

WESLACO CITY COMMISSION

REGULAR MEETING

JULY 20, 2010

On this 20th day of July, 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	Rene Rodríguez, Jr.
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
Asst. City Secretary	Janie V. Balli
City Attorney	Ramon Vela

Also present: Bret L. Mann, Finance Director; Gloria Sepulveda, Purchasing Director; Pete Garcia, Parks & Recreation Director; Bernard Rodriguez, Interim Planning and Code Enforcement Director; and several other staff members and citizens. Commissioner Robert J. Garza was absent due to a death in the family.

I. CALL MEETING TO ORDER

Mayor Wise called the meeting to order.

II. ROLL CALL/ESTABLISH A QUORUM

Janie V. Balli, Assistant City Secretary called the roll, a quorum was established.

Mayor Wise stated Israel Garza, Commissioner Garza's father had passed away and asked for a moment of silence.

III. INVOCATION/PLEDGE OF ALLEGIANCE

Howard Bloomquist, Senior Minister from Central Christian Fellowship of Weslaco gave the invocation.

Mayor Wise recited the Pledge of Allegiance and the Pledge to the Texas Flag.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to adhere to the order of the agenda as posted and instruct the City Attorney to amend the ordinance to incorporate the order adopted by the City Manager for all future meetings.

Ramon Vela, City Attorney stated the City of Weslaco had adopted the Robert Rules of Order to conduct city's business. He stated the ordinance allowed the City Manager to prepare the agenda as presented to the City Commission pursuant to the procedures specified in the ordinance. Mr. Vela stated he would review the ordinance and make the necessary amendments.

Motion carried as follows: FOR: Mayor Pro-Tem Cuellar and Commissioners: Rivera and Martinez. AGAINST: Commissioners: Rodriguez and Tafolla. (Vote 3-2). Mayor Wise was present, but not voting.

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 6, 2010

- B. Second and final reading of the following ordinances:
 - 1. Ordinance No. 2010-10 amending Zoning Ordinance No. 320 and the Zoning Map of the City of Weslaco to change the zoning of Lots 3, 4, & 5, Block 18, Esplanada Subdivision, Hidalgo County, Texas located at 206 W. Pike Street from "R-1" Single Family Dwelling District to "B-1" Neighborhood Business District. Possible action.

2. Ordinance No. 2010-11 amending Zoning Ordinance 320 to designate the Planning and Zoning Commission as the City of Weslaco Airport Zoning Commission, to provide authority to develop airport hazard area zoning regulations and airport compatible land use zoning regulations and ordaining other matters with respect to the subject matter hereof. Possible action.
3. Ordinance No. 2010-12 amending Ordinance 83-15 to provide for appointment of Parks and Recreation Board Members by the Weslaco City Commission and ordaining other matters with respect to the subject matter hereof. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the items under the consent agenda as presented. Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

V. BOARD APPOINTMENTS

- A. To accept the resignation of Isabel de la Rosa from the Housing Authority Board of The City of Weslaco and announce the appointment, by Mayor Miguel D. Wise, of Deborah Lynn Castillo as the Resident Tenant Board member as authorized by §392.031 of the Texas Local Government Code and approval of Resolution No. 2010-17. Possible action.

Mr. Leonardo Olivares, City Manager stated the appointment to the Housing Authority Board was for a two year term. He mentioned Isabel de la Rosa's term expired since October 31, 2008 and a replacement was necessary.

Mr. Vela stated as per state statute Mayor Wise appointed the members to the Housing Authority Board.

For the record, Resolution No. 2010-17 reads as follows:

RESOLUTION NO. 2010-17

A RESOLUTION OF THE CITY OF WESLACO APPOINTING OR RE-APPOINTING ONE MEMBER TO THE CITY OF WESLACO HOUSING AUTHORITY BOARD.

WHEREAS, the City of Weslaco has established the City of Weslaco Housing Advisory Board; and

WHEREAS, the terms of the members of this board are for two years; and

WHEREAS, the Weslaco Housing Advisory Board members shall serve without compensation and unlimited terms; and

WHEREAS, the term of current Board Member, Isabel De La Rosa expired on October 31, 2008, but a replacement was not named until now.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Deborah Lynn Castillo was appointed to serve on the City of Weslaco

Housing Advisory Board and her term will expire on July 20, 2012.

