



**A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 30, 2013**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Special Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, July 30, 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. Pledge of Allegiance.
 - C. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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: 3-16
 - 1) Special Meeting of July 10, 2013;
 - 2) Regular Meeting of July 16, 2013.(Requested by City Secretary's Office.) Attachment.
 - B. Approval of the renewal of the Federal Work Study agreements with The University of Texas Pan American, including the America Reads Challenge, America Counts Challenge, and Community Service programs, to allow the City of Weslaco to obtain student volunteer assistance at no cost to the City and authorize the Mayor to execute any related documents. (Requested by Library.) Attachment. 17-22
 - C. Approval of the renewal of the annual Host Agency Agreement with AARP Senior Community Service Employment Program allowing the City of Weslaco to accept participants through a short-term work-training program and authorize the Mayor to execute any documents. (Requested by Human Resources Department.) Attachment. 23-26
 - D. Approval of the renewal of the E9-1-1 Public Safety Answering Point Services Interlocal Agreement with the Lower Rio Grande Valley Development Council to continue providing the City of Weslaco the necessary service and equipment to answer emergency calls and authorize the Mayor to execute any related documents. (Requested by Police 27-53

Department.) Attachment.

- E. Approval of the modification of interlocal agreement executed June 27, 2013 with Hidalgo County Precinct 1 and Texas Department of Transportation (TxDOT) for the reconstruction of Mile 6 West (Westgate Drive) from Mile 9 North to Mile 11 North in an amount not to exceed 10% of the total project cost (TxDOT 80% and Hidalgo County 10%) and city-owned utility exceptions and authorize the Mayor to execute any related documents. (Commission approved the agreement June 27, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 54-60

III. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2013-08, repealing Part II Chapter 26 of Article XI of the City's Code of Ordinances and providing a new landscape ordinance. First Reading of Ordinance 2013-08. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 61-69
- B. Discussion and re-consideration on behalf of Ramona Flores & Elmer Ramos to approve the Final Plat of El Papalote Ranch Subdivision, being 6.028 acre tract out of Farm Tract 310, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 70-91
- C. Discussion and consideration on behalf of Sunil Wadhvani to approve the Final Plat of Sarina Group Subdivision, being 2.498 acres of land out of Farm Tract 132, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 92-113
- D. Discussion and consideration on behalf of Project Engineer, Kimley-Horn and Associates, Inc. to approve the Final Plat of Southgate Center Subdivision, being 12.48 acres more or less out of Farm Tract 675 and Farm Tract 679, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 114-141
- E. Discussion and consideration to approve the Interlocal Cooperation Agreement with Hidalgo County establishing a rate schedule for mutual projects and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment. 142-154
- F. Discussion and consideration to authorize the solicitation of proposals to purchase water rights in an amount not to exceed 2,000 acre-feet, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 155

- G. Discussion and consideration to authorize a letter of commitment to Texas A&M Kingsville (TAMUK) and the Lower Rio Grande Valley Texas Pollutant Discharge Elimination System Storm Water Task Force participating in the Texas Commission on Environmental Quality Non-point Source Program FY 2014 Clean Water Act Section §319(h) Grant program through an in-kind contribution and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 156-157
- H. Discussion and consideration to approve budget amendments for various departments. Possible action. (Requested by Finance Department.) Attachment. 158
- I. Discussion and consideration to approve an Election Order toward the General Election on November 5, 2013 pursuant to Texas Election Code §3.005 and authorize the Mayor and Commissioners to execute any related documents. Possible action. (Requested by Office of the City Secretary.) Attachment. 159-161
- J. Discussion and consideration to approve the Sister Cities International partnership agreement for the City of Weslaco, Texas, United States of America and San Miguel de Allende, Guanajuato, Mexico and authorize the Mayor to execute any related documents. Possible action. (Requested by Office of the City Manager.) Attachment. 162-166

IV. REPORTS

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Appointments, and Feedback. Attachment. 167-170
- B. Report on Sponsored Projects. Attachment. 171-172
- C. Report on Litigation Status.
- D. Report on Operations Management International, Inc. (OMI) transition toward self-performance by the Public Utilities Department of water and wastewater treatment and lift stations.
- E. Report by Advocacy Alliance Center of Texas (AACT). Attachment. 173

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. 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.
- B. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the Interlocal Governmental Agreement with the Hidalgo County Emergency Services District No. 1 as authorized by §551.071 of the Texas Government Code.
- C. 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 §551.071 of the Texas Government Code.
- D. Pending Litigation – Consult with Special Assigned Counsel Arnold Aguilar 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.
- E. Pending Litigation – Discussion with City Attorney regarding Civil Action No. 7:12-CV-00256, *Jesus George Stillman, Plaintiff v. City of Weslaco, Texas, Albert Ponce and Weslaco Police Chief Michael Kelley, Defendant* pursuant to §551.071 of the Texas Government Code.
- F. Pending Litigation – Discussion with City Attorney regarding Civil

Action No. 7:12-CV-00419, *Griselda Jimenez, Plaintiff v. City of Weslaco, Texas, Defendant* pursuant to §551.071 of the Texas Government Code.

- G. Pending Litigation – Discussion with special counsel Shelton Valadez regarding No. 03-12-00535-CV In the Court of Appeals, Third Court of Appeals District *Tommy Adkisson, Individually and Officially on Behalf of Bexar County, Texas as County Commissioner Pct. 4, Appellants/Plaintiffs v. Greg Abbott, Attorney General of Texas and Hearst Newspaper, LLC, Appellees/Defendants* 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 Special 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 26th day of July 2013 at 6:30 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.