



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
JUNE 5, 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 5, 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 15, 2012. (Requested by City Secretary's Office.) Attachment.
- B. Approval of Resolution 2012-40 adding the Assistant Finance Director to the list of authorized municipal officials able to transact financial business with BBVA Compass Bank. (Requested by Finance Department.) Attachment.
- C. Approval of Resolution 2012-41 adding the Assistant Finance Director to the list of authorized municipal officials able to transact financial business with First National Bank. (Requested by Finance Department.) Attachment.
- D. Approval of Resolution 2012-42 adding as an authorized representative for TexPool Gloria Givilancz, Assistant Finance Director, as the Primary Authorized Representative and keeping Leonardo Olivares, City Manager, and Ramon Vela, City Attorney, as authorized representatives. (Requested by Finance Department.) Attachment.
- E. Approval of Change Request No. 1 authorizing a 60-day time extension for

a new completion date of June 30, 2012 to the contract with Meridian Solar, Inc., dated December 15, 2010 and amended February 24, 2012, and authorize the Mayor to execute any related documents associated with this change order. (Requested by Public Utilities Department.) Attachment.

- F. Authorization for Mayor Miguel D. Wise to execute the Certificate of Categorical Exclusion HUD Form 24 CFR 58.35(a) for the Weslaco Housing Authority for the 2012 Capital Funds Program. (Requested by the Weslaco Housing Authority.) Attachment.

III. NEW BUSINESS

- A. Discussion and consideration to approve the utilization of Federal Equitable Sharing funds in an amount not to exceed \$42,000.00 for equipment at the Police Department and amend budget as proposed. Possible action. (Requested by Police Department.) Attachment.
- B. Discussion and consideration to approve the Final Plat and variance request as recommended by Planning & Zoning Commission for Comanche Subdivision being 20.00 acres of Lot 8, Block 118, Campacuas Addition, Hidalgo County, Texas. Possible action. (Requested by Planning/Code Enforcement Department.) Attachment.
- C. Discussion and consideration to approve the Final Plat of Pam Square Subdivision being a 0.564 acre tract of land out of Lot 1, Reserve Tract "B", 400 West U.S. Expressway 83 Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning/Code Enforcement Department.) Attachment.
- D. Discussion and consideration to close out the construction manager-at-risk contract with Saenz Utilities for the emergency rehabilitation of Lift Station 36 and authorize final payment of any outstanding invoices in an amount not to exceed \$2,000.00 for the design construction documents. Possible action. (Requested by Public Facilities Department.) Attachment.
- E. Discussion and consideration to enter into a contract with JF Utility & Trenching for construction manager-at-risk services as authorized by §271.118 of the Texas Local Government Code for the emergency rehabilitation of Lift Station 36 and authorize the Mayor to execute any related documents. Possible action. (Lift Station 36 was declared an imminent threat as per §252.022(a)(2) of the Texas Local Government Code on November 1, 2011.) (Requested by Public Facilities Department.) Attachment.
- F. Discussion and consideration to enter into a professional services agreement with JE Saenz & Associates for engineering services to provide oversight review of all construction and engineering on the emergency rehabilitation of Lift Station 36. Possible action. (Requested by Public Facilities Department.) Attachment.

- G. Discussion and consideration to enter into a professional services agreement with LeFevre Environmental & Management Consulting LLC for managing, planning, inspection and engineering services and authorize the Mayor to execute the agreement. (Requested by City Manager.) Attachment.

IV. CITY MANAGER’S REPORT

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

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 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. Land Acquisition - Discussion and consideration to acquire surplus real property from the Texas Department of Transportation pursuant to §551.072 of the Texas Local Government Code.
- B. Economic Development - Discussion with City Manager and the Executive

Director of The Economic Development Corporation of Weslaco regarding the following economic development projects as authorized by §551.087 of The Texas Local Government Code:

- A. The expenditure by The Economic Development Corporation of Weslaco of a \$130,000.00 incentive for a local business expansion, Arturo's Bar and Grill.
- B. The expenditure by The Economic Development Corporation of Weslaco of a \$200,000.00 incentive for local business expansion, Colimar International Logistics (CIL).
- C. Pending Litigation - Discussion with City Attorney regarding the Settlement and Release Agreement in Cause No. 7-10-CV-00429 styled *Julio Cesar Duran vs. City of Weslaco, et al*, as authorized by §551.071 of the Texas Local Government Code.
- D. Land Acquisition – Discussion with City Manager regarding the acquisition of real property for the Weslaco Mid-Valley International Airport for the TxDOT Aviation Division runway extension project as authorized by §551.072 of the Texas Local Government Code.
- E. Land Acquisition – Discussion with City Manager regarding the acquisition of real property for a new water reservoir for the City of Weslaco Water Treatment Plant as authorized by §551.072 of the Texas Local Government Code.

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

VIII. 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 1st day of June 2012, at 4:10 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.