



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, FEBRUARY 19, 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 19, 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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) Regular Meeting of December 4, 2012;
 - 2) Regular Meeting of December 18, 2012;
 - 3) Regular Meeting of January 3, 2013;
 - 4) Regular Meeting of January 15, 2013;
 - 5) Special Meeting of January 16, 2013; and
 - 6) Regular Meeting of February 5, 2013.(Requested by City Secretary's Office.) Attachment.
- B. Approval of Resolution 2013-23 related to the completion of file compliance work on Texas General Land Office Contract DRS010201 Generator Projects, including to appoint Alberto Canales as Labor Standards Officer; Section 504 Officer and Equal Opportunity/Fair Housing Officer; and approval of Resolution 2013-24 to adopt a Section 3 Plan (Policy) and adopt a Section 504 Grievance Procedure; and authorize the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment.
- C. Approval of amendment to the expiration date of the current contract with Texas A&M University at Kingsville (TAMUK) for the *Phase II Non-Point Source Water Quality Management Planning and Implementation Grant* to

correspond to the primary agreement with the Texas Commission on Environmental Quality from August 31, 2014 to July 31, 2014, a difference of one month and authorize the Mayor to execute any related documents. (Requested by Library Department.) Attachment.

- D. Approval of the renewal of the lease agreement with Martin Garcia, Jr. for the presentation of movies at Weslaco City Park located at 300 N. Airport Drive on designated dates June – August 2013 and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.
- E. Approval of the renewal of the lease agreement with Weslaco Little League for the use of Isaac Rodriguez Park Multi-Purpose Field and Minor Field and Concession Stands, and at Harlon Block/Sports Complex Field #1 and Concession Stands for a term of five months, March 1 – July 31, 2013, and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.
- F. Approval of the local agreement with the Hidalgo County Criminal District Attorney's Office for the services associated with forfeitures of contraband and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment.
- G. Approval of the amendment to Resolution 2010-20 establishing an appointment policy for service on City of Weslaco Boards, Commissions, authorities, and committees to include qualification criteria. (Requested by City Manager's Office.) 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 February 5, 2013; Requested by Public Utilities Department.) Attachment.

IV. APPOINTMENTS

- A. 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. (There was no action on this item February 5, 2013; Requested by City Manager.) Attachment.
- B. 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 February 5, 2013; Requested by Finance Department.) Attachment.

- C. Discussion and consideration to approve Resolutions 2013-13, Resolution 2013-28, Resolution 2013-29, Resolution 2013-30, Resolution 2013-31, Resolution 2013-32, and/or Resolution 2013-33 to appoint members on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (Requested by Economic Development Corporation of Weslaco.) Attachment.
- D. Discussion and consideration to approve Resolution 2013-25 appointing a member, an alternate member, and three designated proxy members to the Hidalgo County Metropolitan Planning Organization (MPO) Transportation Policy Committee for fiscal year 2013. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.
- E. Discussion and consideration to approve Resolution 2013-26 appointing a member and an alternate member to the Lower Rio Grande Valley Development Council (LRGVDC). Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration to approve the renewal of a professional services agreement with Garza & Pena, PLLC as City Prosecutor and authorize the Mayor to execute any related documents. Possible action. (Requested by the Mayor.) Attachment.
- B. Discussion and consideration to approve the submission of project information forms to the Texas Water Development Board Fiscal Year 2014 Clean Water State Revolving Fund and Drinking Water State Revolving Fund Intended Use Plans and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.
- C. Discussion and consideration to approve Resolution 2013-27 authorizing the submission of the Final Proposed Annual Work Plan for the City of Weslaco for Year 26 (2013) under the Hidalgo County Urban County Program and accepting the allocation of approximately \$308,702.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment.
- D. Discussion and consideration to amend the Articles of Formation of the Economic Development Corporation of Weslaco to change the number of Directors and their qualifications to be appointed by the governing body of the City of Weslaco. Possible action. (Requested by City Manager's Office.) Attachment.

VI. REPORTS

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Appointments, and Feedback. Attachment
- B. Report on Water Rights and Quality. 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-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.
- B. Pending Litigation – Consult with City Attorney on settlement regarding Case No. 3:10-cv-00188-JPG-PMF, *City of Greenville, et al. v. Syngenta Crop Protection, Inc. et al., United States District Court for the Southern District of Illinois* as authorized by §551.071 of the Texas Government Code.
- C. Pending Litigation – Consult with City Attorney regarding Cause No. C-

3865-10-I, *City of Weslaco v. Champion Energy Services, LLC* as authorized by §551.071 of the Texas Government Code.

- D. Personnel – Consult with City Attorney regarding a claim for reimbursement of sick leave, vacation leave, and back wages as authorized by §551.071 of the Texas Government Code.
- E. Economic Development - Discussion with City Attorney regarding an incentive greater than \$100,000.00 for an economic development project as authorized by §551.087 of The Texas Local 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 15th day of February, 2013 at 7:25 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 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.