A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 6, 2016

On Tuesday, December 6, 2016, at 5:35 PM 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	Gerardo "Jerry" Tafolla
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Olga M. Noriega
Commissioner	Letty Lopez
Commissioner	Josh Pedraza

City Manager	Mike Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

Also present: Mary Barrera, Finance Director; Veronica Ramirez, Human Resources Director; Jose Pena, IT Director; Olga Garza, Public Works Assistant Director; Tony Lopez, Fire Chief; Stephen Mayer, Police Chief; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation Director; Arnold Becho, Library Director; and other staff members and citizens.

I. **CALL TO ORDER**

A. Certification of Public Notice.

Mayor David Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, December 2, 2016.

B. Invocation.

Father Francisco J. Solis, St. Joan of Arc Catholic Church, led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral recognition.

There were none.

F. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. **PUBLIC COMMENTS**

Bobby McNabney, owner of Brews and Ques Sports Bar, voiced his opposition to the smoke free ordinance for establishments such as his, which limits access to those over the age of 21, though he is not against regulating for family oriented establishments.

Charlie Gagen, American Cancer Society, stated he could not support the proposed ordinance as it is not comprehensive, leaving workers exposed to secondhand smoke, and requested an amendment to close loopholes for restaurants and bars with ventilation systems.

Jim Chapman, resident, voiced his support of the proposed smoke free ordinance.

Mayor Pro-Tem Tafolla commended Eric Molina, Weslaco resident, who will be competing for IBC Heavy Weight Championship this weekend on Showtime.

III. **PUBLIC HEARING**

A. To solicit input on the Smoking Ordinance.

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to open the public hearing at 5:36 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

Jerry Saaverda, American Heart Association, commented he hoped to add Weslaco as the 58th City in Texas supporting this initiative of a smoke free environment; he identified sections of the proposed ordinance needing amendments that would make it more comprehensive.

Rosalie Tristan, Felix Rodriguez, George Barajas, and Daniela Dwyer supported a comprehensive smoke free ordinance that includes regulating restaurant and bars to protect patrons and employees from second hand smoke.

Mayor Pro-Tem Tafolla, seconded by Commissioner Muñoz, moved to close the public hearing at 6:05 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

IV. **CONSENT AGENDA**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of the Minutes of the following:

1) Regular Meeting on November 15, 2016 and

2) Special Called Meeting of November 16, 2016. (Staffed by City Secretary's Office.)

B. Approval on second and final reading of Ordinance 2016-43 amending Ordinance 69-9 "An Ordinance Establishing a First Zone and a Second Fire Zone, and Fixing the Boundaries of Each Such Zone," excluding certain zones from First and Second Fire Zones and authorize the Mayor to execute any related documents. (First Reading held November 15, 2016; Staffed by Planning and Code Enforcement Department.)

C. Approval of Resolution 2016-69 to approve and adopt the annual Investment Policy for the City of Weslaco and authorize the Mayor to execute any related documents. (Staffed by Finance Department.)

D. Approval of Resolutions 2016-70 and 2016-71 amending Resolutions 2015-65 and 2015-66 authorizing the Mayor and City Commission, identifying Commissioner Josh Pedraza, to exercise certain powers identified with BBVA and Frost Bank, including opening of accounts, certificates of deposit, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and Commission to execute any related documents. (Staffed by Finance Department.)

E. Authorization of the Finance Director to conduct any required 2016-2017 audit of forfeiture funds as per Article 59.06 of the Code of Criminal Procedure. (Staffed by Finance Department.)

F. Acceptance of funds in the amount of $13,000.00 from United States Department of Justice Marshals Services for overtime operations by the City of Weslaco Police Department pursuant to the Memorandum of Understanding. (Staffed by Police Department.)

G. Approval of the application and acquisition of controlled property by Weslaco Police Department at no cost to the City through the LESO 1033 Program. (Staffed by Police Department.)

H. Acceptance of reimbursement funds from the Federal Bureau of Investigation (FBI) for state and local law enforcement agencies (LEA) for the cost of overtime incurred by task force related activities in the amount of $17,753.00 for Fiscal Year 2016-2017. (Staffed by Police Department.)

