



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 5, 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, March 5, 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** Pages
1-2
- A. Certification of Public Notice.
 - B. Invocation.
 - C. Pledge of Allegiance.
 - D. Roll Call.
- II. PUBLIC HEARINGS**
- A. To solicit input on behalf of GHA Architects, owner of RARE Hospitality International, Inc. to approve a Conditional Use Permit to obtain a Mixed Beverage On-Premise Permit at 701 E. Expressway 83, also being a 1.17 acre tract of land out of Lots 6R and 7R of the Re-plat of Lots 6, 7, and 8, SDI Weslaco Holding, LLC Subdivision, Weslaco, Hidalgo County, Texas. 3
 - B. To solicit input on behalf of Arturo Ortega to approve Ordinance 2013-06 amending Ordinance 320 and the City of Weslaco Zoning map to rezone RSBR Weslaco (FM 88) Subdivision, also being 2.195 acres out of Farm Tract 743, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-2 Secondary and Highway District.” 4
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Regular Meeting of February 19, 2013. 5-19
(Requested by City Secretary’s Office.) Attachment.
 - B. Approval of the request to close Texas Boulevard/FM 88 from Fifth to Sixth Streets from 1:00 p.m. to 12:00 a.m. on April 13, 2013 and authorize the sale of wine and beer to a Texas Alcoholic Beverage Commission 20

(TABC) licensed vendor for the Crawfish Boil Fundraiser coordinated by the Weslaco Museum of Local History and Cultural Art, 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 City Secretary's Office). Attachment.

- C. Approval of a budget amendment from the Wastewater Fund and the Retained Earnings Account to the Water Fund in the amount not to exceed \$5,000.00 for overtime hours for the Water Distribution Account for the remainder of Fiscal Year 2012-2013. (Requested by Public Utilities Department.) Attachment. 21
- D. Approval of Amendment No. 5 to contract 10-5306-000-5314 with Texas General Land Office to revise the project implementation schedule with termination date December 31, 2013 for the generator installation at the Water Treatment Plant and South Waste Water Treatment Plant and authorize the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment. 22-30

IV. APPOINTMENTS

Standard Documentation on Board Appointments 31-35

- A. Discussion and consideration to approve Resolution 2013-03 confirming the appointment by Mayor Miguel D. Wise of one member to the City of Weslaco Housing Authority Board to an expired term as authorized by §302.031 of the Texas Local Government Code. Possible action. (Requested by the Mayor.) Attachment. 36-37
- B. Discussion and consideration to accept the resignations of Carlos Guerra, Joe Cardenas, and Leonardo Olivares and approve Resolutions 2013-16, 2013-35, and 2013-36 to fill the terms of three members to the Weslaco Health Facilities Development Corporation. Possible action. (There was no action on Resolution 2013-16 on February 19, 2013; Requested by Finance Department.) Attachment. 38-44
- C. Discussion and consideration to approve Resolutions 2013-37, 2013-38, and 2013-39 to fill the expired terms of three members to the Weslaco Public Library Board. Possible action. (Requested by Library.) Attachment. 45-48
- D. Discussion and consideration to approve Resolution 2013-40 to fill the expired term of one member to the Ambulance Advisory Board. Possible action. (Requested by Fire Department.) Attachment. 49-50
- E. Discussion and consideration to approve Resolution 2013-41 to fill the expired term of one member to the Parks & Recreation Advisory Board. Possible action. (Requested by Parks & Recreation Department.) Attachment. 51-52

V. OLD BUSINESS

- A. 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 and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item February 19, 2013; Requested by Public Utilities Department.) Attachment. 53 with separate enclosure

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of GHA Architects, owner, RARE Hospitality International, Inc. to approve a Conditional Use Permit to obtain a Mixed Beverage On-Premise Permit at 701 E. Expressway 83, also being a 1.17 acre tract of land out of Lots 6R and 7R of the Re-plat of Lots 6, 7, and 8, SDI Weslaco Holding, LLC Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 54-62
- B. Discussion and consideration on behalf of Arturo Ortega to approve the Final Plat of RSBR Weslaco (F.M. 88) Subdivision, being a 2.195 acre tract out of Farm Tract 743 West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 63-79
- C. Discussion and consideration after public hearing on behalf of Arturo Ortega to approve Ordinance 2013-06 amending Ordinance 320 and the City of Weslaco Zoning map to rezone RSBR Weslaco (FM 88) Subdivision, also being 2.195 acres out of Farm Tract 743, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-2 Secondary and Highway District”. First Reading of Ordinance 2013-06. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 80-89
- D. Discussion and consideration on behalf of Beto Salinas Flores Group, LLC of the Final Plat of Vaquero Estates Phase III, being a 46.31 acre tract of land out of Farm Tract 1065, 1066, and 1071, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 90-107
- E. Discussion and consideration to approve Closeout Invoice No. 55609 from CH2MHILL-OMI for Fiscal Year 2012 for the Repairs, Chemicals and Sludge Expenses for the amount not to exceed \$220,564.96 and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 108

VII. REPORTS

- A. Report on Departmental Update, Upcoming Meetings, Appointments, and Feedback. Attachment. 109
- B. Report on Fire Department Activities. Attachment. 110-111
- C. Report on Litigation Status. Attachment. 112-119
- D. Report on Sponsored Projects.
- E. Report on Possible Water Shortage.

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. Land Acquisition – Discussion with City Manager regarding the acquisition of real property for the Weslaco Mid-Valley International Airport for the TxDOT Aviation Division runway extension project as authorized by §551.072 of the Texas Local Government Code.
- B. Pending Litigation – Discussion with City Attorney and assigned Special

Counsel Denton, Navarro, Rocha, & Bernal, P.C. regarding *Civil Action No. 7:12-CV-420 Priscilla Montano, et al, Plaintiffs, v. City of Weslaco, Texas, Defendant* pursuant to §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 1st day of March, 2013 at 7:25 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.