



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
APRIL 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, April 17, 2012 at 5:30 p.m. for the purpose of discussing the following items:

**NOTE:** If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

**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. Frank Espinoza with AEP Texas on Smart Meter Deployment. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 April 3, 2012. (Requested by City Secretary's Office.) Attachment.
- B. Approval of the renewal of the Interlocal Agreement with Texas A&M University-Kingsville, Resolution 2012-35 reappointing David Salinas as representative to the Lower Rio Grande Valley – Texas Pollutant Discharge Elimination System Stormwater Regional Task Force, a membership fee not to exceed \$11,025.00, authorization of a budget amendment as appropriate, and authorization of the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment.

- C. Acceptance of a \$1,000.00 donation from American Electric Power Texas (AEP) for baseball park improvements and authorization of a budget amendment as appropriate. (Requested by Finance Department.) Attachment.

**IV. NEW BUSINESS**

- A. Discussion and consideration to approve Ordinance 2012-12 amending §11 of Ordinance 320, codified as the Zoning Ordinance, to provide a definition of a tavern consistent with Texas Alcoholic Beverage Commission (TABC) regulations. Possible action. (Requested by the Mayor.) Attachment.
- B. Discussion and consideration to authorize a Development Agreement with the Economic Development Corporation of Weslaco (EDC) authorizing the EDC to provide an amount not to exceed \$175,000.00 to the City to benefit the Environmental Education Center project at the Valley Nature Center and authorize the Mayor to execute any related documents. Possible action. (Requested by Economic Development Corporation.) Attachment.
- C. Discussion and consideration to approve a bus advertising contract with Valley Metro in an amount not to exceed \$12,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by City Manager.) Attachment.

**V. CITY MANAGER'S REPORT**

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

**VI. 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.

**VII. 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.

**VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED  
IN EXECUTIVE SESSION**

**IX. 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 13<sup>th</sup> day of April, 2012 at 4:45 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.