REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 6, 2016

On this 6th day of September, 2016 at 5:34 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	Olga Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Fidel Peña III
City Manager	Mike R. Perez
City Secretary	Elizabeth M. Walker
City Attorney	Juan E. Gonzalez

Also present: Mary Barrera, Finance Director; Veronica Ramirez, Human Resources Director; Jose Pena, IT Director; Pete Garcia, Public Works Director; Stephen Mayer, Police Chief; Antonio Lopez, Fire Chief; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation Director; Arnoldo Becho, Library Director; Andrew Muñoz, Airport Director; and other staff members and citizens

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, September 3, 2016.

B. Invocation.

Pastor Ray Sanchez, First Baptist Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral recognition.

Mayor Suarez recognized Las Brisas Boxing Club.

E. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Lopez.

II. PUBLIC COMMENTS

Rosbel Mendiola, Rosbel Mendiola Concrete, stated as a sub-contractor for the Boys and Girls Club he poured the foundation and has not been paid from J Con Contractor and requested assistance in getting paid.

Jennifer Rectorick, First Presbyterian Church, extended an invitation to the public and Commission for an event of blessings and prayers for all first responders in observance of the 15th Anniversary of 9/11 at 10:30 a.m. on Sunday, September 11, 2016 at the First Presbyterian Church, 709 South Iowa.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 of the following:
1) Minutes corrected of the Regular Meeting on July 19, 2016;
2) Record of the Budget Workshop on August 15, 2016;
3) Minutes of the Regular Meeting on August 16, 2016;
4) Record of the Budget Workshop on August 17, 2016;
5) Record of the Budget Workshop on August 18, 2016;
6) Minutes of the Special Meeting on August 23, 2016;
7) Record of Budget Workshop on August 25, 2016.

B. Approval on second and final reading of the following:

1) Ordinance 2016-28 authorizing a negotiated resolution with Texas Gas Service regarding the company's 2016 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause and other matters as ordained. (First Reading held August 16, 2016; Staffed by City Manager's Office.)

2) Ordinance 2016-29 to reduce the size of 15-foot drainage and utility easement along the South side lot 8, Block A Pecan Grove Phase II Subdivision, Hidalgo County, Texas, to a 10-foot drainage and utility easement. (First reading held August 16, 2016; Staffed by Planning and Code Enforcement.)

C. Approval of the request from the South Texas Conjunto Association to host the South Texas Truck Show at Harlon Block Sports Complex on October 29, 2016, to sell beer during the event, to place a banner promoting the event at the intersection of Texas and Pike Boulevard for two weeks prior to the event, and to waive appropriate ordinances associated with the event. (Staffed by Parks and Recreation Department.)

D. Approval of the renewal of a lease agreement with South Texas College for the use of Mayor Pablo G. Pena Park Tennis Courts for kinesiology classes at the Mid Valley Campus from January 1 - December 31, 2016, and authorize the Mayor to execute any related documents. (Requested by Parks and Recreation Department.)

E. Acceptance of donations to the Weslaco Fire Department MRC/CERT volunteer program for continuation of the program throughout the year:

Walmart - $1,500.00
Walmart - $500.00
Walmart - $500.00
USH of Delaware (Free Standing ER Weslaco) - $500.00
State Farm Insurance (Julian Garza, Agent) - $150.00
French's Service & Repair - $25.00
Rodeo Dental - $500.00

(Staffed by Fire Department.)

F. Approval of the renewal of the agreement with TSTC EMS program for clinical ride outs of EMS students with the Weslaco Fire Department and authorize the Mayor to execute any related documents. (Staffed by Fire Department.)

G. Approval of the update of a Memorandum of Understanding (MOU) with The American Red Cross for disaster response and Shelter Management Operations in case the need to evacuate and or shelter citizens before or after a disaster/emergency and authorize the Mayor to execute any related documents. (Staffed by Fire Department.)

H. Approval of the renewal of the Intergovernmental Cooperative Agreement with Palm Valley Animal Center commencing October 1, 2016 through September 30, 2017 and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.)

I. Approval of the annual renewal of a general service contract with Carahsoft for Accela software subscription services in an amount not to exceed $31,370.70 and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.)

Commissioner Muñoz, seconded by Commissioner Tafolla, moved to approve consent agenda items A through I as presented. The motion carried unanimously, Mayor Suarez was present and voting.

The ordinances read as follows:

ORDINANCE NO. 2016-28

An ordinance of the city council of the city of Weslaco, Texas, ("city") approving a NEGOTIATED RESOLUTION between the CITY of Weslaco AND TEXAS GAS SERVICE ("TGS" OR "THE company") regarding the company's April 28, 2016 cost of service adjustment ("COSA") filing; declaring EXISTING rates to be unreasonable; ADOPTING NEW tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; PROVIDING FOR THE RECOVERY OF the city's and TGS' REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; determining that this ordinance was passed in accordance with the REQUIREMENTS of the Texas open meetings act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance AND REQUIRING Delivery OF THIS ORDINANCE TO the company's and THE city's legal counsel.

