Approved 9/21/10

WESLACO CITY COMMISSION

REGULAR MEETING

SEPTEMBER 7, 2010

On this 7th day of September, 2010 at 6:00 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	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Robert J. Garza
Commissioner	Rene Rodríguez, Jr.
Commissioner	Lupe V. Rivera
City Manager	Leonardo Olivares
City Secretary	Amanda C. Elizondo
City Attorney	Ramon Vela

Also present: Bret L. Mann, Finance Director; Gloria Sepulveda, Purchasing Director; Pete Garcia, Parks & Recreation Director; Francisco Castellanos, Human Resources Director; Bernard Rodriguez, Interim Planning and Code Enforcement Director; and several other staff members and citizens.

I. CALL MEETING TO ORDER

Mayor Wise called the meeting to order.

II. ROLL CALL/ESTABLISH A QUORUM

Amanda C. Elizondo, City Secretary called the roll; Commissioner Gerardo "Jerry" Tafolla and Commissioner Joe A. Martinez were absent a quorum was established.

III. INVOCATION/PLEDGE OF ALLEGIANCE

Howard Bloomquist, Senior Minister from Central Christian Fellowship of Weslaco and Chaplain of the Weslaco Police Department gave the invocation. Mayor Wise recited the Pledge of Allegiance and the Texas Flag.

IV. 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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 August 17, 2010

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to approve the minutes as presented. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

V. PUBLIC HEARINGS

A. To discuss and consider a Conditional Use Permit to obtain a Mixed Beverage and Late Hours Permit at the Best Western Palm Aire, 415 S. International Blvd. being Lot 1, Palm Aire Subdivision. Possible action. Requested by Prism Hospitality, L.P.

Mr. Leonardo Olivares, City Manager stated the item had been approved by the Planning and Zoning Commission and reviewed by the Code Enforcement Department. He recommended approval of the request.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to close the public hearing. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

Motion was made by Commissioner Garza and seconded by Mayor Pro-Tem Cuellar to approve the conditional use permit. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

B. To discuss and consider amending Ordinance No. 320 and the City of Weslaco Zoning Map to rezone Dione Townhomes Subdivision, Weslaco, Texas, being a 3.28 acre tract of land out of the south part of Farm Tract 680, Block 141, West and Adams Tract Subdivision, Hidalgo County, Texas from "R-1" Single Family District to "R-2" Duplex and Apartment District and to approve Ordinance No. 2010-13 on first reading. (Permit for a Cluster Housing Development) Requested by Angel Urcullu. Possible action. (Item B. under New Business must be considered prior to this item being discussed)

Mr. Olivares stated this was a zone change request from "R-1" to "R-2" and it complied with the Comprehensive Plan. He added all the requirements had been met and recommended approval of the request.

Ramon Vela, City Attorney stated the City Commission needed to delay their vote on the ordinance until they discussed Item B, under New Business.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to close the public hearing. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

C. To discuss and consider amending Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 614 S. Missouri, Weslaco, Texas, being Lots 3, 4, Block 51-A, Canal Property Subdivision and the South 36.7 feet of Lot 7, Block 51, Weslaco Original Townsite, Hidalgo County, Texas from "R-1" Single Family District to "B-1" Neighborhood Business District and to approve Ordinance No. 2010-14 on first reading. Requested by Jose S. Perez. Possible action.

Mr. Olivares stated the request was approved by the Planning and Zoning Commission and reviewed by the Planning and Zoning Department. He recommended approval of the request.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to close the public hearing. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

Motion was made by Commissioner Rodriguez and seconded by Mayor Pro-Tem Cuellar to approve the zone change request and adopt Ordinance No. 2010-14 on first reading. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

D. To discuss and consider amending Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 225 S. Pleasantview Drive, Weslaco, Texas, being Lot 4, Rev. Mario Perez Dream Acres Subdivision, Hidalgo County, Texas from "R-2" Duplex & Apartment District to "B-1"

Neighborhood Business District and to approve Ordinance No. 2010-15 on first reading. Requested by Lupe Garcia. Possible action.

Mr. Olivares stated that the Planning and Zoning Commission had approved the request and recommended approval.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to close the public hearing. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

Motion was made by Commissioner Rodriguez and seconded by Mayor Pro-Tem Cuellar to approve the zone change request and adopt Ordinance No. 2010-15 on first reading. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

E. To discuss and consider amending Ordinance No. 320 to amend the City of Weslaco Zoning Map to rezone 410 E. 18th Street, Weslaco, Texas being 0.75 of one acre tract of land out of Farm Tract 751, West and Adams Tract Subdivision, Hidalgo County, Texas from "R-1" Single Family District to "R-2" Duplex & Apartment District and to approve Ordinance No. 2010-16. Requested by RST Texas Real Estate, L.P. Possible action.

Mr. Olivares stated the Planning and Zoning Commission had approved the request and recommended approval.

Motion was made by Commissioner Rodriguez and seconded by Mayor Pro-Tem Cuellar to close the public hearing. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the zone change request and adopt Ordinance No. 2010-16 on first reading. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

VI. BOARD APPOINTMENT

A. Ambulance Advisory Board – One member's term expired on July 1, 2010 and approval of Resolution No. 2010-30 to appoint a new member. Possible action.

Motion was made by Commissioner Rodriguez to appoint Patrick B. Kennedy to the Ambulance Advisory Board.

There being no second, the motion died.

Mayor Wise stated the vacancy would remain open for the next meeting. He announced to those in attendance that if they wished to serve on this board to submit their application to the City Secretary.

No action was taken.

VII. OLD BUSINESS

A. Reconsideration to approve final payment to The County of Hidalgo for services rendered by the Elections Department in connection with the Special Runoff Election held on June 12, 2010 for Mayor for an amount not to exceed $9,105.65. Possible action.

Motion was made by Commissioner Rivera and seconded by Mayor Pro-Tem Cuellar to approve final payment to The County of Hidalgo for services rendered by the Elections Department in connection with the Special Runoff Election held on June 12, 2010 for the Mayor's race for an amount not to exceed $9,105.65. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

VIII. NEW BUSINESS

A. Discussion and consideration to authorize the Mayor, Finance Director and Chief of Police to enter into an Interlocal Cooperation Agreement with the County of Hidalgo to conduct Operation Stonegarden (Federal Grant Award 2009-SJ-T90011) in addition to acceptance of overtime and equipment funding for law enforcement activities in support of the operation. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to authorize the Mayor, Finance Director and Chief of Police to enter into an Interlocal Cooperation Agreement with the County of Hidalgo to conduct Operation Stonegarden (Federal Grant Award 2009-SJ-T90011) in addition to acceptance of overtime and equipment funding for law enforcement activities in support of the operation. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

B. Discussion and consideration to approve the final plat of Dione Townhomes Subdivision being a 3.28 acre tract of land out of Farm Tract 680, Block 141, West and Adams Tract Subdivision, Hidalgo County, Texas located on the northeast corner of FM 88 (Texas Blvd.) and Mile 6 North Road (18th Street). Requested by Angel Urcullu. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the final plat of Dione Townhomes Subdivision being a 3.28 acre tract of land out of Farm Tract 680, Block 141, West and Adams Tract Subdivision, Hidalgo County, Texas located on the northeast corner of FM 88 (Texas Blvd.) and Mile 6 North Road (18th Street).

Mr. Olivares stated the Planning and Zoning Commission had reviewed the item but there was a discrepancy on the number of lots.

Bernard Rodriguez, Interim Planning and Code Enforcement Director stated the correct amount of lots was 28.

Mr. Olivares recommended approval of the request.

Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to return to Item V., B. under Public Hearings. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve and adopt Ordinance No. 2010-13 on first reading. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

C. Discussion and consideration to approve the final plat of San Jacinto Estates No. 7 being a 29.99 acre tract of land out of Farm Tract 93, West and Adams Tract Subdivision, Hidalgo County, Texas located on the Southeast corner of Mile 10 North Road and Mile 4 ½ West Road. Requested by Jacinto Garza. Possible action.

Mr. Olivares stated this item had been approved by the Planning and Zoning Commission and reviewed by the Planning and Zoning Department. He added an easement had been dedicated by the developer and recommended approval.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the final plat of San Jacinto Estates No. 7 being a 29.99 acre tract of land out of Farm Tract 93, West and Adams Tract Subdivision, Hidalgo County, Texas located on the Southeast corner of Mile 10 North Road and Mile 4 ½ West Road. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

D. Discussion and consideration to enter into a Memorandum of Understanding (MOU) between the City of Weslaco and Lower Rio Grande Valley Development Council for equipment that has been purchased with Metropolitan Medical Response System (MMRS) grant funding and to insure and maintain such equipment as may be received and authorize the Mayor to execute all documents associated with the MOU. Possible action.

Mr. Olivares recommended approval of the Memorandum of Understanding (MOU).

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the Memorandum of Understanding (MOU) between the City of Weslaco and Lower Rio Grande Valley Development Council for equipment that had been purchased with Metropolitan Medical Response System (MMRS) grant funding and authorize the Mayor to execute the MOU. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

E. Discussion and consideration to authorize staff to submit an application to the Dollar General Literacy Foundation Waiting List Reduction Grants for funding to develop resources and projects for adults in need of literacy assistance in the areas of adult basic education, general educational development (GED) diploma preparation, and English as a second language and authorize the Mayor to execute any and all related documents. Possible action.

Motion was made by Commissioner Rivera and seconded by Commissioner Garza to authorize staff to submit an application to the Dollar General Literacy Foundation Waiting List Reduction Grants for funding to develop resources and projects for adults in need of literacy assistance. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

F. Discussion and consideration to enter into an agreement between the Weslaco Public Library and the RGV Vipers to allow the library to execute a fundraiser and supplement their Winter Reading Program with content provided by the RGV Vipers. Possible action.

Motion was made by Commissioner Rivera and seconded by Commissioner Garza to enter into an agreement between the Weslaco Public Library and the RGV Vipers to allow the library to execute a fundraiser and supplement their Winter Reading Program with content provided by the RGV Vipers. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

G. Discussion and consideration to apply for the Barbara Bush Foundation for Family Literacy Grant to develop, expand and implement projects that are designed to support the development of literacy skills for adult primary care givers and their children. Possible action.

No action was taken on this item.

H. Request from the Valley Nature Center to use Shelter No. 5, basketball area at the Gibson Park and the park be closed for the Nature Center Annual Event on Saturday, November 20, 2010 and waive all fees associated with the event. Possible action.

Motion was made by Commissioner Rivera and seconded by Mayor Pro-Tem Cuellar to approve the request for the Valley Nature Center to use Shelter No. 5,

basketball area at the Gibson Park and close the park for the Nature Center Annual Event on Saturday, November 20, 2010. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

I. Discussion and consideration to approve Resolution No. 2010-31 amending authorized representatives to TexPool Participant Services. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve Resolution No. 2010-31. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

For the record, Resolution No. 2010-31 read as follows:

RESOLUTION NO. 2010-31

STATE OF TEXAS	§	RESOLUTION AUTHORIZING PARTICIPATION IN
COUNTY OF HIDALGO	§	TEXPOOL/TEXPOOL PRIME AND DESIGNATING
CITY OF WESLACO	§	AUTHORIZED REPRESENTATIVES

WHEREAS, City of Weslaco #77734 ("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ Texpool *Prime*"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool/ TexPool *Prime* and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool/ TexPool *Prime* account or (2) is no longer employed by the Participant; and

C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name: Bret Mann Title: Finance Director

Signature: /s/ Bret Mann Phone Number: (956) 968-3181

2. Name: Sonia Flores Title: Accountant I

Signature: /s/ Sonia Flores Phone Number: (956) 968-3181

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: Brett L. Mann

Email: bmann@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: Tom Dimas Title: Fire Inspector III

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 meeting held on the 7th day September, 2010.

NAME OF PARTICIPANT: City of Weslaco

BY: /s/ Miguel D. Wise
Signature

Miguel D. Wise
Printed Name

Mayor

ATTEST: /s/ Amanda C. Elizondo
Signature

Amanda C. Elizondo
Printed Name

City Secretary
Title

APPROVED AS FORM: /s/ Ramon Vela
Signature

Ramon Vela
Printed Name

City Attorney
Title

This document supersedes all prior Authorized Representative designations.

ORIGINALS REQUIRED

OFFICIAL SEAL

J. Discussion and consideration to renew the contract with The Department of State Health Services to provide on-line services for vital records in the amount of $1.83 for each certificate of record printed and authorize the Mayor to execute the contract. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to renew the contract with The Department of State Health Services to provide on-line services for vital records in the amount of $1.83 for each certificate of record printed and authorize the Mayor to execute the contract. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

K. Discussion and consideration to renew the Farm Lease Agreement with Dionicio Valdez, II to farm the 16 acres of land in the Mid Valley Industrial Park and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to renew the agreement.

Mr. Vela stated Dionicio Valdez, II was requesting to amend the agreement to provide for a thirty day notice to allow him to harvest the crop.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to amend the motion to include the additional language as stated by the City Attorney. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

L. Discussion and consideration of Ordinance No. 2010-17 to increase the commercial and residential brush rate to reflect accurate cost of service. First reading of Ordinance No. 2010-17. Possible action.

Mr. Olivares stated Allied Waste provided the brush collection services for the city and the rate had been increased over a year ago. He added the City Commission's intention was to pass the increase of the cost of service with no additional administrative

fees, but no action was taken by the City Commission. Mr. Olivares stated the city was paying more to Allied Waste and charging the customers less. He mentioned the old rate was $8.92 and the actual cost of service was $9.55. Mr. Olivares recommended approval of Ordinance No. 2010-17.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve and adopt Ordinance No. 2010-17 on first reading to increase the commercial and residential brush rate to reflect accurate cost of service. Motion carried as follows: For: Mayor Pro-Tem Cuellar, Commissioners: Garza and Rivera. Against: Commissioner Rodriguez. (3-1). Mayor Wise was present, but not voting.

M. Discussion and consideration to approve Ordinance No. 2010-18 amending Ordinance 93-46, The Cable Television Franchise Ordinance, providing for the initial term to end on October 1, 2010 and ordaining other matters with respect to the subject matter hereof. First reading of Ordinance No. 2010-18. Possible action.

Mr. Olivares stated there was a provision that allowed the cable company and cities to opt out of the existing franchise agreement. He mentioned if the city would opt out, they would not be eligible to receive two public education governmental channels and access 1% fee on the bills. Mr. Olivares stated these funds would be used to purchase equipment to operate the cable channels. He recommended for the city to opt out of the existing franchise agreement and go with state authority to allow the additional channel.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve Ordinance No. 2010-18 amending Ordinance 93-46, the Cable Television Franchise Ordinance on first reading. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

N. Discussion and consideration to approve the Non-Financial Host Agency Agreement with AARP Senior Community Service Employment Program and allow the City of Weslaco to accept participants to provide office assistance; such as general office skills, computer accounting, computer technician and authorize the Mayor to sign all relevant documents. Possible action.

Motion was made by Commissioner Rodriguez and seconded by Commissioner Rivera to approve the Non-Financial Host Agency Agreement with AARP Senior Community Service Employment Program and allow the City of Weslaco to accept participants to provide office assistance. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

O. Status report from Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce regarding chamber activities.

Mrs. Martha Noell was not present to give a report.

P. Status report from Jon M. Deicla, General Manager of BFI Waste Services of Texas, LP, a Delaware Limited Partnership d/b/a Allied Waste Services of Rio Grande regarding the transition of the residential solid waste collection services.

Jon M. Deicla, General Manager of BFI Waste Services of Texas, LP, stated they had started picking up the garbage last Wednesday; routes were on time and were working on other pending items.

Mr. Olivares stated some customers were still using the city containers and were not filling the Allied Waste containers. He announced to the public that they could use both containers.

Q. Discussion and consideration of conducting a management audit of the services and fees of the professional services contracts/agreements with the City of Weslaco. Possible action. (This item was requested by Commissioners Gerardo "Jerry" Tafolla and Rene Rodriguez, Jr.)

Commissioner Rodriguez requested a status report on the voluntary separation plan. He recommended that an audit be done on all the professional contracts to cut cost. Commissioner Rodriguez stated some of the services could be done in-house such as the medical billing. He pointed out that in 2009 the city had solicited bids and awarded the contract to South Star. Commissioner Rodriguez stated the city had not solicited bids this year and asked how much of a percentage was Medical Financial Services charging.

Mr. Olivares responded 15% for the first initial billing and 35% after 120 days.

Commissioner Rodriguez stated this service could be done in-house and collect 100%. He indicated this could help the General Fund.

Discussion was held regarding the collection that had been done in-house verse the collection done by Medical Financial Services and Commissioner Garza stated he would like for the city to conduct an audit on all contracts to see how much money was being generated.

Mr. Olivares recommended that an audit be done on all the contracts to make sure that the city was complying with all the requirements and getting the most for the city.

Mayor Pro-Tem Cuellar stated the City Commission had less than 30 days to approve the final budget. He mentioned he agreed to look into the professional agreements for cost effectiveness. Mayor Pro-Tem Cuellar stated he was frustrated and tired due to the political issues that were being raised. He suggested that they properly post the item on the agenda to talk about political agendas and inform the citizens of all the background information on how the contractors were employed. Mayor Pro-Tem Cuellar stated they should bring out all the dirty laundry and put an end to the politics.

Commissioner Rodriguez stated it was not a political issue and wanted what was best for the citizens.

Additional comments were made by Mayor Pro-Tem Cuellar in regards to how the professional services were selected by previous administrations.

Commissioner Rodriguez asked the Purchasing Director, Gloria Sepulveda if the city had gone out for bids when South Star was contracted.

Ms. Sepulveda responded yes.

Commissioner Rodriguez asked if Medical Financial Services had started in May because the City Commission had not voted on the contract until June.

Ms. Sepulveda responded that was about right.

Commissioner Rodriguez also questioned if the city needed all three municipal judges and prosecutors.

Mr. Olivares stated he would be looking at the contracts and assured the public that everything was done properly with no violations. He pointed out the city did not have to solicit bids on professional contracts. Mr. Olivares added staff was working with the Ad Hoc Budget Advisory Committee and they would be making some recommendations to the City Commission.

Motion was made by Commissioner Rodriguez and seconded by Commissioner Garza to authorize the performance of a management audit on all professional services contracts/agreements. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

IX. MAYOR'S REPORT

A. Recognition of two city employees who demonstrated excellent qualities during Hurricane Alex Flood Event.

Mayor Wise thanked all the employees who worked during Hurricane Alex and George Garrett; Emergency Management Coordinator recognized Carlos Bazan and Roy Jimenez for their leadership.

B. Recognition of employees who accepted the Voluntary Separation Plan.

Mr. Olivares recognized all the employees that stepped forward and accepted the voluntary severance plan offered by the city. He stated the separation would be staggered and there would be an option for other employees to be promoted. Mr. Olivares

mentioned they would be working with the existing people; there would be some lateral transfers and opportunities for advancement.

X. CITY MANAGER'S REPORT

A. City Manager's report: Financial Status, Departmental Update, Upcoming Meetings, Appointments and other items.

Mr. Olivares reported on the status of the Ad Hoc Budget Advisory Committee; Voluntary Separation Plan; Reduction in Force; Departmental Reorganization and stated staff would have some recommendations at the next meeting. He stated he had interviewed the finalists for the position of Chief of Police and would be making a recommendation at the next meeting. Mr. Olivares added Manuel Ramos, Interim Public Facilities Director had departed from the city and he would be making an announcement on a replacement. He thanked Mr. Ramos for all the years and the good work he had done for the city.

B. Discussion of the lease agreement between the City of Weslaco and Amigos Del Valle, Inc.

Mr. Olivares stated they were working with Amigos Del Valle to find a facility that was the right size for them.

XI. PUBLIC COMMENTS

Lance Olsen, member of Ad Hoc Budget Advisory Committee, referred to Item B under Executive Session which dealt with the acquisition of land for the Boys and Girls Club. He mentioned he had spoken to a representative from the Texas Department of Parks and Wildlife in regards to the city's grant. Mr. Olsen mentioned that no one in the city had discussed where the matching funds would be derived. He stated the Boys and Girls Club was not in the city's budget and did not like the fact that this issue was not transparent. Mr. Olsen pointed out the City Attorney had made a recommendation on the professional services contract, but Medical Financial Services was not professional service and the city should solicit bids. He referred to Mayor Pro-Tem Cuellar's comments and stated 15% of the first 120 days of the contract was a large sum of money which totaled to $1.2 million. Mr. Olsen stated there were a lot of concerns regarding the EMS collection. He added the city should keep a lot of that money or find a less expensive company to do the collection.

Former Mayor Buddy de la Rosa referred to Benita Valadez's contract and stated he had voted for her because he was satisfied with the billing; however, she had not gotten the bid because she was not the low bidder. He mentioned the contract for the trash pick up was an up-sized down contract. Mr. de la Rosa stated the city needed to seriously review the contract and consider soliciting competitive bids to reduce the collection fee to the citizens. He pointed out the Medical Financial Services Contract was outside the procurement statutes because it was not bided out and should be null and

voided. Mr. de la Rosa also referred to Lift Station No. 27 and stated a contract was awarded to DK III and it was in violation of the Texas Local Government Code Section 252. He stated the City Commission waived several items that made the contract null and voided. Mr. de la Rosa also referred to the payment made to Samuel Sanchez and stated his contract had expired and was not renewed. He indicated this item was not placed on the agenda for approval by the City Commission. Mr. de la Rosa stated the city had issued a check with his signature after he had left office in June and was dated July 8, 2010. He mentioned this was fraudulent due to forgery and the proper authority needed to be notified. Mr. de la Rosa stated the BFI contract was not properly posted on the agenda. He added the contract was brought to the City Commission on 2007-2008 by the previous City Manager whereby he properly stated that it was the privatization of the residential collection and later came back as an extension. Mr. de la Rosa added the city would be losing monies under this arrangement. He mentioned this was misinformation to the public, violation of the Texas Open Meetings Act and the city needed to cancel the contract. Mr. de la Rosa stated Jesus Ramirez, Bond Counsel had indicated that the city needed to determine the value because the debt had to be paid from the bonds or taxpayers and the city was obligated to monitor the landfill. He concluded by stating the monitoring fee was paid from the sanitation fund.

XII. EXECUTIVE SESSION

At 7:10 p.m., Tuesday, September 7, 2010, Mayor Wise announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 7:57 p.m., Tuesday, September 7, 2010, Mayor Wise announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

XIII. POSSIBLE ACTION OF WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Economic Development - Discussion and consideration of authorizing The Economic Development Corporation of Weslaco to enter into a Development Agreement for a case incentive in excess of threshold incentive required by policy for a new business to locate in Weslaco as authorized by Section 551.087 of The Texas Government Code.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to authorize The Economic Development Corporation of Weslaco to negotiate a Development Agreement with The Darden Group to locate a new business in Weslaco. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

B. Land acquisition – Discussion and consideration to purchase a 19 acre tract of land for park expansion and to house the Boys and Girls Club Center as authorized by Section 551.072 of The Texas Government Code.

(Requested by Commissioner Lupe Rivera and Mayor Pro-Tem John F. Cuellar).

Mayor Wise announced no action was required.

XIV. ADJOURNMENT

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to adjourn the meeting. Motion carried unanimously, (4-0). Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Amanda C. Elizondo

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

COMMISSIONER, Robert J. Garza

COMMISSIONER, Rene Rodríguez, Jr.

COMMISSIONER, Lupe V. Rivera