



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JANUARY 6, 2015**

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 6, 2015 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Meetings on December 16, 2014. 3-22
(Staffed by City Secretary's Office.) Attachment. 23-27
- B. Approval on Second and Final Reading of Ordinance 2014-26 amending 28
Ordinance 320 and the City of Weslaco Zoning map to rezone 416 E 18th St.,

also being West Tract an Irrigation Tract E15.4`-N 295`FT 751 & W132.6`-N295`FT 751 1.00 acres, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. (First Reading held December 16, 2014; Staffed by Planning & Code Enforcement Department.) Attachment.

- C. Approval of Resolution 2015-01 amending Resolution 2013-98 authorizing the Mayor, Commissioners, and Interim City Manager to exercise certain powers identified with BBVA Compass Bank, including opening accounts, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and City Commissioners to execute any related documents. (Staffed by Finance Department.) Attachment. 29-32
- D. Approval of Resolution 2015-02 amending Resolution 2013-99 authorizing the Mayor, Commissioners, and Interim City Manager to exercise certain powers identified with Plains Capital Bank, including opening accounts, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and City Commissioners to execute any related documents. (Staffed by Finance Department.) Attachment. 33-36
- E. Authorization of a budget amendment in the amount of \$25,000.00 for security improvements at Public Facilities. (Staffed by Public Facilities.) Attachment. 37-41

IV. APPOINTMENTS

Standard Documentation on Appointments 42-46

- A. Discussion and consideration to approve Resolution 2015-03 appointing one member to an expired term on the Board of Adjustments & Appeals – Zoning Board. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 47-48

V. OLD BUSINESS

- A. Discussion and consideration to approve on Second and Final Reading Ordinance 2014-23, prohibiting the sale, exhibition, and possession of fireworks within the City of Weslaco, and authorize the Mayor to execute any related documents. Possible action. (This item was tabled December 16, 2014; First reading held December 2, 2014. Staffed by Fire Department.) Attachment. 49-56

VI. NEW BUSINESS

- A. Discussion and consideration to approve the Supplemental Agreement with TEDSI Infrastructure Group for additional surveying duties for the Boys and Girls Club project at Pablo G. Peña City Park and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and 57-58

Code Enforcement.) Attachment.

- B. Discussion and consideration to extend the term of the existing 125 Cafeteria Plans (optional/voluntary supplemental insurance. i.e., vision, dental, life, cancer, long-term care, etc.) for City employees for an additional year at no cost to the City, effective from April 1, 2015 to March 31, 2016 or authorize request for proposals for same and ratify the Notice of Termination. Possible action. (Staffed by Human Resources Department.) Attachment. 59-67
- C. Discussion and consideration to ratify the Notice of Termination for the Solid Waste Collection & Disposal Service Agreement with BFI Waste Services of Texas, LP d/b/a Allied Waste Services of Rio Grande Valley and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 68-70
- D. Discussion and consideration to award the best qualified, most advantageous response to Request For Bids No. 2014-15-10 for two (2) 2015 Two Wheel Drive Half-Ton Pick-Up Trucks in an amount not to exceed \$47,890.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 71-78
- E. Discussion and consideration to award the best qualified, most advantageous response to Request For Bids No. 2014-15-09 for two (2) zero-turn mowers in an amount not to exceed \$13,198.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 79-85
- F. Discussion and consideration to approve a cemetery agreement with Jose and Emma Quesada exchanging four (4) cemetery plots located in the Old City Cemetery (located near Block 1, Lot 26, Space 4 and Block 1, Lot 25, Space 1) as inherited for four cemetery plots in the New Cemetery Expansion (Block E, Lot 11, Plot 5&6, and Block E, Lot 12, Plot 25&16), authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation.) Attachment. 86-89
- G. Discussion and consideration to authorize Hector Lopez to charge players to train for soccer at Pablo G. Peña City Park and/or Harlon Block Sports Complex and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation.) Attachment. 90-96
- H. Discussion and consideration to approve ground leases between the City of Weslaco d.b.a. Mid Valley Airport and Shari Pate for Hangars W-3 and E-26 for a period not to exceed five (5) years and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor and Mayor Pro-Tem; staffed by Airport.) Attachment. 97-119

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 maintained as part of the certified agenda.

- A. 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.
- B. Personnel - Discussion regarding the goals and objectives of the Interim City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- C. Personnel - Discussion with the Interim City Manager regarding the Police Chief and Fire Chief applicants as authorized by §551.074 of the Texas Government Code.
- D. Personnel - Discussion with the City Attorney regarding Adan Sanchez as authorized by §551.074 of the Texas Government Code.
- E. Pending Litigation – Discussion with the City Attorney regarding Cause No. LC14-074JM *City of Weslaco and Chachalaca Aero, LLC v. John Pate* in Hidalgo County, Texas as authorized by §551.071(1) of The Texas Government Code. (Requested by Mayor and Mayor Pro-Tem.)
- F. Pending Litigation - Discussion with City Attorney regarding Civil Action No. 1:14-cv-636, *Robert Lopez, Federico Salazar, Javier Garcia, Maria Dolores*

Salinas, Ted Walensky, Xenia Yarrito Miramontes, Lorenzo Colunga, Romeo Guerra, Rodolfo Rodriguez, Jr., Felix Salinas, Gerardo Oliva, Brooks Ditto, Alberto Ponce, Esmeraldo Lopez, Liandro Gonzalez, Arnulfo Sandoval and Plaintiffs v. Sergio Ramirez, in his individual capacity, Defendant as authorized by §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 2nd day of January 2015 at 2:20 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.