



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 2, 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, September 2, 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 HEARING

- A. To solicit input regarding the proposed Municipal Budget for the City of Weslaco for the fiscal year beginning October 1, 2014 and ending September 30, 2015.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:	
	1) Regular Meeting of August 19, 2014 and	3-10
	2) Special Meeting of August 26, 2014. (Staffed by City Secretary's Office.) Attachment.	11-15
B.	Acceptance of Department of State Health Services EMS County Assistance Award funds from the Lower Rio Grande Valley Regional Advisory Council on Trauma, Service Area V in the amount of \$5,390.00 to purchase a stretcher and authorize a budget amendment as appropriate. (Staffed by Fire Department.) Attachment.	16-18
C.	Authorization to utilize Federal Equitable Sharing funds in an amount not to exceed \$5,000.00 for the purchase of advertising from LAMAR Advertising – Digital Board to run for two (2) months, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.	19
V.	<u>APPOINTMENTS</u> <i>Standard Documentation on Appointments</i>	20-24
A.	Discussion and possible action to approve Resolution 2014-37 and Resolution 2014-38 to remove two (2) members of the Parks & Recreation Advisory Board and fill the unexpired terms of the members. (This item was tabled August 26, 2014; Staffed by Parks & Recreation Department.) Attachment.	25-27
VI.	<u>OLD BUSINESS</u>	
A.	Discussion and consideration to approve Ordinance 2014-10, the “Peddlers and Solicitors Ordinance,” in order to repeal ordinance number 96-14, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations and providing for severability. First Reading of Ordinance 2014-10. Possible action. (There was no action on this item on August 19, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.	28-39
VII.	<u>NEW BUSINESS</u>	
A.	Discussion and consideration to approve Ordinance 2014-11 approving the City of Weslaco budget appropriation for the fiscal year October 1, 2014 – September 30, 2015. First Reading of Ordinance 2014-11. Roll call vote required. Possible action. (Requested by Finance Department.) Attachment.	40-41
B.	Discussion and consideration to approve Ordinance 2014-12 adopting the City of Weslaco ad valorem property tax rate of \$0.6867/\$100.00 valuation, effectively a 5.13 percent increase in the tax rate, pursuant to §26.05(d) of the Texas Tax Code on all taxable property within the City of Weslaco, Texas for Tax Year 2014, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds	42-45

and other indebtedness of the City of Weslaco, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. First Reading of Ordinance 2014-12. Roll call vote required. Possible action. (Staffed by Finance Department.) Attachment.

- C. Discussion and consideration to approve Ordinance 2014-13 amending §1 of Ordinance 77-16 and §1 of Ordinance 67-10 by providing for a new schedule of rates to be charged for treated water delivered through the system of the Public Utilities Department of the City of Weslaco and providing for a new schedule of rates to be charged for the use of wastewater treatment facility of the City of Weslaco, and ordaining other matters with respect to the subject matter hereof. First Reading of Ordinance 2014-13. Possible action. (Staffed by Public Utilities Department.) Attachment. 46-52
- D. Discussion and consideration to approve the Final Preliminary Engineering Report for the South Wastewater Treatment Plant Expansion Project, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 53-63
- E. Discussion and consideration to approve an agreement with Vaisala Corp. for support and maintenance of the Automated Weather Observation Station for a period of one year with two renewal extensions in a total amount not to exceed \$17,898.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment. 64-73
- F. Discussion and consideration to approve Change Order #1 with Texas Cordia Construction for the Detention Pond and Reconstruction of Sugarcane Drive in an amount not exceed \$3,800.00 and extend the number of working days by thirty, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) 74-75
- G. Discussion and consideration regarding the Collective Bargaining Labor Agreement between the City of Weslaco and the Weslaco Municipal Police Union (WMPU) regarding the procedure on Internal Investigations and Appointed Positions. (Requested by the Mayor.) Attachment. 76-108
- H. Discussion and consideration of all invoices submitted to the City of Weslaco from the Law Offices of Guerra and Farah, PLLC, who authorized commencement of specific research, what material was produced to City as a result of research including text messages and/or email correspondence and other issues related incurring the legal fees associated with the invoice(s). (Requested by the Mayor.) Attachment. 109-112

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 – Consultation with Special Counsel regarding a revised settlement agreement in Cause No. C- 929-13-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.

B. Contract Negotiations – Discussion with City Manager and City Attorney regarding the Architectural and Construction Oversight Contract between the City of Weslaco and Boultinghouse Simpson Gates Architects for the design and construction oversight of the New Valley Nature Center 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 29th day of August 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.