



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
MAY 1, 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, May 1, 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** Pages
1-2
- 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 Scott Baxter to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1725 S. Texas Blvd., also being 13.468 acres of land out of Farm Tracts 675 and 679, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” 3
- III. STATUS REPORTS AND VISITORS WITH BUSINESS**
- A. Sandra de la Fuente, Weslaco Museum, on quarterly activities.
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following Minutes:
 - 1.) Regular Meeting of April 17, 2012; 4-9
 - 2.) Special Meeting of April 20, 2012. 10-12(Requested by City Secretary’s Office.) Attachment.
 - B. Approval on second and final reading of 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. (Requested by the Mayor.) Attachment. 13-14

- C. Approval of Resolution 2012-37 amending Resolution 2011-42 revising the location of bus shelters funded and installed by the Texas Department of Transportation and authorize the Mayor to execute any related documents. (Commission selected locations May 17, 2011; Requested by Planning & Code Enforcement Department.) Attachment. 15-21

V. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Scott Baxter to approve Ordinance 2012-13 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1725 S. Texas Blvd., also being 13.468 acres of land out of Farm Tracts 675 and 679, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District” and authorize the Mayor to execute any related documents. First reading of Ordinance 2012-13. Possible action. (A three-fourths vote of the Commission is required to approve as over 20% of the property owners within 200 feet of the property protested as per §150-20(d) of the Weslaco Code of Ordinances; Requested by Planning & Code Enforcement Department.) Attachment. 22-36
- B. Discussion and consideration on behalf of Heberto J. & Fidela Garza to approve the Final Plat with variance as recommended by the Planning and Zoning Commission of B.F. Subdivision, being a 17.50 acres tract of land consisting of 7.850 acres out of Farm Tract 2002 and 10.00 acres out of Farm Tract 2006, North Capisallo District Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 37-49
- C. Discussion and consideration on behalf of Mercedes Tovar to approve the Final Plat of Casa De Dios Subdivision, being a 2.90 acre tract of land out of 3.995 acre tract out of Farm Tract 645, West and Adams Tract Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 50-63
- D. Discussion and consideration to authorize the reclassification of the Meter Reader Foreman position to Meter Reader III/Crew Leader. Possible action. (Requested by Public Utilities Department.) Attachment. 64-68
- E. Report on recent use of the Jet Cam Ultra to assess utility infrastructure in the vicinity of Wildwood Forest Subdivision and Catholic War Veterans facility. (Requested by the Mayor.)

VI. CITY MANAGER’S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments. Attachment. 69-72

B. Report on Litigation.

VII. 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.

VIII. 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 C-0970-12-E, *Meddmar Vega and as Next of Friend of Elyer A. Vega v. City of Weslaco and Ricardo Fernandez*, pursuant to §551.071 of the Texas Government Code.

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

X. 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 28th day of April,

2012 at 9:45 a.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.