

App. 10/19/09

WESLACO CITY COMMISSION

REGULAR MEETING

OCTOBER 6, 2009

On this 6th day of October, 2009 at 6:12 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue and the following members were present.

NOTE: If any accommodation for a disability is required, notify the City Secretary's Office at (956) 968-3181, Ext 3101 prior to the meeting date.

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 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.

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|----------------|-------------------------|
| Mayor | Buddy de la Rosa |
| Mayor Pro-Tem | Rene Rodríguez, Jr. |
| Commissioner | J.F. "Johnny" Cuellar |
| Commissioner | Gerardo "Jerry" Tafolla |
| Commissioner | Lupe V. Rivera |
| Commissioner | Patrick B. Kennedy |
| City Manager | Francisco Castellanos |
| City Secretary | Amanda C. Elizondo |
| City Attorney | Ramon Vela |

Also present: Omar Gonzales, Finance Director; Pete Garcia, Parks & Recreation Director; Gloria Sepulveda, Purchasing Director, Bernard Rodriguez, Interim Planning and Code Enforcement Director; and several staff members and citizens. Commissioner Robert J. Garza was absent. Mayor de la Rosa called the meeting to order, a quorum was established and the following proceedings were held.

Reverend Mario Perez, from Assembly of God Church of Weslaco, gave the invocation. Mayor de la Rosa recited the Pledge of Allegiance and Mayor Pro-Tem Rodriguez proceeded with the Pledge to the Texas Flag.

I. CONSENT AGENDA

NOTICE TO THE PUBLIC

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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Minutes
 - 1. Regular Meeting of September 15, 2009
- B. Request from Weslaco Airport Elementary School to use the Weslaco City Park on Monday October 26, 2009 for a Wellness/Red Ribbon Event from 9:00 A.M. to 1:00 P.M. and to close the entrance gates at the park during the event for the children's safety. Possible action.
- C. Discussion and consideration to accept the Cops Hiring Recovery Grant Award in the amount of \$451,206.00 for the employment of three full time officers for a period of three years and authorize the Mayor and appropriate city staff to execute all documents pertaining to this grant award. Possible action.
- D. Discussion and consideration to approve the 2010 Calendar Holiday Schedule for City Employees as per the City of Weslaco's Personnel Manual. Possible action.
- E. Discussion and consideration of the Valley Initiative for Development and Advancement (VIDA) Agreement to provide city funding for the related purchase and expenditures for the operation of career center providing job training tuition and educational services and authorize the Mayor to execute the agreement. Possible action.
- F. Discussion and consideration to approve a budget amendment from the Vital Statistics Special Fund in the amount of \$1,218.00 to purchase (1) one receipt printer (Epson U950) for cash collection for the Vital Statistics Division. Possible action.
- G. Discussion and consideration to approve payment to the Lower Rio Grande Valley Development Council in the amount of \$30,000.00 as the local match for FY 2009-2010 to provide transportation to the Weslaco citizens through the use of the Rio Metro Service. Possible action.
- H. Discussion and consideration to renew the contract for the Weedy Lot Tracking Program in the amount of \$2,495.00 between the City of Weslaco and Ruben Rosales, Jr. to continue services and authorize the Mayor to execute the agreement. Possible action.

Mayor de la Rosa requested to remove Item D. from the consent agenda for discussion.

Commissioner Kennedy also requested to remove Item B.

Motion was made by Commissioner Kennedy and seconded by Commissioner Tafolla to approve the consent agenda with the exception of Items B. and D. Motion carried unanimously.

Commissioner Kennedy stated the closure of the gates was a good idea and asked if the park would be cleared before the arrival of the school kids.

Pete Garcia, Parks and Recreation Director stated the park would be cleared and was expected that 105 kids would be arriving at the park.

Motion was made by Commissioner Kennedy and seconded by Mayor Pro-Tem Rodriguez to approve the item as presented. Motion carried unanimously.

Mayor de la Rosa referred to Item D., the Holidays Schedule and asked which departments would be opened.

Mr. Francisco Castellanos, City Manager stated the Police, Fire and EMS Departments would remain open and certain employees from the Public Facilities Department would be available in case of an emergency.

Motion was made by Commissioner Tafolla and seconded by Commissioner Kennedy to approve the item as presented. Motion carried unanimously.

II. PUBLIC COMMENTS

A member of the public or the governmental body may make comments on subjects for which notice has been given and which are on the agenda Section 551.042, Texas Open Meetings Act. Public comments will be limited to three (3) minutes.

