



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JANUARY 21, 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 21, 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
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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Regular Meeting on January 7, 2014. (Staffed by City Secretary's Office.) Attachment. 3-11
- B. Approval of the agreement with the Rio Grande Valley Literacy Center to allow the use of the Porter Doss Building for English as a Second Language classes and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment. 12-16
- C. Approval of the renewal of the agreement for movies at Weslaco City Park 17-20

located at 300 N. Airport Drive and/or Harlon Block Park and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.

- D. Approval of the renewal of the Lease Agreement with Weslaco Little League for use of Isaac Rodriguez Park Multi-Purpose Field and Minor Field and Concession Stands and Harlon Block Sports Complex Fields #1 and #2 and Concession Stands and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 21-25
 - E. Approval of the renewal of the Lease Agreement with the Weslaco Softball/Baseball (PONY League) for the use of the Weslaco City Park Softball/Baseball Fields #1, #2 and #3 and concession stand and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 26-30
 - F. Approval of the Usage Agreement with Mid-Valley Senior (50+) Softball League at Harlon Block Sports Complex Fields #3 and #4 with concession stand January 1 - March 31, 2014, twice weekly (Tuesdays and Thursdays) 8 a.m. to 1 p.m. and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 31-34
 - G. Approval of a request by Mid Valley Events to reschedule Color Dash 5k at Harlon Block Sports Complex on March 29, 2014, 6 a.m. – 12 noon, 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. (Commission authorized different date December 3, 2013; Staffed by Parks and Recreation Department.) Attachment. 35
 - H. Approval of an extension to the Interlocal Agreement with Texas A&M University-Kingsville to actively participate in the Regional Task Force formed to respond and aid compliance with the Texas Commission on Environmental Quality Phase II Storm Water Rules with an annual membership fee of \$11,025.00, authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. (Staffed by Public Utilities Department.) Attachment. 36-37
- IV. **APPOINTMENTS**
- Standard Documentation on Appointments* 38-42
 - A. Discussion and consideration to approve Resolutions 2014-02 and 2014-03 appointing two members to expired terms on the Ambulance Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment. 43-45
- V. **NEW BUSINESS**
- A. Discussion and consideration to approve an agreement to provide personnel services to the Economic Development Corporation of Weslaco (EDCW) and 46-47

- authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office.) Attachment.
- B. Discussion and consideration to approve Resolution 2014-04 authorizing the publication of Notice of Intention to issue certificates of obligation and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 48-50
- C. Discussion and consideration to authorize the transfer of the Marion Booth Funds into secure investments in accordance with the City's investment guidelines as follows: \$236,250.00 within an investment that matures within a period of 9 - 15 months, \$236,250.00 within an investment that matures within a period of 15 - 18 months, the remainder within a Compass Bank account which currently retains a portion of the Booth Funds, and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library.) Attachment. 51-67
- D. Discussion and consideration to accept the Texas Department of Transportation (TxDOT) "Highway Transfer Turnback Program" by which TxDOT pays \$22,000.00 per lane mile of in-kind services for the next four (4) years if the City assumes permanent ownership and maintenance of current State owned roadways within the city limits, including FM 88 (Texas Blvd.), Business 83 and FM1015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 68
- E. Discussion and consideration to approve a Roadway Improvement priority list with related expenditures to be paid from the Certificates of Obligation, Series 2007, authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 69-70
- F. Discussion and consideration to approve a Roadway Improvement priority list with related expenditures to be paid from the Certificates of Obligation, Series 2013, authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 71-73
- G. Discussion and consideration to authorize final payment to Hidalgo County for roadway improvements to Mile 9 North Road from FM 1015 to Mile 2 West Road in the amount of \$22,317.82 from the Certificates of Obligation, Series 2007, authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 74-82
- H. Discussion and consideration to approve an amendment to an existing contract with TEDSI Infrastructure Group in an amount not to exceed \$85,000.00 to provide design and construction services related to roadway improvements on Sugarcane Road (Mile 9 North) from Westgate Drive (Mile 6 West) to Border 73-111

Avenue (Mile 5½ West), authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- I. Discussion and consideration to authorize Request for Proposals of Automatic Meter Reading/Automatic Metering Infrastructure (AMR/AMI), authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 112
- J. Discussion and consideration to authorize the solicitation of Statement of Qualifications for professional services for the rehabilitation and/or upgrade of Lift Station No. 37, authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 113
- K. Discussion and consideration to authorize the solicitation of Statement of Qualifications for the rehabilitation of City of Weslaco Water Towers located on Bridge Avenue and Kansas Avenue, authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 114
- L. Discussion and consideration to authorize the solicitation of proposals to purchase lift station alarm monitoring equipment and services, authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 115

VI. 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. Discussion with the City Manager and City Attorney regarding the consequences of the Allied Waste Services, A Republic Services Company amendment to its contract as authorized by §551.071 of the Texas Government Code.
- B. Pending Litigation – Consultation with Special Counsel regarding Cause No. CI-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. 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.

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

VIII. 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 17th day of January 2014 at 6:45 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.