I. Authorization and acceptance of the 2017 STEP - Impaired Driving Mobilization Grant, reimbursing $33,000.00 for police officer overtime to support focused DWI saturation patrols and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

J. Approval of the renewal of the lease agreement with Weslaco Little League for use of Issac Rodriguez Park Multi-Purpose Field and Minor Field and Concession Stands and Harlon Block/Sports Complex Field #1, Field #2 and Concession Stands effective February 1, 2017 through July 31, 2017 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

K. Approval of the renewal of the lease agreement with Weslaco Softball/Baseball League and approve the use of the Softball/Baseball Field 1, 2 and 3 and Concession Stand at

Mayor Pablo G. Peña City Park effective February 1, 2017 through July 31, 2017 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

L. Approval of the request from the Weslaco Area Chamber of Commerce to hold the 28th Annual Texas Onion Fest on Saturday, March 25, 2017 at the Mayor Pablo G. Pena City Park on Airport Drive, 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, to waive appropriate ordinances associated with the event and allow a carnival. (Requested by Weslaco Area Chamber of Commerce.)

M. Acceptance of $1,000.00 donation by Hyman and Lily Shapiro to the Mayor Joe V. Sanchez Public Library for the purchase of new books. (Staffed by Library.)

Commissioner Noriega, seconded by Commissioner Kerr, moved to approve consent agenda items A, B, C, D, E, F, G, H, I, L and M withholding items J and K for discussion. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Noriega stated the agreements for J and K call for financial reports; David Arce stated more time was needed and recommended no action. In response to Mayor Pro-Tem Tafolla, the two leagues identified are different organizations and there is no cost to the leagues. Mayor Suarez recommended the items be listed as new business next meeting.

For the record, the following is the ordinance and resolutions:

ORDINANCE 2016-43

AN ORDINANCE AMENDING ORDINANCE 69-9 "AN ORDINANCE ESTABLISHING A FIRST FIRE ZONE AND A SECOND FIRE ZONE, AND FIXING THE BOUNDARIES OF EACH SUCH ZONE" AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY OF WESLACO BY OFFICIAL ACTION OF THE WESLACO CITY COMMISSION THAT:

SECTION I

Ordinance 69-9 passed and approved on April 15, 1969 as "Fire Zones Ordinance" and Codified as Article II Fire Limits of the Weslaco Code of Ordinances is hereby amended to the following metes and bounds description is the boundary of the subject area which is proposed to be excluded by this proposed amendment from the First and Second Fire Zones as described in Ordinance No. 69-9:

SECTION II

See attached Exhibit.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 15th day of November, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 6th day of December, 2015.

CITY OF WESLACO
/s/David Suarez, MAYOR

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

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

RESOLUTION NO. 2016-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS APPROVING THE INVESTMENT POLICY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Sec. 2256 of the Texas Government Code, also known as the Public Funds Investment Act (PFIA), requires the governing body of an investing entity to adopt by rule, order ordinance, or resolution, a written investment policy regarding the investment of its funds; and

WHEREAS, once an investment policy has been adopted, the PFIA also requires the governing body to review the investment policy and investment strategies annually; and

WHEREAS, the PFIA states that the governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies; and

WHEREAS, the City's designated Investment Officer has reviewed the current investment policy and recommends changes as presented herein and recommends approval; and

WHEREAS, the City Commission desires to approve the amended Investment Policy;

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

SECTION 1. THAT, the City Commission has reviewed the attached Investment Policy for the City of Weslaco and the policies and strategies contained therein (Attachment "A").

SECTION 2. THAT the City Commission hereby adopts the attached Investment Policy as the City's Investment Policy.

SECTION 3. THAT all resolutions, or parts of resolutions in force with provisions relating to this resolution, which are inconsistent or in conflict with the terms or provisions contained herein, are hereby repealed to the extent of any such conflict only. The non-conflicting sections, sentences, paragraphs, and phrases shall remain in full force and effect.

SECTION 4. THAT this resolution shall become effective immediately upon its passage and approval.

