



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 15, 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 15, 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. PUBLIC HEARINGS**
- A. To solicit input in compliance with the Consolidated Plan for Community Planning & Development (CDBG) on the City of Weslaco's needs under the 27th year Urban County Program Year 2014. 3-6
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 October 1, 2013. (Requested by City Secretary's Office.) Attachment. 7-23
 - B. Approval on Second and Final Reading of the following Ordinances:
 - 1.) Ordinance 2013-22 amending ordinance number 75-4, the City of Weslaco Subdivision Ordinance, codified as Appendix B, Article I, Section 26 of the Weslaco Code of Ordinances; adopting new subdivision regulations; providing for publication and an effective date and ordaining other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. (First Reading held September 3, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 24-81
 - 2.) Ordinance 2013-27, the "Safe Passing Ordinance," establishing applicable authority and area; definition of vulnerable road users; 82-85

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 held October 1, 2013; Requested by Planning and Code Enforcement Department.) Attachment.

- C. Approval of the renewal of an agreement with the Drug Enforcement Administration (McAllen HIDTA Task Force) ending September 30, 2014 to enhance local law enforcement operations at no cost to the City and authorize the Mayor and designated staff to execute any related documents. (Requested by Police Department.) Attachment. 86-92
- D. Approval of the renewal of the Interlocal Cooperation Agreement with the County of Hidalgo for 2012 Operation Stonegarden to enhance local law enforcement preparedness and operational readiness at no cost to the City and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment. 93-102
- E. Authorization to accept monetary and other in-kind donations from local vendors and/or the public in support of the Summer Reading Program (SRP) at the Mayor Joe V. Sanchez Weslaco Public Library. (Requested by the Mayor Joe V. Sanchez Weslaco Public Library.) Attachment. 103
- F. Authorization to submit an application renewing the Reading Is Fundamental (RIF) Grant for FY 2013-2014, to accept funds upon award throughout the year, to provide local matching funds so long as these funds do not exceed 10% of the total granted amount in each instance and do not exceed \$700 total annually, and to authorize the Mayor to execute any associated documents throughout the year. (Requested by the Mayor Joe V. Sanchez Weslaco Public Library.) Attachment. 104
- G. Authorization to submit an application renewing the ERate 2014-2015 Grant program, the acceptance of funds upon award, the execution of all related documents, and the acceptance of additional funding if awarded during the grant year. (Requested by the Mayor Joe V. Sanchez Public Library.) Attachment. 105-110
- H. Approval of Resolution 2013-76 authorizing Bret L. Mann, Finance Director, the authority to set-up certificate of deposits and money market accounts at bank(s) or credit union(s) on behalf of the City of Weslaco in an amount not to exceed \$245,000.00 each and authorize the Mayor and designated staff to execute any related documents. (Requested by Finance Department.) Attachment. 111-113
- I. Approval of the request to close Texas Boulevard/FM 88 from Third to Fifth Streets from 3:00 p.m. to 10:00 p.m. on the third (3rd) Thursday of the month from October 2013 to September 2014, with alternate date due to inclement weather the following Thursday, for a block party entitled *Al Fresco Weslaco – Jazz on the Street* coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer 114

by 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 the Economic Development Corporation.) Attachment.

IV. APPOINTMENTS

Standard Documentation on Board Appointments 115-119

- A. Discussion and consideration to accept the resignation of Bertha Suarez from the Ambulance Advisory Board and approve Resolution 2013-77 appointing one member to that unexpired term. Possible action. (Requested by Fire Department.) Attachment. 120-122
- B. Discussion and consideration to approve Resolutions 2013-78 and 2013-79 appointing two members to expired terms on the Board of Adjustments and Appeals. (Requested by Planning and Code Enforcement Department.) Attachment. 123-125

V. NEW BUSINESS

- A. Discussion and consideration to approve sole bidder of 12-Inch Recycle Line for Urban County Program Project 148 to Saenz Brothers Construction, LLC from Donna, Texas and authorize the Mayor to execute any related documents, including a letter of concurrence. Possible action. (Requested by Sponsored Projects.) Attachment. 126-131
- B. Discussion and consideration to select three engineering firms based on the request for qualifications for professional services for geotechnical and construction material testing to be paid by the developer and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 132-133
- C. Discussion and consideration to approve a Public Purposes Agreement and/or Lease Agreement with the Boys & Girls Club, Inc. an amount not to exceed \$50,000.00 to be paid in twelve (12) equal installments for the public purpose services and activities in this contract, and authorize the Mayor to execute any related documents. Possible action. (Requested by Parks & Recreation Department.) Attachment. 134-139
- D. Discussion and consideration to authorize the use of the Court Technology Fund to pay the yearly Incode Service fee, which include the Court Management, Media Plus Automated Cash Drawer, Police (non-Incode Interface to Court), Epson TM-u950p Receipt Validation Printer, and AcuCorp Run Time in the amount not to exceed \$8,816.83 and authorize the Mayor to execute any related documents. Possible action. (Requested by Municipal Court.) Attachment. 140-141
- E. Discussion and consideration to authorize the use of the Court Technology Fund for the lease of a copy/printer/facsimile machine from De Lage 142-148

Lander and the contract coverage fee for number of copies that surpassed the amount established from Core Business Solution in the amount not to exceed \$2,450.00 and authorize the Mayor to execute any related documents. Possible action. (Requested by Municipal Court.) Attachment.

- F. Discussion and consideration to award the best qualified, most advantageous bidder for chlorine chemicals necessary for the operation of the Water, Wastewater, and Lift Station systems, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 149-151

VI. REPORTS

- A. Report by City Manager and Department Directors, Upcoming Meetings, Appointments, and Feedback. Attachment. 152-154
- B. Report on Financial Status. Attachment. 155-156
- C. Report by Public Utilities Department on Self-Performance of Water, Wastewater, and Lift Station systems.
- D. Report by the Economic Development Corporation of Weslaco. Attachment. 157

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. Potential Litigation - Consultation with City Attorney to award a contract for professional services to investigate potential conflicts of interest, misconduct, and/or breaches of contract by professional contractors pursuant to §551.071 of the Texas Government Code.
- B. Potential Litigation – Consultation with the City Attorney regarding a lease with the City of Weslaco at the Weslaco Mid Valley Airport pursuant to §551.071 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 11th day of October 2013 at 7:45 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.