PASSED AND APPROVED on this 20th day of July, 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

- B. Appointment, by Mayor Miguel D. Wise, of Olga G. Noriega to the Housing Authority Board of The City of Weslaco whose term begins after the term of Javier Martinez expires on October 2, 2010 as authorized by §392.031 of the Texas Local Government Code and approval of Resolution No. 2010-18. Possible action.

Mr. Olivares stated this was a two year term appointment and the term for Javier Martinez would expire October 2, 2010.

For the record, Resolution No. 2010-18 reads as follows:

RESOLUTION NO. 2010-18

A RESOLUTION OF THE CITY OF WESLACO APPOINTING OR RE-APPOINTING ONE MEMBER TO THE HOUSING AUTHORITY BOARD.

WHEREAS, the City of Weslaco has established the Housing Authority Board; and

WHEREAS, the terms of the members of this board are for two years; and

WHEREAS, the Housing Authority Board members shall serve without compensation and unlimited terms; and

WHEREAS, the term of current Board Member, Javier Martinez expires on October 2, 2010 and thereafter Olga G. Noriega is appointed to the Housing Authority Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Olga G. Noriega is appointed to serve on the Housing Authority Board after the expiration of Javier Martinez and her term will expire on July 20, 2012.

PASSED AND APPROVED on this 20th day of July, 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. Hospital Authority Board – Approval of Resolution No. 2010-19 appointing a member to the Hospital Authority Board of The City of Weslaco because

a current board member's term expires August 5, 2010 pursuant to §5 of Ordinance 77-14. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to appoint Juan Rivera to the Hospital Authority Board.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to appoint David Suarez to the Hospital Authority Board.

Mayor Wise stated he was concerned that David Suarez served in another board and this would make him ineligible to serve.

Mr. Vela responded there were no eligibility requirements.

Mr. Olivares recommended that other individuals be appointed to allow more members from the public to participate.

Motion carried as follows: FOR: Mayor Pro-Tem Cuellar and Commissioners: Rivera and Martinez. AGAINST: Commissioners: Rodriguez and Tafolla. (Vote 3-2). Mayor Wise was present, but not voting.

For the record, Resolution No. 2010-19 reads as follows:

RESOLUTION NO. 2010-19

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOSPITAL AUTHORITY BOARD.

WHEREAS, the City of Weslaco has established the City of Weslaco Hospital Authority Board pursuant to Section 1 of Ordinance 77-14; and

WHEREAS, the terms of the members of this board are for two years; and

WHEREAS, the Hospital Authority Board members shall serve without compensation and unlimited terms; and

WHEREAS, the term of a current Hospital Authority Board Member expires on August 5, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Juan Rivera is appointed to serve a two year on the Hospital Authority Board and the term will expire on August 10, 2012.

PASSED AND APPROVED on this 20th day of July, 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

For the record, Resolution No. 2010-19 was voided at the Special Meeting of July 26, 2010.

VI. NEW BUSINESS

- A. Discussion and consideration to approve the Non-Financial Affiliation Agreement with South Texas Vo-Tech that allows the City of Weslaco to accept interns to complete their on-the-job training classes in fields such as general office skills, computer accounting and computer technician and to authorize the Mayor to sign all relevant documents. Possible action.

Motion was made by Commissioner Rodriguez and seconded by Mayor Pro-Tem Cuellar to approve the agreement with South Texas Vo-Tech and authorize the Mayor to execute the agreement.

Mr. Olivares stated this was a six week internship program and recommended approval of the agreement.

Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

- B. Discussion and consideration of a Sales Tax Refund Agreement not to exceed \$1,750,000.00 between the City of Weslaco and Academy, Ltd. for the development of a 70,000 square foot Academy Store and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the Sales Tax Refund Agreement as presented and authorize the Mayor to execute the agreement.

Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco stated this was a prior agreement that was approved years ago. He mentioned Academy was requesting that their portion of the agreement be done with SDI. Mr. Gonzalez stated this amendment would not change the dollar amount.

Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

- C. Discussion and consideration of a request from Adrian Guererro, Representative of Warrior Pictures to close Fifth Street for a maximum of two hours on the evening of Saturday, July 24, 2010 with the coordination of the Weslaco Police Department. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the request from Adrian Guererro, Representative of Warrior Pictures to close Fifth Street. Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve payment to the Hidalgo County Elections Department for an amount not to exceed \$9,039.82 in connection with City of Weslaco General Election held on May 8, 2010. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve payment to the Hidalgo County Elections Department.

Commissioner Tafolla asked if the total cost was less with the County.

Mr. Olivares responded it would cost the city more to have an outside administrator for the city. He added Amanda C. Elizondo, City Secretary has been conducting the city elections for many years and the invoice was only for the General Election. Mr. Olivares stated an additional invoice would be forthcoming for the Special Run-off Election.

Mayor Wise stated this election was held by the county because of a petition filed by the Weslaco citizens.

Mayor Pro-Tem Cuellar requested a cost comparison to compare the expenses between the county and the city. He recommended a filing fee of \$500 to \$1,000 to avoid political games.

Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

- E. Discussion and consideration to enter into a license with the Texas Office of the Secretary of State for office at a municipal building for a one year term with an option to extend for another year. Possible action.

Mr. Olivares stated the Texas Office of the Secretary of State was currently located in Harlingen and wanted to relocate to Weslaco. He pointed out Pete Garcia, Parks and Recreation Director was working with them to find an office.

Enriqueta Caballero, Representative from the Texas Office of the Secretary of State stated they were in need of a one room office and did not require any assistance from the city.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the license with the Texas Office of the Secretary of State. Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

- F. Discussion and consideration of the Cost of Service Adjustment (COSA) filing by Texas Gas Services that takes effect on August 1, 2010 for a 4.7% increase in base rates or an increase of 35 cents per month for the average residential user. Possible action.

Mr. Vela announced no action was required on the abovementioned item.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to table the item appealing the cost of services adjustments filing by Texas Gas Services that would take effect on August 1, 2010. Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

G. Report from Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco regarding economic development activities.

Mr. Gonzales reported on the following:

1. T.J. Maxx Grand Opening was scheduled for August 1, 2010.
2. SDI / J.C. Penney's / Lowe's - Academy had applied for a building permit for 71,000 square feet and the store was valued at \$3,800,000.00. An Italian restaurant was in the design phase and a LOI was pending for an additional 12,000 square feet for a national pet store.
3. TDPS Regional Headquarters - Construction was progressing well, this was a \$40,000,000.00 project. The project was scheduled for completion on June 2011.
4. Weslaco Inn & Suites – Located on U.S. Business 83 east of Pleasantview Drive and was about 60% completed. It consisted of 45 rooms and was scheduled to open in September 2010. The EDC would be providing financial assistance on the drainage improvements.
5. American Audio Alarm & Tint - The new location for American Audio Alarm & Tint was 2113 North Texas Boulevard. In addition to American Alarm, the project would include a quick lube and possibly a pizza outlet.
6. Montalvo Insurance Agency - Montalvo Insurance Agency was adding more office space to its original building. The company has been at this location since 1962. The addition and the façade improvement were valued at \$100,000.00. The EDC would provide a façade grant upon completion of all improvements.
7. L&W Supply - The construction of a 40,000 square feet distribution center was under construction. Becknell, developer was from Chicago, Illinois.
8. Downtown Parking – Parking space was available on the 300 Block of Missouri Street to accommodate the businesses located on Texas Blvd.
9. Sales Tax - The sales tax receipt for July was 1.87% ahead of the same period last year. The 2010 sales tax payment to date was 1.45% ahead of the same period in 2009. The actual receipt was \$736,608.00 compared to \$722,337.00 in 2009.

H. Report from Martha Noell, Executive Director of the Economic Development Corporation of Weslaco regarding chamber activities.

Martha Noell, Executive Director stated they worked closely with the city during Hurricane Alex. She mentioned they had organized a stay vacation package for visitors visiting the community. Ms. Noell pointed out the merchants had provided coupons and the Economic Development and Business Promotion was half way completed. She stated the Weslaco Beautiful Committee would be instituting a “business energy efficiency”

contest to encourage area businesses to be green. Ms. Noell mentioned visitation was down this year.

A brief discussion was held about the billboard signs and Ms. Noell responded the hotels benefitted from the billboards. She mentioned the billboards were expensive but the advertising committee felt it was important to keep them.

