



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 1, 2015**

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, December 1, 2015 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 1-2

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Roll Call.

II. 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. Due to the Texas Open Meetings Act, 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.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 on November 17, 2015. 3-14
(Staffed by City Secretary's Office.) Attachment.
- B. Approval on second and final reading of the following: 15
 - 1) Ordinance 2015-38 to rezone 105 W. Esplanada St., also being a

Lot 4, Block 7, Esplanada Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. (First reading held November 17, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

- 2) Ordinance 2015-39 relocating 4-feet out of a 10-foot drainage easement along the West side lot 4 rock springs ridge subdivision to the eastside lot 3 Rock Springs Ridge Subdivision to the drainage easement, Hidalgo County, Texas and ordaining other matters with respect to the subject matter hereof. (First Reading held November 17, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 16

- 3) Ordinance 2015-40 authorizing a budget amendment in the amount not to exceed \$241,750.00 for the emergency purchase of pumps and hoses. (First reading held November 17, 2015; Staffed by Public Works.) Attachment. 17-20

- C. Acceptance of a donation to the Weslaco Fire Department for the Volunteer Community Programs which include the Community Emergency Response Team (CERT), Medical Reserve Corps (MRC) from South Texas Electrical Cooperative, Inc. in the amount of \$1,000.00 and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment. 21

- D. Approval of the request from the Weslaco Area Chamber of Commerce to hold the 27th Annual Texas Onion Fest on Saturday, April 2, 2016 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, to waive appropriate ordinances associated with the event and allow the Heart of America Carnival March 24 - April 3, 2016. (Requested by Weslaco Area Chamber of Commerce.) Attachment. 22

- E. Approval of Resolution 2015-64 authorizing the submittal of a Solid Waste Grant Application to the Lower Rio Grande Valley Development Council in the amount of \$30,000.00 for fiscal years 2016 and 2017 to fund the operations of the Recycle Center with no local match required, authorize acceptance upon award, and authorize the Mayor to execute any related documents. (Staffed by Public Works.) Attachment. 23-24

- F. Approval of Resolutions 2015-65 and 2015-66 amending Resolutions 2015-35 and 2015-36 authorizing the Mayor and City Commission to exercise certain powers identified with BBVA and Frost Bank, including opening accounts, certificate of deposits, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorizes 25-31

the Mayor and Commission to execute any related documents. (Staffed by Finance Department.) Attachment.

IV. APPOINTMENTS 32-36
Standard Documentation on Appointments

- A. Discussion and consideration to approve Resolution 2015-63 removing Leticia Lopez and appointing one member to an unexpired term on the Ambulance Advisory Board. Possible action. (Staffed by Fire Department) Attachment. 37-38

V. NEW BUSINESS

- A. Discussion and consideration to direct the City Attorney to prepare a legal opinion presenting the procedure toward reconsideration of Single Member Districts. Possible action. (Requested by Commissioners Lopez and Kerr.)
- B. Discussion and consideration to accept the FY 2014-2015 Annual Tax Collection Report as prepared by Pablo “Paul” Villarreal Jr., Hidalgo County Tax Assessor and Collector. Possible action. (Staffed by Finance Department.) Attachment. 39-66
- C. Discussion and consideration to approve the purchase of a new Fire Truck (Pumper) through Buy Board in an amount not to exceed \$525,000.00 from the Apparatus replacement program for Fiscal Year 2015-2016 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment. 67-79
- D. Presentation on Trails Project and authorizing submittal of a proposal to Knapp Foundation and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager’s office.)

VI. DEPARTMENT UPDATES

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco.
- C. Report by Planning and Code Enforcement Department - Engineering
- D. Report by Public Works Department to include Water and Wastewater Systems operations
- E. Report by Parks and Recreation Department.
- F. Report by American Financial Bureau on Municipal Court Collections.

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 maintained as part of the certified agenda.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- B. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.
- C. Pending Litigation – Consultation with City Attorney regarding Cause No. C-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*, as authorized by §551.071 of the Texas Government Code.
- D. Pending Litigation – Consultation with City Attorney regarding *Jacinto Estrada v. City of Weslaco, Texas* as authorized by §551.071 of the Texas Government Code.
- E. Economic Development – Consultation with City Attorney regarding Economic Development Project Bender as authorized by §551.087 of The Texas Government Code.
- F. Potential Litigation - Consultation with City Attorney regarding Notice of Claim for Breach of Contract and Intent to Sue from Francisco J. Garza as authorized by §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 25th day of November 2015 at 4:30 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/ Aida Vega, Deputy City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 1100 prior to the meeting date.

Removed from Bulletin Board	Date:	Initials:
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