



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
JUNE 19, 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, June 19, 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. Invocation.
- C. Pledge of Allegiance.
- D. 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. Martha Noell, President/CEO 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following Minutes:
  - 1) Regular Meeting of June 5, 2012;
  - 2) Special Meeting of June 11, 2012.(Requested by City Secretary's Office.) Attachment.
- B. Acceptance of a \$3,700.00 donation from H-E-B for baseball park improvements and authorization of a budget amendment as appropriate. (Requested by Finance Department.) Attachment.
- C. Acceptance of a donation from the U.S. Customs and Border Protection -

Progreso Station of a 21' X 41' metal covered canopy with storage room to be placed at the Weslaco Police Department firing range. (Requested by Police Department.) Attachment.

- D. Approval of the closure of Texas Boulevard/FM88 between Third and Fifth Streets on the following Thursdays: July 19, August 23, and September 20, 2012 between 3:00 pm and 10:00 pm 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 Economic Development Corporation). Attachment.
- E. Approval of the renewal of the Affiliation and Program Agreement for Clinical Experience between Weslaco Fire/EMS and Texas State Technical College and authorize the Mayor to execute any related documents. (Requested by the Fire Department.) Attachment.
- F. Approval of a renewal of a lease agreement with the Weslaco Softball/Baseball League, August 1 – December 31, 2012, for use of City Park softball and baseball fields and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.

#### **IV. APPOINTMENTS**

- A. Discussion and consideration to approve Resolution 2012-43 appointing one member to an expired term on the Weslaco Hospital Authority. Possible action. (Requested by City Secretary's Office.) Attachment.
- B. Discussion and consideration to approve Resolutions 2012-44, 2012-45, 2012-46, 2012-47, 2012-48, 2012-49, and 2012-50, appointing seven inaugural members to the Water Conservation Management Committee. Possible action. (Requested by Public Utilities Department.) Attachment.
- C. Discussion and reconsideration 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 April 3, 2012.) Attachment.

#### **V. OLD BUSINESS**

- A. Discussion and consideration after public hearings November 1 and 15, 2011 to adjust, if necessary, any redistricting plan, to approve Resolution 2012-42 adopting a Single Member Commissioner District redistricting

plan, and to authorize legal counsel to seek Voting Rights Act Section 5 preclearance of the adopted plan. Possible action. (Requested by David Mendez, assigned Special Counsel; This item was tabled June 11, 2012.) Attachment.

**VI. NEW BUSINESS**

- A. Discussion and reconsideration 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 Commissioners Tafolla and Rivera; this item was denied April 3 following public hearing.) Attachment.
- B. 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
- Possible action. (Requested by Commissioner Rivera and Tafolla, expanded by City Manager; a three-fourths vote of the Commission is required to waive the criteria. There was no action on this item April 3.) Attachment.
- C. Discussion and consideration to approve the 2012 Interlocal Agreement with the County of Hidalgo for the implementation of the Community Development Block Grant (CDBG) under Grant No. B-12-UC-48-0501 setting the City’s allotment at \$308,702.00 for activities to be implemented in the City’s jurisdiction and authorize the Mayor to execute any related documents. Possible action. (Requested by City Secretary’s Office.) Attachment.
- D. Discussion and consideration to authorize the utilization of Federal Equitable Sharing funds in an amount not to exceed \$18,000.00 to purchase equipment (e.g. duty gear) and an amount not to exceed \$1,400.00 to purchase equipment for the Criminal Investigators (e.g. duty gear) and authorize budget amendments as appropriate. Possible action. (Requested by Police Department.) Attachment.
- E. Discussion and consideration to accept funding in the amount of \$9,737.39 from the Lower Rio Grande Valley Regional Advisory Council V from the State Trauma Fund and authorize a budget amendment as appropriate. Possible action. (Requested by Fire Department.) Attachment.
- F. Discussion and consideration to authorize the purchase of LED warning

lights for Emergency Medical Services (EMS) units of the Weslaco Fire Department in an amount not to exceed \$737.00 and two (2) dual band VHF/800 frequency radios for the command staff of the Weslaco Fire Department in an amount not to exceed \$9,000.00 through the funds donated by the Lower Rio Grande Valley Regional Advisory Council and authorize a budget amendment as appropriate. Possible action. (Requested by Fire Department.) Attachment.

- G. Discussion and consideration to approve an Interlocal Agreement with the Lower Rio Grande Valley Development Council (LRGVDC) authorizing the City of Weslaco to serve as the “pass-through” applicant and the LRGVDC as the “sub-grantee” in an grant application to the Hazard Mitigation Grant Program with the Texas Division of Emergency Management for two radio transmitters for activation of a Spanish All-Hazards service across the region at no cost to the City and authorize the Mayor to execute any related documents. Possible action. (Requested by City Manager’s Office.) Attachment.
- H. Discussion and consideration to approve a lease agreement with the Rio Valley Youth Soccer Association (RVYSA), July 1 – December 31, 2012, for use of City Park soccer fields and authorize the Mayor to execute any related documents. Possible action. (Requested by Parks & Recreation Department.) Attachment.
- I. Discussion and consideration to approve final payment and closeout with Meridian Solar for the solar panel array project at the South Waste Water Treatment Plant, Contract No. 10-56080, authorize a budget amendment as appropriate and authorize the mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.
- J. Discussion and consideration to reschedule the next regular meeting of the Weslaco City Commission from Tuesday, July 3, 2012 to Monday, July 2, 2012 in accordance with Ordinance 2011-05. Possible action. (Requested by City Manager’s Office.) Attachment.
- K. Discussion and consideration to approve Amendment No. 1 to the Lease Agreement with the Lower Rio Grande Valley Development Council for a 50/50 cost share of roofing improvements at 119 E. 5<sup>th</sup> Street, Weslaco in an amount not to exceed \$20,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment.
- L. Discussion and consideration to ratify the reprogramming of a grant award #CS-0193 from the State Energy Conservation Office (SECO) in the amount of \$86,000.00 for air conditioning retrofits at City facilities, authorize a contract amendment for a time extension as needed, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

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

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.
- B. Report by Library Department.

## **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 – 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.
- B. Pending Litigation – Discussion with City Attorney regarding Case No. 7:09-CV-0118, *Claudio Lucio v. City of Weslaco* pursuant to §551.071 of

the Texas Government Code.

- C. Pending Litigation – Discussion with City Attorney regarding C-1371-11-I, *Juan Daniel Martinez v. City of Weslaco* 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 15<sup>th</sup> day of June 2012, at 6:30 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.