



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
AUGUST 21, 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 21, 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 Oscar S. Reyes to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and a Retail Dealer's On-Premise Late Hours License at 318 W. Pike Blvd., also being Lot 2, Block 1, Palm Plaza Shopping Center Subdivision Unit I, Weslaco, Hidalgo County, Texas.
- B. To solicit input on behalf of Javier Pena to amend 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."

III. 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.

IV. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 August 7, 2012; (Requested by City Secretary's Office.) Attachment.
- B. Approval on Second Reading of Ordinance 2012-18 authorizing the permanent closure of East Sugarcane Drive between North Paseo del Norte and Joe Stephens Avenue. (First Reading held August 7, 2012; Requested by Legal Department.) Attachment.
- C. Acceptance of a \$3,700.00 donation from Republic Services, Inc. for baseball park improvements and authorization of a budget amendment as appropriate. (Requested by Finance Department.) Attachment.

V. OLD BUSINESS

- A. 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. (There was no action on this item August 7, 2012; Requested by City Secretary's Office.) Attachment.
- B. 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. (There was no action on this item August 7, 2012; Requested by Public Utilities Department.) Attachment.
- C. Discussion and consideration of the City of Weslaco ad valorem property tax rate, take record vote and schedule public hearing if necessary during the next regularly scheduled Commission meeting. Possible action. (There was no action on this item August 7, 2012; Requested by Finance Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of applicant Oscar S. Reyes to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and a Retail Dealer's On-Premise Late Hours License at 318 W. Pike Blvd., also being Lot 2, Block 1, Palm Plaza Shopping Center Subdivision Unit I, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration after public hearing on behalf of Javier Pena to approve Ordinance 2012-19 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 2012-19. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

- C. Discussion and consideration on behalf of Noe and Maria Salazar to approve the Final Plat of Buenos Aires Subdivision, being a 2.50 acre tract of land out of Lot 3, Block 99, Campacuas Addition, Llano Grande Grant, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration to approve Ordinance 2012-20 amending Ordinance 2011-28, establishing brush rates to be charged for the brush collection service to reflect accurate cost of service, establishing that all business, commercial, industrial, and mobile home/recreation industrial and mobile home/recreational vehicle parks shall be responsible for disposing of their own brush, and other matters as ordained. First reading of Ordinance 2012-20. Possible action. (Requested by Public Utilities Department.) Attachment.
- E. Discussion and consideration to approve Ordinance 2012-21 amending §12 of Ordinance No. 397 to fix new residential, commercial, and industrial solid waste rates, requiring commercial containers in some instances, fixing a rate to be charged for commercial containers, and ordaining other matters with respect to the subject matter hereof. First reading of Ordinance 2012-21. Possible action. (Requested by Public Utilities Department.) Attachment.
- F. Discussion and consideration to approve Ordinance 2012-22 amending §1 of Ordinance 77-16 and §1 of Ordinance 67-10 by providing for a new schedule of rates to be charged for treated water delivered through the system of the Public Utilities Department of the City of Weslaco and providing for a new schedule of rates to be charged for the use of wastewater treatment facility of the City of Weslaco, and ordaining other matters with respect to the subject matter hereof. First reading of Ordinance 2012-22. Possible action. (Requested by Public Utilities Department.) Attachment.
- G. Discussion and consideration to cancel and reschedule the next regular meeting of the Weslaco City Commission from Tuesday, September 4, 2012 to Wednesday, September 5, 2012 in accordance with Ordinance 2011-05. Possible action. (Requested by City Manager’s Office.) Attachment.

VII. CITY MANAGER’S REPORT

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

- B. Report on the Weslaco Housing Authority Audit for Fiscal Year End 2011. Attachment.
- C. Introduction of Tyler Technologies, Inc. (Incode). Attachment.

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 Civil Action No. 7:12-CV-00256, *Jesus George Stillman, Plaintiff v. City of Weslaco, Texas, Albert Ponce and Weslaco Police Chief Michael Kelley, Defendant* pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Discussion with City Attorney regarding Cause No. C-2360-12-H, *Bernard Rodriguez, Martin Martinez, Priscilla Montano, Eddie Anzaldua, Gregorio Hinojosa, Jr., Esteban Estrada, Yvonne Rodriguez, Ruben Mata, Griselda Jimenez, Olga Grein, Irene Ochoa, and Griselda “Cris” Martinez, Plaintiffs v. The City of Weslaco, Defendant* pursuant to §551.071 of the Texas Government Code.

- C. Economic Development – Discussion with City Manager and the Executive Director of The Economic Development Corporation of Weslaco regarding an economic development project including the renaming of a local street for a national Hispanic figure as authorized by §551.087 of The Texas Local Government Code. (Requested by the Mayor.)
- D. 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.

**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 17th 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.