



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
JULY 17, 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, July 17, 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. 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. 3
 - B. Martha Noell, President/CEO of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment. 4-7
 - C. Lilia Ledesma with Linebarger Goggan Blair & Sampson, LLP on Delinquent Tax and Fine Collections. Attachment. 8-12
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 19, 2012; 13-31
 - 2) Special Meeting of June 28, 2012. 32-47(Requested by City Secretary's Office.) Attachment.
 - B. Approval on Second Reading of the following Ordinances:

	1) 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 held June 19.) Attachment.	48
	2) 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 held June 28.) Attachment.	49
C.	Approval of the renewal of Federal Work Study agreement with The University of Texas Pan American, including the America Reads Challenge, America Counts Challenge, and Community Service programs, to allow the City of Weslaco to obtain student volunteer assistance and authorize the Mayor to execute any related documents. (Requested by Library.) Attachment.	50-55
D.	Approval of the renewal of the lease agreement with Weslaco Youth Football League for use of the Multi-Purpose field, Minor Practice Field, parking lot, and concession stand at Isaac Rodriguez Park as well as practice fields at Harlon Block Sports Complex effective August 4, 2012 – January 31, 2013 and authorize the Mayor to execute any related documents. (Requested by Parks and Recreation Department.) Attachment.	56-60
E.	Approval of the utilization of Federal Equitable Sharing funds in an amount not to exceed \$10,000.00 to continue the purchase of cell phone service and air card service for laptop computers. (Requested by Police Department.) Attachment.	61
F.	Authorization for Mayor Miguel D. Wise to execute the Agency Plan for Fiscal Year beginning October 2012 for the Weslaco Housing Authority. (Requested by the Weslaco Housing Authority.) Attachment.	62-111
IV.	<u>APPOINTMENTS</u>	
	<i>Standard Documentation on Appointments</i>	112-116
A.	Discussion and consideration to approve Resolution 2012-01 appointing a member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. (Requested by Planning & Zoning Department; This item was tabled November 15, 2011.) Attachment.	117-118
B.	Discussion and consideration to approve Resolutions 2012-53 and 2012-54 confirming the appointments by Mayor Miguel D. Wise of two (2) members to the City of Weslaco Housing Authority Board to expired terms as authorized by §302.031 of the Texas Local Government Code. Possible action. (Requested by City Secretary’s Office.) Attachment.	119-121
V.	<u>OLD BUSINESS</u>	

- A. 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: 122-129
- 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. (Re-requested by Commissioners 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 June 19.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to approve Resolution 2012-52 posthumously honoring the civic commitment of Ruben Guajardo, Jr. Possible action. (Requested by Commissioners Rivera and Tafolla.) Attachment. 130
- B. Discussion and reconsideration on behalf of E.M. and James A. Payne to approve the Final Plat with variances as recommended by the Planning & Zoning Commission of Freedom Park Subdivision, being a 36.23 acre tract of land, Lot 2, Freedom Park Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Martinez; this item was approved without variances April 20.) Attachment. 131-154
- C. Discussion and consideration to approve Ordinance 2012-16 authorizing a negotiated resolution with Texas Gas Service regarding the company's May 1, 2012 cost of service adjustment ("COSA") filing and June 26, 2012 Statement of Intent ("SOI") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the SOI filed tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses and other matters as ordained. First Reading of Ordinance 2012-16. Possible action. (Requested by Legal Counsel.) Attachment. 155-163
- D. Discussion and consideration to renew for an additional year or to issue requests for proposals for the following insurance policies: 164-165
1. Employee Group Health Insurance;
 2. Basic Life & Accidental Death & Dismemberment;
 3. Commercial Insurance Package; and
 4. Workers' Compensation Coverage
- Possible action. (Requested by Human Resources Department.) Attachment.
- E. Discussion and consideration to approve the submission of a grant application to the US Department of Justice - Bureau of Justice Assistance Program (BJA) for Fiscal Year (FY) 2012 Bulletproof Vest Partnership 166

Program (BVP) in an amount of \$16,709.00 to purchase 31 vests in compliance with the local Collective Bargaining Agreement, authorize acceptance upon award, a budget amendment as appropriate, and the Mayor to execute any related documents. Possible action. (Requested by Police Department.) Attachment.

- F. Discussion and consideration to approve a lease agreement with the Mid Valley Youth Soccer Club, July 1 – December 31, 2012, and January 1, 2013 – December 31, 2013 for use of City Park soccer fields and authorize the Mayor to execute any related documents. Possible action. (Requested by Parks and Recreation Department.) Attachment. 167-171
- G. Discussion and reconsideration on behalf of Oscar S. Reyes to approve a Conditional Use Permit and variance request to obtain a beer and wine and late hours permit at 318 W. Pike Blvd., also being Lot 2, Block 1, Palm Plaza Shopping Center Subdivision Unit I, Weslaco, Hidalgo County, Texas in accordance with §109.33(e) of the Texas Alcoholic Beverage Code. Possible action. (Public hearing conducted April 3; request denied by the Commission April 3. Requested by Planning & Code Enforcement Department.) Attachment. 172-182
- H. Discussion and consideration to authorize permission to construct, reconstruct, lay and maintain an 8” Sanitary Sewer line for Weather Heights Phase I subdivision, Weslaco, Hidalgo County, Texas, beginning 200.0’ south of Mile 10 North Road and Mile 4 West Road and running south along the west side of Mile 4 West Road within existing Right of Way for a distance of 775.0 feet, crossing on Mile 4 West Road and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement.) Attachment. 183-187
- I. Discussion and consideration to select a logo for the new elevated storage tank at the Harlon Block Sports Complex and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 188-190
- J. Discussion and consideration to approve the final pay request from Dos Logistics, Inc., for the Engineering Services at the South Wastewater Treatment Plant Generator Project for the amount not to exceed \$4,380.00 and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 191-195
- K. Discussion and consideration to approve the final pay request from Holt Cat for the Construction Services at the South Wastewater Treatment Plant Generator Project in an amount not to exceed \$253,463.04 and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 196-200
- L. Discussion in consideration to authorize amendment #3 to the contract with Texas General Land Office (formerly Texas Department of Rural Affairs 201-202

Contract No. DRS010201) to revise the project schedule for an additional 90-days for the generator installation at the Water Treatment Plant and South Wastewater Treatment Plant and authorize the Mayor to execute and related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

- M. Discussion and consideration to authorize the purchase of 174 Badger Water Meters and Orion Integral Transmitters ranging from 5/8" to 4" from a sole vendor Badger Meter, Inc. in an amount not to exceed \$83,226.25 and authorize a budget amendment as appropriate. Possible action. (Requested by Public Utilities Department.) Attachment. 203-204
- N. Discussion and consideration to approve the Waterline Access Agreement with North Alamo Water Supply Corporation for Midway Court Phase I Subdivision and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 205-218
- O. Discussion and consideration to approve the agreement with North Alamo Water Supply Corporation facilitating the billing and collection of charges due from residents receiving sanitary sewer services from the City, providing for fire hydrants and other infrastructure within a designated territory of a Certificate of Convenience and Necessity (CCN) and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 219-224

VII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment. 225-270
- B. Technology, Education, and Design (TED) video presentation.
- C. Report on the 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.
- D. Report on the 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.

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 regarding Case No. 7:09-CV-0118, *Claudio Lucio 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 13th day of July 2012, at 5:55 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.