

Opp. 2/7/09

WESLACO CITY COMMISSION

REGULAR MEETING

JUNE 16, 2009

On this 16th day of June, 2009 at 5:02 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue and the following members were present.

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

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

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|----------------------|-------------------------|
| Mayor | Buddy de la Rosa |
| Mayor Pro-Tem | Rene Rodriguez, Jr. |
| Commissioner | Robert J. Garza |
| Commissioner | J.F. "Johnny" Cuellar |
| Commissioner | Gerardo "Jerry" Tafolla |
| Commissioner | Lupe V. Rivera |
| Commissioner | Patrick B. Kennedy |
| City Manager | Francisco Castellanos |
| Asst. City Secretary | Janie V. Balli |
| City Attorney | Ramon Vela |

Also present: Leroy Gonzalez, Interim Finance Director; Pete Garcia, Parks & Recreation Director; Gloria Sepulveda, Purchasing Director, Bernard Rodriguez, Interim Planning and Code Enforcement Director; and several staff members and citizens. Mayor Pro-Tem Rodriguez called the meeting to order, a quorum was established and the following proceedings were held.

Pastor Miguel Escamilla, from Iglesia Cristiana Bethel of Weslaco, gave the invocation. Mayor Pro-Tem Rodriguez recited the Pledge of Allegiance and the Pledge to the Texas Flag.

I. CONSENT AGENDA

NOTICE TO THE PUBLIC

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been

discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of Minutes

1. Regular Meeting of June 2, 2009

B. Second and final reading of the following ordinances:

1. Ordinance No. 2009-16 amending Zoning Ordinance No. 320 and the Zoning Map of the City of Weslaco to change the zoning of a 0.459 acre tract of land out of the southeast corner of Farm Tract 134 of the West Tract Subdivision, Llano Grande Grant, at 501 N. Border from "R-1" Single Family Dwelling District to "B-2" Secondary and Highway District. Possible action.
2. Ordinance No. 2009-17 amending Zoning Ordinance No. 320 and the Zoning Map of the City of Weslaco to change the zoning of a 1.26 acre tract of land out of Farm Tract 138, Block 162, West and Adams Tract Subdivision at 1600 W. US Expressway 83 from "R-1" Single Family Dwelling District to "B-2" Secondary and Highway District. Possible action.

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

For the record, the following ordinances read as follows:

ORDINANCE NO. 2009-16

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF THE 0.459 ACRE TRACT OF LAND OUT OF THE SOUTHEAST CORNER OF FARM TRACT 134 OF THE WEST TRACT SUBDIVISION IN THE LLANO GRANDE GRANT AT 501 N BORDER, FROM "R-1" SINGLE FAMILY DWELLING DISTRICT TO "B-2" SECONDARY AND HIGHWAY DISTRICT.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 2nd day of June, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 16th day of June, 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. 2009-17

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF THE 1.26 ACRE TRACT OF LAND OUT OF FARM TRACT 138, BLOCK 162, WEST AND ADAMS TRACT SUBDIVISION AT 1600 WEST U.S. EXPRESSWAY 83, FROM "R-1" SINGLE FAMILY DWELLING DISTRICT TO "B-2" SECONDARY AND HIGHWAY DISTRICT.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 2nd day of June, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 16th day of June, 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.

Martha Saenz, Administrative Assistant for Weslaco Police Department, stated she was grateful to the City Commission for supporting the Weslaco Scholarship Program and allowing the city employees that served on the committee to continue conducting fundraisers for the continuance of the Weslaco employees' sons and daughters' education. She pointed out she had a 2009 graduate who was a scholarship recipient of the Weslaco Scholarship Program.

III. CITY MANAGER'S REPORT

A. Weslaco Scholarship Program

Mr. Francisco Castellanos, City Manager, stated the City of Weslaco was proud of the Scholarship Program. For the record, he added Daniel and Martha Saenz's daughter was the 2009 Valedictorian for Mercedes High School. Mr. Castellanos pointed out it was standard practice that the students and their parents were recognized in a public reception prior to the meeting. He mentioned the City of Weslaco was very proud of all of them including the parents.

B. Status report on the Demolition and Site Clearing of the property located on 1211 North Bridge Avenue.

Mr. Castellanos stated the demolition project had been completed and this property was critical to the improvements that were taking place in this part of town. He pointed out the Economic Development of Corporation of Weslaco (EDC) had assisted with the funding to demolish the house.

