



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
NOVEMBER 15, 2011**

On this 15th day of November 2011 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 with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Robert Garza
Commissioner	Olga M. Noriega
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: Rey Garcia, IT Director; Bret Mann, Finance Director; Elvia Rios, Interim Human Resources Director; David Salinas, Public Utilities Director; Interim Police Chief Michael Kelley; Fire Marshal Jimmy Cuellar; Jorge Gonzalez, Planning & Code Enforcement Director; Arnold Becho, Library Director; George Garrett, Airport Director; and several 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 Thursday, November 10, 2011.
- B. Mayoral Proclamations and Recognitions.
Joe Gonzalez with the Area Agency on Aging received a proclamation recognizing National Family Caregivers month.
- C. Invocation.
Pastor Joe Aguilar of First Baptist Church delivered the invocation.
- D. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC HEARINGS

- A. To solicit public comments on the proposed redistricting illustrative plans concerning proposed new boundaries for City of Weslaco Commissioner Districts.

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.

Mr. David Mendez reported that the redistricting efforts are to balance the districts following the reports of population distribution subsequent to the 2010 Census; he added that the next step is to adopt one of these plans or modify for consideration. Ms. Christine Warren commented that plan three as presented has the lowest percentage of Hispanic voters in a single district; plan two represents the population span; and plan one appears closest to the characteristics of the present districts.

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.

III. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco (EDC), regarding monthly economic development activities. Attachment.

Mr. Gonzalez reported the EDC is reinventing the heart of the community through investments at the central business district, with the goal to be 100% occupied within two years. Presently, an estimated 650 people work downtown daily. Also, sales tax revenues are 6.79% greater than this time last year.

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

Ms. Noell reported the Chamber is honoring local fallen veterans through a “Red, White, and Blue” Christmas parade. The Chamber continues to promote nature centers and is preparing for the arrival of Winter Texans. In response to a question from Commissioner Tafolla, she stated some of the qualifications for membership, open to businesses outside Weslaco.

IV. 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 the Minutes of the Regular Meeting of November 1, 2011. Attachment.
- B. Approval on Second and Final Reading of the following ordinances:

1. Ordinance 2011-32 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 608 & 610 E. 6th Street, Weslaco, Texas, also being Tract 1, the east 40 ft. of the south 189 ft. of Lot 47 and the south 189 ft. of Lot 58, Mistletoe Park and Tract 2, all of Lot 59 and that part of Lot 61, lying South of the extension of the South line of Lot 51, Mistletoe Park, to where it would intersect the east line of Lot 61, Mistletoe Park, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District." First Reading of Ordinance 2011-32 held November 1, 2011. Attachment.
 2. Ordinance 2011-33 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 2111 W. Business Highway 83, Weslaco, Texas, also being West Tract E7.73 AC FT 632, 7.73 AC NET, from "R-1 Single Family Dwelling District" to "B-2 Secondary and Highway District." First Reading of Ordinance 2011-33 held November 1, 2011. Attachment.
 3. Ordinance 2011-35 pertaining to the City of Weslaco Texas Municipal Retirement System (TMRS), authorizing and allowing "Updated Service Credits" for services performed by qualifying members of such system who presently 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, and establishing an effective date for such actions. First Reading of Ordinance 2011-35 held November 1, 2011. Attachment.
- C. Approval of Amendment No. 2 to the contract with Texas General Land Office (formerly Texas Department of Rural Affairs Contract No. DRS010201) to revise the project schedule for the generator installation at the Water Treatment Plant and South Waste Water Treatment Plant and authorize the Mayor to execute any related documents. Attachment.
- D. Approval of use of the Municipal Court Technology Fund for the lease or purchase of a copy/printer/facsimile machine in an amount not to exceed \$9,500.00 and authorize a budget amendment as appropriate. Attachment.
- E. Approval of the request by BMF Car/Truck Club to use City Park pavilions 23, 24, and 25 on December 11, 2011 from 9:00 a.m. - 6:00 p.m. for a car/truck show to benefit Toys 4 Tots and waive all fees associated. Attachment.
- F. Approval of the renewal of the Hidalgo County Head Start Program lease agreement for fiscal year 2011-2012 with the same terms and conditions and authorize the Mayor to execute any related documents. (There was no action on this item November 1, 2011.) Attachment.

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

For the record, the Ordinances read as follows:

ORDINANCE NO. 2011-33

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND

AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF THE WEST TRACT E7.73 AC FT 632, 7.73 AC NET, HIDALGO COUNTY, TEXAS, ALSO BEING 2111 W. BUSINESS HIGHWAY 83, WESLACO, TEXAS, FROM “R-1 SINGLE FAMILY DWELLING DISTRICT” TO “B-2 SECONDARY AND HIGHWAY DISTRICT.”

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

SECTION I: To rezone from “R-1 Single Family Dwelling District” to “B-2 Secondary and Highway District” the West Tract E7.73 AC FT 632, 7.73 AC NET, Hidalgo County, Texas, also being 2111 W. Business Highway 83, Weslaco, Texas.

SECTION II: That this ordinance shall become effective upon its passage. **PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 1st day of November, 2011.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15th day of November, 2011.

ORDINANCE NO. 2011-32

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF TRACT 1, THE E 40 FT. OF THE S. 189 FT. OF LOT 47 AND THE S. 189 FT. OF LOT 58, MISTLETOE PARK AND TRACT 2, ALL OF LOT 59 AND THAT PART OF LOT 61, LYING SOUTH OF THE EXTENSION OF THE SOUTH LINE OF LOT 51, MISTLETOE PARK, TO WHERE IT WOULD INTERSECT THE EAST LINE OF LOT 61, MISTLETOE PARK, HIDALGO COUNTY, TEXAS, ALSO BEING 608 & 610 E. 6TH STREET, WESLACO, TEXAS, FROM “R-1 SINGLE FAMILY DWELLING DISTRICT” TO “B-1 NEIGHBORHOOD BUSINESS DISTRICT.”

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

SECTION I: To rezone from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District” also being Tract 1, The E 40 ft. of the S. 189 ft. of Lot 47 and the S. 189 ft. of Lot 58, Mistletoe Park and Tract 2, all of Lot 59 and that part of Lot 61, lying South of the extension of the South line of Lot 51, Mistletoe Park, to where it would intersect the East line of Lot 61, Mistletoe Park, Hidalgo County, Texas, also being 608 & 610 E. 6th Street., Weslaco, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 1st day of November, 2011.

PASSED AND APPROVED on second reading at a regular meeting of the City

Commission this 15th day of November, 2011.

ORDINANCE NO. 2011-35



Ordinance 2011-35

TMRS-USC T CPI

TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY 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; AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS.

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

Section 1. Authorization of Updated Service Credits.

(a) On the terms and conditions set out in Sections 853.401 through 853.403 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, and on such date has 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 said title) in an amount that is 50% of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 853.402 of said title). The Updated Service Credit hereby allowed 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.

(b) On the terms and conditions set out in Section 853.601 of said title, any member of the System who is eligible for Updated Service Credits on the basis of service with this City, and 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 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 853.601.

(c) In accordance with the provisions of subsection (d) of Section 853.401 of said title, 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 date aforesaid on the full amount of such person's earnings as an employee of the City.

Section 2. Increase in Retirement Annuities.

(a) On terms and conditions set out in Section 854.203 of Subtitle G of Title 8, Government Code, as amended, 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 this City under current service annuities and prior service annuities arising from service by such employees to this City. An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of annuity increase under this Section is computed as the sum of the prior 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 ordinance.

(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 hereby.

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

Effective Date Subject to approval by the Board of Trustees of Texas Municipal Retirement System, the updated service credits and increases in retirement annuities granted hereby shall be and become effective on the **1st day of January, 2012.**

Passed on first reading on this 1st day of November, 2011.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15th day of November, 2011.

s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2011-63 to appoint one member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. (This item was tabled November 1, 2011.) Attachment.

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

- B. Discussion and consideration to accept the resignation of Andres Noriega and approve Resolution No. 2011-65 to appoint one member to an unexpired term on the Weslaco Health Facilities Development Corporation. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to accept the resignation of Andres Noriega and table Resolution No. 2011-65 to appoint one member to an unexpired term on the Weslaco Health Facilities Development Corporation. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to accept the resignation of Ruben Cardenas and approve Resolution No. 2011-66 to appoint one member to an unexpired term on the Mid Valley Airport Board. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to accept the resignation of Ruben Cardenas and table Resolution No. 2011-66 to appoint one member to an unexpired term on the Mid Valley Airport Board. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve Resolution No. 2011-67 to appoint one member to an expired term on the Planning and Zoning Commission. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve Resolution 2011-67 reappointing Charles Warren to the Planning & Zoning Commission. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution read as follows:

RESOLUTION NO. 2011-67

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING
ONE MEMBER TO THE PLANNING AND ZONING**

COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances.

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

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Charles Warren is appointed to serve on the Planning and Zoning Commission Board and your term will expire on 3rd day of December, 2014.

PASSED AND APPROVED on this 15th day of November, 2011.

s/ Miguel D. Wise,

MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- E. Discussion and consideration to approve Resolution No. 2011-68 to appoint one member to an expired term on the Planning and Zoning Commission. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve Resolution 2011-68 reappointing Roland Noriega to the Planning & Zoning Commission. Commissioner Noriega abstained and the motion carried; Mayor Wise was present, but not voting.

For the record, the Resolution read as follows:

RESOLUTION NO. 2011-68

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances.

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

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Rolando Noriega is appointed to serve on the Planning and Zoning Commission Board and your term will expire on 12th day of December, 2014.

PASSED AND APPROVED on this 15th day of November, 2011.

s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- F. Discussion and consideration to approve Resolution No. 2011-69 to appoint one member to an expired term on the Planning and Zoning Commission. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to table this item as presented in order to encourage incumbent Mr. Lonnie Berry to submit the appropriate documentation for consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to approve Resolution No. 2011-70 confirming the appointment by Mayor Miguel D. Wise of a member to the City of Weslaco Housing Authority Board to an expired term as authorized by §302.031 of the Texas Local Government Code. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve Resolution 2011-70 confirming the appointment of Rogelio Tijerina by Mayor Miguel D. Wise to the City of Weslaco Housing Authority Board. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution read as follows:

RESOLUTION NO. 2011-70

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOUSING AUTHORITY BOARD.

WHEREAS, the City of Weslaco has established the City of Weslaco Housing Authority Board as per the Texas Local Government Code Section, 392.031 the Mayor shall appoint the Housing Authority Commissioners; and

WHEREAS, the terms of the members of this board are for (2) two years; and

WHEREAS, the Housing Authority Board members shall serve without compensation and unlimited terms; and

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

Rogelio Tijerina is appointed to serve a (2) two year term on the Housing Authority

Board and the term will expire on 21st day of December, 2013.

PASSED AND APPROVED on this 15th day of November, 2011.

s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- H. Discussion and consideration to approve Resolution No. 2011-71 confirming the appointment by Mayor Miguel D. Wise of a member to the City of Weslaco Housing Authority Board to an expired term as authorized by §302.031 of the Texas Local Government Code. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve Resolution 2011-71 confirming the appointment of Joe Vasquez by Mayor Miguel D. Wise to the City of Weslaco Housing Authority Board. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution read as follows:

RESOLUTION NO. 2011-71

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOUSING AUTHORITY BOARD.

WHEREAS, the City of Weslaco has established the City of Weslaco Housing Authority Board as per the Texas Local Government Code Section, 392.031 the Mayor shall appoint the Housing Authority Commissioners; and

WHEREAS, the terms of the members of this board are for (2) two years; and

WHEREAS, the Housing Authority Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Joe Vasquez is appointed to serve a (2) two year term on the Housing Authority Board and the term will expire on 20th day of November, 2013.

PASSED AND APPROVED on this 15th day of November, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

VI. OLD BUSINESS

- A. Discussion and consideration to approve the proposed investment policies as prepared by the City of Weslaco Library Board for the funds resulting from the Marion Booth Bequest, and to authorize the City Manager, Finance Director, or designee to administer the investment according to the Texas Public Funds Investment Act, City of Weslaco Policy, and the advice of the Library Board. Possible action. (There was no action on this item November 1, 2011.) Attachment.

There was no action on this item.

- B. Discussion and consideration to approve the proposed Marion Booth Endowment Program Charter and authorize the Library Board to administer the Marion Booth Endowment Program. Possible action. (There was no action on this item November 1, 2011.) Attachment.

There was no action on this item.

VII. NEW BUSINESS

- A. Discussion and consideration to adopt the FY 2010-2011 Annual Tax Collection Report as prepared by Armando Barrera, Jr., Hidalgo County Tax Assessor and Collector. Possible action. Attachment.

Mr. Armando Barrera reported \$9 million collected last year, representing a 1.06% increase over the previous year. Statements have been mailed for the current year with interest and penalties effective February 1, 2012. Commissioner Garza, seconded by Commissioner Rivera, moved to approve item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to approve Amendment No. 21 to the existing contract between the City of Weslaco and Operations Management International, Inc. (OMI) by increasing the base fee 2.9% for the annual Consumer Price Index (CPI), corresponding to an increase not to exceed \$83,449.00, for professional operation and maintenance services of the City of Weslaco Water and Wastewater Treatment for fiscal year October 1, 2011 to September 30, 2012, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated the City has been under contract with OMI since 1998 and presented three options for consideration of annual renewal. Commissioner Garza, seconded by Commissioner Martinez, moved to table the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve the purchase of two rotors for the South Wastewater Treatment Facility by CH2M Hill OMI in an amount not to exceed \$29,140 from the repairs budget and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Garza, seconded by Commissioner Martinez, moved to approve item as presented. The motion carried unanimously; Mayor Wise was present, but not

voting.

- D. Discussion and consideration to adopt Ordinance 2011-37 amending Ordinance 2008-31, as previously codified in the City of Weslaco Code of Ordinance as Section 62.51, to establish new residential, commercial, and industrial garbage rates; requiring commercial containers in some instances; establishing a rate to be charged for commercial container garbage collection; and ordaining an effective date. First Reading of Ordinance 2011-37. Possible action. Attachment.

The City Manager presented the proposed rate, indicating a 5% increase plus a 5% administrative fee; additionally, he noted the school district rate is lower than the commercial rate and proposed parity on second reading. Mayor Pro-Tem Cuellar, seconded by Commissioner Garza, moved to approve item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to recommend to Hidalgo County Urban County Program to award LCM Corporation, a certified contractor through the Buy Board, the contract to construct the restrooms at La Placita Park as per drawings proposed with Project #4187E HUD Grant # 5004-80-0306-5000-8000, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated the restrooms at La Placita Park are in dire need of repair and recommended approval of this item to dedicated Urban County money through the Buy Board process to expedite completion by the April 2012 deadline. Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to approve Resolution 2011-72 adopting the Standard Operating Procedures and Regional Interoperable Communications Plan as proposed by the Lower Rio Grande Valley Development Council Homeland Security Advisory Committee. Possible action. Attachment.

Since 9/11, the City Manager reported first responders have been striving for interoperable procedures. Commissioner Martinez, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2011-72

A RESOLUTION ADOPTING THE LOWER RIO GRANDE
VALLEY REGIONAL INTEROPERABILITY COMMUNICATION
PLAN / STANDARD OPERATING PROCEDURES (SOP)

WHEREAS, the City of Weslaco is working with local governments and others in equipment standardization; and

WHEREAS, the health, safety and welfare of public safety in the Lower Rio Grande Valley is threatened by a variety of natural and technological hazards including terrorism; and

WHEREAS, the Department of Homeland Security, and the State of Texas, in coordination with Council of Governments in Texas seek to address regional standardization of training, equipment, and exercise; and

WHEREAS, the City of Weslaco Emergency Management and Police Department is the appropriate agency of local governments to coordinate the aforementioned assistance with guidance and leadership from the Regional Communications Committee and the State of Texas.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Lower Rio Grande Valley Regional Interoperability Communication Plan / Standard Operating Procedures (SOP's) proposed by the Lower Rio Grande Valley Development Council be endorsed as submitted by the Regional Communications Committee.

SECTION 2. That this resolution will also serve as the official review and adoption by the local government as requested by the Lower Rio Grande Valley Development Council.

SECTION 3. That this resolution shall be in effect immediately upon its adoption.

PASSED AND APPROVED on this 15th day of November, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/Ramon Vela, CITY ATTORNEY

- G. Discussion and consideration to approve an Interlocal Cooperation Agreement with the County of Hidalgo to conduct 2010 Operation Stonegarden (Federal Grant Award 2009-SJ-T90011) to receive overtime and equipment funding for law enforcement activities, authorize a budget amendment as appropriate, and authorize the Mayor, Finance Director and Chief of Police to execute any related documents. Possible action. Attachment.

The City Manager stated this provides for overtime and one vehicle with 100% reimbursement; the Mayor Pro-Tem noted that it is a one-time grant award, with no expectation of entitlement for next year. Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- H. Discussion and consideration to accept a grant awarded to the Weslaco Fire Department from the Texas Forest Service under the TIFMAS Grant Assistance

Program for a Type VI Engine and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated this equipment is to support mutual aid fire calls and is 100% grant funded. Commissioner Rivera, seconded by Commissioner Martinez, moved to approve item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- I. Discussion and consideration to approve the 2012 City of Weslaco Holiday Schedule. Possible action. Attachment.

There was no action on this item.

- J. Discussion and consideration on behalf of Beto Salinas Flores, L.L.C. to approve Final Plat of the Vaquero Estates Phase II - A 38.85 Acre Tract out of Farm Tract 1070, West and Adams Tract Subdivision, Hidalgo County, Texas, located on F.M. 1015 and Mile 10 ¼ North on the east side of Vaquero Estates Phase I. Possible action. (Item as requested by the Mayor.) Attachment.

After confirming this item was approved by the Planning and Zoning Commission, Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- K. Discussion and consideration to adopt Ordinance 2011-36 repealing Ordinance 75-18 to dissolve the Weslaco Traffic Safety Committee and designate a Traffic Safety Officer. First Reading of Ordinance 2011-37. Possible action. Attachment.

The City Manager stated this item had been discussed for some time in order to expedite safety since the Traffic Safety Committee has not been able to convene a quorum. Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

VIII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments. Attachment.

Mr. Bret Mann, Finance Director, reported an increase in sales tax revenue over the same time last year, noting only Pharr and Brownsville experienced increases in the region other than Weslaco. The Mayor Pro-Tem observed that more money is staying here, but the net gain after taking into account the cost of the 380-agreements is negative. Mr. Mann also indicated that City expenditures are right on target for this time in the fiscal year.

The City Manager stated the softball fields at Harlon Block Sports Complex will be temporarily closed for improvements; the restrooms at City Park are being renovated following the August arson. The City is exploring the establishment of an animal

shelter to reduce costs. He unveiled a “quick response code” to expand transparency at the City. The City also is making headway with the assistance of Senator Lucio’s office on the SECO grant. The food drive is underway and Feast of Sharing will be December 17 at Joan of Arc.

B. Report on Monthly Compensatory Time and Overtime. Attachment.

The City Manager referenced the report as provided.

C. Report on Interim Legislative Activities by Caballero Governmental Affairs. Attachment.

The City Manager referenced the report as provided.

D. Report on enforcement of the political sign provisions of the sign ordinance. Attachment.

The City Manager explained that when recodified, the political sign ordinance folded into the sign ordinance. Though the Commission voted in 2006 to suspend enforcement, by their subsequent action, enforcement has been reinstated.

E. Report on Delinquent Fine Collections at Municipal Court. Attachment.

Ms. Rosa Badillo, Court Administrator, presented a report on collections on outstanding warrants and other fines assessed by the Municipal Court. She noted \$1,333,298 collected 2007-2010. The present collections firm, Linebarger, is paperless, making contact by phone or email; this firm does not take pleas or conduct monetary transactions, rather refers those back to the court.

There was a collections delay recently due to technology compatibility issues as well as the printer out of service following the car accident. The City Manager noted the number of warrants issued over the same period declined, which he attributed to a function of the court. The Mayor Pro-Tem asked rhetorically, “How hard-nosed will we as a City be in the issuance and enforcement of warrants?”

Commissioner Noriega asked if the business as conducted by the court remains the same as the collection amounts change significantly. Ms. Badillo replied that the court process remains the same, however factors including the judge’s discretion to award community service or jail credit, the economy, or fewer citations issued may affect collections. The Mayor stated only the prosecutors may dismiss cases.

F. Report by City Secretary’s Office.

Ms. Elizabeth Walker, City Secretary, provided an annual overview of activities and accomplishments by the department, including the administration of the Commission, Vital Records, Public Information, and Elections.

IX. PUBLIC COMMENTS

Ms. Benita Valadez with American Financial Bureau noted that when her firm served as the collection agency, the city received \$36,000.000 per month, versus \$7,760.00 per month presently. Her firm is “here, ready, and local.” She also noted that Article 6.2 of the contract with Linebarger provides for an evergreen extension unless notice of termination is provided prior to November 30, 2011.

Mr. Randy Summers provided some context and clarification to the vote cast by he and MR. Lonnie Berry in their capacity as Planning and Zoning Commissioners on the zoning change requests on the Moad and Trevino properties.

X. EXECUTIVE SESSION

At 7:52 p.m., the Mayor recessed the regular meeting to convene in Executive Session. At 8:37 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

XI. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Discussion with City Attorney regarding Cause No. C-3090-11-D, Sigler, Winston, Greenwood, & Associates, Inc. v. City of Weslaco pursuant to §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to authorize the City Attorney or special counsel if necessary to file an answer in Case No. C-3090-11-D *Sigler, Winston, Greenwood & Associates, Inc. v. City of Weslaco* and pursue appropriate relief for the City of Weslaco. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Pending Litigation – Discussion with City Attorney and Special Assigned Counsel Michael Garza regarding Cause No. CL-10-2165-E, L&G Concrete Construction, Inc., Arnulfo Gonzalez, Plaintiffs v. RCD Infrastructure, LLC, Enriquez Enterprises, Inc. [sic], Defendants pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- C. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Garza & Pena, PLLC regarding Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

XII. ADJOURNMENT

With no other business before the Commission, at 8:40 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to adjourn the November 15, 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