



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 1, 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, April 1, 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. Mayoral Proclamations and Recognitions.
- C. Invocation.
- D. Pledge of Allegiance.
- 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 March 18, 2014. (Staffed by City Secretary's Office.) Attachment. 2-9
- B. Approval on Second and Final Reading of the following:
 - 1) Ordinance 2014-03 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 907 S. Texas Blvd., being Lot 8, Block 3, Hollywood Addition to Weslaco Subdivision, Weslaco, Hidalgo 10

County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District” and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.

2)	Ordinance 2014-04 accepting an agreement to vacate, abandon, and extinguish an existing 10-foot utility easement located on Lot 1 and Reserve Tract A of the 400 West Expressway 83 Subdivision and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.	11-14
C.	Acceptance of a check from Senior Softball League, in the amount of \$500.00 for the use at Harlon Block Park Sports Complex from January 1 – March 31, 2014, deposit it into the Parks Department Recreation Program Budget account #01-540-2500, and authorize a budget amendment as appropriate. (Staffed by Parks and Recreation Department.) Attachment.	15
D.	Approval of the renewal of an Interlocal Cooperation Agreement with the County of Hidalgo for participation within the Hidalgo County Library System (HCLS) in an amount not to exceed \$15,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment.	16-22
E.	Approval of an expenditure not to exceed \$2,100.00, the approximate interest to date, of the Marion Booth Funds toward the development of a DVD collection within the Library. (Staffed by Library.) Attachment.	23-39
F.	Authorization to solicit bids for the construction of Sugarcane Drive from Westgate Drive to Border Avenue. (Staffed by Planning and Code Enforcement Department.) Attachment.	40
G.	Authorization to solicit requests for proposals for banking depository of municipal funds. (Staffed by Finance Department.) Attachment.	41
H.	Declaration as surplus outdated GLOCK Caliber .40 Generation 2 and 3 service weapons and authorization of the sale of fifty-eight of them to current Weslaco Police Officers at a one-time payroll deduction in the amount of \$250.00/each and authorize a budget amendment as appropriate. (Staffed by Police Department.) Attachment.	42-48
IV.	<u>APPOINTMENTS</u> <i>Standard Documentation on Appointments</i>	49-53
A.	Discussion and consideration to approve Resolution 2014-13 appointing one member to an expired term on the Planning and Zoning Commission. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.	54-55
B.	Discussion and consideration to remove one member from the Board of Adjustment and Appeals and approve Resolution 2014-14 appointing one	56-59

member to an unexpired term on that board. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

V. OLD BUSINESS

- A. Discussion and consideration to approve on Second and Final Reading Ordinance 2014-02 annexing a maximum of 4,516.77 acres of land into the City of Weslaco, located in Hidalgo County, Texas, which is contiguous to the city limits and hereinafter described; as shown in the attached exhibit; making findings of fact; providing a severability clause; providing an effective date; and providing for open meetings and other related matters. Second and Final Reading of Ordinance 2014-02. Possible action. (Approved on First Reading March 18, 2014; Staffed by Planning and Code Enforcement Department.) Attachment. 60-69
- B. Discussion and consideration to authorize a Public Purpose Services contract with the Weslaco Bicultural Museum d.b.a. Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$63,100.00 effective October 1, 2013 through September 30, 2014. Possible action. (This item was tabled March 18, 2014. Requested by Weslaco Museum; Staffed by Parks and Recreation Department.) Attachment. 70-77

VI. NEW BUSINESS

- A. Discussion and consideration to approve an Interlocal Agreement with Hidalgo County Precinct 1 for the reconstruction and repaving of Joe Stephens Avenue from Votech Drive to Sugarcane Drive for cost share in materials and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 78-87
- B. Discussion and consideration to award the Construction-Manager-At-Risk Contractor to the best qualified, most advantageous bidder for the construction phase of the Weslaco Boys and Girls Club Recreation Center, in a Guaranteed Maximum Price amount not to exceed \$1,230,000.00, funded in part by the Texas Parks and Wildlife as Project Number 51-000065, as shown on architectural drawings design completed by Alcocer Garcia Associates Architectural Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment. 87-89
- C. Discussion and consideration to authorize Final Pay Application to LeFevre Engineering for the Lift Station No. 36 project in an amount not to exceed \$1,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 90-91
- D. Discussion and consideration to authorize Final Pay Application to JF Utility for the Lift Station No. 36 project in an amount not to exceed \$39,400.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 92-96

- E. Discussion and consideration to award Oil Patch Fuel & Supply as the best qualified, most advantageous vendor for the Unleaded and Diesel Fuel bid for a period of one year and authorize a budget amendment as appropriate. Possible action. (Staffed by Finance Department.) Attachment. 97-98

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. 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.

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 28th day of March 2014 at 8:15 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.