



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, SEPTEMBER 17, 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, September 17, 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**

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Roll Call.

**II. PUBLIC HEARING**

- A. To solicit input regarding the proposed Municipal Budget for the City of Weslaco for the fiscal year beginning October 1, 2013 and ending September 30, 2014.

**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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 September 3, 2013;
  - 2) Special Meeting of September 12, 2013.(Requested by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of Ordinance 2013-25 approving the City of Weslaco Texas Municipal Retirement System (TMRS) benefits and rates and establishing an effective date of January 1, 2014 for such actions. (First Reading held September 3, 2013; Requested by Finance Department.) Attachment.
- C. Approval of the request to close Texas Boulevard/FM 88 from Fifth to Sixth Streets from 1:00 p.m. to 12:00 a.m. on November 16, 2013 for the *Tenth Annual Pan de Campo Fundraiser* coordinated by the Weslaco Museum of Local History and Cultural Art, suspend Weslaco City Code of Ordinances §22-24 for the limited use of live animals and authorize the sale

of wine, beer, and mixed beverages to a Texas Alcoholic Beverage Commission (TABC) licensed vendor and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Requested by Museum). Attachment.

- D. Approval of the renewal of the contract with the Texas Department of Transportation Aviation Division through the Routine Airport Maintenance Program Grant in Fiscal Year 2013-2014 for maintenance on a 50/50 cost share and authorize the Mayor to execute any related documents. (Requested by Airport.) Attachment.
- E. Approval of the purchase of a VaraCorp Aerator for the North Wastewater Treatment Plant Digester for a cost not to exceed \$11,500.00 from a sole source vendor, Nabers Enterprises, LLC, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment.
- F. Approval of Resolution 2013-70 identifying as authorized representatives for TexSTAR, Bret Mann, Finance Director, and Sonia Flores, Assistant Finance Director, and authorize the Mayor to execute any related documents. (Requested by Finance Department.) Attachment.

#### **IV. APPOINTMENTS**

- A. Discussion and consideration to approve Resolution 2013-68 appointing a member to an expired term on the Board of Adjustments and Appeals - Zoning. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.
- B. Discussion and consideration to approve Resolution No. 2013-69 nominating a candidate to the Hidalgo County Appraisal District Board of Directors for the 2013-2014 election. Possible action. (Item as requested by the Office of the City Secretary.) Attachment.

#### **V. OLD BUSINESS**

- A. Discussion and consideration on Second and Final Reading to approve Ordinance 2013-23 approving the City of Weslaco budget appropriation for the fiscal year October 1, 2013 – September 30, 2014. Roll call vote required. Possible action. (First Reading held September 3, 2013; Requested by Finance Department.) Attachment.
- B. Discussion and consideration on Second and Final Reading to approve Ordinance 2013-24 approving the City of Weslaco ad valorem property tax rate of \$0.6867/\$100.00 valuation, assessed lower than the rate last year, pursuant to §26.05(d) of the Texas Tax Code on all taxable property within the City of Weslaco, Texas for Tax Year 2013, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of Weslaco,

providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. Roll call vote required. Possible action. (First Reading held September 3, 2013; Requested by Finance Department.) Attachment.

**VI. NEW BUSINESS**

- A. Discussion and consideration to approve the Annual Work Plan and Budget for the Economic Development Corporation of Weslaco (EDCW) Fiscal Year 2013-2014 as approved by the EDCW Board of Directors on September 11, 2013. Possible action. (Requested by the Economic Development Corporation of Weslaco.) Attachment.
- B. Discussion and consideration to authorize an Interlocal Governmental Agreement with the Hidalgo County Emergency Services District No. 1 by which the City provides emergency ambulance service with not less than two ambulances to those areas of rural Hidalgo County within the established boundaries of the District and the District agrees to pay the City the sum of \$125,000.00 for the period October 1, 2013 through September 30, 2014, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by the Fire Department.) Attachment.
- C. Discussion and consideration to approve Resolution 2013-63 recognizing the importance of the International Bridge Trade Corridor (IBTC) as it will facilitate mobility, relieve congested roadways, improve safety conditions for the traveling public and support economic development opportunities for the eastern Hidalgo County region. Possible action. (There was no action on this item August 27, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
- D. Discussion and consideration to approve the Exempt and Non-Exempt classified positions with corresponding pay grade and ranges for fiscal year 2013-2014. Possible action. (Requested by the Human Resources Department.) Attachment.

**VII. REPORTS**

- A. Report by Mayor Miguel D. Wise. Attachment.
- B. Report on Departmental Update, Financial Status, Upcoming Meetings, Appointments, and Feedback. Attachment.
- C. Report by Economic Development Corporation of Weslaco. Attachment.
- D. Report by FirstSouthwest, the City's financial advisor.

**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. Pending Litigation – Consult with City Attorney regarding Cause No. C-3865-10-I, *City of Weslaco v. Champion Energy Services, LLC* as authorized by §551.071 of the Texas Government Code.
- B. Discussion with City Attorney to authorize Special Counsel for advice about pending or contemplated litigation pertaining to proposed annexations pursuant to §551.071 of the Texas 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 13<sup>th</sup> day of September 2013 at 6:15 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.