



**A SPECIAL MEETING  
OF THE WESLACO CITY COMMISSION  
THURSDAY, SEPTEMBER 12, 2013**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Special Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Thursday, September 12, 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**

- A. Certification of Public Notice.
- B. Pledge of Allegiance.
- C. Roll Call.

**II. PUBLIC HEARING**

- A. To solicit input on behalf of Angela Milano, d.b.a. Milano's La Piccola Italia for a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 2900 W. Pike Blvd., also being the southeast 3.46 acres out of Farm Tract 165, Weslaco, Hidalgo County, Texas.

**III. NEW BUSINESS**

- A. Discussion and consideration on behalf of Angela Milano, d.b.a. Milano's La Piccola Italia to approve a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 2900 W. Pike Blvd., also being the southeast 3.46 acres out of Farm Tract 165, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.
- B. Discussion and consideration to rescind the authorization to self-insure through TML Risk Pool and reconsider to extend current policies or to authorize the solicitation of proposals for commercial property, contents, equipment, flooding, crime liability, and airport liability coverage policies. Possible action. (Commission elected to self-insure on August 20, 2013; there was no action on this item August 27, 2013; Requested by Human Resources Department.) Attachment.
- C. Discussion and consideration to approve Resolution 2013-67 identifying as authorized representatives for TexPool Bret Mann, Finance Director, and Sonia Flores, Assistant Finance Director, and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment.
- D. Discussion and consideration to approve Ordinance 2013-26 amending §1

of Ordinance 77-16 and §1 of Ordinance 67-10 by providing for a new schedule of rates to be charged for treated water delivered through the system of the Public Utilities Department of the City of Weslaco and providing for a new schedule of rates to be charged for the use of wastewater treatment facility of the City of Weslaco, and ordaining other matters with respect to the subject matter hereof. First reading of Ordinance 2013-26. Possible action. (Requested by Public Utilities Department.) Attachment.

- E. Discussion and consideration to authorize a professional services agreement to conduct a management audit of the Economic Development Corporation of Weslaco, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by the Office of the City Manager.)

#### **IV. 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.

#### **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. Economic Development – Discussion with the City Manager to authorize the Economic Development Corporation of Weslaco to negotiate a Development Agreement that provides an incentive over One Hundred

Thousand Dollars (\$100,000.00) to locate a business to Weslaco pursuant to §551.087 of the Texas Government Code.

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

**VII. ADJOURNMENT**

I hereby certify this **Notice of a Special 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 9<sup>th</sup> day of September 2013 at 4:45 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.