

App 6/2/09

WESLACO CITY COMMISSION

REGULAR MEETING

MAY 19, 2009

On this 19th day of May, 2009 at 5:15 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue and the following members were present.

NOTE: If any accommodation for a disability is required, notify the City Secretary's Office at (956) 968-3181, Ext 3101 prior to the meeting date.

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

- | | |
|----------------|-------------------------|
| Mayor | Buddy de la Rosa |
| 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 | Anthony Covacevich |
| City Secretary | Amanda C. Elizondo |
| City Attorney | Ramon Vela |

Also present: Leroy Gonzalez, Interim Finance Director; Pete Garcia, Parks & Recreation Director; Gloria Sepulveda, Purchasing Director, Bernard Rodriguez, Senior Planner; 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.

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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its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 – May 5, 2009
- B. Second and final reading of the following ordinances:
 - 1. Ordinance No. 2009-11 adopting the Recodification of the City of Weslaco Code of Ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such codification shall become effective and ordaining other matters with respect to the subject matter hereof. Possible action.
 - 2. Ordinance No. 2009-12 amending Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning of the 2.590 acre tract of land out of Farm Tract 710, Block 136, West and Adams Tract Subdivision at 2700 East Business 83, from “R-1” One Family Dwelling District Zoning to “B-2” Secondary and Highway District Zoning. Possible action.
 - 3. Ordinance No. 2009-13 amending Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning of all of Proclaim The Savior Subdivision at 914 West Pike Blvd., from “R-2” Duplex and Apartment District Zoning to “B-1” Neighborhood Business District Zoning. Possible action.
 - 4. Ordinance No. 2009-14 amending Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning of Lots 1 through 4, re-plat of Red Bird Subdivision No. 2, Hidalgo County, Texas from “R-1” Single Family Dwelling District Zoning to “R-2” Duplex and Apartment District Zoning and Lots 5 through 9, re-plat of Red Bird Subdivision No. 2, Hidalgo County, Texas, from “R-1” One Family Dwelling District Zoning to “B-2” Secondary and Highway District Zoning. Possible action.
- C. Discussion and consideration to authorize staff to submit a grant application to Target Foundation for a reading grant of up to \$3,000.00 for the Summer Reading Program or other youth-oriented programming to be held between October 1, 2009 and September 30, 2010 as per attachment. Possible action.

- D. Discussion and consideration to accept funds received from the Rio Grande Valley Trauma Regional Advisory Council in the amount of \$6,420.00 for participation and reporting to the Trauma Registry and to increase the budget. Possible action.
- E. Discussion and consideration to accept a donation from McCoy's Building Supply in the amount of \$200.00 to the City of Weslaco's Fire Department. Possible action.

Commissioner Tafolla requested to remove Item B., 3 from the consent agenda for further discussion.

Commissioner Kennedy also requested to remove Item B., 1 from the consent agenda.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to approve the consent agenda with the exception of Item B. 1 and 3. Motion carried unanimously.

Commissioner Kennedy stated that he understood that there would be a workshop to further discuss the re-codification of the Weslaco Code of Ordinances. He mentioned if the City Commission was ready to vote on the ordinance than he would be in favor of voting on the ordinance.

Ramon Vela, City Attorney stated there were ordinances dating back from the 1930s to the 1970s and the ordinances were long due for an update. He pointed out the re-codification consisted of updating the ordinances to comply with state and federal regulations. Mr. Vela stated the new book had been re-indexed and bound in an 8"x11" binder and was formatted to place it in the city's web page.

Mayor de la Rosa stated that ordinances could be individually amended at any time the City Commission felt it was necessary.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to approve Ordinance No. 2009-11 on second and final reading. Motion carried unanimously.

Commissioner Tafolla referred to the zone change request, Ordinance No. 2009-13 and asked if the building was occupied.

Mr. Anthony Covacevich, City Manager, stated the church was remodeled and was located one lot west of Pike and Border Avenue. He added he did not know if someone was living in the building. Mr. Covacevich stated he would check to see if a certificate of occupancy was filed.

Mayor de la Rosa asked Mr. Covacevich if questions had been raised regarding this property during the presentation of the first reading.

Mr. Covacevich responded no, the request had been presented to the Planning and Zoning Commission and voted to recommended approval of the request to the City Commission.

Commissioner Tafolla stated the building was occupied and the same regulations needed to be applied to everyone.

