



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, FEBRUARY 19, 2013**

On this 19th day of February, 2013 at 5:30 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 with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	David R. Fox
Commissioner	Olga M. Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth M. Walker
City Attorney	Ramon Vela

Also present: Bret Mann, Finance Director; Erasmo Lozano, Public Facilities Director; Police Chief Michael Kelly; Fire Chief Jimmy Cuellar; David Arce, Parks and Recreation Director; Mardoqueo Hinojosa, City Engineer; Arnold Becho, Library Director; Martin Mata, Assistant Library Director; Albert Canales, Grants Coordinator; Juan Salas, Information Technology; and several other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, February 15, 2013.
- B. Invocation.
Pastor Rene Vega from the Mid Valley Assembly of God delivered the invocation.
- C. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- D. Roll Call.
Elizabeth Walker, City Secretary, noted perfect attendance.

II. CONSENT AGENDA

- A. Approval of the Minutes of the following:
- 1) Regular Meeting of December 4, 2012;
 - 2) Regular Meeting of December 18, 2012;
 - 3) Regular Meeting of January 3, 2013;
 - 4) Regular Meeting of January 15, 2013;

- 5) Special Meeting of January 16, 2013; and
 - 6) Regular Meeting of February 5, 2013.
- (Requested by City Secretary's Office.) Attachment.

- B. Approval of Resolution 2013-23 related to the completion of file compliance work on Texas General Land Office Contract DRS010201 Generator Projects, including to appoint Alberto Canales as Labor Standards Officer; Section 504 Officer and Equal Opportunity/Fair Housing Officer; and approval of Resolution 2013-24 to adopt a Section 3 Plan (Policy) and adopt a Section 504 Grievance Procedure; and authorize the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment.
- C. Approval of amendment to the expiration date of the current contract with Texas A&M University at Kingsville (TAMUK) for the Phase II Non-Point Source Water Quality Management Planning and Implementation Grant to correspond to the primary agreement with the Texas Commission on Environmental Quality from August 31, 2014 to July 31, 2014, a difference of one month and authorize the Mayor to execute any related documents. (Requested by Library Department.) Attachment.
- D. Approval of the renewal of the lease agreement with Martin Garcia, Jr. for the presentation of movies at Weslaco City Park located at 300 N. Airport Drive on designated dates June – August 2013 and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.
- E. Approval of the renewal of the lease agreement with Weslaco Little League for the use of Isaac Rodriguez Park Multi-Purpose Field and Minor Field and Concession Stands, and at Harlon Block/Sports Complex Field #1 and Concession Stands for a term of five months, March 1 – July 31, 2013, and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.
- F. Approval of the local agreement with the Hidalgo County Criminal District Attorney's Office for the services associated with forfeitures of contraband and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment.
- G. Approval of the amendment to Resolution 2010-20 establishing an appointment policy for service on City of Weslaco Boards, Commissions, authorities, and committees to include qualification criteria. (Requested by City Manager's Office.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the consent agenda as presented. The City Manager requested item G be withheld from consideration.

Commissioner Tafolla, seconded by Commissioner Rivera, withdrew his motion and moved to approve consent agenda items A-F as presented. The motion carried; Mayor Wise was present, but not voting.

There was no action on item G.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2013-23

A RESOLUTION APPOINTING A LABOR STANDARDS OFFICER AND A SECTION 504 OFFICER/EQUAL OPPORTUNITY/FAIR HOUSING OFFICER FOR COMPLETION OF FILE COMPLIANCE WORK REQUIREMENTS OF TEXAS GENERAL LAND OFFICE CONTRACT DRS010201 GENERATOR PROJECTS DIRECTED BY MR. DAVID SALINAS, DIRECTOR OF PUBLIC UTILITIES FOR THE CITY OF WESLACO.

WHEREAS, the City of Weslaco is contractually-obligated to comply with all federal regulations regarding The Texas General Land Office Contract DRS010201 Generator Projects directed by Mr. David Salinas, Director of Public Utilities for the City of Weslaco.

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

The Mayor shall execute the following documents:

Appoint Mr. Alberto Canales as (1) Labor Standards Officer; and (2) Section 504 Officer/Equal Opportunity/Fair Housing Officer.

PASSED AND APPROVED on this 19th day of February, 2013.

RESOLUTION NO. 2013-24

A RESOLUTION TO ADOPT A SECTION 3 PLAN (POLICY) AND A SECTION 504 GRIEVANCE PROCEDURE TO COMPLY WITH WORK ON TEXAS GENERAL LAND OFFICE CONTRACT DRS010201 GENERATOR PROJECTS DIRECTED BY MR. DAVID SALINAS.

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) to further the goal of ensuring that federal funds benefit low-income residents of projects funded wholly or in part by those funds; and

WHEREAS, the United States Congress passed Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794) in part that “No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance ...”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT The City of Weslaco authorizes the adoption and implementation of a Section 3 Plan (Policy) and a Section 504 Grievance Procedure to ensure compliance with Federal Law.

PASSED AND APPROVED on this 19th day of February, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

III. OLD BUSINESS

- A. Discussion and consideration to approve a professional services agreement for a Rate Study of the Public Utilities of the City of Weslaco to include the water, waste water and solid waste and authorize the Mayor to execute any related documents. Possible

action. (There was no action on this item February 5, 2013; Requested by Public Utilities Department.) Attachment.

There was no action on this item.

IV. APPOINTMENTS

- A. Discussion and consideration to nominate a member of the Weslaco community, who has made significant civic contributions and achievements, to the Rio Grande Valley Walk of Fame as part of BorderFest 2013 and authorize the Weslaco City Commission to sign the nomination form. Possible action. (There was no action on this item February 5, 2013; Requested by City Manager.) Attachment.

The City Manager stated that the City of Hidalgo requested the City nominate a member of the community and identified past honorees. Mayor Pro-Tem Cuellar stated that the Warrens have worked together tirelessly because they support each other and their community and it would only be fair to nominate them together.

Commissioner Fox, seconded by Commissioner Rivera, moved to nominate Mr. and Mrs. Charles Warren to the Rio Grande Valley Walk of Fame as part of BorderFest 2013. The motion carried; Mayor Wise was present, but not voting.

- B. Discussion and consideration to approve Resolutions 2013-14 and 2013-16 to fill the expired term of two members to the Weslaco Health Facilities Development Corporation. Possible action. (There was no action on this item February 5, 2013; Requested by Finance Department.) Attachment.

The City Manager stated that there are two vacancies: one is held by Maricela Hernandez who no longer resides in Weslaco; the second position the City Manager holds and resigns to avoid any conflict of interest upon the appointment of a new member.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to suspend Resolution 2010-20, to remove Maricela Hernandez as member, and to approve Resolution 2013-14 appointing Carlos Robledo as a member to the unexpired term of Maricela Hernandez on the Weslaco Health Facilities Development Corporation. The motion carried; Mayor Wise was present, but not voting.

There was no action on Resolution 2013-16. For the record, the Resolution reads as follows:

RESOLUTION NO. 2013-14

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO HEALTH FACILITIES DEVELOPMENT CORPORATION.

WHEREAS, in accordance with the Health Facilities Development Act, Article 1528j, Vernon's Texas Civil Statutes (the "Act") the City Commission (The Governing Body) hereby finds and determines that a health facilities development corporation be authorized and created, with such health facilities development corporation to be known as the "Weslaco Health Facilities Development Corporation"; and

WHEREAS, the purpose of this board is to promote new, expanded or improved health facilities in order to assist the maintenance of the public health and the public welfare.

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this board will hold office for a term of no more than six years; and

WHEREAS, the Weslaco Health Facilities Development Corporation members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMTSSION OF THE CITY OF WESLACO, TEXAS THAT Carlos Robledo is appointed to serve an unexpired term on the Weslaco Health Facilities Development Corporation and the term will expire on as assigned.

PASSED AND APPROVED on this 19th day of February, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- C. Discussion and consideration to approve Resolutions 2013-13, Resolution 2013-28, Resolution 2013-29, Resolution 2013-30, Resolution 2013-31, Resolution 2013-32, and/or Resolution 2013-33 to appoint members on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (Requested by Economic Development Corporation of Weslaco.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to table the item until later in the meeting. The motion carried; Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve Resolution 2013-25 appointing a member, an alternate member, and three designated proxy members to the Hidalgo County Metropolitan Planning Organization (MPO) Transportation Policy Committee for fiscal year 2013. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager explained that the Metropolitan Planning Organization (MPO) programs federal and state dollars for transportation projects and every city in the county is a member; the City Manager stated that former Commissioner Robert Garza is a current member and should be replaced. Mayor Pro-Tem Cuellar stated that the MPO is going to become very busy with potential funding for certain roads within city limits and he would not have the time to dedicate to this program.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Resolution 2013-25 appointing Commissioner Tafolla as member, City Manager Leonardo Olivares as alternate, and Mayor Wise, Commissioner Fox and Commissioner Rivera as proxies to the Hidalgo County Metropolitan Planning Organization (MPO) Transportation Policy Committee for fiscal year 2013. The motion carried; Mayor Wise was present, but not voting.

The City Attorney recommended that the Commission vote to remove the current

For the record, the Resolution reads as follows:

RESOLUTION NO. 2013-26

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

WHEREAS, the Lower Rio Grande Valley Development Council (LRGVDC) has requested that a City of Weslaco elected official serve as the official member to its Board of Directors; and

WHEREAS, the LRGVDC further has requested that a City of Weslaco elected official serve as the alternate member of the LRGVDC Board of Directors;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO that Mayor Pro-Tem John F. Cuellar be appointed as the official member to serve in the LRGVDC Board of Directors.

BE FURTHER RESOLVED that the remainder of Commission, including Mayor be appointed as the alternate member to serve in the LRGVDC Board of Directors and a copy of this Resolution shall be delivered to the Lower Rio Grande Valley Development Council office to evidence these appointments.

PASSED AND APPROVED this 19th day of February, 2013.
/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

V. NEW BUSINESS

- A. Discussion and consideration to approve the renewal of a professional services agreement with Garza & Pena, PLLC as City Prosecutor and authorize the Mayor to execute any related documents. Possible action. (Requested by the Mayor.) Attachment.

City Manager requested that the item be moved into executive session to discuss contract negotiations.

- B. Discussion and consideration to approve the submission of project information forms to the Texas Water Development Board Fiscal Year 2014 Clean Water State Revolving Fund and Drinking Water State Revolving Fund Intended Use Plans and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated that staff proposes applications to the Texas Water Development Board identifying the South Wastewater Treatment Plant, which is at 75% capacity triggering the planning phase of this project; the City requests \$677,000 from the Board so the project can stay on schedule. The deadline to submit applications is March 1, 2013.

Mayor Pro-Tem, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve Resolution 2013-27 authorizing the submission of the Final Proposed Annual Work Plan for the City of Weslaco for Year 26 (2013) under the Hidalgo County Urban County Program and accepting the allocation of approximately \$308,702.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment.

The City Manager stated that this item is a continuing effort on behalf of the City and the County to replace water distribution and wastewater collection lines located in the historic part of the City with a total project cost of \$308,702.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2013-27

A RESOLUTION ADOPTING THE WORK PLAN AND BUDGET FOR YEAR 2013 (Year 26) 2013 URBAN COUNTY PROGRAM.

WHEREAS, the City of Weslaco is participating in the Urban County Program; and

WHEREAS, the City of Weslaco conducted a Public Hearing on Tuesday, October 2, 2012 at 6:00 P.M. at the Weslaco City Hall, located at 255 S. Kansas Avenue, to solicit public input on community needs in compliance with CDBG requirements.

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

The Urban County Work Plan and Budget for the **Year Twenty-Six (26) 2013** Urban County Program is hereby adopted as follows:

PROGRAM ACTIVITY	BUDGET
1. General Program Administration	\$ 5,202.00
2. Water/Sewer Improvements	\$ 285,000.00
3. Public Service (Library)	\$ 15,000.00
4. <u>LRGVDC Foster Grandparent Program</u>	<u>\$ 3,500.00</u>
TOTAL	\$ 308,702.00

PASSED AND APPROVED on this 19th day of February, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- D. Discussion and consideration to amend the Articles of Formation of the Economic Development Corporation of Weslaco to change the number of Directors and their qualifications to be appointed by the governing body of the City of Weslaco. Possible action. (Requested by City Manager's Office.) Attachment.

The City Manager stated the citizens of Weslaco voted in the November election by propositions one – six to allow greater authority for the Economic Development Corporation to undertake additional projects; as part of that effort the he recommends amending the articles of formation. State law permits a minimum of five (5) board directors; additionally the City previously changed the articles of formation to require one board member to be selected by each Commissioner from each district. The City Manager recommends eliminating the requirement that each Commissioner select a representative from his or her own district and the provision that prohibits an elected official from serving on the board within five years of public service.

Mayor Pro-Tem, seconded by Commissioner Rivera, moved to amend the Articles of Formation of the Economic Development Corporation of Weslaco to retain seven (7) members with four (4) members as current Commissioners and three (3) at-large who are residents and/or business owners or operators in Weslaco, to waive the five (5) year prohibition of former elected officials and remove appointments by district.

The City Manager clarified this action removes the geographical requirement that there has to be a member from each district, eliminates the guarantee each Commissioner has the ability to appoint one member, and eliminates the five-year waiting period for elected officials.

Commissioner Noriega questioned if the system worked, why did the Commission want to change it? She stated she felt it wrong for the Commission to control the EDC by electing four of its own members to serve on the EDC Board, particularly as this may create potential conflicts of interest.

Commissioner Noriega asked, why the amendments to the Articles of Formation in the agenda are not the same as what is being recommended? The City Manager stated that these were the amendments as prepared on Friday for the agenda, but since then he had conversations with the City Attorney and incorporated changes. Commissioner Noriega stated that she believes this was misleading the community by sending out the agenda and then changing its content; the City Manager replied this is a democratic process: in a deliberative process the Commission may accept, deny, or amend any action proposed.

Mayor Wise stated that the Commission understood that some of the documents in the agenda supplements are drafts and that the Mayor Pro-Tem Cuellar even made a change to the proposed draft and the governing body is empowered to do that; however, the Mayor too asked, if the system isn't broke why fix it? The City Manager stated that the key issue was the election, which is an opportunity for the EDC to do more projects and is an opportunity for an assessment of the organization and its governance. The City Manager stated that the Commission is directly accountable to the community but that is not the case with the EDC, so by appointing some of the Commission to the board it will create a greater accountability to the community. Mayor Pro-Tem Cuellar stated that he finds no fault with the current board and he would like to follow in the footsteps of Edinburg and Pharr where elected officials serve on the board.

Commissioner Noriega opposed. The motion carried (5-1); Mayor Wise was present, but not voting.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to remove from the table item IV. C. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve Resolutions 2013-13, Resolution 2013-28, Resolution 2013-29, Resolution 2013-30, Resolution 2013-31, Resolution 2013-32, and/or Resolution 2013-33 to appoint members on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (Requested by Economic Development Corporation of Weslaco.) Attachment.

The City Manager recommended that the Commissioner suspend Resolution 2010-20 and have each appointee complete the proper process.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to suspend Resolution 2010-20 and to approve Resolution 2013-13 appointing Commissioner Tafolla, Resolution 2013-28 appointing Commissioner Martinez, Resolution 2013-29 appointing Commissioner Rivera, Resolution 2013-30 appointing Commissioner Fox, Resolution 2013-31 reappointing Ms. Leticia Aleman, Resolution 2013-32 reappointing Mr. Richard Lehman, and Resolution 2013-33 appointing Andrew Gonzalez as members to the Board of Directors of the Economic Development Corporation of Weslaco.

Commissioner Noriega asked, why the Commissioners are being appointed under the new Articles of Formation if the amendments are not be effective until they are filed with the Secretary of State and if the Commission is allowed to act on this item at this time? The City Attorney stated that the action of the Commission is the valid vote and the filing with the Secretary of the State is the ministerial formality. Commissioner Noriega requested such guidance in writing.

Commissioner Noriega opposed. The motion carried (5-1); Mayor Wise was present, but not voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2013-13

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Commissioner Gerardo "Jerry" Tafolla is appointed to a term as a member of the Board of Directors of the Economic Development Corporation to be assigned.

PASSED AND APPROVED on this 19th day of February, 2013.

RESOLUTION NO. 2013-28

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Commissioner Joe A. Martinez appointed to a term as a member of the Board of Directors of the Economic Development Corporation to be assigned.

PASSED AND APPROVED on this 19th day of February, 2013.

RESOLUTION NO. 2013-29

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Commissioner Lupe V. Rivera appointed to a term as a member of the Board of Directors of the Economic Development Corporation to be assigned.

PASSED AND APPROVED on this 19th day of February, 2013.

RESOLUTION NO. 2013-30

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Commissioner David R. Fox appointed to a term as a member of the Board of Directors of the Economic Development Corporation to be assigned.

PASSED AND APPROVED on this 19th day of February, 2013.

RESOLUTION NO. 2013-31

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Leticia Aleman appointed to a term as a member of the Board of Directors of the Economic Development Corporation to be assigned.

PASSED AND APPROVED on this 19th day of February, 2013.

RESOLUTION NO. 2013-32

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Richard Lehman appointed to a term as a member of the Board of Directors of the Economic Development Corporation to be assigned.

PASSED AND APPROVED on this 19th day of February, 2013.

RESOLUTION NO. 2013-33

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Andrew Gonzalez appointed to a term as a member of the Board of

Directors of the Economic Development Corporation to be assigned.

PASSED AND APPROVED on this 19th day of February, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

VI. REPORTS

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Appointments, and Feedback. Attachment.

The City Manager reported the City has begun construction of the elevated storage tank at the Harlon Block Sports Complex and initiated the project to get an updated map of the distribution lines and fire hydrants.

- B. Report on Water Rights and Quality. Attachment.

The City received a letter from the Texas Commission on Environmental Quality (TCEQ) regarding water availability to the Water Treatment Plant: the agricultural water will run out in about 60 days and additional costs will be incurred.

Mayor Wise stated that he understood that Republic of Mexico owes the United States 600,000 acre/feet of water. Though the City has sufficient water rights, the cost will increase and believes the City should take the lead on meeting with Mayors, City Managers and Water District Directors.

VII. PUBLIC COMMENTS

Mr. Samuel Cavazos believes there should be written protocols on a City response to complaints.

Commissioner Rivera called time at eight minutes. Mayor Wise stated that public comments is a section for citizens to express wishes, desires and complaints; however the speaker should be limited to three minutes, cannot attack any City employees or Commissioners nor may the Commission respond to the comments.

VIII. EXECUTIVE SESSION

At 6:41 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:31 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Consult with City Attorney regarding Cause No. C-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*, as authorized by §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to retain Shelton and Valdez to file an answer in response to Cause No. C-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Pending Litigation – Consult with City Attorney on settlement regarding Case No. 3:10-cv-00188-JPG-PMF, *City of Greenville, et al. v. Syngenta Crop Protection, Inc. et al., United States District Court for the Southern District of Illinois* as authorized by §551.071 of the Texas Government Code.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to accept \$5,061.25, authorize a budget amendment, and deposit to the General Fund. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Pending Litigation – Consult with City Attorney regarding Cause No. C-3865-10-I, *City of Weslaco v. Champion Energy Services, LLC* as authorized by §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to give City Manager authority to retain additional counsel regarding Cause No. C-3865-10-I, *City of Weslaco v. Champion Energy Services, LLC*. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Personnel – Consult with City Attorney regarding a claim for reimbursement of sick leave, vacation leave, and back wages as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- E. Economic Development - Discussion with City Attorney regarding an incentive greater than \$100,000.00 for an economic development project as authorized by §551.087 of The Texas Local Government Code.

There was no action on this item.

- A. Discussion and consideration to approve the renewal of a professional services agreement with Garza & Pena, PLLC as City Prosecutor and authorize the Mayor to execute any related documents. Possible action. (Requested by the Mayor.) Attachment.

There was no action on this item.

X. ADJOURNMENT

With no other business before the Commission, at 7:35 p.m. Commissioner Fox, seconded by Commissioner Rivera, moved to adjourn the February 19, 2013 regular meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

COMMISSIONER, David R. Fox

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez