



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 3, 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, March 3, 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. Mayoral Proclamations.
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 17, 2015. 3-33
(Staffed by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of the following:

1.) Ordinance 2015-06, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1015 South International Boulevard, also being 1.53 acre Tract of Land out of Farm Tract 1098, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. (First Reading held on February 17, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.	34
2.) Ordinance 2015-07 amending Article III, Section 27-57 Uniformity; Official Devices of the Traffic Ordinance of the City of Weslaco to install a four way stop sign at the intersection of Calle De La Republica and Llano Grande Street. (First Reading held on February 17, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.	35
3.) Ordinance 2015-08, the “Peddlers and Solicitors Ordinance,” in order to amend ordinance number 96-14, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations, repealing prior ordinances and providing for severability. (First Reading held on February 17, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.	36-47
C. Authorization of the solicitation of Request for Proposals (RFPs) for the Firework Display at Mayor Pablo G. Pena City Park on Saturday, July 4 th 2015, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.	48-49
D. Approval of the renewal of the lease agreement with South Texas College for the use of Mayor Pablo G. Pena City Park Tennis Courts for Kinesiology classes, January 1 - December 31, 2015, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.	50-53
E. Approval of the renewal of the agreement for “2015 Movies at Park” at Mayor Pablo G. Pena City Park and/or Harlon Block Park and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.	54-58
IV. <u>APPOINTMENTS</u> <i>Standard Documentation on Appointments</i>	59-63
A. Discussion and consideration to approve Resolution 2015-21 appointing one member to an expired term on the Ambulance Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.	64-65

- B. Discussion and consideration to approve Resolutions 2015-22, 2015-23, 2015-24, 2015-25, 2015-26, 2015-27, and 2015-28 appointing inaugural members to the Hotel Occupancy Tax Advisory Committee and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 66-72
- V. **OLD BUSINESS**
- A. Discussion and consideration to approve a Special Services Agreement on Hotel/Motel Room Occupancy Tax Proceeds between the City of Weslaco and the Economic Development Corporation of Weslaco. Possible action. (This item was tabled on February 17, 2015; Requested by Economic Development Corporation of Weslaco.) Attachment. 73-75
- VI. **NEW BUSINESS**
- A. Discussion and consideration to approve Ordinance 2015-09 establishing a Hotel Occupancy Tax Advisory Committee and authorize the Mayor to execute any related documents. First Reading of Ordinance 2015-09. Possible action. (Staffed by Finance Department.) Attachment. 76-78
- B. Discussion and consideration to award the 125 Cafeteria Plan Voluntary Supplemental Insurance Products to the best qualified, most advantageous bidder(s), authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment. 79-144
- C. Discussion and consideration to approve the close-out of contract for construction services performed by Texas Cordia Construction, LLC for Sugarcane Drive Road improvements, authorize final payment of any outstanding invoices in an amount not to exceed \$73,368.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 145-158
- D. Discussion and consideration to approve the close-out of contract for construction materials testing performed by Millennium Engineers Group, Inc, for Sugarcane Drive Road improvements, authorize final payment of any outstanding invoices in an amount not to exceed \$18,469.48, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 159-167
- E. Discussion and consideration to approve the close-out of contract for design and construction services performed by TEDSI Infrastructure Group for 168-169

Sugarcane Drive Road improvements authorize final payment of any outstanding invoices in an amount not to exceed \$10,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- F. Discussion and consideration to award the best qualified, most advantageous bidder for internet services submitted in response to the Request for Proposal within the E-Rate Year 18 Cycle (FY 2015-2016) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.) Attachment. 170-172
- G. Discussion and consideration to award the best qualified, most advantageous bidder for basic network maintenance of internal connections, equipment, and other computer services submitted in response to the Request for Proposal within the E-Rate Year 18 Cycle (FY 2015-2016) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.) Attachment. 173-175
- H. Discussion and consideration to approve the solicitation of Request for Proposals for the Operations and Management of the City of Weslaco's Water Plant, Wastewater Plant, and Lift Station Operations. Possible action. (Staffed by Public Utilities Department.) Attachment. 176-185
- I. Discussion and consideration to award the purchase of two (2) Recycling Trailers based on RFB No. 2014-15-16 to the most advantageous bidder in the combined cost not to exceed \$22,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment. 186-190
- J. Discussion and consideration to approve the solicitation of sealed bids for the purchase of two (2) 2015 Harley Davidson FLHTP motorcycles in an amount not to exceed \$42,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment. 191-197
- K. Discussion and consideration to reappoint Samuel Sanchez as Municipal Court Associate Judge and authorize the Mayor to execute any related documents. Possible action. (Requested by Commissioners Rivera and Fox; staffed by Municipal Court.) Attachment. 198-200
- L. Discussion and consideration to amend the Professional Services Agreement for Legal Services as City Attorney to exclude prosecution duties, award a contract for the retention of City Prosecutor, and authorize the Mayor to execute any related documents. Possible action. (Requested by Commissioner Pena and Mayor Pro-tem; staffed by Municipal Court.) Attachment. 201-209

- M. Discussion and consideration to authorize a budget amendment in amount not to exceed \$150,000.00 from the Water Fund for the Boys and Girls Club construction project. Possible action. (Staffed by Public Utilities Department.) Attachment. 210-213
- N. Discussion and consideration to approve an amendment to the Development Agreement with the Economic Development Corporation of Weslaco regarding the Business, Visitor and Event Center and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Attorney.) Attachment. 214-234

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. 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.
- B. Personnel - Discussion regarding the goals, objectives, and evaluation of the Interim City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- C. Pending Litigation – Discussion with the City Attorney regarding Cause No. CL-15-0412-G *Maracruz Magana and Esmelinda Magana et al. v. City of Weslaco and Alejandra Vanessa Baez-Garcia* in Hidalgo County, Texas as authorized by §551.071 of The Texas Government Code.

- D. Pending Litigation - Consultation with City Attorney regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- E. Pending Litigation – Discussion with City Attorney regarding *Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* 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 27th day of February 2015 at 3:25 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. 1103 prior to the meeting date.