



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 2, 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, October 2, 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 comments on behalf of applicant Sonia De La Rosa to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 703 E. Business Highway 83, also being the North 117'-Lot 9-H, 0.33 AC GR 0.277AC NET, Graham & Moore Subdivision, Weslaco, Hidalgo County, Texas. 3
 - B. To solicit comments on behalf of applicant Noemi Briseno to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 4020 N. Texas Blvd., also being a tract of land out of Farm Tract 110, Block 144, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 4
 - C. To solicit comments in compliance with the Consolidated Plan for Community Planning & Development (CDBG, HOME, ESG) with the Hidalgo County Precinct #1 on the Precinct's/City's needs under the 26th Urban County Program (Year 2013). 5-6

- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:
 - 1) Special Meeting of September 13, 2012; 7-10
 - 2) Regular Meeting of September 18, 2012; 11-19

	3) Special Meeting of September 20, 2012; (Requested by City Secretary's Office.) Attachment.	20-22
B.	Approval on Second and Final Reading of Ordinance 2012-13 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1725 S. Texas Blvd., also being the West 4.21 acres out of the East 5 acres of Farm Tract 675 and the South 9.07 acres of Farm Tract 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 held September 18, 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.	23
C.	Approval of the Interlocal Agreement with Purchasing Association of Cooperative Entities (PACE Co-Op) at no cost to the City for discounted software licensing from Adobe Systems, Inc. through third party software vendors and authorize the Mayor to execute any related documents. (Requested by Information Technology Department.) Attachment.	24-26
D.	Authorization of the solicitation and advertisement of Unleaded and Diesel Fuel bid for Fiscal Year 2012-2013. (Requested by Finance Department.) Attachment.	27
IV.	<u>APPOINTMENTS</u>	
	<i>Standard Documentation on Appointments</i>	28-32
A.	Discussion and consideration to remove one member and approve Resolution 2012-64 appointing one member to that unexpired term on the Planning and Zoning Commission. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.	33-34
V.	<u>NEW BUSINESS</u>	
A.	Discussion and consideration after public hearing on behalf of applicant Sonia De La Rosa to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 703 E. Business Highway 83, also being the North 117' -Lot 9-H, 0.33 AC GR 0.277AC NET, Graham & Moore Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.	35-43
B.	Discussion and consideration after public hearing on behalf of applicant Noemi Briseno to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 4020 N. Texas Blvd., also being a tract of land out of Farm Tract 110, Block 144, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.	44-42

- C. Discussion and consideration on behalf of Dimas Martinez to approve the Final Plat of Mar y Sol Subdivision, being a 3.00 acre tract of land out of Farm Tract 118, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 53-65
- D. Discussion and consideration to approve the Election Services Contract with the Hidalgo County Elections Department to conduct the Joint City of Weslaco and Weslaco Independent School District General Election of November 6, 2012 pursuant to Texas Election Code Chapter 271, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Office of the City Secretary.) Attachment. 66-74
- E. Discussion and consideration to approve the Professional Services Agreement payment from WW GIS, LLC for the Weslaco GIS Implementation project as described in “Exhibit A. Scope of Services” in the amount not to exceed \$65,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 75-79
- F. Discussion and consideration to authorize an Interlocal Governmental Agreement with the Hidalgo County Emergency Services District No. 1 by which the City provides emergency ambulance service with not less than two ambulances to those areas of rural Hidalgo County within the established boundaries of the District and the District agrees to pay the City the sum of \$100,000.00 for the period October 1, 2012 through September 30, 2013, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by the Office of the City Manager.) Attachment. 80-84

VI. REPORTS

- A. Report by City Manager on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment. 85-86

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 and assigned Special Counsel regarding Cause No. 2201-11-I *Pascual Hernandez and Maria Luisa Hernandez v. The City of Weslaco, Texas* pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Discussion with City Attorney and Special Counsel regarding *City of Weslaco v. Weslaco Municipal Police Union*, as authorized by §551.071 of the Texas Government Code.
- C. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the IAFF-WFFA Local 3207 as authorized by §551.071 of the Texas Government Code.
- D. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Weslaco Municipal Police Association as authorized by §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 28th day of September

2012, at 8:15 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.