



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, MAY 6, 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, May 6, 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 April 15, 2014. (Staffed by City Secretary's Office.) Attachment. 3-14
- B. Approval of the renewal of the Summer Feeding Program established through the Texas Department of Agriculture accepting meals at no charge from Weslaco Independent School District Food Services Department for distribution to school age children within the 2014 Summer Reading Program and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment. 15

- C. Approval of an interlocal agreement with the City of McAllen to purchase communication equipment, portable radios, mobile radios, and base stations, in an amount not to exceed \$50,000.00 as previously allocated in the Frost Bank Lease Purchase Agreement, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment. 16-22
- D. Approval of the increase in state unemployment taxes from .1% to 2.3% for the first \$9,000.00 in wages as determined by the Texas Comptroller, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment. 23
- E. Acceptance of a check from Adobe Unlimited, LLC, in the amount of \$5,600.00 for payment in lieu of land for the Midway Court Phase II Subdivision for park dedication fees as authorized by §26-37 of Appendix B of the City of Weslaco Subdivision Regulations and Policies and authorize a budget amendment as appropriate. (Staffed by Planning and Code Enforcement Department.) Attachment. 24
- F. Acceptance of a donation of \$44.00 from Sears and National Volunteer Fire Council into account 01-516-2043 and authorize a budget amendment as appropriate. (Staffed by Fire Department.) Attachment. 25-26
- G. Approval of Resolution 2014-24 supporting the Voting Rights Act and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.) Attachment. 27-28
- H. Approval of Resolution 2014-25 supporting the location of the University of Texas Rio Grande Valley administrative offices and authorize the Mayor to execute any related documents. (Staffed by City Manager's Office.) Attachment. 29-30

**IV. OLD BUSINESS**

- A. Discussion and consideration to declare as surplus outdated GLOCK Caliber .40 Generation 2 and 3 service weapons and authorize 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. Possible action. (This item was tabled April 15, 2014; Staffed by Police Department.) Attachment. 31-33

**V. NEW BUSINESS**

- A. Discussion and consideration to provide a grant in an amount not to exceed \$78,236.00, split 50/50 with the Economic Development Corporation of Weslaco, to South Texas College to enhance economic development by assisting with transportation to students from outside Weslaco to STC Mid-Valley Campus. Possible action. (Staffed by the Economic Development 34-48

Corporation of Weslaco.) Attachment.

- B. Discussion and consideration to reimburse Valley Nature Center in an amount not to exceed \$68,717.32 for expenses on exhibits from Clarke Design, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities.) Attachment. 49-78
- C. Discussion and consideration to authorize the purchase of new pumps, motors, and electrical panels for Lift Stations 25 and 26 from Odessa Pumps, Buyboard contract 418-13 in an amount not to exceed \$37,182.68, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 79-82
- D. Discussion and consideration to reject all bids from Request for Qualifications 2013-14-04 Lift Station Alarm Monitoring Equipment and Services and re-bid the project with revised bid documents, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 83
- E. Discussion and consideration to authorize the rental of a sludge disposal system from Aqua-Zyme Disposal Systems, Inc. for sludge removal at the Water Treatment Plant as needed in coordination with on-site construction, in an amount not to exceed \$2,500.00/month for a minimum of six months paid from cost savings on existing Purchase Order for Sludge Transportation and Disposal Services, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 84-86
- F. Discussion and consideration to ratify the emergency purchase order in the amount of \$19,095.00 for a new submersible pump to replace that at Lift Station 37 from Odessa Pumps, Buyboard contract 418-13, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 87-91
- G. Discussion and consideration of the Public Facilities and Transportation Improvements Naming Committee recommendation to select the color and logo for the City of Weslaco elevated storage tank located on Milanos Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 92
- H. Discussion and consideration to approve the Waterline Access Agreement with North Alamo Water Supply Corporation and Medelfish, Ltd. for RSBR Westgate Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 93-110

**VI. REPORTS**

- A. Report by Hidalgo County Regional Mobility Authority on the latest Strategic Plan Update for the State Highway 365, International Bridge Trade Corridor and State Highway 68 Projects.

## **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 389<sup>th</sup> Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation - Consultation with City Attorney regarding Cause No. C-081-13 B, *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* as authorized by §551.071 of the Texas Government Code.
- C. Pending Litigation – Consultation with Special Counsel and City Attorney regarding a proposed settlement offer in Cause No. C-3090-11-D *Sigler Winston Greenwood & Associates Inc. v. City of Weslaco*, pursuant to §551.071 of the Texas Government Code.
- D. Real Property – Discussion with the Economic Development Corporation of Weslaco regarding the purchase and financing options of a 20-plus acres tract of land toward Project Alpha in Weslaco, Hidalgo County, Texas as authorized by §551.072 of The Texas Government Code.
- E. Economic Development – Discussion with the Economic Development Corporation of Weslaco to renegotiate amendments to bring an economic development project to the City of Weslaco as authorized by §551.087 of The

Texas Government Code.

- F. Pending Litigation - Discussion with the City Attorney regarding a Tender, Release, and Substitution Agreement with Ohio Casualty Insurance Company regarding the Performance and Payment Bonds on the Valley Nature Center Project as authorized by §551.071 of The Texas Government Code.
- G. Pending Litigation - Consultation with assigned defense counsel Anthony B. James regarding C-2201-11-I *Pascual Hernandez et. al. v. City of Weslaco* in the 398<sup>th</sup> Judicial District Court of Hidalgo County 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 2<sup>nd</sup> day of May 2014 at 6:50 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.