

Approved 8/17/10

**WESLACO CITY COMMISSION**

**REGULAR MEETING**

**AUGUST 3, 2010**

On this 3<sup>rd</sup> day of August, 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          | Miguel D. Wise          |
| Mayor Pro-Tem  | J.F. "Johnny" Cuellar   |
| Commissioner   | Robert J. Garza         |
| Commissioner   | Rene Rodríguez, Jr.     |
| Commissioner   | Gerardo "Jerry" Tafolla |
| Commissioner   | Lupe V. Rivera          |
| Commissioner   | Joe A. Martinez         |
| City Manager   | Leonardo Olivares       |
| City Secretary | Amanda C. Elizondo      |
| City Attorney  | Ramon Vela              |

Also present: Gloria Sepulveda, Purchasing Director; Bret L. Mann, Finance Director; Pete Garcia, Parks & Recreation Director; Bernard Rodriguez, Interim Planning and Code Enforcement Director; and several other staff members and citizens. Mayor Pro-Tem Cuellar arrived after the roll call.

**I. CALL MEETING TO ORDER**

Mayor Wise called the meeting to order.

**II. ROLL CALL/ESTABLISH A QUORUM**

Amanda C. Elizondo, City Secretary called the roll, a quorum was established and Mayor Wise presided the meeting.

### **III. INVOCATION/PLEDGE OF ALLEGIANCE**

Pastor Alejandro Flores from St. Pius X Catholic Church of Weslaco gave the invocation. Mayor Wise recited the Pledge of Allegiance and to the Texas Flag.

### **IV. 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 July 20, 2010

Motion was made by Commissioner Tafolla and seconded by Commissioner Martinez to approve the consent agenda as presented. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

### **V. PUBLIC HEARINGS**

- A. To discuss and consider a Conditional Use Permit for South Texas Educational Technologies, Inc. a Texas Education Agency approved Charter School to operate at 1223 W. Sugarcane Drive, Weslaco, Texas, also being Lot 1, Frerking, LL Subdivision, Hidalgo County, Texas. Possible action. (Requested by Jorge Gonzalez.)
- B. To discuss and consider a Conditional Use Permit for Pins and Ques Bowling Alley for a Mixed Beverage Late Hours Permit at 514 S. Plaza de Los Encinos Drive, Weslaco, Texas, also being Lot 2, Wadoso Subdivision Phase I, Hidalgo County, Texas. Possible action. (Requested by Eric Arndt.)

Mr. Leonardo Olivares, City Manager recommended approval of the conditional use permits.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to close the public hearing. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve Items A and B. as presented. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

## **VI. VISITOR WITH BUSINESS**

- A. Presentation by Anne Burger Entrekin, City of Weslaco Financial Advisor regarding the City of Weslaco Bonding Capacity. Possible action.

Anne Burger Entrekin, Financial Advisor gave a presentation on the General Fund, Profile Tax Supported Debt, Waterworks and Sewer System Revenues and Sanitation Financial Analysis; Refunding Opportunity as of August 3, 2010 and the Market Update as of July 30, 2010. She mentioned Standards and Poors Rating Agency was recommending that the city have a define methodology of the overhead allocation from the water and sewer fund to the general fund. Ms. Entrekin pointed out that 30% of the revenues came from advalorem and sales taxes. She indicated that approximately 10% of the revenues on the general fund side were coming from the utility system. Ms. Entrekin stated approximately 55% to 60% of the expenditures went to Public Safety.

Mayor Pro-Tem Cuellar recommended establishing a benchmark for fiscal year 2010 and published it in the newspaper. He also recommended that the Public Safety payroll be reviewed as soon as possible.

Mayor Wise stated they would be appointing an Ad Hoc Budget Committee and would be meeting on Thursday, August 5, 2010. He recommended for Ms. Entrekin to be available by phone or e-mail in case there were any questions from the committee.

For the record, Mayor Wise stated they were uncertain if they had closed the public hearings for Item V., A and B.

For purposes of clarification, motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to close the public hearings for Item V., A and B. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

## **VII. BOARD APPOINTMENTS**

- A. Ambulance Advisory Board - To accept the resignation of David Suarez and approval of Resolution No. 2010-23 to appoint a new member to replace Mr. Suarez. Possible action.

Mayor Wise stated David Suarez had resigned from the Ambulance Advisory Board. He added no action was required on the resignation and Mr. Suarez's letter would be tendered to the City Secretary due to the new protocol on board appointments. Mayor Wise announced that any citizen interested in serving in this board to fill an application and submitted it to the City Secretary for consideration at the next meeting.