C. Status report from Guzman & Munoz Engineering on the progress of the Engineering Assessment.

Mr. Castellanos stated the City Commission had asked the City Attorney and City Manager to negotiate an agreement with Guzman and Munoz Engineering to do an assessment of the scope of work that the engineer firms had procured in regards to the 2007 Bond Projects. He recommended delaying this item until later into the meeting.

D. Status report on the engagement of Manuel Garcia & Pena Certified Public Accountants

Mr. Castellanos stated this item was in relations to the issues raised in the previous audit and had asked the firm of Manuel Garcia and Pena Certified Public Accountants to assist the city with the issues raised. He mentioned they would also be assisting the city with the preparation of the coming budget for fiscal year 2009-2010. Mr. Castellanos stated the cost was under the City Manager's authorization and Mr. Garcia would be reporting periodically to the City Commission.

Ramon Vela, City Attorney, stated staff was required to abide by the bidding procedures when the amount was over \$15,000.00. He added the City Commission could object the City Manager's recommendation, but historically the City Manager was allowed to do settlement in an amount not to exceed \$5,000.00 in terms of lawsuits and contracts. He stated Mr. Castellanos had previously given notice to the City Commission in regards to this issue.

Commissioner Cuellar stated this was the first time he understood that the City Manager had authority of the amount of funds.

Mayor de la Rosa stated this had occurred in the past, but it was never brought to the City Commission and was not in line with state laws.

IV. MAYOR'S REPORT

A. Announcement of the ORCA Disaster Recovery Funding Application Deadline

Mr. Castellanos stated the information was received by ORCA; negotiations had started with the two engineer firms that the City Commission proposed. He added the City Commission had approved two projects, one for the water plant and the other for the sewer plant. Mr. Castellanos stated the final determination would be between ORCA and the engineering firms. He pointed out the cost for both projects were approximately \$360,000.00 to purchase generators for the water and sewer plants and administration costs.

C. Status report from Guzman & Munoz Engineering on the progress of the Engineering Assessment.

Jose Munoz, from Guzman & Munoz Engineering reported the following in regards to the engineering assessment (GMES No. P-647):

Firm Assessed: CDM

Project Reviewed:

North Wastewater Treatment Plant Improvements - Secondary Facilities
Expansion CDM Project No.: 64838

Notes:

- Construction Plans and Specifications
 - o Package No.1 (Issued 2/23/09)
Structural Plans prepared by Engineering Technologies were not signed or sealed.
 - o Package No.2 (Issued 3/23/09)
 - Specifications prepared by CDM were not signed and sealed.
 - o Package No.3 (Issued 4/23/09)
 - All plans included are signed and sealed with note "issued for construction".
 - o Missing sheets not included in any of the three packages
 - P1 Process Design Criteria
 - P2 Process Flow Diagram
 - M6 Blower Section and Details
 - M17 Plant Water Pump Station Plan and Sections
 - E13 Switchboard SWB-2 Electrical One Line Diagram & Details
 - E14 Motor Control Center MCC-2 One Line Diagram
 - E15 MCC-2 Details & Wire/Conduit Schedule
 - E16 Switchboard Area Partial Site Plan & Details
 - EE1 Partial Site Plan
 - EE2 Switch track No. 3 One Line Diagram & Pump House - Demolition & Modifications
- Addendums - There were 9 Addendums in the box provided by the City of Weslaco.
 - o Addendum No. 4 - Bid Package 003
Sheet M4 not signed or sealed.
Sheets M7, M8, M14, M15 are sealed but not signed.
 - o Addendum No. 1 - Bid Package 004
SWG plans included in addendum but not noted as "issued for construction".
 - o Addendum No. 2 - Bid Package 007
No technical specifications for design produced by SWG and/or Half Associates were found in box.
 - o No addendum for bid package 013.
- Front end documents were missing from the project manual.
- At the current time there was not an amended discharge permit approved by TCEQ.
- Bid summary sheets were included in the bid packages and two purchase orders were found in the box.

Mayor de la Rosa asked what was the completion percentage on the assessment.

Mr. Munoz stated they were approximately 60% complete and was still receiving information and were pending review of the bid summary sheets which were part of the project. He indicated they were in contact with CDM regarding questions that they had regarding the project.

Commissioner Garza asked what part of the project was not signed and sealed.

