



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, DECEMBER 3, 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, December 3, 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. 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.

**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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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.) Special Meeting on November 18, 2013; 3-4
  - 2.) Regular Meeting on November 19, 2013; 5-16
  - 3.) Special Meeting on November 22, 2013. (Requested by City Secretary's Office.) Attachment 17-18
  
- B. Approval of a request by Mid Valley Events to use Harlon Block Sports Complex on January 4, 2014 from 6:00 a.m. – 12:00 noon for Color Dash 5K, authorize street closures as appropriate, and authorize the Mayor to execute any related documents as may be required by the Texas Department of 19-24

Transportation for proposed street closure affecting state right-of-way. (Requested by Parks & Recreation Department.) Attachment.

- C. Approval of a request for Pico De Gallo Century Bike Ride to use City Park on December 21, 2013 from 6:00 a.m. – 8:00 p.m. for 100 mile bike ride, authorize the use of pavilion 25 at no charge, 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 Parks & Recreation Department.) Attachment. 25
- D. Approval of a request for Omar’s Helping Hands Toy Drive to use City Park ball fields on December 14, 2013 8:00 a.m. – 8:00 p.m. for a Christmas Toy Drive, authorize the use of Fields 1, 2, 3, and tennis courts at no charge, and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment. 26
- E. Authorization of the submission of a grant application to the Texas Department of Transportation Fiscal Year 2014 Impaired Mobilization Grant Program in an amount not to exceed \$10,000.00 with 20% local match, authorize acceptance upon award, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment. 27-29

**IV. APPOINTMENTS**

*Standard Documentation on Board Appointments* 30-34

- A. Discussion and consideration to approve Resolution 2013-95 appointing a member, an alternate member, and three designated proxy members to the Hidalgo County Metropolitan Planning Organization (MPO) Transportation Policy Committee for fiscal year 2013. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 35
- B. Discussion and consideration to approve Resolution 2013-96 appointing one member to an expired term on the Planning and Zoning Commission. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 36-37

**V. NEW BUSINESS**

- A. Discussion and consideration to authorize final payment for CH2M-Hill OMI Closeout Invoice No. 57926 in the amount not to exceed \$60,266.62, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 38-39
- B. Discussion and consideration to issue request for proposals or extend the term of the existing 125 Cafeteria Plan (optional/voluntary supplemental insurance; e.g., vision, dental, life, cancer, long-term care, etc.) for the City of Weslaco employees for an additional year, effective April 1, 2014 - March 31, 2015, at 40-41

no cost to the City. Possible action. (Requested by Human Resources Department.) Attachment.

- C. Discussion and consideration to enter into a municipal equipment lease/purchase agreement with The Frost National Bank in an amount not to exceed \$2,000,000.00 for the lease/purchase of equipment over a five (5) year period using resources from the Internal Service Fund, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment. 42-56
- D. Discussion and consideration to authorize additional expenditures on equipment and personnel for improving parks. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Rivera.)
- E. Discussion and consideration to authorize an expenditure in an amount not to exceed \$36,185.00 from the Certificates of Obligation, Series 2003 for eligible activities, including the purchase of equipment and machinery; improvements and extensions to the City's combined Waterworks and Sewer System; the purchase of additional water rights; street improvements; construction, improvements and equipment of park facilities; closure of landfill; Main Street improvements; the acquisition of right-of-ways for authorized need and purposes; and to pay the cost of issuances of the Certificates, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Rivera.) Attachment. 57
- F. Discussion and consideration to authorize an expenditure in an amount not to exceed \$1,201,858.00 from the Certificates of Obligation, Series 2007 for eligible activities. including to acquire land and make improvements thereon for City purposes, to acquire equipment and motor vehicles, to undertake street improvements, to undertake water and sewer system improvements, and to pay the costs of issuance with the Certificates, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Rivera.) Attachment. 58
- G. Discussion and consideration to authorize an expenditure in an amount not to exceed \$6,834,536.99 from the Certificates of Obligation, Series 2013 for eligible activities, including the design, planning, acquisition, construction, equipping, expansion, repair, renovation, and/or rehabilitation of public property in the city and to pay certain costs in connection with the issuance thereof, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Tafolla.) Attachment. 59-60
- H. Discussion and consideration of the rate study and authorize additional expenditures for personnel and equipment for the Public Utilities Department. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Tafolla.) 61-65

- I. Discussion and consideration to approve a Special Services Agreement on the Hotel/Motel Room Occupancy Tax Proceeds between the City of Weslaco and the Weslaco Area Chamber of Commerce for Fiscal Year 2013-2014, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by Commissioners Noriega and Pena.) Attachment.

**VI. REPORTS**

- A. Report by City Manager and Department Directors, Upcoming Meetings, Appointments, and Feedback. Attachment. 66-69
- B. Report on Sponsored Projects.
- C. Report on Litigation Status.
- D. Report by JoDee Overfield.
- E. Special Recognition of Police Department.
- F. Report by Public Utilities Department on Self-Performance.

**VII. 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. CI-13-3663-F *City of Edcouch, Texas v. City of Weslaco, Texas* in the County Court of Law #6, Hidalgo County pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Consultation with Special Counsel regarding Cause No.

Cl-13-3660-G *City of Progreso, Texas v. City of Weslaco, Texas* in the County Court of Law #7, Hidalgo County pursuant to §551.071 of the Texas Government Code.

- C. Pending Litigation – Consultation with Special Counsel regarding Cause No. C-5929-13-H *City of Weslaco, Texas v. City of Mercedes, Texas* in the 389<sup>th</sup> Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.
- D. 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.
- E. Pending Litigation – Discussion with Special Counsel and City Attorney regarding a proposed settlement offer in the *Sigler Winston Greenwood & Associates Inc. v. City of Weslaco*, Cause No. C-3090-11-D pursuant to §551.071 of the Texas Government Code.
- F. Pending Litigation – Consultation with City Attorney regarding Cause No. C-6831-13-H *Imelda Palacios v. City of Weslaco* in the 389<sup>th</sup> Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

**VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED  
IN EXECUTIVE SESSION**

**IX. 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 27<sup>th</sup> day of November 2013 at 4:30 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.