



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 16, 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, April 16, 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** Pages
1-2
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Regular Meeting of April 2, 2013. 3-10
(Requested by City Secretary's Office.) Attachment.
 - B. Authorization of the use of Federal forfeiture funds for payment of overtime for Drug Enforcement Agency (DEA) Task Force Officer not to exceed \$10,000.00 from the Forfeiture Account for investigations and operations that may result in furthering the law enforcement goals and mission and authorize a budget amendment as appropriate. (Requested by Police Department.) Attachment. 11
 - C. Authorization of the change of paying agent for the City of Weslaco, Texas General Obligation Refunding Bonds, Series 2002 from BBVA Compass to U.S. Bank and authorize the Mayor to execute any related documents. (Requested by Finance Department.) Attachment. 12-15
 - D. Approval of Resolution 2013-48 related to the completion of file compliance work on Texas General Land Office Contract DRS010201 Generator Projects, including to appoint the Grants Compliance Coordinator as Labor Standards Officer; Section 504 Officer, Section 3 Coordinator, Equal Opportunity/Fair Housing Officer; and authorize the Mayor to execute any related documents. (Requested by Finance Department.) 16

Attachment.

III. APPOINTMENTS

Standard Documentation on Board Appointments 17-21

- A. Discussion and consideration to approve Resolutions 2013-36 and 2013-43 to fill the terms of two members to the Weslaco Health Facilities Development Corporation. Possible action. (There was no action on these Resolutions April 2, 2013; Requested by Finance Department.) Attachment. 22-26
- B. Discussion and consideration to approve Resolution 2013-45 to fill the expired term of one member to the Ambulance Advisory Board. Possible action. (There was no action on this Resolution April 2, 2013; Requested by Fire Department.) Attachment. 27-28

IV. NEW BUSINESS

- A. Discussion and consideration to adjust the City of Weslaco's 2013 Consumer Price Index (CPI) to Municipal Telecommunications Right-of-Way Access Line Rates by 1.06% due to inflation. Possible action. (Requested by Legal Department.) Attachment. 29-30
- B. Discussion and consideration to approve the Interlocal Cooperation Agreement with the Lower Rio Grande Valley Development Council (LRGVDC) for use of the City Public Works Facility and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment. 31-37

V. REPORTS

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Appointments, and Feedback. Attachment. 38-49
- B. Report by the Economic Development Corporation of Weslaco. Attachment. 50
- C. Report on Legislative Update. Attachment. 51-52
- D. Report on Drought.
- E. Report on Thoroughfare Plan. Attachment. 53
- F. Report on Social Media Site Policy. Attachment. 54-55

VI. 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.

VII. 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 Special Assigned Counsel Denton, Navarro, Rocha, Bernal regarding Cause No. C-1048-13-D, *DKIII Hornback Enterprises, Ltd., Plaintiff, v. John Cuellar, Guadalupe Rivera, Jerry Tafolla, Leo Olivarez, and Jose Martinez, Defendants* in the 206th Judicial District Court of Hidalgo County, Texas as authorized by §551.071 of the Texas Government Code.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

IX. 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 12th day of April, 2013 at 7:15 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.