Rosa Ochoa, Coordinator for the St. Joan of Arc Catholic Church, stated she was concerned regarding the opening of Illinois Street due to the traffic. She mentioned catechism classes were held on Tuesdays, Wednesdays and Thursdays and children would be dropped off before class and pick up after class.

Dr. Gloria Egli, resident of 3813 Monica Drive, Las Brisas Subdivision spoke on behalf of the Ad Hoc Committee regarding the selection of the City Manager. She added they had worked hard and spent the entire summer meeting twice a week, reviewing applications to select individuals to be interviewed. Dr. Egli pointed out they had chosen three individuals and strongly recommended the three individuals to be considered for the future city manager. She indicated that she wished for the public to know that Mr. Castellanos was not one of them.

Mayor de la Rosa informed Dr. Egli that she could not mention an employee by name. He added this was not part of the public comment process.

Dr. Egli stated she had checked the law and the names were public record. She added the city had spent money to advertise the position and certain individuals had spent \$700.00 to come to the interviews.

Richard Lehman, resident of 1003 S. Missouri Street and Chairman of the Ad Hoc Committee for the Selection of the City Manager, stated the city had received 40 applications and had interviewed 10 applicants for interviews. He mentioned they had recommended three individuals to the City Commission. Mr. Lehman stated if the City Commission had no intentions of hiring one of the three then for them not to invite them to be interviewed due to the expense.

III. PUBLIC HEARINGS

A. To solicit input from interested persons on the City of Weslaco needs for Year 23 (2010) Hidalgo County Urban County Program Funds.

Mayor de la Rosa announced this was a public hearing and anyone wishing to speak for or against it could do so after staff's presentation.

Sylvia M. Martinez, Community Development Coordinator, read the following notice.

PUBLIC HEARING NOTICE
CITY OF WESLACO
URBAN COUNTY PROGRAM

In compliance with the Consolidated Plan for Community Planning & Development (CDBG, HOME, ESG), the City of Weslaco will conduct a public hearing to solicit input from interested parties on the City's needs under the (23rd) year Urban County Program (Year 2010).

The overall goals for the Consolidated Plan are to strengthen partnerships with jurisdiction, to extend and strengthen partnerships among all levels of government and the private sector, including profit and nonprofit organizations, to enable them to provide decent housing, to establish and maintain a suitable living environment, and to expand economic opportunities for every citizen, particularly for very low income persons.

The public hearing will be held on Tuesday, October 6, 2009 at 6:00 P.M. at the following location:

WESLACO CITY HALL - Legislative Chambers
255 S. KANSAS
WESLACO, TEXAS 78596

The City anticipates an allocation of approximately (\$369,703.00) based on last year's allocation. Listed below is a partial listing of eligible activities.

- Public Facilities Needs
 - Senior Centers
 - Youth Centers
 - Neighborhood Facilities
 - Parks and Recreation Facilities
 - Health Facilities
 - Child Care Facilities
 - Parking Facilities
- Infrastructure Improvement Needs
 - Flood Drain Improvements

- Water Improvements
- Sewer Improvements
- Street Improvements
- Public Service Needs
 - Senior Services
 - Handicapped Services
 - Youth Services
 - Child Care Services
- Accessibility
- Economic Development Needs
 - Technical Assistance
- Lead-Based Paint/Hazard Abatement
- Code Enforcement
- Emergency Shelter Needs
- Housing Needs
- Community Planning
- Program Administration

Mrs. Martinez gave a brief presentation of the projects that were funded through Urban County Program.

Commissioner Kennedy asked if the city would be requesting additional funds for Las Brisas Subdivision.

Mrs. Martinez stated staff would be preparing a work plan for the City Commission's consideration based on the needs of the community. She pointed out if the county approved the city's work plan the funds would be allocated in July, 2010.

Jose L. Gonzalez, Director of LRGV Area Agency of Aging gave a brief presentation of the services they provided to the communities and requested financial assistance through the Urban County Program. He thanked the City Commission for their support to the Foster Grandparent Program.

Motion was made by Commissioner Kennedy and seconded by Commissioner Tafolla to close the public hearing.

Agustin Torres, Representative of Amigos del Valle, requested \$9,000.00 for FY 2010-2011 to serve senior citizens residing within the City of Weslaco. He added from September 1, 2008 up to August, 2009 they had served 9,839 meals in the Weslaco centers and 16,292 meals out of the CDBG.