- B. The Economic Development Corporation (EDC) of Weslaco – To approve Resolution No. 2010-24 appointing a new member to the EDC to replace Johnny Bautista. Possible action.

Mr. Olivares stated Johnny Bautista had resigned from The Economic Development Corporation (EDC) of Weslaco and the term was for two years.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to appoint David Suarez to the EDC. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

For the record, Resolution No. 2010-24 reads as follows:

RESOLUTION NO. 2010-24

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation of Weslaco pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member of this corporation is for two years; and

WHEREAS, The Economic Development Corporation of Weslaco's members shall serve staggered terms without compensation and limited terms to six years; and

WHEREAS, the term of a current Economic Development Corporation of Weslaco Member expires on September 30, 2011; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT David Suarez is appointed to serve the unexpired term of Johnny Bautista a two year term on the Economic Development Corporation of Weslaco and the term will expire on September 30, 2011.

PASSED AND APPROVED on this 3<sup>rd</sup> day of August, 2010.

CITY OF WESLACO  
/s/ Miguel D. Wise, MAYOR

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

- C. Citizens Budget Advisory Committee – Approval of Resolution No. 2010-25 appointing a Twelve Member Committee to review the City of Weslaco Proposed Fiscal Year 2010/2011 Municipal Budget and make recommendations to the Weslaco City Commission. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to approve Resolution No. 2010-25 as presented. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

For the record, Resolution No. 2010-25 reads as follows:

RESOLUTION NO. 2010-25

A RESOLUTION OF THE CITY OF WESLACO APPOINTING TWELVE MEMBERS  
TO THE CITIZENS BUDGET ADVISORY COMMITTEE

WHEREAS, the City of Weslaco has established the Citizens Budget Advisory Committee; and

WHEREAS, this is an Ad Hoc Advisory Committee that will assist the City of Weslaco in preparing the 2010-2011 Budget; and

WHEREAS, the Citizens Budget Advisory Committee Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT the following are appointed to serve on the Citizens Budget Advisory Committee:

Joe I. Cardenas	Jimmy D. Lawrence
Angelica Cardoza	Lance Olsen
Fred R. Flores	Benito Sanchez, Jr.
Joe A. Garza	Richard "Chuck" Sellman
Gloria Givilancz	E. Richard Vaughan, Jr.
Carlos Guerra	Vickie Wilt
Michael Jones	

PASSED AND APPROVED on this 3<sup>rd</sup> day of August, 2010.

CITY OF WESLACO  
/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Amanda C. Elizondo, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

**VIII. NEW BUSINESS**

- A. Discussion and consideration to approve the First Amended Waterline Agreements with North Alamo Water Supply Corporation (NAWSC) for La Paloma Estates Subdivisions 1 and 2 and authorize the Mayor to execute the agreements. Possible action.

Mayor Wise announced staff was not prepared to make a report and no action was required on this item.

- B. Discussion and consideration to establish a Clinical Affiliation Agreement for Clinical Education between the City of Weslaco Fire/EMS and

Christus Spohn Health System Corporation d/b/a Christus Spohn Hospital Corpus Christi-Memorial and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rivera to approve the agreement as presented and authorize the Mayor to execute it. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- C. Discussion and consideration to apply for the Union Pacific Community Grant to support nonprofit and municipality programs in the areas of fine arts, health and human services, community and civic organizations and authorize the Mayor to execute any and all documents associated with the grant. Possible action.

Motion was made by Commissioner Garza and seconded by Commissioner Rodriguez to approve the item as presented and authorize the Mayor to execute any and all documents related to the grant.

Mr. Olivares stated the Weslaco Public Library was requesting authorization to apply for grant monies and recommended approval.

Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve Resolution No. 2010-26 to appoint an official member and an alternate member to the Amigos Del Valle, Inc. Board of Directors for Fiscal Year 2010 to 2011. Possible action.

Mayor Wise recommended following the protocol established by the City Commission and any citizen interested in serving in city boards or committees to submit an application to the City Secretary.

Mayor Pro-Tem Cuellar recommended appointing Eloy Alaniz who had been serving on the Amigos Del Valle, Inc. Board of Directors for several years.

Mayor Wise stated they could make a motion to approve this item and then discuss it after the executive session. He mentioned if there was an application on file they would not be violating the resolution approved at the last meeting.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Tafolla to delay Item VIII, D. until after executive session. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- E. Discussion and consideration of an InterLocal Agreement between the City of Weslaco and South Texas College for the Weslaco Police

Department to provide police security services to South Texas College and authorize the Mayor to execute the agreement. Possible action.

Mayor Wise announced staff was not ready to report on this item and no action was required.

- F. Discussion and consideration to approve final payment to County of Hidalgo Elections Department for services rendered in connection with the Special Runoff Election held on June 12, 2010 for Mayor for an amount not to exceed \$9,105.65. Possible action.

Mayor Wise stated staff was still reviewing the numbers and no action was required at this time.

- G. Discussion and consideration to approve the Final Plat of Angelita Subdivision being a 2.015 acre tract of land out of Farm Tract 1114, Block 129, West and Adams Tract Subdivision, Hidalgo County, Texas located approximately 786 feet East of F.M. 1015 and south of Mile 13 ½ North Road. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to approve the final plat of Angelita Subdivision.

Mr. Olivares recommended approval of the plat and stated the applicant had received a variance from Hidalgo County for the minimum lot width frontage.

Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- H. Discussion and consideration to approve the Re-Plat of SDI Weslaco Holdings, LLC, being a 29.26 acre tract of land out of Farm Tract 35 and 39, West and Adams Tract Subdivision, Hidalgo County, Texas. Possible action.

Motion was made by Commissioner Garza and seconded by Commissioner Martinez to approve the re-plat of SDI Weslaco Holdings, LLC.

Mr. Olivares stated the reason for the re-platting of the SDI Weslaco Holdings, LLC Plat was due to a discrepancy on the parking.

Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- I. Discussion and consideration to approve Resolution No. 2010-27 supporting the Hidalgo County Regional Planning Consortium to apply for grant funding in the following areas: transportation, affordable housing, economic competitiveness, support of existing communities, leverage

investment and neighborhood initiatives and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Garza to approve Resolution No. 2010-27 as presented.

Mr. Olivares recommended approval of Resolution No. 2010-27.

Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

For the record, Resolution No. 2010-27 reads as follows:

RESOLUTION NO. 2010-27

STATE OF TEXAS	§	IN SUPPORT OF THE HIDALGO COUNTY REGIONAL PLANNING CONSORTIUM TO APPLY FOR GRANT
COUNTY OF HIDALGO	§	FUNDING FROM THE DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
CITY OF WESLACO	§	

WHEREAS, the Lower Rio Grande Valley Development Council (LRGVDC) is the Regional Council of Governments serving Cameron, Hidalgo, and Willacy Counties; and,

WHEREAS, the Department of Housing and Urban Development has announced the 2010 Sustainable Communities Regional Planning Grant Program; and,

WHEREAS, these Housing Funds shall be administered by the LRGVDC; and,

WHEREAS, all projects being considered for funding require the creation of a planning consortium; and,

NOW, THEREFORE, BE IT RESOLVED, that the Lower Rio Grande Valley Development Council Board of Directors agreed to the following:

- We affirm our commitment to the goals of the Sustainable Communities Partnership (The Partnership) between the U.S. Department of Transportation (DOT), the U.S. Environmental Protection Agency (EPA) and the Department of Housing and Urban Development.
- We support the Hidalgo County Regional Planning Consortium in seeking financial aid through an application for the 2010 Sustainable Communities Regional Planning Grant Program to create a Regional Plan for Sustainable Development that includes the six Livability Principles defined by The Partnership:
  1. Provide more transportation choices. Develop safe, reliable and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health.
  2. Promote equitable, affordable housing. Expand location - and energy-efficient housing choices for people of all ages, incomes, races and ethnicities to increase mobility and lower the combined cost of housing and transportation.
  3. Enhance economic competitiveness. Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers as well as expanded business access to markets.

4. Support existing communities. Target federal funding toward existing communities - through such strategies as transit-oriented, mixed-use development and land recycling - to increase community revitalization, improve the efficiency of public works investments, and safeguard rural landscapes.

5. Coordinate policies and leverage investment. Align federal policies and funding to remove barriers to collaboration, leverage funding and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.

6. Value communities and neighborhoods. Enhance the unique characteristics of all communities by investing in healthy, safe and walk able neighborhoods - rural, urban or suburban

• We endorse the execution of a partnership agreement with all other organizations assisting in the efforts to create a Regional Plan for Sustainable Development. Furthermore, we hereby authorize Miguel D. Wise, Mayor of the City of Weslaco to sign this agreement on behalf of the Weslaco City Commission.

BE IT FURTHER RESOLVED that we hereby pledge our continued support for the Hidalgo County Regional Planning Consortium throughout the planning process.

PASSED AND APPROVED on this 3<sup>rd</sup> day of August, 2010.