RESOLUTION NO. 2016-70

STATE OF TEXAS	§	RESOLUTION AUTHORIZING MAYOR DAVID SUAREZ, MEMBERS OF THE CITY COMMISSION, AND APPROPRIATE STAFF AS SIGNATORIES ON CERTAIN LEGAL FINANCIAL DOCUMENTS FOR THE CITY OF WESLACO
COUNTY OF HIDALGO	§	
CITY OF WESLACO	§	

1. I, Elizabeth M. Walker, certify that I am the City Secretary of The City of Weslaco, organized under the laws of Texas, Federal Employer ID Number 74-6002544, engaged in Municipal business under the name of the City of Weslaco, and that the following is a correct copy of the resolution adopted at a meeting of the City Commission duly and properly called and held on December 6, 2016. This resolution appears in the minutes of this meeting and has not been rescinded or modified.

2. Be it Resolved that,

(a) BBVA Compass Bank is designated as a depository for the funds of the City of Weslaco.
(b) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by this Financial Institution.
(c) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the City of Weslaco with this financial institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
(d) Any of the persons named below, so long as they act in a representative capacity as agents of the City of Weslaco, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with this financial institution, concerning funds deposited in this financial institution, moneys borrowed from this financial institution or any other business transacted by and between the City of Weslaco and this financial institution subject to any restrictions stated below.
(e) Any and all prior resolutions adopted by the City Commission of the City of Weslaco and certified to this Financial Institution as governing the operations of the City of Weslaco's account(s), are in full force and effect, unless supplemented or modified by this authorization.
(f) The City of Weslaco agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of the City of Weslaco, and authorizes the financial institution named above, at anytime, to charge the City of Weslaco for all checks, drafts, or other orders, for the payment of money, that are properly drawn on this financial institution, and contain the required number of signatures for this purpose.

3. The officials designated below are authorized to conduct business as indicated:

	Name and Title	Signature
(A)	David Suarez, Mayor	____________________
(B)	Gerardo Tafolla, Mayor Pro Tem	____________________
(C)	Leonardo Munoz Jr., Commissioner	____________________
(D)	Greg Kerr, Commissioner	____________________
(E)	Olga Noriega, Commissioner	____________________
(F)	Leticia Lopez, Commissioner	____________________
(G)	Joshua S.M. Pedraza, Commissioner	____________________
(H)	Mike R. Perez, City Manager	____________________
(I)	Elizabeth M Walker, City Secretary	____________________
(J)	Maria Barrera, Finance Director	____________________
(K)	Sonia Flores, Assistant Finance Director	____________________

Indicate A, B, C, D and/or E

<u>A – H</u> (1) Exercise all of the powers listed (2) through (9)

<u>A – H, J</u> (2) Open any deposit or checking account(s) in the name of the City of Weslaco

<u>A – H</u> (3) Endorse checks and orders for the payment of money and withdraw funds on deposit with this financial institution.
Number of authorized signatures required for this purpose <u>2</u>.

Number of authorized signatures required for payroll purpose 1.

A – H	(4)	Open any certificate of deposit account and withdraw or transfer funds from the certificate of deposit on deposit with this financial institution. Number of authorized signatures required for this purpose 2.
A – H, J	(5)	Transfer funds from operations account to the payroll account, investment account or paying agent approved by City Commission by telefax or other electronic means. Number of authorized signatures required for this purpose 1.
A – H	(6)	Borrow money on behalf and in the name of the City of Weslaco executes and delivers promissory notes or other evidences of indebtedness. Number of authorized signatures required for this purpose 2.
A – H	(7)	Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the City of Weslaco as security for sums borrowed and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment. Number of authorized signatures required for this purpose 1.
A – H, J	(8)	Enter into written lease for the purpose of renting and maintaining a Safe Deposit Box in this financial institution. Number of authorized signatures required to gain access and to terminate the lease 1.
A – K,	(9)	Authorized to make inquiries as to status, account balance pertaining to the City of Weslaco.

4. I further certify that the City Commission of the City of Weslaco has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the foregoing resolutions and to confer the power granted to the persons named who have full power and lawful authority to exercise the same.

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of this Corporation on December 6, 2016.