WHEREAS, the City of Weslaco, Texas ("City") is a gas utility customer of Texas Gas Service ("TGS" or "the Company"), and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, pursuant to the terms of the agreement settling TGS' 2009 Statement of Intent to increase rates, to which City was a signatory, the City and other municipalities within the Rio Grande Valley Service Area and TGS worked collaboratively to develop the Cost of Service Adjustment ("COSA") tariff that allows for an expedited comprehensive rate review process; and

WHEREAS, on or about April 28, 2016, TGS filed with the City a COSA tariff seeking to increase natural gas rates to all customers residing in the City; and

WHEREAS, the Company has requested a system-wide increase of $1,791,783; and

WHEREAS, the City coordinated a review of TGS' COSA filing and designated attorneys and consultants to resolve issues in the Company's COSA filing; and

WHEREAS, the Company has filed evidence that existing rates are unreasonable and should be changed; and

WHEREAS, independent analysis by the City's rate expert concluded that TGS is able to justify an increase over current rates; and

WHEREAS, the City's attorney and consultant recommend that the City approve the Settlement Agreement reflecting increased revenues of $1,491,783 on a system-wide basis; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by the City and are just, reasonable, and in the public interest; and

WHEREAS, the negotiated resolution of the Company's COSA filing and the resulting rates are, as a whole, in the public interest; and

WHEREAS, the City desires to rescind the COSA tariff that allows for an expedited comprehensive rate review process, thus requiring TGS to file a traditional rate case in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Weslaco, TEXAS:

Section 1. That the City Council finds that the existing rates for natural gas service provided by TGS are unreasonable and the new tariffs implementing this Ordinance, which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

Section 2. That a rate increase of $1,491,783 on a system-wide basis.

Section 3. That TGS shall reimburse the reasonable ratemaking expenses of the City in processing the Company's rate application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the City Council finds that the existing COSA process needs to be updated, that the existing COSA tariff is rescinded and that the Company shall file a traditional rate case in 2017 with a test year ending December 31, 2016.

Section 6. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 8. That the tariffs attached as Attachment A to this Ordinance shall become effective for meters read on and after July 27, 2016, consistent with the COSA tariff.

Section 9. That a copy of this Ordinance shall be sent to TGS, care of Stephanie Houle, 1301 South Mopac, Suite 400, Austin, Texas 78746, and to Geoffrey Gay, Special Counsel to the City, at Lloyd Gosselink Rochelle & Townsend, P.C., P. O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED on first reading this 16th day of August, 2016.

PASSED AND APPROVED on second and final reading this 6th day of September, 2016.

TEXAS GAS SERVICE COMPANY Attachment A
Rio Grande Valley Service Area **RATE SCHEDULE 10**

RESIDENTIAL SERVICE RATE

APPLICABILITY

Applicable to a residential customer in a single dwelling, or in a dwelling unit of a multiple dwelling or residential apartment, or nursing homes, for domestic purposes.

TERRITORY

All customers in the incorporated areas served by the Company in its Rio Grande Valley Service Area.

COST OF SERVICE RATE

During each monthly billing period:

A Customer Charge per meter per month of $11.25 plus -
All Ccf @ $ 0.57904 per Ccf

OTHER ADJUSTMENTS

In addition to the Cost of Service set forth above, each customer's bill shall include the following adjustments:

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

Conservation Adjustment Clause: Adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule 1C, if applicable.

Taxes: Plus applicable taxes and fees (including franchises fees) related to above, see Rate Schedule 1B.

CONDITIONS

Subject in all respects to applicable laws, rules, and regulations from time to time in effect.

Supersedes Same Sheet Dated	Meters Read On and After
July 28, 2015 (add CAC April 27 2016)	July 27, 2016

TEXAS GAS SERVICE COMPANY Attachment A
Rio Grande Valley Service Area **RATE SCHEDULE 20**

COMMERCIAL SERVICE RATE

APPLICABILITY

Applicable to commercial consumers and to consumers not otherwise specifically provided for under any other rate schedule.

TERRITORY

All customers in the incorporated areas served by the Company in its Rio Grande Valley Service Area.

COST OF SERVICE RATE

During each monthly billing period:

A Customer Charge per meter per month of $31.25 plus (For Commercial Service)
A Customer Charge per meter per month of $18.75 plus (For Church Service)
All Ccf @ $ 0.42023 per Ccf

OTHER ADJUSTMENTS

In addition to the Cost of Service set forth above, each customer's bill shall include the following adjustments:

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

Conservation Adjustment Clause: Adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule 1C, if applicable.

