



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 21, 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, October 21, 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
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- 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. PUBLIC HEARING

- A. To solicit input in compliance with the Consolidated Plan for Community Planning & Development (CDBG) Urban County Program Fiscal Year 28 (2015).

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IV. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 of October 7, 2014. (Staffed by City Secretary's Office.) Attachment. 5-19
- B. Authorization to solicit proposals to purchase two (2) half-ton pick-up trucks to be used by the Public Utilities Department, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. (Staffed by Public Utilities.) Attachment. 20
- C. Approval of a one-year extension to the Interlocal Agreement with Texas A&M University-Kingsville to actively participate in the Regional Task Force formed to respond and aid compliance with the Texas Commission on Environmental Quality Phase II Storm Water Rules with an annual membership fee of \$11,025.00, authorize a budget amendment as appropriate and authorize the Mayor to execute related documents. (Staffed by Public Utilities.) Attachment. 21-28
- D. Authorization to submit an application renewing the ERate 2015-2016 Grant program, the acceptance of funds upon award, the acceptance of additional funding if awarded during the grant year, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment. 29-34
- E. Acceptance of monetary contributions and gift donations from local vendors and/or the public for library programming within fiscal year 2014 – 2015, including the Summer Reading Program (SRP) and Winter Reading Program (WRP). (Staffed by Library.) Attachment. 35
- F. Approve a budget amendment as appropriate for the Consolidated Plan for Community Planning & Development (CDBG) Urban County Program Fiscal Year 25 (2012), adding \$31,367.30 for the purchase of minor equipment, furnishings shelving and related fixtures for the library and authorize the Mayor to execute any related documents. (Public hearing held October 7, 2014; Staffed by City Manager's Office.) Attachment. 36
- G. Approve a budget amendment as appropriate for the Consolidated Plan for Community Planning & Development (CDBG) Urban County Program Fiscal Year 24 and 25 (2011 and 2012), utilizing the original work plan to add the following scope of work: the installation of water lines and sewer lines and related street resurfacing improvements to include but not limited to engineering, advertisements and material testing as it pertains to project completion in the alleys between Calle Del Cedro, Calle Del Pino, Missouri Avenue and Texas Blvd. as previously environmentally cleared and authorize the Mayor to execute any related documents. (Public hearing held October 7, 2014; Staffed by City Manager's Office.) Attachment. 37
- H. Authorization of the renewal of participation in the Texas Facilities Commission Federal Surplus Property Program and authorize the Mayor to 38-48

execute any related documents. (Staffed by Finance.) Attachment.

- I. Authorization to use funds from the Court Technology Fund to pay the yearly fee for the Incode Service fee, which includes the Court Case Management, Cash Drawer, and Receipt Printer, in the combined amount not to exceed \$9,281.53. (Staffed by Municipal Court.) Attachment. 49-50
- J. Approval of the request from San Martin de Porres Catholic Church to place a banner over Texas Boulevard/FM 88 promoting an event November 2, 2014, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Staffed by the City Manager's Office.)

V. APPOINTMENTS

Standard Documentation on Appointments 51-55

- A. Discussion and consideration to approve Resolution 2014-41 appointing one member to an expired term on the Parks and Recreation Advisory Board and authorize the Mayor to execute any related documents. Possible action. (This item was tabled October 7, 2014; Staffed by Parks and Recreation Department.) Attachment. 56-57
- B. Discussion and consideration to approve Resolution 2014-44 appointing member(s) of the City Commission, not to exceed three, to an inaugural term(s) on the Steering Committee for the 2014 Comprehensive Plan. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 58-59

VI. OLD BUSINESS

- A. Discussion and consideration to award the best qualified, most advantageous bidder in response to Request for Bids for the Lift Stations Alarm Monitoring Equipment and Services, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (This item was tabled on October 7, 2014; Staffed by Public Utilities Department.) Attachment. 60-61
- B. Discussion and reconsideration on behalf of Erica Flores to approve a Conditional Use Permit to obtain a Beer and Wine Retailers Off-Premise permit at 525 North Cantu St., also being Lot 7, Block 5, Villa Vista Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Public hearing held and item failed October 7, 2014; Requested by Commissioner Fox and Mayor Pro-Tem Cuellar.) Attachment. 62-74

VII. NEW BUSINESS

- A. Discussion and consideration to accept bids received on tax resale property described as follows: 75-83
(1) Lot 67, Block III, Tierra Santa Golf Club & Community, Phase I, an addition to the City of Weslaco; and
(2) Lot 68, Block III, Tierra Santa Golf Club & Community, Phase I, an addition to the City of Weslaco,
approve Resolution 2014-43 authorizing the tax resale, authorize a budget amendment as appropriate, and authorize the Mayor to execute the tax resale deeds and any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- B. Discussion and consideration to approve the Final Plat of Sinai Subdivision, being 4.10 acre tract of land out of Farm Tract 708, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, located east of Mile 3½ West, approximately 2,027 feet north of Mile 6 North Road and authorize the Mayor to execute any related documents. Possible action. (Requires three-fourths vote as Planning and Zoning Commission recommended denial; Staffed by Planning and Code Enforcement.) Attachment. 84-99
- C. Discussion and consideration to approve Ordinance 2014-18 regarding the voluntary annexation of Sinai Subdivision also being the 4.24 acre tract of land out of Farm Tract No. 708, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, located east of Mile 3 ½ West, approximately 2,027 feet north of Mile 6 North Road. First reading of Ordinance 2014-18. Possible action. (Staffed by Planning and Code Enforcement.) Attachment. 100-104
- D. Discussion and consideration to reject all bids from Request for Bids No. 2013-14-18 for Sodium Hypochlorite and authorize the re-bid to obtain more favorable bids, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 105-109
- E. Discussion and consideration to reject all bids from Request for Bids No. 2013-14-18 for Sodium Thiosulfate and authorize the re-bid to obtain more favorable bids, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 110-116
- F. Discussion and consideration to amend Purchase Order no. 14-01819 of \$45,830.00 to Radiant Industrial Solutions, Inc. awarded on June 17, 2014 for a total purchase of \$79,425.00 for Module Repair and installation of UV Lamps at the City of Weslaco South Wastewater Treatment Plant, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 117-126

- G. Discussion and consideration to approve the City of Weslaco's Debt Management Policy and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 127-130
- H. Discussion and consideration to approve the City of Weslaco's Fund Balance Policy and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment. 131-132
- I. Discussion and consideration to authorize an audit of the Hotel Occupancy Tax fund for the past five fiscal years. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Fox.)
- J. Discussion and consideration to reschedule the next regular meeting of the City Commission from Tuesday, November 4 to Monday, November 3, 2014. Possible action. (Staffed by City Manager's Office.)

VIII. REPORTS

- A. Update on the status of the Weslaco Animal Shelter Advisory Committee and the ongoing operation of the Weslaco Animal Shelter. (Requested by Commissioners Pena and Noriega.)
- B. Update on Police Department programs and personnel.
- C. Financial Status including General Fund Balance and Credit Rating.

IX. 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-081-13 B, *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* as authorized by §551.071 of the Texas Government Code.
- B. 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.
- C. Pending Litigation – Consultation with City Attorney regarding Cause No. C-3865-10-I, *City of Weslaco v. Champion Energy Services, LLC* as authorized by §551.071 of the Texas Government Code.

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

XI. 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 18th day of October at 4:55 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.