



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
MAY 15, 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 15, 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. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco (EDC), regarding monthly economic development activities. Attachment.
- B. Randy Summers, President 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 May 1, 2012. (Requested by City Secretary's Office.) Attachment.
- B. Approval of the donation of meals at no cost from the Weslaco Independent School District Food Services Department and the Summer Feeding Program established through the Texas Department of Agriculture for distribution to school age children within the 2012 Summer Reading Program and authorize the Mayor to execute any related documents. (Requested by the Mayor Joe V. Sanchez Public Library.) Attachment.
- C. Approval of the management service agreement with GrayStar Technology Group for maintenance of the City's Nortel Phone System and authorize the

Mayor to execute any related documents. (Requested by Information Technology Department.) Attachment.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2012-38 appointing a member and an alternate member to the Lower Rio Grande Valley Development Council (LRGVDC). Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration to approve the City of Weslaco Audit for Fiscal Year 2010-2011 presented by City Independent Auditor Manuel L. Garcia of Garcia and Pena, CPAs. Possible action. (Requested by Finance Department.) Attachment.
- B. Discussion and consideration to declare and dispose of surplus property from various City departments through a public auction as per Ordinance No. 86-08, authorize a public auction through Valley Wide Auction Services at the Public Facilities building on June 2, 2012, and authorize a budget amendment as appropriate to recognize proceeds from the sale of assets and confiscated property from this event. Possible action. (Requested by Finance Department.) Attachment.
- C. Discussion and consideration to approve a 50/50 cost share reimbursement to the Economic Development Corporation for City Hall building improvements, including building fire department connections and vestibule fire sprinklers, through the Motel/Hotel Fund to pay invoice #1147 in an amount of \$4,300.00 and invoice #1146 in an amount \$14,842.50, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment.
- D. Discussion and consideration to approve Resolution 2012-39 authorizing review of the Cost of Service Adjustment (COSA) filing by Texas Gas Service Company (TGS), a division of ONEOK, Inc. effective August 1, 2012, hiring legal and consulting services to negotiate with TGS, and requiring TGS to reimburse all reasonable costs associated with a joint review of this application with other cities. Possible action. (Requested by Legal Department.) Attachment.
- E. Discussion and consideration to authorize at no cost to the City the grant submission of the Tobacco Enforcement Program Application for Local Law Enforcement Agencies to the Texas School Safety Center at Texas State University-San Marcos on behalf of the Department of State Health Services, Mental Health Substance Abuse Division for fiscal year 2013, effective September 1, 2012 through August 31, 2013, which reimburses contracted law enforcement agencies \$75.00 for each Controlled Buy/Sting

conducted in an amount not to exceed \$700,000.00 for the entire State of Texas, and authorize the Mayor and associated staff to execute any related documents. Possible action. (Requested by Police Department.) Attachment.

VI. CITY MANAGER’S REPORT

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

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.

At the time of the posting of this agenda, there are no Executive Session items.

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 11th day of May, 2012 at 7:15 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.