



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, JANUARY 15, 2013**

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, January 15, 2013 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 on Second and Final Reading of the following:
  - 1. Ordinance 2013-01 amending Ordinance 320 and the City of Weslaco Zoning Map to rezone 705 S. Texas Blvd., also being the S 57.3-15, 10, & S 12-11, Canal Block 58 & 58A, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District" requested by Esteban Mejia, Jr. and authorize the Mayor to execute any related documents. (First Reading held January 3, 2013; Requested by Planning/Code Enforcement Department.) Attachment.
  - 2. Ordinance 2013-02 amending Ordinance 320 and the City of Weslaco Zoning Map to rezone 1629 Cypress Drive, also being Lots 1, 2, & 3, Westgate Village Mobile Home Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District" requested by Javier Pena and authorize the Mayor to execute any related documents. (First Reading held January 3, 2013; Requested by Planning/Code Enforcement Department.) Attachment.
  - 3. Ordinance 2013-03 amending Ordinance 320 and the City of Weslaco Zoning Map to rezone the Re-plat of Amended "V" Subdivision, also being

a 3.556 acre tract of land, and also being all of Lot 1 and Lot 2, Amended Map of "V" Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-2 Secondary and Highway District" requested by Alfonso Garcia and authorize the Mayor to execute any related documents. (First Reading held January 3, 2013; Requested by Planning/Code Enforcement Department.) Attachment.

- B. Approval of Resolution 2013-10 amending Resolution 2012-40 to remove Gloria Givilancz, Assistant Finance Director, and add Bret L. Mann, Finance Director, to the list of authorized municipal officials able to transact financial business with BBVA Compass Bank. (Requested by Finance Department.) Attachment.
- C. Approval of Resolution 2013-11 amending Resolution 2012-41 to remove Gloria Givilancz, Assistant Finance Director, and add Bret L. Mann, Finance Director, to the list of authorized municipal officials able to transact financial business with First National Bank. (Requested by Finance Department.) Attachment.
- D. Approval of Resolution 2013-12 to add Bret L. Mann, Finance Director, as the Primary Authorized Representative and remove Gloria Givilancz, Assistant Finance Director, as the Primary Authorized Representative for TexPool. (Requested by Finance Department.) Attachment.
- E. Approval of a lease agreement with South Texas College for the use of the Weslaco City Park Tennis Courts January 22 - May 17, 2013 on Tuesdays and Thursdays from 4:00 p.m. until 5:20 p.m. for a rental of \$400.00 per class. (Requested by Parks and Recreation Department.) Attachment.
- F. Approval of the request from the Weslaco Area Chamber of Commerce to hold the 24<sup>th</sup> Annual Texas Onion Fest on Saturday, March 23 and Sunday, March 24, 2012 at the Weslaco City Park on Airport Drive, to sell beer during the event, to place a banner promoting the event at the intersection of Texas and Pike Boulevard for two weeks prior to the event, and to waive appropriate ordinances associated with the event. (Requested by Parks and Recreation Department.) Attachment.

### **III. OLD BUSINESS**

- A. Discussion and reconsideration to approve the professional services agreement with AGA Associates from McAllen for an amount not to exceed 7% of construction cost of the Boys and Girls Recreation Center. Possible action. (Requested by Parks and Recreation Department.) Attachment.

### **IV. APPOINTMENTS**

- A. Discussion and consideration to accept the resignation of Humberto Garza and approve Resolution 2013-13 to fill the unexpired term of one member from Place 1 ending September 30, 2013 on the Board of Directors of the

Economic Development Corporation of Weslaco. Possible action. (Requested by Economic Development Corporation of Weslaco.) Attachment.

- B. Discussion and consideration to approve Resolution 2013-14 to fill the expired term of one member to the Weslaco Health Facilities Development Corporation. Possible action. (Requested by Finance Department.) Attachment.

**V. NEW BUSINESS**

- A. Discussion and consideration to approve an agreement with Garcia and Pena, CPA for professional accounting services for the current fiscal year ending September 30, 2013 and authorize the Mayor to execute the agreement. Possible action. (Requested by Finance Department.) Attachment.
- B. Discussion and consideration to authorize staff to submit an application to Texas Parks and Wildlife Department for a \$200,000.00 Recreation Trails Grant for a jogging, running, walking trail on Dolores Huerta Avenue with a local match not to exceed 20% of the grant award, authorize a budget amendment as appropriate upon award, and authorize the Mayor to execute any related documents. Possible action. (Requested by Parks and Recreation Department.) Attachment.
- C. Discussion and consideration to authorize staff to submit an application to The Texas State Library and Archives Commission for a “Mobile Solutions” \$10,000.00 grant with no local match required, authorize a budget amendment as appropriate upon award, and authorize the Mayor to execute any related documents. Possible action. (Requested by Library Department.) Attachment.
- D. Discussion and consideration to approve a contract with DLT Solutions, through the Texas Department of Information (DIR) to develop three (3) websites for the City of Weslaco, Mayor Joe V. Sanchez Public Library, and the Weslaco Mid Valley Airport for a total amount not to exceed \$35,000.00 and authorize the Mayor to execute all related documents including software license and subscription agreements. Possible action. (Requested by I.T. Department.) Attachment.
- E. Discussion and consideration to approve a professional services agreement for a Rate Study of the Public Utilities of the City of Weslaco to include the water, waste water, and solid waste. Possible action. (Requested by Public Utilities Department.) Attachment.

**VI. CITY MANAGER REPORTS**

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and

Appointments. Attachment.

- B. Report by the Economic Development Corporation of Weslaco. Attachment.

## **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 defense counsel regarding *Civil Action No. 7:12-CV-303 Bernard Rodriguez, v. The City of Weslaco*, as authorized by §551.071 of the Texas Government Code.
- B. Pending Litigation – Discussion with City Attorney regarding *Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* pursuant to §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 11<sup>th</sup> day of January, 2013 at 5:45 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/Leonardo Olivares, City Manager

**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.