



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 21, 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, April 21, 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Regular Meeting on April 7, 2015. (Staffed by City Secretary's Office.) Attachment. 3-21
- B. Approval on Second and Final Reading of Ordinance 2015-13, appointing Mike R. Perez as City Manager of the City of Weslaco; establishing the salary of the 22-23

City Manager; establishing duties, responsibilities, and at-will status as City Manager; and ordaining other matters with respect to the subject matter herein. (First reading held on April 7, 2015; Staffed by City Manager's Office.) Attachment.

- C. Authorization of the solicitation of Request for Bids (RFB) for an alternate AMI/AMR system for meter reading operations. (Staffed by Public Utilities Department.) Attachment. 24-25

IV. OLD BUSINESS

- A. Discussion and consideration to approve on Second and Final Reading Ordinance 2015-03 amending the Code of Ordinances §114-17, "Political signs and banners; removal," adding such sections to provide for the placement of political signs on private property, to provide for the regulation of electioneering on public property and election polling places; to provide a repealing clause; to provide a severability clause; to provide a penalty for each offense; and to provide an effective date. Possible action. (This item was tabled on March 17, 2015; First reading held January 20, 2015; Staffed by City Secretary's Office.) Attachment. 26-33
- B. Discussion and consideration to approve Ordinance 2015-12 repealing Ordinance 2004-23, the "City of Weslaco Sign Ordinance," codified as Chapter 114 of the Weslaco Code of Ordinances, to adopt new regulations and ordain other matters with respect to the subject matter hereof. First Reading of Ordinance 2015-12. Possible action. (This item was tabled on March 17, 2015; Staffed by Planning and Code Enforcement Department.) Attachment. 34-59

V. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2015-14, the "Peddlers and Solicitors Ordinance," to amend ordinance number 2015-08, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations. First Reading of Ordinance 2015-14. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 60-63
- B. Discussion and consideration to create an additional Corporal position for the Weslaco Police Department, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment. 64-65
- C. Discussion and consideration to award the best qualified, most advantageous bidder for the purchase of two (2) 2015 Harley Davidson FLHTP motorcycles and installation of equipment in an amount not to exceed \$36,850.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) 66-70

Attachment.

- D. Discussion and consideration to reschedule or cancel the May 19, 2015 regular meeting. Possible action. (Staffed by City Manager's Office.)

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 with the City Manager regarding the Police Chief and Municipal Court Associate Judge applicants as authorized by §551.074 of the Texas Government Code.

B. 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.

C. Pending Litigation – Consultation with Special Counsel regarding Cause No. C-5929-13-H *City of Weslaco, Texas v. City of Mercedes, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

C. Pending Litigation – Consultation with City Attorney regarding Cause No. C-1361-15-E *Mobile Video Tapes, Inc., D/B/A KRGV-TV v. City of Weslaco, Texas, Mike Perez* in the 275th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

D. Pending Litigation – Consultation with City Attorney regarding Cause No. C-

1277-15-H *Elvia Caballero Lopez d/b/a or a/k/a Caballero Governmental Affairs v. City of Weslaco, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

- E. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the International Association of Fire Fighters Local 3207 as authorized by §551.071 of the Texas Government Code.
- F. Pending Litigation – Discussion with City Attorney regarding Cause No. CCD-0033-F *In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* pursuant to §551.071 of the Texas Government Code.
- G. Pending Litigation - Consultation with City Attorney regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco* as authorized by §551.071 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 17th day of April 2015 at 4:30 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. 1103 prior to the meeting date.