RESOLUTION NO. 2016-71

STATE OF TEXAS	§	RESOLUTION AUTHORIZING MAYOR DAVID SUAREZ, MEMBERS OF THE CITY COMMISSION, AND APPROPRIATE STAFF AS SIGNATORIES ON CERTAIN LEGAL FINANCIAL DOCUMENTS FOR THE CITY OF WESLACO
COUNTY OF HIDALGO	§	
CITY OF WESLACO	§	

1. I, Elizabeth M. Walker, certify that I am the City Secretary of The City of Weslaco, organized under the laws of Texas, Federal Employer ID Number 74-6002544, engaged in Municipal business under the name of the City of Weslaco, and that the following is a correct copy of the resolution adopted at a meeting of the City Commission duly and properly called and held on December 6, 2016. This resolution appears in the minutes of this meeting and has not been rescinded or modified.

2. Be it Resolved that,

   (a) Frost Bank is designated as a depository for the funds of the City of Weslaco.

(b) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by this Financial Institution.
(c) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the City of Weslaco with this financial institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
(d) Any of the persons named below, so long as they act in a representative capacity as agents of the City of Weslaco, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with this financial institution, concerning funds deposited in this financial institution, moneys borrowed from this financial institution or any other business transacted by and between the City of Weslaco and this financial institution subject to any restrictions stated below.
(e) Any and all prior resolutions adopted by the City Commission of the City of Weslaco and certified to this Financial Institution as governing the operations of the City of Weslaco's account(s), are in full force and effect, unless supplemented or modified by this authorization.
(f) The City of Weslaco agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of the City of Weslaco, and authorizes the financial institution named above, at any time, to charge the City of Weslaco for all checks, drafts, or other orders, for the payment of money, that are properly drawn on this financial institution, and contain the required number of signatures for this purpose.

4. The officials designated below are authorized to conduct business as indicated:

	Name and Title	Signature
(A)	David Suarez, Mayor	______________________
(B)	Gerardo Tafolla, Mayor Pro-Tem	______________________
(C)	Leonardo Munoz Jr., Commissioner	______________________
(D)	Greg Kerr, Commissioner	______________________
(E)	Olga Noriega, Commissioner	______________________
(F)	Leticia Lopez, Commissioner	______________________
(G)	Joshua S.M. Pedraza, Commissioner	______________________
(H)	Mike R. Perez, City Manager	______________________
(I)	Elizabeth M. Walker, City Secretary	______________________
(J)	Maria C. Barrera, Finance Director	______________________
(K)	Sonia Flores, Assistant Finance Director	______________________

Indicate A, B, C, D and/or E

A – H (1) Exercise all of the powers listed (2) through (9)

A – H, J (2) Open any deposit or checking account(s) in the name of the City of Weslaco

A – H (3) Endorse checks and orders for the payment of money and withdraw funds on deposit with this financial institution.
Number of authorized signatures required for this purpose 2.
Number of authorized signatures required for payroll purpose 1.

A – H (4) Open any certificate of deposit account and withdraw or transfer funds from the certificate of deposit on deposit with this financial institution.
Number of authorized signatures required for this purpose 2.

A – H, J (5) Transfer funds from operations account to the payroll account, investment account or paying agent approved by City Commission by telefax or other electronic means.
Number of authorized signatures required for this purpose 1.

A – H (6) Borrow money on behalf and in the name of the City of Weslaco executes and delivers promissory notes or other evidences of indebtedness.
Number of authorized signatures required for this purpose 2.

A – H (7) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the City of Weslaco as security for sums borrowed and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.
Number of authorized signatures required for this purpose 1.

A – H, J (8) Enter into written lease for the purpose of renting and maintaining a Safe Deposit Box in this financial institution.
Number of authorized signatures required to gain access and to terminate the lease 1.

A – K, (9) Authorized to make inquiries as to status, account balance pertaining to the City of Weslaco.

4. I further certify that the City Commission of the City of Weslaco has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the foregoing resolutions and to confer the power granted to the persons named who have full power and lawful authority to exercise the same.

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of this Corporation on December 6, 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. APPOINTMENTS

A. Discussion and consideration to approve Resolution 2016-67 appointing one member to the Board of Adjustments and Appeals-Zoning Ordinance and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department.)

Mayor Pro-Tem Tafolla, seconded by Commissioner Muñoz, moved to approve Resolution 2016-67 reappointing Paul Garza to the Board of Adjustments and Appeals-Zoning Ordinance. The motion carried unanimously; Mayor Suarez was present and voting.

The following for the record is the resolution:

RESOLUTION NO. 2016-67

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 Paul Garza is appointed to serve an expired term on the Board of Adjustments & Appeals-Zoning Ordinance and the term will expire on 6th day of January, 2019.

PASSED AND APPROVED on this 6th day of December, 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

VI. NEW BUSINESS

A. Discussion and consideration to approve Ordinance 2016-41, repealing Ordinances 87-16 and 93-17, codified as Chapter 60, "Health and Sanitation," Article III, Smoking Regulations in Public Buildings, and adopting "Smoking Regulations" prohibiting smoking of tobacco products and electronic smoking materials in certain enclosed and non-enclosed areas within City limits, prohibiting smoking on City premises and other property, repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause; providing for effective date and publication; providing a severability clause; providing for inclusion in the code; providing for a penalty; providing for proper notice and meeting. First Reading of Ordinance 2016-41. Possible action. (Staffed by City Manager's Office.)

In response to Commissioners Kerr and Muñoz, Jerry Saaverda stated in order for the ordinance to be comprehensive it must regulate smoking indoors; regulation outdoors is at the discretion of the commission but recommends the distance be at least 15 feet from any entrance.

Commissioner Noriega, seconded by Mayor Pro-Tem Tafolla, moved to approve Ordinance 2016-41 as a comprehensive smoking ordinance that includes bars and restaurants and amending Section 70-52 accordingly. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager stated a workshop would be scheduled immediately preceding the next regular meeting to address comments received during the public hearing.

B. Discussion and consideration to approve Ordinance 2016-44, a budget amendment in an amount not to exceed $50,000.00, transferring equipment items to budget line item 516 "Equipment" from the Apparatus Replacement Program for the Fire Department. First Reading of Ordinance 2016-44. Possible action. (Staffed by Fire Department.)

The City Manager stated the funds are budgeted but not allocated in the proper account. Antonio Lopez, Fire Chief, reviewed the items that include replacement and new equipment.

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to approve Ordinance 2016-44, a budget amendment in an amount not to exceed $50,000.00. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to approve the purchase of a 2017 Chevy Tahoe through Buy Board contract bid #430-13 in an amount not to exceed $45,000.00 to replace a 2004 Ford Taurus assigned to the Fire Marshal's Office. Possible action. (Staffed by Fire Department.)

Antonio Lopez, Fire Chief, stated this proposed purchase would replace a 2004 Taurus that was donated from the Police Department and is used by the Fire Marshal's Office. Staff evaluated several options and the recommendation is the purchase of a 2017 Chevy Tahoe that would serve more needs of the department and is part of the apparatus replacement program.

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to approve the purchase of a 2017 Chevy Tahoe through Buy Board contract bid #430-13 in an amount not to exceed $45,000.00 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to approve the purchase of a 2017 Ford 450 Type 1 Ambulance under HGAC contract AM10-14 in an amount not to exceed $176,000.00 under the Fire Department Apparatus Replacement Program. Possible action. (Staffed by Fire Department.)

Antonio Lopez, Fire Chief, stated this would be the fourth new ambulance into the City's fleet and is part of the apparatus replacement program. The ambulances are custom built and within budget.

Commissioner Noriega, seconded by Commissioner Kerr, moved to approve the purchase of a 2017 Ford 450 Type 1 Ambulance under HGAC contract AM10-14 in an amount not to exceed $176,000.00 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to accept the proposal for financing of 2017 Ferrara Fire Rescue/Pumper Truck from Frost Bank Leasing and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Tony Lopez, Fire Chief, stated previous action authorized the purchase of a fire truck. Proposals were solicited for the financing and two were received. Staff recommended to accept the proposal from Frost Bank as the best value for the City. The fire truck will be stationed on the north side.

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to accept the proposal for financing of 2017 Ferrara Fire Rescue/Pumper Truck from Frost Bank Leasing as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to award RFB No. 2016-17-04 Waterworks Collection/Distribution Materials to the lowest bidder, Ferguson Waterworks, for materials to be purchased on an as needed basis. Possible action. (Staffed by Public Works.)

