app. 3/2/10

WESLACO CITY COMMISSION

REGULAR MEETING

FEBRUARY 16, 2010

On this 16th day of February, 2010 at 6:00 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.

Mayor	Buddy de la Rosa
Commissioner	Robert J. Garza
Commissioner	J.F. "Johnny" Cuellar
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Patrick B. Kennedy
City Manager	Leonardo Olivares
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 other staff members and citizens. Mayor Pro-Tem Rene Rodriguez, Jr. was absent. Commissioner Kennedy called the meeting to order, a quorum was established and the following proceedings were held.

Pastor Steven Parker, from First Baptist Church of Weslaco, gave the invocation. Commissioner Kennedy recited the Pledge of Allegiance and 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unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 February 2, 2010

B. Request from Ms. Denise Mata to use the Weslaco City Park Tennis Courts on Saturday, February 20, 2010 to hold a Tennis Tournament, proceeds to go to Muscular Dystrophy Association and to waive all fees associated with the event. Possible action.

Motion was made by Commissioner Garza and seconded by Commissioner Tafolla to approve the items under the consent agenda.

Mr. Leonardo Olivares, Interim City Manager, stated staff was not recommending the waiving of the fees.

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.

There were no comments from the audience.

III. CITY MANAGER'S REPORT

A. City Manager's report: Financial Status, Departmental Update, Administrative Operations.

Mr. Olivares reported the city's sales tax receipts had increased for this month.

B. Update on the 2010 Census.

Mr. Olivares stated the 2010 Census was very important for the city because the more people that were counted the more federal dollars to the city. He mentioned the count committee had been meeting and were getting ready to launch the census questionnaire. Mr. Olivares pointed out the mail out of the questionnaire would begin March 10, 2010 and the responses were necessary in order to take advantage of the opportunity for the next ten years.

Commissioner Kennedy changed the order of the agenda and proceeded with Board Appointments, Item V. A.

A. Board of Adjustments & Appeals to the Building Codes – One member's term expired February 2, 2010 and one member's expires February 21, 2010. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to reappoint Pablo Pena, Jr. and Noe Villarreal to the Board of Adjustments & Appeals to the Building Codes. Motion carried unanimously.

IV. MAYOR'S REPORT

A. Report on the Mentors Breakfast – Valley Scholars Program – South Texas College Mid Valley Campus.

Mayor de la Rosa reported the Valley Scholars Program for the STC Mentors Breakfast was a great program and eight students would be placed with mentors. He invited the business people from the Mid Valley area to participate in this event.

B. Report on the Crowning of King and Queen – Weslaco Nursing & Rehabilitation Center located on 18th Street.

Mayor de la Rosa announced he was not able to attend the Crowning of the King and Queen for the Weslaco Nursing & Rehabilitation Center.

Amanda C. Elizondo, City Secretary stated George Garrett, Airport Director had represented the city in the Mayor's absence.

Mayor de la Rosa proceeded with the regular order of the agenda.

V. BOARD APPOINTMENTS

B. Ambulance Advisory Board – One member's term expired February 6, 2010 and Two members' term expires February 19, 2010. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Kennedy to appoint Alex Cavazos to replace Jaime Cuellar; David Juarez to replace Julie Anne G. Ramirez and re-appoint Lt. Ted Walanski to the Ambulance Advisory Board.

Motion carried unanimously.

C. Traffic Safety Council – Two members' term expire February 20, 2010. Possible action.

Motion was made by Commissioner Garza and seconded by Commissioner Cuellar to re-appoint Joe Calvillo and George Vela to the Traffic Safety Council. Motion carried unanimously.

D. Parks & Recreation Advisory Board – One member's term expires February 20, 2010. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to appoint Erasmo Saenz to replace Connie Horta in the Parks & Recreation Advisory Board. Motion carried unanimously.

VI. OLD BUSINESS

A. Discussion and reconsideration of the lease agreement between the City of Weslaco and the Hidalgo County Head Start Program to provide for a 60 day termination clause instead of a 30 day month to month termination clause and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Kennedy to approve the lease agreement with Hidalgo County Head Start Program and authorize the Mayor to execute the agreement.

For the record, Ramon Vela, City Attorney stated the contract that was previously approved had a thirty day termination clause and the county was requesting a sixty day clause.

Motion carried unanimously.

VII. NEW BUSINESS

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

Martha Noell, Executive Director gave a brief report on the chamber activities and stated they had participated in the Trade Shows in January. She mentioned they would be having a promotional campaign to recruit businesses and industries for the next meeting. Mrs. Noell stated they would continue to support the 2010 Census and thanked the city for hosting the Mid Valley Leadership.

B. Status report from Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco regarding economic development activities. Possible action.

Hernan Gonzalez, Economic Development Director, reported the following.

1. J. C. Penney's / Lowe's / SDI Realty / T.J. Maxx - Thirty thousand square feet of additional space would be constructed east of J. C. Penney's; Twenty-five thousand square feet were committed to a national retailer of women's fashion. An additional anchor tenant was being pursued for this center.

2. La Hacidena Inns and Suites - A new forty-five room hotel was being built on US Business 83 east of Pleasantview Drive. The business plan called for a highly

landscaped and attractive property.

3. FAMSA Distribution Center - The final agreement tentatively had been agreed with Oswalt Valley (Houston). A forty thousand square foot distribution center would be constructed at the Mid-Valley Industrial Park.

4. Pins and Cues - A twenty thousand square foot bowling alley/entertainment center was being constructed east of FM 1015 and south of the Paradise Roadhouse and it would be a first class entertainment venue. Sue Grooms was the developer.

5. Southeastern Freight Terminal was considering Weslaco for a freight terminal. The company was diligently working on this project and if Weslaco met the company's requirements it would likely be a 2010 project.

6. MVIP Developments 2010 – It was likely that in 2010 the city would be seeing the following companies starting construction in the Mid-Valley Industrial Park: Del Bravo Ice, Marble Glass and Mirror, Gran Café de la Parroquia, a warehouse for an electrical contractor, and Texas Department of Public Safety Regional Headquarters, in addition to the Federal Inspection Facility at the airport.

7. Sales Tax - The sales tax continued to provide no growth. The budget would be amended to reflect zero growth and would be adjusted accordingly.

A short discussion was held and Commissioner Tafolla requested the number on the creation of jobs based on the economic impact report.

Mr. Gonzalez stated he would present the information as requested to the City Commission.

C. Discussion and consideration to approve final payment to Raul Hernandez and Luis Castilleja auditors for professional services rendered in connection with expanded scope-audit of the financial statements of the City of Weslaco in the amount of $8,200.00 for Fiscal Year 2007-08. Possible action.

Mayor de la Rosa asked if the final report on the audit had been presented to the city.

Mr. Vela stated the auditors had presented the final audit report and the City Commission had accepted it. He added the request for payment was for additional services outside the original contract. Mr. Vela stated when the auditors heard about potential fraud they were obligated to perform the added services.

Motion was made by Commissioner Tafolla and seconded by Commissioner Kennedy to approve the final payment.

A brief discussion was held and Mayor de la Rosa questioned the additional charges.

Mr. Olivares stated staff could delay the item to obtain additional information on the expanded services.

Mayor de la Rosa recommended for Commissioner Tafolla and Commissioner Kennedy to withdraw their motion until they got the final report.

It was the consensus of Commissioners, Tafolla and Kennedy to withdraw their motion.

D. Discussion and consideration to approve a budget amendment in the amount of $5,765.00 from the Transfer line item to Capital Outlay to purchase risers for the water meters and other related equipment. Possible action.

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

E. Discussion and consideration to accept the required annual report on racial profiling by the Weslaco Police Department. Possible action.

Jose Perez, Jr., Chief of Police stated the acceptance of the Profiling Racial Report was a state mandate and they were required to submit the report to the Texas Commission of Law Enforcement Center and Education. He mentioned this report assured the state that training was conducted to prevent ratio profiling information during traffic stops.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rivera to accept the report as presented. Motion carried unanimously.

F. Discussion and consideration to authorize the Weslaco Police Department to pay $1,530.00 to the US Marshal's Office for federal share expenses regarding the seized 2004 Ford F-250 Vin #1FTRF14504NA96903 valued at $7,650.00 from the Forfeiture Account as per the Texas Code of Criminal Procedure Article 59.06. Possible action.

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

G. Discussion and consideration to approve final payment in the amount of $14,006.92 to L&G Engineering and NEI Smith Engineering for the preparation and submission of Project Information Form for TWDB SFY 2011 DWSRF IUP Solicitation Packet to request funding for the improvements of the Water Treatment Plant and additional system improvements. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve final payment in the amount of $14,006.92 to L&G Engineering and NEI Smith Engineering. Motion carried unanimously.

H. Discussion and consideration to approve the Annual Interlocal Agreement between the City of Weslaco Public Library and the City of Edinburg/Dustin Michael Sekula Memorial Library to allow for the city's participation to connect to the Library Union Automation System Catalog, share library resources and

technical expertise and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Kennedy to approve the agreement as presented and authorize the Mayor to execute it. Motion carried unanimously.

I. Discussion and consideration to approve the renewal of the annual agreement between the City of Weslaco Public Library and Hidalgo County Library System to provide library access and services to Hidalgo County citizens in exchange for county aid and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Commissioner Kennedy and seconded by Commissioner Tafolla to approve the agreement as presented and authorize the Mayor to execute it. Motion carried unanimously.

J. Discussion and consideration to authorize the Finance Department to deduct life insurance premiums for the Weslaco Fire Department employees through the existing provider, New York Life, New York Life Voluntary Payroll Deductions Program. Possible action.

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

K. Discussion and consideration to approve final payment to Asago Construction in the amount of $28,596.00 for services rendered in connection with Urban County Program Years 17 and 20 Water Line Project along the alley between Nebraska and Indiana Streets from 7th Street to just south of 6th Street west to Indiana Street and north to 6th Street and authorize the Mayor to execute the Request for Payment form and Certificate of Construction Completion. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve final payment to Asago Construction in the amount of $28,596.00 and authorize the Mayor to execute the Request for Payment and Certificate of Construction Completion Forms. Motion carried unanimously.

L. Discussion and consideration to approve final payment to Cruz-Hogan Consultants in the amount of $1,375.00 for engineering services rendered in connection with Urban County Program Years 17 and 20 Water Line Project along the alley between Nebraska and Indiana Streets from 7th Street to just south of 6th Street west to Indiana Street and north to 6th Street. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rivera to approve final payment to Cruz-Hogan Consultants in the amount of $1,375.00. Motion carried unanimously.

M. Discussion and consideration of Resolution No. 2010-03 the Resolution and Election Order of the City of Weslaco and the Weslaco Independent School District relative to a Joint Election to be held on May 8, 2010 pursuant to Chapter 271 of the Texas Election Code. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve Resolution No. 2010-03 and Election Order calling the May 8, 2010 Election.

Mr. Vela mentioned the City of Weslaco and Weslaco Independent School District had received a petition from the voters who had voted at the last election requesting for the Hidalgo County Election Administrator to conduct the city and school general election of May 8, 2010. He stated by state law the city was required to contract with the county due to the petition and the only thing the City Commission would do was to call the election for the Mayor and City Commissioners for Single Member District #5 and Single Member District #6. Mr. Vela pointed out the polling places were the same for this year and the City Commission would be doing the canvassing of the election results.

