



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 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, July 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. Mayoral Recognitions and Presentations.
 - E. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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) Special Meeting of June 27, 2013; 3-5
 - 2) Regular Meeting of July 2, 2013. 6-11(Requested by City Secretary's Office.) Attachment.
 - B. Approval of the Memorandum of Agreement with Coastal Bend Regional Advisory Council on Trauma Service Area U at no cost to the City authorizing the Fire Department to participate as a member of Emergency Medical Task Force Region 11 in the event of a major disaster and authorize the Mayor to execute any related documents. (Requested by Fire Department.) Attachment. 12-31
 - C. Authorization to declare and dispose of additional surplus property, such as equipment and other miscellaneous items, from various City departments through a public auction as per Ordinance No. 86-08, authorized on July 20, 2013, and authorize a budget amendment as appropriate. (Surplus and auction authorized June 18, 2013; Requested by Finance Department.) Attachment. 32-39
 - D. Approval of the Interlocal Cooperation Agreement with the Office of Hidalgo County Constables Precinct 1 providing them with certain surplus 40-43

radars no longer useful to the Weslaco Police Department and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment.

III. NEW BUSINESS

- A. Discussion and consideration to authorize a Special Services Agreement between the City of Weslaco and the Weslaco Area Chamber of Commerce in an amount not to exceed \$14,000.00 from Hotel/Motel Room Occupancy Tax proceeds for publicity and tourism, authorize a budget amendment as appropriate, and authorize the Mayor to execute the contract. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Martinez.) Attachment. 44-46
- B. Discussion and consideration to accept bids received on tax resale property described as follows: 47-85
- 1) Lot 7, Block 3, Citrus Terrace #2;
 - 2) Lot 6, Block 9, Northside
 - 3) Lot 1, Block 2, Expressway Heights
 - 4) Lot 23, Block 5, Tierra Santa Golf Club & Community Add., Phase 2
 - 5) The East one-half of Lots 8 and 9, Block "C", Original Townsite Addition
 - 6) Lot 16, Block 4, Expressway Heights
 - 7) Lot 16, Block 6, Ramona
 - 8) Lot 2, Block 1, Bailey
 - 9) Lots 8 & 9, Block 1, Staats
 - 10) Lot 5, Block 1, Guadalupe
 - 11) Lots 9 & 10, Block 6, Christensen
 - 12) Lots 16 & 17, Block 3, Gonzalez
- approve Resolution 2013-61 authorizing the tax resale, authorize a budget amendment as appropriate, and authorize the Mayor to execute the tax resale deeds and any related documents. Possible action. (Requested by Delinquent Tax Attorney.) Attachment.
- C. Discussion and consideration to authorize a Public Purpose Services Contract and Building Use Agreement between the City of Weslaco and the Boys and Girls Club of Weslaco, Inc. in an amount not to exceed \$12,499.98, authorize a budget amendment as appropriate, and authorize the Mayor to execute the contract. Possible action. (Requested by Parks & Recreation Department.) Attachment. 86-94
- D. Discussion and consideration to approve the Lease Agreement with the Mid Valley Regional Communications Corporation for use of a portion of the City Public Works Facilities Building and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment. 95-101
- E. Discussion and consideration to extend the current policies or to authorize the solicitation of proposals or to elect to self-insure for Basic Life, 102-103

Accidental Death and Dismemberment Insurance, Commercial Property & Equipment, Crime, Flooding, and Airport Policies. Possible action. (There was no action on this item June 18, 2013; Requested by Human Resources Department.) Attachment.

- F. Discussion and consideration to approve the Waterline Access Agreement to install Fire Hydrants at the pertaining areas in the property specifically listed in Exhibit “A” of the agreement, also being 1.7295 acres of land out of Farm Tract 626 West Tract Subdivision, located at 2901 W. Business Hwy. 83, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 104-126
- G. Discussion and consideration to amend the Professional Engineering Services contract with Briones Engineering for the Weslaco Water Treatment Plant and Offsite Distribution Project to prepare a Professional Engineer Report for the City of Weslaco’s South Wastewater Treatment Plant to be financed by savings from this construction project. Possible action. (Requested by Public Utilities Department.) Attachment. 127-134
- H. Discussion and consideration to approve payment and final payment from Cruz-Hogan Consultants, Inc. for the FEMA Drainage Improvements Project Phase I, FEMA Project Numbers DR 1791-119 and DR 1791-134 for the amount not to exceed \$11,950.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 135-141
- I. Discussion and consideration to approve Change Order Number 2 with J.F. Utilities for rehabilitation of Lift Station Number 36 to increase the contract amount not to exceed \$40,000.00 due to unforeseen conditions, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 142-145

IV. REPORTS

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Appointments, and Feedback. Attachment. 146-155
- B. Report by Economic Development Corporation of Weslaco. Attachment. 156
- C. Report on bond issuance by South Texas College.

V. 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.

VI. 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 City Attorney regarding C.A. No. M-12-420, *Priscilla Montano, Eddie Anzaldua, Gregorio Hinojosa, Jr., Esteban Estrada, Yvonne Rodriguez, Ruben Mata, Griselda Jimenez, Olga Grein, Irene Ochoa, and Griselda “Cris” Martinez, Plaintiffs v. The City of Weslaco, Defendant* pursuant to §551.071 of the Texas Government Code.
- B. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the IAFF-WFFA Local 3207 as authorized by §551.071 of the Texas Government Code.

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

VIII. 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 July 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.