



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, FEBRUARY 18, 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, February 18, 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. PUBLIC HEARINGS

- A. To solicit input on behalf of Dollar General Store #9071 to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2111 W. Business Highway 83, also being Lot 1, Dollar General First Addition Subdivision, Weslaco, Hidalgo County, Texas. 3

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 February 4, 2014. (Staffed by City Secretary's Office.) Attachment. 4-15

- B. Approval of the Right of Entry Agreement between Time Warner Cable and the City of Weslaco to the property and building(s) located at 301 S. Border Ave. (Valley Nature Center), authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Facilities Department.) Attachment. 16-22

V. OLD BUSINESS

- A. Discussion and consideration to approve the submission of the Final Proposed Annual Work Plan for the City of Weslaco under the Hidalgo County Urban County Program. Funding Allocation and approval of Resolution No. 2014-05 for Year 27 (2014) to accept the allocation of approximately \$308,702.00 and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item February 4, 2014; Staffed by the City Manager's Office.) Attachment. 23-30

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Dollar General Store #9071 to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2111 W. Business Highway 83, also being Lot 1, Dollar General First Addition Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 31-39
- B. Discussion and consideration to approve a Railroad Master Grade Crossing Maintenance Agreement with Rio Valley Switching Company for the rehabilitation of existing railroad crossings within the Weslaco city limits and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 40-47
- C. Discussion and consideration to authorize the solicitation of sealed bids for Unleaded and Diesel Fuel, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment. 48
- D. Discussion and consideration to authorize the purchase of Badger Orion Meters and Trimble Ranger Handhelds from a sole source vendor Badger Meter, Inc., for the total not to exceed \$55,790.92, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 49-53
- E. Discussion and consideration to approve the Exempt and Non-Exempt classified positions with corresponding pay grade and ranges for fiscal year 2013-2014. Possible action. (Staffed by Human Resources Department.) Attachment. 54-58
- F. Discussion and consideration to authorize the purchase of INCODE Time Entry 59-62

Module from sole source vendor Tyler Technologies in an amount not to exceed \$16,000.00 and authorize a budget amendment as appropriate. Possible action. (Staffed by Finance Department.) Attachment.

- G. Discussion and consideration to approve the use of Series 2007 Bond proceeds for the cost of the airport extension project in the amount of \$343,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Commission authorized the prioritization of Certificate of Obligation Series 2007 funds on February 4, 2013; Staffed by Public Facilities Department.) Attachment. 63
- H. Discussion and consideration to approve the purchase of paving equipment from BuyBoard, Holt Cat vendor contract #424-13 in the amount not to exceed \$846,040.00 utilizing Certificates of Obligation Series 2007 funds of \$842,000.00 and \$4,040.00 from Street and Highways General Fund, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Commission authorized the prioritization of Certificate of Obligation Series 2007 funds on February 4, 2013; Staffed by Public Facilities Department.) Attachment. 64-79
- I. Discussion and consideration to approve the interlocal agreement with Hidalgo County (Precinct 1) for street improvements, including design and construction, of Border Avenue from Mile 5 North to Mile 6 North (18th Street) in an amount not to exceed \$1,075,400.00 as 48% of the total project cost, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 80-85
- J. Discussion and consideration to approve Resolution 2014-07 establishing the Extraterritorial Jurisdictional boundary with the City of Progreso, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 86
- K. Discussion and consideration to approve Resolution 2014-08 establishing the Extraterritorial Jurisdictional boundary with the City of Edcouch, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 86
- L. Discussion and consideration to approve Resolution 2014-09 establishing the Extraterritorial Jurisdictional boundary with the City of Elsa, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 86
- M. Discussion and consideration to approve Resolution 2014-10 establishing the Extraterritorial Jurisdictional boundary with the City of La Villa, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment. 86

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 - Discussion with assigned defense counsel Anthony B. James regarding a settlement offer in C-2201-11-I *Pascual Hernandez and Maria Luisa Hernandez v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- B. Pending Litigation - Consult with City Attorney regarding Cause No. C-081-13 B, *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* as authorized by §551.071 of the Texas Government Code.
- C. Pending Litigation – Discussion with Special Counsel and City Attorney regarding *Sigler Winston Greenwood & Associates Inc. v. City of Weslaco*, Cause No. C-3090-11-D pursuant to §551.071 of the Texas Government Code.
- D. Pending Litigation – Consultation with Special Counsel regarding Cause No. Cl-13-3663-F *City of Edcouch, Texas, et al, v. City of Weslaco, Texas* in the County Court of Law #6, Hidalgo County pursuant to §551.071 of the Texas Government Code.
- E. 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.
- F. Personnel – Consult with City Attorney regarding Felix Sanchez as authorized by §551.074 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 14th day of February 2014 at 6:25 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.