

**WESLACO CITY COMMISSION**

**REGULAR MEETING**

**DECEMBER 21, 2010**

On this 21<sup>st</sup> day of December 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.

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. “Johnny” Cuellar
Commissioner	Gerardo “Gerry” Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Francisco Castellanos, Human Resources Director; Bret L. Mann, Finance Director; Arnold Becho, Library Director; Rolando Gonzalez, Interim Planning & Code Enforcement Director; Robert de la Cerda, Interim Police Chief; Capt. Raul Vallejo, and several other staff members and citizens.

**I. CALL MEETING TO ORDER**

Mayor Wise called the meeting to order and requested a moment of silence to honor the passing of Commissioner Rodriguez’s grandmother.

**II. ROLL CALL/ESTABLISH A QUORUM**

Elizabeth Walker, City Secretary, called the roll; she stated that Commissioner Rodriguez had called in earlier that he was unable to attend due to a death in the family. A quorum was established.

**III. INVOCATION/PLEDGE OF ALLEGIANCE**

Reverend Richard Speer with Grace Episcopal Church gave the invocation. Mayor Wise recited the Pledge of Allegiance and the Texas Flag.

**III. MAYORAL PROCLAMATIONS**

Mayor Wise presented a proclamation to the Weslaco Thunder youth football team, recognizing their recent state title.

## V. CONSENT AGENDA

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 of the Regular Meeting of December 7, 2010. Attachment.
- B. Approval to accept the Loan Star Libraries Grant in the amount of \$13,234.00 for the purchase of equipment during State fiscal year 2010 (September 1, 2010 – August 31, 2011) and authorize the Mayor to execute the contract. Attachment.
- C. Approval to accept an award from the National Association of County and City Health Officials to the Weslaco Fire Department in the amount of \$10,000.00 for the purchase of medical equipment and authorize the Mayor to execute any related documents. Attachment.
- D. Approval of the Traffic Impact analysis for IDEA Weslaco Academy on Sugarcane Drive and F.M. 1015, Sugarcane Drive and Vo Tech Road, and Sugarcane Drive and Joe Stephens Avenue. Attachment.
- E. Approval of the 2011 City of Weslaco Holiday Schedule. Attachment.
- F. Approval of the lease agreement between the City of Weslaco and the Weslaco Mid Valley Soccer Club from January 1, 2011 – December 31, 2011 to continue providing organized recreational activities in the Northeast corner of City Park on North Airport Drive. Attachment.
- G. Approval of the lease agreement between the City of Weslaco and the Benevolent and Protective Order of Elks Lodge No. 2057 from January 1, 2011 – December 31, 2011 to allow parking at 201 South Border Avenue. Attachment.
- H. Approval of the lease agreement between the City of Weslaco and the Lower Rio Grande Valley Nature Center from January 1, 2011 – December 31, 2011 for public environmental and educational purposes at 302 South Border Avenue. Attachment.
- I. Approval of the lease agreement between the City of Weslaco and the Mid Valley Civic Theatre from January 1, 2011 – December 31, 2011 for use of the Tower building located at 120 South Kansas Avenue and Tower House located at 112 East Second Street. Attachment.
- J. Approval of the lease agreement between the City of Weslaco and South Texas College from January 1, 2011 – December 31, 2011 for use of the City Park Tennis Courts located on North Airport Drive. Attachment.

- K. Approval of the lease agreement between the City of Weslaco and the Texas State Senate on behalf of Senator Eddie Lucio, Jr. from January 1, 2011 – January 8, 2013 for use of office space from the City of Weslaco. Attachment.
- L. Approval of a request by Primera Iglesia Bautista Libre to waive Weslaco City Code of Ordinances §22-24 to host a nativity scene with live animals on December 22 and 23, 2010 from 6:00 – 9:00 p.m. Attachment.

The City Manager requested no action on item I.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve items A, B, C, D, E, F, G, H, J, K, and L of the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

## **VI. PUBLIC HEARING**

- A. Discussion and consideration to amend Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 206 E. Mile 10 North, Weslaco, Texas, also being Lot 2A, Meadow Oaks Estate Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First reading of Ordinance 2010-27. Possible action. Attachment.

There were no comments for or against, either in writing or during the hearing. City Manager recommended the rezone as part of the comprehensive plan.

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

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to approve Ordinance 2010-27 on first reading to amend Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 206 E. Mile 10 North, Weslaco, Texas, also being Lot 2A, Meadow Oaks Estate Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to approve a Conditional Use Permit to obtain a Mixed Beverage Permit at 801 E. Expressway 83, Weslaco, Texas, also being Lot 9, SDI Realty Subdivision, Hidalgo County, Texas. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to open the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting. There were no comments for or against, either in writing or during the hearing. City Manager recommended approval for this Mixed Beverage Permit at the Olive Garden Restaurant presently under construction.

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

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve a Conditional Use Permit to obtain a Mixed Beverage Permit at 801 E. Expressway 83, Weslaco,

Texas, also being Lot 9, SDI Realty Subdivision, Hidalgo County, Texas. The motion carried unanimously; Mayor Wise was present, but not voting.

## **VII. BOARD APPOINTMENT**

- A. Discussion and consideration to appoint one person to the Board of Adjustments and Appeals to the City of Weslaco Zoning Ordinance and consideration of Resolution No. 2010-47 appointing the member for a two year term. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Resolution 2010-47 to reappoint Paul Garza to the Board of Adjustments and Appeals to the City of Weslaco Zoning Ordinance. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution 2010-47 reads as follows:  
RESOLUTION NO. 2010-47

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF ADJUSTMENTS & APPEALS-ZONING ORDINANCE.

WHEREAS, the City of Weslaco created and established the Board of Adjustments & Appeals-Zoning Ordinance.

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

WHEREAS, the Board of Adjustments & Appeals-Zoning Ordinance members shall serve with neither compensation nor term limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Paul Garza is appointed to serve on the Board of Adjustments & Appeals-Zoning Ordinance and the term will expire on 21<sup>st</sup> day of December, 2010.

PASSED AND APPROVED on this 21<sup>st</sup> day of December, 2010.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- B. Discussion and consideration to appoint one person as the City Health Officer and consideration of Resolution No. 2010-48 appointing the individual for a two year term. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve Resolution 2010-48 to reappoint Dionisio Calvo as the City Health Officer. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution 2010-48 reads as follows:  
RESOLUTION NO. 2010-48

A RESOLUTION OF THE CITY OF WESLACO APPOINTING THE CITY HEALTH OFFICER.

WHEREAS, the City of Weslaco created and established the City Health Officer.

WHEREAS, the term of the member is for two years; and

WHEREAS, the City Health Officer shall serve with neither compensation nor term limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Dionisio Calvo, MD is re-appointed you to serve as the City Health Officer and the term will expire on 21<sup>st</sup> day of December, 2012.

PASSED AND APPROVED on this 21<sup>st</sup> day of December, 2010.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

## **VIII. OLD BUSINESS**

- A. Discussion and consideration to approve a budget amendment of intra and inter departmental transfers for the Fiscal Year 2010-2011 Municipal Budget. Possible action. (There was no action on this item at the December 7, 2010 meeting.) Attachment.

There was no action on this item.

- B. Discussion and consideration to enter into a land lease between the City of Weslaco d.b.a. Weslaco Mid Valley Airport and R. Brian Hunsaker for land on the airport to construct a 45-foot by 45-foot metal hangar for the storage of aircraft for a period of twenty (20) years at \$303.00 per year and authorize the Mayor to execute all documents relating to this lease. Possible action. (There was no action on this item at the December 7, 2010 meeting.) Attachment.

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

Immediately, Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to withdraw the motion. The motion carried unanimously; Mayor Wise was present, but not voting.

The City Manager recommended approval with changes, including the tenant pay utilities. The Mayor stated that though he recognizes the airport as a significant economic development tool, he cautions any subsidies when taking such drastic steps to build a fund balance. Mr. George Garrett suggested a comprehensive review of the ten-year old rate structure and twenty-year old lease template presently applied at the Airport.

There was no action on this item.

- C. Discussion and consideration to approve Amendment No. 20 to the existing contract between the City of Weslaco and Operations Management International (OMI) to increase the compensation services to be performed from \$2,204,733.00 to \$2,314,627.00 for an additional licensed operator for the recently expanded North Wastewater Treatment Plant, minimal increases to existing sludge and

chemical budgets, and annual Consumer Price Index increase and authorize the Mayor to sign the amendment. Possible action. (There was no action on this item at the December 7, 2010 meeting.) Attachment.

The City Manager stated the proposed cost increases reflect associated costs with the North Waste Water Treatment Plant, including manpower and chemicals. The Mayor stated he believes those increases should be absorbed by the contracted operator as “a cost of doing business.”

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve Amendment No. 20 to the existing contract between the City of Weslaco and Operations Management International (OMI) to increase the compensation services to be performed from \$2,204,733.00 to \$2,314,627.00 for an additional licensed operator for the recently expanded North Wastewater Treatment Plant, minimal increases to existing sludge and chemical budgets, and annual Consumer Price Index increase and authorize the Mayor to sign the amendment. The motion carried unanimously; Mayor Wise was present, but not voting.

## **IX. NEW BUSINESS**

- A. Discussion and consideration to prepare an Interlocal Agreement with the City of Pharr to formalize the collection and transfer of recyclable products. Possible action.

There was no action on this item.

- B. Discussion and consideration to approve the Interlocal Agreement with Texas A&M University Kingsville for representative appointment to the Regional Task Force in compliance with the Texas Commission on Environmental Quality Phase II Storm Water Rules and the Municipal Separate Storm Water Sewer System (MS4) permit with annual membership fee of \$14,125.00 as budgeted and consideration of Resolution No. 2010-49 appointing the representative for a one year term and authorize the Mayor to execute all necessary documents. Possible action. Attachment.

The City Manager indicated this was in fulfillment of federal and state regulations.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the Interlocal Agreement with Texas A&M University Kingsville for representative appointment to the Regional Task Force in compliance with the Texas Commission on Environmental Quality Phase II Storm Water Rules and the Municipal Separate Storm Water Sewer System (MS4) permit with annual membership fee of \$14,125.00 as budgeted and consideration of Resolution No. 2010-49 appointing the representative for a one year term and authorize the Mayor to execute all necessary documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to deannex Vaquero Estates, being an 85.76-acres tract of land out of Farm Tract 1067 and 1070, West and Adams Tracts Subdivision, Hidalgo County, Texas, located at F.M. 1015 and Mile 10 ¼ North

and authorize the Mayor to execute all necessary documents. Possible action. Attachment.

The City Manager noted that staff does not recommend approval.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to deny this request to deannex Vaquero Estates, being an 85.76-acres tract of land out of Farm Tract 1067 and 1070, West and Adams Tracts Subdivision, Hidalgo County, Texas, located at F.M. 1015 and Mile 10 ¼ North. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration of Amendment No. 1 to the contract with Texas Department of Rural Affairs (TDRA\_DR) Contract No. DRS010201 – Generator Grant for the Water Treatment Plant and South Waste Water Treatment Plant to revise the project schedule and generator size and authorize the Mayor to execute all necessary documents. Possible action. Attachment.

The City Manager indicated this action is to right-size the generator to the project and extend the timetable.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to approve Amendment No. 1 to the contract with Texas Department of Rural Affairs (TDRA\_DR) Contract No. DRS010201 – Generator Grant for the Water Treatment Plant and South Waste Water Treatment Plant to revise the project schedule and generator size and authorize the Mayor to execute all necessary documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to request a budget and program amendment from Urban County for the remaining CDBG funds from Fiscal Years 2006-2008 in the amount of \$236,802.47 to reallocate toward the Weslaco Water Treatment Plant Project and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated this was an effort to meet a deadline to expend funds from CDBG.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to request a budget and program amendment from Urban County for the remaining CDBG funds from Fiscal Years 2006-2008 in the amount of \$236,802.47 to reallocate toward the Weslaco Water Treatment Plant Project and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to approve Change Order #3 as submitted by CDM for the North Wastewater Treatment Plant Project to share final savings in the amount of \$701,624.00 and authorize final payment in the amount of \$676,595.90. Possible action. Attachment.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve Change Order #3 as submitted by CDM for the North Wastewater Treatment Plant Project to share final

savings in the amount of \$701,624.00 and authorize final payment in the amount of \$676,595.90. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to award an electric supply proposal for the City of Weslaco effective January 1, 2011 and authorize the Mayor to execute the agreement. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to award an electric supply proposal for the City of Weslaco effective January 1, 2011 as submitted by Reliant Energy at a rate of 5.381/kwh for 59-months and authorize the Mayor to execute the agreement. The motion carried unanimously; Mayor Wise was present, but not voting.

- H. Discussion and consideration to approve Ordinance 2010-28 authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Update Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; providing for decreased municipal contributions to the current service annuity reserve at retirement of the employees of the City of Weslaco, Texas; and establishing an effective date of January 1, 2011 for the ordinance. First reading of Ordinance 2010-28. Possible action. Attachment.

The City Attorney advised that due to the urgency of the deadline on the effective date, this served as first and final reading of Ordinance 2010-28. The City Manager clarified that though this issue had been discussed during budget hearings, formal action is necessary now because the Texas Municipal Retirement System accepts changes in contributions only at the start of the calendar year.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve on one reading Ordinance 2010-28 authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Update Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; providing for decreased municipal contributions to the current service annuity reserve at retirement of the employees of the City of Weslaco, Texas; and establishing an effective date of January 1, 2011 for the ordinance. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Ordinance 2010-28 reads as follows:

ORDINANCE NO. 2010-28

TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE ALLOWANCE ARE MEMBERS OF THE CITY OF Weslaco; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE

ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY;  
PROVIDING FOR decreased MUNICIPAL CONTRIBUTIONS TO THE CURRENT SERVICE  
ANNUITY RESERVE AT RETIREMENT OF THE EMPLOYEES OF THE CITY OF Weslaco,  
TEXAS; AND ESTABLISHING AN EMERGENCY AND AN EFFECTIVE DATE FOR THE  
ORDINANCE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF Weslaco, TEXAS:

Section I: Authorization of Updated Service Credits.

(a) On the terms and conditions set out in Sections 853.401 through 853.404 of Subtitle G of Title 8, Government Code, as amended, (hereinafter referred to as the "TMRS Act"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who has current service credit or prior service credit in the System in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the City (hereinafter called the "City") and on such date had at least 36 months of credited service with the System, shall be and is hereby allowed "Updated Service Credit" (as that term is defined in subsection (d) of Section 853.402 of the TMRS Act).

(b) On the terms and conditions set out in Section 853.601 of the TMRS Act, any member of the System who is eligible for Updated Service Credits on the basis of service with this City, who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on the 1st day of January of the calendar year preceding such allowance shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said Section 853.601, both as to the initial grant thereunder and all future grants under this ordinance.

(c) The Updated Service Credit hereby allowed and provided for shall be 50% of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 853.402 of the TMRS Act).

(d) Each Updated Service Credit allowed hereunder shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(e) In accordance with the provisions of subsection (d) of Section 853.401 of the TMRS Act, the deposits required to be made to the System by employees of the several participating departments on account of current service shall be calculated from and after the effective date of this ordinance on the full amount of such person's compensation as an employee of the City.

Section II: Increase in Retirement Annuities.

(a) On terms and conditions set out in Section 854.203 of the TMRS Act, the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of the annuity increase under this Section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by 30% of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this Section.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the municipality accumulation fund of the System.

Section III: City Contribution.

That effective January 1, 2011 for each month of current service thereafter rendered by each of its employees who are members of the Texas Municipal Retirement System, the City will contribute to the current service annuity reserve of each such member at the time of his or her retirement, a sum that is 100% of such member's accumulated deposits for such month of employment; and said sum shall be contributed from the City's account in the municipality accumulation fund.

Section IV: Effective Date.

Subject to approval by the Board of Trustees of the System, this ordinance is declared an emergency measure because the money the City of Weslaco is saving by reducing its contribution to the current service annuity reserve of each member is necessary to provide for the usual daily operations of each department and to pay salaries and wages in those departments and become effective on the 1st day of January, 2011.

PASSED AND APPROVED on this 21<sup>st</sup> day of December, 2010.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- I. Discussion and consideration to nominate a member of the Weslaco community to the Rio Grande Valley Walk of Fame as part of BorderFest 2011 and authorize the Commission to sign the submittal form as nominators. Possible action. Attachment.

There was no action on this item.

- J. Status reports:

1. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding chamber activities. Attachment.

Martha Noell expressed appreciation for support of the parade, with 106 entries; she reported on marketing efforts in Mexico and for Black Friday; and she offered to help promote the recycling program.

2. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding economic development activities. Attachment.

Hernan Gonzalez provided updates on downtown façade renovation projects, various construction projects, including Olive Garden, Weslaco Inn, Weslaco Hills Apartments, and IDEA Academy, and sales tax revenues (up 3.74% over last year).

3. David Fox, chief professional officer of the Boys and Girls Club of Weslaco, on quarterly activities.

On behalf of David Fox, Mary Lopez with the Boys and Girls Club of Weslaco reported on enrollment and programs at the different school sites.

**X. CITY MANAGER’S REPORT**

- A. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments.
- B. Report on Voluntary Separation Plan.
- C. Report on Sick Leave Buy-Back.
- D. Legislative Update. Attachment.

Reporting on items A – D concurrently, the City Manager stated 54 resignations were submitted to the City as part of the Voluntary Separation Plan, with a final payout amount of \$1,328,146.00. In further efforts to balance the budget, The City Manager did not make available this year the traditional sick leave buy-back. The Mayor requested that in the future, though it is the City Manager’s decision to make, he bring such issues to the Commission for consideration.

**XI. PUBLIC COMMENTS**

Mr. Rudy Cisneros of 337 S. Texas Boulevard, stated he understood that approximately 30 watches were purchased for City retirees from a retailer in Mercedes; he requested that future such purchases support Weslaco businesses.

**XII. EXECUTIVE SESSION**

At 7:36 p.m., Mayor Wise recessed the regular meeting to convene in Executive Session.

At 8:34 p.m., Mayor Wise announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

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

- A. Pending Litigation – Discussion with City Attorney regarding Cause No. C-215-10-E, Anne-Marie Mata, David Salinas, and Oscar Garcia v. City of Weslaco pursuant to §551.071 of the Texas Government Code.

The City Attorney stated he will report back with any settlement negotiations.

- B. Potential Litigation – Discussion with City Attorney regarding the legal issues with the commercial energy sales agreement with Champion Energy Services, LLC as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- C. Personnel – Discussion with the City Manager regarding the appointment of the Chief of Police for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

- D. Land Acquisition – Discussion with the City Manager regarding the purchase and acquisition of real property located in the City of Weslaco as authorized by §551.072 of The Texas Government Code.

The City Attorney stated he will proceed as directed by the Commission.

**XIV. ADJOURNMENT**

With no other business before the Commission, at 8:35 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the December 21, 2010 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

**CITY OF WESLACO**

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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**, Gerardo “Gerry” Tafolla

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Joe A. Martinez