Motion carried unanimously.

- B. To discuss and consider a Conditional Use Permit for a Daycare Center at 1411 West 18th Street, Weslaco, Texas also being 1 acre gross 0.88 acre net, North 212.07 ft. – West 205.40 Farm Tract 732, West Tract Subdivision. (Requested by Armando Rodriguez). Possible action.

Mayor de la Rosa announced this was a public hearing and anyone wishing to speak for or against it could do so after staff presentation.

Bernard Rodriguez, Interim Planning and Code Enforcement Director stated the daycare had previously received a conditional use permit on September, 2005, but was transferred to a new applicant on December 2, 2008. He mentioned the current applicant was requesting a conditional use permit to continue the same type of daycare facility. Mr. Rodriguez stated notice of the application and public hearing for the Planning and Zoning Commission and City Commission appeared in the Monitor Newspaper on August 31, 2009. He mentioned seventeen property owners within the 200 feet radius were notified and no objections were received. Mr. Rodriguez stated the Planning and Zoning Commission approved the request on Sept. 16, 2009 and the applicant had complied with the requirements of the ordinance. He recommended approval of the request.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to close the public hearing. Motion carried unanimously.

Motion was made by Commissioner Tafolla and seconded by Commissioner Kennedy to approve the request for a conditional use permit. Motion carried unanimously.

IV. CITY MANAGER'S REPORT

- A. Announcement of Free Computer Classes offered by the Weslaco Public Library starting October 5, 2009 to October 23, 2009 from 11:30 a.m. to 1:30 p.m.. Monday through Friday.

Mr. Castellanos announced the Weslaco Public Library would be offering free computer classes starting October 5th from 11:30 a.m. to 1:30 p.m.

Commissioner Tafolla asked if the classes could be offered at another time to allow more citizens to participate.

Mr. Castellanos stated staff was opened for suggestions to make the program successful.

- B. Status report on the Cafeteria Plan for the City of Weslaco

Mr. Castellanos announced the city would be soliciting bids for the Employee's Cafeteria Plan. He added this consisted of supplemental insurances at the cost of the city employees.

V. MAYOR'S REPORT

- A. Announcement of Hispanic Heritage Month, September 15 through October 15, 2009.

Mayor de la Rosa announced the website and external links for Hispanic Heritage organization were available at the City Secretary's Office for any interested citizens.

- B. Announcement of the Texas Municipal League Conference to be held in Fort Worth, Texas on October 21 – 23, 2009 and possible action to change the regular meeting date of October 20, 2009.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to change the meeting date to Monday, October 19, 2009. Motion carried unanimously.

- C. Announcement of the Texas Department of Rural Affairs (TDRA) 2008 Supplemental Disaster Recovery Fund Grant to the City of Weslaco in the amount of \$600,000.00 for water and wastewater system improvements.

Mayor de la Rosa announced the City of Weslaco had been recommended to receive a Supplemental Disaster Recovery Fund Grant and would keep the citizens informed of the grant status.

Mr. Castellanos stated if the grant money was approved it would be used to purchase two generators, one for the water treatment plant and the other one for the wastewater treatment plant.

VI. NEW BUSINESS

- A. Discussion and consideration to authorize the Weslaco Police Department to purchase the following vehicles from the Forfeiture Account as per Texas Code of Criminal Procedure Article 59.06 for a total amount of \$2,013.80:

1. Payment to US Marshal's Office for federal share expenses referenced: Seized 2001 Ford F-250 VIN No. 1FTNW21F41EB97407 valued at \$1,413.80. Possible action.
2. Payment to Mendoza's Auto Sales for payoff of a lien on a 2002 Chevy Trail Blazer VIN No. 1GNDDT13S422147187, Seized Case No. M509-0098, DEA - \$600.00. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Kennedy to approve the item as presented. Motion carried unanimously.

- B. Discussion and consideration to approve final payment to R.L. Abatement, Inc. in the amount of \$26,559.25 for the removal of asbestos at the Old Weslaco Museum located at 515 South Kansas Avenue utilizing funds from Yr. 21 Urban County Program. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Kennedy to approve the item as presented. Motion carried unanimously.

