



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 2, 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, July 2, 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
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- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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: 3-9
 - 1) Regular Meeting of June 18, 2013;
(Requested by City Secretary's Office.) Attachment.
 - B. Approval on Second and Final Reading of Ordinance 2013-07 revising Ordinance 2011-30, the Master Fee Schedule, to identify charges for late, stolen, or damaged tablet computers checked out from the Library consistent with the Library Computer Acceptable Use Policy, Tablet Liability and Appropriate Use Agreement, and Tablet Checkout Procedures as follows: \$1.00 per hour kept over the checkout period with a maximum of \$10.00, \$25.00 for damages, and \$300.00 for a lost or stolen tablet. (First Reading held June 18, 2013; Requested by Library Department). Attachment. 10
 - C. Approval of the renewal of the Lease Agreement with the Weslaco Softball/Baseball League for the use of the Softball/Baseball Fields 1, 2 and 3 and concession stand at the Weslaco City Park, for a term of 5 months August 1, 2013-December 31, 2013 and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment. 11-18

IV. NEW BUSINESS

- A. Discussion and consideration on behalf of Martha Villarreal to approve the Final Plat of M. Villarreal Subdivision, being a 1.078 acre tract of land out of Lot 13, Campucas Addition, Hidalgo County, Texas, to deny the variance request regarding fire hydrant installation, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 19-38
- B. Discussion and consideration to authorize Buy Board Contract #346-10 to purchase Landscape Structure equipment for Pecan Grove Park and rubber mulch for select playgrounds at Isaac Rodriguez Park, Gibson Park, City Park, and Harlon Block Park, from the best qualified, most advantageous vendor in an amount not to exceed \$100,000.00. Possible action. (Requested by Parks and Recreation Department.) Attachment. 39-41
- C. Discussion and consideration to approve the contract with MuniServices, LLC to perform Local Hotel/Motel Occupancy Tax Program Audit and Administration Services for the City of Weslaco, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment. 42-57
- D. Discussion and consideration to approve the contract with MuniServices, LLC to perform Sales Tax Compliance Review for the City of Weslaco, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment. 58-73
- E. Discussion and Consideration to approve Resolution 2013-60 authorizing publication of notice of intention to issue certificates of obligation. Possible Action. (Requested by Finance Department.) 74

V. REPORTS

- A. Report on Departmental Update, Upcoming Meetings, Appointments, and Feedback. Attachment. 75-88
- B. Report on Sponsored Projects. Attachment. 89-92
- C. Report on Litigation Update.
- D. Report on the Thoroughfare Plan. Attachment. 93-94
- E. Report on Bond Rating and Financial Status by FirstSouthwest.
- F. Legislative Update by Caballero Governmental Affairs. Attachment. 95-103

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 - Discussion with assigned defense counsel Anthony B James regarding a settlement offer in C-2201-11-I *Pascual Hernandez and Maria Luisa Hernandez v. City of Weslaco* as authorized by Section 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 28th day of June, 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.