



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
AUGUST 7, 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, August 7, 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. PUBLIC HEARINGS

- A. To solicit input on behalf of applicant Tomas Gonzalez and owner Feliza Taylor to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 611 S. Texas Blvd., also being all of Lot 19 and the South 20' of Lot 20, Block 49, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.
- B. To solicit input on behalf of CEC Entertainment, Inc., owners SDI Weslaco Holdings, LLC, d.b.a. Chuck E. Cheese's, to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 725 E. Expressway 83, also being Lot 8R of the Re-plat of Lots 6, 7, & 8, SDI Weslaco Holdings, LLC Subdivision, Weslaco, Hidalgo County, Texas.
- C. To solicit input on behalf of Specs' Family Partners, Ltd., owner Capcor Weslaco, Ltd., d.b.a. Feldman's, to approve a Conditional Use Permit to obtain a Package Store Permit, Beer Retail Dealer's Off-Premise License, Local Distributor's Permit, Local Cartage Permit and Package Store Tasting Permit at 809 E. Expressway 83, also being all of Lot 3 SDI Weslaco Holdings, LLC-Amended Subdivision, Weslaco, Hidalgo County, Texas.
- D. To solicit input on behalf of Carlos De La Cruz, d.b.a. Jalisco Restaurant to approve a Conditional Use Permit to obtain a Mixed Beverage Restaurant Permit with Food Beverage Certificate, late hours and live music permit at 1501 N. Westgate Drive, also being 0.491 AC, Block C, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas.

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 July 17, 2012; (Requested by City Secretary's Office.) Attachment.
- B. Acceptance by the Police Department of the Grant Award from the Texas Department of Public Safety Texas Ranger Division Local Border Security Program for the Fiscal Year (FY) 2012 (LBSP-12) in the amount of \$15,000.00 for payment of overtime and operational costs for local law enforcement officers and authorize the Mayor and associated staff to execute any related documents. (Requested by Police Department.) Attachment.
- C. Approval of the amendment to the contract with Texas A&M University - Kingsville to add a two-year extension to contract for the *Phase II Non-Point Source Water Quality Management Planning and Implementation Grant* which allows the library to construct water harvesting facilities at their location and lower much of their municipal water demand. (Requested by the Mayor Joe V Sánchez Public Library.) Attachment.
- D. Approval of the renewal of the annual Host Agency Agreement with AARP Senior Community Service Employment Program allowing the City of Weslaco to accept participants through a short-term work-training program and authorize the Mayor to execute any documents. (Requested by Human Resources Department.) Attachment.
- E. Approval on behalf of Kyndel W. Bennett, President of Caltex RGV Ventures, LTD to amend all records, including City Commission Minutes of June 5, 2012 as well as the Subdivision Plat, to identify Comanches Subdivision as Comanches Estates Subdivision and authorize the Mayor to execute any related documents. (Requested by Planning and Code Enforcement Department.) Attachment.
- F. Approval to authorize the transfer of \$3,000.00 from the Water fund Account No. 51-558-3090 to the General fund Account No. 01-529-3240 for fueling expenses for the Excavator Unit #443 at the Public Facilities Department and authorize a budget amendment as appropriate. (Requested by Public Facilities Department.) Attachment.
- G. Approval to authorize the transfer of \$9,000.00 from the Water fund Account No. 51-559 to the General fund Account No. 01-510-2641 for the Maint-Heat & A/C expenses at the Police Department and authorize a budget amendment as appropriate. (Requested by Public Facilities Department.) Attachment.

