



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, MAY 7, 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, May 7, 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. PUBLIC HEARING**
- A. To solicit input on behalf of Sylvia Mendoza and Arturo Robles to approve a Conditional Use Permit to operate a dance hall with live music at 2901 W. Business Hwy. 83, also being 1.7295 acres of land out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas. 3
- III. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 April 16, 2013; 4-9
    - 2) Special Meeting of April 23, 2013. 10-12(Requested by City Secretary's Office.) Attachment.
  - B. Authorization to utilize Federal Equitable Sharing funds in an amount of \$125.75 to transfer one (1) 2007 Suzuki LT-F250 ATV VIN# JSAAJ51A972105456 awarded to the City of Weslaco Police Department from the U.S. Department of Justice and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment. 13-14
  - C. Approval of a space rental agreement between Sylvan Learning and the Mayor Joe V. Sanchez Public Library for use of prearranged areas of the library within the Summer months at a cost of \$100 per week and authorize 15

the Mayor to execute any related documents. (Requested by Library.) Attachment.

**IV. APPOINTMENTS**

*Standard Documentation on Board Appointments* 16-20

- A. Discussion and consideration to approve Resolution 2013-43 to fill the term of one member to the Weslaco Health Facilities Development Corporation. Possible action. (There was no action on this Resolution April 16, 2013; Requested by Finance Department.) Attachment. 21-23
- 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 16, 2013; Requested by Fire Department.) Attachment. 24-25
- C. Discussion and consideration to approve Resolutions 2013-49 and 2013-50 to fill the expired terms of two members to the Library Board. Possible action. (Requested by Library Department.) Attachment. 26-28
- D. Discussion and consideration to remove two members from the Parks and Recreation Advisory Board and to approve Resolutions 2013-51 and 2013-53 filling those unexpired terms. Possible action. (Requested by the Parks and Recreation Department.) Attachment. 29-31

**V. OLD BUSINESS**

- A. Discussion and consideration to approve the Lease Agreement with the Lower Rio Grande Valley Development Council (LRGVDC) for use of the City of Weslaco Public Works Facilities Building and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item April 23, 2013; Requested by Public Facilities Department.) Attachment. 32-38

**VI. NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Sylvia Mendoza and Arturo Robles to approve a Conditional Use Permit to operate a dance hall with live music at 2901 W. Business Hwy. 83, also being 1.7295 acres of land out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 39-46
- B. Discussion and consideration to approve a revision to the Bylaws of the Economic Development Corporation of Weslaco to provide for terms of office and a rotation of the members to comply with the Articles of Amendment to the Articles of Formation of the Economic Development Corporation of Weslaco as approved by the Weslaco City Commission on February 19, 2013. Possible action. (Requested by the Economic 47-49

Development Corporation.) Attachment.

- C. Discussion and consideration to approve Resolution 2013-54 authorizing review of the Cost of Service Adjustment (COSA) filing by Texas Gas Service Company (TGS), a division of ONEOK, Inc. effective August 1, 2013, hiring legal and consulting services to negotiate with TGS, and requiring TGS to reimburse all reasonable costs associated with a joint review of this application with other cities. Possible action. (Requested by Legal Department.) Attachment. 50-52
- D. Discussion and consideration to award the Construction-Manager-At-Risk Contractor to the best qualified, most advantageous bidder for the construction phase of the Weslaco Boys and Girls Club Recreation Center, funded in part by the Texas Parks and Wildlife as Project Number 51-000065, as shown on architectural drawings design completed by Alcocer Garcia Associates Architectural Services and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment. 53-55
- E. Discussion and consideration to award the City's Multiprotocol Label Switching Data Network and Internet Service Provider Services (City-wide Fiber Project) to the best qualified, most advantageous bidder as budgeted and authorize the Mayor to execute any related documents. Possible action. (Solicitation of Proposals authorized March 19, 2013; Requested by Information Technology Department.) Attachment. 56-60
- F. Discussion and consideration to approve a budget amendment from the Water and Wastewater Retained Earning Accounts in an amount not to exceed \$220,564.96 for the close-out of invoice No. 55609 from CH2MHILL-OMI for fiscal year 2012 Repairs, Chemicals, and Sludge Expenses. Possible action. (Invoice approved March 5, 2013; Requested by Public Utilities Department.) Attachment. 61
- G. Discussion and consideration to select the color of decorative coating for the pre-stressed concrete tanks at the Water Treatment Plant. Possible action. (Requested by City Manager's Office.) Attachment. 62
- H. Discussion and consideration to approve Resolution 2013-52 establishing the Weslaco 100 Committee, an ad hoc citizen board, to advise on the municipal strategic plan and centennial celebrations. Possible action. (Requested by City Manager's Office.) Attachment. 63-67

## **VII. REPORTS**

- A. Report on Departmental Update, Upcoming Meetings, Appointments, and Feedback. Attachment. 68-69
- B. Proposed Transportation Priorities. Attachment. 70

- C. Legislative Update from Caballero Legislative Affairs. Attachment. 71-75
- D. Report on Sponsored Projects. Attachment. 76-77
- E. Report on Litigation Status.

**VIII. 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.

**IX. 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. Land Acquisition – Discussion with City Manager regarding the acquisition of real property for the Weslaco Mid-Valley International Airport for the TxDOT Aviation Division runway extension project as authorized by §551.072 of the Texas Local Government Code.
- B. Economic Development - Discussion and consideration to authorize the Economic Development Corporation of Weslaco to provide an incentive in excess of One Hundred Thousand Dollars (\$100,000.00) for a business to expand to Weslaco pursuant to §551.087 of the Texas Government Code.

- C. Litigation – Consultation with the City Attorney to discuss legal matters related to litigation as authorized by §551.071 of the Texas Local Government Code.

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

**XI. 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 3<sup>rd</sup> day of May, 2013 at 8:05 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.