

Agg 6/1/10

**WESLACO CITY COMMISSION**

**SPECIAL MEETING**

**MAY 18, 2010**

On this 18<sup>th</sup> day of May, 2010 at 6:00 p.m., the City Commission of the City of Weslaco, Texas convened in a Special Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue.

**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        |
| Mayor Pro-Tem  | Rene Rodríguez, Jr.     |
| Commissioner   | Robert J. Garza         |
| Commissioner   | J.F. "Johnny" Cuellar   |
| Commissioner   | Gerardo "Jerry" Tafolla |
| Commissioner   | Lupe V. Rivera          |
| City Manager   | Leonardo Olivares       |
| City Secretary | Amanda C. Elizondo      |
| City Attorney  | Ramon Vela              |

Also present: Department Heads and other staff members, family members and friends of the newly elected City Commissioners and citizens. Mayor de la Rosa called the meeting to order, a quorum was established and the following proceedings were held.

**I. Call to Order**

Mayor de la Rosa called the meeting to order.

**II. Pledge of Allegiance**

Mayor de la Rosa recited the Pledge of Allegiance and Mayor Pro-Tem Rodriguez proceeded with the Pledge to the Texas Flag. Guillermo Lopez, Pastor of the First Baptist Church of Weslaco gave the invocation.

III. Convene the Weslaco City Commission as the Local Canvassing Authority.

Amanda C. Elizondo, City Secretary, stated the city had received a report from the Hidalgo County Election Administration and on Page 2 there was a summary of the total votes cast.

Mayor de la Rosa stated Resolution No. 2010-09 served as verification of the canvassing for the election results of the May 8, 2010 General Election.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approved Resolution No. 2010-09 as presented. Motion carried unanimously.

For the record, Resolution No. 2010-09 read as follows:

RESOLUTION NO. 2010-09

STATE OF TEXAS	§	A RESOLUTION AND ORDER DECLARING THE
COUNTY OF HIDALGO	§	RESULTS OF THE CITY OF WESLACO GENERAL
CITY OF WESLACO	§	ELECTION OF MAY 8, 2010, FOR MAYOR, WESLACO CITY COMMISSIONER DISTRICT NO. 5 AND WESLACO CITY COMMISSIONER DISTRICT NO. 6

WHEREAS, the Weslaco City Commission adopted Resolution No. 2010-03 ordering that a General Election be held on May 8, 2010 for the purpose of electing a Mayor and City Commissioners for the following positions:

Mayor  
Weslaco City Commissioner District No. 5  
Weslaco City Commissioner District No. 6

WHEREAS, there came to be considered the returns of the General Election held on May 8, 2010 for the purpose of electing a Mayor and two (2) members to the Weslaco City Commission; and

WHEREAS, the returns of said election have been duly canvassed on the 18<sup>th</sup> day of May, 2010 by the Weslaco City Commission, sitting as The Local Canvassing Authority, and there being cast a total of 4,461 votes and each of the candidates for Mayor, District No. 5 and District No. 6 having received the following votes to wit:

Weslaco City Mayor

Miguel Wise	<u>1,890</u>
Buddy de la Rosa	<u>1,166</u>
Andrew Levine	<u>797</u>

Weslaco City Commissioner  
District No. 5

Oscar Rios	<u>66</u>
Delma Cadena	<u>243</u>
Lupe Rivera	<u>413</u>

Weslaco City Commissioner  
District No. 6

Bruce Kennedy	<u>157</u>
Juan P. Galindo	<u>79</u>
Joe A. Martinez	<u>254</u>

IT IS THEREFORE FOUND DECLARED AND ORDERED by the City Commission of The City of Weslaco that the General Election of May 8, 2010 was duly called, that notices of said election were duly posted and the election was conducted by the Hidalgo County Elections Administrator.

IT IS FURTHER FOUND DECLARED AND ORDERED that at said General Election of May 8, 2010 the following persons were elected subject to taking their Oath of Office:

Weslaco City Commissioner  
District No. 5

Lupe V. Rivera

Weslaco City Commissioner  
District No. 6

Joe A. Martinez

IT IS FURTHER FOUND AND DETERMINED that on June 12, 2010 a Special Run-Off Election will be called for the office of Mayor because no candidate received a majority of the votes cast for the Office of Mayor.

IT IS FURTHER FOUND AND DETERMINED that the results of the General Election of May 8, 2010, as canvassed and tabulated by the Weslaco City Commission sitting as the General Election Local Canvassing Authority, reflect the expressed desires of the persons that voted at said election.

IT IS FURTHER FOUND AND DETERMINED that in accordance with the laws of the Texas Election Code the City Secretary posted written notice of the date, place and subject of the meeting when Resolution No. 2010-09 was considered, discussed and approved on the bulletin board located at City Hall. A place convenient and readily accessible to the general public and said notice having been so posted and remaining posted continuously for at least 72 hours proceeding the scheduled time of said meeting. A copy of the returns shall be attached to the minutes of this meeting and shall be made as part hereof for all intents and purposes.

PASSED AND APPROVED on this 18<sup>th</sup> day of May, 2010.

CITY OF WESLACO  
/s/ Buddy de la Rosa, R. Ph.  
MAYOR/CHAIRMAN LOCAL CANVASSING  
AUTHORITY

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

**IV. Status report from Yvonne Ramon, Hidalgo County Elections Administrator regarding the May 8, 2010 City of Weslaco's General Election.**

Joaquin Garcia and Melissa Alvarez, representatives from the Hidalgo County Elections Department were in attendance for any questions.

V. Canvassing of the election returns and approval of Resolution No. 2010-09 declaring the results of the City of Weslaco's General Election of May 8, 2010. Possible action.

Mayor de la Rosa stated Resolution No. 2010-09 had already been approved.

VI. Discussion and consideration to approve Resolution No. 2010-10 ordering a Special Run-off Election for Mayor of the City of Weslaco. Possible action.

Ramon Vela, City Attorney, stated the Election Code dictated that the run-off election had to be no earlier than 20 days and no later than 45 days after the official canvass of the election results. He added the City Charter stated that the run-off election could not be conducted earlier than the 10<sup>th</sup> day and no later than the 20<sup>th</sup> day after the official canvass. Mr. Vela stated Section 2.027 of the Election Code stated that "if any law conflict with the window prescribed by the Election Code, the Election Code superseded." He pointed out that the date of June 5<sup>th</sup> did not comply with the provision of the Election Code and the next available Saturday was June 12<sup>th</sup>.

A brief discussion was held regarding the use of the Chamber Building and City Hall as a polling place and motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve Resolution No. 2010-10 and designated the Weslaco City Hall as the polling place for Election Day. Motion carried unanimously.

For the record, Resolution No. 2010-10 was amended to reflect the change in the polling place from the Chamber building to the Weslaco City Hall and it read as follows:

RESOLUTION NO. 2010-10

STATE OF TEXAS	§	A RESOLUTION ORDERING A SPECIAL RUN-OFF
COUNTY OF HIDALGO	§	ELECTION FOR MAYOR OF THE CITY OF
CITY OF WESLACO	§	WESLACO

WHEREAS, The Weslaco City Commission, sitting as the Local Canvassing Authority for the May 8, 2010 General Election, canvassed and tabulated the results of said election and determined that no candidate received a majority of the votes cast for the office of Mayor; and

WHEREAS, a Special Run-off Election is necessary to fill this office between the two candidates receiving the highest number of votes for this office.

NOW THEREFORE, IT IS DECLARED AND ORDERED by The City Commission of The City of Weslaco that a Special Run-off Election be held in the City of Weslaco, Hidalgo County, Texas on June 12, 2010 between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m. for the purpose of electing the following official of The City of Weslaco:

MAYOR OF THE CITY OF WESLACO

IT IS FURTHER FOUND ORDERED AND DECLARED that the two candidates for the above office who did receive the highest number of votes in the May 8, 2010 General Election and whose names will appear on the ballot for the Special Run-off Election on June 12, 2010 are the following:

MAYOR

Buddy de la Rosa

Miguel Wise

BE IT FURTHER ORDERED that the Special Run-off Election shall be held and conducted and the results canvassed and tabulated in accordance with the Texas Election Code, and the Weslaco City Charter.