Mayor de la Rosa stated the fact that the zone would change from "R-2" to "B-1" did not mean that a "R-2" could not exist. He pointed out the "B-1" zoning included higher standards and was not illegal for anyone who had an "R-2" zone to remain in the building.

Motion was made by Commissioner Kennedy and seconded by Mayor Pro-Tem Rodriguez to approve Item B. 3, Ordinance No. 2009-13 on second and final reading. Motion carried unanimously.

For the record, the following ordinances read as follows:

ORDINANCE NO. 2009-11

AN ORDINANCE ADOPTING THE RECODIFICATION OF THE CITY OF WESLACO CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODIFICATION SHALL BECOME EFFECTIVE 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 5th day of May, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 19th day of May, 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

ORDINANCE NO. 2009-12

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF THE 2.590 ACRE TRACT OF LAND OUT OF FARM TRACT 710, BLOCK 136, WEST AND ADAMS TRACT SUBDIVISION AT 2700 EAST BUSINESS 83., FROM "R-1" ONE FAMILY DWELLING DISTRICT ZONING TO "B-2" SECONDARY AND HIGHWAY DISTRICT ZONING.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 5th day of May, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 19th day of May, 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

ORDINANCE NO. 2009-13

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF ALL OF PROCLAIM THE SAVIOR SUBDIVISION AT 914 WEST PIKE BLVD., FROM "R-2" DUPLEX AND APARTMENT DISTRICT ZONING TO "B-1" NEIGHBORHOOD BUSINESS DISTRICT ZONING.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 5th day of May, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 19th day of May, 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

ORDINANCE NO. 2009-14

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF LOTS 1 THRU 4, RE-PLAT OF RED BIRD SUBDIVISION NO. 2, HIDALGO COUNTY, TEXAS FROM "R-1" SINGLE FAMILY DWELLING DISTRICT ZONING TO "R-2" DUPLEX AND APARTMENT DISTRICT ZONING AND LOTS 5 THRU 9, RE-PLAT OF RED BIRD SUBDIVISION NO. 2, HIDALGO COUNTY, TEXAS, FROM "R-1" ONE FAMILY DWELLING DISTRICT ZONING TO "B-2" SECONDARY AND HIGHWAY DISTRICT ZONING.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 5th day of May, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 19th day of May, 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. PUBLIC HEARING

- A. Discussion and consideration of the 2008 Supplemental Disaster Recovery Fund Application for non-housing activities related to Hurricane Dolly under the Texas Community Development Block Grant Disaster Recovery Program of the Office of Rural Community Affairs and authorize the Mayor to execute the application and any related documents as required. Possible action.

Mr. Covacevich stated the Office of Rural Community Affairs (ORCA) had funds available for disaster activities due to Hurricane Dolly. He mentioned the money was allocated throughout the valley and the City of Weslaco was due \$600,000.00. Mr. Covacevich stated one of the requirements was to have a public hearing to inform the public of the application. He mentioned the notice had been published in the Monitor Newspaper on May 15th.

Elizabeth Walker, Long Range Planner stated the public hearing was to solicit input from the public for the 2008 Supplemental Disaster Recovery Fund Application for non-housing activities related to Hurricane Dolly. She mentioned a draft of the application was made available by the Texas Community Development Block Grant Disaster Recovery Program of the Office of Rural Community Affairs. Ms. Walker stated the city must demonstrate compliance with eligible activities and national objectives, with documented proof of impact or failure to function due to Hurricane Dolly. She mentioned the city was proposing in the application the acquisition and installation of industrial generators at water and wastewater treatment facilities.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to approve 2008 Supplemental Disaster Recovery Fund Application for non-housing activities related to Hurricane Dolly. Motion carried unanimously.

Commissioner Kennedy asked if this proposal would reduce the contamination due to the low water pressure.

Mr. Covacevich stated when the water pressure went below 20 ounce per square inch there could be some contamination. He mentioned there were some issues with the older generator at the plant and the AEP Franchise Agreement. Mr. Covacevich stated that AEP needed to make Weslaco first priority when responding in times of disasters. He pointed out first priority was no electricity to the Wastewater Plant because the water had

to be flushed. Mr. Covacevich indicated the Sewer Plant would not treat the water and did not meet the standards that EPA required. He mentioned they needed to provide notice of violations to the State.