- C. Discussion and consideration of a second amendment to the Sales Tax Refund Agreement for the Retail Facility Redevelopment and Expansion between the City of Weslaco and SDI Weslaco Holdings, LLC to amend

Section 2.02, to change the commencement date from January 1, 2011 to December 31, 2020 and to amend Section 2.04, to clarify how the developer is to be paid based on the Texas Comptroller of Public Accounts Sales Tax Area Report and authorize the Mayor to execute the amendment. Possible action.

Mr. Vela recommended changing the date to January 1, 2010 to January 1, 2011.

Motion was made by Commissioner Kennedy and seconded by Mayor Pro-Tem Rodriguez to approve the amendment with the correction on the date. Motion carried unanimously.

D. Status report from Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce regarding chamber activities. Possible action.

Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce stated they were working on advertising the city to promote additional business and tourism. She added the visitors' registration list had exceeded from the past years and a fifth leadership class had been organized to learn more about the operation of the community. Mrs. Noell announced the Weslaco Chamber of Commerce had been chartered in 1935 and would be celebrating its 75th year anniversary.

Commissioner Kennedy asked if any plans had been made for the Christmas Parade.

Mrs. Noell stated a letter would be submitted to the city requesting permission to hold the parade.

E. Discussion and consideration of the following preliminary and final plats.

1. Regency Subdivision No. 2 being the West 10 acres of the East 20 acres of Farm Land Tract 686, West and Adams Tract Subdivision, Hidalgo County, Texas located on the north side of 18th Street on Midway Road between Texas Blvd. and Bridge Street. (Requested by D & J Investments, LTD.) Possible action.

Mr. Rodriguez stated Regency No. 2 was a one lot subdivision and the city would provide the water and sewer services. He mentioned the City Engineer had reviewed and approved the drainage report. Mr. Rodriguez stated the Planning and Zoning Commission had approved the final plat on September 16, 2009 and recommended approval of the plat.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to approve the final plat as presented. Motion carried unanimously.

2. Wadoso Subdivision Phase I being a 3.826 acre tract of land out of Farm Tract 1033, West & Adams Tract Subdivision, Hidalgo County, Texas located on the west side of Plaza De Los Encinos

Drive approximately 235 foot south of Expressway 83. (Requested Wadoso, LTD.) Possible action.

Mr. Rodriguez stated Wadoso Phase I was a two lot commercial subdivision and a Bowling Alley was being proposed on Lot 2. He mentioned the proposed subdivision was in Flood Zone "X" and the city would provide the water and sewer services. Mr. Rodriguez pointed out staff's comments had been addressed and approved by the City Engineer. He stated the Planning and Zoning Commission had approved the request on September 16, 2009 and recommended approval of the plat.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to approve the final plat as presented. Motion carried unanimously.

3. Bermea Subdivision being a 1.17 acre tract of land out of Block 3, The Fresno Subdivision, Hidalgo County, Texas located on the east side of Texas Blvd. and on the south side of Expressway 83. (Requested by Bermea's Volksland, Inc.). Possible action.

Mr. Rodriguez stated the proposed Lot 2 of Bermea Subdivision was currently occupied with a convenience store, Taco Bell and water mill. He mentioned the applicant was requesting to separate the tract of land to provide for a proposed sale of land. Mr. Rodriguez pointed out Lot 1 was leased to HEB for a frontage entrance and parking lot. He stated the city would provide the water and sewer services. Mr. Rodriguez pointed out all staff's comments had been addressed and approved by the City Engineer. He stated on September 16, 2009, the Planning and Zoning Commission approved the request and recommended approval of the plat.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to approve the final plat as presented. Motion carried unanimously.

4. Cotton Estates Central Re-subdivision Lots 1, 2, & 3 being a 1.404 acre tract of land being .204 gross acre out of land, out of Farm Tract 196, Block 161 and 1.2 gross acre out of Farm Tract 208, Block 161 of Cotton Estates Central Subdivision, Hidalgo County, Texas located 322 ft. from Mile 6 West and 2834 ft. west from the Intersection of Mile 10. (Requested by Rene & Irma Gonzalez and Encarnacion and Ermelinda Salas). Possible action.

Mr. Rodriguez stated the proposed subdivision consisted of Lots 1, 2, & 3 as recorded in the plat of Cotton Estates Central Re-subdivision. He mentioned the applicant was requesting to combine the lots to record a two (2) lot subdivision. Mr. Rodriguez pointed out the proposed use was residential and all utilities were in place. He stated on September 16, 2009, the Planning and Zoning Commission approved the request and recommended approval of the plat.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Kennedy to approve the final plat as presented. Motion carried unanimously.

