



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 6, 2013**

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, August 6, 2013 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 HEARING**
- A. To solicit input on behalf of Arturo's Bar & Grill, LLC, owner Gilberto Garza, to obtain an On-Premise Mixed Beverage Late Hours Permit at 2303 W. Expressway 83, also being Lot 7, Town Center Subdivision, Weslaco, Hidalgo County, Texas. 3
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Special Meeting of July 30, 2013. 4-12
(Requested by City Secretary's Office.) Attachment.
 - B. Approval of the renewal of the Lease Agreement of City Park Tennis Courts area to South Texas College (STC) for the Spring Semester 2014 classes, January 1 - August 31, 2014 and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment. 13-17
 - C. Approval of the renewal of the Lease Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area, for a term of five (5) months August 1 - December 31, 2013 and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment. 18-23

IV. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Arturo’s Bar & Grill, LLC, owner Gilberto Garza, to approve an On-Premise Mixed Beverage Late Hours Permit at 2303 W. Expressway 83, also being Lot 7, Town Center Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 24-34
- B. Discussion and consideration to reject all proposals submitted within the Request for Proposals (RFP) for Wall Remodeling and Repainting services at the Mayor Joe V. Sanchez Public Library. Possible action. (Commission authorized Request for Proposals on April 2, 2013; Requested by Library Department.) Attachment. 35-45
- C. Discussion and consideration to approve the proposal of job order contractor Adept Facilities Design (AFD) and approve expenditure not to exceed \$33,500 for Wall Remodeling and Repainting Services as per the stipulations outlined within AFD’s proposal and within the Texas Multiple Award Schedule (TXMAS) contract number TXMAS-13-56050, and to approve a budget amendment as appropriate. Possible action. (Requested by Library Department.) Attachment. 46-52
- D. Discussion and consideration to approve Ordinance 2013-09 authorizing a negotiated resolution with Texas Gas Service regarding the company’s May 1, 2013 cost of service adjustment (“COSA”) filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City’s reasonable and necessary rate case expenses; adopting a savings clause and other matters as ordained. First Reading of Ordinance 2013-09. Possible action. (Requested by City Attorney.) Attachment. 53-68
- E. Discussion and consideration to extend the current policies or to authorize the solicitation of proposals for Group Health Insurance. Possible action. (There was no action on this item July 16, 2013; Requested by Human Resources Department.) Attachment. 69
- F. Discussion and consideration to authorize the transfer of \$98,164.00 from the Retained Earnings account to various funds for the exempt and non-exempt wages of new positions created for the Water Treatment Plant and the Waste Water Treatment Plant for the remaining FY 2012-2013 and authorize a budget amendment as appropriate. Possible action. (Requested by Public Utilities Department.) Attachment. 70-71

V. REPORTS

- A. Report by Hidalgo County Metropolitan Planning Organization (MPO).

VI. 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.

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. Economic Development – Discussion to authorize a Development Agreement between the Economic Development Corporation of Weslaco and RiC Investments that provides an incentive over One Hundred Thousand Dollars (\$100,000.00) to locate a new restaurant and shopping center Weslaco pursuant to §551.087 of the Texas Government Code.

B. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Denton, Navarro, Rocha, & Bernal, P.C. regarding *Civil Action No. 7:12-CV-420 Priscilla Montano, et al, Plaintiffs, v. City of Weslaco, Texas, Defendant* pursuant to §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 2nd day of August

2013 at 8:30 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.