



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, NOVEMBER 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, November 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 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:
  - 1) Regular Meeting on October 20, 2015; 3-18
  - 2) Special Meeting on October 26, 2015; (Staffed by City Secretary's Office) Attachment. 19-20

- B. Approval on second and final reading of the following: 21
- 1) Ordinance 2015-15 abandoning 20' X 830' of alley located behind lots 1-4 Block 1 South Palm Garden Estate Phase 1 and Lots 5-8 Block 1 South Palm Garden Estates Phase 2, creating a 20' x 830' utility easement behind Lots 1-4 Block 1 South Palm Garden Estate Phase 1 and lots 5-8 Block 1 South Palm Garden Estate Phase 2, and ordaining all other matters with respect to the subject matter hereof. (First Reading held October 20, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.
  - 2) Ordinance 2015-33 to rezone 1901 W. Business 83, also being a 0.38 acre out of Farm Tract 633, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. (First Reading held October 20, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 22
  - 3) Ordinance 2015-34, the "Parking Lot Pavement Markings Ordinance," amending Ordinance 86-27 as codified in Article III, Section 134-142. (First Reading held October 20, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 23-24
- C. Approval of a request for Pico De Gallo Century Bike Ride to use Mayor Pablo G. Peña City Park on December 5, 2015 from 6 a.m. – 8 p.m. for a 100 mile bike ride and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Staffed by the Parks and Recreation Department) Attachment. 25
- D. Approval of request for implementation of a Food for Fines program to support the food drive by the RGV Food Bank through the month of December 2015. (Staffed by the Library). Attachment. 26-27
- E. Approval of request for a 5K Santa Run in downtown Weslaco, Saturday December 19, 2015 and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right of way. (Staffed by the Weslaco Chamber of Commerce Department) Attachment. 28-32
- F. Approval to use Court Technology Funds for the lease of a copy machine in the amount not to exceed \$4,345.44. (Staffed by Municipal Court.) Attachment. 33-36
- G. Approval of Ordinance 2015-35 authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Update Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the 37-42

allowance are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; and establishing an effective date of January 1, 2016 for such actions. First Reading of Ordinance 2015-35. (Staffed by Finance Department.) Attachment.

H.	Approval of Ordinance 2015-36 authorizing the City Manager and City Attorney to inspect Internal Affairs Disciplinary Action documentation. First Reading of Ordinance 2015-36. (Staffed by Police Department.) Attachment.	43
I.	Authorization to utilize Federal Equitable Sharing Funds in an amount not to exceed \$2,600.00 for an annual subscription to West Group, also known as Clear Plus Web Analytics, for identification software and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.	44
J.	Authorization to utilize Federal Equitable Sharing funds for monthly usage of Air cards through Verizon in the amount of \$10,032.00, and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.	45
K.	Authorization to utilize Federal Equitable Sharing funds for monthly usage of cell phones through Sprint in the amount of \$14,500.00, and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.	46
<b>IV.</b>	<b><u>APPOINTMENTS</u></b> <i>Standard Documentation on Appointments</i>	47-51
A.	Discussion and consideration to accept the resignation of Jose A. Rios and approve Resolution 2015-57 appointing one member to his unexpired term on the Library Board. Possible action. (Staffed by Library Department) Attachment.	52-54
B.	Discussion and consideration to approve Resolutions 2015-58 and 2015-59 appointing two members to expired terms on the Board of Adjustments and Appeals. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.	55-58
<b>V.</b>	<b><u>OLD BUSINESS</u></b>	
A.	Discussion and consideration to approve final payment to Prodigy Construction Management LLC related to Valley Nature Center. Possible action. (This item was tabled on October 20, 2015; Staffed by City Manager’s Office.) Attachment.	59

**VI. NEW BUSINESS**

- A. Discussion and consideration to request Hidalgo County Drainage District to assist in obtaining a permit from the International Boundary and Water Commission to construct additional gates to the floodway. Possible action. (Staffed by City Manager’s Office.) Attachment. 60-61
- B. Discussion and consideration to approve the purchase of three (3) twelve inch (12”) water pumps from Odessa Pumps, Buyboard Vendor Contract No. 418-13 in an amount not to exceed \$193,500.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment. 62-69
- C. Discussion and consideration to approve the Initial Facility Deficiency List with Purchases as recommended by Severn Trent Services for the operations of Water and Wastewater Facilities, and authorize the Mayor to execute all related documents and budget amendment as maybe required. Possible Action. (Requested by Severn Trent Services). Attachment. 70-80
- D. Discussion and consideration to approve a Professional Services Agreement with the Valley Nature Center in an amount not to exceed \$35,000.00 as recommended by the Weslaco Hotel Occupancy Tax Advisory Committee and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 81-86

**VII. DEPARTMENT UPDATES**

- A. Report by Weslaco Area Chamber of Commerce. Attachment. 87
- B. Report by Economic Development Corporation of Weslaco.
- C. Report by Planning and Code Enforcement Department - Engineering and Animal Control.
- D. Report by Public Works Department - Water and Wastewater Systems and Severn Trent transition.
- E. Report by Public Works Department.
- F. Report by Parks and Recreation Department.

*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 *Jacinto Estrada v. City of Weslaco, Texas* as authorized by §551.071 of the Texas Government Code.
- E. Economic Development – Consultation with City Attorney regarding Economic Development Project Bender as authorized by §551.087 of The Texas Government Code.
- F. Consultation with City Attorney regarding the Professional Services Agreement of Francisco J. Garza 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 30th day of October 2015 at 6:40 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: