



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JUNE 16, 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, June 16, 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
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- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Acceptance of the 2014 NADO Innovation Award.
- E. Roll Call.

II. INSTALLATION OF MUNICIPAL COURT ASSOCIATE JUDGE

- A. Administer the Oath of Office to Miguel D. Wise as the Municipal Court Associate Judge for the City of Weslaco.

III. 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.

IV. PUBLIC HEARINGS

- A. To solicit input on behalf of BH Group Limited Liability Company dba Chopstix Bistro to approve a Conditional Use Permit to obtain a Late Hours Mixed Beverage Permit at 702 S. Texas Blvd, also being Lot 1, Block 57 and all of Lots 1 and 2, Block 57-A, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas.

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V. 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 June 2, 2015. (Staffed by City Secretary's Office.) Attachment. 4-18
- B. Approval on Second and Final Reading of Ordinance 2015-18 to rezone 1802 N. International Blvd., also being 2.802 acre tract of the S221.75'-N881.75'-W330' out of Farm Tracts 1042 and 1043, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. (Staffed by Planning and Code Enforcement Department.) Attachment. 19
- C. Approval of Resolutions 2015-35, 2015-36, 2015-37, 2015-38, 2015-39, and 2015-40 authorizing the Finance Director to exercise certain powers identified with BBVA, Frost Bank, Greater State Bank, Lone Star National Bank, Rio Bank, and TexPool respectively, including opening accounts, certificate of deposits, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and Commission to execute any related documents. (Staffed by Finance Department.) Attachment. 20-37

VI. OLD BUSINESS

- A. Discussion and consideration to approve on Second and Final Reading Ordinance 2015-16 amending the Master Fee Schedule and authorize the Mayor to execute any related documents. Second and Final Reading of Ordinance 2015-16. Possible action. (First Reading held June 2, 2015; Staffed by Finance Department.) Attachment. 38-49

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of BH Group Limited Liability Company dba Chopstix Bistro to approve a Conditional Use Permit to obtain a Late Hours Mixed Beverage Permit at 702 S. Texas Blvd, also being Lot 1, Block 57 and all of Lots 1 and 2, Block 57-A, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 50-64
- B. Discussion and consideration to approve Change Order #2 with Texas Cordia Construction for the Detention Pond and Reconstruction of Sugarcane Drive in 65-66

an amount not exceed \$50,000.00. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- C. Discussion and consideration to approve Resolution 2015-42 authorizing a Joint Emergency Management Plan with the City of Mercedes and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment. 67-70
- D. Discussion and consideration to authorize the Mayor to execute a Letter of Intent demonstrating local interest to establish an Anaerobic Digester/Chemical Processing plant with no operational liability exposure. Possible action. (Staffed by City Manager's Office.) Attachment. 71
- E. Discussion and consideration to approve Resolution 2015-41 engaging legal counsel and rate consultants to review the AEP Texas Company's requested approval of an adjustment to its energy efficiency cost recovery factor, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Legal Department.) Attachment. 72-75
- F. Discussion and consideration to select the best qualified, most advantageous bidder for the roadway improvements in response to Request for Bids 2014-15-25 6th Street Waterline Improvements. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 76-77

VIII. 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 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.
- 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.

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

X. 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 12th day of June 2015 at 5:45 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.

Removed from Bulletin Board	Date:	Initials:
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