A. Early Voting Location shall be determined by the governing body.

Early Voting Ballot Board Location shall be at: Hidalgo County Election Department  
101 S. 10<sup>th</sup> Avenue  
Edinburg, Texas, 78539

B. The Special Runoff Election shall be held at the following polling place in Weslaco, Texas.

Weslaco City Hall  
Planning & Code Enforcement Conference Rm.  
255 S. Kansas Avenue  
Weslaco, Texas 78596

Ms. Yvonne Ramon, Election Administrator of Hidalgo County shall be the Early Voting Clerk.

C. The polling place of the election shall be open for Voting on The Special Run-off Election Day on Saturday, June 12, 2010, from 7:00 a.m. to 7:00 p.m.

D. The election shall be conducted by the use of the Votronic Voting System Direct Recording Electronic (DRE) Machines for voting by personal appearance and by the use of paper ballots for early voting by mail.

E. Early Voting by Personal Appearance shall be conducted by Ms. Yvonne Ramon, Election Administrator of Hidalgo County. Early Voting by Personal Appearance shall remain open for at least 8 hours on each day for early voting with the exception of two weekdays being open for at least 12 hours beginning on June 1, 2010 continuing through June 8, 2010 as follows:

<u>Day and Date</u>	<u>Hours</u>
Tuesday, June 1, 2010	7:00 a.m. to 7:00 p.m.
Wednesday, June 2, 2010	8:00 a.m. to 5:00 p.m.
Thursday, June 3, 2010	8:00 a.m. to 5:00 p.m.
Friday, June 4, 2010	8:00 a.m. to 5:00 p.m.
Monday, June 7, 2010	7:00 a.m. to 7:00 p.m.
Tuesday, June 8, 2010	8:00 a.m. to 5:00 p.m.

The Early Voting Clerk's address to which ballot applications and ballots voted by mail may be mailed to, is Hidalgo County Election Department, P.O. Box 659, and/or 101 S. Tenth Avenue, Edinburg, Texas, 78539. June 4, 2010 is the last day to receive applications for mail in ballots.

F. In the event of a tie, the winner of the Special Run-off Election shall be determined by drawing lots.

G. A copy of this Resolution and Order, signed by the Mayor and attested by the City Secretary, shall be posted at City Hall upon its passage. A copy of the Order of Election shall be published at least one time in The Monitor (English and Spanish). The postings and publications provided for in this Section shall

constitute notice of said election, in accordance with applicable law.

H. The Order of Election, all notices, official publications, ballots, sample ballots and voter instructions used in connection with this election shall be printed in both English and Spanish Language.

PASSED AND APPROVED on this 18<sup>th</sup> day of May, 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

**VII. Perform and Conduct Oath of Office**

A. Lupe V. Rivera

Judge Rudy Gonzalez administered the Oath of Office to Commissioner Lupe Rivera for the position of City Commissioner District No. 5.

B. Joe A. Martinez

Judge Jesse Morales administered the Oath of Office to Joe A. Martinez for the position of City Commissioner District No. 6.

**VIII. Special comments and/or announcements**

Commissioner Rivera thanked the Lord, his family, friends for their support and all the voters of District No. 5.

Commissioner Martinez thanked his family, friends and supporters and stated he would do his best to represent the people of District No. 6 and all Weslaco citizens.

Mayor de la Rosa stated Commissioner Kennedy was not in attendance to present him with a plaque for his services as City Commissioner for District No. 6. He publicly thanked him and stated the plaque would be delivered to him.

**IX. Selection of a Mayor Pro-Tem. Possible action**

Motion was made by Commissioner Garza and seconded by Commissioner Rivera to select Commissioner Cuellar as Mayor Pro-Tem. Motion carried unanimously.

Mayor Pro-Tem Cuellar thanked the City Commissioners for appointing him as Mayor Pro-Tem and congratulated Commissioners, Rivera and Martinez. He mentioned he was looking forward to working with them and thanked the families for their support.

**X. Adjourn**

Motion was made by Commissioner Tafolla and seconded by Commissioner Rivera to adjourn the meeting. Motion carried unanimously.

**XI. Reception**

Mayor de la Rosa invited everyone to stay for the reception and congratulated the newly elected commissioners.

**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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**MAYOR PRO-TEM**, J.F. "Johnny" Cuellar

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**COMMISSIONER**, Robert J. Garza

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**COMMISSIONER**, Rene Rodríguez, Jr.

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**COMMISSIONER**, Gerardo "Jerry" Tafolla

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Joe A. Martinez