- I. Report from Chitra Parameswar, Project Manager/CDM Constructors, Inc. (CCI) regarding the North Wastewater Treatment Plant Improvements.

Chitra Parameswar, Project Manager/CDM Constructors Inc. (CCI) made a slide presentation on the progress of the North Wastewater Treatment Plant. She stated the project was ahead of schedule and below the budget amount. Ms. Parameswar mentioned they had begun Phase I and Phase II and the city would receive two more bid packages to demolish some of the existing structures, paving and fittings. She concluded by stating that the completion date was October, 2010.

VII. MAYOR'S REPORT

- A. Report on the Hidalgo County Mutual Aid response to the recent flooding from Hurricane Alex and Tropical Depression 2.

Mayor Wise stated the cities in Hidalgo County were still in danger of flooding. He added the city had been monitoring the levees on a regular basis. Mayor Wise stated City Manager and he had toured the Falcon Dam and the amount of water was staggering.

George Garrett, Airport Director gave a brief report on Hurricane Alex and the mosquito abatement and stated they had provided additional chemicals to the region. He added the additional chemical had been administered by the County of Hidalgo Health Department and were working with Washington EPA on this issue.

- B. Announcement of a workshop scheduled, for August 2, 2010, between The City of Weslaco, Hidalgo County and The Weslaco Independent School District Board regarding the Hidalgo County Sheriff's Substation, Fire Department Substation and the need to purchase of land.

Mr. Olivares stated the school had requested to have a joint workshop with the city to discuss public services.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Tafolla to schedule a workshop for August 2, 2010 with Hidalgo County and The Weslaco Independent School District Board of Trustees. Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

VIII. CITY MANAGER'S REPORT

- A. City Manager's report: Financial Status, Departmental Update, Upcoming Meetings, Appointments and other items.

B. Presentation of the CASA Program (Court Appointed Special Advocates) for children.

Mr. Olivares reported staff had begun the Fiscal Year 2010/2011 Budget Cycle and completed the census review process of city departments. He mentioned on Page 81 of the agenda was a proposed organizational chart which reflected some changes and divisions. Mr. Olivares stated he was proposing to create a public utility department and the budget sessions were scheduled for the month of August to discuss the proposed changes. He indicated Humana Insurance had cancelled the city insurance for lack of payment, but was now in force. Mr. Olivares reported on the police chief's search and stated the process was completed; the city received thirty applications and the committee would be screening the applicants to narrow it to five. He mentioned a decision would be presented to the City Commission at the next meeting. Mr. Olivares stated FEMA had visited the city looking for recovery efforts to Las Brisas Subdivision to fund some of the projects. He mentioned the Home Buyers Fair was scheduled for August 7, 2010 at City Hall; staff had met with Allied Waste regarding the transition of the Sanitation Department and a report would be provided at the next meeting. Mr. Olivares briefly stated that the CASA Program (Court Appointed Special Advocates) was for children and there was a great need in Weslaco and encouraged people to participate in these type of services.

Mayor Wise reported the meeting with state and federal agencies was a walk and drive through at Las Brisas Subdivision. He added they had toured the levee on Saturday at about 1:30 p.m. and about 12 or 14 people had showed up. Mayor Wise concluded by stating that action would be taken to alleviate the flooding problem.

IX. EXECUTIVE SESSION

At 7:05 p.m., Tuesday, July 20, 2010, Mayor Wise announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 8:50 p.m., Tuesday, July 20, 2010, Mayor Wise announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

X. Possible action of any and all items discussed in executive session.

A. Economic Development

1. Discussion and consideration to authorize the Economic Development Corporation of Weslaco to negotiate a Development Agreement with a Commercial Developer to provide public infrastructure, in an amount exceeding \$100,000.00, to serve an area targeted for commercial development and a project in the

vicinity of Pike Boulevard and Milanos Road pursuant to §551.087 of Texas Open Meetings Act.

Motion was made by Commissioner Martinez and seconded by Mayor Pro-Tem Cuellar to authorize the EDC of Weslaco to negotiate an Economic Development Agreement with a commercial developer in an amount not to exceed \$250,000.00 to install public infrastructure for a project in the City of Weslaco. Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

2. Discussion and consideration to authorize the Economic Development Corporation of Weslaco to negotiate a Development Agreement with a Commercial Developer for a public-private partnership, in an amount exceeding \$100,000.00, for a new multi-tenant building to be constructed at the Mid Valley Industrial Park pursuant to §551.087 of Texas Open Meetings Act.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Martinez to authorize the EDC of Weslaco to negotiate an Economic Development Agreement with a commercial developer for a new multi-tenant, 40,000 square foot building to be located on Lot 3, Mid Valley Industrial Park #7. Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

B. Pending Litigation

1. Attorney consultation pursuant to §551.071 of Texas Open Meetings Act regarding *Claudio Lucio v. City of Weslaco Case No. 7:09-CV-0118.*

Mayor Wise announced no action was required on the abovementioned item.

2. Attorney consultation pursuant to §551.071 of The Texas Open Meetings Act regarding *L & G Concrete Construction Inc., and Arnulfo Gonzalez Plaintiffs v. RCD Infrastructure LLC, Enriquez Enterprises Inc., and The City of Weslaco, Defendants, Cause No. CL-10-2165-E.*

Motion was made by Commissioner Rodriguez and seconded by Commissioner Tafolla to authorize the City Attorney to file an answer in *Cause No. CL-10-2165-E, L&G Concrete Construction and Arnulfo Gonzalez v. RCD Infrastructure LLC, Enriquez Enterprises Inc. and the City of Weslaco.* Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

3. Attorney consultation pursuant to the Texas Government Code §551.071 with regards to Cause No. C-1363-09-A; *Juan Estrada, Jr., Rosa Estrada, Criselda Villarreal Administratrix of the Estate of Maricela Trevino v. City of Weslaco EMS et al. in the 275th Judicial District, Hidalgo County, Texas.*

4. Attorney consultation pursuant to the Texas Government Code §551.071 regarding *Romero v. City of Weslaco, Texas, Cause No. C-2777-09-A, in the 92nd Judicial District Court of Hidalgo, Texas.*
- C. Contemplated Litigation - Attorney consultation 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 41 Project as authorized by §551.071 of Texas Open Meetings Act.

Mayor Wise announced no action was required on Items B., 3 and 4 and Item C.

XI. 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 §551.042, Texas Open Meetings Act. Public comments will be limited to three (3) minutes.

Mayor Wise stated he had received three calls regarding the public comments section on the agenda. He stated this was a common practice done by municipalities and allowed the City Commission the opportunity to listen to any resources that was presented to them. Mayor Wise pointed out this would also give the citizens the opportunity to hear comments made by the City Commission instead of trying to anticipate whatever opinions may be. He stated a research had been done of the following cities; Donna, Alamo, San Juan, McAllen and La Feria had the public comments section at the end of the meeting and Pharr did not have comments.

For the record, Mayor Wise requested that the research documents be made as part of the agenda on the public comments section for the citizens' review.

Jeff C. Riviera, citizen referred to the privatization of the sanitation and stated the City Commission knew that some citizens were against it, but yet they had voted on it. He requested that the item on the CDM Risk Management be presented before the City Commission to explain how much monies the city had saved and the affiliation with CDM. Mr. Riviera referred to the flood issue and stated Dr. Andrew Levine had met with government officials and obtained some aerals for the city's use. He recommended having the public comments section at the beginning of the agenda.

Mayor Wise stated he had moved the public comments section before adjournment after his first meeting because he was informed by the City Attorney that the City Manager was responsible to set the agenda. He mentioned the public comments section were for citizens that had problems regarding the city and not only for agenda items. Mayor Wise stated they were not trying to hide any information about the city and this issue would be address by Mayor Pro-Tem Cuellar's motion.

Mayor Pro-Tem Cuellar stated the public comments section was introduced about three years ago by the former Mayor to solicit participation from the community.

Commissioners Rodriguez and Tafolla were in favor of keeping the public comments section at the beginning of the meeting.

Lance Olsen, from 1004 W. 6th Street, referred to Item B-2 under executive session regarding L&G Contractors. He added politics had been involved in this matter because he had seen the blueprints and specification sheets ahead of time. Mr. Olsen mentioned the Public Facilities Building Project was given to a contractor without soliciting bids and Art's Electric had done the job. He stated the contractor did not perform according to the blueprints and specifications. Mr. Olsen pointed out no one from the City Commission or city staff had addressed this issue. He added he had talked to the City Attorney regarding this item because he was concerned about the city's tax dollars. Mr. Olsen pointed out it was hard to get hold of Mr. Olivares and suggested that he set aside some time for the citizens.