5. Posada Subdivision being a 1.71 acres tract of land out of Farm Tract 14, West Tract Subdivision, Hidalgo County, Texas located on the south side of U.S. Expressway 83 & Frontage Road, ¼ Mile East of Airport Drive. Possible action.

Mr. Rodriguez stated the proposed Posada Subdivision consisted of one lot and was located on the south side of Expressway 83 between Airport Drive and Pleasant View Road. He mentioned the city would provide the water and sewer services; the subdivision was in a Flood Zone "X" and the property was in a commercial area. Mr. Rodriguez pointed out that one of the recommendations was to close the drainage ditches in that particular area. He stated staff and the City Engineer were reviewing the construction plans and on August 19, 2009, the Planning and Zoning Commission approved the request. Mr. Rodriguez recommended approval of the plat.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to approve the final plat as presented. Motion carried unanimously.

- F. Discussion and consideration of the following items in connection with the Reconstruction of Westgate Drive from Business 83 to Expressway 83 and Panther Drive from Westgate to Border Avenue:
 1. Approval of Change Order No. 1 from Mission Paving for a decrease in contract price of \$90,539.35. Possible action.
 2. Approval of Payment No. 10 and final to Mission Paving Company, Inc. in the amount of \$28,720.50. Possible action.
 3. Approval of payment of the retainage claim to Mission Paving Company, Inc. in the amount of \$5,000.00. Possible action.
 4. Acceptance of the Certificate of Construction Completion Form from Mission Paving and authorize the Mayor to execute the form and other related documents. Possible action.

Mr. Castellanos recommended approval on all four items.

Motion was made by Commissioner Kennedy and seconded by Mayor Pro-Tem Rodriguez to approve Items 1, 2, 3, and 4 as presented. Motion carried unanimously.

Randy Winston, City Engineer, stated the funding source was from HEB and the decrease would be returned to them.

- G. Discussion and consideration to award to the lowest responsible bidder, Ferguson Waterworks from Mission, Texas for the purchase of Waterworks Collection and Distribution Materials on as needed basis. Possible action.

Mr. Castellanos stated this was a continuance purchase agreement that the city had and the items would be purchased on as needed basis.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Kennedy to approve the item as presented. Motion carried unanimously.

H. Discussion and consideration to approve Resolution No. 2009-25 nominating a candidate(s) to the Hidalgo County Appraisal District Board of Directors. Possible action.

Motion was made by Mayor de la Rosa and seconded by Commissioner Cuellar to approve Resolution No. 2009-25 and nominate David Hernandez to the Hidalgo County Appraisal District Board of Directors. Motion carried unanimously.

For the record, Resolution No. 2009-25 read as follows:

RESOLUTION NO. 2009-25

STATE OF TEXAS § RESOLUTION NOMINATING A CANDIDATE TO
COUNTY OF HIDALGO § HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF
CITY OF WESLACO § DIRECTORS.

WHEREAS, the City of Weslaco, a governmental unit entitled to vote in the selection of a Board of Directors for the Hidalgo County Appraisal District, has been notified by the Chief Appraiser of Hidalgo County, Texas, that nominations to the said Board of Directors should be submitted in Resolution form to the Chief Appraiser by October 15, 2009; and

WHEREAS, the City wishes to nominate David Hernandez as candidate for Director of the Hidalgo County Appraisal District.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSISON OF THE CITY OF WESLACO as follows:

1. The City Commission of the City of Weslaco does hereby nominate David Hernandez as a candidate for the Director of Hidalgo County Appraisal District.
2. A certified copy of this Resolution shall be delivered to the Chief Appraiser Hidalgo County, Texas, to evidence this nomination.

PASSED AND APPROVED this 6th day of October, 2009.

CITY OF WESLACO
/s/ Buddy de la Rosa, R. Ph.
MAYOR

ATTEST:
/s/ Amanda C. Elizondo, CITY SECRETARY
APPROVED AS TO FORM:
/s/ Ramon Vela, CITY ATTORNEY

I. Discussion and consideration to approve Resolution No. 2009-26 authorizing the City of Weslaco, through its elected and appointed officials to conduct banking business with BBVA Compass Bank. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Cuellar to approve Resolution No. 2009-26 as presented. Motion carried unanimously.

