

Agg 6/16/09

WESLACO CITY COMMISSION

REGULAR MEETING

JUNE 2, 2009

On this the 2nd day of June, 2009 at 5:00 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.

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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 |
| City Manager | Francisco Castellanos |
| 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. Commissioner Patrick B. Kennedy was absent. Mayor de la Rosa called the meeting to order, a quorum was established and the following proceedings were held.

Pastor Rene Vega, from Faith Church of Weslaco, gave the invocation. Mayor de la Rosa 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event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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. Special Meeting of May 19, 2009
 - 2. Regular Meeting of May 19, 2009

- B. Request from Jay Dee Flores to block Yarbrough Street to hold a 100th Birthday Party for Marina Gonzalez. Possible action.

- C. Request from the AARP Tax-Aid Program to use the Old City Commission Room for Tax Services every Wednesday starting on February 4, 2010 until April 15, 2010 and to waive all fees associated with the use of facility. Possible action.

- D. Request from the Weslaco Parks & Recreation Board and Weslaco Scholarship Program to host the Fourth Annual 4th of July Celebration on Saturday, July 4, 2009 at the Isaac D. Rodriguez Park from 12:00 noon until 9:00 p.m., to sell beer during the event and to have a fireworks display at 9:00 p.m. with assistance from the Parks, Fire and E.M.S Departments and to waive all fees associated with the event. The Weslaco Parks Board also requests a \$4,000.00 budget to cover the expense for the fireworks and live entertainment. Possible action.

Mayor de la Rosa requested that Item I., C. be removed from the consent agenda and Commissioner Tafolla also requested that Item I., D be removed for further discussion.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to approve the consent agenda with the exception of Items I., C and D. Motion carried unanimously.

Mayor de la Rosa asked if AARP was a tax-exempt organization and if they had presented a certificate.

Mr. Francisco Castellanos, City Manager, responded AARP had a 501-C-3 Certificate, but no certificate had been presented.

Keith Bennett, AARP Representative stated their organization was connected with the IRS and they had been using the Weslaco Public Library for the past two years. He mentioned AARP consisted of a group of volunteers that would perform tax preparation services. Mr. Bennett stated they were asking for Wednesdays and Fridays starting February 10th through April 15, 2010. He pointed out they had assisted six hundred people this year.

No action on this item.

Commissioner Tafolla recommended holding the 4th of July Celebration in the Harlon Block Park Sports Complex.

Pete Garcia, Parks & Recreation Director, stated the purpose for having the event at the Isaac D. Rodriguez Park was to have the pool opened. He pointed out the pool would be open to the public at no cost and would add water park rides with the use of the pool. Mr. Garcia mentioned this was the only event that was done at the Isaac Rodriguez Park. He stated they were requesting \$4,000.00 from the Special Activities Account for the fireworks display.

Commissioner Tafolla stated some citizens were requesting that the Harlon Block Park Sports Complex be used to start an American Tradition because of Harlon Block, a marine and true hero. He read a letter that he received from a citizen that was making the request.

Commissioner Rivera agreed with Commissioner Tafolla because it commemorated with the 4th of July Celebration.

Mayor de la Rosa stated it was a good recommendation; however, a special day was set aside which was Memorial Day Holiday in honor of all the heroes and military servicemen. He added the city had plans to build an Iwo Jima Monument with an American flag at the Harlon Block Park Sports Complex. Mayor de la Rosa stated this would be a memorial for the fallen soldiers and would like to bring a wall to Weslaco.

Mayor Pro-Tem Rodriguez stated he agreed with Mayor de la Rosa's recommendation and Commissioner Tafolla, but the city had made preparations for this event and it was too late to be making any changes.

Mr. Garcia stated additional electrical work needed to be done to hold more activities and this was one of the reasons that the other two parks were used.

Mayor de la Rosa recommended for Mr. Garcia to look into the relocation of the event and bring a recommendation to the City Commission.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Cuellar to approve Item D. as presented. Motion carried unanimously.

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 HEARINGS

- A. To discuss and consider a request to amend 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. Requested by Norberto Camarillo. First reading of Ordinance No. 2009-16. Possible action.

Mayor de la Rosa announced this item was a public hearing and any one wishing to speak for or against it could do after staff's presentation.

