



**A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
SEPTEMBER 27, 2011**

On this 27th day of September 2011 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in Special Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

| | |
|----------------|-------------------------|
| Mayor | Miguel D. Wise |
| Mayor Pro-Tem | J.F. "Johnny" Cuellar |
| Commissioner | Robert J. Garza |
| Commissioner | Olga M. Noriega |
| Commissioner | Gerardo "Gerry" Tafolla |
| Commissioner | Lupe V. Rivera |
| Commissioner | Joe Martinez |
| City Manager | Leonardo Olivares |
| City Secretary | Elizabeth Walker |
| City Attorney | Ramon Vela |

Also present: Santiago Cuellar, Fire Chief; Rolando Gonzalez, Chief Building Inspector; Jorge Gonzalez, Planning & Code Enforcement Director; Arnoldo Becho, Library Director, Martin Mata, Assistant Library Director; Joe Pedraza, Health/Sanitation Inspector; Efrain Tafolla, Planning & Code Enforcement; Erasmo Lozano, Assistant Public Facilities Director; Rey Garcia, IT Director; Police Chief Juan Sifuentes; Bret Mann, Finance Director; Sonia Flores, Assistant Finance Director; Veronica Ramirez, Human Resources, Elvia Flores, Interim Human Resources Director; other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, September 23, 2011.
- B. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance.
- C. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC HEARING

- A. To solicit input on the proposed Municipal Budget for the City of Weslaco, Texas, for the fiscal year beginning October 1, 2011 and ending September 30, 2012 as per Texas Local Government Code Chapter 102.0065.

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

public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

The City Manager stated the proposed budget reflects, on the whole, a healthy economy with no increase to the tax rate; however, it continues to tighten the belt on expenditures, reducing personnel to build a fund balance with a goal of a half-million dollar fund balance and some capital expenditures on vehicles at the Police Department this year. Mr. Bret Mann, Finance Director, stated that the budget proposes a separate internal service fund as well as an economic incentives fund for the allocation of 380 and other sales tax agreement liabilities. The City Attorney stated that by approving the budget, the Commission approves any job reclassifications. The Commission considered each departmental budget separately.

Following lengthy discussion, at 6:45 p.m., Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to suspend the public hearing until after consideration of other items as posted on the agenda. The motion carried unanimously; Mayor Wise was present, but not voting. The public hearing resumed at 7:05 p.m.

The City Manager clarified that the budget does reflect the reassignment of some employees; however, overall, personnel costs are down.

At 7:25 p.m., Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to close the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

III. 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 on Second and Final Reading of Ordinance No. 2011-26 to authorize the City of Weslaco to self-insure and establish a proprietary network for Workers' Compensation coverage effective October 1, 2011. Attachment.
- B. Approval of a local match commitment not to exceed \$2,935.03 to the Rio Grande Regional Water Authority for an Alternative Regional Water Supply Feasibility Study, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Attachment.
- C. Approval of a one-time fee waiver to reconnect nineteen (19) AEP electric meters at Magic Valley RV Park in an amount not to exceed \$570.00. Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve item B of the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting. Requested to be withheld by the City Manager, there was no action on items A and C of the consent agenda as presented.

IV. OLD BUSINESS

- A. Discussion and consideration to approve on second and final reading Ordinance No. 2011-25 to authorize levying an advalorem tax on all taxable property within the City of Weslaco, Texas for the Tax Year 2011, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of Weslaco, Texas, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. Possible action. (Approved on First Reading September 9, 2011.) Attachment.

The City Manager stated that the proposed tax rate remains the same at \$0.6967 per \$100 valuation. Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented. Following a roll call vote, the motion carried unanimously by those present (5-0; Commissioner Martinez was not present during the vote); Mayor Wise was present, but not voting.

For the record, the Ordinance reads as follows:

ORDINANCE NO. 2011-25

AN ORDINANCE LEVYING AN AD VALOREM TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY OF WESLACO, TEXAS FOR THE TAX YEAR 2011, FIXING THE TAX RATE FOR THE USE AND SUPPORT OF THE GENERAL GOVERNMENT AND FOR THE INTEREST AND SINKING FUND FOR THE REDEMPTION OF BONDS AND OTHER INDEBTEDNESS OF THE CITY OF WESLACO, TEXAS, PROVIDING FOR THE ASSESSMENT OF ANNUAL OCCUPATION TAXES PROVIDED BY LAW, AND FIXING A LIEN ON ALL TAXABLE PROPERTY.

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

I.

THAT, there shall be and it is hereby levied on all property whether, real, personal or mixed, within the corporate limits of the City of Weslaco, Texas, not otherwise exempt, an advalorem tax for the year 2011 (\$0.1928) on each one hundred dollar valuation of property for the purpose of paying interest on and providing a sinking fund for the redemption of outstanding indebtedness of the City of Weslaco as follows:

| | |
|---|---------------|
| 2010 Certificate Obligation Refunding Bonds | 0.0363 |
| 2003 Certification of Obligation Bonds | 0.1186 |
| 2007 Certification of Obligation Bonds | <u>0.0379</u> |
| | \$0.1928 |

II.

THAT, there shall be and is hereby levied on all property, whether, real, personal or mixed, within the City of Weslaco, Texas, not otherwise exempt, an advalorem tax for the year 2011 (\$0.5039) on each one hundred dollar valuation of such property for the purpose of paying current expenses for the maintenance of public parks and other improvements and purposes as provided by the Charter of the City of Weslaco, Texas, and the laws of the State of Texas. THIS TAX RATE WILL DECREASE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL DECREASE FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$1.00.

III.

THAT there is hereby fixed on each and every item of taxable property a lien for the purpose of securing the payment of the taxes assessed thereon, and said lien shall continue to exist against any item of property against which a tax is assessed here under until such tax, together with all interest shall be paid.

IV.

THAT, there be and is hereby levied and ordered collected an annual occupational tax on fifty percent (50.0%) of the State Occupation Tax on each occupation taxed by the State of Texas,

V.

IF, any person shall neglect or refuse to pay the taxes herein imposed on him or his property, on or before January 31, 2012, the tax collector shall apply the following schedule of penalty and interest rates for use in calculating the total amount due on delinquent tax bills:

| | |
|---------------|-------|
| February 2012 | 7.0% |
| March 2012 | 9.0% |
| April 2012 | 11.0% |
| May 2012 | 13.0% |
| June 2012 | 15.0% |
| July 2012 | 18.0% |

PASSED AND APPROVED on first reading at a special meeting of the City Commission this 9th day of September 2011.

PASSED AND APPROVED on second reading at a special meeting of the City Commission this 27th day of September 2011.

/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 after public hearing to approve on second and final reading Ordinance No. 2011-24 to adopt a budget for the City of Weslaco, Texas, for the fiscal year beginning October 1, 2011 and ending September 30, 2012. Possible action. (Approved on First Reading September 8, 2011.) Attachment.

Initially skipped, this item was considered following the public hearing as suspended. The Mayor Pro-Tem stated it was one of the better discussions ever held on the budget; the City Manager added that it is a balanced budget with some money allocated to capital outlay and a fund reserve.

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

For the record, the Ordinance reads as follows:

ORDINANCE NO. 2011-24

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012.

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

That, the City Manager of the City of Weslaco has heretofore duly and timely filed in accordance with the law, a budget for said City covering the fiscal year running from October 1, 2011 to September 30, 2012, that due and timely public notice that a Public Hearing on such budget will be held on September 8, 2011, was given and made in accordance with the law and within the time limits set forth by the law; that such Public Hearing will be held in accordance with the law on September 8, 2011, and that it is the opinion and judgment of this City Commission that said budget which is attached hereto be and same is hereby in all things approved and same is proper and correct.

WHEREFORE, said budget is here and now hereby in all things approved and adopted and it shall be effective as of October 1, 2011.

PASSED AND APPROVED on first reading at a special meeting of the City Commission this 8th day of September, 2011.

PASSED AND APPROVED on second reading at a special meeting of the City Commission this 27th day of September, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- C. Discussion and reconsideration on behalf of John Kittleman, Four D-Partnership & CDC/SMT Broadcast, LLC to approve final plat of KRGV/Clear Channel Subdivision, being a resubdivision of 4.514 acres out of Farm Tract 40, West and Adams Tracts Subdivision, located on U.S. Expressway 83 and Paso del Norte and authorize the Mayor to execute any related documents. Possible action. (Approved without requested variances on September 6, 2011.) Attachment.

The Mayor stated that on reconsideration, it seems onerous to mandate the installation of drainage and sidewalks when this sliver of land, as narrow as 10-feet, may not ever accommodate future development beyond the existing anchor tower for the neighboring radio station. Mr. Jorge Gonzalez, Planning and Code Enforcement Director, stated that staff and the Planning and Zoning Commission acted to uphold the Model Subdivision Rules.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve Final Plat of KRGV/Clear Channel Subdivision, being a resubdivision of 4.514 acres out of Farm Tract 40, West and Adams Tracts Subdivision, located on U.S. Expressway 83 and Paso del Norte with variances granted to install fire hydrants by July 2012 and defer any other improvements until the installation of a permanent improvement on the property and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

V. NEW BUSINESS

- A. Discussion and consideration to approve budget amendments of inter departmental transfers to balance the Fiscal Year 2010-2011 Budget. Possible action. Attachment.

There was no action on this item.

- B. Discussion and consideration to amend Ordinance 2010-17, previously codified as Ordinance 2002-18 in the City of Weslaco Code of Ordinances as Section 62-54, establishing brush rates to be charged for the brush pick-up service to reflect accurate cost of service; establishing that all business, commercial, industrial, and mobile home/recreational vehicle parks shall be responsible for disposing of their own brush; providing for a severability clause; and providing for an effective date. First Reading of Ordinance 2011-28. Possible action. Attachment.

The City Manager stated that there is a 4.3% increase proposed compliant with contractual obligation, though up to five percent is permissible. Commissioner Rivera, seconded by Commissioner Garza, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to amend Section 1 of Ordinance 77-16, adopted on August 16, 1977 and codified in the Weslaco Code of Ordinances as §138-58 “Water Rates Prescribed” and amending Section 1 of Ordinance 67-10, adopted on June 27, 1967 and codified in the Weslaco Code of Ordinances as §138.59 “Sewer Rates Prescribed;” providing a new schedule of rates to be charged for treated water delivered through the system of the Public Utilities Department of the City of Weslaco; and providing a new schedule of rates to be charged for the use of wastewater treatments facilities of the City of Weslaco and ordaining other matters with respect to the subject matter hereof and providing for an effective date after second publication of this ordinance. First Reading of Ordinance 2011-29. Possible action. Attachment.

There was no action on this item.

- D. Discussion and consideration to award the Commercial Insurance Package to the best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Garza, seconded by Commissioner Rivera, moved to award the Commercial Insurance Package for property, flood, crime, and airport coverage to Montalvo Insurance and to award the balance of coverage as part of the Commercial Insurance Package to the Texas Municipal League as the best qualified, most advantageous bidders and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to award the Employers’ Liability Insurance to the best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. Attachment.

As this award was addressed as part of the previous item, there was no action on this item.

- F. Discussion and consideration to award the Workers’ Compensation Coverage to the

best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Garza stated that following a review of the bids, it was more advantageous to award the bid rather than self-fund, as had been previously considered. Commissioner Rivera, seconded by Commissioner Martinez, moved to award the Worker's Compensation Coverage to the Texas Municipal League as the best qualified, most advantageous bidder and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to award the Self-Insured Workers' Compensation Insurance to the best qualified, most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. Attachment.

Subsequent to the action on Item F, there was no action on this item.

- H. Discussion and consideration to appoint an Agent of Record to serve as Third Party Administrator for the City of Weslaco self-insured Workers' Compensation Coverage as per Texas Labor Code §504.053 and authorize the Mayor to execute any related documents. Possible action. Attachment.

Subsequent to the action on Item F, there was no action on this item

VI. PUBLIC COMMENTS

Ms. Cindy Gonzalez suggested that a rider restrict executive power, particularly on expenditures from the internal service fund account.

VII. EXECUTIVE SESSION

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

There were no executive session items posted and the Commission did not convene in Executive Session.

IX. ADJOURNMENT

With no other business before the Commission, at 7:30 p.m. Commissioner Garza, seconded by Commissioner Martinez, moved to adjourn the September 27, 2011 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

COMMISSIONER, Robert J. Garza

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Gerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez