

*Approved 4/21/09  
cc mtg.*

**WESLACO CITY COMMISSION**

**REGULAR MEETING**

**APRIL 7, 2009**

On this 7<sup>th</sup> day of April, 2009 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 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	J.F. "Johnny" Cuellar
Commissioner	Soyla R. Gonzalez
Commissioner	Rene Rodriguez, Jr.
Commissioner	Adrian Gonzalez
Commissioner	Lupe V. Rivera
Commissioner	Patrick B. Kennedy
City Manager	Anthony Covacevich
City Secretary	Amanda C. Elizondo
City Attorney	Ramon Vela

Also present: Leroy Gonzales, Interim Finance Director; Pete Garcia, Parks & Recreation Director; Gloria Sepulveda, Purchasing Director, Bernard Rodriguez, Senior Planner; and several other staff members and citizens. Mayor Pro-Tem Cuellar called the meeting to order, a quorum was established and the following proceedings were held.

Howard Bloomquist, Senior Minister from the Central Fellowship Church of Weslaco gave the invocation. Mayor Pro-Tem Cuellar recited the Pledge of Allegiance and the Pledge to the Texas Flag.

Mayor de la Rosa changed the order of the agenda and proceeding with the following item.

**VIII. EXECUTIVE SESSION**

At 5:35 p.m., Tuesday, April 7, 2009, Mayor de la Rosa announced the City

Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 5:41 p.m., Tuesday, April 7, 2009, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

- A. Discussion and consideration to authorize the City Attorney to file an answer in CAUSE NO. CL-09-0178-E. CLAUDIO LUCIO, vs. CITY OF WESLACO. Possible action of what was discussed in executive session.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to direct Kyle Watson of the Law Firm of Goode, Casseb, Jones, Riklin, Choate & Watson, P.C. from San Antonio, Texas to file an answer in CL-09-0178-E. Claudio Lucio vs. City of Weslaco and to defend the City of Weslaco in this lawsuit. Motion carried unanimously.

- B. Land Acquisition - Discussion with the City Manager regarding the acquisition of a utility easement for the City of Weslaco for Lift Station #27. Possible action of what was discussed in executive session.

Mayor de la Rosa announced no action was required at this time and returned to the regular order of the agenda.

## **I. CONSENT AGENDA**

### **NOTICE TO THE PUBLIC**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of Minutes
  - 1. Regular Meeting of March 17, 2009
  - 2. Special Meeting of March 24, 2009
- B. Second and final reading of the following ordinances:
  - 1. Ordinance No. 2009-07 dedicating a 0.0367 of one acre as a Lift Station Easement for the City of Weslaco and ordaining other matters with respect to subject matter hereof. Possible action.

2. Ordinance No. 2009-08 dedicating a 20 foot wide utility easement as a public right-of-way for utility purposes and ordaining other matters with respect to the subject matter hereof. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Kennedy 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 amend Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning of the west 10 acres of the east 20 acres of Farm Tract 686, West Tract Subdivision at 300 East 18<sup>th</sup>, from "R-1" One Family Dwelling District Zoning to "B-1" Neighborhood Business District Zoning. First reading of Ordinance No. 2009-09. (Requested by D&J Investments, LTD) (This item requires a ¾ vote from the Weslaco City Commission to over turn the Planning and Zoning Commission's vote) Possible action.

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

Bernard Rodriguez, Senior Planner stated D&J Investments, Inc. was requesting to rezone the property for commercial use. He mentioned the property was currently zoned "R-1", Single Family Residential and fronted 18<sup>th</sup> Street east of Texas Blvd. Mr. Rodriguez stated the property was adjacent to a "B-2" Secondary and Highway District to the west; "R-2" Duplex and Apartment District to the east; "B-1" Neighborhood Business District to the south and within the vicinity at the southeast and northwest corner at the intersection of Texas Blvd and 18<sup>th</sup> Street. He pointed out the City of Weslaco's Comprehensive Plan and Land Use Map recommended a desirable land use pattern at the projected site as single family district with the surrounding area being manufactured homes to the west, institutional research to the east and commercial and multi-family designation to the south. Mr. Rodriguez stated on March 6, 2009 letters were mailed to 28 property owners residing within the 200 feet radius. He added staff received several phone calls regarding the proposed use concerning the drainage. Mr. Rodriguez indicated Ms. Kathleen Dombi, 1502 S. Oregon, called to voice her opposition to the proposed rezone. He mentioned on March 18, 2009, the Planning and Zoning Commission denied

the request and staff was recommending adherence to the City of Weslaco's Comprehensive Plan.

Bob Veach, residing on 1501 S. Oregon stated he opposed the rezone because the water would be drained to 18<sup>th</sup> Street causing major flooding.

Steve Spoor, with Spoor Engineering from McAllen, Texas stated the properties to the north and west were zoned "B-2" and to the east was "R-2" Duplex Apartments. He pointed out the Weslaco Nursing and Rehabilitation Center was zoned "R-1", but had a conditional use permit. Mr. Spoor stated there was very little residential surrounding the proposed property, to the east was a mixed use and they needed to install a 6' foot masonry wall to buffer the commercial area from the residential area. He mentioned the south side of the property was surrounded by commercial zoning.

Mayor de la Rosa asked Mr. Spoor if the City Commission approved the request would they be increasing the size of the drainage if required.

Mr. Spoor responded the Planning and Zoning Commission recommended preliminary approval of the subdivision plat. He pointed out they had identified 2 acre holding ponds at the north side of the property to intercept the drain water that was currently flowing through the property to end up in a piping station. Mr. Spoor stated that from that point the drain water would pumped to a public drainage system on 18<sup>th</sup> Street in front of the Weslaco Nursing and Rehabilitation Center to the drain ditch east of Bridge Street.

A brief discussion was held and David Salinas, Public Facilities Director stated the area would flood with the rain and the drainage was not designed to handle it. He mentioned that what could alleviate the drainage was the expansion of the drain ditch, but it was not complete.

Randy Winston, City Engineer stated Leisure World was built on a flood zone and there were some issues that staff was still discussing with Mr. Spoor in regards to the drainage, site plan and the total development.

Mr. Spoor stated in the tabulation for the detention they used a fifty years storm flood plan and the current city was 10 years, but they could commit to 100 years; however, the county did not have it on the chart.

Mr. Covacevich stated the two areas were rezoned Mobile Home Park in a "B-2" and needed to be corrected to apply the proper zoning.

Mayor de la Rosa asked can the property be designed to drain in case of a 100 years flood.

Mr. Spoor stated it could be done and he would present a design.

Charles Warren, member of the Planning and Zoning Commission stated this was a zoning issue and not a drainage issue. He mentioned the zoning issue had to do with the existing land use, mixed use "R-2" multi-family and mobile homes parks. Mr. Warren stated a project like this storage units was quite comparable to an "R-2" which was what they were asking for. He mentioned as far as the Comprehensive Plan it had defects, there were corrections before final approval and it did not make sense to have one lot designated single family when the area was in transition to commercial area. Mr. Warren stated he did not see any conflict in storage units and if zoned "B-1" the developer could put any type of activity. He mentioned the drainage problem should be improved with whatever was developed and the engineer and developer was committed to correct the drainage.

Hernan Gonzalez, Executive Director of the Economic Development of Weslaco stated the proposed use and the kind of development the city was attracting was the best franchise in the State. He mentioned this was an attractive development for the city.

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

Mayor de la Rosa recommended approval of this item with the contingency that the design be for a 100 years flood plan as stated by Mr. Spoor. He mentioned the City of Weslaco would look favorable upon this commercial development. Mayor de la Rosa added this was a means of creating jobs, improving the property and the surrounding properties would benefit from the engineering design due to drainage improvements. He pointed out these item required six votes to overwrite the Planning and Zoning's recommendation.

Motion was made by Mayor de la Rosa and seconded by Commissioner Kennedy to approve the zone change request as discussed.

Mr. Covacevich stated the Mayor was placing a condition on the rezone and this could not be done.

Mayor de la Rosa stated he was placing a condition on the plat and when the plat came to the City Commission they would determine the degree of the drainage to meet the 100 years specifications. He mentioned the motion only included the rezoning.

Motion carried unanimously (The Mayor and all the City Commissioners voted in favor of the request).

- B. To discuss and consider a Conditional Use Permit for a Roller Skating Rink being 2.48 acre tract of land out of Farm Tract 1098, West and Adams Tract Subdivision located at 701 S. International Blvd., Weslaco, Texas. (Requested by Gerald Ouderkirh) Possible action.

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

Mr. Rodriguez stated the proposed skating rink required a conditional use permit and the applicant had complied with the city requirements. He added the property was zoned "B-2" Secondary and Highway District as the surrounding areas. Mr. Rodriguez indicated the site was the previous bowling alley located on FM 1015 and Business 83. He mentioned the Planning and Zoning Commission recommended approval of the request on March 18, 2009 with the condition that security be arranged with licensed security personnel. Mr. Rodriguez stated letters were mailed on March 6, 2009 to twelve property owners residing within the 200 foot radius notifying them of the request. He mentioned no public comments were received and the Planning and Zoning Commission recommended approval of the request on March 18, 2009. Mr. Rodriguez stated staff was also recommending approval of the request.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rodriguez to close the public hearing. Motion carried unanimously.

Motion was made by Commissioner Kennedy and seconded by Commissioner A. Gonzalez to grant the conditional use permit as presented. Motion carried unanimously.

- C. To discuss and consider a request to amend Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning of the 8.348 acres, out of Farm Tract 633, West Tract Subdivision at 1900 Block of West Business 83, from "R-1" One Family Dwelling District Zoning to "R-2" Duplex and Apartment District Zoning. First reading of Ordinance No. 2009-10. (Requested by Art Ortega). Possible action.

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

Mr. Rodriguez stated the proposed site fronted U.S. Business 83 west of Westgate Drive and the surrounding area was annexed in December, 2008. He pointed out the area was zoned as "R-1" Single Family District. Mr. Rodriguez stated the City of Weslaco's Comprehensive Plan and Land Use Map recommended a desirable land use pattern in this area as commercial off of U.S. Business 83 frontage from Westgate Drive west to Milano Road. He stated on March 6, 2009, letters were mailed to eight property owners residing within the 200 foot radius notifying them of the request. Mr. Rodriguez stated no public comments were received and mentioned the location was the former Cactus Drive Inn. He added there was an application for a tax increment for an apartment complex and one of the stipulations was to apply for a zone change. Mr. Rodriguez stated the Planning and Zoning Commission voted to recommend approval of the request and staff was consistent with the recommendation.

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

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner S. Gonzalez to approve the request as presented.

Motion carried as follows: FOR: Mayor de la Rosa, Mayor Pro-Tem Cuellar, Commissioners: S. Gonzalez, Rodriguez, A. Gonzalez and Rivera. AGAINST: Commissioner Kennedy.

For the record, Mayor Pro-Tem Cuellar clarified that this request was not for low-income housing it was for affordable housing based on income.

Commissioner S. Gonzalez referred to Item B. regarding the skating rink and asked when the opening date was.

Gerald Ounderkirh, requestor, stated the proposed date was sometime in May, 2009.

- D. To discuss and consider a Conditional Use Permit for a Mixed Beverage & Late Hours Permit, Dance Hall and to operate coin/bill operated vending machines being a 1.99 acre tract of land out of Farm Tract 829, West Tract Subdivision and part of Lots 46, 61, 62, and 63, Mistletoe Park Subdivision located at 413 East U.S. Highway 83, Weslaco, Texas. (Requested by AJJB, L.L.C./Juan Eduardo Benitez). Possible action.

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

Mr. Rodriguez stated the applicant had complied with the conditional use permit requirements. He mentioned the property was zoned "B-2" Secondary and Highway District and this site had previously received conditional use permits for similar establishments. Mr. Rodriguez stated letters were mailed on March 6, 2009 to nine property owners residing within the 200 feet radius notifying them of the request and no comments were received. He mentioned on March 18, 2009 the Planning and Zoning Commission recommended approval of the request and staff was consistent with the recommendation.

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

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rodriguez to approve the conditional use permit as presented. Motion carried unanimously.

#### **IV. CITY MANAGER'S REPORT**

##### **A. Status report on the City of Weslaco's Construction Projects**

Anthony Covacevich, City Manager, reported on the following projects.

- 1) Westgate Drive Paving North of Expressway 83 – The project was approved by the Hidalgo County MPO for funding and were waiting for clearance. This project would be similar to the Westgate Drive to Business 83, Expressway North all the way to Mile 9 Project.

Commissioner A. Gonzalez asked if a mail out could be done informing the citizens within that area that the city had gotten the funding because County Commissioner, Sylvia Handy was saying that they had the funding to do this project.

Commissioner S. Gonzalez suggested putting up a sign to let the citizens know.

Commissioner A. Gonzalez stated it needed to be done as soon as possible.

Commissioner Kennedy stated the Weslaco City Park walking trail looked nice and asked how much work was needed to complete the project.

Mr. Covacevich responded the exercising stations were needed and the edge of the asphalt needed caliche to protect it.

Commissioner Kennedy stated he had gotten a lot of compliments on the walking trail and congratulated Pete Garcia, Parks & Recreation Director and staff for a job well done.

Mr. Garcia stated they would be adding some signs and would like to make it a one way walking trail and install the exercise stations.

Commissioner A. Gonzalez asked if funding was available to do the same at Harlon Block Park on 18<sup>th</sup> Street.

Mr. Covacevich responded they needed to replace the gravel with asphalt.

Mayor de la Rosa stated some lights were out on 18<sup>th</sup> Street, Harlon Block City Park on the northeast section of the walking trail.

Commissioner Kennedy asked if the city was still waiting on the geographical testing on Las Brisas Subdivision.

David Salinas, Public Facilities Director stated they were trying their best to speed up this issue with the county and expecting to do something by June 1<sup>st</sup>.

- 2) Shopping Center Infrastructure – Mr. Winston had started on the design of the drainage pond and J.C. Penney had a huge building.
- 3) Airport Customs Office – The design had been develop and was waiting approval from Washington, D.C.
- 4) Airport Portico – Quotes were being solicited and the amount would be within budget.

**B. Status report on the City of Weslaco’s Bond Projects**

Mr. Covacevich reported some staff members and himself had met with Senator Lucio and representatives from the Water Development Board to discuss the projects that were not funded by the bond program. He mentioned they had provided Senator Lucio with a letter to send to the Water Development Board encouraging funding for these projects that had been designed. Mr. Covacevich stated Senator Lucio was supporting the projects.

**V. MAYOR’S REPORT**

**A. Discussion and consideration of approving Resolution No. 2009-10 in support of various legislative issues and request support from other communities. Possible action.**

Mayor de la Rosa stated Resolution No. 2009-10 listed the bills that were written by Representative Armando Martinez that directly affected the City of Weslaco and all the communities in Texas. He asked for the City Attorney to prepare a letter of support to accompany the resolution to send to other communities.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner S. Gonzalez to adopt Resolution No. 2009-10 as presented. Motion carried unanimously.

For the record, Resolution No. 2009-10 read as follows:

RESOLUTION NO. 2009-10

STATE OF TEXAS	§	CONCERNING LEGISLATION HOUSE BILLS: 89, 1171,
COUNTY OF HIDALGO	§	848, 2891, 3240
CITY OF WESLACO	§	

WHEREAS, the City of Weslaco is a progressive community, and;

WHEREAS, as part of the city’s legislative agenda for the 81<sup>st</sup> legislative session, the city is requesting support for the following:

WHEREAS, House Bill 89, relating to the transportation of certain mental health patients will provide relief to our local police departments in transporting mentally ill individuals, and;

WHEREAS, House Bill 1171, relating to the addition of certain counties to the Texas emissions reduction plan, will secure the counties position as an area that would qualify for Terp funding, and;

WHEREAS, House Bill 848, relating to the designation of the Mid Valley Airport as the disaster relief headquarters for the Rio Grande Valley, will add a mid valley designation as an emergency response center, and;

WHEREAS, House Bill 2891, relating to a fee charged by a municipality for a copy of public records, will add additional funds to cities coffers to offset unfunded mandates, and;

WHEREAS, House Bill 3240, relating to a municipal program for foreclosure on and improvements of certain property and the subsequent sale of the property as affordable housing, will allow municipalities to provide housing for its low income residences, and;

WHEREAS, State Lawmakers are considering these bills in the Texas Legislature, 81<sup>st</sup> Session.

NOW THEREFORE, BE IT RESOLVED, THAT THE City Commission of the City of Weslaco, Texas wholeheartedly endorses the passage of these bills by Representative Armando Martinez and ask for your help and support of the above mentioned.

PASSED, APPROVED AND ADOPTED on this 7<sup>th</sup> day of April, 2009.

CITY OF WESLACO  
/s/ Buddy de la Rosa, R. Ph.  
MAYOR

ATTEST:  
/s/ Amanda C. Elizondo, CITY SECRETARY  
APPROVED AS TO FORM:  
/s/ Ramon Vela, CITY ATTORNEY

## **VI. BOARD APPOINTMENT**

- A. Ambulance Advisory Board – One member’s term expired April 5, 2009. Possible action.

Motion was made by Commissioner Kennedy and seconded by Commissioner Rodriguez to re-appoint Dr. Roger Heredia to the Ambulance Advisory Board for another term. Motion carried unanimously.

## **VII. NEW BUSINESS**

- A. Request from the Weslaco Scholarship Program to host the Annual Cinco de Mayo. Free Concert on Sunday, May 17, 2009 at the Weslaco City Park from 12:00 noon to 9:00 p.m. to allow the sale of alcohol with the assistance from various departments and waive all fees associated with the event. Possible action.

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

- B. Request from Mr. and Mrs. Herbert Lopez to use the Harlon Block Park Sports Complex Ball Fields and Pavilion #38 to host a Benefit Baseball/Softball Tournament for Mr. Cali Carranza on Saturday, June 13, 2009 and waive all fees associated with the event. Possible action.

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

Mr. Covacevich stated this request was not an organization, but a private party and the practice had been to allow non-profit organizations to use the parks and waive all fees. He mentioned the City Commission could approve the request, but recommended for Mr. & Mrs. Lopez to find a sponsor or organization so the fees could be waived.

Diana Lopez, requestor, stated they were in the process of establishing a Tejano musician, insurance, coalition and foundation. She mentioned this would only be for this time.

Mayor de la Rosa stated Mr. Covacevich's recommendation was for the future and the City Commission would act whether or not to approve or disapprove the request without any requirements other than to waive the fees.

Motion carried unanimously.

- C. Request from South Texas E.M.S. Honor Guard to use Shelter #26 at the Weslaco City Park to host an E.M.S. Festival to celebrate E.M.S. Week on Saturday, May 23, 2009 and to allow Valley Air Care to land the helicopter at the event and waive all fees associated with the event. Possible action.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Kennedy to approve the request as presented. Motion carried unanimously.

- D. Request from Numba 1 Entertainment, Inc. to host a Hip Hop Concert to benefit the Rio Grande Valley Food Bank on Saturday, April 25, 2009 at the Weslaco City Park Shelter #25 area from 3:00 p.m. to 5:00 p.m. and waive all fees associated with the event. Possible action.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Kennedy to approve the request as presented. Motion carried unanimously.

- E. Request from the Public Facilities Department to use the City Hall Parking Lot on Saturday, April 18, 2009 from 8:00 a.m. to 4:00 p.m. to celebrate the 2009 Earth Day with the assistance from the Weslaco Parks & Recreation, Police, Fire, and EMS Departments and waive all fees associated with the event. Possible action.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Kennedy to approve the request as presented. Motion carried unanimously.

- F. Request from the Jason Campos Foundation to host the 6<sup>th</sup> Annual Jason Campos Foundation Softball Invitational at the Harlon Block Park Sports Complex Ball Fields on Saturday, April 25, 2009 and Sunday, April 26, 2009 with the assistance from the Parks and Recreation Department. Possible action.

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

Mayor de la Rosa asked if the requestor was asking to waive the fees.

Mr. Garcia responded yes.

Mayor Pro-Tem Cuellar amended his motion to include waiving all fees associated with the event.

Commissioner Kennedy recommended that items of this nature be included in the consent agenda.

Motion carried unanimously.

- G. Discussion and consideration to award Toter, Inc. from Statesville, NC for the purchase of 500 – 96 Gallon Refuse Containers through Texas Comptroller of Public Accounts, State of Texas CO-OP Contract Reference Bid No. 450-A2 in the amount of \$25,265.00. Possible action.

Gloria Sepulveda, Purchasing Director, stated staff had not solicited bids for this item because this was through the Texas Procurement CO-OP; however, she had made contact with other companies. She mentioned staff was recommending awarding the item to Toter, Inc.

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

Mr. Covacevich stated funds would be derived from the Sanitation Fund and was a budgeted item. He pointed out staff would be buying the containers as needed until the issue of privatizing the sanitation services was resolved.

- H. Status report from Hernan Gonzalez, Executive Director on economic development activities. Possible action.

Mr. Gonzalez reported on the following items:

- 1) Texas Department of Public Safety Regional Headquarters – The Development Agreement with the DPS had been executed. This would bring the Regional Headquarters to Weslaco. The project expenditure was estimated to be \$22,000,000.00 and would take approximately three years to complete the project.
  - 2) The J. C. Penney and Lowe’s Projects - The retail projects were progressing and the public infrastructure was being cloned by private contractors and should move fairly quickly. The goal was to have the frontage area development ready by July, 2009.
  - 3) EDC Hangar - The 8,000 foot hangar was ready and leased to Praat Aviation Academy to attract additional development to the Mid-Valley Airport. Work needed to be done on the platting and infrastructure.
  - 4) North Texas Redevelopment - The EDC was interested in the clean-up of vacant and unproductive properties on North Texas. The lot located at 153 North Texas was under contract and other targets would be followed.
  - 5) Sales Tax - The sales tax receipts for the month were 8.52% ahead of last year and overall the sales tax receipts for Hidalgo County were positive.
- I. Discussion and consideration to approve a banking relationship with Compass Bank deemed necessary by the Board of Directors of The Economic Development Corporation of Weslaco to further a significant economic development project. Possible action.

Mr. Gonzalez stated the EDC had to borrow 1.3 million dollars to meet all obligations with SDI and to finish the infrastructure improvements for the Expressway Project. He added they had given the opportunity to nine banks to lend this money on a fixed rate and secured it with Compass Bank. Mr. Gonzalez stated authority from the City Commission was required to proceed with this project.

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

- J. Discussion and consideration to approve the Interlocal Cooperation Agreement between the City of Weslaco, Texas Department of Public Safety and County of Hidalgo for Alcohol Breath Test Services and equipment and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the request as presented and authorize the Mayor to execute the agreement.

Mr. Covacevich stated the equipment belonged to the county, but would be housed in the city.

Motion carried unanimously.

- K. Discussion and consideration to obtain consent from the Weslaco City Commission to use \$11,986.00 of confiscated funds from the Forfeiture Account as per the Texas Code of Criminal Procedure, Article 59.06 to purchase needed General Police Equipment and Special Response Team Equipment and authorize the Mayor to execute any and all documents associated with the request. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to approve the request as presented and authorize the Mayor to execute any and all documents associated with the request. Motion carried unanimously.

- L. Discussion and consideration to authorize the Weslaco Police Department to submit a grant application to the State of Texas Attorney General's Office (OVAG) Victim's Assistance Grant to solicit funds for the Crime Victim's Liaison position to cover cost for salaries, fringe benefits, equipment and associated program costs and authorize the Mayor to execute any and all related documents. Possible action.

Motion was made by Commissioner A. Gonzalez and seconded by Mayor Pro-Tem Cuellar to approve the request as presented and authorized the Mayor to execute any and all related documents. Motion carried unanimously.

- M. Discussion and consideration to authorize the Weslaco Police Department to submit a grant application to the Department of Justice (Bureau of Justice Assistance Grant) Edward Byrne Memorial Assistance Grants to solicit funds for the purchase of police vehicles and equipment and supplies to outfit the police officers in the amount of \$1,320,000.00 and authorize the Mayor to execute any and all related documents. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to approve the request as presented and authorized the Mayor to execute any and all related documents. Motion carried unanimously.

- N. Discussion and consideration to authorize the Weslaco Police Department to submit a grant application to the Department of Justice Community Oriented Policing Services (CHRP) Cops Hiring Recovery Program to solicit funds for the hiring of 30 entry level police officers for a period of three (3) years to cover salaries and fringe benefits in the amount of \$4,300,000.00 and authorize the Mayor to execute any and all related documents. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the request as presented and authorize the Mayor to execute any and all related documents. Motion carried unanimously.

- O. Discussion and consideration to authorize the Weslaco Police Department to submit a grant application to the Department of Justice (Bureau of Justice Assistance Grants) Edward Byrne Memorial Justice Assistance Grants to solicit funds for the purchase of Homeland Security Equipment in the amount of \$70,433.00 and authorize the Mayor to execute any and all related documents. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the request as presented and authorize the Mayor to execute any and all related documents. Motion carried unanimously.

- P. Discussion and consideration to authorize the Mayor to endorse, by signature, a letter of support to the Texas Department of Housing and Community Affairs on the proposed Weslaco Hills Multi-Family Rental Housing Project. Possible action.

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

- Q. Discussion and consideration to amend Section 2, Item J. and M. and Section 3, Item A of the Fire & EMS Affiliation Agreement between the City of Weslaco and Knapp Medical Center to allow Weslaco EMS personnel to participate with hands on training and authorize the Mayor to execute the amendment. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the request as presented and authorize the Mayor to execute the amendment. Motion carried unanimously.

- R. Discussion and consideration to approve Resolution No. 2009-09 amending Resolution No. 96-26 by adding the City Manager as an authorized representative to the Texpool Participant Services. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to approve Resolution No. 2009-09 as presented.

Mr. Covacevich stated this change was due to the Finance Director's position being vacant.



2. Name: Anthony Covacevich Title: City Manager

Signature: \_\_\_\_\_ Phone Number (956) 968-3181 ext. 3110

3. Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Phone Number \_\_\_\_\_

4. Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Phone Number \_\_\_\_\_

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name Leroy Gonzales  
Email lgonzales@weslacotx.gov Fax Number (956) 968-6717

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name \_\_\_\_\_ Title \_\_\_\_\_

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the 7<sup>th</sup> day of April, 2009.

CITY OF WESLACO  
/s/ Buddy de la Rosa, R. Ph.  
MAYOR

ATTEST:  
/s/ Amanda C. Elizondo, CITY SECRETARY  
APPROVED AS TO FORM:  
/s/ Ramon Vela, CITY ATTORNEY

S. Discussion and consideration of Amendment No. 3 to The Chapter 380 Economic Development Agreement between The City of Weslaco and SDI Weslaco Holdings, LLC to substitute a new Exhibit "B" reflecting the new amount of developer's contribution of \$3,300,000.00 and authorize the Mayor to execute the amendment. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the request as presented.

Mr. Covacevich stated there was a listing of the projects, but had not mentioned the cost because prices could vary.

Motion carried unanimously.

- T. Discussion and consideration to approve a budget amendment in the General Fund in the amount of \$18,699.00 to recognize insurance proceeds received and allocate the funds to Capital Outlay Budget Line Item 01-512-4010 for the purchase of a replacement police cruiser. Possible action.

Mr. Covacevich stated the police cruiser was a total loss and the insurance money needed to be transferred to the capital outlay budget line item in order to purchase another one.

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

- U. Discussion and consideration to approve a budget amendment in the Sanitation Fund in the amount of \$950.00 to attend the Texas Commission on Environmental Quality (TCEQ) Environmental Trade Fair and Conference in Austin, Texas. Possible action.

Mr. Covacevich stated this was training for certification of an employee and were asking for approval depending on the action taken on the privatization of the sanitation services.

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

- V. Discussion and consideration to accept the 2008 Annual Compliance Report from H.E.B. and approve the amount of \$283,068.37 in grant back tax payments pursuant to the Chapter 380 Economic Development Agreement between the City of Weslaco and H.E.B. Possible action.

Mr. Covacevich stated this was the first annual report on the project that was funded on the Westgate Drive Construction from Business 83 to Expressway 83. He mentioned this was the first amount they would be paying H.E.B. for financing of the project.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the request as presented.

Commissioner Kennedy stated for clarification these were taxes that they had gotten in the past.

Mr. Covacevich responded yes, because they had financed the construction of the street for the amount of the increase value, the original tax value went to the city.

Motion carried unanimously.

W. Discussion and consideration of the appointment of members to the U.S. Census Complete Count Committee for the City of Weslaco. Possible action.

Mr. Covacevich recommended for the City Commission to name some individuals to serve in the Complete Count Committee to promote and count every citizen in Weslaco. He mentioned the better job that was done in counting citizens the more funding the city would get from the federal government. Mr. Covacevich stated they would like to have seven members in the committee.

The following Commissioners appointed the following individuals:

Mayor Pro-Tem Cuellar, (Ruben Cardenas); Commissioner A. Gonzalez (Father Lee Acosta); Commissioner S. Gonzalez (Chano Garza); Commissioner Rivera (Francisco Rivera) and Commissioner Kennedy (David Fox & David Allen).

Mayor de la Rosa stated he would give his appointments later and asked if there was a deadline.

Mr. Covacevich responded there was no deadline but the sooner the better and recommended for those that had not recommended an individual to call the City Secretary.

Mayor de la Rosa stated they would present the names at the next meeting and no action was required at this time.

X. Discussion and consideration to enter into a personal services contract in the amount of \$2,000.00 with Jaime E. Garza to prepare an application to the Texas Parks and Wildlife Department for a grant of up to \$200,000.00 with a 20% match for a recreational trail. Possible action.

Mr. Covacevich recommended hiring Jaime Garza to work with the Texas Parks and Wildlife to apply for a trail grant and utilize the irrigation district abandoned right-of-way.

Motion was made by Commissioner Rivera and seconded by Mayor Pro-Tem Cuellar to approve the request as presented.

Mayor de la Rosa asked Commissioner Rivera if he wished to withdraw his motion and disqualify himself because he had lunch with Mr. Garza prior to the meeting. He asked for somebody else to make the motion.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner S. Gonzalez to approve the request as presented. Motion carried unanimously.





ATTEST:

/s/ Amanda C. Elizondo, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- CC. Discussion and consideration to approve a Tri-Party Interlocal Agreement between the Cities of Weslaco, Donna and Mercedes establishing a Regional Public Safety Communications Systems as per the Mid Valley Regional Communications Corporation and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to approve the request as presented and authorize the Mayor to execute the agreement. Motion carried unanimously.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rivera to adjourn the meeting. Motion carried unanimously.

**CITY OF WESLACO**

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**MAYOR**, Buddy de la Rosa

ATTEST:

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**CITY SECRETARY**, Amanda C. Elizondo

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**MAYOR PRO-TEM**, J. F. "Johnny" Cuellar

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**COMMISSIONER**, Soyla R. Gonzalez

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**COMMISSIONER**, Rene Rodríguez, Jr.

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**COMMISSIONER**, Adrian Gonzalez

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Patrick B. Kennedy