

Approved 115110  
cc mtg.

**WESLACO CITY COMMISSION**

**REGULAR MEETING**

**DECEMBER 15, 2009**

On this 15<sup>th</sup> day of December, 2009 at 6:09 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         | Robert J. Garza         |
| Commissioner         | J.F. "Johnny" Cuellar   |
| Commissioner         | Gerardo "Jerry" Tafolla |
| Commissioner         | Lupe V. Rivera          |
| Commissioner         | Patrick B. Kennedy      |
| City Manager         | Francisco Castellanos   |
| Asst. City Secretary | Janie V. Balli          |
| 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. Mayor de la Rosa called the meeting to order, a quorum was established and the following proceedings were held.

Reverend Gerald Christman, from Seventh-day Adventist 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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 - December 1, 2009
- B. Second and final reading of the following ordinances:
  - 1. Ordinance No. 2009-30 amending Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning of Lots 16, Block 178, West and Adams Tract Subdivision, at 306 S. Westgate Drive, from "R-1" Single Family Dwelling District to "R-2" Duplex & Apartment District. Possible action.
  - 2. Ordinance No. 2009-31 appointing Richard D. Cannone as City Manager of the City of Weslaco; establishing the salary of the City Manager; establishing duties and responsibilities as City Manager; declaring at will status of the Weslaco City Manager; and ordaining other matters with respect to the subject matter herein. Possible action.
  - 3. Ordinance No. 2009-32 amending Section 11 of Ordinance 320, the Zoning Ordinance of the City of Weslaco to declare operation of a private or public school in an "R-1" district as conditional and ordaining other matters with respect to the subject matter hereof. Possible action.
- C. Request from the AARP Tax-Aid Program to use the Historic City Hall, Former City Commission's Chamber located at 500 South Kansas Avenue to provide tax services every Wednesday and Friday starting on February 3, 2010 until April 15, 2010 and waive all fees associated with the use of the facility. Possible action.
- D. Discussion and consideration to renew the following lease agreements between the City of Weslaco and the following organizations to continue providing organized recreational activities for the community and authorize the Mayor to execute the agreements. Possible action.
  - 1. Weslaco Softball/Baseball League
  - 2. Weslaco Little League
  - 3. Mid Valley Youth Soccer Club
  - 4. Mid Valley Civic Theatre
  - 5. Lower Rio Grande Valley Nature Center

- E. Discussion and consideration to renew the lease agreement between the City of Weslaco and Benevolent and Protective Order of Elks Lodge No. 2057 to continue providing community services activities for the community and authorize the Mayor to execute the agreement. Possible action.
- F. Discussion and consideration to approve the request from Tejas Remote Control (R/C) Association (Remote Controlled Airplane Club) to use the Weslaco Mid Valley Airport from January 29<sup>th</sup> through January 31, 2010 to host the Winter Rally of the Giants Air Show and to waive all fees. Possible action.
- G. Discussion and consideration to accept the Loan Star Libraries Grant in the amount \$15,824.00 for State Fiscal Year 2010 (September 1, 2009 – August 31, 2010) and authorize the Mayor to sign the contract. Possible action.
- H. Request from Edinburg Child Care, Inc. to use the Weslaco Service Center located at 1200 E. Sixth Street, Saturday, January 9, 2010 for a free H1N1 Vaccination Clinic for the Child Care Home and center providers/directors and parents in the various facilities. Possible action.
- I. Request from the Weslaco Fire Prevention Division to accept a donation of \$1,000.00 from the Wal-Mart Foundation for the Annual Toy Drive and approval of budget amendment increasing the Fire Prevention's Budget, Line Item, Other Supplies (01-515-3840). Possible action.

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

For the record, the following ordinances read as follows:

ORDINANCE NO. 2009-30

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF LOTS 16, BLOCK 178, WEST AND ADAMS TRACT SUBDIVISION, AT 306 S. WESTGATE DRIVE, FROM "R-1" SINGLE FAMILY DWELLING DISTRICT TO "R-2" DUPLEX & APARTMENT DISTRICT.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 1<sup>st</sup> day of December, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15<sup>th</sup> day of December, 2009.

ORDINANCE NO. 2009-31

AN ORDINANCE APPOINTING RICHARD D. CANNONE AS CITY MANAGER OF THE CITY OF WESLACO; ESTABLISHING THE SALARY OF THE CITY MANAGER; ESTABLISHING DUTIES AND RESPONSIBILITIES AS CITY MANAGER; DECLARING AT WILL STATUS OF THE WESLACO CITY

MANAGER; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREIN.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 1<sup>st</sup> day of December, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15<sup>th</sup> day of December, 2009.

ORDINANCE NO. 2009-32

AN ORDINANCE AMENDING SECTION 11 OF ORDINANCE 320, THE ZONING ORDINANCE OF THE CITY OF WESLACO TO DECLARE OPERATION OF A PRIVATE OR PUBLIC SCHOOL IN AN "R-1" DISTRICT AS CONDITIONAL AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 1<sup>st</sup> day of December, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15<sup>th</sup> day of December, 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

**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. VISITOR WITH BUSINESS**

- A. Presentation by Mr. Ford Sasser on the Camp University Program for special needs of young adults after high school. Possible action.

Ford Sasser, resident of 315 E. Alice, McAllen, Texas and Representative of C.A.M.P. (Can Achieve Maximum Potential) University gave a brief presentation of the services that they provided and stated their program was year round. He added they provided social, artistic, sporting, and philanthropic activities in an educational environment for the mentally challenged young people. Mr. Sasser stated Camp University was incorporated in 2008, was funded by donations from the communities and had a full time director on staff. He pointed out they were located at the First Christian Church in McAllen and requested financial assistance from the city to continue their operation.

Mayor de la Rosa stated the city's budget had already been approved and suggested looking into CDBG funding. He asked Mr. Sasser for the amount of funds they were requesting.

Mr. Sasser stated they had requested \$2,500.00 from the City of Mission, but needed \$10,000.00.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to allocate \$10,000.00 to C.A.M.P. University. Motion carried unanimously.

Commissioner Cuellar invited Mr. Sasser to make a presentation during the budget sessions under outside entities to request financial assistance from the city.

#### **IV. PUBLIC HEARING**

- A. To discuss and consider a Conditional Use Permit to obtain a Mixed Beverage and Late Hours Permit at a restaurant located at 1600 N. Westgate Drive, Weslaco, Texas, also being Lot 10, Home Depot Subdivision. 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's presentation.

Bernard Rodriguez, Interim Planning and Code Enforcement Director stated the applicant was proposing to open a restaurant with a bar at the Village Shopping Center adjacent to Buffalo Wings and Rings. He added the applicant was also proposing to have folkloric dancers, live music and karaoke. Mr. Rodriguez stated a facility inspection was conducted and approved. He pointed out notice of the application and the public hearing for the Planning and Zoning Commission and the Weslaco City Commission was published in the Monitor Newspaper on November 13, 2009. Mr. Rodriguez stated letters were mailed to 27 property owners residing within the 200' radius notifying them of the request. He pointed out the Planning Department received no notice of favoring or opposing the request and the Planning and Zoning Commission had approved the request on December 2, 2009. Mr. Rodriguez 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 Kennedy and seconded by Mayor Pro-Tem Rodriguez to approve the item as presented. Motion carried unanimously.

#### **V. MAYOR'S REPORT**

- A. Announcement of the H1N1 Vaccination Clinic in conjunction with the Hidalgo County Health Services Department to be held on Wednesday, December 16, 2009 at the Weslaco City Hall, Legislative Chamber located at 255 South Kansas Avenue, Weslaco, Texas.

George Garrett, Airport Director, reported on the H1N1 Vaccination Clinic for the city employees and Weslaco citizens. He mentioned the clinic would be held on December 16, 2009 at 8:30 a.m. through 11:30 a.m. for city employees and their families. Mr. Garrett stated that due to the weather the clinic for the citizens would be done at the Knapp Medical Center Conference Room from 11:30 a.m. through 5:00 p.m.

- B. Announcement of the City of Weslaco's Annual Employee Awards Ceremony, Friday, December 18, 2009 from 2:30 p.m. to 5:00 p.m. at the Weslaco City Hall, Legislative Chamber located 255 South Kansas Avenue, Weslaco, Texas.

Mayor de la Rosa announced the City of Weslaco's Annual Employee Awards Ceremony would be on Friday, December 18, 2009 from 2:30 p.m. to 5:00 p.m. at the Weslaco City Hall Legislative Chamber followed by a dinner and door prizes.

- C. Announcement of the HEB Feast of Sharing, Saturday, December 19, 2009 from 11:00 a.m. to 3:00 p.m. at the St Joan of Arc Parish Hall located at 200 South Illinois Street, Weslaco, Texas.

Mr. Rodriguez reported on the HEB Feast of Sharing scheduled for Saturday, December 19, 2009 from 11:00 a.m. to 3:00 p.m. at the St. Joan of Arc Parish Hall located at 200 South Illinois Street, Weslaco, Texas. He mentioned they were expecting approximately 5,000 people, plus there would be kid rides and other activities. Mr. Rodriguez stated this was an annual event hosted by HEB as a means of giving thanks to the people.

- D. Announcement of the passing away of Sgt. Major Simon Tamez.

Mayor de la Rosa announced Sgt. Major Simon Tamez passed away last week, who was a civic leader. He mentioned Bill Summers also passed away who was a good friend and they both would be missed.

## **VI. BOARD APPOINTMENT**

- A. Housing Authority Board – One (1) member's term expires on December 21, 2009. (The Mayor shall appoint the Housing Authority Commissioners as per the Texas Local Government Code Section 392.031). Possible action.

Mayor de la Rosa reappointed Rogelio Tijerina for another term to the Housing Authority Board.

## **VII. NEW BUSINESS**

- A. Discussion and consideration of approving a Professional Services Agreement for on call engineering services between the City of Weslaco and L&G Engineering for the preparation of Project Information Forms for Texas Water Development Board SFY 2011 DWSRF IUP Solicitation Packet and authorize the Mayor to execute the agreement. Possible action.

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

- B. Discussion and consideration of Ordinance No. 2009-33, an ordinance amending Ordinance 304, The Calculation of Contributions Ordinance to provide for the City of Weslaco to make current service and prior service contributions to the City of Weslaco's account in the Municipal Accumulation Account of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation and ordaining other matters with respect to the subject matter hereof. First reading of Ordinance No. 2009-33. Possible action.

Omar Gonzales, Finance Director, stated that by adopting Ordinance No. 2009-33 the city agreed to fully fund the cost of the pension benefits included in the city's plan.

Motion was made by Commissioner Kennedy and seconded by Mayor Pro-Tem Rodriguez to approve Ordinance No. 2009-33 on first reading. Motion carried unanimously.

- C. Discussion and consideration of a request from Mary Lou Cavazos, Partnership Specialist, U.S. Census Bureau, to have a Questionnaire Assistance Center at the Weslaco City Hall, and the Weslaco Public Library and the use of Public Facilities Building as a testing and training site. Possible action.

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

- D. Discussion and consideration of final payment in the amount of \$8,400.00 to G&M Engineers for engineering services for the Reconstruction of Lift Station No. 41. Possible action.

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

- E. Discussion and consideration of final payment in the amount of \$3,000.00 to G&M Engineers for engineering services for the assessment of the New Water Treatment Plant and the new 2.5 MGD Wastewater Treatment Plant Projects. Possible action.

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

- F. Discussion and consideration to approve the Advance Funding Agreement, Amendment No. 3 on the Westgate Drive Widening Project, 092-02-184 to update cost information, revise the project funding from the American Recovery and Reinvestment Act (ARRA) and Discretionary

Funds to CAT 7, Metro Mobility Funds and approve the City of Weslaco's 8.6% share of cost totaling \$193,168.77 and authorize the Mayor to execute the amendment. Possible action.

Randy Winston, City Engineer stated the purpose of the amendment was due to the recent bids received by the Texas Department of Transportation (TX DOT) on the Westgate Drive Widening Project. He added the construction prices had been decreasing and Amendment #3 reflected that the city's participation amount had decreased, but the percentage would remain the same. Mr. Winston recommended approval of the amendment.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Kennedy to accept the City Engineer's recommendation and approve the Advance Funding Agreement, Amendment No. 3 as presented and authorized the Mayor to execute the amendment. Motion carried unanimously.

