



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, DECEMBER 18, 2012**

On this 18<sup>th</sup> day of December 2012 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	David R. Fox
Commissioner	Olga M. Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Gloria Givilancz, Interim Finance Director; David Salinas, Public Utilities Director; Interim Police Chief Michael Kelly; Fire Chief Jimmy Cuellar; Assistant Fire Chief Rudy Garza; Martin Mata, Assistant Library Director; Joe Pedraza, Health Supervisor; Rosa Huerta, Court Administrator; 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 Friday, December 14, 2012.
- B. Invocation.  
Pastor Speer from Grace Episcopal Church delivered the invocation.
- C. Pledge of Allegiance.  
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- D. Roll Call.  
Molly Vallejo, Secretary, called the roll, noting perfect attendance

Commissioner Tafolla, seconded by Commissioner Rivera, moved to take Public Comments from its posted sequence for immediate consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

**VIII. PUBLIC COMMENTS**

Lupe Rivera, Mary Leal and Mike Robledo encouraged the City employees and all the residents of Weslaco to attend the Christmas Party Gift Distribution to be held at the Weslaco City Park. Sponsors include Commissioner Lupe V. Rivera, Mayor Pro-Tem Cuellar, Commissioner David R. Fox, Commissioner Jerry Tafolla and Precinct One

Commissioner-Elect A.C. Cuellar, who donated most of the toys. Local businesses and organizations also made donations; Mary Leal has been promoting the event in the local colonias and over 1000 children age 12 years and under are expected to attend.

## **II. PUBLIC HEARINGS**

- A. To solicit input in compliance with the Consolidated Plan for Community Planning & Development, (CDBG, HOME, ESG) the City of Weslaco on the City's needs and priorities for the five (5) year Consolidated Plan Urban County Program Years 2013, 2014, 2015, 2016 & 2017, (Hidalgo County Urban Funding Years 26, 27, 28, 29 & 30).

Commissioner Tafolla, seconded by Commissioner Martinez, moved to suspend the public hearing until 6:00 p.m. The motion carried unanimously; Mayor Wise was present, but not voting.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to open the public hearing as presented at 6:14 p.m. The motion carried unanimously; Mayor Wise was present, but not voting.

There were no comments from the public.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to close the public hearing as presented at 6:15 p.m. 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 2012-26 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1007 N. Border Ave., also being 1.12 Acre of land out of Farm Tract 133, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District", requested by Gilbert Cardenas, Jr. (First Reading held November 27; Requested by Planning & Code Enforcement Department.) Attachment.
- B. Approval of Resolution 2012-72 to apply and accept from the Texas Department of Public Safety, Texas Rangers Division, a 2013 Local Border Security Program (LBSP) grant for \$15,000.00, approve budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Requested by Police Department.) Attachment.

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

For the record, the Ordinance reads as follows:

**ORDINANCE NO. 2012-26**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1007 N. BORDER AVE., ALSO BEING 1.12 ACRE OF LAND OUT OF FARM TRACT 133, WEST TRACT SUBDIVISION, WESLACO, HIDALGO COUNTY, 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,” 1.12 acre of land out of Farm Tract 133, West Tract Subdivision, also being 1007 N. Border Avenue, Weslaco, Hidalgo County, 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 27<sup>th</sup> day of November, 2012.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 18<sup>th</sup> day of December, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

For the record, the Resolution reads as follows:

**RESOLUTION NO. 2012-76**

**A RESOLUTION TO APPLY AND ACCEPT ANY AWARDED 2013 LOCAL BORDER SECURITY PROGRAM GRANT FUNDS FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY (TXDPS), TEXAS RANGERS DIVISION FOR THE PERIOD OF JANUARY 1, 2013 THROUGH AUGUST 31, 2013**

WHEREAS, The City of Weslaco finds it in the best interest of the citizens of the City of Weslaco that the LOCAL BORDER SECURITY PROGRAM be operated for the fiscal year 2013 in the amount they may be awarded to us for the TXDPS; and

WHEREAS, The City of Weslaco agrees to provide for the said project as required by the LOCAL BORDER SECURITY PROGRAM FY 2013; and

WHEREAS, The City of Weslaco agrees that in the event of loss or misuse of the Texas Department of Public Safety funds, the City of Weslaco assures that the funds will be returned to the Texas Department of Public Safety in full; and

WHEREAS, The City of Weslaco designates Mayor Miguel Wise as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** The City of Weslaco approves to apply and accept awarded funds for a grant for the 2013 LOCAL BORDER SECURITY PROGRAM to the Texas Department of Public Safety, Texas Rangers Division.

Passed and approved this 18<sup>th</sup> day of December, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

#### **IV. OLD BUSINESS**

- A. Discussion and consideration to approve Ordinance 2012-25 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 of January 1, 2013 for such actions, and authorize the Mayor to execute any related documents. Second and Final Reading of Ordinance 2012-25. Possible action. (First Reading on December 4, 2012; Requested by Finance Department.) Attachment.

The City Manager stated that the City has been at a 1:1 ratio for municipal contributions for three years and the City now has the option to move to a 1.5:1 or a 2:1 ratio. A comparison of most cities this size has a 2:1 ratio for municipal contributions, with San Benito having a 2:1 ratio and San Juan with a 1.5:1 ratio. At this time City Manager and staff recommends a 1.5:1 ratio for municipal contribution rate. Mayor Pro-Tem Cuellar stated that it had taken the City many years to get to the 2:1 ratio and that increasing the municipal contributions would be the best way for the City to pay back the employees back for all of their hard work.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Ordinance 2012-25 on second and final reading as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Ordinance reads as follows:

**Ordinance 2012-25  
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 COMMISSION 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, 2013.**

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 27<sup>th</sup> day of November 2012.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 18<sup>th</sup> day of December 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

**V. APPOINTMENTS *Standard Documentation on Appointments***

- A. Discussion and consideration to approve Resolution 2012-70 appointing a member to an expired term on the Board of Adjustments and Appeals - Zoning. Possible action. (There was no action on this item December 4, 2012; Requested by Planning and Code Enforcement Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve Resolution 2012-70 appointing Rogelio Tijerina Jr. to an expired term on the Board of Adjustments and Appeals – Zoning. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

**RESOLUTION NO. 2012- 70**

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Rogelio Tijerina is appointed to serve on the Board of Adjustments & Appeals-Zoning Ordinance and the term will expire on 21<sup>st</sup> day of December, 2014.

**PASSED AND APPROVED** on this 18<sup>th</sup> day of December, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- B. Discussion and consideration to approve Resolution 2012-71 confirming the appointment by Mayor Miguel D. Wise of one member to the City of Weslaco

Housing Authority Board to an expired term as authorized by §302.031 of the Texas Local Government Code. There was no action on this item December 4, 2012; Requested by City Secretary's Office.) Attachment.

There was no action on this item.

- C. Discussion and consideration to approve Resolution 2012-73 appointing a member to an expired term on the Ambulance Advisory Board. Possible action. (Requested by Fire Department.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve Resolution 2012-73 appointing Commissioner David R. Fox to an expired term on the Ambulance Advisory Board. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

**RESOLUTION NO. 2012-75**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE AMBULANCE ADVISORY BOARD.**

**WHEREAS**, the City of Weslaco has established the Ambulance Advisory Board pursuant to Section 14-1(A) of Ordinance No. 78-39; and

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

**WHEREAS**, the Ambulance Advisory Board members shall serve without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Commissioner David R. Fox is appointed to serve either an expired term of two (2) full years or an unexpired term to replace a current member on the Ambulance Advisory Board and the term will expire on the date of December 19, 2014.

**PASSED AND APPROVED** on this 18<sup>th</sup> day of December, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

**VI. NEW BUSINESS**

- A. Discussion and consideration to authorize a Public Purpose Services Contract between the City of Weslaco and the Boys and Girls Club of McAllen, Weslaco Unit and authorize the Mayor to execute the contract. Possible action. (Requested by Parks & Recreation Department.) Attachment.

The City Manager stated the City previously had a contract with the Boys & Girls Club, and now has a Memorandum of Understanding with the McAllen Organization. This contract is in essence the same contract with the previous organization, there have been some non-substantive changes made to the contract.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve item as presented.

Commissioner Fox requested an amendment be made to Section 7 regarding payment from quarterly payments to monthly payments, since as a non-profit organization budgets are made on a monthly basis.

Mayor Pro-Tem Cuellar and Commissioner Tafolla rescinded their motion.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve item with an amendment to the Public Purpose Services Contract between the City of Weslaco and the Boys and Girls Club to make the payments monthly. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to authorize an expenditure in an amount not to exceed \$2,500.00 from the Preservation Fund for the purchase of death record binders, birth record binders, secure life ledger paper, and other supplies for the permanent retention of vital records as prescribed by the Texas Health & Safety Code §191.0045 (h), authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Requested by City Secretary Office.) Attachment.

The City Manager stated that the City assesses a \$1.00 fee on all birth and death certificates issued and proposes that the money be used to purchase certain eligible supplies; staff recommends approval.

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

- C. Discussion and consideration to approve an Interlocal Agreement between the City of Weslaco and Texas A&M University-Kingsville to actively participate in a Regional Task Force formed to respond and aid compliance with the Texas Commission on Environmental Quality Phase II Storm Water Rules for a membership fee of \$11,025.00 with \$10,000.00 in the form of in kind services and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

City Manager stated this is a renewal of the existing agreement that allows the City membership in this task force. The federal government requires all cities adopt regulations governing storm water, which are implemented by the state; staff recommends approval.

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.

- D. Discussion and consideration to approve a Professional Services Agreement with Garcia & Pena, Certified Public Accounts to conduct the Comprehensive Financial Audit of the City of Weslaco's financial accounts for Fiscal Year 2011-2012 and authorize the Mayor to execute the agreement. Possible action. (Requested by Finance Department.)

City Manager stated this is a renewal of the existing contract under the current terms with a total cost of \$44,000.00. The City Manager would like to renew with Garcia & Pena this year but would like to go out for proposals next year.

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

- E. Discussion and consideration to approve the expenditures from the City of Weslaco Internal Service Fund for Fiscal Year 2012-2013 not to exceed \$355,000.00. Possible action. (Requested by Finance Department.) Attachment.

The City Manager stated that a couple of years ago the City started setting aside money for capital expenditures and has been working with departments to identify high priority needs. The Commission was provided with a list of items the City would like to purchase which includes websites, vehicles, equipment, laptops, time clocks and infrastructure. The City Manager recommends approval as presented.

Commissioner Noriega asked if it was possible to wait until next year to purchase the vehicles, since the Police Department had to wait for so long for new units; the City Manager stated that the Public Facilities vehicle is a 1976 model with 270,000 miles.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented; Commissioner Noriega opposed. The motion carried (5-1); Mayor Wise was present, but not voting.

- F. Discussion and consideration to accept from the Texas Comptroller of Public Accounts \$653.31 of unclaimed money and approve a budget amendment as appropriate. Possible action. (Requested by Commissioner Gerardo "Jerry" Tafolla and Commissioner Lupe Rivera.) Attachment.

Commissioner Tafolla stated that while at the Texas Municipal League conference in Grapevine there was an exhibit set up by the Texas Comptroller of Public Accounts where he identified these funds.

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

- G. Discussion and consideration to reschedule the regular meeting of the City Commission of January 1, 2013. Possible action. (Requested by City Manager.)

Mayor Wise suggested the next regular meeting of the Commission be moved to January 3, 2013. Mr. Hernan Gonzales, executive director of the Economic Development Corporation of Weslaco, stated that the Commission may consider adopting a revitalization plan to accommodate an application due January 8 for a 125 unit project.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to reschedule the regular meeting of the City Commission of January 1, 2013 to January 3, 2013. The motion carried unanimously; Mayor Wise was present, but not voting.

## **VII. REPORTS**

- A. Report by City Manager on Departmental Update, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.

The City Manager gave special recognition to Erasmo Lozano for earning his Bachelors Degree from South Texas College. He thanked Martin Hagne, Executive Director of the Valley Nature Center, for his dedicated service and stated that he would be leaving the Valley Nature Center at the end of this month. Oscar Garcia, Director of Public Facilities tendered his two week resignation; Mayor Wise and the Commissioners extended their well wishes and good luck to Mr. Garcia.

Commissioner Noriega announced that they are hosting the 2<sup>nd</sup> Annual Christmas Party on Saturday, December 22<sup>nd</sup> at La Placita Park and invited all the City residents to attend.

- B. Status report by Orlando Cruz on the FEMA Storm Water Project No. DR 1791-119 “Las Brisas Detention System and FEMA Storm Water Project No. DR 1791-134 “South Detention System. Attachment.

There was no report.

- C. Report on Overtime, Compensatory time, and Workers’ Compensation. Attachment.

The City Manager referenced the report as enclosed.

- D. Report by the Economic Development Corporation of Weslaco by Executive Director, Hernan Gonzalez. Attachment.

Mr. Hernan Gonzalez reported on the upcoming commercial projects set to begin construction in 2013, which include Blue Wave Car Wash, Chick-Fil-A, Bridgestone Tire Distribution Center and Longhorn Steak House. Mr. Gonzalez stated that the Palm Aire Hotel underwent a complete renovation and is the primere hotel for Weslaco.

The Farmers’ Market is hosted at the Chamber of Commerce every Thursday starting at 5:00 p.m. Al Fresco will be hosted at the City’s parking lot this Thursday after the Christmas Parade.

Mr. Gonzalez reported that sales tax revenues are up 13% since last December, with a \$10.0 million mark for the year, which is 7% ahead of last year; he projected modest growth over the next year.

- E. Presentation by Linebarger Goggan Blair & Simpson, LLP on City of Weslaco Delinquent Tax Collection Report for the period of October 1, 2011 through September 30, 2012. Attachment.

Ms. Kelley Rivera Salazar reported they have completed 10 mailings, targeting 12,017 accounts, representing on average \$1.0 million in delinquent taxes, penalties and interest per mailing. Ms. Salazar stated they have filed 128 lawsuits amounting to \$324,381 in base penalty and interest, disposed of 33 lawsuits, and have 217 pending lawsuits amounting to \$717,659 in base penalties and interest. Fiscal collections amounted to \$432,353.27 base tax, \$182,527.36 penalties and interest for a total of \$614,880.63.

## **IX. EXECUTIVE SESSION**

At 6:41 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:29 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

## **X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

- A. Pending Litigation – Consult with City Attorney regarding C-0747-12- E, Knapp Medical Center v. Weslaco Hospital Authority, pending in the 139th Judicial District Court of Hidalgo County, Texas pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- B. Pending Litigation – Discussion with City Attorney and assigned defense counsel regarding C.A. M-12-303, Bernard Rodriguez, v. The City of Weslaco, as authorized by §551.071 of the Texas Government Code.
- C. Pending Litigation – Discussion with City Attorney and assigned defense counsel regarding C.A. No. M-12-419 Griselda Jimenez v. City of Weslaco as authorized by §551.071 of The Texas Government Code.
- D. Pending Litigation – Discussion with City Attorney and assigned defense counsel regarding C.A. No. M-12-417 Martin Martinez v. City of Weslaco as authorized by §551.071 of The Texas Government Code.
- E. Pending Litigation – Discussion with City Attorney and assigned defense counsel regarding C.A. M-12-420 Priscilla Montano, Irene Ochoa, Olga Grein, Eddie Anzaldúa, Gregorio Hinojosa, Jr., Esteban Estrada, Yvonne Rodriguez, Ruben Mata, Griselda Jimenez, Griselda “Chris” Martinez, and Gabriel Martinez Plaintiffs v. The

City of Weslaco, as authorized by §551.071 of the Texas Government Code.

- F. Pending Litigation – Discussion with City Attorney regarding Cause No. CL-12-4219-B styled Maria Carmen Carrizales v. City of Weslaco Individually and dba Weslaco Civic Center as authorized by Texas pursuant to §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Fox, moved to authorize the City Attorney to file an answer on items IX. B, C, D, E, & F. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the IAFF-WFFA Local 3207 as authorized by §551.071 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to declare an impasse in the labor contract negotiations with the Weslaco Firefighters Association IAFF Local 3207 and to direct the City Manager to request arbitration pursuant to §174.153 of the Texas Government Code. The motion carried with Commissioner Fox abstaining; Mayor Wise was present, but not voting.

- H. 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.

Commissioner Noriega, seconded by Commissioner Tafolla, moved to appoint Michael Kelly as City Marshal/Chief of Police as authorized by §551.074 of the Texas Government Code for the City of Weslaco.

City Manager stated the City has received several qualified applicants for the position and the Michael Kelley has been serving as Interim Chief for over a year. It is City Manager’s recommendation that he be appointed to the position of Chief of Police.

Mayor Pro-Tem Cuellar requested a roll call vote. The motion carried unanimously; Mayor Wise was present, but not voting.

**XI. ADJOURNMENT**

With no other business before the Commission, at 7:39 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Fox, moved to adjourn the December 18, 2012 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

**CITY OF WESLACO**

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**MAYOR, Miguel D. Wise**

**ATTEST:**

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**CITY SECRETARY**, Elizabeth M. Walker

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**MAYOR PRO-TEM**, J.F. “Johnny” Cuellar

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**COMMISSIONER**, David R. Fox

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**COMMISSIONER**, Olga M. Noriega

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**COMMISSIONER**, Gerardo “Jerry” Tafolla

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Joe A. Martinez