



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, JUNE 4, 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, June 4, 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 May 21, 2013. 3-13  
(Requested by City Secretary's Office.) Attachment.
  - B. Acceptance of meals at no cost to the City from Weslaco Independent 14  
School District Food Services Department and the Summer Feeding  
Program established through the Texas Department of Agriculture for  
distribution to school age children within the 2013 Summer Reading and  
Gus and Goldie Swimming Programs. (Requested by Library and Parks &  
Recreation Departments.) Attachment.
  - C. Approval of the utilization of Federal Forfeiture Funds for communications 15-16  
expenses not to exceed \$17,000.00 and authorize a budget amendment as  
appropriate. (Requested by Police Department.) Attachment.
  - D. Approval of the Interlocal Cooperation Agreement with the Lower Rio 17-25  
Grande Valley Development Council for the permanent transfer of six (6)  
Titan II Wireless Gateway radios valued at \$765.00/unit to the Fire  
Department to assist in emergency response at no cost to the City and  
authorize the Mayor to execute any related documents. (Requested by Fire  
Department.) Attachment.

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|-------------|--|-------|
| <b>III.</b> | <b><u>APPOINTMENTS</u></b><br><i>Standard Documentation on Board Appointments</i>  | 26-30 |
| A.          | Discussion and consideration to approve Resolution 2013-56 to fill the unexpired term of one member to the Parks & Recreation Advisory Board. Possible action. (There was no action on this Resolution May 21, 2013; Requested by Parks & Recreation Department.) Attachment.  | 31-32 |
| <b>IV.</b>  | <b><u>NEW BUSINESS</u></b>   |       |
| A.          | Discussion and consideration to approve the interlocal agreement with Hidalgo County Precinct 1 for the repaving of Mile 9 North Rd east of FM 1015 for an amount not to exceed \$24,550.00 or 28% of the total project cost. Possible action. (Requested by Planning & Code Enforcement and Public Facilities Departments.) Attachment. | 33-48 |
| B.          | Discussion and consideration to authorize the preparation of service plans for the involuntary annexation of 17 tracts of land as described:   | 49-53 |
|             | Tract 1<br>A tract of land containing 84.64 acres situated in the County of Hidalgo, Texas, being a part or portion of Farm Tracts 168, 169 and 170, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records   |       |
|             | Tract 2<br>A tract of land containing 139.51 acres situated in the County of Hidalgo, Texas, being a part or portion of Farm Tracts 155, 156, 159 and 160, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records   |       |
|             | Tract 3<br>A tract of land containing 87.26 acres situated in the County of Hidalgo, Texas, being a part or portion of Farm Tracts 154, 161, 166 and 167, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records  |       |
|             | Tract 4<br>A tract of land containing 154.30 acres situated in the County of Hidalgo, Texas, being a part or portion of Farm Tracts 128, 141, 172, 208 and 209, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records  |       |

Tract 5

A tract of land containing 182.71 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 186, 183, 174, 173, 184, 172 and 185, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 6

A tract of land containing 160.09 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 197, 198, 199 and 200, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 7

A tract of land containing 159.94 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 230, 231, 232 and 233, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 8

A tract of land containing 193.20 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 234, 235, 236, 237 and 191, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 9

A tract of land containing 207.10 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 182, 187, 191, 192, 193 and 194, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 10

A tract of land containing 319.94 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 175, 176, 177, 178, 246, 247, 248 and 249, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 11

A tract of land containing 80.06 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 250 and 251, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 12

A tract of land containing 240.31 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 111, 112, 113, 114, 252 and 253, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 13

A tract of land containing 239.82 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 1030, 1031, 1032, 1034, 1035, 1036 and 1100, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 14

A tract of land containing 200.74 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 1020, 1021, 1022, 1023, 1024, 1025, 1098, 1099 and 1100, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 15

La Paloma de las Sombras Subdivision, a subdivision containing 10.00 acres of land and being part of Farm Tract 705, Block 136, West Tract Subdivision, Llano Grande Grant, as recorded in Volume 2, Pg. 34-37 of the Map Records in the office of the County Clerk of Hidalgo County, Texas

Tract 16

A tract of land containing 410.84 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 32, 32-B, 36 and Ranchitos de Progreso Phase 1, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 17

A tract of land containing 35.88 acres situated in the County of Hidalgo, Texas, being a portion of Farm Tracts 799, 800 and 804 West

and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

- C. Discussion and consideration to award Bid Number 2012-13-09 for the purchase of Duty Gear to the best qualified, most advantageous bidder and approve a budget amendment as appropriate. Possible action. (Use of Federal Equitable Sharing Funds authorized for this purchase on April 2, 2013; Requested by Police Department.) Attachment. 54-59
- D. Discussion and consideration to authorize the Economic Development Corporation of Weslaco (EDC) to increase its share of the Texas Department of Transportation (TxDOT) Aviation Division construction project from \$250,000.00 to \$361,976.00 based on the current estimate of the project of \$7,239,520.00 with the local share being \$723,952.00. Possible action. (Memorandum of Understanding approved January 18, 2011; Requested by EDC.) Attachment. 60-62
- E. Discussion and consideration to approve the purchase of two (2) 2013 Ford F-150 Regular Cab pickup trucks to use as utility vehicles for the Meter Division in an amount not to exceed \$18,116.00/each from the best qualified, most advantageous vendor, authorize budget amendments as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 63-65
- F. Discussion and consideration to approve municipal parks improvements and authorize the use of the Internal Service Fund in an amount not to exceed \$100,000.00. Possible action. (Requested by Parks and Recreation Department.) Attachment. 66
- G. Discussion and consideration to approve Resolution 2013-58 authorizing eminent domain proceedings for the purpose of acquiring real estate to construct airport improvements and authorize the Mayor to execute any related documents. Possible action. (Requested by Airport Department.) Attachment. 67

**V. REPORTS**

- A. Report on Departmental Update, Upcoming Meetings, Appointments, and Feedback. Attachment. 68-71
- B. Legislative Update by Caballero Governmental Affairs. Attachment. 72-75
- C. Report on Sponsored Projects. Attachment. 76-77
- D. Report on Litigation Update.

**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. Contract Negotiations - Discussion with the City Manager and City Attorney relating to Operations Management International, Inc. (OMI) as authorized by §551.071 of the Texas Government Code.
- B. Economic Development – Discussion to authorize a Development Agreement between the Economic Development Corporation of Weslaco and Sarina Group, Ltd. that provides an incentive over One Hundred Thousand Dollars (\$100,000.00) to bring a national motel to Weslaco pursuant to §551.087 of the Texas Government Code.
- C. Economic Development – Discussion with the City Manager to enter into an Economic Development Agreement with the Economic Development Corporation of Weslaco to develop or market certain real property and improvements owned by the City of Weslaco as authorized by §551.087 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 31<sup>st</sup> day of May, 2013 at 7:00 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/ 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.