IV. APPOINTMENTS

- 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.
- B. Discussion and consideration to approve Resolution 2012-55 appointing an official member and an alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2012-2013. Possible action. (Requested by Amigos del Valle.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of applicant Tomas Gonzalez and owner Feliza Taylor to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 611 S. Texas Blvd., also being all of Lot 19 and the South 20' of Lot 20, Block 49, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.
- B. Discussion and consideration after public hearing on behalf of CEC Entertainment, Inc., owners SDI Weslaco Holdings, LLC., d.b.a. Chuck E. Cheese's, to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit at 725 E. Expressway 83, also being Lot 8R of the Re-plat of Lots 6, 7, & 8, SDI Weslaco Holdings, LLC Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Specs' Family Partners, Ltd., owner Capcor Weslaco, Ltd., d.b.a. Feldman's, to approve a Conditional Use Permit to obtain a Package Store Permit, Beer Retail Dealer's Off-Premise License, Local Distributor's Permit, Local Cartage Permit and Package Store Tasting Permit at 809 E. Expressway 83, also being all of Lot 3 SDI Weslaco Holdings, LLC-Amended Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.
- D. Discussion and consideration after public hearing on behalf of Carlos De La Cruz, d.b.a. Jalisco Restaurant to approve a Conditional Use Permit to obtain a Mixed Beverage Restaurant Permit with Food Beverage Certificate, late hours and live music permit at 1501 N. Westgate Drive, also being 0.491 AC, Block C, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.
- E. Discussion and consideration to approve Resolution 2012-56 authorizing all matters incident and related to the issuance and sale of the Economic

Development Corporation of Weslaco Sales Tax Revenue Bonds Series 2012 in the amount of \$1,115,000.00 and authorize the Mayor to execute any related documents, including the Financing/Use Agreement. Possible action. (Requested by the Economic Development Corporation.) Attachment.

- F. Discussion and consideration to approve an Election Order toward a Special Election to submit to the legally qualified voters of the City of Weslaco local option proposition(s) authorizing the use of Development Corporation Act of 1979 (Vernon's Ann. Civ. Statute Article 5190.6, as amended) 4A ½ Sales Tax Monies for Section 4B authorized uses and authorize the Mayor and Commissioners to execute any related documents. Possible action. (Requested by Commissioners Tafolla and Rivera.) Attachment.
- G. Discussion and consideration to approve an Election Order toward a joint election with the Weslaco Independent School District during the General Election on November 6, 2012 pursuant to Texas Election Code Chapter 271 and authorize the Mayor and Commissioners to execute any related documents. Possible action. (Requested by Office of the City Secretary.) Attachment.
- H. Discussion and consideration to approve an Election Order toward a Special Election with possible Home Rule Charter Referendum pursuant to Texas Election Code Chapter 271, and authorize the Mayor and Commissioners to execute any related documents. Possible action. (Requested by Office of the City Secretary.) Attachment.
- I. Discussion and consideration to approve Ordinance 2012-17 establishing the candidate filing fee and hardship alternative for City of Weslaco municipal elections, and ordaining other matters with respect to the subject matter hereof. First Reading of Ordinance 2012-17. Possible action. (Requested by City Secretary's Office.) Attachment.
- J. Discussion and consideration to approve the final payment from Division 16 for the Water Treatment Plant Generator project for the amount not to exceed \$37,291.15 and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.
- K. Discussion and consideration to authorize pay application number 2 and final payment in the amount of \$10,036.64 to Reyna Family Development for project Plaza Diez Quince and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.
- L. Discussion and consideration to renew for an additional year or to issue requests for proposals for the following insurance policies:
 - 1) Basic Life & Accidental Death & Dismemberment;
 - 2) Commercial Insurance Package; and

3) Workers' Compensation Coverage.

Possible action. (There was no action on these policies July 17, 2012; Requested by Human Resources Department.) Attachment.

- M. Discussion and consideration of the City of Weslaco tax rate, take record vote and schedule public hearing for September 3, 2012. Possible action. (Requested by Finance Department.) Attachment.
- N. Discussion and consideration to approve Ordinance 2012-18 authorizing the permanent closure of East Sugarcane Drive between North Paseo del Norte and Joe Stephens Avenue. First reading of Ordinance 2012-18. Possible action. (This item was approved on January 18, 2011; Requested by Legal Department.) Attachment.

VI. CITY MANAGER'S REPORT

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

- 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.

**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 3rd day of August 2012, at 6:35 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.