

Cyp 7/21/09

**WESLACO CITY COMMISSION**

**REGULAR MEETING**

**JULY 7, 2009**

On this 7<sup>th</sup> day of July, 2009 at 6:02 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.

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

Also present: Omar Gonzalez, 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.

Reverend Gerald Christman, from Seventh-day Adventist Church 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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 16, 2009
- B. Request from AARP Tax Aid Program to use the Historic City Hall located at 500 South Kansas Avenue from February 4<sup>th</sup> through April 15, 2010 to provide tax services to the public. Possible action.
- C. Request from the New Beginnings Christian Church to use the Weslaco City Park Pavilion No. 26 on July 22<sup>nd</sup> through July 24, 2009 from 6:30 p.m. – 8:30 p.m. and the South Section of the Soccer Complex with lights to host a Summer Out Break which will consist of Multiple Stations including games, bible classes, snacks and music for about 100 children ages 9 and 10 years old and to waive all fees associated with the event. Possible action.

Motion was made by Commissioner Kennedy and seconded by Commissioner Cuellar to approve the consent agenda 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.

Eva Vargas, resident of 213 N. Cedro Street stated she was against the zone change request for the development of the duplex and apartments. She mentioned the home was divided into four apartments and were already occupied. Ms. Vargas stated no permits were issued and there was (in sufficient) parking. She mentioned people in the neighborhood were against the zone change request and did not want apartments in the area. Ms. Vargas requested for the City Commission's support to vote against it.

## **III. PUBLIC HEARING**

- 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 Lots 11, 12, 13 & 14, Block 11, Northside Subdivision at 202 N. Cedro from

“R-1” Single Family Dwelling District to “R-2” Duplex and Apartment District. First reading of Ordinance No. 2009-19. Possible action.

Bernard Rodriguez, Interim Planning and Code Enforcement Director, stated the property was located on the northwest corner of Llano Grande and Cedro Street. He mentioned a “B-1” Neighborhood Business District was established on the northeast and southeast corner of the intersection. Mr. Rodriguez stated the property was surrounded by “R-1” Single Family Dwelling to the north, west and south side. He mentioned the Comprehensive Plan Land Use map provided for a desirable land use of “R-1” Single Family Dwelling. Mr. Rodriguez stated the Planning and Zoning Commission denied the zone change request due to (in sufficient) parking, potential increase of traffic and the desire to keep the area as a single family dwelling. He mentioned staff had received several calls and a letter objecting the proposed zoning. Mr. Rodriguez stated on June 1<sup>st</sup>, a notice of the public hearing was published in The Monitor Newspaper and staff had sent letters to the property owners residing within the 200’ radius of the proposed project site. He mentioned on June 17<sup>th</sup>, the Planning and Zoning Commission denied the zone change request and staff was recommending adherence to the Weslaco Comprehensive Plan, which called for a “R-1” Single Family Dwelling.

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

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Rivera to follow the Planning and Zoning Commission’s recommendation to deny the request. Motion carried unanimously.

Ms. Vargas asked what would happen to the tenants that were residing in the apartments.

Mr. Rodriguez responded staff had investigated the area and determined that the area was being used as multi-family. He stated the City Commission denied the request and staff would proceed to work with the owner to convert to a single family use.

Mayor de la Rosa moved the order of the agenda and proceeded with Item G. under New Business.

- G. Discussion and consideration of Resolution No. 2009-22 authorizing the City of Weslaco’s staff to submit the American Recovery and Reinvestment Act of 2009 (ARRA) Grant Application for the Clean Water State Revolving Fund (CWSRF) Projects through the Texas Water Development Board and authorize the Mayor and appropriate city staff to execute any and all related documents. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Garza to approve Resolution No. 2009-22 as presented. Motion carried unanimously.

For the record, Resolution No. 2009-22 read as follows:

RESOLUTION NO. 2009-22

THE STATE OF TEXAS           §   APPLICATION     FILING     AND     AUTHORIZED  
COUNTY OF HIDALGO       §   REPRESENTATIVE RESOLUTION (WRD201A).  
CITY OF WESLACO           §

WHEREAS, a Resolution by the City Commission of the City of Weslaco requesting financial assistance from the Texas Water Development Board; authorizing the filing of art application for assistance and making certain findings in connection therewith.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO:

SECTION 1: That an application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance in an amount not less than \$20,000,000.00 to provide for the costs of qualified projects.