Bernard Rodriguez, Senior Planner stated the petitioner was requesting a "B-2" Secondary and Highway District to establish an automotive garage. He added the previous land use was an automotive painting facility and the site consisted of a 0.459 acre. Mr. Rodriguez stated the property was located at the northwest corner of Panther Drive and Border Avenue. He mentioned the property was surrounded by the HEB Distribution Center on the south side and South Texas College to the east, both properties were zoned "I" Industrial District and to the north and west side was the Weslaco Independent School District zoned "R-1" Single Family Dwelling District. Mr. Rodriguez stated the City of Weslaco Comprehensive Plan recommended a desirable land use pattern for an Institutional Research to the north, east and west side and utility to the south side. He indicated the legal notice was published in the Monitor Newspaper on May 4, 2009 notifying the public of the request and letters were mailed to four property owners residing within the 200' radius of the project site. He mentioned no comments were received for or against the request and on May 20, 2009 the Planning and Zoning Commission approved the request. Mr. Rodriguez recommended approval of the request.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to close the public hearing. Motion carried unanimously.

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

- B. To discuss and consider a request to amend 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. Requested by City of Weslaco. First reading of Ordinance No. 2009-17. Possible action.

Mayor de la Rosa stated this item was a public hearing and any one wishing to speak for or against it could do so after staff's presentation.

Mr. Rodriguez stated the petitioner was proposing to establish commercial use at the site formally TxDOT right-of-way for Expressway 83. He added the property was

located at the northeast intersection of Westgate Drive and U.S. Expressway 83 Frontage. Mr. Rodriguez stated the property was surrounded by “B-2” Secondary and Highway and the City of Weslaco’s Comprehensive Plan recommended a desirable land use as Regional Commercial. He added the legal notice was published in the Monitor Newspaper on May 4, 2009 and letters were mailed to six property owners residing within the 200’ radius of the proposed site. Mr. Rodriguez stated staff had no comments for or against the request and on May 20, 2009, the Planning and Zoning Commission had approved the request. He mentioned staff was recommending approval of the request.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Cuellar to close the public hearing. Motion carried unanimously.

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

- C. To discuss and consider the approval of a Conditional Use Permit for a Mixed Beverage and Late Hours Permit, Dance Hall Permit and to have coin operated vending machines at 3700 E. Expressway 83, Weslaco, Texas also being Lot 5, Replat Red Bird Subdivision Unit 2. Requested by Robert Perales. Possible action.

Mayor de la Rosa announced the following item was a public hearing and any one wishing to speak for or against it could so do after staff’s presentation.

Mr. Rodriguez stated the petitioner was requesting a conditional use permit to operate the Paradise Bar and Grill Roadhouse, a new development that offered live music, billiards and a limited food menu. He pointed out the new construction would consist of 7,000 square feet or more with a covered outdoor patio. Mr. Rodriguez stated the hours of operation would be from 1:00 p.m. to 2:00 a.m., Monday through Sunday. He mentioned the site was zoned “B-2” Secondary and Highway District as the surrounding properties. Mr. Rodriguez stated the legal notice was published in the Monitor Newspaper on May 4, 2009 and letters were mailed to five property owners residing within the 200’ radius of the proposed site. He mentioned no comments were received for or against the request and on May 20, 2009, the Planning and Zoning Commission approved the request. Mr. Rodriguez recommended approval of the request.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to close the public hearing. Motion carried unanimously.

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

IV. CITY MANAGER’S REPORT

- A. Report on the partial reimbursement from the Weslaco Independent School District on the cost of Lift Station No. 41.

Mr. Castellanos stated the Weslaco Independent School District held a workshop to discuss the abovementioned item. He pointed out the school had agreed to place the item on their agenda for the following week to consider partial reimbursement to the city for Lift Station No. 41. Mr. Castellanos stated the school had some questions that they would like to discuss and requested that a city representative be present at their meeting to provide legal status and document for reimbursement.

David Salinas, Public Facilities Director, stated there were two pending items that they needed to address with the Bond Company.

Mr. Vela stated the contractor had abandoned the project that triggered notification to the bonding company. He added there was a pending punch list and the bonding company had paid some items. Mr. Vela stated these were probably the questions that the school wished to discuss as part of the agreement. He indicated the city had to clean up the old site, take remedial action and turn it over to the school. Mr. Vela stated he would provide a written report and circulate to the City Commission.

- B. Report on the procedure to review and evaluate the efficiency and assessment of all City of Weslaco departments and their budgets.

Mr. Castellanos provided a report on the assessment of the departments and budgets. He pointed out he had met with the Financial Advisor and a workshop was scheduled with the auditors and engineer for the following week. Mr. Castellanos stated he was developing the strategy and would start with the Finance and Public Safety (Police and Fire).

V. MAYOR'S REPORT

- A. Report on the recapture of the Urban County Funds for the Urban County Program Year 22.
- B. Report on the recapture of the Office of Rural Community Affairs Stimulus Funds.

Mr. Castellanos stated the ORCA funds totaled to \$964,000.00 and were working on recapturing the funds through the county.

Mayor de la Rosa stated the city would not be getting the funds, but the county would adopt the city's projects into their work plan. He mentioned this was the result of not having the audit in time.

