



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 6, 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, October 6, 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. Reading of Proclamation.
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:
 - 1) Regular Meeting on September 15, 2015; 3-27
 - 2) Special Meeting on September 17, 2015; 28-29
 - 3) Special Meeting on September 21, 2015. (Staffed by City 30-31)

Secretary's Office.) Attachment.

- B. Approval on Second and Final Reading of Ordinance 2015-30 to rezone 401 Mile 6½ West Road, also being Lots 1 and 2, Anaqua Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. (First reading held September 15, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 32
- C. Approval on Second and Final Reading of Ordinance 2015-31 to rezone 2215 W. Business 83, also being a 7.98 acre irrigation tract of the W361.05'-E721.56', excluding irrigation tract E87.91'-N249.29', out of Farm Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. (First reading held September 15, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 33
- D. Approval of the renewal of payment to Smartcom Telephone, LLC for annual internet services and city facility network connectivity and authorize the Mayor to execute any related documents. (Staffed by the IT Department.) Attachment. 34-43
- E. Approval of the renewal of payment to Tyler Technologies for yearly software maintenance fee and authorize the Mayor to execute any related documents. (Staffed by the IT Department.) Attachment. 44-50
- F. Approval of the renewal of payment to PTS Solutions, Inc. for yearly software maintenance fee and authorize the Mayor to execute any related documents. (Staffed by the IT Department.) Attachment. 51-55
- G. Approval of the annual request by the Economic Development Corporation of Weslaco to host the 2015 Mid-Valley Christmas Lighted Parade on Friday, December 18, 2015 from 6:00 p.m. – 9:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, approve the use of City Hall parking lot to host Alfresco Weslaco after the parade, 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 Parks and Recreation Department.) Attachment. 56
- H. Approval of the request by Mid Valley Events to utilize Mayor Pablo G. Pena City Park on October 17, 2015 8 a.m. – 10 p.m. for The Beer Dash, and authorize the Mayor to execute any related documents as may be associated with the event. (Staffed by Parks and Recreation Department.) Attachment. 57-63
- I. Approval of the renewal of a Public Purpose Service Contract with the 64-72

Weslaco Bicultural Museum d.b.a Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$63,100.00 effective October 1, 2015 through September 30, 2016 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.

- J. Approval of the renewal of a Public Purposes Agreement and/or Lease Agreement with the Boys & Girls Club of Weslaco. City of Weslaco to pay twelve (12) equal payments an amount not to exceed \$50,000.00 for the public purpose services and activities in this contract, and authorize the Mayor to execute any related documents. (Staffed by the Parks and Recreation Department.) Attachment. 73-78
- K. Approval of the purchase of one (1) 2015 or newer Caterpillar Inc. Model 303E CR Mini Excavator from Holt Cat, BuyBoard State Approved Contract #424-13, in an amount not to exceed \$44,927.66 as budgeted. (Staffed by the Parks and Recreation Department.) Attachment. 79-82
- L. Approval of the purchase of one (1) 2015 or newer John Deere Z950R Commercial Z-Trak from Neuhaus & Company, LTD, BuyBoard State Approved Contract #447-14, in an amount not to exceed \$10,729.38 as budgeted. (Staffed by the Parks and Recreation Department.) Attachment. 83-86
- M. Approval to submit "GO GREENFIELDS GRANTS" application to assist with outdoor fitness equipment with a 50/50 match not to exceed \$50,000.00 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment 87-89
- N. Approval of the acceptance of donated monies and gifts from local vendors and/or the public for library programming within FY 2015 – 2016 and authorize the Mayor to execute any related documents. (Staffed by the Library Department). Attachment. 90-91
- O. Approval of the renewal of the Memorandum of Understanding with Region One Education Service Center Office of Adult Education for the purpose of establishing an adult education and literacy program and authorize the Mayor to execute any related documents. (Staffed by the Library Department). Attachment. 92-95
- P. Approval of the purchase of three computers and four monitors to include accessories in an amount not to exceed \$4,750.34 from the Court Technology Fund and authorize the Mayor to execute any related documents. (Staffed by Municipal Court Department.) Attachment. 96-101
- Q. Approval of the Election Services Contract with the Hidalgo County Elections Department to conduct the City of Weslaco General and Special Elections of November 3, 2015 pursuant to Texas Election Code Chapter 102-111

271, and authorize the Mayor to execute any related documents. (Staffed by City Secretary's Office). Attachment.

- R. Approval of Vehicle Use Agreement with the Weslaco Independent School District (WISD) to allow off duty police officers the usage of patrol units in assisting with the WISD football program. (Staffed by Police Department.) Attachment. 112

IV. NEW BUSINESS

- A. Discussion and consideration to authorize a mural at Harlon Block Sports Complex recognizing the World Series Qualifying Team. Possible action. (Requested by Commissioners Fox and Kerr.)
- B. Discussion and consideration to approve an Interlocal Agreement with the Lower Rio Grande Development Council for Cooperation & Joint Sponsorship to participate in a regional public transportation system, Valley Metro, in an amount not to exceed \$35,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment. 113-118
- C. Discussion and consideration to approve Professional Services Agreements 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. 119-141
- D. Discussion and consideration to interview and possibly select the City Attorney for the City of Weslaco and authorize the Mayor to negotiate a professional services agreement. Possible action. (Staffed by City Manager's Office.) Attachment. 142-143

V. DEPARTMENT UPDATES

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco. Attachment. 144
- C. Engineering by Planning and Code Enforcement Department.
- D. Water and Wastewater Systems by Public Works Department.
- E. Paving and Flooding by Public Works Department.
- F. City Cemetery by Parks and Recreation Department.

VI. 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 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. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Chicken Hatch as authorized by §551.087 of The Texas Government Code.
- D. 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.
- E. Pending Litigation – Consultation with City Attorney regarding *Jacinto Estrada v. City of Weslaco, Texas* as authorized by §551.071 of the Texas Government Code.
- F. Personnel – Discussion regarding the top three candidates toward possible selection of City Attorney as authorized by §551.074 of the Texas Government Code.

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

VIII. 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 2nd day of October 2015 at 6:15 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.

Removed from Bulletin Board	Date:	Initials:
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