel David Mendez regarding the restrictive covenant on the Knapp Medical Center property as authorized by §571.071 of the Texas Government Code.

- C. Consultation – Consult with the City Manager and City Attorney regarding the possible investigation of the acts and conduct of employees in a City of Weslaco Department pursuant to Article V §19 of the Weslaco City Charter and §551.071 (2) 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 2nd day of March, 2012 at 8:15 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.