



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 19, 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, November 19, 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. INSTALLATION OF NEWLY ELECTED OFFICERS**
- A. Discussion and consideration to approve Resolution 2013-94 certifying the results of the November 5, 2013 City of Weslaco General Election in accordance with Texas Election Code §67.004(a). Possible action. (Canvass conducted November 18, 2013 in accordance with Texas Election Code §67.004(a).) Attachment. 3-4
 - B. Conduct Oaths of Office and file Statements of Elected Officers.
 - C. Discussion and consideration to select a Mayor Pro-Tem. Possible action.
 - D. Reception.
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 on November 5, 2013; 5-15
 - 2.) Special Meeting on November 12, 2013. (Requested by City Secretary's Office.) Attachment. 16-25
 - B. Approval of the 2014 Calendar Year City of Weslaco Holiday 26-27

Schedule. (Requested by Human Resources Department.) Attachment.

- C. Approval of the renewal of the City's membership in the Texas Municipal League in the amount of \$4,217.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by City Manager's Office.) Attachment. 28-30
- D. Approval of the annual request by the Economic Development Corporation of Weslaco to host the 2013 Mid-Valley Christmas Lighted Parade on Thursday, December 19, 2013 from 6:00 p.m. – 9:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, 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 of Weslaco.) Attachment. 31
- E. Approval of a request by Aurora House Foundation to utilize Harlon Block Sports Complex on January 25, 2014 from 7 a.m. – 12 noon for a charity walk-a-thon, authorize street closures as appropriate, 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 Aurora House.) Attachment. 32
- F. Approval of the request from H-E-B to place a banner promoting Feast of Sharing at the intersection of Texas and Pike Boulevards and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Requested by Parks and Recreation Department.) Attachment. 33
- G. Approval of the renewal of the Amigos Del Valle, Inc. lease agreement for fiscal year 2013-2014 and authorize the Mayor to execute any related documents. (Requested by Parks and Recreation Department.) Attachment. 34-39

IV. OLD BUSINESS

- A. Discussion and consideration to approve the Drainage Detention Easement and the contract for granting of Drainage Detention Easement with the Weslaco Independent School District and the City of Weslaco for a 5.62 acre tract of land out of Farm Tract 140 Block 162, West and Adams Tract Subdivision, Hidalgo County and authorize the Mayor to execute any related documents. Possible action. (Requested by Legal; originally requested November 12, 2013 by Planning and Code Enforcement Department.) Attachment. 40-50
- B. Discussion and consideration to approve the interlocal agreement with Hidalgo County (Precinct 1) for street improvements, including design and construction, of Mile 9 North Road east of Mile 6 West/Westgate 51-56

Drive in an amount not to exceed \$750,000.00 as 50% of the total project cost, approve any necessary amendments to the professional services agreement with the engineer of record, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Legal; originally requested November 12, 2013 by Planning & Code Enforcement Department.) Attachment.

- C. Discussion and consideration to authorize an expenditure in an amount not to exceed \$750,000.00 from the Certificates of Obligation, Series 2007 for street improvements on Mile 9 North Road/Sugarcane Drive, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Legal; originally requested November 12, 2013 by Finance Department.) Attachment. 57
- D. Discussion and consideration to approve various budget amendments to municipal departments for fiscal year ending September 30, 2013. Possible action. (Requested by Legal; originally requested November 12, 2013 by Finance Department.) Attachment. 58-62

V. **NEW BUSINESS**

- A. Discussion and consideration to authorize the City Manager to issue a building permit prior to the recordation of the subdivision plat for IDEA Academy to be located at 1200 E. Pike Boulevard, waiving the Subdivision Ordinance requirement that a final subdivision plat be recorded prior to issuing a building permit for the property. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 63-64
- B. Discussion and consideration on behalf of IDEA Public School of the Final Plat of IDEA Public Schools Subdivision – being 17.54 acres of land out of Farm tract 43, 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. 65-85
- C. Discussion and consideration on behalf of JAZMAN RGV Group of the Final Plat of the Re-Subdivision of Lots C4-C10, Cotton Estates Central Subdivision – being 8.2 acres and being all of Lots C4-C10, Cotton Estates Central, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 86-109
- D. Discussion and consideration to approve the interlocal agreement for regional mobility cooperation with the Hidalgo County Regional Mobility Authority, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. 110-125

(Requested by Planning and Code Enforcement Department.)
Attachment.

- E. Discussion and consideration to provide a one-time \$1,000.00 cost of living adjustment for all current, nonunion, full-time employees who have been employed with the City of Weslaco for two or more years as of October 1, 2013 and authorize any budget amendment as appropriate. Possible action. (Requested by Finance Department.) Attachment. 126
- F. Discussion and consideration to approve the purchase of a 2013/2014 Chevy Tahoe replacing a total loss vehicle (Unit 684) in an amount not to exceed \$30,000.00 purchased through BuyBoard and authorize any budget amendment as appropriate. Possible action. (Requested by Police Department.) Attachment. 127

VI. REPORTS

- A. Report by City Manager and Department Directors, Upcoming Meetings, Appointments, and Feedback. Attachment. 128-134
- B. Report by Economic Development Corporation of Weslaco. Attachment. 135-139

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. Pending Litigation – Consultation with Special Counsel regarding Cause No. C- 5929-13-H *City of Weslaco, Texas v. City of Mercedes, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.
- B. Personnel – Contract Negotiation of the City Manager as authorized by §551.074 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 15th day of November 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.