Pete Garcia, Public Works Director, stated three bids were received and after review and evaluation the recommendation was to award Ferguson Waterworks as the lowest responsive bidder.

Commissioner Kerr, seconded by Commissioner Noriega, moved to award the lowest bidder, Ferguson Waterworks, as recommended for materials to be purchased on an as needed basis. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration to authorize the railroad crossing improvement project at Border Avenue (side track) with Rio Valley Switching Company in an amount not to exceed $89,797.00 as budgeted and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated $90,000.00 is budgeted for railroad repairs and recommends approval with Rio Valley Switching Company for the improvement project at Border Avenue.

In response to Commissioners Muñoz and Noriega, railroad improvement sites were ranked during the budget process and completion should be done within a week.

Commissioner Kerr, seconded by Commission Muñoz, moved to authorize the railroad crossing improvement project at Border Avenue (side track) with Rio Valley Switching Company not to exceed $89,797.00. The motion carried unanimously; Mayor Suarez was present and voting

Commissioner Kerr, seconded by Mayor Pro-Tem Tafolla, amended the motion to approve a fixed quote amount. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration to select engineering firm(s) for a rotation based on the Request for Qualifications 2016-17-06 for Geotechnical Engineering and Construction Material Testing Services and authorize Mayor to execute any related documents. Possible Action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated a rotation list has been in place for the last three years. Six respondents were evaluated and ranked based on required criteria. Staff's recommendation was to select the tope 3-5 firms to be placed on a rotation list. In response to Mayor Pro-Tem Tafolla and Commissioner Noriega, the list would be in place for three years and current list includes Raba Kistner, MEG Engineers and Terracon Consultants Inc.

Mayor Pro-Tem Tafolla, seconded by Commissioner Kerr, moved to select for a rotation based on the Request for Qualifications 2016-17-06 the top three engineering firms, including EarthCO, MEG Engineers and Raba Kistner, Inc., for Geotechnical Engineering and Construction Material Testing Services. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to seek clarification on interpretation of the Sidewalk Ordinance. Possible action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Kerr, seconded by Mayor Pro-Tem Tafolla, moved to discuss.

Mardoqueo Hinojosa stated the subdivision ordinance as adopted in 1975 regulated sidewalk requirements for subdivisions and amended in 2014 to address design standards; however, he believes there are limited circumstances regarding drainage or insufficient right-of-way that he should be allowed discretion so the property owner does not need to pay the fee for the variance through the board of adjustments.

Mayor Pro-Tem Tafolla, seconded by Commissioner Kerr, moved to establish a minute order authorizing the Planning Director the discretion to allow exceptions to the Sidewalk Ordinance in the following circumstances: 1) when there is no drainage infrastructure, such as curb, gutter, or storm inlets; 2) when there are right-of-way constraints or foreseen public construction projects affecting that right-of-way; 3) when eighty percent of the established residential subdivision is built out without sidewalks; and 4) when the subdivision is five or fewer residential lots within the extraterritorial jurisdiction. In the absence of these circumstances, there will be no time extensions granted; all sidewalks must be installed when the certificate of occupancy is issued. The motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration to ratify First Amendment to Retail Sales Agreement with Texas General Land Office executed by the City Manager, accepting electricity rate of $0.03566/KWH (current rate $0.0505). Possible action. (Staffed by Finance Department.)

Mary Barrera, Finance Director, stated previous action authorized acceptance of an energy sales agreement for the best lowest electricity rate. Four proposals were received and staff negotiated the best rate with Texas General Land Office, which the City Manager signed as it was time sensitive. Staff recommended ratification, approving the extension of the agreement with Texas General Land Office that should have a savings of $150,000.00-$180,000.00 a year.

Mayor Pro-Tem, seconded by Commissioner Lopez, moved to ratify First Amendment to Retail Sales Agreement with Texas General Land Office as executed by the City Manager, accepting electricity rate of $0.03566/KWH (current rate $0.0505). The motion carried unanimously; Mayor Suarez was present and voting.