Mr. Castellanos stated this included both items: Item A was \$364,000 and B. was \$600,000. He mentioned the \$364,000 would be reduced by \$12,000.00 because the county had recaptured those funds.

- C. Announcement of a City Manager AD HOC Selection Committee.

Mayor de la Rosa stated they would address this item under the Addendum Item.

VI. BOARD APPOINTMENT

- A. Traffic Safety Council – Three (3) members’ term expire June 6, 2009. Possible action.

Motion was made by Commissioner Tafolla and seconded by Mayor Pro-Tem Rodriguez to reappointed Fred McCaleb to the Traffic Safety Council. Motion carried unanimously.

Motion was made by Commissioner Tafolla and seconded by Mayor Pro-Tem Rodriguez to reappointed Albert Aldana to the Traffic Safety Council. Motion carried unanimously.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to appoint Vincent Pena, resident of 101 Lilia Street to the Traffic Safety Council to replace Esteban Martinez, III. Motion carried unanimously.

Commissioner Tafolla stated Mr. Pena was an electrician at Magic Valley Co-op.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to rescind the motion. Motion carried unanimously.

Motion was made by Commissioner Tafolla and seconded by Mayor Pro-Tem Rodriguez to appoint Juan Gonzalez, 309 Adelita Street to the Traffic Safety Council to replace Fred McCaleb. Motion carried unanimously.

VII. OLD BUSINESS

- A. Second and final reading of Ordinance No. 2009-15 establishing the minimum standards for installation of irrigation systems within the corporate limits of the City of Weslaco and the extraterritorial jurisdiction; and providing for a criminal penalty, Class C Misdemeanor not to exceed two thousand dollars (\$2,000.00) for violation of the Code and ordaining other matters with respect to the subject matter hereof. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Cuellar to approved Ordinance No. 2009-15 on second and final reading. Motion carried unanimously.

For the record, Ordinance No. 2009-15 read as follows:

ORDINANCE NO. 2009-15

ESTABLISHING THE MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF WESLACO AND THE EXTRATERRITORIAL JURISDICTION; AND PROVIDING FOR A CRIMINAL PENALTY, CLASS C MISDEMEANOR NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATION OF THE CODE AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER

HEREOF.

Passed and adopted on first reading this 19th day of May, 2009.

Passed and adopted on second and final reading this 2nd 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

VIII. NEW BUSINESS

A. Presentation by Don Vandertulip, P.E., C.D.M. Bond Management Projects representative on the current design and construction status of the 2007 Weslaco Bond Issue projects. Possible action.

Don Vandertulip, P.E., C.D.M. Bond Management Projects representative, stated he had been working with the city on the bond project since February. He mentioned in 2006 they had twenty Infrastructure Projects that were identified for the 2007 Bond Program, an estimate of \$21.8 million for utilities related projects. Mr. Vandertulip stated the projects were as follows: Streets Re-paving; additional capacity at the Water and Wastewater Plants; Lift Stations Rehabilitation and eliminated projects; Repainting of the Water Tower; and larger emergency generator for the South Wastewater Plant. He highlighted the City of Weslaco 2007 Bond Program Status Report; map showed the location of the various projects of north water and wastewater treatment plant; and twenty-six manholes would be replaced with fiberglass.

Mayor de la Rosa asked Mr. Vandertulip if he would report on the projects that were funded.

Commissioner Cuellar stated that in the event that the grants for the stimulus package were approved then the funds would pay for the projects under design and construction.

Mayor de la Rosa stated there was no bond money for the Border Project because they had miscalculated the funds and had to prioritize the projects.

Commissioner Cuellar stated the Bond Counselor, Jesus Ramirez, had recommended identifying all the projects that the city would like to work on. He mentioned once they issued the bonds if they chose to work on one of the projects that was not a priority, than they could legally pay for the rehabilitation of the lift station because it was identified as a potential bond project. Commissioner Cuellar added the City Commission knew that there was not enough money for all of the identified projects.

Mayor de la Rosa stated that Mayor Pro-Tem Rodriguez and he had met with the bonding companies to discuss a certain bond issue amount, but due to the city's bonding

capacity the city's proposed amount was reduced to \$21 million on the revenue side. He mentioned due to the amount that was allowed the city had to cut the amount of projects. Mayor de la Rosa stated he had objected to the language that Mr. Ramirez had recommended because he felt that the language should be more specific to inform the citizens exactly what they would be paying. He pointed out he was concerned that they were not giving the citizens what they had told them they would.

Mr. Vandertulip stated changes were made on the projects and workshops and meetings were held with the city in August and September of last year to prioritize the projects to determine the best use of the money. He mentioned the projects that were discussed were: South Border Street (from 18th to 34th Streets) and Sugarcane Road (from Border Avenue to Westgate Drive). Mr. Vandertulip stated the public could see the progress as a result of the infrastructure improvements with available funding from Hidalgo County. He stated the wastewater treatment improvements included the rehabilitation of the north wastewater treatment plant; new head works and a wet well for all new and current wastewater treatment plants; new wastewater plant; install larger generator at the south wastewater treatment plant; construct new sewer O&M building and address regulatory and flow capacity issues. Mr. Vandertulip mentioned the plant was currently rated at three million gallons per day, first phase construction would provide a capacity of 4.75 gallons per day with the added expansion to provide 5.5 capacity. He added the objective was to build the remaining projects one at a time as funding became available. Mr. Vandertulip stated the city had applied for stimulus money and there was certain criterion that was required to qualify for these monies. He pointed out there was over \$9 billion in applications and only \$750 million was available in Texas. Mr. Vandertulip stated the most strategic approach that ensured the best position for Weslaco was to apply for funds for the north wastewater treatment plant expansion. He indicated that if the stimulus grant was approved it would free up the bond monies for many other projects. Mr. Vandertulip added the city was on top of the list to received stimulus funds and ranked third on the list. He stated the funding would be done in the fall and the credit was for \$20 million. Mr. Vandertulip pointed out that in December the construction contract was authorized for over \$16 million, CCI had allocated \$5 million and during the process it had accumulated to \$1.5 million in saving.

Mayor de la Rosa announced no action was required.

- B. Discussion and consideration to allow gates at Weslaco Business Park Subdivision and to designate the dedicated public street right-of-ways as to private streets to be maintained by the property owners of Weslaco Business Park Subdivision. (Requested by Mr. Casey Cantu) Possible action.

Mr. Rodriguez stated the Weslaco Business Park Subdivision was located at the southeast corner of Texas Blvd. and 18th Street. He indicated a 25' entryway existed from the back of the curb to the north end of the apartment parking lot to comply with the 40' entryway as stipulated in the Access Management Policy. Mr. Rodriguez stated the petitioner would eliminate two parking spaces to install the gate. He mentioned they would have adequate parking including parking for the handicap as per city ordinance. Mr. Rodriguez stated adequate entry and turnaround area was provided with access to the

subdivision. He pointed out the iron gates would have an alternative access in case of operation failure. Mr. Rodriguez stated they were requesting to have a siren activated in case of an emergency. He mentioned the property owners would maintain the streets and the Planning and Zoning Commission had approved the request on May 20th.

Mr. Vela stated the City Commission was asked to allow the creation of a gated community when there was no development. He pointed out normally the City Commission would require a note in the subdivision plat that the streets be maintained at a certain level. Mr. Vela stated he was concerned because people were living there and was not aware if the properties had been sold. He added all the property owners had to sign an agreement for a gated community.

Mr. Rodriguez stated the owners had been notified and signed a document that they would comply with city requirements.

Mr. Vela stated the City Commission could approve the request subject to the property owners signing a document for a gated subdivision. He mentioned the city could not ask the property owners to maintain the streets at a certain level and there would be no abandonment of utilities lines. Mr. Vela recommended for the City Commission to include in their motion that the streets be maintain as per city specifications and no enforcement on behalf of the city.

Motion was made by Commissioner Garza and seconded by Mayor Pro-Tem Rodriguez to approve the item as presented subject to all property owners signing an agreement as recommended by the City Attorney. Motion carried unanimously.

- C. Discussion and consideration to allow gates at Shawnee Village Subdivision and to designate the dedicated public street right-of-ways as private streets to be maintained by the property owners of Shawnee Village Subdivision. (Requested by Wiki Wiki Properties, LLC-Richard M. Weese, and Manager). Possible action.

Mr. Rodriguez stated Shawnee Village Subdivision consisted of 64 lots and was located off of Midway Road inside the city. He mentioned the Access Management Policy stated that residential subdivision required a minimum of 40 ft. for an entry. Mr. Rodriguez stated the subdivision plat provided a 50 ft. gas pipe right-of-way and adequate turn around area for a gated community. He stated the Weslaco Fire and Police Departments would have access to the subdivision and gate. Mr. Rodriguez stated they would have an alternative access in case of gate operation failure. He mentioned this was a single-family residential subdivision and the property owners had signed a document agreeing to the gated community. Mr. Rodriguez stated the property owners were in agreement with the terms as stipulated by Mr. Vela and the Planning and Zoning Commission approved the request on May 20, 2009.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to approve the item subject to the City Attorney's recommendation. Motion carried unanimously.

D. Discussion and consideration to approve the preliminary and final plats of the following subdivisions:

- 1) Apostolic Assembly Church being 4.68 acres of land out of Farm Tract 175, West Tract Subdivision, Hidalgo County, Texas located at 3000 N. Texas. (Requested by Hernan Mendez). Possible action.

Mr. Rodriguez stated the proposed one lot subdivision was located on Texas Blvd. north of Sugarcane Drive inside the City of Weslaco. He mentioned the property was zoned "R-1" Single Family Dwelling District and the proposed use was for a Church Assembly. Mr. Rodriguez stated the City of Weslaco would provide water and sewer services and the property was classified under a Flood Zone "X", area outside the 500 year Flood Zone. He mentioned on May 20th, the Planning and Zoning Commission approved the request.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rivera to approve the subdivision plat as presented. Motion carried unanimously.

- 2) Lot 1, Block 1, Dan and Tina Patel Subdivision being the 2.590 acre tract of land out of Farm Tract 710, West and Adams Tract Subdivision, Hidalgo County, Texas located off of U.S. Business 83 between Pleasantview and International Blvd., 2700 East Business 83. (Requested by Dan Patel). Possible action.

Mr. Rodriguez stated the proposed subdivision was the future site of a hotel to be located on the south side of Business 83 just west of FM 1015. He mentioned the subdivision was within Flood Zone "B" between the limits of 100 to 500 year flood. Mr. Rodriguez stated the subdivision was in compliance with the City of Weslaco review process and ordinances. He mentioned on May 20, 2009, the Planning and Zoning Commission approved the request and staff recommended approval.

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

- 3) Santos Villanueva Subdivision being a 10.00 acre tract of land out of Farm Tract 115, Block 161, West Tract Subdivision, Llano Grande Grant, Hidalgo County, Texas located on Mile 10 North Road just West of Mile 5 West (FM 88). (Requested by Santos & Paula L. Villanueva). Possible action.

Mr. Rodriguez stated the Planning and Zoning Commission had approved the proposed subdivision plat on April 18, 2007. He mentioned the applicant was re-submitting the plat for approval as a result of the one (1) year cancellation ordinance. Mr. Rodriguez stated the proposed three (3) lots subdivision was located outside the City of Weslaco, but within the city's ETJ. He mentioned the subdivision will be serviced by North Alamo Water Supply Corporation and will have on-site sewer facilities and septic tanks. Mr. Rodriguez stated there was an existing fire hydrant on Mile 10 North in front

of Lot 2. He mentioned the property was within a Flood Zone C, 500-year flood. Mr. Rodriguez stated on May 20, 2009, the Planning and Zoning Commission approved the request and staff recommended approval.

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

E. Status report from Hernan Gonzalez, Executive Director of The Economic Development Corporation of Weslaco regarding economic development. Possible action.

Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco reported the following:

- 1) STC / Railroad Landscaping - The right-of-way was lined with Texas Sabal Palms. This phase of the project was complete. South Texas College had committed to install an irrigation system for both tracts from Republic to Border.
- 2) J. C. Penney / Lowe's - New restaurateurs and retail tenants would surround the project. The clearing of the northwest corner of Bridge was critical to the development of the project. This was a 30 acre tract valued at \$58 million and would have 400 employees on the west track. He mentioned on the Lowe's (SDI) site, a poster of Weslaco was displayed at the Las Vegas Conference and appeared in the Texas Business magazine.

He mentioned the property on the corner of Bridge Avenue and Frontage Road was not part of the development. The City Commission took action in November to declare this a public nuisance and Mr. Castellanos had informed him that the property would be cleared by Saturday.

- 3) Fifth and Texas - The former bank building was getting a facade renovation. The de la Pena family after the completion would get reimbursed. It would complement the new museum and it was a continuation of the effort to maintain an attractive central business district.
- 4) Rio Bank - Construction was progressing well and the bank was tentatively set for July. The EDC would provide a grant for the demolition of the former building and landscaping.
- 5) Reyna Family Development - A Development Agreement had been executed with the EDC and the City of Weslaco that called for not less than 40,000 square feet of retail, commercial, or office space and an investment of not less than \$4,500,000.00; a hotel and/or other retail/commercial facilities and an investment of not less than \$2,500,000.00. The total investment was not less than 7,000,000.00. The public investment was a street on the northern boundary of the Home Depot Subdivision. There would be a street on the northern boundary of the Home Depot Subdivision and would work with city staff to clean the right-of-way. Once they had the commitment to start construction, the EDC had agreed to fund the street.
- 6) Distribution Center - Oswalt Valley, a Houston Corporation, was set to construct a 15,000 sq. ft. distribution center for Bimbo Bread and would be located at Mid-Valley Industrial Park 7, Mile 9 and 3-1/2 to be completed by October, 2009.
- 7) Sales Tax - The increase for the month was 2.86% ahead of last year. For the fiscal year, Weslaco was 7.74% ahead of the previous year. The outlook continued to be positive.

Commissioner Tafolla asked regarding the status of the Academy Store.

A short discussion was held regarding the Academy and Mr. Gonzalez stated that when the front improvements were completed, it could be a 2009 project. He pointed out a major Women's fashion may be locating in 2010 and a couple of major restaurants. Mr. Gonzalez stated Lowe's may be delayed in opening and Academy did not have a certain date.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rivera to accept the report as presented. Motion carried unanimously.

F. Discussion and consideration to approve Resolution No. 2009-16 authorizing the Weslaco Police Department to submit a grant application to the American Recovery Act of 2009; Edward Byrne Memorial Justice Assistance (JAG) Formula Grant Program through the COG-JAG application process in the amount of \$200,000.00 to solicit funds for the purchase of Police Mobile Command (fifth wheel) towable vehicle. Possible action.

J.D. Martinez, Chief of Police stated this was one of seven grants that the city applied for. He mentioned the grant was reviewed by the Lower Rio Grande Valley Development Council and if approved they could purchase a mobile command unit for emergency purpose. Chief Martinez stated this equipment could be used for several things one being a mobile substation and was a 100% competitive grant.

Motion was made by Commissioner Garza and seconded by Commissioner Rivera to approve Resolution No. 2009-16 as presented. Motion carried unanimously.

For the record, Resolution No. 2009-16 read as follows:

RESOLUTION NO. 2009-16

THE STATE OF TEXAS § AUTHORIZING THE SUBMISSION OF APPLICATION TO
COUNTY OF HIDALGO § THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE
CITY OF WESLACO § DIVISION.

WHEREAS, The City of Weslaco finds it in the best interest of the citizens of Weslaco, that the Weslaco Police Mobile Command Vehicle Project be operated for FY 2010; and,

WHEREAS, The City Of Weslaco agrees that in the event of loss or misuse of the Criminal Justice Division Funds, City Of Weslaco assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, The City of Weslaco designates The Honorable Mayor Buddy de la Rosa as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of Weslaco authorizes the submission of a grant application for the Weslaco Police Mobile Command Vehicle to the Office of the Governor, Criminal Justice Division and, if the project is selected for funding, the Mayor, Interim City Manager, Interim Financial Director and Chief of Police of Weslaco are hereby authorized and empowered

to execute in the name of the City of Weslaco all necessary applications, contracts, and agreements to implement and carry out the purposes specified in this resolution with the understanding that the money will not be used to supplant other city finds and will be returned in full to the Officer of the Governor, Criminal Justice Division the event of loss or misuse of CJD finds.

THE FOREGOING RESOLUTION WAS PASSED AND APPROVED this 2nd 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

- G. Discussion and consideration to authorize the Weslaco Police Department to apply to the U.S. Department of Justice – Bureau of Justice Assistance for a Bulletproof Vest Partnership (BVP) Grant in the amount of \$40,200.00 for reimbursement up to 50% of the cost of NIJ-approved vest in anticipated body armor for the next two years. Possible action.

Chief Martinez stated staff was requesting permission to submit a grant to replace the bulletproof vests. He mentioned this grant provided 50% of the full budget amount and if approved the city would purchase them with funds from the confiscated fund and the state would reimburse the city 50%. Chief Martinez stated with this would replace about 25 bulletproof vests.

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

- H. Discussion and consideration to solicit proposals to decommission the fuel farm located at the old City of Weslaco Warehouse, 306 South Bridge Avenue. Possible action.

Mr. Salinas stated staff was requesting permission to solicit proposal to decommission the fuel farm at the Old City Warehouse.

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

- I. Request from Golden KLC Properties LLC to sell Wine and Beer on Premises (China Town Restaurant) located at 1402 East Business Highway 83, Weslaco, Texas. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Garza to approve the request from Golden KLC Properties, LLC. Motion carried unanimously.

- J. Discussion and consideration to award the purchase of One (1) New Breathing Air Compressor to the lowest responsible bidder Gulf Coast

Breathing Air from Houston, Texas in the amount of \$19,538.00. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve the item as recommended by the Purchasing Director. Motion carried unanimously.

- K. Discussion and consideration to approve a budget amendment for amount not to exceed \$4,000.00 for the purchase of computer equipment for the Vital Statistics Division from the Vital Statistics Special Account. Possible action.

Motion was made by Commissioner Tafolla and seconded by Mayor Pro-Tem Rodriguez to approve the budget amendment for \$4,000.00 for the purchase of computer equipment. Motion carried unanimously.

- L. Discussion and consideration to approve 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. (First reading of Ordinance No. 2009-18). Possible action.

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

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

- M. Discussion and consideration to approve Resolution No. 2009-17 appointing a member of the Weslaco City Commission to serve as the alternate member in the Hidalgo County Metropolitan Policy Committee (MPO). Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to appoint Mayor Pro-Tem Rene Rodriguez, Jr. for the Hidalgo County Metropolitan Policy Committee (MPO). Motion carried unanimously.

For the record, Resolution No. 2009-17 read as follows:

RESOLUTION NO. 2009-17

THE STATE OF TEXAS	§	A RESOLUTION APPOINTING AN ALTERNATE MEMBER
COUNTY OF HIDALGO	§	TO THE HIDALGO COUNTY METROPOLITAN
CITY OF WESLACO	§	PLANNING ORGANIZATION (MPO)

WHEREAS, the Mayor of the City of Weslaco serves as the official member of the MPO Board of Directors by Virtue of his office; and

WHEREAS, the MPO has requested that an elected official be appointed as an alternate member to serve in the MPO Board of Directors in the absence of the Mayor; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO that Rene Rodriguez, Jr., Mayor Pro-Tem be appointed as the alternate member to serve in the MPO Board of Directors.

BE FURTHER RESOLVED that a copy of this Resolution shall be delivered to the MPO office to evidence this appointment.

PASSED AND APPROVED this 2nd 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

N. Discussion and consideration to approve Resolution No. 2009-18 appointing a member of the Weslaco City Commission to serve as the alternate member in the Lower Rio Grande Valley Development Council Board of Directors. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Cuellar to appoint Commissioner Robert Garza to the Lower Rio Grande Valley Development Council Board of Directors. Motion carried unanimously.

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

RESOLUTION NO. 2009-18

THE STATE OF TEXAS § APPOINTING AN ALTERNATE MEMBER TO THE
COUNTY OF HIDALGO § LOWER RIO GRANDE VALLLEY DEVELOPMENT
CITY OF WESLACO § COUNCIL (LRGVDC)

WHEREAS, the Mayor of the City of Weslaco serves as the official member of the Lower Rio Grande Valley Development Council Board of Directors by Virtue of his office; and

WHEREAS, the City of Weslaco appoints Robert Garza, a City Official as an alternate member to serve in the LRGVDC Board of Directors in the absence of the Mayor; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO that Robert Garza, be appointed as the alternate member to serve in the LRGVDC Board of Directors.

BE FURTHER RESOLVED that a copy of this Resolution shall be delivered to the Lower Rio Grande Valley Development Council office to evidence this appointment.

PASSED AND APPROVED this 2nd 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

- O. Discussion and consideration to approve Resolution No. 2009-19 to appoint an alternate member to the Hidalgo County Urban County Program Advisory Council. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Rivera to appoint Commissioner Gerardo "Jerry" Tafolla to the Hidalgo County Urban County Program Advisory Council. Motion carried unanimously.

For the record, Resolution No. 2009-19 read as follows:

RESOLUTION NO. 2009- 19

A RESOLUTION TO APPOINT AN ALTERNATE MEMBER TO THE HIDALGO COUNTY URBAN COUNTY PROGRAM ADVISORY COUNCIL.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION 1: A resolution to appoint an alternate member to the County of Hidalgo Urban County Program Advisory Council.

SECTION 2: The Weslaco City Commission hereby appoints Gerardo "Jerry" Tafolla to serve as the alternate member to the County of Hidalgo Urban County Program Advisory Council.

PASSED AND APPROVED this 2nd 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

- P. Discussion and consideration to approve City of Weslaco's Banking Depository Resolution No. 2009-20. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to approve Resolution No. 2009-20 as presented. Motion carried unanimously.

For the record, Resolution No. 2009-20 read as follows:

RESOLUTION NO. 2009-20

RESOLUTION OF LODGE, ASSOCIATION OR OTHER SIMILAR ORGANIZATION

FIRST NATIONAL BANK
WESLACO, TX 78596

By: CITY OF WESLACO
255 S KANSAS
WESLACO, TX 78596

Referred to in this document as "Financial Institution"

Referred to in this document as "Association"

I, Amanda C. Elizondo, certify that I am Secretary (clerk) of the above named association organized under the laws of TEXAS, Federal Employer I.D. Number _____, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on June 2, 2009. These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS Any agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title or Position	Signature	Facsimile Signature (If used)
A. <u>BUDDY DE LA ROSA, R.PH.- MAYOR</u>	X _____	X _____
B. <u>RENE RODRIGUEZ, JR - MAYOR PRO-TEM</u>	X _____	X _____
C. <u>JOHN F. CUELLAR - COMMISSIONER</u>	X _____	X _____
D. <u>GERARDO TAFOLLA - COMMISSIONER</u>	X _____	X _____
E. <u>LUPE V.RIVERA - COMMISSIONER</u>	X _____	X _____
F. <u>PATRICK B. KENNEDY- COMMISSIONER</u>	X _____	X _____
G. <u>ROBERT I. GARZA, COMMISSIONER</u>	X _____	X _____
H. <u>FRANCISCO CASTELLANOS, CITY MANAGER</u>	X _____	X _____

