



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 4, 2012**

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 4, 2012 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 of the Minutes of the following:
 - 1) Special Meeting of November 19, 2012 (Requested by City Secretary's Office.) Attachment.
- B. Approval of a contract agreement with Texas A&M University-Kingsville (TAMUK) to reimburse the City of Weslaco in the amount of \$5,000.00 to help construct, promote, and implement low impact development in the Lower Rio Grande Valley by initiating the Lower Rio Grande Valley (LRGV) Best Management Practices (BMP) Inventory Program Map and authorize the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment.
- C. Approval of a Memorandum of Understanding (MOU) with the United States Border Patrol Affiliation for Emergency Medical Services training at no cost to the City and authorize the Mayor to execute any related documents. (Requested by Fire Department.) Attachment.
- D. Approval of a request from Valley Metro to hold a 5K Run at Harlon Block Sports Complex on Saturday, December 15, 2012 for Toys for Transit "Staff The Bus" to collect toys for Low and Moderate Income Families (LMIF). Possible Action. (Requested by Parks & Recreation Department.)

Attachment.

III. APPOINTMENTS

Standard Documentation on Appointments

- A. Discussion and consideration to approve Resolution 2012-70 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 City Secretary's Office.) Attachments.
- B. Discussion and consideration to approve Resolution 2012-71 appointing a member to an expired term on the Board of Adjustments and Appeals - Zoning Ordinance. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

IV. OLD BUSINESS

- A. Discussion and consideration to approve Ordinance 2012-25 pertaining to the City of Weslaco Texas Municipal Retirement System (TMRS), authorizing and allowing "Updated Service Credits" for services performed by qualifying members of such system who presently are members of the City of Weslaco, providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City, and establishing an effective date of January 1, 2013 for such actions, and authorize the Mayor to execute any related documents. First Reading of Ordinance 2012-25. Possible action. (Requested by Finance Department.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration to approve Resolution 2012-72 amending Resolution 2011-36 authorizing the Mayor and City Commissioners to exercise certain powers identified with BBVA Compass Bank, including opening accounts, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and City Commissioners to execute any related documents. Possible action. (Requested by Finance Department.) Attachment.
- B. Discussion and consideration to approve Resolution 2012-73 amending Resolution 2011-38 authorizing the Mayor and City Commissioners to exercise certain powers identified with First National Bank, including opening accounts, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and City Commissioners to execute any related documents. Possible action. (Requested by Finance Department.) Attachment.
- C. Discussion and consideration to approve budget amendments from various funds and departments for Fiscal Year 2011-12. Possible action.

(Requested by Finance Department.) Attachment.

- D. Discussion and consideration to authorize an expenditure of Police Department Federal Equitable Sharing funds in an amount not to exceed \$16,000.00 to pay one-half the purchase price for Ground Penetrating Radar to support operations and investigations by law enforcement as well as other departments, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Police Department.) Attachment.
- E. Discussion and consideration to authorize an expenditure of Public Utility Department (PUD) funds in an amount not to exceed \$16,000.00 to pay one-half the purchase price for Ground Penetrating Radar to support operations and investigations by law enforcement as well as other departments and authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment
- F. Discussion and consideration to authorize an expenditure in an amount not to exceed \$24,906.00.00 for the purchase of 150 Badger Meters from a sole source vendor Badger Meter, Inc. and authorize a budget amendment as appropriate. Possible action. (Requested by Public Utilities Department.) Attachment.
- G. Discussion and consideration to authorize a Memorandum of Agreement with Cameron County Department of Health and Human Services Hospital Preparedness Program (County-HPP) for six (6) XTL 1500 mobile radios for the emergency medical services units, at no cost to the City and authorize the Mayor to execute any related documents. Possible action. (Requested by Fire Department.) Attachment.
- H. Discussion and consideration of a resolution relating to The Economic Development Corporation of Weslaco Sales Tax Revenue Refunding Bonds, Taxable Series 2012, approving the resolution of The Economic Development Corporation of Weslaco authorizing the issuance of such Bonds; and resolving other matters incident and related to the issuance of such Bonds, and authorize the Mayor to execute any related documents. Possible action. (Requested by The Economic Development Corporation.) Attachment.
- I. Discussion and consideration to approve Ordinance 2012-27 authorizing the issuance of City of Weslaco, Texas Limited Tax Refunding Bonds, Series 2012. A Purchasing Contract; a paying A Paying/Agent Registrar Agreement; An Escrow Deposit Letter; and approving all other matters related thereto. Possible action. (Requested by Finance Department.) Attachment.
- J. Discussion and consideration to select AGA Associates to design the Boys and Girls Recreation Center to be constructed on the Weslaco Independent

School District property and authorize the Mayor to execute a Professional Service Agreement and any other documents. Possible action. (Requested by Parks & Recreation Department.) Attachment.

- K. Discussion and consideration to initiate the procurement process for general contractor to construct the Boys and Girls Recreation Center. Possible action. (Requested by Parks & Recreation Department.) Attachment.

VI. REPORTS

- A. Report by City Manager on Departmental Update, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.
- B. Report on Standard & Poor's upgrade of Weslaco General Obligation Bond Rating.

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.

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 30th day of November 2012, at 5:30 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/ 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.