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

IV. CITY MANAGER'S REPORT

A. Report from CCI, Inc. on bid results for Bid Package #1 CMAR North Wastewater Treatment Plant.

Stan Connally, representing CCI, Inc., gave a report on the construction facility for the clarifier and adoration structures. He added they would be awarding the project to CSA Contractors, Inc. and there would be a saving of \$200,000.00 to the city from the original budget. Mr. Connally mentioned the contract would be executed the following day and TCEQ would allow the City of Weslaco to start construction.

Mr. Covacevich stated about three meetings they had approved Bid Package #3 to synchronize equipment.

B. Report from Marcy Garcia, Parks Superintendent, Llano Grande World Birding Center.

Marcy Garcia, Parks Superintendent of the Llano Grande Estero Park, gave an update on the park project, one of the nine sites of the World Birding Center. She mentioned this had been a long drawn project and the third State Park World Birding Center was opened in December, 2008. Ms. Garcia stated they were at 7,000 visitors; in December, 2008 they had 12,206 visitors; and to date they had 13,712 visitors. She mentioned the great majority of visitors came from 45 states throughout the United States, Canada, Mexico, Ireland, England, United Kingdom, Australia and Poland. Ms. Garcia stated one of the goals of the World Birding Center was to spread equal tourism throughout the Rio Grande Valley. She stated Texas Parks & Wildlife had a master planner and were working with the City Manager to discuss the city's involvement in this project and what the community's interest was in the state park. Ms. Garcia stated they were doing well because of the resources that they had and Lakeview Park would be cleaned and the building would be remodeled and the rare birds would add to the attraction of the park.

Mr. Covacevich stated they would be providing overnight accommodations for travel trailers and camping.

C. Status report on the City of Weslaco's Financial Report.

Leroy Gonzalez, Interim Finance Director, started to highlight the year to date financials of the city and Mayor de la Rosa asked if the handout had been provided before starting the meeting.

Mr. Gonzalez responded yes.

Mayor de la Rosa stated the City Commission had not reviewed the report and they needed at least 72 hours to review the information. He pointed out it could be submitted for the record and if they had any questions they would bring it up at the next meeting.

V. NEW BUSINESS

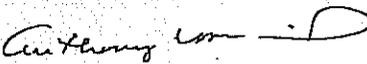
A. Discussion and consideration of the continued at will employment with the City of Weslaco City Manager, Anthony Covacevich. Possible action.

For the record, Mr. Covacevich read the following letter:



I, Anthony Covacevich, tender my resignation as City Manager for the City of Weslaco, effective today as per the attached Exhibit "A". I wish to thank the Weslaco City Commission and the citizens of the City of Weslaco for giving me the opportunity to serve as City Manager for the last 5 years. I have only best wishes for this community.

Signed this the 17th day of May, 2009.


Anthony Covacevich, City Manager

For the record, Mayor de la Rosa read the following letter:

City of Weslaco

"The City on the Grow"



Buddy de la Rosa, Mayor
John F. Cuellar, Mayor Pro-Tem, District 2
Soyla R. Gonzalez, Commissioner, District 1
Reno Rodriguez, Jr., Commissioner, District 3
Adrian Gonzalez, Commissioner, District 4
Lupa V. Rivera, Commissioner, District 5
Patrick B. Kennedy, Commissioner, District 6

Anthony Covacevich, City Manager

May 19, 2009

Anthony Covacevich, City Manager
255 S. Kansas Ave.
Weslaco, TX 78596

Dear Mr. Covacevich:

On behalf of the City of Weslaco, I wish to thank you for your 5 years of outstanding service to the City of Weslaco. Your hard work and dedication resulted on many projects coming to fruition and those projects have brought and will bring many jobs to the City of Weslaco.

You served the City of Weslaco and this City Commission during a time of tremendous growth and your hard work will not be forgotten. Your experience and knowledge of municipal law, planning and code enforcement were valuable assets that benefited the City of Weslaco.

On behalf of the City of Weslaco, I respectfully accept your resignation.

Sincerely,

Buddy de la Rosa, R. Ph.
Mayor

255 S. KANSAS AVE ■ WESLACO, TEXAS 78596-0283 ■ 958-988-3181 ■ WWW.WESLACOTX.GOV

Mayor de la Rosa stated he would accept the letter and execute Mr. Covacevich's resignation letter immediately at the end of the meeting in executive session.

B. Discussion and consideration to appoint an Interim City Manager and/or City Manager for the City of Weslaco. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to consider Item B in executive session. Motion carried unanimously.

Mayor de la Rosa stated they would discuss this item in executive session at the proper time.

- C. Discussion and consideration to abate, for at least sixty (60) days, all work and expenditures on all bond projects currently being engineered, designed and constructed for the City of Weslaco. Possible action.

Mayor de la Rosa amended the abovementioned item to read as follows:

Discussion and consideration to abate, for at least sixty (60) days expenditures on all bond projects currently being engineered, designed and constructed for the City of Weslaco. Possible action

Commissioner Cuellar recommended that invoices submitted prior to this day be considered. He suggested that after they had selected an Interim City Manager they could have a meeting within the next week to get a clarification on the status of the bond projects rather than delaying payment for 60 days. Commissioner Cuellar stated if all of Mayor de la Rosa's questions were answered satisfactorily they could proceed with the schedule of the engineers and architects and the construction work that had already been done.

Mayor de la Rosa stated if they voted on the item it would not the delay the process any longer than 60 days. He pointed out a workshop would delay the process longer. Mayor de la Rosa stated the sixty days would be to affirm that the funds were available and that the city was physically responsible to conduct the business and construct the projects. He pointed out the assessment of the projects could take less than sixty days.

A short discussion was held and Commissioner Cuellar asked Mr. Vela if this would affect any of the grants that they had pending for the stimulus funds.

Mr. Covacevich stated the city had submitted the application for a stimulus package, but it could involve the design of the project, but not the construction.

Commissioner Cuellar asked if the projects would continue as per the execution of the contracts and the only thing that was being asked was to hold the payments.

Mayor de la Rosa responded this was correct.

Mr. Vela stated the city had some contracts with the engineering firms, but the contract had default clauses that addressed these issues. He pointed out that notices would have to be made.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to abate all payments expenditures on bond projects currently being engineered and design for sixty days and instruct the City Attorney to look into any clauses in contracts that would put them in violations and instruct the Interim City Manager that is appointed to meet with the Mayor to look at any situation that might compromise the

city's ability to collect the Stimulus Package or compromise the stopping of these projects. Motion carried unanimously.

- D. Discussion and consideration to have the Weslaco City Manager review and evaluate the efficiency and provide an assessment of all departments of the City of Weslaco. Possible action.

Mayor de la Rosa stated there was a new commission and they had the opportunity to ask the Interim City Manager to conduct a review and evaluation of all the departments including the organizational chart and administration for the city to proceed forward.

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

Commissioner Cuellar stated discussion would be held regarding the appointment of an Interim City Manager and search for a City Manager. He asked if the instructions would be for the Interim City Manager or City Manager.

Mayor de la Rosa responded for the Interim.

Motion carried unanimously.

- E. Discussion and consideration to select an independent auditor to do a fraud audit for the City of Weslaco. Possible action.

Mayor de la Rosa recommended tabling the item for the next City Commission meeting.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to table the item for the next meeting. Motion carried unanimously.

- F. Discussion and consideration to approve and adopt the City of Weslaco Annual Financial Comprehensive Report for fiscal year ended September 30, 2008. Possible action.

Luis Castilleja, Auditor stated they would have to remove the approval of the audit because it conflict with the previous agenda item and the auditors' standards. He mentioned they had drafted a letter to the City Commission and had done considerable research on this issue. Mr. Castilleja stated they were informed by the State Board of Public Accountants of these steps and had delayed the item until they heard from the Interim City Manager. He pointed out that one of the audit standards was that they be informed of any illegal acts and fraud during the field work and they were never advised.

Mayor de la Rosa asked if he was referring to a non item and asked Mr. Vela if the item that Mr. Castilleja was referring to was the tabled item by the City Commission because it was no longer a part of the agenda.

Mr. Vela responded this was correct.

Mayor de la Rosa referred to the letter of notification that Mr. Castillejas had mentioned and asked who had to submit the letter.

Mr. Castillejas responded that the letter required two signatures one from the City Manager or the Mayor.

Mayor de la Rosa stated he believed that statute dictated it came from the City Manager.

Mr. Vela stated the letter of representation made by management was signed by the City Manager and the Interim Finance Director.

Mayor de la Rosa stated that letter was a part of the engagement letter from the CPA firm for the audit and the City Manager knew of no fraud.

Mr. Castilleja responded they have not received the letter.

Raul Hernandez, Auditor stated they had mailed a questionnaire inquiring of any knowledge of fraud acts or irregularities. He added this was part of the audit process. Mr. Hernandez stated they had been made aware recently of the word fraud. He mentioned their standards required that they expand the scope of the audit to determine whether or not there was any fraud based on what was provided to them.

Mayor de la Rosa stated their only obligation to the City Commission was to do the audit for Year 2008-2009 and the scope of the city's concerns and investigation may or may not overlap with their time. He stated that they were withholding the audit and it was already late. Mayor de la Rosa added this could result in financial penalties for the city and would have to seek legal remedies. He mentioned management had stated that there was no fraud; there was no allegation of fraud. Mayor de la Rosa pointed out whatever irregularities that they found whether they were there or not he did not know because he had not seen the report. He stated it was their responsibility to provide the audit for 2008-2009 as soon as possible.

Mr. Castilleja stated they understood, but were only following their standards and apologized for the delay and hoped to close the audit soon.

After a lengthy discussion, Mr. Vela stated he had advised the auditors to submit their comments in writing with all the proper documentation. He pointed out he would review the documents and prepare a recommendation.

Commissioner Kennedy stated the city qualified for \$600,000 from ORCA money but could not receive it until the audit was presented.

Mr. Castilleja stated that is not true, they presented a hard copy of the audit.

Mayor de la Rosa stated they had not received a copy.

Commissioner Kennedy stated they had been informed in open session that they did not get the monies because of the audit.

Mr. Vela stated that it an unsigned audit and was not valid until it was signed. He pointed out he had made some inquiries and it appeared that the monies would not be given to the city.

For the record, Mayor de la Rosa stated when the auditors were hired and brought on board all of the communications, directions and procedures had been at the City Manager's level, the Chief Financial level and never to the City Commission. He added any letters from the auditors should have been addressed to the Commission.

Mayor de la Rosa stated no action was required on Item F. and the City Manager had indicated that he had a letter that he was going to provide to them.

Mr. Covacevich stated the auditors had submitted a letter to his office.

Mr. Vela stated the letter was in his possession.

Mayor de la Rosa stated the City Attorney would meet with the City Manager as part of his final duties to execute the letter that would clarify the audit.

G. Discussion and consideration to change the meeting time of the Weslaco City Commission from 5:00 p.m. to 6:00 p.m. Possible action.

Mayor de la Rosa recommended changing the meeting time to 6:00 p.m.

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

H. Discussion and consideration to accept the bequest of \$497,302.00 library's share of the Marion Booth Estate and to direct city staff to set up a special interest bearing account for receipt of funds with the City of Weslaco's Bank Depository. Possible action.

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

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

Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, highlighted the chamber activity report and stated they would be launching a promotion between Mercedes and Weslaco to shop and dine in Weslaco. She stated the winter

visitors' registration had increased to 8,919 and the Onion Festival was a success. Mrs. Noell stated the chamber had spent around over \$22,000.00 in advertisement.

Mayor de la Rosa thanked Mrs. Noell for her report.

- J. Discussion and consideration to select a third-party engineer and alternate choice from the State Master List of Qualified Engineers to perform engineering services for the proposed project under the 2008 Supplemental Disaster Recovery Fund Applications for non-housing activities related to Hurricane Dolly under the Texas Community Development Block Grant Disaster Recovery Program of the Office of Rural Community Affairs (ORCA). Possible action.

Mr. Covacevich stated the purpose of the application was to provide generators for the water and wastewater plants. He mentioned the state had solicited proposals for engineers and a list of the approved engineers had been included in the agenda packet. Mr. Covacevich stated the city could select one or more to do these projects. He added the engineer would work to match the generation of the generators to the electrical demands of the water or wastewater plants.

Mayor de la Rosa stated they needed to select an engineering firm and an alternate. He mentioned for the record, the local vendors and engineers approved by ORCA were Cruz-Hogan Consultants, Inc.; Dos Logistics, Inc. and Sigler, Winston, Greenwood and Associates, Inc.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Cuellar to select Dos Logistics, Inc. as the primary; Cruz-Hogan Consultants, Inc as the secondary and Sigler, Winston, Greenwood and Associates, Inc. as the alternate engineer for both projects.

Mr. Covacevich stated one engineer would be for the water plant and another for the sewer plant.

Motion carried unanimously.

- K. Discussion and consideration to approve a budget amendment in the Water Fund in the amount of \$64,000.00 for purchase of water meters and equipment for new connections and meter replacements. Possible action.

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

- L. Discussion and consideration of Supplement Agreement No. 4 to the Contract Agreement between the City of Weslaco and TEDSI Infrastructure Group for engineering services for Westgate Drive between US 83 and Sugarcane Road and authorize the Mayor to sign the agreement. Possible action.

Mr. Covacevich stated this was the North Westgate Drive Project from Expressway 83 to North Sugarcane Road. He mentioned the State required for TXDOT to do the standard uniformity for environmental documentation. Mr. Covacevich stated this project required additional work and the contract would increase by \$15,000.00. He mentioned the funds would be derived from the General Fund and this project was approved by the MPO. Mr. Covacevich stated they could apply for the reimbursement of the engineer's cost.

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

- M. Discussion and consideration to approve Ordinance No. 2009-15 establishing the minimum standards for installation of irrigation systems within the corporate limits of the city and the extraterritorial jurisdiction; and providing for a criminal penalty, Class C misdemeanor not to exceed \$2,000.00 for violation of the code. First reading of Ordinance No. 2009-15. Possible action.

Mr. Covacevich stated the State required that a license be obtained for the installation of irrigation systems to protect the water supply.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Garza to approve Ordinance No. 2009-15 as presented. Motion carried unanimously.

- N. Discussion and consideration to approve a budget amendment in the amount of \$1,500.00 as a contribution to the Rio Grande Valley Fire Fighters and Fire Marshal's Association State Convention. Possible action.

Mr. Covacevich stated the state convention would be held in McAllen and they were asking all cities to contribute \$1,500.00. He recommended approval of the request and the funds would be derived from Community Promotion Budget.

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

- O. Discussion and consideration of a lease agreement between the City of Weslaco and the Office of Rural Community of Affairs to lease office space in the Weslaco City Hall located at 255 South Kansas Avenue in the amount of \$1.25 per square feet for 807 square feet and authorize the Mayor to execute the agreement. Possible action.

Mr. Covacevich stated the Office of Rural Community of Affairs was requesting office space and the city had office space in City Hall where the Urban Development Department used to be. He mentioned they would like to lease the space for \$1.25 square foot.

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

- P. Discussion and consideration to initiate Phase I Voluntary Conservation Criteria – Water Conservation and Emergency Water Demand Management Plan effective June 1, 2009. Possible action.

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

- Q. Discussion and consideration to authorize the Mayor to execute the Rural Emergency Services Contract between the City of Weslaco and Hidalgo County to provide fire emergency services within the rural areas. Possible action.

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

- R. Status report on the recording and broadcasting of the Weslaco City Commission Meetings.

Mr. Vela stated the last action that the City Commission took was to direct the City Attorney to prepare the interlocal agreement including the cost and forward to the Weslaco Independent School District attorney for their consideration. He added the agreement had been mailed to the school district and was waiting for their response.

- B. Discussion and consideration to appoint an Interim City Manager and/or City Manager for the City of Weslaco. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Kennedy to take this item into executive session.

VI. EXECUTIVE SESSION

At 6:45 p.m., Tuesday, May 19, 2008, Mayor de la Rosa announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 7:52 p.m., Tuesday, May 19, 2008, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

- A. Land Acquisition – Discussion regarding the acquisition of right-of-way on Westgate Drive. Possible action of what is discussed in executive session.

Mayor de la Rosa stated there will be no action on this item.

B. Discussion and consideration to appoint an Interim City Manager and/or City Manager for the City of Weslaco. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to appoint Francisco Castellanos as the Interim City Manager for the City of Weslaco until the position of permanent City Manager is filled.

Commissioner Kennedy advised the citizens as per the executive session discussion that the Commission would appoint an ad hoc committee. He mentioned each Commissioner and the Mayor would elect one member for each district and would have a period of 90 days to receive all resumes and interview a potential City Manager candidate and at the end they would bring the top three candidates to the City Commission and they would interview them.

Mayor de la Rosa stated he being at large he would appoint 6 members.

Motion carried unanimously.

For the record, Mayor de la Rosa stated Commissioner Cuellar was absent and not present for the vote. He stated it was a unanimous vote the City of Weslaco is under the new City Manager, Francisco Castellanos and would report to duty in the morning. Mayor de la Rosa stated in case of any emergencies that arise the staff would notify him.

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

CITY OF WESLACO

MAYOR, Buddy de la Rosa

ATTEST:

CITY SECRETARY, Amanda C. Elizondo

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