Richard LeFevre, engineer with Guzman and Munoz responded the structural plans were not signed and sealed. He added this plans were in regards to some of the headworks that Sigler, Winston and Greenwood were doing. Mr. LeFevre stated there were a few sheets that were not sealed and signed for the work that Halff & Associates was doing on the lift stations.

Commissioner Cuellar asked if some of the packages that were signed or sealed only included CDM or other engineers

Mr. Munoz responded Halff & Associates had some and in the addendum there were some sheets that did not include full size sets, the sheets were not executed and sealed. He mentioned the sheets included a note that read "issued for construction." Mr. Munoz stated fourteen packages had gone out for bids and only found two purchase orders in the box that was provided from CCI.

Mayor de la Rosa recommended that Mr. Munoz contact CDM to see if they had the signed and sealed documents because it was part of the assessment.

Mr. Munoz stated the next step was to find where everything was as far as the issues that were raised. He added they had not found the amended discharge permit, but had gotten documentation as of today. Mr. Munoz stated the TCEQ needed to approve the discharge permit before any construction began.

Commissioner Cuellar asked if everything seems to be in order and was he able to get the documentation that needed to be in place.

Mr. Munoz responded he had not asked for it.

Mayor de la Rosa stated he was concerned that the city did not have the documents.

Stan Connally, representative with CCI, stated on some of the documents that were turned in the construction manager at risk portion of the project with Sigler, Winston and Winston, Halff and Associates and CDM Design the bidding documents were sent as primarily documents to give to the interest vendors; purchase order to people or sub-contractors.

Mayor de la Rosa stated the information that he was presenting was procedural information. He recommended for CDM to provide any additional information to Guzman and Munoz so that they could complete the assessment. Mayor de la Rosa stated they needed to work together and a lot of the information did not meet the agenda items.

He stated they were very interested in finding out what had been built and the work that had been done as it related to the billing.

- B. Announcement of the Hidalgo Loop Public Meetings
- C. Notice of the Hidalgo County Metropolitan Organization (HCMPO) and the Texas Department of Transportation of amendment to the Hidalgo County Metropolitan Planning Organization By-Laws and FY 2008-2011 Transit Tip.

Mayor de la Rosa postponed his report to the next meeting.

V. OLD BUSINESS

- A. Second and final reading of Ordinance No. 2009-18 amending Ordinance No. 2007-33 to change the City Commission Regular and Special Meeting times from 5:00 p.m. to 6:00 p.m.; to provide for the posting of agendas in compliance with the Texas Open Meetings Act ordaining other matters with respect to the subject matter hereof. Possible action.

Motion was made by Commissioner Kennedy and seconded by Mayor Pro-Tem Rodriguez to approve Ordinance No. 2009-18 as presented. Motion carried unanimously.

For the record, Ordinance No. 2009-18 read as follows:

ORDINANCE NO. 2009-18

AN ORDINANCE AMENDING ORDINANCE NO. 2007-33 TO CHANGE THE CITY COMMISSION REGULAR AND SPECIAL MEETING TIMES FROM 5:00 P.M. TO 6:00 P.M.; TO PROVIDE FOR THE POSTING OF AGENDAS IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT 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 2nd day of June, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 16th day of June, 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

VI. NEW BUSINESS

- A. Status report from Martha Noell, Executive Director regarding chamber activities. Possible action.

Martha Noell, Executive Director stated they conducted a vacation photo contest. She mentioned they sponsored the Great Texas Birding Classic Energy Saver and received \$3,000.00 for the Valley Nature Center for a conservation project. Mrs. Noell reported on the World Birding Center and stated they were planning a marketing effort for the nine sites. She mentioned they placed an advertisement in a business journal in Las Vegas and got a response regarding a business and property in Weslaco. Mrs. Noell invited the City Commission to a workshop June 17, 2009 at 4:00 p.m. regarding the Onion Festival. She pointed out as of May the tourist visitors' center had 9,400 and exceeded last year's amount.

B. Discussion and consideration to approve Resolution No. 2009-21 regarding the distribution of American Recovery and Reinvestment Act Funds. Possible action.

Motion was made by Commissioner Kennedy and seconded by Mayor Pro-Tem Rodriguez to approve Resolution No. 2009-21 as presented. Motion carried unanimously.

For the record, Resolution No. 2009-21 read as follows:

RESOLUTION NO. 2009-21

THE STATE OF TEXAS § DISTRIBUTION OF AMERICAN RECOVERY AND
COUNTY OF HIDALGO § REINVESTMENT ACT FUNDS.
CITY OF WESLACO §

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has allocated \$67,499,286 in Community Development Block Grant funding to entities in Texas; and,

WHEREAS, of this total, \$19.5 million has been allocated to the Office of Rural Community Affairs (ORCA) for distribution to eligible entities through the Texas CDBG Program under the American Recovery and Reinvestment Act (ARRA) of 2009, Public Law 111-5; and,

WHEREAS, utilizing ORCA's funding distribution formula (TXCDBG Action Plan) Border Councils of Government would receive the following allocations in ARRA funds: Rio Grande Council of Governments (RGCOG) \$779,887; Middle Rio Grande Development Council (MRGDC) \$812,566; South Texas Development Council (STDC) \$827,850; and the Lower Rio Grande Valley Development Council (LRGVDC) \$864,248; and,

WHEREAS, these Border COGs successfully utilize the Regional Cooperative Agreement Process in the distribution of regular CDBG funding allocations; and,

WHEREAS, the Regional Cooperative Agreement applications on file with ORCA by RGCOG, MRGDC, STDC, and the LRGVDC request funding only for the amount allocated through the regular CDBG program for each region and these applications were submitted prior to any knowledge regarding funding possibilities through ARRA.

NOW, THEREFORE, BE IT RESOLVED by the City of Weslaco, Hidalgo County Commissioners' Court that the ORCA Board allow whatever flexibility is necessary in the application process to ensure that the RGCOG, MRGDC, STDC, and the LRGVDC have adequate opportunities to fully utilize the ARRA supplemental funding allocated to these regions noted in this resolution along with the opportunity to fully utilize funds allocated through the existing 2009/2010 Community Development Fund Program.

PASSED AND APPROVED this 16th day of June, 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

- C. Discussion and consideration to approve final payment and a supplemental invoice for extended scope services to Raul Hernandez and Luis Castilleja, Certified Public Accountants for services performed in connection with the City of Weslaco's Annual Financial Audit Fiscal Year ending September 30, 2008 in the amounts of \$7,400.00 and \$5,000.00, respectively, for a total of \$12,400.00. Possible action.

Mayor de la Rosa stated the auditors did not finish the presentation and recommended to delay the final payment until the audit was 100% complete.

Commissioner Kennedy recommending tabling and scheduling a workshop or special meeting to further discuss the audit.

Mayor de la Rosa stated they could place the item for discussion at the next City Commission meeting.

Mr. Vela recommended taking no action and this would automatically bring to the next meeting.

Mayor de la Rosa announced no action would be taken.

- D. Discussion and consideration to approve Change Order No. 3 from TRC Utilities in connection with the Mile 5½ West Sanitary Sewer Improvements for a decrease in the contract price of \$9,356.33 for the Betterment Fund Adjustments. Possible action.

Randy Winston, City Engineer, stated the change order reflected a reduction of price for final adjustments and recommended approval.

Motion was made by Commissioner Tafolla and seconded by Commissioner Garza to approve the change order as presented. Motion carried unanimously.

- E. Discussion and consideration to approve Pay Request No. 10 and Final in the amount of \$51,607.61 for TRC Utilities for the sanitary sewer improvements along Mile 5½ West. Possible action.

Mr. Winston stated this item was in relation to the one above and recommended approval of the final pay request.

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

- F. Discussion and consideration to approve Final Payment to Sigler, Winston, Greenwood & Associates, Inc. in the amount of \$14,271.82 for engineering services in connection with the wastewater line along Mile 5½ West. Possible action.

Motion was made by Commissioner Kennedy and seconded by Commissioner Garza to approve the final payment to Sigler, Winston and Greenwood Associates, Inc. as presented. Motion carried unanimously.

- G. Discussion and consideration to approve Final Payment to Sigler, Winston, Greenwood & Associates, Inc. in the amount of \$12,500.00 for engineering and surveying services in connection with the International Bank Subdivision. Possible action.

Commissioner Cuellar asked if the City Manager was overseeing the payments.

Mr. Castellanos stated the payments were presented to the City Secretary's Office and distributed to the appropriate departments to ascertain the process of procurement was being followed.

Commissioner Cuellar inquired about the seal that was required in some documents and who was checking to make sure that everything was correct. He asked if there was someone on staff that was trained to review all the documents.

Mr. Castellanos responded the staff was not trained.

Commissioner Cuellar stated the procurement officer was trained to look at the seals and documents.

Mayor de la Rosa stated he concurred with Commissioner Cuellar's comments and the city needed to be consistent.

Motion was made by Commissioner Tafolla and seconded by Mayor Pro-Tem Rodriguez to approve the final payment from Sigler, Winston, Greenwood and Associates as presented. Motion carried unanimously.

- H. Discussion and consideration of a request to extend the Conditional Use Permit for an additional six months a mixed beverage and late hours permit at a restaurant at 1400 N. Westgate Drive, Weslaco, Texas, also being a 1.177 acre tract of land out of Farm Tract 146, West Tract Subdivision. (Requested by Taylor Seafood Restaurant, Inc. Bobbi Taylor.) Possible action.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to extend the Conditional Use Permit for Taylor Seafood Restaurant, Inc. requested by Bobbi Taylor. Motion carried unanimously.

I. Discussion and consideration regarding the following bids received on tax resale properties described as follows:

Gus Martinez, Attorney for Linebarger & Goggan, presented the following bids for the resale tax properties. He referred to Pages 77 to 88 of the agenda and stated the properties reflected on pages 77, 78 and #87 were city properties and pulled out prior to the sale because the property owners had enter into a payment agreement. Mr. Martinez stated the City Commission could reject the bid and rebid or the properties would be placed on the tax roll again. He mentioned all the properties that were being presented were detailed in the agenda package and highlighted the amount of monies that the city would be receiving if the bids were accepted. Mr. Martinez added the city could try rebidding the properties and hopefully get better offers. He recommended denying the last two properties and be at the City Commission's discretion.

Motion was made by Commissioner Cuellar to take the following action and accept the bids as proposed on Items #1 through #6 and denied Items #7 and #8.

After a short discussion of the bids, Commissioner Cuellar withdrew his motion and requested to discuss each item individually.

1. Lot 23, Block 4, Garden Terrace Estates, Unit No. 1 Addition, City of Weslaco, Suit No. T-323-03-H, for \$8,868.96. (Requested by Vincent Capetillo, 615 Melos Lane., Palmview, Texas 78574)

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

2. Lot 26, Block 2, L.D. Morgan Addition, City of Weslaco, Suit No. T-1025-04-H, for \$979.20. (Requested by Jose Rodriguez Olivarez, 7705 Starnberg Lake, Corpus Christi, Texas 78513)

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to take the following action and deny the item. Motion carried unanimously

3. Lot 6, Block 5, Kaymar Subdivision., Unit No. 3, Suit No. T-1162-04-A, for \$592.40. (Requested by Rene Navarro, 505 E. Yucca, McAllen, Texas 78504)

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to take the following action and deny the item. Motion carried unanimously.

4. Lots 8 & 9, Block 3, Original Townsite, City of Weslaco, for \$997.92. (Requested by Daniel Adame, 619 N. Padre, Weslaco, Texas 78596)

Motion was made by Commissioner Tafolla and seconded by Commissioner Garza to take the following action and deny the item. Motion carried unanimously.

5. Lot 11, Block 4, El Texano Addition, an addition to the City of Weslaco, Suit No. T705-05-C, for \$3,374.28. (Requested by Daniel Adame, 619 N. Padre, Weslaco, Texas 78596)

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

6. Lots 23 & 24, Block 5, Christensen Subd., an addition to the City of Weslaco, Suit No. T-1041-06-F, for \$172.08. (Requested by Daniel Adame, 619 N. Padre, Weslaco, Texas 78596)

Motion was made by Commissioner Tafolla and seconded by Commissioner Garza to take the following action and deny the item. Motion carried unanimously.

7. Lot 22, Block 5, Christensen Subd., Suit No. T-1043-06-H, for \$0.00. (Requested by Nancy P. Sanchez, 2314 Northgate Drive, Weslaco, Texas 78596)
8. Lot 9, Block 6, Diana Subd., Suit No. T-208-07-B, for \$98.64. (Requested by Ernestina E. Cano, 2203 La Condesa, Edinburg, Texas 78539)

Mayor de la Rosa stated Items #7 and #8 would be re-bid because of lack of response from the public.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to take the following action and deny Items #7 and #8 as presented. Motion carried unanimously.

- J. Discussion and consideration to lift the abatement on the engineering and construction relating to the 2007 Bond Issue Projects.

Mayor de la Rosa stated they were waiting on the completion of the assessment. He added Guzman and Munoz Engineering Firm was approximately 60% done and a special meeting would be schedule when it was completed.

Commissioner Cuellar stated they had received verification that everything was on tract to lift the abatement and proceed with the work. He mentioned they were waiting for approval because the prices could not be placed on hold.

Motion was made by Commissioner Garza and seconded by Commissioner Cuellar to lift the abatement on the engineering and construction relating to the 2007 Bond Issue Projects.

Mayor de la Rosa stated the assessment was 60% complete and the city was not ready to lift the abatement on the bond projects. He mentioned the process that was being used and time was satisfactory and there were no delays from the engineers. Mayor de la Rosa stated as soon as it was done they could schedule a special meeting and review the findings and decide whether or not to proceed forward.

Stan Connally stated the city had received information regarding their invoices and percentages of the work done. He added CDM had sent invoices to the owner up to 85% of the contract amount and had not been paid. Mr. Connally stated they had not billed the city 100% or their deliverable. He asked the City Commission that when they took action on this item they were harming the three design firms. Mr. Connally mentioned they were not working with any design firm or any kind of construction without stamped, sealed for construction prints.

Mayor de la Rosa stated there were no signed and sealed documents had been submitted to the city.

Mr. Connally responded they were not 100% complete with the job and assessment and it could not be done until they were 100% complete. He added they could not do any of the construction.

Mayor de la Rosa stated the company that was being harm was CMAR Company.

Mr. Conally responded the name of the company was CCI.

Mayor de la Rosa stated this was the company that was owned by CDM.

Mr. Connally responded yes, this was the company that had an individual contract with the City of Weslaco.

Mayor de la Rosa stated he understood that Mr. Connally had a special interest for his firm and was a subsidiary to CDM. He added CCI was the company that had the contract for the construction manager-at-risk and that was the reason why he recommended not hiring them because there was a conflict.

Mr. Connally stated he disagreed and would prove him wrong.

Commissioner Cuellar stated he was concerned with the delays on the projects and was too late to post a meeting for this week. He mentioned the project would be delayed for another week if they did not lift the abatement. Commissioner Cuellar stated the city was in jeopardy of losing some of the bids that had been received. He mentioned it was to the best interest of the city to lift the abatement and proceed forward and award the packages that were prepared. Commissioner Cuellar added he had not heard anything

from Mr. Munoz that indicated that CDM or CCI were in violation of any part of the contracts or from legal counsel.

Mr. Munoz stated they only had what was given to them and Mr. Vela had stated there were seven additional boxes. He mentioned his company had not gotten any invoices and maybe there were in those seven boxes.

Mayor de la Rosa stated the city could not ask Mr. Munoz's firm to work at a faster pace because they were working as expediently as they could. He mentioned the City Commission needed to maintain the integrity of the city by holding back the additional work until the assessment was completed.

Commissioner Cuellar stated the city had bonding contracts with these international firms that had strong creditability and the work that was being delay would not comprise the stimulus grant for the wastewater treatment plant. He mentioned they needed to continue with the work and when the assessment was complete; they could continue to make sure that everything was in line. Commissioner Cuellar stated the city comprised too many projects in the middle of hurricane season and could not talk about the drainage in Las Brisas Subdivision until they proceeded with the work that needed to be done.

Mr. Castellanos stated staff had gotten additional information regarding the application and was moving forward. He pointed out the city had resubmitted the documents and the Texas Water Development Board (TWDB) advised the city was eligible for grants or loans at a low interest rate. Mr. Castellanos mentioned TWDB funding was based on the fact that cities would submit the applications between June 15th and July 15, 2009. He indicated once the TWDB received the applications they would check for eligibility for reimbursement. Mr. Castellanos stated the elements for reimbursement was that the bidding and procurement process was followed and met federal, state and TWDB procurement guidelines. He mentioned CDM had been in communication with them about the projects that the city was proposing under the twenty million dollar stimulus money and were the same projects that the city had under construction or proposed to be constructed under the bond. Mr. Castellanos stated the strategy was to submit the application to the TWDB, recoup the money and apply to the projects that were not funded because the city did not have the funds. He mentioned they needed to follow the guidelines because the city was in jeopardy of losing half of the funds and the grant portion would not be reimburse.

Mayor de la Rosa stated the assessment would conclude verification that the city was following the guidelines and would be eligible for the ten million dollars.

Mr. LeFevre stated the city would have to send the procurement and bidding information, contracts and assessment to the TWDB.

Commissioner Cuellar stated the city was in the process of getting the assessment and finding solutions to improve the drainage problems for Las Brisas Subdivision.

Mr. Castellanos stated the city submitted additional information and requested that the numbers be redone.

Mayor de la Rosa stated with the amended application it made Weslaco eligible for the grant instead of a loan. He added that the additional four or five days that were needed to complete the assessment would provide them an answer on the outcome of the grant application.

Commissioner Cuellar stated the assessment had nothing to do with the grant money. He added there was work that was being delayed that was under contract with CDM and CCI. Commissioner Cuellar stated there were some clauses in their contracts that allowed them to demobilize at a great expense to the city. He mentioned this work had been started and there was nothing wrong.

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

- K. Discussion and consideration to approve the Contribution in Aid of Construction Agreement with AEP Texas for the placement of street lights in Garden Terrace Subdivision and authorize the Mayor to execute the agreement. Possible action.

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

- L. Discussion and consideration to accept the recommendations from CDM on the following bids:

1. BID PACKAGE 1 - Concrete and Earthwork
 - Recommendation to cancel contract with CSA and award to L&G Concrete (within budget)
2. BID PACKAGE 4 - PVC, DIP, SS Pipe & Valves
 - Recommendation to award to Ferguson (within budget)
3. BID PACKAGE 7 - Influent Pumps, Headworks Screens, Slide Gates (Headworks, Aeration Basin Chlorine Injection Box), RAS Pumps, Scum Pumps, BFP, Sludge Pumps
 - Recommendation to award to BDP (within budget), Vulcan (within budget), Lobeline (within budget), Wemco (over budget but is only mfr that meets spec and overall package #7 is still within budget) and Whipps (within budget) per bid tab enclosed
4. BID PACKAGE 13- Emergency Generators (2@1,000kW)
 - Recommendation to award to Cummins per enclosed bid tab (within budget)

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafollar to take the following action and approve Items L, 1 through 4 as presented. Motion carried unanimously.

VII. EXECUTIVE SESSION

At 6:30 p.m., Tuesday, June 16, 2009, Mayor de la Rosa announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 8:30 p.m., Tuesday, June 16, 2009, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

Mr. Vela stated for purpose of the Open Meetings Act, the time was passed 5:30 p.m. and the City Commission could discuss the Addendum Items.

- A. Discussion with the City Manager regarding an economic development project in the City of Weslaco and if necessary have the Mayor execute a development agreement between the City of Weslaco and the Economic Development Corporation of Weslaco (EDC). Possible action of what is discussed in executive session.

Motion was made by Commissioner Kennedy and seconded by Commissioner Cuellar that the City of Weslaco enter into a development agreement with the Economic Development Corporation of Weslaco (EDC) for the sale and development of a 4.43 acre tract of land out of Farm Tract 53, Block 142, West Tract Subdivision, (the former city barn) for an appraisal value of \$354,000.00 and authorize the Mayor to execute the agreement. Motion carried unanimously.

Mayor de la Rosa proceeded with the ADDENDUM ITEM.

I. EXECUTIVE SESSION

- A. Personnel - discussion with City Manager regarding the appointment of a permanent Chief of Police with the consent of the Weslaco City Commission as required by Article V, Section 21 of the Weslaco City Charter. Possible action of what is discussed in executive session. (This item was requested by Commissioners: (Gerardo "Jerry" Tafolla and Rene Rodriguez, Jr.)
- B. Discussion with the City Manager regarding the duties and responsibilities to the Weslaco City Commission. Possible action of what is discussed in executive session. (This item was requested by Commissioners: Gerardo "Jerry" Tafolla and Rene Rodriguez, Jr.)
- C. Discussion with the City Manager to amend the City of Weslaco Organizational Chart with respect to the Weslaco Police Department and to discuss the creation of an Assistant Chief of Police position. Possible

action of what is discussed in executive session. (This item was requested by Commissioners: Gerardo “Jerry” Tafolla and Rene Rodriguez, Jr.)

Mayor de la Rosa announced no action would be taken on the abovementioned items and adjourned the meeting.

CITY OF WESLACO

MAYOR, Buddy de la Rosa

ATTEST:

ASST. CITY SECRETARY, Janie V. Balli

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