- G. Discussion and consideration to approve a budget amendment in the Water Fund in the amount of \$17,000.00 for the purchase of water meters and equipment for new connections and meter replacements. Possible action.

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

- H. 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, announced the Christmas Parade and Winterfest had been postponed to Thursday, December 17, 2009 due to the weather. She mentioned they had 104 entries for the parade this year and thanked city staff for their support. Mrs. Noell gave a power point presentation of the chamber activities and stated they had hosted the following events: workshops on festivals and self-defense, seminars regarding the H1N1 Virus; Leadership Class, Market Days Downtown, several ribbon cuttings and groundbreaking ceremonies and the Annual Awards Luncheon. She stated they had done television locally and were doing Christmas with Azteca TV in Mexico. Mrs. Noell stated they would continue to solicit participation from the community to do the Weslaco Beautiful Award.

- I. Discussion and consideration of a Memorandum of Understanding (MOU) between the City of Weslaco and the United States Marshals Service to investigate and apprehend local, state, and federal fugitives and authorize the Mayor and appropriate city staff to execute the MOU. Possible action.

Motion was made by Commissioner Kennedy and seconded by Mayor Pro-Tem Rodriguez to approve the Memorandum of Understanding as presented and authorize the Mayor and appropriate city staff to execute it. Motion carried unanimously.

- J. Discussion and consideration to authorize The Economic Development Corporation of Weslaco to enter into a private-public partnership with The Payne Dealer Group to landscape the public right-of-way along

Expressway 83 Frontage in the vicinity of 2102 East Expressway 83 for a total cost of \$21,375.00. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Garza to approve the item as presented.

Hernan Gonzalez, Economic Development Director stated this was the first phase and were working on a monument sign to place at Texas Blvd. and Expressway 83.

Motion carried unanimously.

K. Presentation by RGV Music Festival and request for \$500.00 sponsorship. Possible action. (This item was requested by Mayor Buddy de la Rosa)

Mr. Castellanos stated this was one of the original groups that had been funded previously from the Hotel/Motel Fund. He mentioned they had not requested funding for a couple of years and this request was brought after the budget sessions had been completed.

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

L. Discussion and consideration of approving the Billing and Collections Agreement with South Star Billing and More, Inc. for the billing and collections of the Weslaco EMS accounts. Possible action.

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

Ramon Vela, City Attorney, stated the City Commission had voted on selecting a company or vendor to collect delinquent emergency medical services bills on October 13, 2009.

Commissioner Garza stated previous discussion was to do it in-house and the city had budgeted funds for another person. He asked if staff was now saying that they could not do it.

Mr. Castellanos stated staff was ready to do the job when the City Commission voted on it. He mentioned the contractor was also ready to proceed with the billing and the collection until staff felt comfortable that they could undertake the task. Mr. Castellanos stated the term of the contract could be up to two years, but could also be terminated within 30 days.

Commissioner Tafolla stated the city could do up to 90 days and after that South Star could take over.

Commissioner Garza asked why the item was on the agenda if they had already discussed and voted on this item.

Mr. Vela stated the agenda item was to vote on the contract with South Star.

Commissioner Cuellar stated he had discussed an issue with Mr. Vela regarding a charter amendment pertaining to the creation of the single member district. He pointed out the language on the amendment stated that for any action taken by the City Commission 4 positive votes were required. Commissioner Cuellar stated previously four members established a quorum and four affirmative votes were required for any action. He mentioned if four members of the City Commission were present that would be a quorum and an unanimous vote was required for an item to be approved. Commissioner Cuellar stated if they had seven members, four members would constitute a majority with a total of four votes. He pointed out on the day this item was discussed Mayor Pro-Tem Rodriguez was not present and he excused himself because of the issues that would be discussed. Commissioner Cuellar stated three of the issues pertained to Linebarger, Goggan, Blair and Sampson, LLP whom he was affiliated to. He added Linebarger, Goggan, Blair and Sampson, LLP had submitted proposals, but did not submit a proposal for the collection of the EMS billing. Commissioner Cuellar stated when the vote was taken there were two votes, one was to continue with American Financial Bureau (Benita Valadez) and the motion was made by Commissioner Garza and seconded by Commissioner Rivera, but it failed due to the lack of a majority. He added another motion was made by Commissioner Kennedy or Commissioner Tafolla to award the contract to South Star with a combination of doing the work with the City of Weslaco. Commissioner Cuellar pointed out the vote was 3 (FOR) and 2 (AGAINST) and the motion technically failed for lack of four votes.

