



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
APRIL 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, April 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. PUBLIC HEARINGS

- A. To solicit input on a request by Oscar S. Reyes to approve a Conditional Use Permit and variance request to obtain a beer and wine and late hours permit at 318 W. Pike Blvd., also being Lot 2, Block 1, Palm Plaza Shopping Center Subdivision Unit I, Weslaco, Hidalgo County, Texas.
- B. To solicit input on a request by Javier Pena to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1629 Cypress Drive, also being Lots 1, 2, & 3, Westgate Village Mobile Home Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District."

III. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Frank Espinosa with AEP Texas on Smart Meter Deployment. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:
 - 1) Regular Meeting of March 20, 2012;
 - 2) Special Meeting of March 27, 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 April 5 - April 15, 2012. (Commission approved different dates on March 20, 2012; Requested by Planning & Code Enforcement Department.) Attachment.

- C. Approval of the request to close Texas Boulevard/FM 88 from Business 83 to Eighteenth Street from 7:00 a.m. to 12:00 p.m. September 30, 2012 for a for a charitable run/walk to benefit Lou Lou Reyna's Lifeline Foundation, 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. (Requested by Parks & Recreation Department). Attachment.
- D. Approval of the request to close Texas Boulevard/FM 88 from Third to Fourth Streets from 3:00 p.m. to 10:00 p.m. April 26, May 24, and June 21, 2012 with alternate rain dates one week later 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. (Requested by Police Department). Attachment.

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2012-16, appointing one inaugural member to the Animal Shelter Advisory Committee. Possible action. (Requested by Planning & Code Enforcement Department.) 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 20, 2012.) Attachment.

VI. OLD BUSINESS

- A. 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; There was no action on this item March 20 as it died from lack of a second.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration on behalf of Oscar S. Reyes to approve a Conditional Use Permit and variance request to obtain a beer and wine and late hours permit at 318 W. Pike Blvd., also being Lot 2, Block 1, Palm Plaza Shopping Center Subdivision Unit I, Weslaco, Hidalgo County, Texas in accordance with §109.33(e) of the Texas Alcoholic Beverage Code. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration on behalf of Javier Pena to approve Ordinance 2012-11 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1629 Cypress Drive, also being Lots 1, 2, & 3, Westgate Village Mobile Home Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2012-11. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration on behalf of E.M. and James A. Payne to approve the Final Plat of Freedom Park Subdivision, being a 36.23 acre tract of land, Lot 2, Freedom Park Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration on behalf South Texas College to approve the Final Plat of S.T.C. Mid-Valley Subdivision, being 51.68 acre tract of land situated in the Juan Jose Ynojosa de Balli Survey, and being all of STCC Mid-Valley Center Subdivision and all of Lots 11 & 12, Pike-Snead Addition, and all of WDC Subdivision, and part of Farm Tract 1509 of the West and Adams Tracts and part of Lot 4 of the Park Addition, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration on behalf of Tomas Rangel to approve the Final Plat of Rangel No. 2 Subdivision, being the North 5.0 acres of Farm Tract 24, in the West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- F. Discussion and consideration to waive the criteria requirements specified in Ordinance 2011-16, codified as Article VIII §82.201-204, and to approve Resolutions 2012-32, 2012-33, and/or 2012-34 assigning and/or changing the names of the following municipal facilities:
 - 1) A Baseball Field at Weslaco City Park
 - 2) The Boardroom at the Mayor Joe V. Sanchez Public Library
 - 3) The Weslaco Mid-Valley Airport(Requested by the City Manager; a three-fourths vote of the Commission is

required to waive the criteria.) Possible action.

- G. Discussion in consideration to approve the Affiliation and Program Agreement for Clinical Experience between Weslaco Fire/EMS and Willacy County EMS at no cost to the City and authorize the Mayor to execute any related documents. Possible action. (Requested by Fire Department.) Attachment.
- H. Discussion in consideration to approve the purchase of Jet Cam Ultra with Digital Video Recorder (DVR), a video system to assess utility infrastructure, from Buy Board Contract sole source vendor Texas Municipal Equipment, Inc. and approve a budget amendment for a total amount not to exceed \$18,099.00. Possible action. (Requested by Public Utilities Department.) Attachment.

VIII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments.
- B. Report on Sponsored Projects. Attachment.
- C. Report on the Emergency Operations Center.

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 – 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 – 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.

**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 29th day of March, 2012 at 6:45 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.