Mayor Wise stated he had changed the public comments on the form, but not on the agenda item.

Joe I. Cardenas, citizen of 1621 Misty Lane stated he was concerned about the lawsuits with sub-contractors. He mentioned they needed to have somebody in the city to inspect the buildings and make sure the bills were paid according to the appropriate funds. Mr. Cardenas mentioned the city was not in a position to be suit and needed to follow proper procedures.

Dr. Roger Albach, 1105 Valley View Drive referred to New Business, Item B regarding the election. He stated he had been a presiding judge and never had any problems when the city handled the election. Dr. Albach stated the county did not know the districts in Weslaco and the city needed to address this issue for the convenience of the Weslaco voters. He mentioned Mrs. Elizondo did a great job running the city elections.

Dr. Levine, citizen stated he was against the public comments section at the end of the agenda. He referred to the sanitation item and stated it should not have been in the consent agenda. Dr. Levine added Mayor Wise had shown the citizens of Weslaco the definition of transparency, but knew that Commissioner Garza was the one pushing for the BFI Contract. He mentioned they would be looking closely at the documents that they signed. Dr. Levine stated they would also be looking at everything the city did because of politics.

Vickie Wilt, 809 Orange; Andres S. Noriega, Jr., 509 Clifford; Larry Dittburner, 260 S. Texas; and Richard Vaughan, 105 Chaparral; were against the public comments section being placed at the end of the agenda. They believed that it was a good item to have at the beginning of the meeting so the City Commission would know how they felt regarding an agenda item. They mentioned the City Commission needed to listen to the Weslaco citizens before they made a decision.

Mayor Wise stated they were accountable to the voters every day when they were in office and answered to the citizens. He mentioned they encouraged the citizens to call them on issues they had especially on agenda items. Mayor Wise stated they could contact their elected officials to discuss items of concern.

Mr. Vaughan stated the City Commission went into executive session at 7:00 p.m. and met for an hour and a half and kept them waiting. He mentioned they could have moved the public comments section to the beginning and not have them spend all night at the meeting. Mr. Vaughan stated he was only interested in the fiscal responsibility of the City Commission and wanted for this community to be financially strong because there was no reason for it not to be. He mentioned the city was in a great position, a lot of development was occurring, but there was no report on the city's financial status. Mr. Vaughan stated the City Manager stated they would have a financial report every week and they wished to know about the audit report. He mentioned he did not want to pay for the audit, if he did not have to. Mr. Vaughan stated there were rumors that financially the city was in a terrible state. He mentioned he attended the Standards and Poors meeting and did not receive a financial report. Mr. Vaughan stated they needed to see a financial report to determine how much the city had in revenues and expenditures. He mentioned he had spoken to one of the Commissioners and he had not seen a report either.

Mayor Wise stated he and the City Manager would discuss this once a month and the Finance Director would provide the report.

Mr. Vaughan mentioned the public needed to hear and know what was going on in their town. He mentioned they needed to have a reporter present at the meetings not have twenty people talking about these problems in the city.

Mayor Wise stated Bret L. Mann, Finance Director was working hard to get a grasp on the city's financial status.

Mayor Pro-Tem Cuellar recommended a sixty day period to show the city's accountability to the public. He mentioned the information would be on the city's website; their meetings were televised on KWES and a citizen committee would be appointed to review the city's budget.

Mr. Olivares stated staff needed to expand the channel for the city and were working with the Comptroller's Officer for citizens to see the checks that were being paid out. He referred to the public comments section and stated the public had a right to be heard, but was not a requirement.

Carlos Guerra, resident of Weslaco, stated he had requested a written statement stating that the members were not liable regarding the Weslaco Health Facility Development Corporation bonds issues. He pointed out the members had not gotten a letter stating they were not liable for the issuance of the bonds.

XII. ADJOURNMENT

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to adjourn the meeting. Motion carried unanimously, (5-0). Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

ASST. CITY SECRETARY, Janie V. Balli

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

COMMISSIONER, Rene Rodríguez, Jr.

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez