



**A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
June 28, 2012**

On this 28th day of June at 5:00 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 “Jerry” 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; Gloria Givilancz, Assistant Finance Director; David Salinas, Public Utilities Director, Interim Police Chief Michael Kelley; Fire Chief Jimmy Cuellar; Assistant Fire Chief Rudy Garza; Lupe Garcia, Parks & Recreation Director; George Garrett, Airport Director; Rosa Huerta, Court Administrator; Joe Pedraza, Health Official; and 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 Monday, June 25, 2012.
- B. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance.
- C. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting the arrival of Mayor Pro-Tem Cuellar at 5:39 p.m. during consideration of item III. B.

II. PUBLIC HEARING

- A. To solicit input on a request by El Tamaulipeco Restaurant & Bar, Inc., owner Feliza Taylor and applicant Elijo Vela, to authorize a Conditional Use Permit to obtain a beer and wine, mixed beverage and late hours permit at 1400 N. Westgate Drive, also being Lot 17, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas.

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

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

The City Manager indicated that the Planning & Zoning Commission recommended approval with one security guard present during late hours of operation; applicant Adriana Vela explained that late hours are proposed only when the party room is rented, Fridays and Saturdays, 12 midnight – 2 a.m., and agreed to the conditions proposed by the Planning & Zoning Commission. Mr. Joe Pedraza noted that the City did not impose any restrictions on days permissible for late hours.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to close the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

III. NEW BUSINESS

- A. Discussion and consideration to approve after public hearing a request by El Tamaulipeco Restaurant & Bar, Inc., owner Feliza Taylor and applicant Elijio Vela, to authorize a Conditional Use Permit to obtain a beer and wine, mixed beverage and late hours permit at 1400 N. Westgate Drive, also being Lot 17, Block D, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

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

- B. Discussion and consideration to approve Ordinance 2012-15 amending Ordinance 320 and the City of Weslaco Zoning code to establish a development standard for green space and aesthetic design and authorize the Mayor to execute any related documents. First reading of Ordinance 2012-15. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated that in response to concerns about proposed development at the intersection of Texas Boulevard and Eighteenth Street to preserve the character of neighborhood, the City proposes this ordinance to allow an overlay district to balance the needs of development with the desire of the immediate community.

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

- C. Discussion and consideration to ratify payment of the invoice in the amount of \$19,500.00 from Saenz Utility Contractors, Ltd. for emergency repair to the water leak at FM 1015 between Miles 8 and 9 and authorize a budget amendment as appropriate. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager explained that on June 19 a water leak occurred in the vicinity of FM 1015 and Diamond; the City had neither the staff nor the equipment to repair it. Saenz Utility Contractors, Ltd. offered the lowest bid; though it exceeded the authority of the City Manager to authorize payment, due to the nature of the emergency, he authorized work to proceed then and requests the Commission to ratify now.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve on second reading Ordinance 2012-14 amending Ordinance 2001-02 as amended, codified as Chapter 142 of the Weslaco Code of Ordinances Vehicle Wrecker and Towing Services Ordinance, to transfer administration of the wrecker licensing and regulation program, with rotation list and other relevant amendments as needed, from the Police Department to the City Manager's Office and authorize the Mayor to execute any related documents. Second reading of Ordinance 2012-14. Possible action. (Requested by City Manager's Office; First Reading held June 11, 2012.) Attachment.

The City Manager stated the City is responsible for regulating the wrecker ordinance and its rotation list; the City Manager proposes removing its administration from the Police Department to the Office of the City Manager for greater oversight. The City Attorney confirmed this revision to the existing ordinance does not change the fee schedule.

Commissioner Rivera, 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. 2012-14

AN ORDINANCE AMENDING ORDINANCE 2001-02 TO TRANSFER ADMINISTRATION OF THE WRECKER LICENSING AND REGULATION PROGRAM TO THE CITY MANAGER, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

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

SECTION I

Ordinance 2001-02, passed and approved on March 6, 2001 and codified as Chapter 142 of The Weslaco Code of Ordinances, (The Vehicle Wrecker and Tower Services,) is hereby amended to transfer the administration of the licensing, application, and enforcement of Chapter 142 from the Weslaco Police Department and the Weslaco Chief of Police or his representative to the Office of the Weslaco City Manager and the City Manager or his designee so that after second and final reading of Ordinance 2012-14, Chapter 142 of the Weslaco Code of Ordinances shall read as follows:

Chapter 142 - VEHICLE WRECKER AND TOWING SERVICES ^[60]

Sec. 142-1. - Purpose.

Sec. 142-2. - Definitions.

Sec. 142-3. - Safety and insurance compliance certificate.

Sec. 142-4. - Indemnification of city and city officers, agents and employees.

Sec. 142-5. - State inspection required before issuance of safety and insurance compliance certificate.

Sec. 142-6. - Wrecker to be summoned by owner, operator or police or fire department.

Sec. 142-7. - Soliciting wrecker business prohibited; presence at scene as evidence of violation.

Sec. 142-8. - Communication from the fire department or police department radio frequency not to be intercepted.

Sec. 142-9. - Wrecker selection; use of wrecker rotation list.

Sec. 142-10. - Establishing a limit on the number of wrecker companies on wrecker rotation list.

Sec. 142-11. - Wrecker rotation list; procedures and requirements to be placed on list.

Sec. 142-12. - Influencing selection of wrecker service restricted; vehicle may be taken to the police department.

Sec. 142-13. - Maximum rates.

Sec. 142-14. - Safety precautions.

Sec. 142-15. - Revocation or suspension of certificate; removal from wrecker rotation list; hearing.

Sec. 142-16. - Civil suit authorized.

Sec. 142-17. - Penalty.

Sec. 142-1. - Purpose.

The purpose of this chapter is to establish procedures for wrecker services located and operating within the city limits, to show proof of safety, to establish a wrecker rotation list, and to establish a limit on the number of wrecker services on the rotation list.

(Code 1969, § 29½-1; Ord. No. 2001-02, § 1, 3-6-2001)

Sec. 142-2. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disabled vehicle means a vehicle which has been rendered unsafe to be driven as a result of some occurrence other than a wreck, including, but not limited to, mechanical failures or breakdown, fire, vandalism, or a vehicle which is in a safe driving condition, but the owner is not present, or able, or permitted to drive, so as to reasonably necessitate that

the vehicle be removed by a wrecker.

Motor vehicle means every vehicle which is self-propelled.

Operator means any person operating a motor vehicle.

Owner means any person who holds the legal title of a motor vehicle or who has the legal right of possession of such vehicle.

Street means any street, alley, avenue, lane or highway within the corporate limits of the city.

Vehicle means every device in or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks.

Wrecked vehicle means a vehicle that has been damaged as the result of overturning or colliding with another vehicle or object so as to necessitate that the vehicle be removed by a wrecker.

Wrecker or tow truck means any motor vehicle used for the purpose of towing or removing vehicles. The term "wrecker" also includes a tow truck, unless the language specifically excludes tow trucks.

Wrecker business means the business of towing, moving or removing vehicles on or from the public streets, regardless of whether the purpose of the towing is to remove, repair, wreck, store, trade or purchase such vehicle, to remove a wrecked or disabled vehicle from the scene of a collision, to remove a vehicle from an unlawfully parked position, or to remove an abandoned or wrecked vehicle.

Wrecker company means any person or entity engaged in the wrecker business.

Wrecker rotation list means the rotation list of wrecker companies prepared and used by the police department.

(Code 1969, § 29½-2; Ord. No. 2001-02, § 2, 3-6-2001)

Sec. 142-3. - Safety and insurance compliance certificate.

(a) *Required; application.*

(1) Every person desiring to engage in the wrecker business in the city or be on the city's wrecker rotation list shall make application, in writing, on a form provided for that purpose, to the City Manager or his/her designee for a safety and insurance compliance certificate to engage in the wrecker business for each wrecker proposed to be located in the city.

(2) Such application shall contain the name, address, telephone number, date of birth driver's license number and social security number of the applicant and

the owners of the wrecker business, if different from the applicant, the number and types of wrecker equipment operated, all other information and documents indicated herein, and a statement that the applicant does or does not desire to appear on the wrecker rotation list.

(3) Every application shall be sworn to by the applicant.

(4) All licenses shall expire one year from date of issuance, unless revoked earlier pursuant to the terms of this chapter.

(b) *Issuance by City Manager or his/her designee; minimum requirements to be met.*

(1) The City Manager or his/her designee shall issue a safety and insurance certificate to engage in the wrecker business to each applicant complying with the provisions of this chapter for each wrecker to be located in the city.

(2) No safety and insurance compliance certificate authorizing the operation of a wrecker business or authorizing the operation of a wrecker in the city limits shall be issued unless the following requirements are met:

a. Every wrecker proposed to be used by the applicant in the city shall comply with the following minimum safety requirements:

1. Every wrecker shall be not less three-quarters of a ton in size and be equipped with booster brakes;

2. Every wrecker shall be equipped with a power winch line and boom with a factory-rated lifting capacity of not less than 5,000 pounds, single-line capacity; and

3. Each wrecker shall carry standard equipment, including a tow bar, safety chains, fire extinguisher, wrecker bar, broom, axe, shovel, flags, flares, dolly, winch, line, tow bar, blinker, lights, emergency light, working light, wheel shocks, hydraulic jack, tire tools and equipment reasonably necessary to conduct wrecker service.

b. The applicant shall obtain and keep in full force and effect a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state in the standard form approved by the board of insurance commissioners of the state, insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a wrecker of such company and providing that the amount of recovery shall be in limits of not less than the following sums:

1. For damages arising out of bodily injury to or death of one person in any one accident: \$250,000.00;

2. For damage arising out of bodily injury to or death of two or more persons: \$500,000.00; and

3. For injury to or destruction of property in any one accident: \$100,000.00.

(3) All wrecker companies that have storage yards within the city at the time of the passage of the ordinance from which this chapter is derived shall carry

sufficient insurance to cover theft and vandalism from the storage yards.

(Code 1969, § 29½-3; Ord. No. 2001-02, § 3, 3-6-2001)

Sec. 142-4. - Indemnification of city and city officers, agents and employees.

Every applicant to obtain a safety and insurance compliance certificate to operate a wrecker service in the city shall sign an agreement, which shall be attached to the application, wherein the applicant agrees to indemnify and hold harmless the city, its officers, agents and employees from any and all claims, demands, actions and causes of actions arising from the granting of a license to operate a wrecker business or to operate a wrecker and for the operation of the wrecker business or any wrecker by the applicant in the city.

(Code 1969, § 29½-4; Ord. No. 2001-02, § 4, 3-6-2001)

Sec. 142-5. - State inspection required before issuance of safety and insurance compliance certificate.

Each application for a safety and insurance compliance certificate for a wrecker shall state that such wrecker has been inspected and approved under the direction of the state department of public safety, and a current inspection sticker shall be affixed securely to the inside of the windshield of the wrecker.

(Code 1969, § 29½-5; Ord. No. 2001-02, § 5, 3-6-2001)

Sec. 142-6. - Wrecker to be summoned by owner, operator or police or fire department.

No person shall drive a wrecker to or near the scene of an accident or collision on the streets of the city unless such person has been called to the scene by an owner or operator of a vehicle involved in such accident or collision or by the police department or fire department of the city, or unless it is necessary to prevent death or bodily injury to any person involved in an accident or collision.

(Code 1969, § 29½-6; Ord. No. 2001-02, § 6, 3-6-2001)

Sec. 142-7. - Soliciting wrecker business prohibited; presence at scene as evidence of violation.

No person shall solicit in any manner, directly or indirectly, on the streets of the city, the business of towing any vehicle which is wrecked or disabled on the public, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing such vehicle. The presence of a wrecker at or near the scene of a wreck, accident or collision, within one hour after the occurrence of a wreck, accident or collision without being summoned to the scene by an owner or operator of a vehicle involved in such accident or collision or by the police department or fire department shall be prima facie evidence of a solicitation in violation of this section.

(Code 1969, § 29½-7; Ord. No. 2001-02, § 7, 3-6-2001)

Sec. 142-8. - Communication from the fire department or police department radio frequency not to be intercepted.

(a) No owner of a wrecker company not licensed by the city shall intercept any messages emanating from the police department or fire department radio frequencies or divulge or publish the existence, contents, substance, purpose, effect or meaning of such intercepted communication.

(b) The owner or operator of a wrecker shall not act upon any information received on the radio frequency of the police department or fire department for his own benefit or the benefit of any other person in connection with the operation of a wrecker business unless the owner or operator was called or summoned by the police department or fire department.

(Code 1969, § 29½-8; Ord. No. 2001-02, § 8, 3-6-2001)

Sec. 142-9. - Wrecker selection; use of wrecker rotation list.

(a) When a police officer investigating an accident, making an arrest, or otherwise performing duties as a police officer determines that any vehicle on a public street is unable to proceed safely under its own power or determines that the operator thereof is unable to operate such vehicle, such officer shall request the operator for the name of the wrecker company the operator desires to remove the vehicle. When the operator has named the wrecker company desired, the police officer shall communicate that fact immediately to the police department headquarters, and it shall be the duty of the person receiving such information at headquarters to call the designated company or authorized agent of such company to send a wrecker to the scene of the vehicle.

(b) In the event the owner of a vehicle involved is not available or the operator of such vehicle is unable to name the wrecker company desired or refuses to name one, the investigating officer shall communicate this fact immediately to police department headquarters so that a wrecker can be selected from the wrecker rotation list.

(c) Upon receiving a communication advising the police department of the need for a wrecker from the wrecker rotation list the police department headquarters shall call the wrecker company next on the rotation list to remove the vehicles involved. If there are no wreckers available at the wrecker service on call, or if the police department cannot immediately make contact with the wrecker service on call, the police department shall proceed through the wrecker rotation list until a wrecker is located that is available and ready to proceed immediately to the scene of the incident requiring a vehicle to be removed.

(Code 1969, § 29½-9; Ord. No. 2001-02, § 9, 3-6-2001)

Sec. 142-10. - Establishing a limit on the number of wrecker companies on wrecker rotation list.

The maximum number of wrecker companies on the rotation list shall not exceed ten. The chief of police or his designee shall determine which ten wrecker companies will be included from the rotation list using information indicating the location, response time

to calls and overall compliance with section 142-11 of this chapter by wrecker company.

(Code 1969, § 29½-10; Ord. No. 2001-02, § 10, 3-6-2001; Ord. No. 2008-34, § I, 10-21-2008)

Sec. 142-11. - Wrecker rotation list; procedures and requirements to be placed on list.

(a) The police department shall maintain a list of wrecker companies on the wrecker rotation list and a wrecker rotation schedule indicating which wrecker company is on call for service at any time.

(b) Wrecker companies that want to be placed on the wrecker rotation list shall provide the following information and documents and comply with the following requirements:

(1) Have been issued a safety and insurance compliance certificate by the city;

(2) Have applied to be on the wrecker rotation list;

(3) Have a minimum of one wrecker with lawful drivers readily available located at site within the city limits to answer calls from the police department or fire department during such times that the wrecker service is on call for services;

(4) Maintain an office building and storage compound within the city school district boundary lines, operated on a daily basis (Monday through Friday), with normal working hours from 8:00 a.m. to 5:00 p.m., with an employee physically present at the business during such normal working hours. The office building shall be served by a telephone with a number provided to the police department for calls during normal working hours. If the office is not manned 24 hours per day, seven days per week, the wrecker service shall also provide the police department with a telephone number for calls after normal working hours, weekends and holidays. An answering service or answering device shall not be used;

(5) Storage compounds shall be maintained outside the city limits;

(6) The storage compounds maintained inside the city limits at the time of the passage of the ordinance from which this chapter is derived shall contain sufficient space for storage of at least 20 motor vehicles and fenced with opaque fencing material.

(c) If there are no wreckers available at the wrecker service on call or if the police department cannot immediately make contact with the wrecker service on call, the police department shall proceed through the wrecker rotation list until a wrecker is located that is available and ready to proceed immediately to the scene of the incident requiring a vehicle to be removed.

(d) Wrecker service companies on the wrecker rotation list should be able to respond to calls according to the following schedule:

(1) During the normal workweek, Monday through Friday, 8:00 a.m. to 5:00 p.m.:

a. Within city limits: 15 minutes.

- b. Outside city limits: 25 minutes.
- (2) After normal working hours, on weekends or holidays:
 - a. Within city limits: 25 minutes.
 - b. Outside city limits: 35 minutes.

A wrecker service company failing to respond within five minutes of this schedule shall have its call canceled, and the next wrecker service company on the wrecker rotation list shall be called.

(e) In the event the vehicle to be towed, moved or removed exceeds the capacity of the wreckers operated by the wrecker service company on the wrecker rotation list, or in the event of an emergency wherein life or property is threatened, or in circumstances where the situation requires immediate action to protect life or property, the police department may call any wrecker service with the capability to provide the service needed.

(f) Operators of wreckers shall abide by any orders or instructions given by the police department or fire department dispatchers or the police officers and firefighters in charge at the scene.

(g) Each wrecker service company on the wrecker rotation list shall keep a record of all calls made in response to requests from the City Manager or his/her designee, and such records shall include the following information:

- (1) Date and time of call;
- (2) Location of vehicle to be towed or removed;
- (3) Response time;
- (4) Vehicle owner or operator;
- (5) Description and disposition of vehicle;
- (6) Charges involved;
- (7) Status of payment for charges;

Such records shall be available for inspection by the City Manager or his/her designee at any reasonable time.

(h) The wrecker rotation schedule maintained by the police department shall list all wrecker services on the list in alphabetical order. Rotation shall be on a per-call basis.

(i) In addition to the fine authorized, a wrecker service company that violates any of the provisions of this chapter shall be subject to removal from the wrecker rotation list upon a hearing.

(Code 1969, § 29½-11; Ord. No. 2001-02, § 11, 3-6-2001)

Sec. 142-12. - Influencing selection of wrecker service restricted; vehicle may be taken to the police department.

No police officer, firefighter or other city employee who is investigating or present at the scene of any wreck, accident or collision on a public street shall, directly or indirectly, either by word, gesture, sign or otherwise, recommend to any person the name of any particular person engaged in the wrecker service business, nor shall any such person influence or attempt to influence in any manner the decision of any person in choosing or selecting a wrecker or repair service; provided, however, that any police officer, in the exercise of his discretion as a police officer, may direct that any vehicle, whether towed by

a wrecker selected by the owner or operator of the vehicle or from the wrecker rotation list, shall be taken to the police department or such other location designated by the police officer to be held by the city for any lawful purposes.

(Code 1969, § 29½-12; Ord. No. 2001-02, § 12, 3-6-2001)

Sec. 142-13. - Maximum rates.

(a) Wrecker companies that volunteer to be placed on the voluntary wrecker list for rotation agree to charge the rates set out herein as a condition of being on the rotation list. The maximum rates or fees authorized to be charged for the following enumerated wrecker services are as follows:

- (1) Towing a wrecked, disabled vehicle or illegally parked vehicle: \$75.00.
- (2) Towing of disabled vehicle from high water, up to a maximum fee per hour per wrecker: \$75.00 (any person requesting that their vehicle be removed to a garage or other area will be responsible for paying the wrecker fee).
- (3) Waiting time over 15 minutes at the scene of an accident (per quarter hour): \$10.00.
- (4) Disconnecting transmission: \$45.00.
- (5) Use of dollies or other specialized equipment: \$45.00.
- (6) Towing of trucks exceeding one ton:
 - a. First hour of service (minimum charge): \$75.00.
 - b. Additional time required to remove such vehicles (per working hour): \$75.00.
- (7) Towing vehicle from outside the city limits: \$15.00 plus per mile to and from location of vehicle, \$1.50.

The total fee charged will be made up of towing fee (subsections (a)(1), (a)(2), (a)(3), or (a)(7) of this section), specialized service fee (subsections (a)(5), (a)(6) and (a)(8) of this section), waiting fee (subsection (a)(4) of this section) and storage or impoundment fees, if any (subsection (b) of this section).

(b) The cost for the storage of a vehicle shall be no more than \$15.00 for the initial 24 hours, and \$15.00 for each day thereafter.

(c) Where any state law, rule or regulation requires a different rate for services rendered by a wrecker service or storage facility or any other type of business entity regulated under this chapter, as provided for in this chapter, then such state-regulated rate shall be followed without the necessity of further amendment of this chapter.

(Code 1969, § 29½-13; Ord. No. 2001-02, § 13, 3-6-2001)

Sec. 142-14. - Safety precautions.

Each wrecker shall follow standard safety precautions and operations generally recognized in the wrecker business to proceed to and from the scene of an accident or collision and shall comply with all ordinances of the city. Each wrecker present at the scene

of any accident or collision shall follow standard safety precautions and procedures generally recognized in the wrecker business.

(Code 1969, § 29½-14; Ord. No. 2001-02, § 14, 3-6-2001)

Sec. 142-15. - Revocation or suspension of certificate; removal from wrecker rotation list; hearing.

(a) Upon written complaint by any person against any wrecker service on the wrecker rotation list or against any agent or employee of a wrecker service on the wrecker rotation list filed with the chief of police, or upon written complaint by the City Manager or his/her designee, the municipal judge shall conduct a hearing as set out herein:

- (1) The hearing shall be conducted at municipal court within 30 days of the filing of the complaint.
- (2) Written notice shall be given to the wrecker service involved, to all other persons involved and to the chief of police at least 20 days prior to the hearing.
- (3) Parties may be represented by attorneys at their own expense.
- (4) The burden of proof shall be on the complainant or chief of police to prove the allegations by a preponderance of the evidence.
- (5) All witnesses shall be sworn.
- (6) Only evidence admissible under law and rules of evidence of the state shall be admissible.
- (7) All witnesses shall be subject to cross-examination by all opposing parties.
- (8) All evidence shall be subject to objection by all opposing parties.
- (9) Parties shall be permitted to offer evidence and argue to the court.
- (10) The municipal judge shall decide all questions of law and determine whether to suspend for a specified period or revoke the certificate of the service company from the wrecker rotation list.

(b) The procedure set forth in subsection (a) of this section is applicable only to hearings involving the revocation or suspension of a certificate or removal from the wrecker rotation list. Normal court procedures shall be followed when charges are filed seeking imposition of the fine authorized by this chapter.

(c) Upon a finding of a violation of the motor vehicle laws or the criminal laws of the state or a violation of the requirements of this chapter, the municipal judge may revoke or suspend a certificate or remove a wrecker service from the rotation list.

(Code 1969, § 29½-15; Ord. No. 2001-02, § 15, 3-6-2001)

Sec. 142-16. - Civil suit authorized.

The city attorney is hereby authorized to file a civil suit in state district court or any court of competent jurisdiction to enjoin any violations of this chapter.

(Code 1969, § 29½-16; Ord. No. 2001-02, § 16, 3-6-2001)

Sec. 142-17. - Penalty.

Any person who violates any provision of this chapter or suffers or allows the same to be violated shall, upon conviction thereof, be subject to a fine of not less than \$100.00 or more than \$500.00.

(Code 1969, § 29½-17; Ord. No. 2001-02, § 17, 3-6-2001)

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 19th day of June, 2012.

PASSED AND APPROVED on second reading at a special meeting of the City Commission this 28th day of June, 2012.

/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 the reclassification of employment position(s), changing titles consistent with administrative reorganization of the Planning/Code Enforcement Department, and authorize budget amendments as appropriate. Possible action. (Requested by City Manager's Office.) Attachment.

There was no action on this item.

- F. Discussion and consideration to approve the purchase of three (3) Motorola base stations to include dispatch in compliance with FCC narrow banding for Fire Stations 1, 2, and 3 from Houston Galveston Area Coop (HGAC) Purchasing Contract #RA05-12, authorize a budget amendment as appropriate in an amount not to exceed \$22,000.00, and authorize the Mayor to execute any related documents. Possible action. (Requested by Fire Department.) Attachment.

The City Manager explained that this purchase would allow for the interoperability of communications equipment to comply with FCC mandates by the end of the year.

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

- G. Discussion and consideration to authorize the purchase of two backhoe loaders through the BuyBoard or Houston Galveston Area Coop (HGAC) in an amount not exceed \$70,000.00/unit, authorize a budget amendment not to exceed \$140,000.00 from retained earnings of the Water and Sewer Funds, and authorize the Mayor to execute all related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager explained the City has three “vintage” backhoes, in service since the early 1980s, when they typically have a life expectancy of five years. Mr. David Salinas stated the City received three quotes and is leaning toward vendor Case because it may deliver the equipment within two weeks whereas the others are made to order. All offer a standard one year warranty, prorated over five years. The backhoes should be serviced in-house. Commissioner Noriega inquired if the request is for one or two backhoes; Commissioner Martinez suggested purchasing both now as the cost of anything is not getting any cheaper.

Commissioner Garza, seconded by Commissioner Tafolla, moved to approve the item as presented to authorize the purchase of two backhoe loaders. The motion carried unanimously; Mayor Wise was present, but not voting.

- H. Discussion and consideration to approve an interlocal agreement with Rio Grande Valley Communications Group, a Texas non-profit corporation, for use of the Regional 800 MHz radio system for three multi-band portable radios in an amount of \$2.00 per unit per month, authorize a budget amendment as appropriate in the Emergency Management operating budget, and authorize the Mayor to execute any related documents. Possible action. (Requested by Emergency Management.) Attachment.

The City Manager and Mr. George Garrett explained this serves to bridge the gap among emergency responders in other communities, which mainly rely on the 800MHz system; the earlier action by the Commission is compatible with this system.

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

- I. Discussion and consideration to cancel the next regular meeting of the Weslaco City Commission rescheduled Monday, July 2, 2012 in accordance with Ordinance 2011-05. Possible action. (Requested by City Manager’s Office.) Attachment.

The City Manager stated that the City Charter requires one meeting of the Commission per month; the next regular meeting of July 17satisfies this requirement. The Mayor clarified this action cancels the meeting previously rescheduled.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- J. Discussion and consideration to accept a Utility Easement Dedication for Pam Square Subdivision also being a 0.039 acre tract of land out of Lot 1, 400 West Expressway 83 Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

Mr. Joe Pedraza confirmed that this easement width allows access by equipment to repair any facility.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.

The City Manager referenced his report and extended well-wishes to Eric de la Garza, who is leaving the Mid-Valley Town Crier for a position as a court reporter with a national news wire.

- B. Report on 2012 Municipal Election.

Ms. Yvonne Ramon, Hidalgo County Elections Administrator, confirmed she has sufficient equipment to conduct the municipal election in either November or May. The City Attorney stated that a charter election may be separately necessary to amend the length of terms of the Commissioners.

V. PUBLIC COMMENTS

There were no public comments.

VI. EXECUTIVE SESSION

At 6:15 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:30 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

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

There was no action taken on this item.

- B. Pending Litigation – Discussion with City Attorney regarding Case No. 7:09-CV-0118, *Claudio Lucio v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

There was no action taken on this item.

VIII. ADJOURNMENT

With no other business before the Commission, at 8:31 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the June 28, 2012 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 “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez