

*Approved 8/18/09
CC mtg.*

WESLACO CITY COMMISSION

REGULAR MEETING

AUGUST 4, 2009

On this 4th day of August, 2009 at 6:35 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
City Secretary	Amanda C. Elizondo
City Attorney	Ramon Vela

Also present: Omar Gonzales, 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 de la Rosa called the meeting to order, a quorum was established and the following proceedings were held.

Mayor Buddy de la Rosa gave the invocation. Mayor Pro-Tem Rodriguez recited the Pledge of Allegiance and the Pledge to the Texas Flag.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to recess the City Commission meeting to continue with the workshop.

Mayor de la Rosa reconvened the regular meeting at 7:00 p.m. and proceeded with the following items.

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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 July 1, 2009
2. Special Meeting of July 17, 2009
3. Regular Meeting of July 21, 2009

B. Discussion and consideration to renew the one year lease agreement between the City of Weslaco and the Mid Valley Youth Soccer Club to continue providing organized recreation activities for the community and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez 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.

There were no comments from the audience.

III. PUBLIC HEARINGS

- #### **A. To discuss and consider a request to change the zoning district at 2004 E. Expressway 83, Weslaco, Texas also being 1.71 acre tract of land out of Farm Tract 14, West Tract Subdivision, Hidalgo County, Texas from "R-1" One Family Dwelling District to "B-2" Secondary and Highway District and approval of Ordinance No. 2009-20 on first reading. (Requested by Manuel Carrasco.) Possible action.**

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

Bernard Rodriguez, Interim Planning and Code Enforcement Director, stated the property was located on the south side of Expressway 83 between Airport Drive and Pleasant View Drive. He added the zone change request was compatible with the recommended land use as stipulated in the Weslaco Comprehensive Land Use Plan. Mr. Rodriguez stated a notice of the public hearing was published in the Monitor Newspaper on June 29, 2009 and the property owners residing within the 200 feet radius were notified on July 2nd. He indicated no comments in favor or against were received and on July 15, 2009, the Planning and Zoning Commission approved the request. Mr. Rodriguez stated staff was recommending approval.

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 Mayor Pro-Tem Rodriguez and seconded by Commissioner Kennedy to accept staff's recommendation. Motion carried unanimously.

- B. To discuss and consider a request to change the zoning district at 3300 E. Sugarcane Drive, Weslaco, Texas being Lot 1 and 2, Mid Valley Industrial Park #8, Hidalgo County, Texas from "R-1" Single Family Dwelling District to "I" Industrial District. (Requested by The Economic Development Corporation of Weslaco). Possible action.

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

Mr. Rodriguez recommended that no action be taken on this item. He pointed out that this item would be presented at the next regular meeting because this property was annexed and later was de-annexed, but would be working on the annexation process to voluntarily annex the property.

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

Mayor de la Rosa announced no action would be taken.

IV. CITY MANAGER'S REPORT

- A. Report on the Code Enforcement/Health Division Forum held on July 30th and July 31, 2009.

Mr. Francisco Castellanos, City Manager, stated a forum was held on July 30th by the Code Enforcement and Health Division to educate the various restaurants on the rules and regulations of the International Code. He mentioned forum was well attended and there was good coverage from various news stations. Mr. Castellanos stated staff would continue to do presentations to the public to keep them informed.

Mr. Rodriguez stated staff would be scheduling quarterly meetings and the city would require that every food handler have a certification for three years. He mentioned staff hold another meeting with the contractors.

B. Announcement of the City of Weslaco's Budget Schedule.

Mr. Castellanos presented a schedule of the budget workshops and meetings and stated staff would be presenting the proposed budget to the City Commission soon.

C. Report from Aldana Engineering regarding Hidalgo County Metropolitan Planning Organization's activities and the Safe Routes to School (SRTS) Grant Opportunity.

Albert Aldana, from Aldana Engineering Traffic Design, provided a handout of the MPO's 25 year plan and highlighted the proposed improvements in the plan. He stated MPO would plan for future improvements consistent with the City's Comprehensive Transportation Plan. Mr. Aldana added there were plans to widen and expand Sugarcane Road between Westgate Drive east to Border Avenue with MPO funding. He mentioned there were considerations for Airport Drive and Mile 5 North. He stated the MPO was a planning organization involving all the cities in Hidalgo County and funding was allocated from the Federal Transportation Department.

Mr. Aldana highlighted the Safe Routes to School and stated this was a Texas Department of Transportation Program that allowed schools and cities to partner in the improvements. He mentioned this program identified projects that promoted the safe walking and bicycling for children. Mr. Aldana added funding was available for improvements such as sidewalks, crosswalks and any pedestrian and bicycle facilities. He indicated sidewalks were needed in the area of Cleckler/Heald and Beatriz Garza Elementary Schools located on Sugarcane Road and Westgate Drive. Mr. Aldana pointed out crosswalks and traffic signals were needed on Border Avenue and Sugarcane Road. He recommended installing flashers to identify the school zones and reduce the speed at Mary Hoge Academy and A.N. Tony Rico Elementary School located on International Blvd. Mr. Aldana recommended sidewalks and traffic regulations at Mile 9 North and Las Brisas Subdivision. He stated the program funded up to \$750,000.00 for infrastructure of each project. Mr. Aldana mentioned the grant process took about 6 weeks to submit the projects; thereafter the agreements would be signed and the preparation of the plans would commence. He also recommended solar power to avoid the use of electricity. Mr. Aldana indicated Memorial Elementary needed sidewalks and a traffic light on Border and 18th Street. He stated he had presented this information to Dr. Richard Rivera, School Superintendent for their consideration.

Mr. Castellanos stated he had met with Dr. Rivera to discuss these projects; and the city would be having a joint city/school meeting at the end of the month.

D. Status report on the Amendments to the Economic Development Corporation of Weslaco (EDC) By-laws and Articles of Incorporation.

Mr. Castellanos stated the purpose of this item was to proceed with the amendments and to develop a strategy to implement the changes that the City Commission had discussed at the last meeting. He mentioned an addendum item had been posted to further discuss these issues.

V. MAYOR'S REPORT

A. Announcement of the COPS Hiring Recovery Program Grant Award for Three (3) Officers Position.

Mayor de la Rosa stated the city had applied for a grant to the Office of Community Oriented Policemen Services (COPS) to hire police officers. He mentioned the city was notified that the (COPS) Office had awarded a grant to hire three new police officers or previously hired police officers. Mayor de la Rosa stated this would be for three years and was not a budget item for the city.

B. Report on the HINI Flu (Swine Flu).

Mayor de la Rosa reported Hidalgo County had suffered greatly from the Swine Flu and recommended that the city take precautions. He mentioned if a person was sick to stay home; cover their mouth during a cough and while sneezing; and keep their hands clean at all times.

C. Announcement of Proclamations.

1. Manuel Ramirez
2. Marina Gonzalez

Mayor de la Rosa announced that he had proclaimed July 24, 2009 as "Manuel Ramirez Day" and July 22, 2008 as "Marina Gonzalez Day for their 100th Birthday.

VI. BOARD APPOINTMENT

A. Housing Authority Board – To accept the resignation letter of Mr. Jose Leal and possible appointment of a new member to complete Mr. Leal's term. Possible action.

Mayor de la Rosa stated Mr. Jose Leal had served as a member of the Weslaco Housing Authority Board and had submitted his resignation letter. He added he would sadly accept the resignation and appointed Rogelio Tijerina to replace Mr. Leal. He thanked Mr. Leal for his years of service and would like to send him a recognition letter or plaque.

VII. NEW BUSINESS

A. Discussion and consideration to approve the request from the Weslaco Police Department to purchase the following items from the Confiscated Fund

Account as per Article 59.06 of the Code of Criminal Procedures for a total of \$9,505.00. Possible action.

- 1) 1-Renew Annual L.E.A.D.S. Online Investigative System package dates of July 1, 2009 – June 30, 2010 - \$5,000.00.
- 2) 1-Renew Lexis Nexis license user Law Enforcement (Online Service one year contract - \$2,200.00.
- 3) Payment to U.S. Marshal's Office for federal share expenses ref: Seized 2007 Chevy Silverado (valued \$11,525.00) - \$2,305.00.

Motion was made by Commissioner Kennedy and seconded by Commissioner Garza to approve Items A., 1, 2, and 3 as presented. Motion carried unanimously.

- B. Request from Javier Morales for a variance of the measurement requirements for a Wine and Beer Retailers Permit (On – Premises) at 501 North Westgate Drive for La Jaiba Shrimp House. Possible action.

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

- C. Discussion and consideration to enter into a professional services agreement for the design, fabrication and installation of exhibit cases for the proposed Valley Nature Center with Clarke Design Services for \$200,000.00 and authorize the Mayor to execute the agreement. Possible action.

Mr. Rodriguez stated the Valley Nature Center was in agreement with the contract as submitted by the selected firm of Clarke Design Services. He mentioned the budget amount was \$200,000.00 and was budgeted in the proposed Valley Nature Center Construction Budget. Mr. Rodriguez stated the agreement included the design, manufacturing and installation of displays and exhibits.

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

Mayor de la Rosa changed the order of the agenda and proceeded with Item O.

- O. Discussion and consideration to declare an emergency regarding treated potable water to comply with Texas Commission on Environmental Quality (TCEQ) regulations for public water supply systems and authorize staff to move forward to address this emergency. Possible action.

Mr. Castellanos stated the capacity of the Water Plant was basically over the permitting certification issued by the Texas Commission on Environmental Quality (TCEQ). He added OMI and city engineers would be making a presentation regarding this situation and requested permission to place this issue on a fast track.

Filemon Olvera, Project Manager for CH2M HILL OMI, gave a power point presentation of the conditions of the plant. He stated on March 9, 1993 the TCEQ, formerly the Texas Water Commission, set the Water Treatment capacity at 7.69 mgd; on October 25, 2005, after an inspection based on water connections the city was issued a violation letter; July 2005, TCEQ approved the city well with capacity of 1.19 MGD, with a limit capacity of 0.74 mgd; due to elevated mineral in the well water. Mr. Olvera pointed out on February 14, 2008, CH2M HILL (OMI) staff secured authorization to operate at 8.12 mgd (an increase of 0.430 mgd). He mentioned that Weslaco had approximately 10,896 meter accounts and 9.414 mgd was required. Mr. Olvera reported that the City of Weslaco was deficient in the water capacity. Mr. Olvera mentioned that TCEQ would be reporting that the city was exceeding the plant capacity. He stated the city would be facing an issue with the water plant in this coming year and the water breaks would impact the water pressure. Mr. Olvera stated the new connections, dry weather, lack of rain and water breaks were placing a strain in the water treatment plant. He pointed out if the city had a power outage for at least two hours, the city would be out of water. Mr. Olvera stated the city was scheduled for an inspection by TCEQ within the next couple of months and would be notifying the city of the deficiency. He stated there were some solutions such as: drilling a new water well, purchase water from the Cities of Mercedes or Donna; build a new water treatment plant and implement the Water Conservation Plan.

Discussion was held regarding the issues with the water and possible funding to resolve the water issues and Mayor de la Rosa recommended seeking advice from the bond counselor and approaching the EDC for funding. He mentioned they needed to vote on this as an emergency item.

Mr. Vela stated this situation could potentially affect the health, safety and general welfare of the citizens of Weslaco. He added the City Commission needed to declare an emergency and allow staff to expedite this issue.

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

Mayor de la Rosa proceeded with the regular order of the agenda.

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

- 1) W.I.S.D. A.C. Cuellar Middle School – being a 21.023 acre tract of land out of Farm Tract 689-690, West Tract Subdivision, Llano Grande Grant, Hidalgo County, Texas located on the east side of 4 ½ West Road and ¾ Mile South of U.S. Business 83. (Requested by W.I.S.D). Possible action.

Mr. Rodriguez stated this was a one lot subdivision located on Bridge Avenue and the City of Weslaco would provide the water and sewer services. He mentioned the subdivision

was in a Flood Zone "B" area between 100 and 500 year flood plan. Mr. Rodriguez stated on July 15, 2009, the Planning and Zoning Commission approved the plat and staff was recommending approval.

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

- 2) MJK Subdivision – being all of Lots 1, 2, & 3, Block 1, Mottmiller Subdivision, Hidalgo County, Texas located on the East side of Airport Drive (Mile 4 Road) and on the South side of U.S. Business Highway 83. (Requested by Melden & Hunt). Possible action.

Mr. Rodriguez stated the property consisted of a two lot subdivision and was located on the southeast corner of Airport Drive and Business Hwy. 83 Intersection. He mentioned the City of Weslaco would provide the water and sewer services. Mr. Rodriguez stated the property was in a Flood Zone "C", areas of minimal flooding and zoned commercial use. He mentioned on July 15, 2009, the Planning and Zoning Commission approved the request and staff recommended approval.

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

- E. Discussion and consideration to recommend to the Hidalgo County Commissioners' Court the negotiated best and final offer for scope of services and engineering fees from Cruz-Hoggan Consultants, Inc. for professional services for the new Water Line Project at the alley between Nebraska and Indiana from 7th Street to south of 6th Street in the amount of \$5,500.00 utilizing the Urban County Funds. Possible action.

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

- F. Request from the Weslaco Museum to close Texas Blvd. from 5th Street to 6th Street on Saturday, September 26, 2009 from 3:00 p.m. to 10:00 p.m. to hold their Fifth Annual Pan de Campo Fundraiser. Possible action.

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

Mayor de la Rosa stated the city could not close Texas Blvd., but they could close 5th Street from Texas Blvd. to Missouri Avenue. He mentioned this was a state highway and they needed to obtain permission from them.

Motion was by Commissioner Kennedy and seconded by Commissioner Tafolla to amend their motion to instruct the City Manager to contact TXDOT and request that Texas Blvd. be closed from 5th Street to 6th Street on behalf of the Weslaco Museum. Motion carried unanimously.

- G. Discussion and consideration to approve the Advance Funding Agreement Amendment No. 2, CSJ 0921-02-184 to address the American Recovery and Reinvestment Act (ARRA) funds allocated to the Reconstruction and Widening of Westgate Drive from US 83 North to Sugarcane Road (Mile 9 Road) Project to reflect the updated project cost estimate of \$2,812,000.00 and approve the City of Weslaco's share cost of 8.6% (\$270,851.84) for the construction and engineering services and authorize the Mayor to execute the amendment. Possible action.

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

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

Hernan Gonzalez, Executive Director of the EDC, reported on the following items:

- 1) South Texas College – STC was recognized as one of the top 100 community colleges by College Week Magazine.
- 2) Mid-Valley Airport - The terminal building façade had been improved. As work continued to bring the On-Call Customs to clear international flights, it was important that the expansion of the runway be prioritized. The funding was available provided that Weslaco acted in a very deliberate and focused manner.
- 3) Casa del Taco - A ribbon cutting was held recently, the restaurant was completely rebuilt and continued to be a local favorite.
- 4) J. C. Penney / Lowe's Centers - Plans were for Lowe's to open in September and J. C. Penney in October. The Ballard Street had been cut to Paso del Norte and other stores to the west tract would be announced.
- 5) South Texas Vo Tech Expansion - STVT announced the addition of the Certified Nurse Assistant Program and would be expanding their current facility to the north.
- 6) Bimbo Warehouse - A fifteen thousand square foot (15,000) distribution center was under construction at the Industrial Park. Jones-Hassen, the general contractor, was hoping to complete the facility by the latter part of October.
- 7) DPS Regional Headquarters - The transfer of the twenty (20) acre site was being finalized and had been projected to be completed by July 30th.

Construction for the regional headquarters would commence towards the end of the year.

- 8) Sales Tax - The sales tax received for July was 2.7% ahead of last year. The year-to-date increase was 7.39% (\$120,932 00) ahead of last year.

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

- I. Discussion and consideration to temporarily waive the fire hydrant requirement in the City of Weslaco's Extraterritorial Jurisdiction at Santos Villanueva and J&G Subdivisions. Possible action.

Mr. Rodriguez stated North Alamo Water Supply Corporation (NAWSC) provided water within the city's ETJ. He mentioned previously they would go ahead and allow fire hydrants without any issues. Mr. Rodriguez indicated that state statute did not allow them to provide fire protection, the City of Weslaco and other cities within the valley required fire hydrants for several reasons. He added NAWSC was proposing a Water Access Agreement (WAA) obligating the city to do certain things within the ETJ. Mr. Rodriguez stated the Planning and Zoning Commission was recommending for the city not to sign the agreement. He mentioned Santos Villanueva started the subdivision process a year and a half before the agreement was developed. Mr. Rodriguez stated the developer was requesting to waive the fire hydrants requirements temporary until they negotiated an agreement. He mentioned NAWSC was recommending not signing the plat if the City of Weslaco required fire hydrants. Mr. Rodriguez stated he did not have a problem with it only the liability.

Mr. Rodriguez recommended approval of the item and for the city to detain the fire hydrants or place the monies in an escrow account.

Mr. Vela stated there were serious momentary issues in the agreement that NAWSC wished to impose on the city. He mentioned it was not fair to the citizens of Weslaco and referred back to Las Brisas litigation.

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to deny the request and take no action. Motion carried unanimously.

- J. Discussion and consideration to release \$66,667.00 in Federal Aviation Administration non-primary entitlement funds, back to the Texas Department of Transportation (TX DOT) Aviation for redistribution due to lack of a Mid Valley Airport Project and authorize the Mayor to execute the Entitlement Transfer Agreement. Possible action.

Mr. Castellanos stated the time frame for the use of the monies had expired and the city needed to return the monies to the Texas Department of Transportation.

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 amend the Program Management Contract between the City of Weslaco and Camp Dresser & McKee, Inc. dated 2/5/2008 to amend Task No. 3 Construction Services will be reduced from \$396,690.00 to \$19,830.00. Possible action.

Commissioner Cuellar asked Mr. Vela if the City Commission had previously approved a memorandum on the amendments from CDM.

Mr. Vela stated he had not participated in the negotiations and the numbers were circulated in a memo dated December 11, 2008 from CDM to the previous City Manager, Anthony Covacevich.

Commissioner Cuellar stated Mr. Covacevich had negotiated the amounts to do what was necessary. He indicated it was his understanding that these issues had been incorporated into the contract.

Mr. Vela stated the City Commission needed to vote on the individual amendments because there were several contracts.

Mr. Castellanos stated he was supposed to meet with CDM to discuss the negotiated amounts to ascertain the savings were proper.

Mayor de la Rosa stated he was not comfortable voting on this item because he would like to see that 100% of the savings went to the city.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to table Items K, L, and M as presented. Motion carried unanimously.

- L. Discussion and consideration to amend the Program Management Contract between the City of Weslaco and Camp Dresser & McKee, Inc. dated 2/5/2008 to amend Task No. 4, Construction Materials Testing to reduce the amount from \$220,000.00 to \$11,000.00. Possible action.
- M. Discussion and consideration to amend the Standard Form of Agreement between The City of Weslaco and Camp Dresser & McKee, Inc. dated July 22, 2008 to amend "Exhibit C" Additional Services" to reduce the amount for Geotechnical Services from \$100,000.00 to \$32,000.00; and the amount of Surveying Services from \$60,000.00 to \$40,000.00; and the amount for Construction Materials Testing from \$271,000.00 to \$200,000.00 and to consider other possible amendments to "Exhibit C", Additional Services. Possible action.
- N. Discussion and consideration to allow staff to solicit request for proposals for EMS Billing and Collection Services. Possible action.

Commissioner Cuellar recommended for American Financial Bureau to continue on for the next few months or until the end of the year.

Motion was made by Commissioner Tafolla and seconded by Mayor Pro-Tem Rodriguez to solicit proposals for the EMS Billing Collection Services.

Motion carried as follows: FOR: Mayor de la Rosa, Mayor Pro-Tem Rodriguez and Commissioners: Tafolla and Kennedy. AGAINST: Commissioners: Cuellar, Rivera and Garza. (4 to 3 votes)

- P. Discussion and consideration to authorize staff to collaborate with Meridian Solar, Inc. to prepare and submit a Project Pre-Approval Application Form for rebate funds from utility-sponsored photovoltaic incentive programs in Texas managed by Frontier Association and authorize the Mayor to sign the application and related documents. Possible action.

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

Motion carried unanimously.

- Q. Discussion and consideration to grant a lease agreement between the City of Weslaco and Ricardo Quintanilla, resident of 651 North Kansas Avenue, Weslaco, Texas for the use and occupancy of a right-of-way easement. Possible action. (This item was requested by Mayor Pro-Tem Rene Rodriguez, Jr. and Commissioner Gerardo "Jerry" Tafolla)

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

Mr. Vela stated the City Commission had voted to give Ricardo Quintanilla an agreement with another gentleman.

Mr. Quintanilla stated it was only for a year and was requesting this item for safety.

Mr. Vela stated he would prepare the agreement.

Motion carried unanimously.

VIII. EXECUTIVE SESSION

At 8:45 p.m., Tuesday, August 4, 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 9:40 p.m., Tuesday, August 4, 2009, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to

the public.

- A. Land Acquisition – Discussion with City Manager regarding the acquisition of a 21 acre tract of land. Possible action of what is discussed in executive session.
- B. Potential Litigation – Discussion with the City Attorney regarding the condemnation of certain real property in the City of Weslaco for public purposes. Possible action of what is discussed in executive session.
- C. 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. (Requested by Commissioner Gerardo “Jerry” Tafolla and Mayor Pro-Tem Rene Rodriguez, Jr.)

Mayor de la Rosa announced no action would be taken on the above items.

ADDENDUM ITEM

I. NEW BUSINESS

- A. Discussion and consideration to nominate and appoint the Economic Development Corporation of Weslaco board members according to what was approved in the City Commission meeting on July 21, 2009 and instruct the City Attorney to amend the by-laws accordingly. Possible action.

Mr. Vela stated the item was placed by Commissioner Tafolla and at the last meeting the City Commission voted to amend the By-laws and Articles of Incorporation to increase the membership from five to seven with one Director appointed at-large and the remaining directors from each single member district. He mentioned pursuant to that action the City Secretary mailed correspondence to EDC stating to prepare the changes to the By-laws and Articles of Incorporation. Mr. Vela stated Mr. Gonzalez had informed him that the EDC would have a meeting the following day to discuss this item. He pointed out the City Commission could take it upon themselves and vote on the changes and not wait for the EDC to do it and instruct him to do changes. Mr. Vela stated the City Commission could not nominate or appoint members because there were five sitting members and no vacancy. He stated the City Commission could approve to remove the existing members in order to make new appointments. He mentioned the State Statute 5190.6 indicated the board members shall be appointed by the governing body.

Motion was made by Commissioner Tafolla and seconded by Commissioner Kennedy to instruct the City Attorney to do the changes to the By-laws and Articles of Incorporation for the next meeting. Motion carried unanimously.

There being no further business to discuss, Mayor de la Rosa adjourned 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

COMMISSIONER, Patrick B. Kennedy