



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 1, 2016**

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, March 1, 2016 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. Mayoral Recognitions.
- 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. Due to the Texas Open Meetings Act, 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 February 16, 2016. 3-15
(Staffed by City Secretary's Office.) Attachment.

B.	Approval on second and final reading of the following:	
	1) Ordinance 2016-07, amending Ordinance 2013-22 the “Subdivision Ordinance,” Codified as Appendix B, Article I, Section 26 of the Weslaco Code of Ordinances to assess a park fee per new dwelling and authorize the Mayor to sign any related documents. (First Reading held February 16, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.	16-17
	2) Ordinance 2016-09, authorizing a budget amendment in the amount not to exceed \$69,475.00, for capital improvements at the North Wastewater Treatment Plant and authorize the Mayor to sign any related documents. (First Reading held February 16, 2016; Staffed by Finance Department.) Attachment.	18-20
IV.	<u>APPOINTMENTS</u> <i>Standard Documentation on Appointments</i>	21-26
A.	Discussion and consideration to approve Resolution 2016-03 appointing a member to the Ambulance Advisory Board. Possible action. (There was no action on this item February 16, 2016; Staffed by Fire Department.) Attachment.	27
B.	Discussion and consideration to approve Resolutions 2016-10, 2016-11, 2016-12, 2016-13, 2016-14, 2016-15, 2016-16, 2016-17, 2016-18, 2016-19, 2016-20, 2016-21, 2016-22, 2016-23, 2016-24, and 2016-25 appointing members to the Weslaco 100 Committee to prepare the centennial celebration. Possible action. (Requested by Commissioners Kerr and Lopez.) Attachment.	28-44
V.	<u>OLD BUSINESS</u>	
A.	Discussion and consideration to approve the Contingency Fund Request (CFR) to the contract with CDM Constructors, Inc. for the Water Treatment Plant Expansion project in a combined amount not to exceed \$262,512.00 as follows: M) CFR #120 – Capping of irrigation line- \$7,503.00; N) CFR #121 – Increase landing/support pad for generator steps - \$2,708.00; P) CFR #124 – Modifications to existing recycle system - \$3,310.00; R) CFR #127 – Drain lift station bypass pass - \$9,983.00; Possible action. (This item was tabled February 16, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.	45-64
B.	Discussion and consideration to approve on Second and Final Reading Ordinance 2016-08, amending the Code of Ordinances Chapter 142, the “Tow Truck Ordinance,” and authorize the Mayor to execute any related	65-69

documents. Second and Final Reading of Ordinance 2016-08. Possible action. (First Reading held February 16, 2016; Staffed by the Police Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to extend the term of the existing 125 Cafeteria Plan (optional/voluntary supplemental insurance; i.e., vision, dental, life, cancer, etc.) for City employees for an additional year, effective April 1, 2016 to March 31, 2017, at no cost to the City and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment. 70-75
- B. Discussion and consideration to select the best qualified, most advantageous respondent to the Request for Bids 2015-16-03 Animal Shelter Construction/Expansion Project, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment. 76-77
- C. Discussion and consideration to approve an agreement with Total Commitment Construction regarding the proposed Pleasantview Village Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment. 78-80
- D. Discussion and consideration to award the best qualified, most advantageous respondent to the Request for Bids for water pump hoses and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works.) Attachment. 81-82
- E. Discussion and consideration to authorize the submission of a grant with Connecting Texas Libraries Statewide, Inc. (CTLS) for 3-D printing technology within the Library with no local match required and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library.) Attachment. 83-97
- F. Discussion and consideration to approve Ordinance 2016-10, authorizing a budget amendment in the amount of \$39,236.00 for bus transportation services between South Texas College Mid Valley Campus and the Delta area, and authorize the Mayor to execute the interlocal agreement for these services. First reading of Ordinance 2016-10. Possible action. (Staffed by City Manager's Office.) Attachment. 98-108
- G. Discussion and consideration to authorize the solicitation of Qualifications from firms that would install improvements to reduce energy usage. Possible action. (Staffed by City Manager's Office.) Attachment. 109

VII. REPORTS

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco.
- C. Report by Planning and Code Enforcement Department - Engineering and Animal Control.
- D. Report by Severn Trent.
- E. Report by Public Works Department.
- F. Report by International Boundary and Water Commission.
- G. Report by Jeff Chapman, Special Counsel, related to Briones Consulting and Engineering and the Water Treatment Plant.

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 maintained as part of the certified agenda.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- B. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.
- C. Pending Litigation – Consultation with City Attorney regarding Cause No. C-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*, as authorized by §551.071 of the Texas Government Code.

- D. Pending Litigation - Consultation with City Attorney regarding Cause No. C-6090-14-B, *Zequiel Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- E. Pending Litigation - Consultation with Attorney to give a legal briefing regarding Civil Case No. 7:15-CV-334 *Alvino Flores v. City of Weslaco, et al.* in the United States District Court for the Southern District of Texas – McAllen Division as authorized by §551.071(1) 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 26th day of February 2016 at 4:50 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.

Removed from Bulletin Board	Date:	Initials:
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