Amanda C. Elizondo, City Secretary, stated early voting would be conducted at Weslaco City Hall, Planning Department Conference Room and the notice to the public would state the polling places and precincts in each of the districts.

Motion carried unanimously.

For the record, Resolution No. 2010-03 reads as follows:

RESOLUTION NO. 2010-03

STATE OF TEXAS	§	RESOLUTION AND ELECTION ORDER OF THE CITY OF WESLACO RELATIVE TO A GENERAL ELECTION TO BE HELD ON MAY 8, 2010.
COUNTY OF HIDALGO	§	

WHEREAS, on the 9th day of February, 2010 the Board of Trustees of the Weslaco Independent School District, Weslaco, Texas, in a legally posted regular meeting, open to the public, and after a quorum of said governing body was established, determined that the terms of two (2) Trustee Offices, Place No. 4 and Place No. 5 of the Weslaco Independent School District will expire in May, 2010; and on the second Saturday, being May 8, 2010, a School Trustee Election will be held in the Weslaco Independent School District; and

THE STATE OF TEXAS §
COUNTY OF HIDALGO §

WHEREAS, on the 16th day of February, 2010, the City Commission of the City of Weslaco, Texas, convened in a legally posted regular meeting, open to the public, and after a quorum of such governing body was established, determined that the term of Mayor and two Weslaco City Commissioners: one (1) for Single Member District No. 5 and one (1) for Single Member District No. 6 of the City of Weslaco, Texas, will expire in May, 2010; and on the second Saturday, being May 8, 2010, such election will be held in said City; and

WHEREAS, The City of Weslaco and The Weslaco Independent School District received petitions to contract with Hidalgo County for Election Services, pursuant to Texas Election Code Section 31.0925 which provides that a political subdivision, located in a county with a population of more than 500,000 that does not contain a municipality with a population of more than 150,000, that is served by a

county elections administrator is required to contract with a county if it receives a petition, requesting the contract, signed by 1% of the total votes cast in the most recent general election held by the political subdivision; and

WHEREAS, The petition received by the City of Weslaco contained the required signatures and the Hidalgo County Elections Administrator has confirmed that she is prepared to conduct the elections for The City of Weslaco pursuant to an Election Services Agreement entered into pursuant to Chapter 31 of the Texas Election Code; and

WHEREAS, The City of Weslaco understands that the Hidalgo County Elections Administrator has similarly confirmed to the Weslaco Independent School District ("School District") that she is prepared to conduct the general election for the School District pursuant to Chapter 31 of the Texas Election Code; and,

WHEREAS, the City of Weslaco and the School District have the authority pursuant to Chapter 271, Texas Election Code, to enter into an agreement to hold their general election jointly in the election precincts that can be served by common polling places, election officials and with a common ballot; and

WHEREAS, it is jointly determined by both the City of Weslaco and the Weslaco Independent School District that it would be in the best interest of their respective constituencies if a Joint City/School Election is held on the second Saturday in May, A.D., 2010, the same being May 8, 2010;

NOW THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY COMMISSION OF THE CITY OF WESLACO:

1. Pursuant to the requirements of the laws of the State of Texas, an election ("General Election") is called to be held in the City of Weslaco, on the second Saturday in May, 2010, the same being the Eighth (8th) day of May, 2010, for the purpose of electing The Mayor for The City of Weslaco at which all resident, qualified electors of the City of Weslaco shall be entitled to vote for candidates for the office of Mayor at issue. In addition, an election shall be held in City of Weslaco Commissioner Districts 5 and 6 for the election of City Commissioners from these single-member districts, at which only resident, qualified electors of each respective district shall be entitled to vote for candidates for City Commissioner in their respective districts. The City Commission hereby finds that holding the General Election on such date, which is a uniform election date, is in the public interest. The hours during which the polling places are to be open at the General Election shall be from 7 a.m. to 7 p.m.