POWERS GRANTED (Attach one more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, F and/or G	Description of Power	Indicate number of signatures required
<u> H </u>	(1) Exercise all of the powers listed in this resolution.	<u> 1 </u>
<u> A-G </u>	(2) Open any deposit or share account(s) in the name of the Association.	<u> 2 </u>
<u> H </u>	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	<u> 2 </u>
<u> H </u>	(4) Borrow money on behalf and in the name of the Association, sign, execute and deliver promissory notes or other evidences of indebtedness.	<u> 2 </u>
<u> H </u>	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Association as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.	<u> 1 </u>
<u> H </u>	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	<u> 1 </u>
<u> H </u>	(7) Other _____	<u> 1 </u>

LIMITATIONS ON POWERS The following are the Association's express limitations on the powers granted under this resolution.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated 06/18/2003. If not completed, all resolutions remain in effect.

RESOLUTIONS

The Association named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Association and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Association and certified to the Financial Institution as governing the operation of this association's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Association. Any Agent, so long as they act in a representative capacity as agents of the Association, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Association with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Association agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Association. The Association authorizes the Financial Institution, at any time, to charge the Association for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.

- (6) The Association acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Association to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Association acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Association with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Association authorizes each Agent to have custody of the Association's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

CITY OF WESLACO
/s/ BUDDY DE LA ROSA, R. PH., MAYOR
/s/ RENE RODRIGUEZ, JR. MAYOR PRO-TEM

ATTEST:
/s/ AMANDA C. ELIZONDO, CITY SECRETARY
 APPROVED AS TO FORM:
/s/ RAMON VELA, CITY ATTORNEY

CERTIFICATION OF AUTHORITY I further certify that the Association has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)
 If checked, the Association is a non-profit lodge, association or similar organization.

/s/ AMANDA C. ELIZONDO, (City Secretary)

FOR FINANCIAL INSTITUTION USE ONLY

Acknowledged and received on _____ (date) by _____ (initials) o This resolution is superseded by resolution dated _____.

Comments:

IX. EXECUTIVE SESSION

At 7:08 p.m., Tuesday, June 2, 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 8:20 p.m., Tuesday, June 2, 2009, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

- A. Pending Litigation – Discussion with City Attorney regarding JUAN ESTRADA, Jr., ROSA ESTRADA, et a, vs. CITY OF WESLACO et al. CAUSE NO. C-1363-09-A. DISTRICT COURT, HIDALGO COUNTY, TEXAS 092 JUDICIAL DISTRICT OF TEXAS. Possible action of what is discussed in executive session.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to authorize the City Attorney to file an answer and contact the city's insurance carrier to assign a counsel. Motion carried unanimously.

- B. Discussion with the City Attorney regarding the status of CAUSE NO. CL-09-0178-E., Claudio Lucio, vs. CITY OF WESLACO. Possible action of what is discussed in executive session.

Mr. Vela announced no action was required on this case. He mentioned the Assigned Counsel would submit a report based on the discussion held in executive session and a report would be provided to the City Commission at a later date.

Commissioner Cuellar referred to Item VIII., L under New Business and moved to rescind the motion made regarding the change of the City Commission meetings from 5:00 to 5:30 p.m. Motion carried unanimously.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve 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. Motion carried unanimously.

ADDENDUM ITEM

- A. Discussion and consideration to create a Citizens Ad Hoc Committee, comprised of seven citizens, with one citizen chosen from each district by their respective commissioner, and one member chosen at large by the Mayor, and to submit the names of the individuals to the City Secretary by 5:00 p.m. June 5, 2009 for the purpose of advertising for candidates, reviewing applications and interviewing prospective city manager applicants and to recommend to the Weslaco City Commission the top three candidates within 90 days from the date of June 5, 2009. Possible action. (This item was requested by Commissioners: Patrick B. Kennedy and Gerardo "Jerry" Tafolla)

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

Mayor de la Rosa stated he would like to amend the item to change the Ad Hoc Committee to twelve members and to have each Commissioner appoint two members from their district for a total of twelve. He added the citizens of Weslaco understood there would be twelve members on the committee. Mayor de la Rosa stated previously it was mentioned that each Commissioner would appoint one member from each district and the Mayor being at large would appoint six members for a grand total of twelve.

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

The following Commissioners appointed the following citizens:

Mayor Pro-Tem Rene Rodriguez, Jr.
Commissioner Cuellar
Commissioner Tafolla

Richard Quintanilla
Richard Lehman
Johnny Bautista

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to adjourn the meeting.

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