Taxes: Plus applicable taxes and fees (including franchises fees) related to above, see Rate Schedule 1B.

CONDITIONS

1. Subject in all respects to applicable laws, rules, and regulations from time to time in effect.
2. Delivery of Gas hereunder may be interrupted or curtailed at the discretion of the Company, in case of shortage or threatened shortage of gas supply from any cause whatsoever, to conserve gas for residences, hospitals, schools, churches, and other human needs customers as prioritized in the Company's approved Curtailment Program.

Supersedes Same Sheet Dated	Meters Read On and After
July 28, 2015 (add CAC April 27 2016)	July 27, 2016

TEXAS GAS SERVICE COMPANY Attachment A
Rio Grande Valley Service Area **RATE SCHEDULE 30**

INDUSTRIAL SERVICE RATE

APPLICABILITY

Service under this rate schedule is available to any customer whose primary business activity at the location served is included in one of the following classifications of the Standard Industrial Classification Manual of the U.S. Government.

Division B - Mining - all Major Groups
Division D - Manufacturing - all Major Groups
Divisions E and J - Utility and Government - facilities generating power for resale only

TERRITORY

All customers in the incorporated areas served by the Company in its Rio Grande Valley Service Area.

COST OF SERVICE RATE

During each monthly billing period:

A Customer Charge per meter per month of $66.85 plus -
All Ccf @ $ 0.50289 per Ccf

OTHER ADJUSTMENTS

In addition to the Cost of Service set forth above, each customer's bill shall include the following adjustments:

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1.

Taxes: Plus applicable taxes and fees (including franchises fees) related to above, see Rate Schedule 1B.

CONDITIONS

1. Subject in all respects to applicable laws, rules, and regulations from time to time in effect.
2. Delivery of gas hereunder may be interrupted or curtailed at the discretion of the Company, in case of shortage or threatened shortage of gas supply from any cause whatsoever, to conserve gas for residences, hospitals, schools, churches, and other human needs customers as prioritized in the Company's approved Curtailment Program.

Supersedes Same Sheet Dated July 28, 2015 Meters Read On and After July 27, 2016

TEXAS GAS SERVICE COMPANY Attachment A
Rio Grande Valley Service Area **RATE SCHEDULE 40**

PUBLIC AUTHORITY SERVICE RATE

APPLICABILITY

Applicable to all public and parochial schools and colleges, and to all facilities operated by Governmental agencies not specifically provided for in other rate schedules or special contracts.

TERRITORY

All customers in the incorporated areas served by the Company in its Rio Grande Valley Service Area.

COST OF SERVICE RATE

During each monthly billing period:

A Customer Charge per meter per month of $35.71 plus -
All Ccf @ $ 0.44999 per Ccf

OTHER ADJUSTMENTS

In addition to the Cost of Service set forth above, each customer's bill shall include the following adjustments:

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

Taxes: Plus applicable taxes and fees (including franchises fees) related to above, see Rate Schedule 1B.

CONDITIONS

1. Subject in all respects to applicable laws, rules, and regulations from time to time in effect.
2. Delivery of gas hereunder may be interrupted or curtailed at the discretion of the Company, in case of shortage or threatened shortage of gas supply from any cause whatsoever, to conserve gas for residences, hospitals, schools, churches, and other human needs customers as prioritized in the Company's approved Curtailment Program.

Supersedes Same Sheet Dated July 28, 2015 Meters Read On and After July 27, 2016

TEXAS GAS SERVICE COMPANY Attachment A
Rio Grande Valley Service Area **Rate Schedule T-1**

TRANSPORTATION SERVICE RATE

APPLICABILITY

Service under this rate schedule is available to any customer of Texas Gas Service Company ("Company") and to Qualified Suppliers or Producers supplying natural gas to be transported, pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions) for the transportation of customer-owned natural gas through the Company's Rio Grande Valley distribution system for use by customers within the Company's Rio Grande Valley's Service Area or deliveried to connecting pipelines. The customer must arrange with its gas supplier to have the customer's gas delivered to one of the Company's existing receipt points for transportation by the Company to the customer's facilities at the customer's delivery point. The receipt points shall be specified by the Company at its reasonable discretion, taking into consideration available capacity, operational constraints, and integrity of the distribution system.

Prior to the execution of a Gas Transportation Service Agreement, customer must represent and certify that its usage shall average five hundred (500) Mcf of gas per month or six thousand (6,000) Mcf annually. The Company shall have the right at all reasonable times, upon prior notice to Customer, to enter onto Customer's premises and inspect Customer's facilities and operations to verify such capability. Customer must agree to notify the Company within a reasonable time if there is any change in Customer's usage. Should Customer's usage capability average less than five hundred (500) Mcf per month or six thousand (6,000) Mcf annually, Customer must so notify the Company and the Company may discontinue service hereunder except as provided in the Gas Transportation Service Agreement.

TERRITORY

All areas served by the Company in its Rio Grande Valley Service Area.

RATE

This rate shall be the sum of Part A, Part B, and Part C as described below.

Part A: A customer charge of $127.82 per meter per month.

Part B: All volumes of natural gas transported during each month in accordance with this schedule shall be billed at the following Ccf charge:

All Ccf @ $0.23728 per Ccf

Part C: "Additional Charges to Cost of Service Rate" pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions).

CONDITIONS

See the "Special Provisions" and "Conditions" pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions)

Supersedes Same Sheet Dated July 28, 2015 (Incorporated only) Meters Read On and After July 27 2016 (Incorporated only)

TEXAS GAS SERVICE COMPANY Attachment A
Rio Grande Valley Service Area **Rate Schedule T-2**
Page 1 of 1

TRANSPORTATION SERVICE RATE

APPLICABILITY

Service under this rate schedule is available to any customer of Texas Gas Service Company ("Company") and to Qualified Suppliers or Producers supplying natural gas to be transported, pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions) for the transportation of customer-owned natural gas through the Company's Rio Grande Valley distribution system for use by customers within the Company's Rio Grande Valley's Service Area or deliveried to connecting pipelines. This rate schedule requires a one-year commitment for transportation service. The customer must arrange with its gas supplier to have the customer's gas delivered to one of the Company's existing receipt points for transportation by the Company to the customer's facilities at the customer's delivery point. The receipt points shall be specified by the Company at its reasonable discretion, taking into consideration available capacity, operational constraints, and integrity of the distribution system.

TERRITORY

All areas served by the Company in its Rio Grande Valley Service Area.

RATE

This rate shall be the sum of Part A, Part B, and Part C as described below.

Part A: A customer charge of $327.82 per meter per month.

Part B: All volumes of natural gas transported during each month in accordance with this schedule shall be billed at the following Ccf charge:

All Ccf @ $0.06717 per Ccf

Part C: "Additional Charges to Cost of Service Rate" pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions).

Minimum Monthly Bill of $1,500 (from the sum of Part A and Part

B) CONDITIONS

See the "Special Provisions" and "Conditions" pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions)

Supersedes Same Sheet Dated July 28, 2015 (Incorporated only) Meters Read On and After July 27, 2016 (Incorporated only)

ORDINANCE NO. 2016-29

AN ORDINANCE REDUCING THE SIZE OF 15-FOOT DRAINAGE AND UTILITY EASEMENT ALONG THE SOUTHSIDE LOT 8 BLOCK A PECAN GROVE PHASE II SUBDIVISION, HIDALGO COUNTY, TEXAS, TO A 10 FOOT DRAINAGE AND UTILITY EASEMENT AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

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

SECTION I. Reducing the size of 15-foot drainage and utility easement along the Southside Lot 8 Block A Pecan Grove Phase Ii Subdivision, Hidalgo County, Texas, to a 10-foot drainage and utility easement

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 16 day of

August, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 6th day of September, 2016.

CITY OF WESLACO
/s/David Suarez, **MAYOR**

ATTEST:
/s/Elizabeth M. Walker**, CITY SECRETARY**

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, **CITY ATTORNEY**

IV. APPOINTMENTS

A. Discussion and consideration to approve Resolutions 2016-52 and 2016-53 appointing two members to unexpired terms to the Weslaco Hotel Occupancy Tax Advisory Committee. Possible action. (This item was tabled August 16, 2016; Staffed by Finance Department.)

Commissioner Tafolla, seconded by Commisioner Peña, moved to remove the item from the table. The motion carried unanimously, Mayor Suarez was present and voting.

Commissioner Tafolla, seconded by Commissioner Peña, moved to table and bring the item for consideration when applications have been received. The motion carried unanimously, Mayor Suarez was present and voting.

B. Discussion and consideration to approve Resolution 2016-56, Resolution 2016-57 and Resolution 2016-58 appointing members to expired terms on the Parks & Recreation Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve Resolution 2016-56, Resolution 2016-57 and Resolution 2016-58 reappointing members Juan J. Flores, Johnny Cavazos and Oscar Caballero to expired terms on the Parks & Recreation Advisory Board and authorize the Mayor to execute any related documents. The motion carried unanimously, Mayor Suarez was present and voting.

Following are the resolutions:

RESOLUTION NO. 2016-56

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PARKS & RECREATION BOARD.

WHEREAS, the City of Weslaco has established the Parks & Recreation Board pursuant to Section 98-83 of the Weslaco Municipal Code of Ordinances; and

WHEREAS, the terms of the members of this board are for three years; however, following the restructuring of this Board to consist of seven members, certain terms shall be assigned for two years so that terms are staggered such that no quorum of members expires simultaneously; and

WHEREAS, the Parks & Recreation Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Juan J. Flores, III is appointed to serve a three-year term on the Parks & Recreation Board and the term will begin on October 22, 2016 and end on October 22, 2019.

PASSED AND APPROVED on this 6th day of September 2016.

RESOLUTION NO. 2016-57

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PARKS & RECREATION BOARD.

WHEREAS, the City of Weslaco has established the Parks & Recreation Board pursuant to Section 98-83 of the Weslaco Municipal Code of Ordinances; and

WHEREAS, the terms of the members of this board are for three years; however, following the restructuring of this Board to consist of seven members, certain terms shall be assigned for two years so that terms are staggered such that no quorum of members expires simultaneously; and

WHEREAS, the Parks & Recreation Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Johnny Cavazos is appointed to serve a three-year term on the Parks & Recreation Board and the term will begin on October 19, 2016 and end on October 19, 2019.

PASSED AND APPROVED on this 6th day of September 2016

RESOLUTION NO. 2016-58

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PARKS & RECREATION BOARD.

WHEREAS, the City of Weslaco has established the Parks & Recreation Board pursuant to Section 98-83 of the Weslaco Municipal Code of Ordinances; and

WHEREAS, the terms of the members of this board are for three years; however, following the restructuring of this Board to consist of seven members, certain terms shall be assigned for two years so that terms are staggered such that no quorum of members expires simultaneously; and

WHEREAS, the Parks & Recreation Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Oscar Caballero is appointed to serve a three-year term on the Parks & Recreation Board and the term will begin on October 9, 2016, 2016 and end on October 9, 2019.

PASSED AND APPROVED on this 6th day of September 2016.

CITY OF WESLACO
/s/David Suarez, **MAYOR**

ATTEST:
/s/Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, **CITY ATTORNEY**

C. Discussion and consideration to approve Resolution 2016-59 appointing one member to the unexpired term held by Ernesto Martinez on the Board of Adjustment and Appeals and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

In response to Mayor Suarez and Commissioner Peña, one application was received from Adrain Torres. Mayor Pro-Tem thanked the family of Ernesto Martinez for his dedication.

Commissioner Muñoz, seconded by Commissioner Tafolla, moved to approve Resolution 2016-59 appointing Adrain Torrres to an unexpired term on the Board of Adjustment and Appeals. The motion carried unanimously, Mayor Suarez was present and voting.

Following is the resolution.

RESOLUTION NO. 2016-59

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 Adrian Torres is appointed to serve an unexpired term on the Board of Adjustments & Appeals-Zoning Ordinance and the term will expire on the 4th day of October, 2017.

PASSED AND APPROVED on this 6th day of September, 2016.

CITY OF WESLACO
/s/David Suarez, **MAYOR**

ATTEST:
/s/Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, **CITY ATTORNEY**

V. OLD BUSINESS

A. Discussion and consideration after public hearing on behalf of Nancy Bazan to approve a Conditional Use Permit to operate a daycare at 610 W. 13th St., also being Lot 7, Block 1, Rowena Subdivision Unit #1, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (This item was tabled August 16, 2016. Requires three-fourths vote to approve; Staffed by Planning and Code Enforcement Department.)

Commisisoner Muñoz, seconded by Commissioner Peña, moved to remove the item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Tafolla, seconded by Commissioner Peña, moved to approve.

Mardoqueo Hinojosa, Planning Director, stated fourteen property owners were notified and letters of objection were received from 20% of the property owners, therefore requiring three-fourths vote of the Commission to approve. A daycare is permitted with a conditional use permit by ordinance. Applicant if approved would need to comply with conditions imposed. Staff recommends approval and Planning and Zoning recommended denial.

In response to Commissioner Muñoz, Mardoqueo Hinojosa stated traffic and property values were concerns voiced. At least 8 parking spaces would be required and proper ingress and egress and any other building codes would need to be met. Applicant would need to submit an official building plan for review and the submitted site plan was preliminary. By ordinance 24 feet of curb cut is allowed and restricitions can be imposed on the façade of the property. In response to Mayor Pro Tem unanimous vote for denial from Planning and Zoning and concerns of traffic were noted and no traffic study was done. In response to Commissioner Tafolla no covenants are in place for this subdivision.

Nancy Bazan, applicant, stated the intergrity of the location would be kept, would not be painting and a sign would be placed on the fence. City Manager stated restrictions can be placed to minimize the imposition on a neighborhood through the process of the conditonal use permit. The commission can also adopt by ordinance standards in the zoning districts.

Commissioner Tafolla moved to approve subject to conditions. City Attorney recommended against the motion.

In response to Mayor Pro Tem and Mayor, City Manager stated staff was not aware of time limititations for commission action for zoning issues and would research. If applicant needs to go back to Planning and Zoning any fee imposed would be waived and traffic count could be done.

Gail W. Ortiz, Jack Mims, and Marge Bagget objected stating Planning and Zoning unanimously denied, concerns were traffic, safety, congestion and property values and not a benefit to the neighborhood.

Nancy Hall, Nicole Reilly, and Erin Adame supported the daycare submitting a letter of support from forty-four residents.

Commissioner Tafolla, seconded by Mayor Pro Tem, moved to approve a Conditional Use Permit to operate a daycare at 610 W. 13th St. The motion carried by three fourths vote with Commissioner Kerr opposed (5-1); Mayor Suarez was present and voting.

<u>B. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building located at 2018 Abilene Drive, being Lot 16, Block 4, Expressway Heights, an addition to the City of Weslaco, Hidalgo County, Texas as dilapidated, substandard, and unfit for human habitation and hazard to the health, safety and welfare of the citizens of the City of</u>

Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225. Possible action. (This item was tabled August 16, 2016; Staffed by Planning and Code Enforcement Department.)

Commissioner Peña, seconded by Commissioner Kerr, moved to remove the item from the table. The motion carried unanimously; Mayor Suuarez was present and voting.

Mardoqueo Hinjosa recommended to allow the property owners 6 months to improve the property; Leonarda Gonzalez, prospective buyer, advised the Commission she intends to bring the residence into code compliance.

Commissioner Peña, seconded by Commissioner Tafolla, moved to allow six months to improve 2018 Abilene Drive. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

A. Discussion and consideration to issue a variance for Ordinance 86-1 on the use of mobile homes in residential districts and authorize a mobile home trailer for a period of six months during home renovations at 2018 Abilene Drive, being Lot 16, Block 4, Expressway Heights, an addition to the City of Weslaco, Hidalgo County, Texas. Possible action. (Requested by Commissioners Peña and Tafolla; Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated Ordinance 86-1 allows use of a mobile home during construciton for temporary office use or temporary living area for security personnel. The property owner is requesting resdenital use of the mobile home during the improvements of the property for a period of six months. Staff recommends approval of the variance for a period of 6 months.

Commissioner Peña, seconded by Commissioner Kerr, moved to approve a variance for Ordinance 86-1 on the use of mobile homes in residential districts and authorize a mobile home trailer for a period of six months during home renovations at 2018 Abilene Drive. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve the voluntary annexation of the City of Weslaco Recycling Center, Lift Station No. 36 and adjacent right-of-way also being the 7.969 acres situated in Farm Tract No. 737, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located at the intersection of Mile 5 North and Border Ave. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa recommended approval annexing city property and adjacent 60-70 feet of right-of-way; this action is by ordinance.

Commissioner Peña, seconded by Commissioner Muñoz, moved to approve as First Reading of Ordinance 2016-34 the voluntary annexation of the City of Weslaco Recycling Center, Lift Station No. 36 and adjacent right-of-way also being the 7.969 acres situated in Farm Tract No. 737, West Tract Subdivision. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to approve the section for the 2016 Clean Sweep Program. Possible action. (Staffed by Planning & Code Enforcement.)

Mardoqueo Hinojosa stated two clean sweep operations are held twice annually, spring and fall, and presented proposed sections, zones and logo for commission consideration. The City Manager stated the sections are divided on the East and the West side of Texas Boulevard and recommended the zone North of City Hall, Section 2 Zone 2, then Section 1 Zone 2.

Commisisoner Muñoz, seconded by Commissioner Tafolla, moved to approve the 2016 Sweep Program as presented by staff. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to approve Ordinance 2016-31 adopting the City of Weslaco's budget appropriation for the fiscal year October 1, 2016 to September 30, 2017 and authorize the Mayor to execute any related documents. First Reading of Ordinance 2016-31. Roll Call Vote required. Possible action. (Staffed by the Finance Department.)

Maria Barrera, Finance Director, stated the budget as presented is balanced incorporating changes from the wrap up session for additional dispatcher at Police Department, 2% pay increase and decrease of the tax rate by one penny. Staff recommends approval.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to approve Ordinance 2016-31 adopting the City of Weslaco's budget appropriation for the fiscal year October 1, 2016 to September 30, 2017. By roll call the motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to approve Ordinance 2016-30 adopting and levying the ad valorem tax rate for the 2016-2017 fiscal year and authorize the Mayor to execute any related documents. First Reading of Ordinance 2016-30. Roll Call Vote required. Possible action. (Staffed by Finance Department.)

