

**NOTICE OF A REGULAR MEETING
OF THE WESLACO CITY COMMISSION**

NOTICE IS HEREBY GIVEN

THAT, the City Commission of the City of Weslaco, Texas will hold a Regular Meeting at the Legislative Chamber, located at 255 South Kansas, on Tuesday, September 1, 2009 at 6:00 p.m. for the purpose of discussing the following items:

NOTE: If any accommodation for a disability is required, notify the City Secretary's Office at (956) 968-3181, Ext 3101 prior to the meeting date.

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 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. CONSENT AGENDA

NOTICE TO THE PUBLIC

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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Minutes

1. Special Meeting of August 18, 2009.
2. Regular Meeting of August 18, 2009

B. Second and final reading of the following ordinances:

1. Ordinance No. 2009-21 annexing additional territory to the corporate limits of the City of Weslaco, Hidalgo County, Texas on consensual petition of area land owner such land being a 41.29 acre tract out of Farm Tract 1049, Block 133, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. Attachment

2. Ordinance No. 2009-22 of the City Commission of the City of Weslaco, Texas, (City) approving a negotiated resolution between the City of Weslaco and Texas Gas Service Company (“TGS” or “The Company”) regarding the company’s March 27, 2009 Application to implement higher rates in its Rio Grande Valley Service territory; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving TGS’ proof of revenues; approving a three year experimental cost of service adjustment (“COSA”) process that includes TGS’ proposed depreciation rates, a return on equity of 10.25 percent and use of a federal tax rate of 35 percent; providing for the recovery of the cities’ and TGS’ reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and the city’s legal counsel. Possible action. Attachment

II. PUBLIC COMMENTS

A member of the public or the governmental body may make comments on subjects for which notice has been given and which are on the agenda Section 551.042, Texas Open Meetings Act. Public comments will be limited to three (3) minutes.

III. PUBLIC HEARING

- A. To discuss and consider a request to amend Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning of Lots 1 & 2, Mid Valley Industrial Park #8, at 3300 E. Sugarcane Drive from “R-1” Single Family Dwelling District to “I” Industrial District and approval of Ordinance No. 2009-23 on first reading. (Requested by the Economic Development Corporation of Weslaco). Possible action. Attachment

IV. CITY MANAGER’S REPORT

- A. Announcement of Fiestas Patrias, Sunday, September 6, 2009 at the Weslaco City Park starting at 12 noon and ending at 10:00 p.m. Attachment

V. MAYOR’S REPORT

- A. Announcement of a Proclamation to Sam Maverick Chapter National Society Daughters of the American Revolution proclaiming Constitution Week on September 17-23, 2009. Attachment

- B. Introduction of Major Carlos Tamez and acceptance and presentation of a special gift to the City of Weslaco.

VI. BOARD APPOINTMENTS

- A. Parks & Recreation Advisory Board – Three (3) members’ terms expire September 1, 2009 and one member’s term expires September 19, 2009. Possible action. Attachment
- B. Nomination and appointment and confirmation of The Economic Development Corporation of Weslaco Board Members to the new seven (7) member board. Possible action.
- C. Civil Service Commission – One (1) member’s term expires September 30, 2009 and possible appointment. (City Manager’s appointment with City Commission confirmation as per the Local Government Code Sub-Section 143.0051 (b).) Possible action. Attachment

VII. OLD BUSINESS

- A. Discussion and consideration to approve Invoice No. 80319614 from Camp Dresser & McKee, Inc. for additional services provided pursuant to Exhibit C of the agreement between the City of Weslaco and Camp Dresser & McKee, Inc. for TPDES Permitting Assistance in the amount of \$28,500.00; Geotechnical Services in the amount of \$16,000.00; Surveying Services in the amount of \$32,000.00; and Resident Project Representative Services in the amount of \$72,150.00. (This item was tabled at the last regular meeting of August 18, 2009). Possible action. Attachment
- B. Discussion and consideration to amend the Standard Form of Agreement between The City of Weslaco and Camp Dresser & McKee, Inc. dated July 22, 2008 to Amend Exhibit C “Additional Services” to reduce the amount for Geotechnical Services from \$100,000.00 to \$32,000.00; and the amount of Surveying Services from \$60,000.00 to \$40,000.00; and the amount for Resident Project Representative from \$705,000.00 to \$650,000.00 or less; and the amount for Construction Materials Testing from \$271,000.00 to \$200,000.00. (This item was tabled at the last regular meeting of August 18, 2009). Possible action. Attachment
- C. Discussion and consideration to amend the Program Management Contract between the City of Weslaco and Camp Dresser & McKee, Inc. dated 2/5/2008 to amend Task No. 3 Construction Services will be reduced from \$396,690.00 to \$19,830.00. (This item was tabled at the last regular meeting of August 18, 2009). Possible action.

- D. Discussion and consideration to amend the Program Management Contract between the City of Weslaco and Camp Dresser & McKee, Inc. dated 2/5/2008 to amend Task No. 4, Construction Materials Testing to reduce the amount from \$220,000.00 to \$11,000.00. (This item was tabled at the last regular meeting of August 18, 2009). Possible action.

VIII. NEW BUSINESS

- A. Discussion and consideration to award the lowest responsible bidder Betts Oil & Butane from Weslaco, Texas for the purchase of Unleaded and Diesel Fuel as the Texas Local Government Code, Section 271.905 that allows local bidders preference if the bid is within 3% of the low bid. Possible action. Attachment
- B. Status report by Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco regarding economic development. Possible action. Attachment
- C. Discussion and consideration of a request from James H. Lauderdale to abandon the following right-of-ways, a 0.9 tract of land out of Moreland Drive 60 foot right-of-way out of Farm Tract 1097, Block 113, West and Adams Tract Subdivision and a 0.049 tract of land out of FM 1015, 80 foot right-of-way out of Farm Tract 1097, Block 113, West and Adams Subdivision, Lot 1, International Plaza Subdivision. Possible action. Attachment
- D. Discussion and consideration to authorize the Mayor to execute the Interlocal Governmental Agreement Ambulance Service to provide emergency ambulance service to those rural areas of Hidalgo County, Texas located within the established boundaries of the district. Possible action. Attachment
- E. Discussion and consideration to approve the Texas Parks and Wildlife Department Local Park Grant Program – Project Agreement for Project No. 51-000065 (Weslaco Boys & Girls Club Recreation Center) and to authorize the Mayor to execute the agreement. Possible action. Attachment
- F. Discussion to identify a project(s) for the AEP incentive funding available to municipalities. Possible action. Attachment
- G. Discussion and consideration to approve an immediate purchase of two (2) Sanitation trucks as allowed by Local Government Code, Section 252.022 (a) (2) that exempts competitive bidding for procurements needed to preserve and protect the public health and safety of municipality residents and to authorize the transfer of funds from the Sanitation Enterprise Fund to the Waste Collection Department (61-522-4010 – Capital Outlay). Possible action. Attachment

- H. Discussion and consideration to appoint an official member and an alternate member to the Amigos Del Valle, Inc. Board of Directors for fiscal year October 1, 2009 to September 30, 2010. Possible action. Attachment
- I. Presentation by CDM on proposed plans to address the immediate concerns for the following: (Requested by Commissioner John F. Cuellar and Commissioner Robert J. Garza).
- A. Water Treatment Plant
 - B. North Wastewater Plant
- J. Discussion and consideration to prioritize the 2007 Bond Issue to the Water Treatment Plant and North Wastewater Plant Projects. (Requested by Commissioner John F. Cuellar and Commissioner Robert J. Garza). Possible action.
- K. Discussion and consideration to approve the following Bid Packages submitted by CDM Constructors, Inc. (CCI): (Requested by Commissioner John F. Cuellar and Commissioner Robert J. Garza). Possible action. Attachment
- BP#6 Concrete Services for Headworks, BFP & Miscellaneous Equipment Pads. Recommended Bidder: L&G Concrete
 - BP#8 Miscellaneous Metals Materials. Recommended bidder: Medcalf Fabrication
 - BP#9 Miscellaneous Plastics/FRP Materials. Recommended Bidder: Watertech
 - BP#11 Furnish/install Metal Buildings. Recommended bidder: Strong Structural Steel
 - BP#14 Furnish/Install ELECTRICAL EQUIPMENT/DUCTBANK. Recommended Bidder: KST Electric
- L. Discussion and consideration to approve an amendment to Camp Dresser and McKee (CDM) engineering contract for improvements at the Water Treatment Plant to change the scope of work with no change to fees. (Requested by Commissioner John F. Cuellar and Commissioner Robert J. Garza). Possible action. Attachment
- M. Discuss the projects that can be funded through revenue bonds issued by the City of Weslaco Local Government Corporation. (Requested by Commissioner John F. Cuellar and Commissioner Robert J. Garza).
- N. Discussion regarding 4B Projects that can be funded by the Economic Development Corporation of Weslaco (EDC) revenue bond issue. (Requested by Commissioner John F. Cuellar and Commissioner Robert J. Garza).

IX. EXECUTIVE SESSION

- A. Economic Development - Discussion and consideration of entering into a Development Agreement with The Economic Development Corporation of Weslaco and Weslaco Hills L.P. to provide for an incentive of Six Hundred Twenty Thousand Dollars (\$620,00.00) for the public infrastructure to serve a 120 unit apartment complex to be constructed at the 1900 Block of West Business 83. Possible action of what is discussed in executive session.

- B. Potential Litigation - Discussion with the City Attorney regarding a Notice of Claim for Assault, False Imprisonment by Unlawful Detention and Unlawful Arrest sent by Pilar Espinosa, Attorney on behalf of Eleazar Luna. Possible action of what is discussed in the executive session.