



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JANUARY 7, 2014**

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, January 7, 2014 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. Recognition of the Retirement of Tom Dimas, Fire Marshal.
- E. 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. PUBLIC HEARINGS

- A. To solicit input on behalf Justo Barient to approve a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 1501 W. Business Hwy., being Lot 1, Westgate Center Subdivision, Weslaco, Hidalgo County, Texas.

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IV. 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 Regular Meeting on December 17, 2013; (Requested by City Secretary's Office.) Attachment. 4-14
- B. Approval of the renewal of municipal membership in the Texas Border Coalition in an amount of \$3,567.00 and authorize the Mayor to execute any related documents. (Requested by Finance.) Attachment. 15-16
- C. Approval of the contract modification with WSI Weather Systems at no cost to the City to change from a modem-supported system to an internet-based system and authorize the Mayor to execute any related documents. (Requested by Airport.) Attachment. 17-19
- D. Approval of the one year interlocal agreement extension with the Hidalgo County Head Start Program for the property located at 310 N. Kansas Avenue, effective January 1 – December 31, 2014 and authorize the Mayor to execute any related documents. (Requested by Parks and Recreation Department.) Attachment. 20-21
- E. Approval of the request from the Weslaco Area Chamber of Commerce to hold the 25th Annual Texas Onion Fest on Saturday, March 22 at the Weslaco City Park on Airport Drive, to sell beer during the event, to place a banner promoting the event at the intersection of Texas and Pike Boulevard for two weeks prior to the event, and to waive appropriate ordinances associated with the event. (Requested by Parks and Recreation Department.) Attachment. 22

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2014-01 appointing a member and an alternate to the Lower Rio Grande Valley Development Council (LRGVDC). Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 23
- B. Discussion and consideration to nominate a member of the Weslaco community who has made significant civic contributions and achievements to the Rio Grande Valley Walk of Fame as part of BorderFest 2014 and authorize the Weslaco City Commission to sign the nomination form. Possible action. (Requested by City Manager's Office.) Attachment. 24-28

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Justo Barient to approve a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 1501 W. Business Hwy., being Lot 1, Westgate Center Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 29-40
- B. Discussion and consideration on behalf of Medelfish, Ltd. to approve the Final Plat of RSBR Westgate Subdivision, being a re-subdivision of 1.44 acres out of lots 3 and 4, Quail Hollow North Subdivision, Weslaco, Hidalgo County, Texas 41-57

and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

- C. Discussion and consideration to issue a 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 no cost to the City. Possible action. (Commission directed anonymous survey on December 3, 2013; Requested by Human Resources Department.) Attachment. 58-70
- D. Discussion and consideration to ratify Memorandums of Understanding (MOUs) as executed by the City Manager with the Boys and Girls Club of the Mid Valley, the Boys and Girls Club of McAllen, and the Boys and Girls Club of Weslaco, Inc. Possible action. (Requested by the City Manager's Office.) Attachment. 71-76
- E. Discussion and consideration to approve a professional services contract for legislative advocacy with Caballero Governmental Affairs in an amount not to exceed \$60,000.00 per year for a two-year term, February 1, 2014 – January 31, 2016, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by the City Manager's Office.) Attachment. 77-79
- F. Discussion and consideration to enter into a professional services agreement with Prodigy Construction Management, LLC for construction management services for the Valley Nature Center construction project and authorize the Mayor to execute any related documents. Possible action. (Requested by the City Manager's Office.) Attachment. 80-84

VII. REPORT

- A. Report by Finance Department on Hotel Occupancy Tax expenditures for Fiscal Year 2012-2013. Attachment. 85-113

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 – Discussion with City Attorney regarding *Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* pursuant to §551.071 of the Texas Government Code. (Requested by Mayor.)
- B. Potential Litigation – Discussion with the City Attorney regarding potential claims on the Emergency Medical Services (EMS) accident of December 26, 2013 in Santa Maria as authorized by §551.071 of the Texas Government Code.
- C. Potential Litigation – Discussion with the City Attorney regarding potential claims by subcontractors on the Valley Nature Center building project as authorized by §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 3rd day of January 2014 at 6:50 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.