CITY OF WESLACO  
/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Amanda C. Elizondo, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- J. Discussion and consideration to relocate utility crossings across Drainage Ditch 18B in the vicinity of Border Avenue and Paisano Street to enhance the drainage flow. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rivera to relocate the utility crossings across Drainage Ditch 18B in the vicinity of Border Avenue and Paisano Street to enhance the drainage flow.

Randy Winston, City Engineer, stated the system had been placed by Hidalgo County and briefly reported on the proposed improvements to prevent any debris from going into the drainage. He stated they did not have any of the outfalls open since July 3, 2010.

Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- K. Status report from Jon M. Deicla, General Manager of BFI Waste Services of Texas, LP, a Delaware Limited Partnership d/b/a Allied Waste Services of Rio Grande regarding the transition of the residential solid waste collection services. Possible action.

Jon M. Deicla, General Manager of BFI Waste Services of Texas, LP stated the containers had been ordered, five city employees out of nine had applied, interviews had been conducted and pending the drug testing.

A brief discussion was held regarding benefits offered by BFI and the rate per garbage pick-up and Mr. Deicla stated it depended on the CPI. He added the rate would be fixed for a year and the contract was for a five year term. Mr. Deicla mentioned residential service would remain the same beginning September 1, 2010.

L. Discussion and consideration to approve a request from the Weslaco Police Department to purchase the following items from the Confiscated Fund Account as authorized by Article 59.06 of the Texas Code of Criminal Procedure for a total amount not to exceed \$10,200.00. Possible action.

- 1) One (1) - Renew Annual L.E.A.D.S. Online Investigative System Package dates of July 1, 2010 – June 30, 2011 - \$5,000.00.
- 2) One (1) - Renew Lexis Nexis license user Law Enforcement (Online Service one year contract from July 1, 2010 – June 30, 2011 - \$2,200.00.
- 3) One (1) - Dome Camera weatherproof (Wide Dynamic Outdoor) replacement camera for mobile command unit - \$2,000.00.
- 4) One (1) - Digital Hand Held Camera not to exceed \$1,000.00

Motion was made by Commissioner Rivera and seconded by Commissioner Tafolla to approve the request as presented by the Weslaco Police Department. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

M. Request from the Rio Grande Valley Catholic Men's Fellowship to use the Weslaco City Park Pavilion No. #24 and surrounding area to host a Christian Family Event on Sunday, August 22, 2010 from 5:00 p.m. to 8:30 p.m. and to waive all fees associated with the event. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to approve the request from the Rio Grande Valley Catholic Men's Fellowship.

Mr. Olivares stated staff was not recommending the waiving of the fees because of the city's financial situation.

Pete Garcia, Parks & Recreation Director stated the fees ranged from \$25.00 to \$50.00 and a city employee was on duty during the weekend.

Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- N. Request from Youth Ministries Alliance (YMA) to use the Weslaco City Park Pavilion No. #24 and surrounding area to host a Youth Faith Event on Saturday, October 9, 2010 from 12:00 p.m. to 11:00 p.m. 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 request from the Youth Ministries Alliance. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- O. Discussion and consideration of Resolution No. 2010-28 amending Resolution No. 2010-20 to prohibit elected officials to board appointments. Possible action.

Mr. Olivares stated Resolution No. 2010-28 was an amendment to Resolution No. 2010-20 to prohibit appointment of elected officials to city boards/commissions.

Motion was made by Commissioner Martinez and seconded by Commissioner Rivera to approve Resolution No. 2010-28. Motion carried as follows: FOR: Commissioners: Garza, Rodriguez, Rivera and Martinez. AGAINST: Commissioner Tafolla. ABSTAINED: Mayor Pro-Tem Cuellar, (4-2) Mayor Wise was present, but not voting.

For the record, Resolution No. 2010-28 reads as follows:

RESOLUTION NO. 2010-28

STATE OF TEXAS	§	RESOLUTION AMENDING RESOLUTION NO. 2010-20 TO
COUNTY OF HIDALGO	§	PROHIBIT ELECTED OFFICIALS TO BOARD
CITY OF WESLACO	§	APPOINTMENTS

Resolution No. 2010-20 passed and approved on July 26, 2010 established a screening, appointment and confirmation policy for service on City of Weslaco Board, Commissions, Authorities, and Committee is hereby amended to prohibit elected officials of the City of Weslaco, Weslaco Independent School District or Hidalgo County from being appointed to serve on City of Weslaco Boards, Commissions, Authorities and Committees.

All other provisions of Resolution No. 2010-20 are unchanged and shall remain in effect.

PASSED AND APPROVED on this 3<sup>rd</sup> day of August, 2010.

CITY OF WESLACO  
/s/ Miguel D. Wise, MAYOR

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

## **IX. MAYOR'S REPORT**

### **A. Report on the 2010 Census effort in Weslaco, Texas.**

Mayor Wise stated Representative Armando Martinez had presented a plaque to the city for its hard work on the 2010 Census. He added the City of Weslaco had received the highest returns in Hidalgo County. Mayor Wise congratulated the Weslaco 2010 Standing Committee for their hard work. He stated he and Mr. Olivares had also received a certificate of recognition.

## **X. CITY MANAGER'S REPORT**

### **A. City Manager's report: Financial Status, Departmental Update, Upcoming Meetings, Appointments, Municipal Thoroughfare Plan and other items.**

Mr. Olivares reported on the following:

1. A memo had been sent to the departments regarding a spending freeze on all non-essential expenditures for fiscal year ending September 30, 2010;
2. Staff was waiting on the ruling from Standard and Poors regarding the appeal on the bond downgrade;
3. Employees' life insurance had been cancelled for non-payment but it had been reinstated; and
4. Announcement of a new Police Chief would be done mid August.

## **XI. PUBLIC COMMENTS**

Jeff Riviera, citizen, stated a freeze was done in 2009 on travel expenses and employment. He pointed out he had requested a copy of the audit because citizens were concerned regarding the Sanitation Fund. Mr. Riviera stated the Sanitation Fund had gross revenue of \$3 million and combined with the brush fees it totaled to \$3.9 million. He indicated this amount also included depreciation of equipment/supplies, etc. which totaled to \$3.2 million leaving approximately \$709,000.00 to pay for the interest and principles on the loan leaving a balance \$377,000.00. Mr. Riviera stated the City Commission had until September 1<sup>st</sup> to review this issue and allow the public to voice their opinions. He requested that the public be allowed to speak at the beginning of the meeting before voting on the item. Mr. Riviera stated they were considering doing a petition.

Richard Vaughan, resident of 105 Chaparral Drive, stated he appreciated the opportunity to serve in the Ad Hoc Budget Committee. He mentioned he was amazed that the city owed over \$50 million and the city needed to have good financial stability. Mr. Vaughan inquired into the payment made in July, 2009 for \$16,000.00 to Judge Samuel Sanchez. He asked why did the city pay him or rehired him when there was no record in the minutes. Mr. Vaughan stated this was not proper and if the City

Commission wanted to extend his contract for a two year term than it was proper, but to pay him for work that he did not perform was questionable.

## **XII. EXECUTIVE SESSION**

At 7:27 p.m., Tuesday, August 3, 2010, Mayor Wise announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 7:42 p.m., Tuesday, August 3, 2010, Mayor Wise announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

## **XIII. Possible action of what is discussed in executive session.**

- A. Contemplated Litigation – Attorney consultation on a mutual release and settlement agreement pursuant to the Texas Government Code §551.071 regarding a claim for monies made by Insurance Indemnity Company to release contract funds on the City of Weslaco Lift Station No. 41.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to authorize the Mayor to execute the mutual release and settlement agreement with Insurance Indemnity Company to pay \$39,052.71 for the balance on Lift Station No. 41 project.

Mr. Olivares recommended approval of the payment.

Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- B. Pending Litigation – Discussion with City Attorney regarding Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva pursuant to §551.071 of the Texas Government Code.

Motion was made by Commissioner Rodriguez and seconded by Commissioner Tafolla to file a notice to dismiss Cause No. CCD-0033-F in the Matter of Proceedings by the City of Weslaco, Texas for the Condemnation of Certain Property of Ricardo Oliva. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rodriguez to discuss Item VIII, D. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve Resolution No. 2010-26 to appoint an official member and an alternate member to the Amigos Del

Valle, Inc. Board of Directors for Fiscal Year 2010 to 2011. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to reappoint Eloy Alaniz to serve as the official member on the Amigos Del Valle, Inc. Board of Directors for Fiscal Year 2010 to 2011 and appoint Commissioner Joe Martinez as the alternate member.

Amanda C. Elizondo, City Secretary, stated Mr. Alaniz did not have a board and committee application on file.

Mayor Pro-Tem Cuellar and Commissioner Rivera withdrew their motion and recommended taking no action at this item.

**XIV. ADJOURNMENT**

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to adjourn the meeting. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

**CITY OF WESLACO**

\_\_\_\_\_  
**MAYOR**, Miguel D. Wise

**ATTEST:**

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**CITY SECRETARY**, Amanda C. Elizondo

\_\_\_\_\_  
**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