

**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, November 3, 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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 September 24, 2009
2. Regular Meeting of October 19, 2009

B. Second and final reading of Ordinance No. 2009-46 amending Section 1 of Ordinance 77-16, adopted on August 16, 1977, and codified in the Weslaco Code of Ordinances Section 29-40 "Water Rates Prescribed" and amending Section 1 of Ordinance 67-10, adopted on June 27, 1967, and codified in the City of Weslaco Code of Ordinances as Section 29-43 "Sewer Rates Prescribed;" by providing for a new schedule of rates to be charged for treated water delivered through the system of the water department of the City of Weslaco; and providing for a new schedule of

rates to be charged for the use of wastewater treatment facility of the City of Weslaco; and providing for an effective date after the second publication of this ordinance, and ordaining other matters with respect to the subject matter hereof. Possible action. Attachment

- C. Request from Weslaco Parks & Recreation and Weslaco Scholarship Program to host a Winter Fest on Friday, December 4, 2009 from 6:00 p.m. till 10:00 p.m. at the Weslaco City Hall Parking Lot with the assistance from various city departments and waive all fees associated with the event. Possible action. Attachment
- D. Discussion and consideration to approve Resolution No. 2009-29 amending the resolution authorizing participation in TexPool by adding Omar Gonzales, Finance Director as an authorized representative. 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 HEARINGS

- 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 a 1.20 acre gross 1.16 acre net, E-78'-W 156' S 670.19', Farm Tract 1037 Tract 2, Adams Tract Subdivision, at 2723 E. Pike Blvd. from "R-1" One Family Dwelling District to "B-2" Secondary & Highway District. First reading of Ordinance No. 2009-27. (Requested by Mary E. Gonzalez). Possible action. Attachment
- B. 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 1-3, Block 14, Ramona Subdivision, at 520 E. Los Torritos Street, "R-1" One Family Dwelling District to "R-2" Duplex & Apartment District. First reading of Ordinance No. 2009-28. (Requested by Chris Brasher). Possible action Attachment
- C. Discussion and consideration of a request from Arturo's Bar & Grill Restaurant to approve a Conditional Use Permit for a Bar and Grill, Mixed Beverage Permit, Karaoke and Live Entertainment and Food and Beverage Certificate, at 702 S. Texas Blvd., Weslaco, Texas, (also being N 45' Lot 1, Block 57 & all of Lots 1 & 2, Block 57-A, Weslaco Original Town site)

and to grant a variance of the 1,000 feet from a school. Possible action.
Attachment

IV. CITY MANAGER'S REPORT

- A. Announcement of a proposed workshop from the City of Weslaco's Financial Advisor, First Southwest Company.

V. MAYOR'S REPORT

- A. Announcement of an awards ceremony to honor Mr. Marcel Albert with The Legion of Honor Grand Cross from France on November 12, 2009 at the Weslaco Mid-Valley Airport.
- B. Request from Mario Ybarra, Jr. for a letter of support for the naming of the new school located at Mile 10 in honor of Mario Ybarra, Sr. U.S.M.C., K.I.A., first fallen soldier from Vietnam War from the City of Weslaco.
- C. Announcement of the passing away of Horacio Aguirre, long time public servant and possible renaming of a street in his honor.
- D. Discuss possible dates to interview City of Weslaco, City Manager Applicants.

VI. BOARD APPOINTMENTS

- A. Board of Adjustments & Appeals to the Zoning Ordinance – One member's term expires on November 18, 2009. Possible action.
Attachment
- B. Nomination and appointment and confirmation of the Economic Development Corporation of Weslaco of two members needed for District No. 2 and District No. 5. Possible action.

VII. NEW BUSINESS

- A. Discussion and consideration to recommend to the Hidalgo County Commissioner's Court, V A Architecture's recommendation to accept the bid submitted by G.A.S. Enterprises, Inc. in the amount of \$89,598.00 for the construction phase of the renovation at the former Weslaco Museum utilizing Year 21 Urban County Program Funds and to waive all permit fees. Possible action. Attachment
- B. Discussion and consideration to approve final payment to Raba-Kistner Consultants, Inc. in the amount of \$1,639.61, for testing services associated with the Year 21 Urban County Program Sewer Line Project

along the alley between Calle Las Palmas and Calle del Cedro from Los Toritos Street to the Southside of Cavazos Park utilizing Urban County Program Funds. Possible action. Attachment

- C. Discussion and consideration to approve a budget amendment in the Water Fund in the amount of \$51,000.00 for the purchase of water meters and equipment for new construction and meter replacements. Possible action. Attachment
- D. Discussion and consideration to approve Resolution No. 2009-30 and to submit a Notice of Intent to accept Energy Efficiency and Conservation Block Grant (EECBG) Funds under the American Recovery and Reinvestment Act (ARRA) and authorized the Mayor to execute any and all related documents. Possible action. Attachment
- E. Discussion and consideration to provide financial support from the Hotel/Motel Reserve Fund for the Weslaco Downtown Merchants. Possible action.
- F. Discussion and consideration to authorize the City Manager to utilize L&G Engineering for submission of a pre-application to the Texas Water Development Board (TWDB) for a Drinking Water State Revolving Fund Project to help the City of Weslaco improve its existing public water system and authorize the Mayor to execute all related documents to the submittal of the pre-application. Possible action. Attachment
- G. Discussion and consideration of Amendment No. 19 to the Agreement for Operations Maintenance and Management (OMI) Services for the City of Weslaco dated October 1, 1998 between the City of Weslaco and Operations Management International (OMI) to increase the annual compensation from \$2,070,370.00 to \$2,504,733.00, to extend the contract term by 3 years to end September 30, 2016, and to increase the repair budget for this year by \$300,000.00 to address the Notice of Violation for the Comprehensive Compliance Investigation (CCI) at the City of Weslaco Water Treatment Plant from the Texas Commission on Environmental Quality (TCEQ) and work with the City Engineer to do the repairs previously addressed by the Weslaco City Commission on August 18, 2009. Possible action. Attachment
- H. Discussion and consideration to approve Resolution No. 2009-31 to support and protect the proposed required right-of-way by the City of the proposed Hidalgo Loop Toll Road Section "E" FM 493 east and north to U.S. 83 East of the City of Mercedes. Possible action. Attachment
- I. Discussion and consideration to approve Ordinance No. 2009-29 an ordinance amending Ordinance 2004-44 adopted on September 21, 2004 The Master Fee Schedule Ordinance to revise existing fees and establish

new fees; and ordain other matters with respect to the subject matter hereof. First reading of Ordinance No. 2009-29. Possible action. Attachment

- J. Discussion of amendments to the Reyna Family Development, LTD Contract as to the depth and over sizing of the sewer lines, payment of cost and materials incurred and confirmation of the continuance of the Regional Lift Station. Possible action.
- K. Discussion and consideration of the appointment of Associate Municipal Judge for a two year term as per Section 29.005 of the Texas Government Code. Possible action.

VIII. EXECUTIVE SESSION

- A. Land Acquisition – Discussion and consideration of the appraised value to certain real property in Weslaco for right-of-way purposes for the widening of Bridge Street and ordering the condemnation of said property. Possible action of what is discussed in executive session.
- B. Land Acquisition – Discussion with City Manager and City Attorney regarding the possible acquisition land by reverter to the City of Weslaco. Possible action of what is discussed in executive session.
- C. Personnel - Discussion with City Manager regarding changes to the City of Weslaco's Organizational Chart. Possible action of what is discussed in executive session.
- D. Economic Development - Discussion with the Executive Director of the Economic Development Corporation of Weslaco regarding an incentive in the form of infrastructure assistance to further a nineteen (19) acre commercial development in the vicinity of 2004 East Expressway 83. Possible action of what is discussed in executive session.
- E. Economic Development - Discussion with the Executive Director of the Economic Development Corporation of Weslaco regarding an incentive for a regional headquarters and distribution center for a national distributor of wallboard and other products to located in the Mid-Valley Industrial Park. Possible action of what is discussed in executive session.