



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
MARCH 20, 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 20, 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. Lilia Ledesma with Linebarger Goggan Blair & Sampson, LLP on Delinquent Tax and Fine Collections. Attachment.
- B. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco (EDC), regarding monthly economic development activities. Attachment.
- C. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

**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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 March 6, 2012. (Requested by City Secretary's Office.) Attachment.
- B. Authorization of an exemption to *Weslaco Code of Ordinances §102-12 Duration* to allow the sale by mobile vendors for eleven days, six days beyond that permissible by established ordinance, by a carnival sponsored by Heart of America Shows at 502 E. Expressway 83 on March 29 - April 8, 2012. (Requested by Planning & Code Enforcement Department.) 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. (Requested by Planning & Code Enforcement Department; There was no action on this item March 6, 2012.) 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. (Requested by Public Facilities Department; There was no action on this item March 6, 2012.) Attachment.
- C. 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. (Requested by Human Resources Department; There was no action on this item March 6, 2012.) Attachment.
- D. Discussion and consideration to approve Resolutions 2012-26, 2012-27, and 2012-31 appointing three members to expired terms on the Ambulance Advisory Board. Possible action. (Requested by Fire Department; There was no action on this item March 6, 2012.) Attachment.

**V. 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. (Requested by Human Resources Department; This item was tabled March 6, 2012.) Attachment.
- B. Discussion and consideration on behalf of Trinity Development after public hearing held March 6, 2012 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. (Requested by Planning & Code Enforcement Department; This item was tabled March 6, 2012.) Attachment.
- C. 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. (Requested by Public Utilities Department; This item was tabled March 6, 2012.) Attachment.

**VI. NEW BUSINESS**

- A. Discussion and reconsideration to approve Amendment #1 to the Development Agreement between the Economic Development Corporation of Weslaco (EDC) and the City of Weslaco for the landscaping of the City Hall Complex, granting the EDC exclusive right and obligation to update and maintain the landscaping on the entire Leased Premises at its cost as the City supplies water and electricity to the landscaping area at its cost, and to authorize the Mayor to execute any related documents. Possible action. (Requested by the Economic Development Corporation; Agreement approved January 3, 2012.) Attachment.
- B. Discussion and consideration to approve the sale of basic supplies and marketing merchandise as a fundraiser benefiting Library Reading Programs and authorize a budget amendment as appropriate to deposit the funds raised within the Summer Reading Program budget. Possible action. (Requested by Library Department.) Attachment.
- C. Discussion and consideration to enter into an interlocal agreement with Hidalgo County as a supporting agency toward a State Mitigation Action Planning Grant funded by the Federal Emergency Management Agency and administered by the Texas Department of Public Safety Division of Emergency Management, with local match provided by in-kind services, and authorize the Mayor to execute any related documents. Possible action. (Requested by Emergency Operations.) Attachment.
- D. Discussion and consideration to enter into an interlocal agreement with the Lower Rio Grande Valley Development Council to receive equipment through the Metropolitan Medical Response System Grant funded by the Federal Emergency Management Agency and administered by the Texas Department of Public Safety Division of Emergency Management, with no local match required, and authorize the Mayor to execute any related documents. Possible action. (Requested by Emergency Operations.) Attachment.
- E. Discussion and consideration to apply for the 2012 COPS Hiring Program (CHP) grant as funded by the U.S. Department of Justice Community Oriented Policing Services for three full-time Police Officers in an amount not to exceed \$375,000.00, with a local match not to exceed 25%, authorize a budget amendment upon award, and authorize the Mayor and appropriate staff to execute any related documents. Possible action. (Requested by Police Department.) Attachment.
- F. Discussion and consideration to assign the Guaranteed Maximum Price with GAS Enterprises, Inc. on the Environmental Education Center Project at Gibson Park as funded by a Texas Parks & Wildlife Grant, authorize staff to negotiate as appropriate, and authorize the Mayor to execute the construction-manager-at-risk contract and any other related documents. Possible action. (Requested by Public Facilities Department.) Attachment.

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

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments. Attachment.
- B. Report on Mile 6W Road Improvement Project. Attachment.

## **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 – Consult with Special Counsel regarding CL-11-0877-A, *Adjusters International v. City of Weslaco*, pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Consult with Special Counsel regarding C-0747-12-E, *Knapp Medical Center v. Weslaco Hospital Authority*, pending in the 275<sup>th</sup> Judicial District Court of Hidalgo County, Texas 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 16<sup>th</sup> day of March, 2012 at 7:25 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.