2. Such General Election shall be conducted and held in accordance with the Election Code of the State of Texas. The General Election shall be conducted jointly with the School District pursuant to Texas Election Code Chapter 271 with a common polling place, election workers and a common ballot. The City Attorney and City Manager are authorized to negotiate an agreement with the School District which agreement shall be presented to the City Commission for review and consideration at the earliest possible opportunity.

3. The City of Weslaco's General Election shall be conducted by the Hidalgo County Election Administrator and the City Attorney and City Manager are authorized to negotiate an agreement for election services in accordance with Chapter 31 of the Texas Election Code which agreement shall be presented to the City Commission for review and consideration at the earliest possible opportunity.

4. The Hidalgo County Election Administrator is hereby appointed the Early Voting Clerk for the General Election. The City Secretary is hereby designated as the Custodian of Records of the Election for such purposes as required under the Texas Election Code other than records of the General Election required to be maintained by the Hidalgo County Election Administrator. Other election officials, including the Presiding Judge of the Early Voting Ballot Board, the Presiding Judges and Alternate Judges to serve on Election Day; and Central Tabulation Center Officials shall be nominated by the Hidalgo County Election Administrator and presented to the City Commission for consideration and approval as soon as the list is compiled.

5. The territory of the City of Weslaco shall be divided into six voting precincts corresponding to the six single member districts in the City and shall be designated as the City Election Precincts for the General Election ("City Election Precincts"). The territory of the Hidalgo County Election Precincts that are wholly or partially within each respective City Election Precinct are hereby combined as the precincts for administrative purposes in assisting the Hidalgo County Election Administrator to tabulate the vote or otherwise administer the election. For Election Day, the following six polling places are established for the purpose of conducting said General Election.

   (a) Polling Place for City Election Precinct No. 1: Memorial Elementary School, 910 S. 18th Street, Weslaco, Texas, at which Polling Place No. 1 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.

   (b) Polling Place for City Election Precinct No. 2: Weslaco Historic City Hall, 500 S. Kansas Avenue, Weslaco, Texas, at which Polling Place No. 2 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.

   (c) Polling Place for City Election Precinct No. 3: Weslaco Visitor Center, 302 West Railroad, Weslaco, Texas, at which Polling Place No. 3 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.

   (d) Polling Place for City Election Precinct No. 4: Cleckler-Heald Elementary School, 1601 W. Sugar Cane, Weslaco, Texas, at which Polling Place No. 4 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.

   (e) Polling Place for City Election Precinct No. 5: F.D. Roosevelt Elementary School, 306 N. Bridge Avenue, Weslaco, Texas, at which Polling Place No. 5 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.

   (f) Polling Place for City Election Precinct No. 6: Airport Drive Elementary School, 410 N. Airport Drive, Weslaco, Texas, at which Polling Place No. 6 all eligible voters registered in Precincts assigned to this polling location, shall vote. Presiding Judge and

Alternate Judge will be nominated by the Hidalgo County Elections Administration and appointed by the City Commission at a later meeting.

6. All requests by candidates to have their names placed on the ballot for the City of Weslaco General Election shall be in writing and signed by the candidate and filed with the City Secretary, if the person is a candidate for city office, such request to be filed not earlier than 8:00 a.m., Saturday, February 6, 2010 and no later than 5:00 p.m., Monday, March 8, 2010. All candidates shall file with said application the loyalty affidavit required by Section 141.031 of the Texas Election Code.

7. A common ballot shall be utilized for the General Election which shall include the races and candidates in the City of Weslaco General Election and which may contain any races and candidates for the general election of the Board of Trustees of the Weslaco Independent School District held jointly with this General Election. The ballot containing the races and candidates in the General Election of the City will be provided to eligible voters residing within the territorial limits of the City of Weslaco. It is understood by the City of Weslaco, that the School District may establish Election Day precincts that correspond with the City Election Precincts within the City of Weslaco, but which may also extend and include certain territory of the School District outside the city limits of the City of Weslaco. Such School District election precincts will utilize the same polling location but a separate ballot style containing only the races and candidates for the general election of the Board of Trustees of the Weslaco Independent School District shall be made available by election officials to those eligible voters from the unincorporated portion of the School District at each polling location. Direct Recording Electronic Voting Machines shall be used at all polling places.

8. In the event no candidate for Mayor or Commissioners for District No. 5 and District No. 6 receives a majority of the votes cast for Commissioner of any particular place, there shall be a Run-off Election not earlier than 20th or later than the 45th day after the date the final canvass of the main election is completed. The election to be conducted with paper ballots if DRE machines are not available. In such event, the same polling places as used for the General Election are hereby designated for such Run-off Election, and the same Presiding Judges and election officials are hereby designated for such Run-off Election, which Run-off Election shall comply with all the rules of the Texas Election Code and the Charter of the City of Weslaco. Notice of such election shall be given in accordance with the Texas Election Code. The candidate for each respective office receiving the majority of votes shall be declared elected. In the event of a tie, the winner of such election shall be determined by drawing by lot.

9. Direct Recording Electronic Voting Machines shall be used to conduct early voting for persons voting early by personal appearance. Separate paper ballots shall be provided for voters voting early by mail and disabled voters on Election Day.

10. Early voting shall be conducted at the Weslaco City Hall, Planning and Code Enforcement Conference Room located at 255 S. Kansas Avenue. Early Voting shall begin on Monday, April 26, 2010 and continue through Tuesday, May 4, 2010 preceding the date of said election. Said place of early voting shall remain open between the hours of 8:00 o'clock a.m. to 5:00 o'clock p.m. on each day for early voting with the exception of two weekdays for at least 12 hours:

Day and Date	Hours
Monday, April 26, 2010	7:00 a.m. to 7:00 p.m.
Tuesday, April 27, 2010	8:00 a.m. to 5:00 p.m.
Wednesday, April 28, 2010	8:00 a.m. to 5:00 p.m.

Thursday, April 29, 2010	8:00 a.m. to 5:00 p.m.
Friday, April 30, 2010	8:00 a.m. to 5:00 p.m.
Monday, May 3, 2010	7:00 a.m. to 7:00 p.m.
Tuesday, May 4, 2010	8:00 a.m. to 5:00 p.m.

The Early Voting Clerk's mailing address to which ballot applications and ballots voted by mail shall be sent to Yvonne Ramon, Hidalgo County Election Administrator, P.O. Box 659, and 101 S. Tenth Avenue, Edinburg, Texas 78540. Applications for paper ballot by mail must be received no later than the close of business on Friday, April 30, 2010. Early voting, by mail, shall be by paper ballots and shall be canvassed by the Early Voting Ballot Board appointed by the Weslaco Independent School District Board of Trustees and the Weslaco City Commission. The Presiding Judge of the Early Voting Ballot Board will be named at a later date. The Presiding Judge of the Early Voting Ballot Board shall have the authority to appoint at least two other members to the Early Voting Ballot Board for said election. The Early Voting Ballot Board shall convene at the time set by the Presiding Judge of the Early Voting Ballot Board, but no later than 12:00 p.m. on the day of the Election, Saturday, May 8, 2010. Voting by disabled voters, on the day of the election, shall be at the respective polling places.

11. The Hidalgo County Elections Administration shall furnish at all the polling places all necessary ballots and other election supplies requisite to said election to all judges and alternate judges.

12. Immediately after the votes have been counted, the officers holding said election shall make and deliver the returns of said election and perform all other duties as provided by the Texas Election Code.

13. A Notice of the Election shall be given by the Weslaco City Commission unless stipulated in the contract negotiations with the Hidalgo County Elections Administration. Such notice shall be posted at three (3) public places within the territorial limits of the Weslaco Independent School District. Said posting shall be made at least twenty (20) days before said election. Notice of this election shall also be published at least one (1) time in a newspaper of general circulation in Hidalgo County, Texas, the County in which these political subdivisions are located, and said publication shall not be more than thirty (30) days nor less than ten (10) days before the date of the election.

14. City may cancel its election scheduled for May 8, 2010 if candidates for all of the places are unopposed after March 8, 2010 filing deadline and the filing deadline of March 15, 2010 for write-in candidates.

15. It is further ORDERED that this Resolution serve as the Order calling said General Election for the City of Weslaco elected offices in so far as the contents are ratified and confirmed by the Weslaco City Commission. The Mayor of the City of Weslaco is hereby authorized to sign this resolution indicating the City Commission's approval of the contents thereof.

IN TESTIMONY WHEREOF, witness my hand this 16th day of February, 2010.

CITY OF WESLACO
/s/ Buddy de la Rosa, MAYOR

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

N. Discussion and consideration to accept a donation of a heavy duty washer and dryer for the Weslaco Fire Department from Home Depot. Possible action. (This item was requested by Commissioner Patrick Kennedy and Mayor Pro-Tem Rene Rodriguez, Jr.)

Motion was made by Commissioner Tafolla and seconded by Commissioner Rivera to approve the donation of the washer and dryer for the Weslaco Fire Department from Home Depot.

Commissioner Kennedy stated he contacted Ciro Cardosa, Manager from Weslaco Home Depot to make a donation and they would deliver the washer and dryer to the Fire Station.

Motion carried unanimously.

O. Presentation by Mr. James Parkey, Corplan Corrections, on the status of the grant application for the City of Weslaco Family Residential Housing Unit and to authorize the Mayor to execute a Resolution approving the submission of the application. Possible action.

Eddie Lucio, III, Attorney for Corplan Corrections, reported on the status of the grant application and Mr. James Parkey was ready to submit the application, but a resolution was required as part of the application packet. He mentioned Ruben Gallejos, Operator of International Education Services and Manager was present for questions and answers.

Mr. Gallejos stated this was a detention center, but there were no guards or bars it was a family environment.

Commissioner Tafolla inquired about the proposed location and if it would jeopardize the businesses.

Mayor de la Rosa stated it would be located on Mile 9 North and F.M. 1015 close to the new Texas Department of Public Safety Office.

A short discussion was held and Mayor de la Rosa stated this was a federal program to maintain the families together. He mentioned they would lease the facility to ICE and there were three locations in the United States. Mayor de la Rosa stated Weslaco was selected and had worked hard for this program so the children could remain in a school and home environment.

Motion was made by Commissioner Garza and seconded by Commissioner Cuellar to approve Resolution No. 2010-04 and authorize the Mayor to sign the resolution. Motion carried as follows: FOR: Mayor de la Rosa and Commissioners: Garza, Cuellar and Rivera. AGAINST: Commissioner Tafolla. ABSTAINED: Commissioner Kennedy.

For the record, Resolution No. 2010-04 reads as follows:

RESOLUTION NO. 2010-04

STATE OF TEXAS	§	RESOLUTION SUPPORTING FAMILY AND CHILDREN
COUNTY OF HIDALGO	§	RESIDENTIAL DETENTION AND CARE SERVICES
CITY OF WESLACO	§	

WHEREAS, the Department of Health and Human Services, Department of Homeland Security, Immigration and Customs Enforcement, U.S. Border Patrol and other Federal first-responders have shown a need for the development of a Statement of Work for Family and Children Detention Services that incorporate best practices for residential management and service provision of children, youth, and families in minimum security, less than secure and/or non secure facilities; and

WHEREAS, the City of Weslaco, Texas is prepared to assist the Department of Health and Human Services, Department of Homeland Security, Immigration and Customs Enforcement and other agencies in providing children, as well as members of their families with a safe and secure environment while in the custody of a Federal, State or Local Agency.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Weslaco, Texas, that it supports these agencies in their pursuit to obtain information to develop a Statement of Work for Family and Children Detention Services.

BE IT FURTHER RESOLVED that the City of Weslaco is interested and capable of constructing a Family Facility that complies with applicable child welfare laws and regulations and all state and local building, fire, health and safety codes. The family facility will provide suitable living accommodations, food and appropriate clothing and personal grooming items, appropriate routine medical and dental care and emergency health care services including medical examinations for children and adults. Children will be appropriately immunized and will receive educational instruction for school age children.

PASSED AND APPROVED by the City of Weslaco, Texas on the 16th day of February, 2010.

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

P. Nomination and appointment and confirmation of the appointment of two board members for The Economic Development Corporation of Weslaco for Single Member District No. 5 and for Single Member District No. 2. (This item was requested by Commissioner John F. Cuellar and Commissioner Lupe Rivera). Possible action.

Commissioner Cuellar stated he had previously made an appointment to The Economic Development Corporation of Weslaco and then the by-laws changed and the person was unable to serve. He nominated Richard Lehman to serve as the EDC member for District #2.

Commissioner Rivera nominated Letty Aleman to serve as the EDC member for District #5.

Mr. Vela stated the City Commission needed to confirm the appointments to comply with the statute.

Motion was made by Commissioner Kennedy and seconded by Commissioner Rivera to approve the confirmation of appointments. Motion carried unanimously.

Q. Consideration and appropriate action, if any, to approve the Collective Bargaining Agreement negotiated by the City's bargaining team with the duly recognized fire union bargaining team. Possible action.

Mayor de la Rosa announced this item would be discussed after the executive session.

VIII. EXECUTIVE SESSION

At 7:10 p.m., Tuesday, February 16, 2010, Mayor de la Rosa announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 7:48 p.m., Tuesday, February 16, 2010, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

A. Pending Litigation - Discussion regarding Cause No. C-21-5-10-E, Anne Marie Mata, David Salinas and Oscar Garcia vs. City of Weslaco and to authorize assigned Defense Counsel, Kyle Watson to file an answer. Possible action of what is discussed in executive session.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to authorize the City of Weslaco's Assigned Defense Counselor, Kyle Watson to file an answer on Cause No. C-21-5-10-E, Anne Marie Mata, David Salinas and Oscar Garcia vs. City of Weslaco. Motion carried unanimously.

B. Attorney consultation pursuant to Section 551.071, Texas Gov't Code relating to the City's rights, duties, privileges, and obligations in connection with the collective bargaining negotiations between the City and the duly recognized fire union bargaining team. Possible action of what is discussed in executive session.

Motion was made by Commissioner Garza and seconded by Commissioner Cuellar to approve the tentative Collective Bargaining Agreement between the City of Weslaco and the Weslaco Fire Department Union as discussed in executive session and authorize the Mayor to execute it. Motion carried unanimously.

C. Pending Litigation – Discussion with the City Attorney, Ramon Vela regarding the status of Cause No. 09-0118, Claudio Lucio vs. the City of Weslaco. Possible

action of what is discussed in executive session. (This item was requested by Commissioner Tafolla and Mayor Pro-Tem Rene Rodriguez, Jr.).

Mayor de la Rosa announced no action was required on the abovementioned item.

There being no further business to discuss, Mayor de la Rosa adjourned the meeting.

CITY OF WESLACO

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MAYOR, Buddy de la Rosa

ATTEST:

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CITY SECRETARY, Amanda C. Elizondo

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COMMISSIONER, Robert J. Garza

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COMMISSIONER, J. F. "Johnny" Cuellar

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COMMISSIONER, Gerardo "Jerry" Tafolla

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COMMISSIONER, Lupe V. Rivera

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COMMISSIONER, Patrick B. Kennedy