SECTION 2: That Mayor Buddy de la Rosa, R. Ph. be and is hereby designated the authorized representative of the City of Weslaco for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and compliance with the rules of the Texas Water Development Board.

SECTION 3: That the following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the City of Weslaco before any hearing held by the Texas Water Development Board on such application, to wit:

- Financial Advisor:       First Southwest
- Engineer:               Sigler, Winston Greenwood & Associates; Camp Dresser & McKee, Inc.;  
                              Guzman & Munoz
- Bond Counsel:           Montalvo & Ramirez; Ramon Vela

PASSED AND APPROVED this 7<sup>th</sup> day of July, 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

(Seal)

**IV.    CITY MANAGER'S REPORT**

A.    Status report on the City of Weslaco's Alley Clean-up Project

Francisco Castellanos, City Manager, reported on the Proposed Clean-Up Project and stated an article appeared in the Mid-Valley Town Crier informing the citizens of the

project. He mentioned the project would consist of cleaning the areas by district twice a year.

Commissioner Cuellar asked who was responsible for cutting the grass on the city's easements.

Mayor de la Rosa stated it was the responsibility of the residents to maintain the alley ways and if not, they could be fined by the city. He indicated if the city cleaned the alleys the residents would be charged.

Commissioner Tafolla recommended that the citizens be notified of what they could place in the alleys.

Mayor de la Rosa stated he would like for the city to pick up all disposal trash and develop a service call center for the citizens to call when they had any issues or complaints.

Commissioner Kennedy recommended a publicity campaign to educate the citizens.

Mayor Pro-Tem Rodriguez recommended all the tires be picked up for environment purposes.

Mr. Castellanos stated staff would be starting the operation of the Recycling Center.

- B. Status report on the American Recovery and Reinvestment Act of 2009 (ARRA) Grant Application for the Clean Water State Revolving Fund (CWSRF) Projects through the Texas Water Development Board.

Mr. Castellanos stated they had met with the Texas Water Development Board regarding the Stimulus Grant Application to discuss the requirements of the grant. He mentioned the Texas Water Development Board had provided assistance to the city on how to proceed with the preparation of the grant. Mr. Castellanos stated the engineers had met with staff before and after the meeting and the city was getting the cooperation of several people involved in the process in order to meet the deadline.

## **V. MAYOR'S REPORT**

- A. Notice of the Hidalgo County Metropolitan Planning 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 announced the Hidalgo County Metropolitan Planning Organization (HCMPO) was proposing to amend their by-laws and on July 15, 2009 a

meeting would be held in Weslaco to discuss this item. He mentioned the MPO welcomed citizens' input and extended the invitation to the public.

B. Status report regarding the ORCA Disaster Recovery Funding Application

Mayor de la Rosa stated Weslaco had applied for a \$600,000.00 for two generators: one for the water treatment plant and another one for the south wastewater treatment plant.

C. Announcement of Juliana Alejandro (Espinoza) 111<sup>th</sup> Birthday Proclamation.

Mayor de la Rosa announced that June 19, 2009 had been proclaimed as Juliana Alejandro (Espinoza) Day. He added Mrs. Alejandro had celebrated her 111<sup>th</sup> Birthday and a copy of the proclamation would be send to President Obama for national recognition.

D. Announcement of the TML Newly Elected Officials Orientation to be held in Austin, Texas on Friday, July 24th and Saturday, 25<sup>th</sup>, 2009.

Mayor de la Rosa announced Commissioners: Tafolla, Rivera and Garza would be attending the TML Conference for Newly Elected City Officials.

**VI. BOARD APPOINTMENT**

A. Hospital Authority Board – Three (3) member's terms expired July, 2009. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Kennedy to re-appoint Fred McCaleb to the Hospital Authority Board. Motion carried unanimously.

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to appoint Dr. Gloria Egli to replace Minerva Martinez on the Hospital Authority Board. Motion carried unanimously.

Mayor de la Rosa stated the City Commission would address the third appointment at the next regular meeting.

**VII. OLD BUSINESS**

A. Discussion and consideration to approve final payment and a supplemental invoice for extended scope of 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.

Mr. Castellanos mentioned the city received a letter from Raul Hernandez and Luis Castilleja, Certified Public Accountants stating that they would be glad to finish their report provided that they submit a proposal to conduct a workshop. He stated they would like to get paid for the services they had provided to the city.

Mayor de la Rosa stated they had not paid the invoice because they had not completed their report and the City Commission had questions regarding the audit.

Commissioner Kennedy stated as per their letter the report was completed.

Mayor de la Rosa mentioned they had a couple of things that needed to be clarified. He added a workshop was not necessary as long as they provided answers to their questions. Mayor de la Rosa recommended tabling the item.

## **VIII. NEW BUSINESS**

- A. Status report from Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco regarding economic development activities. Possible action.

Hernan Gonzalez, Economic Development Director, reported the following.

- 1) Maverick Industrial Services - Maverick had relocated to the facility at 1905 Joe Stephens. The relocation involved the installation of new equipment for the commercial laundry. Maverick specialized in serving the medical care industry and the facility also housed the Maverick Document Shredding.
- 2) Millennium Packaging - Millennium had located at the Mid-Valley Industrial Park and the company specialized in packaging materials for industries.
- 3) DISH Network - DISH was now located at 1910 Joe Stephens and approximately 45 vans were assigned to this facility. The company currently was hiring installation technicians.
- 4) Census of Medical Cluster - A graduate student from St. Mary's would survey all the medical related businesses and services around Knapp Medical Center to provide a better picture of the local economy.
- 5) City Warehouse – In an effort to redevelop East Business 83, a major step on the planning of the acquisition of the City Barn located on Bridge Avenue would have to be done. Once the facility was acquired, the buildings would be demolished and cleaned within six months. The second phase would be to recruit a commercial prospect for that site.

- 6) Bond Rating - Standard & Poor's rating for the EDC bonds were upgraded from a "BBB" to an "A" rating and this only affirmed a stable outlook.
- 7) Industrial Park Census – There was approximately 1,350 employees employed by different companies located at the Mid-Valley Industrial Park. The number reflected a diversification of the economy with a full recovery from the cut-and-sew industry closure.
- 8) Weslaco Hills - A proposed tax credit housing project for Weslaco was reported to be rated very high. The 125 unit complex was slated to be constructed at the site of the former Benitez Drive-in. A final determination would be made in July.
- 9) Sales Tax - For the month of June was 9.54% ahead of last year. The year-to-date increase was 7.95%.

Mayor de la Rosa recommended that the City Commission consider a second Industrial Park on Military Highway with bigger lots due to the proximity to Mexico.

Mr. Gonzalez recommended that the proposed park be located on FM 1015 and 281.

Mayor de la Rosa also recommended that the percentage of the sales tax be represented in actual dollars.

- B. Discussion and consideration of authorizing The Economic Development Corporation of Weslaco to award a grant of \$17,000.00 to the Weslaco Museum to assist with the replacement of the museum roof. Possible action.

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

- C. Discussion and consideration to submit an application for a grant to the U.S. Department of Justice (DOJ) - Bureau of Justice Assistance (BJA) in the amount of \$17,135.00 to purchase equipment needed for the Weslaco Police Department and authorize the Mayor and appropriate city staff to execute any and all documents related to the grant. Possible action.

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

Mayor de la Rosa introduced the new Chief of Police, Jose Perez, Jr.

- D. Discussion and consideration to authorize staff to apply for the American Recovery and Investment Act Grant to construct a new Fire Station and other improvements to the Public Safety Building at 255 S. Kansas Avenue and authorize the Mayor and appropriate city staff to execute any and all related documents. Possible action.

Motion was made by Commissioner Kennedy and seconded by Commissioner Rivera to approve the item as presented.

Commissioner Tafolla asked for the location of the proposed new fire station.

Mr. Castellanos responded it was two applications applying for two projects; one was to complete the remaining City Hall area for a public safety facility and a new fire station to be located in District #4.

Mayor de la Rosa recommended the same concept as the Fire Station located on 18<sup>th</sup> Street with a new city park.

Mr. Castellanos stated the city had received a grant to hire additional firefighters and purchase the necessary equipment to accommodate a new fire station.

Mayor Pro-Tem Rodriguez recommended that the roof of the Old Fire Station located on 500 South Kansas be fixed to preserve it as a historical building.

Mayor de la Rosa stated the city needed to request permission from the Texas Historical Commission to do any repairs. He pointed out there was a process that needed to be followed.

Motion carried unanimously.

- E. Discussion and consideration to accept funding from the Texas Forest Service in the amount of \$5,404.21 for reimbursement to the City of Weslaco's expenses in connection with the 2005-2006 Fire Season. Possible action.

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

- F. Discussion and consideration to approve final payment to Sigler, Winston and Greenwood & Associates, Inc. in the amount of \$1,950.00 for engineering services rendered in the preparation of the Application to Amend the City of Weslaco's Water and Sewer Certificates of Convenience and Necessity (CCN). Possible action.

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

- H. Discussion and consideration to approve the payment of \$24,954.00 to CSA Construction, Inc. to reimburse CSA Construction, Inc. for canceling their contract with the City of Weslaco on the Waste Water Treatment Plant Bond Project. Possible action.

Mr. Castellanos stated a request was made by CSA Construction, Inc. due to the cancellation of their contract. He added the city had requested to cancel their contract to award the contract to the lowest bidder, L&G Construction.

Mayor de la Rosa mentioned the city had received a bid from L&G Construction which was a saving of approximately \$300,000.00. He stated in order to gain some of the major portion of the savings the city needed to reimburse CSA Construction, Inc. \$24,954.00.

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

- I. Discussion and consideration of Resolution No. 2009-23 to accept the Water Conservation Plan to be submitted to TCEQ and authorize final payment to TETRA TECH in the amount of \$10,400.00 for professional engineering services for preparing the plan. Possible action.

Mr. Castellanos stated one of the requirements for municipalities was to upgrade the Water Conservation Plan every five years and it was one of the requirements for the Stimulus Grant. Mr. Castellanos recommended approval of the resolution and funds would be derived from the Water Fund.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to approve Resolution No. 2009-23 as presented. Motion carried unanimously.

For the record, Resolution No. 2009-23 read as follows:

RESOLUTION NO. 2009-23

THE STATE OF TEXAS	§	ADOPTION OF THE WATER CONSERVATION PLAN
COUNTY OF HIDALGO	§	AND DROUGHT CONTINGENCY PLAN.
CITY OF WESLACO	§	

A RESOLUTION OF THE CITY OF WESLACO, TEXAS ADOPTING A WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN:

1. ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF THE DROUGHT RESPONSE STAGES;
2. ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES;
3. ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISION FOR ENFORCEMENT OF THESE RESTRICTIONS;
4. ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND
5. PROVIDING SEVERABILITY AND AN EFFETIVE DATE.

WHEREAS, the City of Weslaco recognizes that the amount of water available to the City and its customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City of Weslaco recognizes that natural limitations due to drought conditions and other Acts of God can not guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules for the Texas Commission on

Environmental Quality require all public water supply systems in Texas to prepare a water conservation and drought contingency plan; and

WHEREAS, It is in the best interest of the citizens and customers of the City of Weslaco to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO THAT:

SECTION 1.

That the City of Weslaco Water Conservation and Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City of Weslaco.

SECTION 2.

That all resolutions that are in conflict with the provisions of this resolution are, and the same are hereby, repealed and all other resolutions of the City not in conflict with the provisions of this resolution shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this resolution held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this resolution as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

This resolution shall take effect immediately from and after its passage.

DULY PASSED BY THE CITY COMMISSION on this 7<sup>th</sup> day of July, 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

- J. Discussion and consideration to terminate the Development Agreement executed April 9, 2009, by and between the City of Weslaco and The Economic Development Corporation of Weslaco for the development of the northeast corner of U.S. Expressway 83 at Westgate Drive. Possible action.

Mr. Gonzalez stated they had previously entered into an agreement for the Home Depot Subdivision and was at a stand still. He indicated they were working with Mr. Vela to do a separate agreement.

Mr. Vela stated a new contract would be more appropriate and recommended to terminating the contract with the EDC.

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

- K. Discussion and consideration to review all professional services agreements and instruct staff to provide recommendations as it relate to the budget preparation for fiscal year 2009-2010. Possible action

Mr. Castellanos provided a list of all the professional services contracts and stated staff was reviewing looking at all the contracts. He mentioned the following contracts needed to be added to the list: Albert Aldana Traffic Engineering and Garza & Pena Prosecutors. Mr. Castellanos stated during the budget process they would be making recommendations to the City Commission.

Mayor de la Rosa stated they needed to have a workshop to review a report from our Financial Advisor that was critical to the city. He mentioned the City Commission needed to review all city expenditures.

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

- L. Discussion and consideration to authorize staff to solicit proposals for the Employees Group Health Insurance. Possible action.

Mr. Castellanos stated they would be reviewing the health insurance and requested authorization to solicit bids for next year.

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

- M. Discussion and consideration regarding the Economic Development Corporation of Weslaco's membership and possible appointment. Possible action.

Mr. Castellanos stated staff received information from Mr. Gonzalez regarding the EDC membership. He mentioned David Hernandez's term would expire on September, 2009 and would not be eligible for re-appointment.

Commissioner Tafolla asked if they could appoint a member at this meeting.

Mr. Vela stated the by-laws dictated that nominations and presented to the Weslaco City Commission for their consideration and consent. He added this process was dictated by the Articles of Incorporation and By-laws. Mr. Vela stated the same process applied for amendments to the by-laws.

Mr. Gonzalez stated the state statute dictated that the members served at the pleasure of the Weslaco City Commission. He added the City Commission could replace everyone or expand the board and could amend the by-laws.

Mayor de la Rosa recommended that the nominees to the EDC meet with the City Commission to discuss their visions in regards to economic development. He mentioned they could not nominate anybody to the board without them knowing the policies. Mayor de la Rosa recommended a workshop to discuss the by-laws relating to expenditures, appointments of members and expansion of the membership to at least nine members.

Commissioner Tafolla recommended one for every district. He stated there was an individual who was interested in serving in the EDC Board.

Mayor Pro-Tem Rodriguez requested the minutes when the directors were appointed.

Mr. Gonzalez stated tentative they could schedule a joint workshop with City Commission and EDC for July 14, 2009.

Mayor de la Rosa requested that Mr. Gonzalez provide a pamphlet to the City Commission explaining the scope of services that the EDC provided and copies of the laws that governed the EDC.

Commissioner Tafolla mentioned he would like to appoint a director today.

Mayor de la Rosa stated that in the discussion Commissioner Tafolla had mentioned that he had talked to four Commissioners about this item and this constituted a majority of the Commission. He pointed out this was in violation of the Texas Open Meetings Act. Mayor de la Rosa recommended tabling the item and discuss it at a later time.

## **IX. EXECUTIVE SESSION**

At 7:42 p.m., Tuesday, July 7, 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 9:38 p.m., Tuesday, July 7, 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 the City Attorney regarding Cause No. C-1653-09-H, LINO GARZA and ROBERT VALDEZ vs. CITY OF WESLACO, 389<sup>th</sup> District Court. Possible action of what is discussed in executive session.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to authorize the City Attorney to contact the Assigned Counsel and to file an answer. Motion carried unanimously.

- B. Discussion and consideration to authorize an incentive of \$75,000.00 approved by the Board of Directors of The Economic Development Corporation of Weslaco for an out-of-state company to locate a regional headquarters and distribution center at Mid-Valley Industrial Park or any location in the 78596 zip code. Possible action of what is discussed in executive session.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to authorize the EDC of Weslaco to provide a \$75,000.00 incentive to Pharmacy Care USA of Weslaco, LLC as required by the By-Laws of the Economic Development Corporation of Weslaco. Motion carried unanimously.

- C. Land Acquisition – Discussion with the City Manager regarding the acquisition of right-of-way on Westgate Drive and FM 1015. Possible action of what is discussed in executive session.

Mr. Vela stated no action was required at this time.

- D. Personnel – Discussion with the City Manager regarding appointment of a Finance Director for the City of Weslaco. Possible action of what is discussed in executive session.

Mayor de la Rosa introduced Omar Gonzalez, new Finance Director.

Mr. Gonzalez thanked the City Commission and City Manager for hiring him.

- E. Discussion with the City Attorney regarding the status of CAUSE NO. C-13804-C, City of Weslaco vs. Claudio Lucio. Possible action of what is discussed in executive session.

Mr. Vela stated that according to the discussions held with Special Counsel, Rick Navarro, it was up to the City Commission whether or not to take any action.

Mayor de la Rosa entertained a motion, there being none adjourned the meeting.

## **CITY OF WESLACO**

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**MAYOR**, Buddy de la Rosa

**ATTEST:**

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**ASST. CITY SECRETARY**, Janie V. Balli

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**MAYOR PRO-TEM**, Rene Rodríguez, Jr.

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**COMMISSIONER**, Robert J. Garza

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**COMMISSIONER, J. F. "Johnny" Cuellar**

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**COMMISSIONER, Gerardo "Jerry" Tafolla**

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**COMMISSIONER, Lupe V. Rivera**

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**COMMISSIONER, Patrick B. Kennedy**