



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, MAY 7, 2013**

On this 7<sup>th</sup> day of May 2013 at 6:0 p.m., following the presentation of the key to the City to Omar “Panterita” Figueroa, Jr., 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 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: Rey Garcia, IT Director; Bret Mann, Finance Director; David Salinas, Public Utilities Director; Police Chief Michael Kelly; Fire Chief Jimmy Cuellar; Jeff Underwood, Interim Planning/Code Enforcement Director; Arnold Becho, Library Director; Mr. David Arce, Parks & Recreation Director; and other staff members and citizens.

**I. CALL TO ORDER**

- A. Certification of Public Notice.  
Mayor Pro-Tem Cuellar called the meeting to order and certified the public notice of the meeting as properly posted Friday, May 3, 2013.
- B. Invocation.  
Reverend Richard Speers from Grace Episcopal Church delivered the invocation.
- C. Pledge of Allegiance.  
Mayor Pro-Tem Cuellar recited the Pledge of Allegiance and the Texas Flag.
- D. Roll Call.  
Elizabeth Walker, City Secretary, called the roll, noting the absence of Mayor Wise.

**II. PUBLIC HEARING**

- A. To solicit input on behalf of Sylvia Mendoza and Arturo Robles to approve a Conditional Use Permit to operate a dance hall with live music at 2901 W. Business Hwy. 83, also being 1.7295 acres of land out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

Commissioner Rivera, seconded by Commissioner Martinez, moved to open the public

hearing as presented. The motion carried unanimously; Mayor Pro Tem Cuellar was present, but not voting.

There were no comments from the public.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to close the public hearing as presented. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

### **III. CONSENT AGENDA**

- A. Approval of the Minutes of the following:
  - 1) Regular Meeting of April 16, 2013;
  - 2) Special Meeting of April 23, 2013.(Requested by City Secretary's Office.) Attachment.
  
- B. Authorization to utilize Federal Equitable Sharing funds in an amount of \$125.75 to transfer one (1) 2007 Suzuki LT-F250 ATV VIN# JSAAJ51A972105456 awarded to the City of Weslaco Police Department from the U.S. Department of Justice and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment.
  
- C. Approval of a space rental agreement between Sylvan Learning and the Mayor Joe V. Sanchez Public Library for use of prearranged areas of the library within the Summer months at a cost of \$100 per week and authorize the Mayor to execute any related documents. (Requested by Library.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve all items of the Consent Agenda as presented. Commissioner Noriega requested item III. C be withheld from the consent agenda for discussion.

Commissioner Tafolla, seconded by Commissioner Rivera, amended the motion to approve consent agenda items A and B as presented. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

### **IV. APPOINTMENTS**

#### *Standard Documentation on Board Appointments*

- A. Discussion and consideration to approve Resolution 2013-43 to fill the term of one member to the Weslaco Health Facilities Development Corporation. Possible action. (There was no action on this Resolution April 16, 2013; Requested by Finance Department.) Attachment.

There was no action on this item.

- B. Discussion and consideration to approve Resolution 2013-45 to fill the expired term of one member to the Ambulance Advisory Board. Possible action. (There was no action on this Resolution April 16, 2013; Requested by Fire Department.) Attachment.

The City Manager stated Dr. Roger Heredia resigned from the Ambulance Advisory Board. In response to a question from Mayor Pro-Tem Cuellar, the City Attorney stated traditionally the place is held by a doctor but it is not a requirement.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to accept the resignation of Dr. Roger Heredia and approve Resolution 2013-45 appointing Dr. Sandra Esquivel to the Ambulance Advisory Board. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

For the record, Resolution 2013-45 reads as follows:

**RESOLUTION NO. 2013-45**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE AMBULANCE ADVISORY BOARD.**

**WHEREAS**, the City of Weslaco has established the Ambulance Advisory Board pursuant to Section 14-1(A) of Ordinance No. 78-39; and

**WHEREAS**, the terms of the members of this board are for two years; and

**WHEREAS**, the Ambulance Advisory Board members shall serve without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Sandra Esquivel is appointed to serve a two year term on the Ambulance Advisory Board and the term will begin on May 7, 2013 and expire on May 7, 2015.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of May, 2013.

/s/ John F. Cuellar, MAYOR PRO-TEM

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- C. Discussion and consideration to approve Resolutions 2013-49 and 2013-50 to fill the expired terms of two members to the Library Board. Possible action. (Requested by Library Department.) Attachment.

Commissioner Martinez, seconded by Commissioner Tafolla, moved to approve Resolution 2013-49 appointing Mr. Joe Rios to the Library Board. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

For the record, Resolution 2013-49 reads as follows:

**RESOLUTION NO. 2013-49**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE LIBRARY BOARD.**

**WHEREAS**, the City of Weslaco has established the Library Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

**WHEREAS**, the terms of the members of this board are for two years; and

**WHEREAS**, the Library Board members shall serve without compensation and unlimited terms; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Joe Rios** is appointed to serve a two year term on the Library Board and the term will expire on May 7, 2015.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of May 2013.

/s/ John F. Cuellar, MAYOR PRO-TEM

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve Resolution 2013-50 reappointing Mr. Juan Hernandez to the Library Board. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

For the record, Resolution 2013-50 reads as follows:

**RESOLUTION NO. 2013-50**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE LIBRARY BOARD.**

**WHEREAS**, the City of Weslaco has established the Library Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

**WHEREAS**, the terms of the members of this board are for two years; and

**WHEREAS**, the Library Board members shall serve without compensation and unlimited terms; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Juan Hernandez** is appointed to serve a two year term on the Library Board and the term will expire on May 7, 2015.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of May 2013.

/s/ John F. Cuellar, MAYOR PRO-TEM

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- D. Discussion and consideration to remove two members from the Parks and Recreation Advisory Board and to approve Resolutions 2013-51 and 2013-53 filling those unexpired terms. Possible action. (Requested by the Parks and Recreation Department.) Attachment.

The City Manager stated Daniel Moreno and Annabelle Cardona are eligible for replacement on the Parks and Recreation Advisory Board as they have been absent from three properly posted meetings; their terms have not expired.

Commissioner Martinez stated it was his understanding the meetings were not properly posted nor the members notified and Mr. Moreno still wished to serve on the board.

Mr. David Arce stated that three meetings had been posted and that the board members were contacted either on Friday or Monday as a reminder of the time and location. The

agendas also were emailed to the members.

Commissioner Rivera, seconded by Commissioner Noriega, moved to remove Mr. Daniel Moreno and Ms. Annabelle Cardona. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

Commissioner Noriega stated that she is seconding the removal of the board members because they are not participating

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve Resolution 2013-51 appointing Mr. Lupe Garcia. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

For the record, the resolution reads as follows:

**RESOLUTION NO. 2013-51**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PARKS & RECREATION ADVISORY BOARD.**

**WHEREAS**, the City of Weslaco has established the Parks & Recreation Advisory Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

**WHEREAS**, the terms of the members of this board are for three years; however, following the restructuring of this Board to consist of seven members, this term shall be assigned for two years so that terms are staggered such that no quorum of members expires simultaneously; and

**WHEREAS**, the Parks & Recreation Advisory Board members shall serve without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Lupe Rivera** is appointed to serve an unexpired term on the Parks & Recreation Advisory Board and the term will begin on May 7, 2013 and end on September 19, 2013.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of May 2013.

/s/ John F. Cuellar, MAYOR PRO-TEM

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

Commissioner Noriega, seconded by Commissioner Martinez, moved to approve Resolution 2013-53 appointing Mr. Richard Lopez. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

For the record, the resolution reads as follows:

**RESOLUTION NO. 2013-53**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PARKS & RECREATION ADVISORY BOARD.**

**WHEREAS**, the City of Weslaco has established the Parks & Recreation Advisory Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

**WHEREAS**, the terms of the members of this board are for three years; however, following the

restructuring of this Board to consist of seven members, this term shall be assigned for two years so that terms are staggered such that no quorum of members expires simultaneously; and

**WHEREAS**, the Parks & Recreation Advisory Board members shall serve without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Richard Lopez** is appointed to serve an unexpired term on the Parks & Recreation Advisory Board and the term will begin on May 7, 2013 and end on October 19, 2015.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of May 2013.

/s/ John F. Cuellar, MAYOR PRO-TEM

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

## **V. OLD BUSINESS**

- A. Discussion and consideration to approve the Lease Agreement with the Lower Rio Grande Valley Development Council (LRGVDC) for use of the City of Weslaco Public Works Facilities Building and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item April 23, 2013; Requested by Public Facilities Department.) Attachment.

There was no action on this item.

## **VI. NEW BUSINESS**

- A. Discussion and consideration after public hearing on behalf of Sylvia Mendoza and Arturo Robles to approve a Conditional Use Permit to operate a dance hall with live music at 2901 W. Business Hwy. 83, also being 1.7295 acres of land out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated notice was published and hearing held; the Planning and Zoning Commission and staff recommend approval with the conditions that there be a minimum of two security officers present during the hours 6:00 p.m. to 2:00 a.m. Wednesday through Saturday.

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

- B. Discussion and consideration to approve a revision to the Bylaws of the Economic Development Corporation of Weslaco to provide for terms of office and a rotation of the members to comply with the Articles of Amendment to the Articles of Formation of the Economic Development Corporation of Weslaco as approved by the Weslaco City Commission on February 19, 2013. Possible action. (Requested by the Economic Development Corporation.) Attachment.

The City Manager stated that this would allow for staggered terms of the new board appointees and recommends approval; Mr. Hernan Gonzalez clarified this mirrors the

Articles of Formation as adopted by the Commission.

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

- C. Discussion and consideration to approve Resolution 2013-54 authorizing review of the Cost of Service Adjustment (COSA) filing by Texas Gas Service Company (TGS), a division of ONEOK, Inc. effective August 1, 2013, hiring legal and consulting services to negotiate with TGS, and requiring TGS to reimburse all reasonable costs associated with a joint review of this application with other cities. Possible action. (Requested by Legal Department.) Attachment.

The City Manager stated this allows the City to work with other cities to hire an attorney to negotiate the group rates.

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

For the record, Resolution 2013-54 reads as follows:

**RESOLUTION NO. 2013-54**

RESOLUTION OF THE CITY OF WESLACO, TEXAS AUTHORIZING REVIEW OF TEXAS GAS SERVICE COMPANY'S ("TGS") COST OF SERVICE ADJUSTMENT ("COSA") TARIFF; APPROVING OF A JOINT REVIEW OF TGS' APPLICATION ALONG WITH OTHER CITIES SERVED BY TGS; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING TGS TO REIMBURSE ALL REASONABLE COSTS ASSOCIATED WITH CITIES' EFFORTS IN THIS RATEMAKING EFFORT; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about May 1, 2013, Texas Gas Service Company ("TGS" or "Company") filed with the City of Weslaco ("City") a Cost of Service Adjustment ("COSA") Tariff seeking to increase natural gas rates to all customers residing in the City; and

WHEREAS, it is in the public interest for the City to participate with other Valley Cities Served by TGS in the COSA filing in order to protect the interests of the City as well as the interests of TGS customers residing and conducting business within the City; and

WHEREAS, the Cities Coalition will conduct a review of the Company's application and will hire and direct legal counsel and consultants to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, pursuant to a settlement agreement between the City and the Company dated August 14, 2009 provides that costs incurred by cities associated with this proceeding are to be reimbursed by the Company.

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

1. That the City is authorized to participate with other Valley Cities in TGS' COSA filing to protect the interests of the City and protect the interests of TGS customers residing and conducting business within municipal limits.

2. Subject to the right to terminate employment at any time, the City hereby authorizes the hiring of Geoffrey Gay of the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. and Karl J. Nalepa, of the consulting firm R.J. Covington Consulting, LLC to review the Company's filing, negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of the COSA filing.

3. That the City's reasonable legal and consulting expenses shall be reimbursed by TGS.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law; and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Geoffrey Gay, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725 and to Dean LaFever, at Texas Gas Service Company, P.O. Box 531827, Harlingen, Texas 78553.

**PASSED AND APPROVED** this 7<sup>th</sup> day of May, 2013.

/s/ John F. Cuellar, MAYOR PRO-TEM

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- D. Discussion and consideration to award the Construction-Manager-At-Risk Contractor to the best qualified, most advantageous bidder for the construction phase of the Weslaco Boys and Girls Club Recreation Center, funded in part by the Texas Parks and Wildlife as Project Number 51-000065, as shown on architectural drawings design completed by Alcocer Garcia Associates Architectural Services and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment.

There was no action on this item.

- E. Discussion and consideration to award the City's Multiprotocol Label Switching Data Network and Internet Service Provider Services (City-wide Fiber Project) to the best qualified, most advantageous bidder as budgeted and authorize the Mayor to execute any related documents. Possible action. (Solicitation of Proposals authorized March 19, 2013; Requested by Information Technology Department.) Attachment.

The City Manager stated this is for fiber network to connect the entire municipality; staff recommends Smart Com.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented.

In response to inquiries from Commissioner Noriega, Mr. Rey Garcia stated the business owners are Yoder, selected based the on cost and customer support. He added this would provide savings to the City reducing from \$56,000.00 as budgeted to \$42,000.00 as bid with redundancies. Mr. Garcia stated only two bids were received since other vendors contacted do not service municipalities.

The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

- F. Discussion and consideration to approve a budget amendment from the Water and Wastewater Retained Earning Accounts in an amount not to exceed \$220,564.96 for the close-out of invoice No. 55609 from CH2MHILL-OMI for fiscal year 2012 Repairs, Chemicals, and Sludge Expenses. Possible action. (Invoice approved March 5, 2013; Requested by Public Utilities Department.) Attachment.

The City Manager stated that the Commission already approved the payment of the invoice but overlooked the approval of the budget amendment.

Commissioner Martinez, seconded by Commissioner Rivera, moved to approve.

In response to Commissioner Noriega, Mr. Mann clarified the funds are from retained earnings, which comes from prior earnings collected by utilities through fees.

Mr. David Salinas stated that as equipment ages it requires more repairs and that though they increased the budgeted amount for Fiscal Year 2013, this amount is for Fiscal Year 2012. Mr. Salinas stated that GIS is inventorying equipment, including pipes, and identifying a twenty-five year staggered, aging schedule for capital improvements.

The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

- G. Discussion and consideration to select the color of decorative coating for the pre-stressed concrete tanks at the Water Treatment Plant. Possible action. (Requested by City Manager's Office.) Attachment.

The City Manager stated that the Commission could select any color it liked, but there could be additional cost for certain colors. Mr. Salinas stated that the City can pick any color except purple because that is reserved for recycled water.

Mayor Pro-Tem asked staff to come back with a recommendation.

- H. Discussion and consideration to approve Resolution 2013-52 establishing the Weslaco 100 Committee, an ad hoc citizen board, to advise on the municipal strategic plan and centennial celebrations. Possible action. (Requested by City Manager's Office.) Attachment.

The City Manager stated this forms a fifteen member committee to prepare for the centennial, to update the comprehensive plan and to update the open parks plan. If approved at the next meeting the Commission may appoint its members.

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

For the record, Resolution 2013-52 reads as follows:

**RESOLUTION NO. 2013 - 52**  
**A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING THE**  
**WESLACO 100 COMMITTEE TO PREPARE WESLACO'S CENTENNIAL**  
**CELEBRATION AND STRATEGIC PLAN**

**WHEREAS,** The City of Weslaco, Texas, founded 1919, will celebrate its centennial in 2019, and anticipates programs and activities befitting the occasion; and

**WHEREAS,** This Commission finds merit in establishing an ad hoc citizen's committee to solicit suggestions, make recommendations, and encourage participation toward the planning and facilitating of such programs and activities; and

**WHEREAS,** After public meetings, all recommendations are required to be submitted to the Weslaco City Commission for approval; and

**WHEREAS,** The Committee shall concurrently consider issues for the strategic growth of the City over the next 100 years, including planning/sustainable development, governance, health, transportation, education, economic development, public safety, parks, information technology, and housing; and

**WHEREAS,** there shall be fifteen (15) members in the Weslaco 100 Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for three (3) years and may be eligible for reappointment; and

**WHEREAS,** The Weslaco 100 Committee members shall serve without compensation.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** the Weslaco 100 Committee is hereby created.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of May, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

**III. CONSENT AGENDA**

- C. Approval of a space rental agreement between Sylvan Learning and the Mayor Joe V. Sanchez Public Library for use of prearranged areas of the library within the Summer months at a cost of \$100 per week and authorize the Mayor to execute any related documents. (Requested by Library.) Attachment.

Commissioner Noriega stated that even though this program offers tutoring there are plenty of available rental spaces and is against the rental of public space to a for-profit business.

The City Manager stated the Economic Development Corporation approached the City because Sylvan Learning is looking to expand into trial markets in Weslaco and Harlingen and this is a pilot project. Ms. Susana Val Verde stated they are trying to determine if there is enough demand to warrant establishing a retail operation in Weslaco and they failed to quantify in-kind services, including certified teachers and education oriented programs. They currently have free services in both Weslaco High Schools, but

these facilities are not open during the summers.

Commissioner Noriega stated that there are other tutoring businesses in Weslaco; Ms. Val Verde stated that there are tutors at the library now charging for their services.

Mr. Becho stated that he wasn't aware of anyone conducting business at the library. Hernan Gonzalez stated this is an enrichment program and it is for a very limited term.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve. The motion carried with Commissioner Noriega opposed (4-1); Mayor Pro-Tem Cuellar was present, but not voting.

Commissioner Martinez asked why there was a delay on item IV. D. The City Manager stated that they are looking to secure additional local bidders.

## **VII. REPORTS**

### **A. Report on Departmental Update, Upcoming Meetings, Appointments, and Feedback. Attachment.**

The City Manager stated there were 375,000 visitations to the library this year and are looking to be reaccredited. Upgrades have been completed at field 1 at Harlon Block Park and slides replaced where damaged and no claims had been filed. South Texas Turf Farms, Woodmen of the World, and JC's Electric donated 14 pallets at \$60/pallet for the Little League infield. City parks remain safe and very busy.

Mayor Pro-Tem Cuellar suggested a BBQ fundraiser to benefit the City parks as there is a lot of enthusiasm to get the parks where they were.

The City Manager introduced Jeff Underwood as Interim Planning/Code Enforcement Director and Senior Planner.

### **B. Proposed Transportation Priorities. Attachment.**

The City Manager referenced the report as enclosed.

### **C. Legislative Update from Caballero Legislative Affairs. Attachment.**

The City Manager referenced the report as enclosed.

### **D. Report on Sponsored Projects. Attachment.**

The City Manager referenced the report as enclosed.

### **E. Report on Litigation Status.**

The City Manager referenced the report as enclosed.

## **VIII. PUBLIC COMMENTS**

Bernie Saenz thanked the City for its continued support of the VIDA program through the Economic Development Corporation.

Samuel Cavazos advocated City guidelines for handling grievances.

**IX. EXECUTIVE SESSION**

At 7:07 p.m., the Mayor Pro-Tem announced the regular meeting to convene in Executive Session. At 8:18 p.m., the Mayor Pro-Tem announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

**X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

- A. Land Acquisition – Discussion with City Manager regarding the acquisition of real property for the Weslaco Mid-Valley International Airport for the TxDOT Aviation Division runway extension project as authorized by §551.072 of the Texas Local Government Code.

There was no action on this item.

- B. Economic Development - Discussion and consideration to authorize the Economic Development Corporation of Weslaco to provide an incentive in excess of One Hundred Thousand Dollars (\$100,000.00) for a business to expand to Weslaco pursuant to §551.087 of the Texas Government Code.

Commissioner Fox, seconded by Commissioner Martinez, moved to authorize the Economic Development Corporation to enter into a Development Agreement and to offer an incentive not to exceed \$200,000.00 as discussed in executive session. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

- C. Litigation – Consultation with the City Attorney to discuss legal matters related to litigation as authorized by §551.071 of the Texas Local Government Code.

There was no action on this item.

**XI. ADJOURNMENT**

With no other business before the Commission, at 8:19 p.m. Commissioner Fox, seconded by Commissioner Martinez, moved to adjourn the May 7, 2013 regular meeting. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

**CITY OF WESLACO**

(absent)

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**MAYOR, Miguel D. Wise**

**ATTEST:**

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**CITY SECRETARY**, Elizabeth M. Walker

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**MAYOR PRO-TEM**, J.F. “Johnny” Cuellar

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**COMMISSIONER**, David R. Fox

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**COMMISSIONER**, Olga M. Noriega

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**COMMISSIONER**, Gerardo “Jerry” Tafolla

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Joe A. Martinez