



**ADDENDUM ITEMS  
TO THE REGULAR MEETING OF  
THE WESLACO CITY COMMISSION  
TUESDAY, SEPTEMBER 2, 2014**

NOTICE IS HEREBY GIVEN THAT the following items are to be considered as part of the agenda of the Regular Meeting scheduled for Tuesday, September 2, 2014, and will be scheduled at anytime during the 5:30 p.m. meeting of the City Commission of the City of Weslaco, Texas in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue:

**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. NEW BUSINESS**

- A. Discussion and consideration to award a Firm Fixed Price Agreement for Professional and Consulting Engineering Services to Gonzalez de la Garza & Associates in an amount not to exceed \$700,000.00 for the City of Weslaco Five Year Comprehensive Plan and the Master Drainage Plan, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Commission approved agreement with this firm on August 19, 2014; Staffed by Planning and Code Enforcement Department.)
- B. Discussion and consideration of the Election Code, Charter and Ordinance general election procedural requirements, and qualifications for elective office of Commissioner Candidates for District 3. Possible action. (Staffed by City Secretary's Office.)
- C. Discussion and consideration to approve Ordinance 2014-14 creating a Weslaco Historical Commission, adopting its mission and appointing members. First Reading of Ordinance 2014-14. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Fox.)

**II. 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. Executive Session in accordance with §551.071 and/or §552.071 of The Texas Government Code (Consultation with Attorney) to discuss legal options against a political entity regarding city limit and extraterritorial jurisdiction (ETJ) boundary disputes.
- B. Pending Litigation - Consultation with City Attorney regarding in re No. P-35,821 *In the Estate of Fernando Saenz, Deceased*, in the Probate Court of Hidalgo County, Texas 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.
- D. 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.

### **III. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

I hereby certify this **Notice of an Addendum to 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 30th day of August 2014 at 4:50 p.m. and will remain so posted continuously for at least 72-hours proceeding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth Walker, City Secretary