



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
MONDAY, NOVEMBER 3, 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 Monday, November 3, 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 October 21, 2014. (Staffed by City Secretary's Office.) Attachment. 3-15
- B. Acceptance of a grant in the amount of \$34,278.00 from the Texas Department of Public Safety, federal grant award number EMW-2014-SS00029 through Operation Stonegarden, authorize a budget amendment as appropriate, and 16-35

authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment.

- C. Acceptance of a grant in the amount of \$1,000.00 from Wal-Mart Foundation to purchase smoke detectors to assist the citizens of Weslaco as needed, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment. 36-39
- D. Approval of the renewal of the City's membership in the Texas Municipal League in the amount of \$4,238.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by City Manager's Office.) Attachment. 40-42
- E. Authorization for the solicitation of sealed bids for the purchase of two (2) recycling trailers utilizing grant funds through Lower Rio Grande Valley Development Council Solid Waste Grant Program, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. (Staffed by Public Facilities.) Attachment. 43
- F. Authorization for the solicitation of Request for Proposals to purchase a Magda Rotor with shafts and stainless steel blades for the North Wastewater Treatment Plant, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities.) Attachment. 44
- G. Authorization for the solicitation of Request for Proposals to purchase two (2) Zero Turn 60" Mowers, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. (Staffed by Public Utilities.) Attachment. 45
- H. Authorization of the renewal of a Food for Fines program at the Mayor Joe V. Sanchez Public Library, allowing library patrons to exchange canned goods for outstanding library fees through December 2014 in support of a food drive by the Rio Grande Valley Food Bank. (Staffed by the Library.) Attachment. 46
- I. Authorization of an expenditure in an amount not to exceed \$2,500.00 from the Preservation Fund for the purchase of death record binders, birth record binders, secure life ledger paper, and other supplies for the permanent retention of vital records as prescribed by the Texas Health & Safety Code §191.0045 (h), authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. (Staffed by City Secretary's Office.) Attachment. 47-49

**IV. NEW BUSINESS**

- A. Discussion and consideration to authorize a Public Purpose Services contract with the Weslaco Bicultural Museum d.b.a. Weslaco Museum of Local History 50-58

and Cultural Art in an amount not to exceed \$63,100.00 effective October 1, 2014 through September 30, 2015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

- B. Discussion and consideration to approve a Public Purpose Services contract and/or Lease Agreement with the Boys & Girls Club of Weslaco, Inc. in an amount not to exceed \$50,000.00 effective October 1, 2014 through September 30, 2015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 59-65
- C. Discussion and consideration to authorize final payment to Prodigy Construction Management, LLC, Payment Application #5, in the amount of \$18,113.05 for the construction of the Environmental Education Center project at the Valley Nature Center, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities.) Attachment. 66-78
- D. Discussion and consideration to approve a Mutual Lease Agreement with the Lower Rio Grande Valley Nature Center for the lease of the newly constructed Environmental Education Center project at the Valley Nature Center and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities.) Attachment. 79-86
- E. Discussion and consideration to approve the City of Weslaco's Investment Policy and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 87-96
- F. Discussion and consideration to approve the Waterline Access Agreement with North Alamo Water Supply Corporation-Adobe Unlimited, LLC and Midway Courts Phase 2 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment. 97-115

## V. 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 City Attorney regarding Cause No. C-7941-14-G *Leticia Pequeno, Remigio Pequeno et al. vs. Juan Hernandez and the City of Weslaco* in the 370<sup>th</sup> Judicial District Court of Hidalgo County as authorized by §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. 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.

**VI. POSSIBLE ACTION ON WHAT IS DISCUSSED  
IN EXECUTIVE SESSION**

**VII. 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 31<sup>st</sup> day of October 2014 at 5:15 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.