



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, NOVEMBER 27, 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, November 27, 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. INSTALLATION OF NEWLY ELECTED OFFICERS**

- A. Discussion and consideration to approve Resolution No. 2012-69 certifying the results of the November 6, 2012 City of Weslaco General and Special Election in accordance with Texas Election Code §67.004(a). Possible action. (Canvass conducted November 19, 2012 in accordance with Texas Election Code §67.004(a).) Attachment.
- B. Conduct Oaths of Office and file Statements of Elected Officers. Attachment.
- C. Discussion and consideration to select a Mayor Pro-Tem. Possible action.
- D. Reception.

**III. PUBLIC HEARINGS**

- A. To solicit comments on behalf of Gilbert Cardenas Jr. to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1007 N. Border Ave., also being 1.12 Acre of land out of Farm Tract 133, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District."
- B. To solicit comments on behalf of Carlos De La Cruz, d.b.a. Mid-Laguna Azul, LLC to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's On-Premise Permit at 1501 N. Westgate, also being 0.491 AC, Block C, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas.

- C. To solicit comments on behalf of SDI Operating, LLC, d.b.a. Tejano Mart #408 to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1540 E. Business Hwy. 83, also being Lot 1, Airport Medical Center Subdivision, Weslaco, Hidalgo County, Texas.

**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 November 6, 2012; (Requested by City Secretary's Office.) Attachment.
- B. Approval of the renewal of the submission of a grant application by the Mayor Joe V. Sánchez Public Library to the ERate 2013-2014 program, the acceptance of funds upon award, the acceptance of additional funding if awarded during the grant year, and authorize the Mayor to execute any related documents. (Requested by the Library.) Attachment.
- C. Acceptance of money and other gift donations by the Mayor Joe V. Sánchez Public Library from local vendors and/or the public for library programming within FY 2012 – 2013, including programming within the popular Summer Reading Program (SRP) and Winter Reading Program (WRP) and authorize a budget amendment as appropriate. (Requested by the Library.) Attachment.
- D. Acceptance of new toy donations to the Food for Fines program at the Mayor Joe V Sánchez Public Library in support of the holiday toy drives done through the Parks Department (Food for Fines program approved November 6, 2012; Requested by the Library.) Attachment.
- E. Approval of a request by Aurora House Foundation to utilize Harlon Block Sports Complex on January 26, 2013 from 7 a.m. – 12 noon for a charity walk-a-thon, authorize street closures as appropriate, 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 Police Department.) Attachment.

**V. OLD BUSINESS**

- A. Discussion and reconsideration to award the bid contract for the unleaded and diesel fuel supplier for Fiscal Year 2012-2013 to the best qualified, most advantageous bidder and to authorize the Mayor to execute any related documents. Possible action. (Awarded to Betts Oil on November 6, 2012; Requested by Finance Department.) Attachment.

**VI. NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Gilbert Cardenas Jr. to approve Ordinance 2012-26 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1007 N. Border Ave., also being 1.12 Acre of land out of Farm Tract 133, West Tract Subdivision, 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 2012-26. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration after public hearing on behalf of Carlos De La Cruz, d.b.a. Mid-Laguna Azul, LLC to approve a Conditional Use Permit to obtain a Wine and Beer Retailer’s On-Premise Permit at 1501 N. Westgate, also being 0.491 AC, Block C, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of SDI Operating, LLC, d.b.a. Tejano Mart #408.to approve a Conditional Use Permit to obtain a Wine and Beer Retailer’s Off-Premise Permit at 1540 E. Business Hwy. 83, also being Lot 1, Airport Medical Center Subdivision, Weslaco, 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 adopt the FY 2011-2012 Annual Tax Collection Report as prepared by Armando Barrera, Jr., Hidalgo County Tax Assessor and Collector. Possible action. (Requested by Office of the City Manager.) Attachment.
- E. Discussion and consideration to approve Ordinance 2012-25 pertaining to the City of Weslaco Texas Municipal Retirement System (TMRS), authorizing and allowing “Updated Service Credits” for services performed by qualifying members of such system who presently are members of the City of Weslaco, providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City, and establishing an effective date of January 1, 2013 for such actions, and authorize the Mayor to execute any related documents. First Reading of Ordinance 2012-25. Possible action. (Requested by Finance Department.) Attachment.
- F. Discussion and consideration to approve the Collective Bargaining Labor Agreement between the City of Weslaco and the Weslaco Municipal Police Association, the exclusive bargaining agent for the police officers of the Weslaco Police Department, effective October 1, 2012 through September 30, 2015, as authorized pursuant to Chapter 174 of the Texas Local Government Code and authorize the Mayor to execute any related

documents. Possible action. (Requested by Police Department.) Attachment.

- G. Discussion and consideration to approve the request by the Economic Development Corporation of Weslaco to host the 2012 Mid-Valley Christmas Lighted Parade on Thursday, December 20, 2012 from 6:00 p.m. – 9:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, 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. Possible action. (Requested by Police Department.) Attachment.
- H. Discussion and consideration to authorize a lease agreement between the City of Weslaco d.b.a. Weslaco Mid Valley Airport and the Weslaco Economic Development Corporation (EDC) for the lease of land at the airport for the construction and use of a parking area for future hangar development (measuring 150' x 65' for a total of 9600 sq. ft.) at a lease rate of \$0.12 per square foot for an annual payment of \$1,152.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Airport.) Attachment.
- I. Discussion and consideration to approve overlay repairs to Paisano Lane and Largo Street and authorize the budget amendments in the amounts not to exceed \$16,000.00 and \$19,200.00, respectively. Possible action. (Requested by Public Facilities.) Attachment.

## **VII. REPORTS**

- A. Report by City Manager on Departmental Update, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.
- B. Report on Overtime, Compensatory time, and Workers' Compensation. Attachment.
- C. Report by Caballero Legislative Affairs. Attachment.
- D. Report by the Economic Development Corporation. 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 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. Economic Development - Discussion and consideration to authorize a Development Agreement between the Economic Development Corporation of Weslaco and B.P.M.P. Real Estate Texas LLC to provide an incentive in excess of One Hundred Thousand Dollars (\$100,000.00) for a new business to locate in Weslaco pursuant to §551.087 of the Texas Government Code.
- D. Economic Development - Discussion and consideration to authorize a Development Agreement between the Economic Development Corporation of Weslaco and KJS Group, LLC to provide an incentive in excess of One Hundred Thousand Dollars (\$100,000.00) to locate a national tire distribution center in Weslaco pursuant to §551.087 of the Texas Government Code.
- E. 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.

**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 16<sup>th</sup> day of November 2012, at 7:00 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.