For the record, Resolution No. 2009-26 read as follows:

RESOLUTION NO. 2009-26

RESOLUTION OF LODGE, ASSOCIATION OR OTHER SIMILAR ORGANIZATION

BBVA COMPASS
WESLACO, TX 78596

By: CITY OF WESLACO
255 S KANSAS
WESLACO, TX 78596

Referred to in this document as "Financial Institution"

Referred to in this document as "Association"

I, Amanda C. Elizondo certify that I am Secretary (clerk) of the above named association organized under the laws of TEXAS, Federal Employer I.D. Number 74-600-25-44; and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on October 6, 2009 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS Any agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title or Position	Signature	Facsimile Signature (if used)
A. <u>Buddy de la Rosa, R. PH., MAYOR</u>	X _____	X _____
B. <u>Rene Rodriguez, Jr., MAYOR PRO-TEM</u>	X _____	X _____
C. <u>John F. Cuellar, COMMISSIONER</u>	X _____	X _____
D. <u>Gerardo Tafolla, COMMISSIONER</u>	X _____	X _____
E. <u>Lupe V. Rivera, COMMISSIONER</u>	X _____	X _____
F. <u>Patrick B. Kennedy, COMMISSIONER</u>	X _____	X _____
G. <u>Robert J. Garza, COMMISSIONER</u>	X _____	X _____
H. <u>Francisco Castellanos, CITY MANAGER</u>	X _____	X _____
I. <u>Omar Gonzales, FINANACE DIRECTOR</u>	X _____	X _____

POWERS GRANTED (Attach one more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, F and/or G	Description of Power	Indicate number of signatures required
_____	(1) Exercise all of the powers listed in this resolution.	_____
<u>H-I</u>	(2) Open any deposit or share account(s) in the name of the Association.	<u>1</u>
<u>A-G</u>	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	<u>2</u>
<u>H</u>	(4) Borrow money on behalf and in the name of the Association, sign, execute and deliver promissory notes or other evidences of indebtedness.	<u>2</u>
_____	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Association as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or	_____

discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.

H-I

(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a accessing and terminating a Safe Deposit Box in this Financial Institution.

1

(7) Other _____

LIMITATIONS ON POWERS The following are the Association's express limitations on the powers granted under this resolution.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated 06/18/2003. If not completed, all resolutions remain in effect.

RESOLUTIONS

The Association named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Association and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Association and certified to the Financial Institution as governing the operation of this association's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Association. Any Agent, so long as they act in a representative capacity as agents of the Association, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Association with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Association agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Association. The Association authorizes the Financial Institution, at any time, to charge the Association for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Association acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Association to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Association acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Association with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Association authorizes each Agent to have custody of the Association's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

CITY OF WESLACO
/s/ Buddy de la Rosa, R. PH., MAYOR
/s/ Rene Rodriguez, Jr., MAYOR PRO-TEM

ATTEST:
/s/ Amanda C. Elizondo, CITY SECRETARY
APPROVED AS TO FORM:
/s/ Ramon Vela, CITY ATTORNEY

CERTIFICATION OF AUTHORITY I further certify that the Association has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.) If checked, the Association is a non-profit lodge, association or similar organization.

/s/ Amanda C. Elizondo, CITY SECRETARY

FOR FINANCIAL INSTITUTION USE ONLY

- J. Discussion and consideration regarding the selection of a financial advisor to the City of Weslaco beginning after the expiration of the current Financial Advisor Contract and authorize the Mayor to execute the contract. Possible action.

Motion was made by Mayor de la Rosa to select Southwestern Capital Marketing, Inc. as the financial advisor and Frost Bank for the City of Weslaco.

Mr. Castellanos recommended that the city solicit proposals for this service.

Mayor de la Rosa stated this was a request for qualifications and none were required since it was for professional services. He pointed out the city needed a financial advisor due to the presentations that needed to be made before the rating agencies based on the bond adjustments and the financial conditions of the city.

Motion was seconded by Mayor Pro-Tem Rodriguez.

Commissioner Cuellar asked if the city had a list of the firms that had submitted proposals and if First Southwest Company had submitted one.

Mr. Castellanos stated the firm of David Mendez from Austin had submitted a letter requesting to be considered and First Southwest Company had agreed to be considered since their contract would expire October 20th and had an automatic renewal clause.

Mayor de la Rosa stated Southwestern Capital Marketing, Inc. was the company that provided financial services to the City of San Antonio.

Commissioner Cuellar stated no background information was provided to them on Southwestern Capital Marketing, Inc. He requested to see other proposals and invite the top firms recommended by the City Manager to make presentations and to include First Southwest then the City Commission could select a firm.

Mayor de la Rosa stated there was a motion on the table to appoint Southwestern Capital Marketing, Inc. as the Financial Advisor. He mentioned if the City Commission was not pleased with the discussions then they could look at other proposals.

Commissioner Tafolla recommended soliciting proposals.

Commissioner Cuellar recommended tabling the item for the next meeting. He mentioned if they voted he would vote against it because they had no information on this firm.

Mr. Castellanos recommended placing the item on the agenda of the special meeting for next Tuesday.

Mayor de la Rosa and Mayor Pro-Tem Rodriguez withdrew their motion.

No action was taken on this item.

K. Discussion and consideration to approve Ordinance No. 2009-26 amending Section 1 of Ordinance 77-16, adopted on August 16, 1977, and codified in the Weslaco Code of Ordinances Section 29-40 "Water Rates prescribed" and amending Section 1 of Ordinance 67-10, adopted on June 27, 1967, and codified in the Weslaco Code of Ordinances as Section 29-43 "Sewer Rates prescribed;" by providing for a new schedule of rates to be charged for treated water delivered through the system of the Water 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 providing for an effective date after the second publication of this ordinance, and ordaining other matters with respect to the subject matter hereof. First reading of Ordinance No. 2009-26. Possible action.

Omar Gonzales, Finance Director, stated the increase in the water rates was discussed prior to the adoption of the budget. He added staff was proposing to increase the water rate by 6% in order to balance the budget in the utility fund. Mr. Gonzales highlighted the rate analysis and stated the city had not raised the rates since 2007.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve the item.

A brief discussion was held regarding the revenues generated by the water and sewer and Mr. Gonzales stated the basic sewer rate was \$11.12, the proposed rate was \$11.79 and the difference was per thousand gallons used.

Mayor de la Rosa advised the City Commission that the city used to bill 80% of the water usage. He recommended tabling the item for further review and place the item on the special meeting for October 13th.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to withdraw the motion.

No action was taken.

- L. Discussion and consideration to amend the Miscellaneous Improvements to the Surface Water Treatment Plant Engineering Scope of Work – Amendment between the City of Weslaco and Camp Dresser & McKee, Inc. (CDM) to redirect \$351,000.00 for the necessary improvements to the City of Weslaco Water Treatment Plant. Possible action.

Mr. Castellanos stated no action was required at this time and recommended to place the item on the special meeting of October 13th.

- M. Discussion and consideration of the Palm Valley Animal Center Contract to continue the City of Weslaco's participation in the ongoing operation of a regional animal shelter and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Commissioner Kennedy and seconded by Mayor Pro-Tem Rodriguez to approve the item as presented and authorize the Mayor to execute the agreement. Motion carried unanimously.

- N. Recommendation from staff to award Rush Truck Centers of Texas from Houston, Texas a contract to purchase One (1) 2010 Peterbilt 320-30 yard Side Loader Truck through HGAC Buy Contract No. HT11-07 with Heil Rapid Rail. Possible action.

Mayor de la Rosa stated he had asked Mr. Castellanos to look into the 2007 Bond interest monies and if the city was short they would take out the balance from the Sanitation Fund.

Commissioner Tafolla stated he had gone into the internet and found some trucks in California that looked in good condition. He pointed out if the city was going to spend money they could purchase four 2003 trucks.

Commissioner Cuellar suggested looking into Commissioner Tafolla's recommendation of delaying the purchase of the new trucks.

Gloria Sepulveda, Purchasing Director stated staff would look at whatever options were available and presented them to the City Commission.

Mayor de la Rosa recommended tabling the item to allow Mrs. Sepulveda to research whatever options were available and present a recommendation to the City Commission.

No action was taken on this item.

- O. Discussion and consideration to authorize City Engineer, City Staff, and Professional Service Providers to prepare a Distributed Renewable Energy Technology Program Grant Application to the State Energy Conservation Office (SECO) for the installation of photovoltaic panels at the South Waste Water Treatment Plant at a project value not to exceed \$2 million. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Kennedy to approve the item as presented. Motion carried unanimously.

- P. Discussion and consideration to review municipal judge contracts for compliance of applicable state statutes. Possible action.

Mayor de la Rosa stated there would be no action on this item until the special meeting scheduled for October 13th in order to allow Mr. Vela to review the statutes to make sure they were contractually correct.

No action.

- Q. Discussion and consideration to authorize staff to solicit proposals for professional engineering services for the improvements of the City of Weslaco Water Treatment Plant. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to authorize staff to solicit proposals for qualifications.

Mr. Castellanos stated the City Commission had authorized staff to proceed with this item. He mentioned they were going through the process with the City Engineer and OMI to contractually do the plant. Mr. Castellanos stated Sigler, Winston, Greenwood & Associates were doing the engineering work.

Mayor de la Rosa stated staff needed to present additional information as to the cost because when the city had privatized the water treatment plant it was to bring the engineering expertise. He added the engineering part was to make sure the plant was running properly.

Commissioner Cuellar stated he understood that OMI's contract was for the actual maintenance of the plant to make sure the city complied with TCEQ. He mentioned it was never for them to be the engineers for the expansion.

Mr. Vela stated an amendment to the existing contract was required to perform the additional work. He added the contract with the city's engineering firm had language to oversee projects.

Mayor de la Rosa stated once they finished the scope of work then the city could determine if OMI was within the scope of services to do the engineering and construct the plant.

Commissioner Cuellar asked if they could take action to solicit proposals so when the scope of work was ready the city could advertise for that particular scope of work.

Mr. Vela responded yes.

A short discussion was held in regards to the capacity of the plant, the upgrade that had been done and the possibility of building a new plant. Mr. Castellanos stated CDM, Sigler, Winston, OMI and staff had been working together for the last two or three weeks since they received the notice from TCEQ and implement a method as to how the city wished to proceed along with a cost estimate.

Motion carried unanimously.

- R. Discussion and consideration to terminate the contract between the City of Weslaco and American Financial Bureau, a Division of RAM-VAL, Inc. for the billing and collection of emergency medical services. Possible action.
- S. Discussion and consideration to terminate the contract between the City of Weslaco and American Financial Bureau, a Division of RAM-VAL, Inc. for collection services of past due warrants. Possible action.

Mr. Castellanos recommended taking no action on Items R. and S. because staff was working on analyzing the proposals that had been received and would present a recommendation at the special meeting scheduled for October 13th.

Mayor de la Rosa recommended tabling Items R. and S and no action was taken.

- T. Discussion and consideration to solicit proposals for traffic engineering services to open Illinois Street in front of Weslaco City Hall with proper pedestrian crosswalks as prescribed by state law. Possible action.

Mr. Castellanos stated this was a request to start the research to open Illinois Street.

Mayor Pro-Tem Rodriguez recommended placing speed bumps if this item was approved.

Commissioner Kennedy stated he was concern because if they approve the opening of the street the city would have to close an existing railroad crossings.

Mayor de la Rosa stated this would occur when the city opened another railroad crossing and it would be at the expense of the city.

Commissioner Cuellar recommended that a feasibility study be conducted.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to conduct a feasibility study for the opening of Illinois Street. Motion carried unanimously.

VII. EXECUTIVE SESSION

At 7:45 p.m., Tuesday, October 6, 2009, Mayor de la Rosa announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

Commissioner Cuellar stated five of the members of the Ad Hoc Committee were present and suggested inviting them into the executive session to brief them on what had been done.

Mayor de la Rosa stated they would be called if needed.

At 8:45 p.m., Tuesday, October 6, 2009, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

- A. Personnel – Discussion regarding the selection of City Manager for the City of Weslaco and set up interviews for those candidates selected by the Weslaco City Commission. Possible action of what is discussed in executive session.

Mayor de la Rosa stated the City Commission would like to conduct the interviews of the top candidates: Daniel Rodriguez, Jr.; Frank Castellanos; Richard D. Cannone; and William Mueller. He pointed out the city would be conducting background checks on three of them because Mr. Castellanos had already been done. He stated they would try to set-up the interviews early next week.

Commissioner Cuellar stated they had discussed the timing of the background checks and they could schedule the interviews based on the availability of the candidates. He pointed out hopefully the interviews could be completed within a two day period. Commissioner Cuellar indicated discussions had also been held about delaying the items that were scheduled for the special meeting to October 19th, regular meeting in order to do the interviews.

Mayor de la Rosa adjourned the meeting.

CITY OF WESLACO

MAYOR, Buddy de la Rosa

ATTEST:

CITY SECRETARY, Amanda C. Elizondo

MAYOR PRO-TEM, Rene Rodríguez, Jr.

COMMISSIONER, J. F. “Johnny” Cuellar

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Patrick B. Kennedy