A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 1, 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, October 1, 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:
   1) Special Meeting of September 16, 2013. 3-5
   2) Regular Meeting of September 17, 2013. 6-20

   (Requested by City Secretary's Office.) Attachment.

B. Approval of the Interlocal agreement between County of Hidalgo, and the City of Weslaco, to provide and receive pickup and disposal service of commercial waste for the Sheriff's East Substation, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment. 21-26

C. Approval of the renewal of the agreement with the Texas Department of State Health Services (DSHS), identified as contract number 2014-044206-001, for electronic access to certain Vital Statistics records at a cost of $1.83/search, effective September 1, 2013 – August 31, 2015 and authorize the Mayor to execute any related documents. (Requested by Office of the City Secretary.) Attachment. 27-33

D. Approval of Resolution 2013-71 opposing the Texas Department of Transportation "Highway Transfer Turnback Program" and authorize the Mayor to execute any related documents. (Requested by Planning and Code Enforcement Department.) Attachment. 34-37

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. (There was no action on this item September 17, 2013; Requested by Public Utilities Department.) Attachment. 38-40

F. Approval of the assignment of Hanger Number W2, located at the Weslaco Mid Valley Airport, from Sandra S. Remy, as Successor-in-Interest to Richard A. Remy, to Chachalaca Aero, L.L.C., a Texas limited liability company, and authorize the Mayor to execute any related documents. (Requested by Airport Department.) Attachment. 41-57

III. APPOINTMENTS

Standard Documentation on Board Appointments 58-62

A. Discussion and consideration to approve Resolution 2013-75 replacing one member to an unexpired term on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (Requested by Economic Development Corporation of Weslaco.) Attachment. 63-63

B. Discussion and consideration to approve Resolution 2013-73 confirming the appointment by the City Manager of a member to an expired term on the Civil Service Commission as per Local Government Code §143.006. Possible action. (Requested by Human Resources Department.) Attachment. 65-66

C. Discussion and consideration of Resolution 2013-74 appointing a member, an alternate member, and three designate proxy members to the Hidalgo County Metropolitan Planning Organization (MPO) and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 67-69

D. Discussion and consideration to approve Resolution 2013-72 appointing a member to an expired term on the Parks and Recreation Advisory Board. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 70-71

IV. OLD BUSINESS

A. Discussion and consideration to approve on Second and Final Reading Ordinance 2013-26 amending §1 of Ordinance 77-16 and §1 of Ordinance 67-10 by providing for a new schedule of rates to be charged for treated water delivered through the system of the Public Utilities Department of the City of Weslaco and providing for a new schedule of rates to be charged for the use of wastewater treatment facility of the City of Weslaco, and ordaining other matters with respect to the subject matter hereof. Second reading of Ordinance 2013-26. Possible action. (Approved on First Reading September 12, 2013; Requested by Public Utilities Department.) Attachment. 72-77

B. 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. (There was no action on this item September 17, 2013; Requested by the Economic Development Corporation of Weslaco.) Attachment. 78

V. NEW BUSINESS

A. Discussion and consideration to award the best qualified, most advantageous vendor for chemicals, sludge and outside services necessary for the operation of the Water, Wastewater, and Lift Station systems, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 79-85

B. Discussion and consideration to authorize an agreement with Garcia and Pena, CPAs, for professional accounting services for the fiscal year ending September 30, 2013 in an amount not to exceed $ 63,450.00, and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment. 86-87

C. Discussion and consideration to approve Ordinance 2013-27, the "Safe Passing Ordinance," establishing applicable authority and area; definition of vulnerable road users; restrictions on motor vehicle use; penalties, restitution, defenses; providing for publication and establishing an effective date; providing for penalties by ordinance and Texas laws; repealing prior ordinances; providing for servability. First Reading of Ordinance 2013-xx. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 88-92

D. Discussion and consideration to approve the Election Services Contract with the Hidalgo County Elections Department to conduct the City of Weslaco General Election of November 5, 2013 pursuant to Texas Election Code Chapter 271, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Office of the City Secretary.) Attachment. 93-102

E. Discussion and consideration to approve the incentive and the Development Agreement between the Economic Development Corporation of Weslaco and Hermes Trading Company, Inc. dba Hermes Music and authorize the Mayor to execute any related documents. Possible action. (Commission authorized the incentive May 7, 2013; Requested by the Economic Development Corporation.) Attachment. 103-110

VI. REPORTS

A. Report on Departmental Update, Upcoming Meetings, Appointments, and Feedback. Attachment. 111-113

B. Report on Sponsored Projects. Attachment. 114-115

C. Report on Litigation Status.

D. Report on Public Utility Department Operations.

E. Report by Parks and Recreation Department.

VII. 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.

VIII. 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. Real Property - Discussion with the City Manager to deliberate the purchase and value of real property pursuant to §551.072 of the Texas Government Code.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

X. 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 27th day of September 2013 at 9:15 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.