



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
WEDNESDAY, SEPTEMBER 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 Wednesday, September 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** Pages
1-2
- A. Certification of Public Notice.
 - B. Invocation.
 - C. Pledge of Allegiance.
 - D. Roll Call.

- II. PUBLIC HEARINGS**
- A. To solicit input regarding the City of Weslaco ad valorem property tax rate, assessed at the same rate as last year, \$0.6967/\$100.00 valuation, pursuant to §26.05(d) of the Texas Tax Code. 3-4

- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 August 21, 2012; (Requested by City Secretary's Office.) Attachment. 5-13
 - B. Approval on Second Reading of the following:
 - 1) 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 held August 21, 2012; Requested by City Secretary's Office.) Attachment. 14-17
 - 2) 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 18-20

facility of the City of Weslaco, and ordaining other matters with respect to the subject matter hereof. (First Reading held August 21, 2012; Requested by Public Utilities Department.) Attachment.

- C. Authorization to utilize Federal Equitable Sharing funds in the amount not to exceed \$2,430.00 for court costs associated with the acquisition of seized vehicles as awarded to the Police Department, including one (1) 2006 Chrysler 300 Sedan Vin#2C3KA43R36H278360 and one (1) 200 Ford Mustang Coupe Vin# 1FAFP42X5YF174524, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment. 21-27
- D. Approval of the request to close Texas Boulevard/FM 88 from Fifth to Sixth Streets from 4:00 p.m. to 12:00 a.m. on October 13, 2012 for the Eighth Annual Pan de Campo Fundraiser coordinated by the Weslaco Museum of Local History and Cultural Art, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Requested by Museum). Attachment. 28

IV. APPOINTMENTS

Standard Documentation on Appointments

- A. Discussion and consideration to approve Resolutions 2012-57, 2012-58, 2012-59, and 2012-60 to fill the expired terms of four members on the Parks & Recreation Advisory Board. Possible action. (Requested by the Parks & Recreation Department.) Attachment. 29-33
34-38

V. NEW BUSINESS

- A. Discussion and consideration to approve an Interlocal Cooperation Agreement to Share Joint Election Expenses with the Weslaco Independent School District during the General Election on November 6, 2012 pursuant to Texas Election Code Chapter 271 and as ordered by the City Commission on August 7, 2012, and authorize the Mayor to execute any related documents. Possible action. (Requested by City Secretary's Office.) Attachment. 39-43
- B. Discussion and consideration to approve the Annual Work Plan and Budget for the Economic Development Corporation of Weslaco (EDC) Fiscal Year 2012-2013 as approved by the EDC Board of Directors on August 15, 2012. Possible action. (Requested by the Economic Development Corporation of Weslaco.) Attachment. 44-49
- C. Discussion and consideration to approve a Professional Services Agreement as Medical Director with Roberto Sepulveda, M.D. and Heriberto Alanis, M.D. for Emergency Medical Services in an amount not to exceed \$40,000.00/year and authorize the Mayor to execute any related documents. Possible action. (Requested by Fire Department.) Attachment. 50-52

- D. Discussion and consideration to approve the purchase of material needed for repaving Ballard Street in an amount not to exceed \$25,780.00 from the Street Improvement account 46-501-4010 and authorize a budget amendment as appropriate. Possible action. (Requested by Public Facilities Department.) Attachment. 53-55
- E. Discussion and consideration to amend the City of Weslaco Investment Policy as recommended by the City of Weslaco Financial Advisor and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment. 56-65

VI. CITY MANAGER’S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment. 66-80
- B. Report by Medical Financial Services.

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. 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.
- B. Contemplated Litigation – Discussion with the City Attorney involving the City of Weslaco Gibson Park pool property and potential or contemplated litigation regarding the acquisition of the property as authorized by §551.071 of the Texas Government Code.
- C. Land Acquisition – Discussion with the City Manager regarding the purchase and acquisition of real property located in the City of Weslaco as authorized by §551.072 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 31st day of August 2012, at 6:15 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.