Mary Barrera recommended approval of the ordinance adopting $.6667/100.00 as ad valorem tax rate with $.5586/$100 for Maintenance & Operations and $.1081/$100 for the payment of principal and interest. The City Manager stated the adopted rate would reduce the tax rate by one penny.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve Ordinance 2016-30 adopting and levying the ad valorem tax rate for the 2016-2017 fiscal year as $0.6667 per $100, which is effectively a 1.05% increae in the tax rate and authorize the Mayor to execute any related documents. By roll call the motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to approve Ordinance 2016-32 ratifying the property tax increase reflected in the 2016-2017 fiscal year budget. First Reading of Ordinance 2016-32. Possible action. (Staffed by Finance Department.)

The City Manager thanked the Commission for their dedication and time during the budget workshops and to prepare a 5 year capital improvement plan, including construction of new city facilities and parks without borrowing monies or raising taxes. Mary Barrera stated an increase in property valuations generated more revenues by 1.05% and recommends approval, clarifying though the rate is lower, the number and assessments of properties is higher, technically creating a tax increase as a result of the additional revenue.

Commissioner Peña, seconded by Commissioner Tafolla, moved to approve Ordinance 2016-30 ratifying the property tax increase reflected in the 2016-2017 fiscal year budget. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration to approve the Acquisition "Lease Purchase" contract with Frost Bank for the purchase of radio equipment upgrade and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Mary Barrera recommended approval of the lease purchase with Frost Bank. Staff verified with HGAC that contract bid pricing regulations were met and the total lease amount is $796,578.63, with $166,228.43 payments annually for five years.

Commissioner Tafolla, seconded by Commissioner Peña, moved to approve the Acquisition "Lease Purchase" contract with Frost Bank as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration to authorize negotiations with ROFA for architecture services for roof repairs needed at the Mayor Joe V. Sanchez Public Library and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.)

Arnold Becho, Library Director, requested approval to negotiate with ROFA for repairs of the roof leaks identified.

Commissioner Muñoz, seconded by Comissioner Kerr, moved authortize negotiations with ROFA for roof repairs. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to accept the Homeland Security Grant for the Weslaco Fire Department Emergency Medical Regional Response Team Hospital Shelter addition in the amount of $67,255.30 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Fire Department).

Antonio Lopez, Fire Chief, stated the Fire Department was awarded a grant in the amount $67,255.30 to provide more capacity of beds in four shelters. The grant is a 100% with no matching funds required.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to accept the Homeland Security Grant for the Weslaco Fire Department Emergency Medical Regional Response Team Hospital Shelter addition in the amount of $67,255.30. The motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration to award the best qualified, most advantageous proposals received for the Weslaco Fire Department Emergency Medical Regional Response Team

Hospital Shelter addition in an amount not to exceed $67,255.30. Possible action. (Staffed by Fire Department.)

Antonio Lopez, Fire Chief, recommended awarding to Progressive Emergency Products as the best value and is a state approved vendor.

Commissioner Kerr, seconded by Commissioner Muñoz, moved to award Progressive Emergency Products as the best qualified, most advantageous respondent for the Weslaco Fire Department Emergency Medical Regional Response Team Hospital Shelter addition in an amount not to exceed $67,255.30 as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

K. Discussion and consideration to approve the reallocation within the Capital Improvement Plan 2016 in the amount of $10,000.00 to complete the Mayor Pablo G. Pena City Park entrance signs. Possible action. (Staffed by Parks and Recreation Department.)

David Arce, Parks Director, stated previous commission action approved a budget of $15,000. An additional amount of $10,000 is needed for completion of the project. In response to Commissioner Muñoz, four bids were received.

Commissioner Kerr, seconded by Commissioner Peña, moved to approve the reallocation within the Capital Improvement Plan 2016 in the amount of $10,000.00 to complete the Mayor Pablo G. Pena City Park entrance signs. The motion carried unanimously; Mayor Suarez was present and voting.

L. Discussion and consideration to authorize the solicitation of proposals for the trade-in value of a 2013 Caterpillar CS54B Paving & Compaction Pad-foot Shell Kit to obtain a Backhoe and Front-End Loader at no additional cost to the City. Possible action. (Staffed by Public Works.)

Pete Garcia, Public Works Director, recommended to trade the equipment for a backhoe and front end loader to meet other needs of the department.

Commssioner Tafolla, seconded by Commissioner Peña, moved to approve the solicitation of proposals for the trade-in value of a 2013 Caterpillar CS54B Paving & Compaction Pad-foot Shell Kit. The motion carried unanimously; Mayor Suarez was present and voting.

M. Discussion and consideration to approve Ordinance 2016-33, authorizing a budget amendment in the amount of $63,000.00 for the purchase of the 1998 Caterpillar 330BL Long Reach Excavator from Fund Balance. First Reading of Ordinance 2016-33. Possible action. (Staffed by Public Works.)

City Manager stated the purchase of the equipment was approved by previous Commission action and recommends approval.

Commssioner Tafolla, seconded by Commissioner Kerr, moved to approve Ordinance 2016-33, authorizing a budget amendment in the amount of $63,000.00 for the purchase of the 1998 Caterpillar 330BL Long Reach Excavator from Fund Balance. The motion carried unanimously; Mayor Suarez was present and voting.

N. Discussion and consideration to approve the Economic Development Corporation of Weslaco Budget and Workplan for Fiscal Year 2016-2017. Possible action. (Requested by Economic Development Corporation of Weslaco.)

Marie McDermott, EDC Director, presented the 2016-2017 budget, identifying $3,660,438.00 in expected revenues and $3,304,062.00 expenditures; there is a $361,444.00 opportunity fund and $159,661.00 for promotional marketing.

Commissioner Kerr, seconded by Mayor Pro Tem, moved to approve the Economic Development Corporation of Weslaco Budget and Workplan for Fiscal Year 2016-2017. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez announced there would be no reports.

VII. REPORTS

A. Report by Economic Development Corporation of Weslaco.
B. Report by Weslaco Area Chamber of Commerce.
C. Report by Planning and Code Enforcement.
D. Report by Severn Trent.
E. Report by Public Works.
F. Report by Parks and Recreation.

VIII. EXECUTIVE SESSION

At 7:21 p.m. Mayor Suarez announced the regular meeting to convene in executive session. At 7:59 p.m. Mayor Suarez announced the City Commission had completed its executive session and reconvened the regular meeting as open to the public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

B. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.

There was no action on ths item.

C. Real Property - Consultation with City Attorney on the purchase, exchange, lease or value of real property (North Texas; Intersection of Mile 11 and Texas Boulevard) as authorized by §551.072 of the Texas Local Government Code.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to authorize the City Attorney to reject the seller's proposal and continue with negotiations. The motion carried unanimously, Mayor Suarez was present and voting.

D. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at Mile 6 1/2 W just south of Mile 10 N as authorized by §551.072 of the Texas Local Government Code.

Commissioner Tafolla, seconded by Commissioner Muñoz, moved to authorize the City Manager to negotiate with the seller. The motion carried unanimously, Mayor Suarez was present and voting.

E. Economic Development – Consultation with City Attorney regarding Economic Development opportunities and incentive programs related to industrial prospects, including Project Chicken Hatch "B", as well as retail and airport development as authorized by §551.087 of The Texas Government Code.

There was no action on this item.

F. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Wild Boar "B" as authorized by §551.087 of The Texas Government Code.

There was no action on this item.

G. Economic Development – Consultation with City Attorney regarding an incentive at the airport for Economic Development Project Golden Eagle as authorized by §551.087 of The Texas Government Code.

There was no action on this item.

H. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related for retail development Project Ocean as authorized by §551.087 of The Texas Government Code.

Commissioner Kerr abstained from discussion and vote and filed a conflict of disclosure statement.

Commissioner Tafolla, seconded by Commissioner Peña, moved to authorize the City Manager and City Attorney to draft a development agreement. The motion carried unanimously, Mayor Suarez was present and voting.

I. Potential Litigation - Consultation with City Attorney regarding Notice of Letter from The Garcia Law Group, PLLC and The Law Office of Shiree D. Salinas, PLLC counsel for claimants; Maria Elena De Los Santos & Samuel De Los Santos, Perla J Garcia, Celinda R. Luna, Lucila Saldana, Maria Rosa Chaves, Seferino Rosales & Yolanda Rosales, Pedro Mendoza Jr., Pedro Mendoza III, Marilu Gonzales Mendoza, Aida Juanita Munoz, Teofilo D. Zapata and Ofelia Camacho, Jesus Alberto Martinez and Maria De La Luz Marin as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

J. Potential Litigation - Consultation with City Attorney regarding possible litigation with MGM for failure to complete work on city sign as authorized by §551.071 of the Texas Government Code.

Commissioner Peña, seconded by Commissioner Tafolla, moved to authorize the City Attorney to cease demands on MGM. The motion carried unanimously, Mayor Suarez was present and voting.

X. ADJOURNMENT

Commissioner Tafolla, seconded by Commissioner Kerr, moved to adjourn at 8:08 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

____
MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth Walker

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MAYOR PRO-TEM, Olga Noriega

____
COMMISSIONER, Leo Muñoz

____
COMMISSIONER, Greg Kerr

____
COMMISSIONER, Gerardo "Jerry" Tafolla

Absent
____
COMMISSIONER, Letty Lopez

____
COMMISSIONER, Fidel L. Peña, III