



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, FEBRUARY 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, February 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

- A. Certification of Public Notice.
- B. Mayoral Proclamations and Recognitions.
- C. Invocation.
- D. Pledge of Allegiance.
- E. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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;
 - 2) Regular Meeting of November 27, 2012;(Requested by City Secretary's Office.) Attachment.
- B. Approval of a lease agreement with the Weslaco Softball/Baseball League for the use of Softball Fields 1, 2 and 3 at the Weslaco City Park including the concession stand as described in Exhibit "A" for a term of six (6) months beginning February 1, 2013 and ending July 31, 2013 and authorize the Mayor to execute the lease agreement. (Requested by Parks & Recreation Department.) Attachment.
- C. Approval of a lease agreement with the Mid Valley Youth Soccer League for the use of the Soccer Fields at the Harlon Block Sports Complex Park as described in Exhibit "A" for a term of twelve (12) months beginning January 1, 2013 and ending December 31, 2013 and authorize the Mayor to execute the lease agreement. (Requested by Parks & Recreation Department.) Attachment.
- D. Approval of a lease agreement with the Don-Wes-Mer United Soccer Club

for the use of the Soccer Fields at the Weslaco City Park as described in Exhibit "A" for a term of ten (10) months beginning February 1, 2013 and ending November 30, 2013 and authorize the Mayor to execute the lease agreement. (Requested by Parks & Recreation Department.) Attachment.

- E. Approval of a one (1) year extension to the existing lease agreement with Hidalgo County for the use of the City of Weslaco building located at 310 N. Kansas Avenue for the Hidalgo County Head Start Program for fiscal year 2013-2014 with the same terms and conditions and authorize the Mayor to execute the extension documents. (Requested by Parks & Recreation Department.) Attachment.

III. 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 January 15, 2013; Requested by Public Utilities Department.) Attachment.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2013-14 and 2013-16 to fill the expired term of two members to the Weslaco Health Facilities Development Corporation. Possible action. (There was no action on this item January 15, 2013; Requested by Finance Department.) Attachment.
- B. Discussion and consideration to approve Resolutions 2013-17, 2013-18, 2013-19 and 2013-20 to appoint inaugural members to the Boys and Girls Club Weslaco Steering Committee. Possible action. (Requested by Parks and Recreation Department.) Attachment.
- C. Discussion and consideration to nominate a member of the Weslaco community, who has made significant civic contributions and achievements, to the Rio Grande Valley Walk of Fame as part of BorderFest 2013 and authorize the Weslaco City Commission to sign the nomination form. Possible action. (Requested by City Manager.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration to approve Resolution 2013-21 supporting the consolidation of the University of Texas-Pan American and the University of Texas at Brownsville into a single institution. Possible action. (Requested by City Manager.) Attachment.
- B. Discussion and consideration to approve SmartCom as the best qualified, most advantageous bidder for internet services within the 2013 Schools and Libraries Program of the Universal Service Fund E-Rate, which makes

discounts available to eligible libraries for telecommunication services, internet access, and internal connections and authorize the Mayor to execute the E-Rate proposal acceptance and agreement. Possible action. (Requested by Library Department.) Attachment.

- C. Discussion and consideration to approve Insight Public Sector, Inc. as the best qualified, most advantageous bidder for basic maintenance of internal computing connections within the 2013 Schools and Libraries Program of the Universal Service Fund (ERate), which makes discounts available to eligible libraries for telecommunication services, internet access, and internal connections and authorize the Mayor to execute the contract acceptance. Possible action. (Requested by Library Department.) Attachment.
- D. Discussion and consideration to approve Change Order No. 1 to the Construction-Manager-at-Risk contract with JF Utility Trenching for Lift Station No. 36 to extend the contract completion time by 120 days, due to delays in delivery of equipment and materials with no change to the contract amount as a result of this modification and authorize the Mayor to execute Change Order No. 1. Possible action. (Requested by Public Utilities Department.) Attachment.
- E. Discussion and consideration to approve the purchase of 1,257 Badger Orion Meters from a sole source vendor, Badger Meter Inc., for a total not to exceed \$215,690.00 and authorize the Mayor to execute any related documents as authorized by §252.022 (a)(7) of the Texas Local Government Code. Possible action. (Requested by Public Utilities Department.)
- F. Discussion and consideration to approve Amendment No. 22 to the existing Operations Maintenance and Management Services Agreement between the City of Weslaco and Operations Management International, Inc. (OMI) by increasing the base fee 1.7% plus \$112,000.00 for repairs, sludge removal and fuel cost, for a total increase of \$148,517.00 and authorize the Mayor to execute any related documents and budget amendment as required. Possible action. (Requested by Public Utilities Department.) Attachment.
- G. Discussion and consideration to authorize a professional services engineering agreement with Terracon Consulting for the construction material observation and testing services for the City of Weslaco Water Treatment Plant expansion and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.
- H. Discussion and consideration to approve Resolution 2013-22 approving the agreement between Texas Department of Transportation and the City of Weslaco for the maintenance, control, supervision, and regulation of certain state highways and/or portion of state highways in the City of Weslaco and authorize the Mayor to execute any related documents. Possible action.

(Requested by Public Facilities Department.) Attachment.

- I. Discussion and consideration to enter into an agreement with the Weslaco Health Facilities Development Corporation for the reimbursement of all legal fees paid by the City of Weslaco in Cause No. C-081-13 B *Weslaco Health Development Facilities Corporation v. Knapp Medical Center, et.al.* Possible action. (Requested by City Manager.)

VI. CITY MANAGER REPORTS

- A. Report on Departmental Update, Upcoming Meetings, Appointments, and Feedback. Attachment.
- B. Litigation Status Report.
- C. Proposed Improvements to City Park.
- D. City of Weslaco Mobile Website. Attachment.

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.

- A. Pending Litigation – Consult with City Attorney regarding Cause No. C-0747-12- E, *Knapp Medical Center v. Weslaco Hospital Authority*, pending in the 139th Judicial District Court of Hidalgo County, Texas as authorized by §551.071 of the Texas Government Code.
- B. Pending Litigation - Consult with City Attorney regarding Cause No. C-081-13 B, *Weslaco Health Development Facilities Corporation v. Knapp Medical Center, et.al.*, as authorized by §551.071 of the Texas Government Code.
- C. Pending Litigation – Discussion with City Attorney regarding Civil Action No. 7:12-CV-303, *Bernard Rodriguez, v. The City of Weslaco*, as authorized by §551.071 of the Texas Government Code.
- D. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the IAFF-WFFA Local 3207 as authorized by §551.071 of the Texas Government Code.

**IX. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

X. 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 1 day of February, 2013 at 5:00 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/Leonardo Olivares, City Manager

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.