Mr. Vela stated he had read the language of the charter amendment "a majority of all members elected on the Commission shall constituted a quorum to do business, that being the four and the affirmative vote of the majority of all commissioners shall be necessary to adopt an ordinance or resolution." He stated that under Robert Rules of Order it was a majority of those present and voting and the four votes restriction only applied to ordinances or resolutions and not action items.

Commissioner Cuellar stated there was no action taken by the City Commission to give notice of termination to the vendor providing the services and took constructive notice by hiring another company. He mentioned the other issue was whether or not South Star was in operation and if they had a license with the State of Texas.

Mr. Vela stated he had not looked into whether or not they were chartered or incorporated by the state and if having a license were a requirement. He pointed out there was no item on the agenda to terminate the existing contract with AFB, but when two commissioners voted to go with South Star to begin a business relationship that was when a notice was given. He mentioned the City Secretary's Office sent out the letter and the contract was not for 60 days, but for 90 days this implied that the business relationship with the current vendor would terminate.

Commissioner Cuellar asked if the contract would terminate January 13, 2010.

Mr. Vela responded 90 days from the date that notice was given.

Mr. Castellanos stated the date was January 23<sup>rd</sup>.

Mr. Vela stated the motion to adopt the contract as presented, would need to be withdrawn to state that the city would start billing on January 23, 2010.

Commissioner Tafolla withdrew his motion and also Commissioner Garza.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to accept the contract.

Commissioner Cuellar asked what activities would start as of now and the next few months.

Mr. Vela stated contractually speaking there was still a valid contract due to the 90 days clause that has to be taken care of and the city had a vendor that was doing it. He added the contract also stated that they would continue to work on all accounts that have been referred to them. Mr. Vela indicated that he did not know if they would continue until they collected all accounts and this was an issue they needed to clarify.

Commissioner Tafolla asked if staff was still sending statements to AFB.

Mr. Vela responded it was his understanding that currently staff was still sending statements to them, the contract that the city had in effect right now obligated the city to send the billing to AFB.

Commissioner Cuellar stated it was his understanding that the city would continue doing business with AFB until January 23<sup>rd</sup> and then the city would start collecting on January 24<sup>th</sup>. He pointed out anything that AFB had in the system they could continue collecting.

Mr. Vela stated a meeting between the city and AFB needed to be held to see what files they had.

Gloria Sepulveda, Purchasing Director, stated the agreement of 120 days was on the specifications. She added city staff would do the billing and collecting and any bills over 120 days would be turned over to the collection agency.

Mr. Vela referred to the language of the clause and stated upon termination of the current agreement any and all accounts that were pending payment would remain with AFB until completion and/or payment had been made. He indicated that the contract also specified whether or not AFB wished to continue doing the collection after the 90 days.

Motion carried as follows: FOR: Mayor de la Rosa, Mayor Pro-Tem Rodriguez and Commissioners: Tafolla, Rivera and Kennedy. AGAINST: Commissioners: Cuellar and Garza.

- M. Discussion and consideration to authorize AEP to install a street light on Rose Avenue and authorize the Mayor to execute all necessary documents. Possible action. (This item was requested by Commissioner Robert J. Garza and Commissioner Lupe Rivera).

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

- N. Discussion and consideration to approve a change order to the existing contract between the City of Weslaco and TRC Utilities to extend the utility sewer line from Lift Station No. 27 to Plaza Diez Quince Subdivision. (This item was requested by Commissioner Robert J. Garza and Commissioner Lupe Rivera).

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

- O. Presentation by James Parkey, Corplan Corrections, on the submittal of a grant application for Immigration Family Housing Project for the City of Weslaco and authorize the Mayor to execute any and all related documents. Possible action.

Mayor de la Rosa announced Item O. had been withdrawn until further consideration by Mr. Parkey.

- P. Discussion and consideration regarding repairs to the Weslaco Fire Station No. 2 located on 500 South Kansas Avenue. (This item was requested by Commissioners: Patrick B. Kennedy and Mayor Pro-Tem Rene Rodriguez, Jr.).

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

Commissioner Kennedy stated there was a hole in the roof of the second floor of the Fire Station and when it rained the water would drain into the building.

Mr. Castellanos stated the city had applied for a grant to fix the Fire Station and City Hall, but was still pending. He added they had looked into the 2003 Bond Monies and there was money left over that was specifically for the Fire Department. Mr. Castellanos stated it would cost approximately \$10,000.00 to repair all the leaks; however, they needed permission from the Texas Historical Commission to do any repairs because of the historical designation of that particular building.

Commissioner Cuellar requested for the motion to include that Mr. Vela review the warranty.

Mr. Vela stated he would provide a report to the City Commission.

Motion carried unanimously.

- Q. Discussion and consideration of a consultant services agreement between the City of Weslaco and Francisco Castellanos to provide grant

professional services and authorize the Mayor to execute the agreement.  
Possible action.

Mayor de la Rosa announced Item Q would be withdrawn from the agenda.

- R. Discussion and consideration to direct the City Attorney to prepare and file the documents necessary on the title to the American Legion Property and Building and Improvements located on 6<sup>th</sup> Street to revert to the City of Weslaco. Possible action.

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

Mayor de la Rosa stated the property would revert to the City of Weslaco and all the contents and possessions including the two cannons. He mentioned he had received a letter that he would submit to the City Attorney and City Manager whereby the other American Legion Post was requesting the donation of the cannons.

For the record, Mr. Vela read the reverted clause in the deed dated April 20, 1948, "the land will revert back to the City of Weslaco if the property is no longer used as a site for a club building for the joint use of Weslaco Memorial Post 8563 of the Veterans of Foreign Wars and Milton Giles Fort Post 464 of the American Legion and for such other purposes as authorized in the Corporation Charter of Weslaco Memorial, a Texas Corporation."

Motion carried unanimously.

For clarification, Mr. Castellanos referred to Item Q. and stated the reason the item was withdrawn from the agenda was because it would be done through an amendment to the job description rather than a contract.

## **VIII. EXECUTIVE SESSION**

At 7:30 p.m., Tuesday, December 15, 2009, Mayor de la Rosa announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 8:05 p.m., Tuesday, December 15, 2009, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

- A. Economic Development - Discussion and consideration of an economic development agreement for a loan/incentive with economic development incentives for the relocation and consolidation of a business to Weslaco. Possible action of what is discussed in executive session.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Garza to approve the loan incentive with Dos Logistics, Inc. and authorize the Mayor to

execute the Economic Development Agreement as discussed in executive session. Motion carried unanimously.

- B. Economic Development - Discussion and consideration of the terms and conditions of an economic development agreement loan and credit for property to be developed on North Texas Boulevard. Possible action of what is discussed in executive session.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to approve the loan and credit for property with Joe Olivares and authorize the Mayor to execute the Economic Development Agreement as discussed in executive session. Motion carried unanimously.

- C. Economic Development - Discussion and consideration of an economic development agreement for a loan/facade grant for the redevelopment of the property located at 111 East Mesquite. Possible action of what is discussed in executive session.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Cuellar to approve a loan façade grant with Ricardo Quintanilla and authorize the Mayor to execute the Economic Development Agreement as discussed in executive session. Motion carried unanimously.

- D. Discussion with the City Manager and City Attorney regarding the land Purchase, exchange, lease or sale of real property as authorized by Section 551.072 of the Texas Open Meetings Act. Possible action of what is discussed in executive session.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rivera to authorize Mayor de la Rosa to execute all documents necessary to purchase the 9.688 acre tract of land out of Farm Tract 828, West Tract Subdivision from St. Pius X Catholic Church for \$93,000.00. Motion carried unanimously.

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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**ASST. CITY SECRETARY, Janie V. Balli**

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**MAYOR PRO-TEM, Rene Rodríguez, Jr.**

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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**