



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 18, 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, September 18, 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 September 5, 2012; (Requested by City Secretary's Office.) Attachment.
- B. Approval of the Interlocal Agreement payment to Texas A&M University-Kingsville for the preparation of a Texas Pollutant Discharge Elimination System Stormwater Permit Application as described in "Exhibit A. Scope of Services" in the amount not to exceed \$4,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment.
- C. Approval to renew a contract with the Texas Department of Transportation Aviation Division for maintenance of the Automated Weather Observation Station (AWOS) through Vaisala on a 50/50 cost sharing basis for a total payment by the City of \$1,850.00 and authorize the Mayor to execute any related documents. (Requested by Airport.) Attachment.
- D. Approval of the 2013 Calendar Year City of Weslaco Holiday Schedule. (Requested by Human Resources Department.) Attachment.
- E. Acceptance of a Utility Easement Dedication for Midway Court Subdivision, also being a 0.068 of one acre of land out of Farm Tract 644,

Block 177, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. (Requested by Planning & Code Enforcement Department.) Attachment.

- F. Approval of the renewal of the Failure to Appear Program contract offered by the Driver License Division under the Transportation Code Chapter 706 and authorize the Mayor to execute any related documents. (Requested by Municipal Court.) Attachment.
- G. Approval of the request to host the second annual IDEA Wellness 5K run/walk and community health fair as tentatively scheduled for Saturday, February 16, 2013 at Harlon Block Sports Complex from 5:00 a.m. to noon 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. Attachment.
- H. Approval of the request to suspend Weslaco City Code of Ordinances §22-24 for the limited use of live animals and authorize the sale of wine and beer to a Texas Alcoholic Beverage Commission (TABC) licensed vendor on October 13, 2012 for the *Eighth Annual Pan de Campo Fundraiser* coordinated by the Weslaco Museum of Local History and Cultural Art. (Requested by Museum). Attachment.
- I. Approval of the request to close Texas Boulevard/FM 88 from Third to Fifth Streets from 3:00 p.m. to 10:00 p.m. on the third (3rd) Thursday of the month from October 2012 to September 2013, with alternate date due to inclement weather the following Thursday, for a block party entitled *Al Fresco Weslaco – Jazz on the Street* coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer by a Texas Alcoholic Beverage Commission (TABC) licensed vendor, 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 the Economic Development Corporation.) Attachment.
- J. Approval of the amendment to the Mid Valley Youth Soccer League Contract to approve the use of the Soccer Fields at the Harlon Block Sports Complex Park and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.
- K. Approval of the Movies in the Park contract with Martin Garcia at the Weslaco City Park for September 22, 2012, and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.

III. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2012-58, 2012-59, and 2012-60 to fill the expired terms of three members on the Parks &

Recreation Advisory Board. Possible action. (One member appointed September 5, 2012; Requested by the Parks & Recreation Department.) Attachment.

- B. Discussion and consideration to approve Resolutions 2012-61, 2012-62, and 2012-63 to fill the expired terms of three members from Places 3, 6, and at-large, respectively, on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (Requested by the Economic Development Corporation of Weslaco.) Attachment.

IV. NEW BUSINESS

- A. Discussion and consideration after public hearings September 5 and September 11, 2012 to approve Ordinance 2012-24 adopting an 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 on all taxable property within the City of Weslaco, Texas for the Tax Year 2012, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of Weslaco, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. First reading of Ordinance 2012-24. Possible action. (Requested by Finance Department.) Attachment.
- B. Discussion and consideration after public hearing May 1, 2012 on behalf of Scott Baxter to approve Ordinance 2012-13 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1725 S. Texas Blvd., also being 13.468 acres of land out of Farm Tracts 675 and 679, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District” and authorize the Mayor to execute any related documents. First reading of Ordinance 2012-13. Possible action. (There was no action on this item May 1, 2012; A three-fourths vote of the Commission is required to approve as over 20% of the property owners within 200 feet of the property protested as per §150-20(d) of the Weslaco Code of Ordinances; Requested by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration to enter into an interlocal agreement with the Lower Rio Grande Valley Development Council (LRGVDC) for the permanent transfer of equipment purchased with a Metropolitan Medical Response System (MMRS) grant for the Weslaco contingent of the Regional Medical Response Team, 12 battery powered emergency lighting systems and two 15,000 watt portable generators for a total value of \$16,000.00 and authorize the Mayor to execute any related documents Possible action. (Requested by Airport.) Attachment.
- D. Discussion and consideration to approve the incentive and the Development Agreement between the Economic Development Corporation of Weslaco and the Payne Auto Group and to authorize the Mayor to execute any

related documents. Possible action. (Commission authorize the incentive February 7, 2012; Requested by the Economic Development Corporation.) Attachment.

V. REPORTS

- A. Report by City Manager on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.
- B. Report on General Election of November 6, 2012.
- C. Report by the Economic Development Corporation. Attachment.
- D. Report by the Weslaco Area Chamber of Commerce. Attachment.

VI. 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.

VII. 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 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.

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

IX. 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 14th day of September 2012, at 6:45 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.