



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 16, 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 16, 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:
 - 1) Special Meeting of September 27, 2012;
 - 2) Regular Meeting of October 2, 2012;(Requested by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of the following:
 - 1) 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 held September 27, 2012; Requested by Public Utilities Department.) Attachment.
 - 2) Ordinance 2012-21 amending §12 of Ordinance No. 397 to establish new residential, commercial, and industrial solid waste rates, requiring commercial containers in some instances, establishing a rate to be charged for commercial containers, and ordaining other matters with respect to the subject matter hereof. (First reading held September 27, 2012; Requested by Public Utilities Department.) Attachment.

- C. Approval of Resolution 2012-66 to accept the \$15,000.00 grant for the 2012 Local Border Security Program (LBSP). (Requested by Police Department.) Attachment.
- D. Approval of the request from the Weslaco Independent School District to place a banner promoting this as a 21st Century Learning Community at the intersection of Texas and Pike Boulevards and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Requested by Weslaco Independent School District.) Attachment.

III. APPOINTMENTS

- 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. (There was no action on this item October 2, 2012; Requested by Planning & Code Enforcement Department.) Attachment.

IV. NEW BUSINESS

- A. Discussion and consideration to approve Resolution 2012-65 in support of the proposed drainage system upgrades to the Hidalgo County Drainage District #1. Possible action. (Requested by the Mayor.) Attachment.
- B. Discussion and consideration of a refinancing opportunity for the City of Weslaco through FirstSouthwest Company, authorize a refunding bond issue, a budget amendment as appropriate, and the Mayor to execute any related documents. Possible action. (Requested by Commissioner Tafolla and Mayor Pro-Tem Cuellar.) Attachment.
- C. Discussion and consideration to submit an amendment to the Texas Parks and Wildlife Indoor Recreation grant project 51-000065 for the Boys & Girls Club to reduce the building size, change the location to the Weslaco Independent School District Horton Campus at 103 South Iowa Avenue, and to extend the deadline for project completion by six months, from January 21, 2013 to July 21, 2013 and authorize the Mayor to execute any related documents. Possible action. (Requested by Parks Department.) Attachment

V. REPORTS

- A. Report by City Manager on Departmental Update, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.
- B. Report by the Economic Development Corporation. 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. 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. 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.
- 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 Weslaco Municipal Police Association as authorized by §551.071 of the Texas Government Code.
- D. Pending Litigation – Consult with Special Counsel regarding C-0747-12-E, *Knapp Medical Center v. Weslaco Hospital Authority*, pending in the 275th Judicial District Court of Hidalgo County, Texas pursuant to

§551.071 of the Texas Government Code.

- E. Pending Litigation – Consult with City Attorney regarding C-2541-12-G, *David Barbosa v. Leonardo Olivares and City of Weslaco*, pursuant to §551.071 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 12th day of October 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.