



**NOTICE OF A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
June 28, 2012**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Special Meeting in the Legislative Chamber, located at 255 South Kansas Avenue, on Thursday, June 28, 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 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. Pledge of Allegiance.
- C. Roll Call.

II. PUBLIC HEARING

- A. To solicit input on a request by El Tamaulipeco Restaurant & Bar, Inc., owner Feliza Taylor and applicant Elijio Vela, to authorize a Conditional Use Permit to obtain a beer and wine, mixed beverage and late hours permit at 1400 N. Westgate Drive, also being Lot 17, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas.

III. NEW BUSINESS

- A. Discussion and consideration to approve after public hearing a request by El Tamaulipeco Restaurant & Bar, Inc., owner Feliza Taylor and applicant Elijio Vela, to authorize a Conditional Use Permit to obtain a beer and wine, mixed beverage and late hours permit at 1400 N. Westgate Drive, also being Lot 17, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration to approve Ordinance 2012-15 amending Ordinance 320 and the City of Weslaco Zoning code to establish a development standard for green space and aesthetic design and authorize the Mayor to execute any related documents. First reading of Ordinance 2012-15. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration to ratify payment of the invoice in the amount of \$19,500.00 from Saenz Utility Contractors, Ltd. for emergency repair to the water leak at FM 1015 between Miles 8 and 9 and authorize a budget amendment as appropriate. Possible action. (Requested by Planning &

Code Enforcement Department.) Attachment.

- D. Discussion and consideration to approve on second reading Ordinance 2012-14 amending Ordinance 2001-02 as amended, codified as Chapter 142 of the Weslaco Code of Ordinances Vehicle Wrecker and Towing Services Ordinance, to transfer administration of the wrecker licensing and regulation program, with rotation list and other relevant amendments as needed, from the Police Department to the City Manager's Office and authorize the Mayor to execute any related documents. Second reading of Ordinance 2012-14. Possible action. (Requested by City Manager's Office; First Reading held June 11, 2012.) Attachment.
- E. Discussion and consideration to approve the reclassification of employment position(s), changing titles consistent with administrative reorganization of the Planning/Code Enforcement Department, and authorize budget amendments as appropriate. Possible action. (Requested by City Manager's Office.) Attachment.
- F. Discussion and consideration to approve the purchase of three (3) Motorola base stations to include dispatch in compliance with FCC narrow banding for Fire Stations 1, 2, and 3 from Houston Galveston Area Coop (HGAC) Purchasing Contract #RA05-12, authorize a budget amendment as appropriate in an amount not to exceed \$22,000.00, and authorize the Mayor to execute any related documents. Possible action. (Requested by Fire Department.) Attachment.
- G. Discussion and consideration to authorize the purchase of two backhoe loaders through the BuyBoard or Houston Galveston Area Coop (HGAC) in an amount not exceed \$70,000.00/unit, authorize a budget amendment not to exceed \$140,000.00 from retained earnings of the Water and Sewer Funds, and authorize the Mayor to execute all related documents. Possible action. (Requested by Public Utilities Department.) Attachment.
- H. Discussion and consideration to approve an interlocal agreement with Rio Grande Valley Communications Group, a Texas non-profit corporation, for use of the Regional 800 MHz radio system for three multi-band portable radios in an amount of \$2.00 per unit per month, authorize a budget amendment as appropriate in the Emergency Management operating budget, and authorize the Mayor to execute any related documents. Possible action. (Requested by Emergency Management.) Attachment.
- I. Discussion and consideration to cancel the next regular meeting of the Weslaco City Commission rescheduled Monday, July 2, 2012 in accordance with Ordinance 2011-05. Possible action. (Requested by City Manager's Office.) Attachment.
- J. Discussion and consideration to accept a Utility Easement Dedication for Pam Square Subdivision also being a 0.039 acre tract of land out of Lot 1, 400 West Expressway 83 Subdivision, Weslaco, Hidalgo County, Texas

and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

IV. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.
- B. Report on 2012 Municipal Election.

V. 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.

VI. 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 item 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. Personnel – Discussion with the City Manager regarding the appointment of the City Marshal/Chief of Police for the City of Weslaco as authorized by §551.074 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.

VII. POSSIBLE ACTION
ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

VIII. ADJOURNMENT

I hereby certify this **Notice of a Special 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 25th day of June, 2012 at 5:25 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
City of Weslaco

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.