K. Discussion and consideration to approve an agreement with the State Energy Conservation Office (SECO) and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

The City Manager stated commission action authorized review of energy conservation proposals by staff, the Mayor, Commissioner Muñoz and Mayor Pro-Tem Tafolla. The State Energy Conservation Office can do a preliminary assessment of energy usage and submit a report. This will allow a better evaluation of the proposals. Commissioner Muñoz clarified there is no cost to the City and recommends approval.

Commissioner Kerr, seconded by Commissioner Muñoz, moved to approve an agreement with the State Energy Conservation Office (SECO). The motion carried unanimously; Mayor Suarez was present and voting.

L. Discussion and consideration to award the Invitation for Proposal 2016-17-08 Demolition of Underground Storage Tanks and Related Equipment to the best qualified, most advantageous respondent and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

Andrew Muñoz, Airport Director, reported two proposals were received and staff's recommendation is to award Mid Valley Contracting Company as the best qualified and most advantageous respondent in an amount not to exceed $13,000.00.

Commissioner Kerr, seconded by Mayor Pro-Tem Tafolla, moved to award Mid Valley Contracting as the best qualified, most advantageous respondent to the Invitation for Proposal 2016-17-08 for demolition of underground storage tanks and related equipment. The motion carried unanimously; Mayor Suarez was present and voting.

M. Discussion and consideration to cancel the regular meeting of the Weslaco City Commission on December 20, 2016. Possible action. (Staffed by City Secretary's Office.)

Mayor Pro-Tem Tafolla, seconded by Commissioner Kerr, moved to cancel the regular meeting of December 20, 2016. The motion carried unanimously; Mayor Suarez was present and voting.

N. Discussion and consideration to approve the Sublease Agreement between the Economic Development Corporation of Weslaco and the Weslaco Area Chamber of Commerce, Inc. for approximately 1,677 square feet of the facility known as the "Business Visitors Event Center" at 275 South Kansas Avenue, premises part of the 2012 Development Agreement with the City, and authorize the Mayor to execute any related documents. Possible action. (Requested by the Economic Development Corporation.)

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

Marie McDermott, EDC Director, recommended approval. The sublease is for the Chamber office space at the Business Event Center for a five-year period at $1.00 per square foot.

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to approve the Sublease Agreement between the Economic Development Corporation of Weslaco and the Weslaco Area Chamber of Commerce. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

Commissioner Kerr, seconded by Commissioner Lopez, moved to change the order of the day and proceed directly into Executive Session. The motion carried; Mayor Suarez was present and voting.

VIII. **EXECUTIVE SESSION**

At 7:30 p.m. Mayor Suarez announced the regular meeting to convene in executive session. At 8:55 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. Personnel - Discussion regarding the handling of exempt time related to Efrain Tafolla as authorized by §551.074 of the Texas Government Code.

Mayor Pro-Tem Tafolla abstained from discussion and vote and filed a conflict of disclosure statement.

There was no action on this item.

C. 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 this item.

D. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at 1411 W. 18th Street, Weslaco, Texas as authorized by §551.072 of the Texas Local Government Code.

There was no action on this item.

E. Economic Development - Discussion regarding seeking a City Attorney opinion amending the City of Weslaco Foreign Trade Zone as authorized by §551.087 of the Texas Government Code.

Commissioner Kerr, seconded by Commissioner Muñoz, moved to authorize the Mayor to enter into negotiations with other entities concerning the City of Weslaco Foreign Trade Zone as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

F. Economic Development - Discussion regarding Project "Rolling On" as authorized by §551.087 of the Texas Government Code.

Commissioner Kerr, seconded by Commissioner Lopez, moved to authorize the Mayor to enter into negotiations on Project Rolling On and report back to the Commission. The motion carried unanimously; Mayor Suarez was present and voting.

G. Potential Litigation - Consultation with City Attorney regarding Super 8 hotel as authorized by §551.071 of the Texas Government Code.

Commissioner Kerr, seconded by Commissioner Muñoz, moved to authorize the City Attorney to proceed with litigation with Super 8 Hotel for delinquent taxes as discussed in executive session.

Reports were suspended until the next regular meeting.

VII. **REPORTS**

A. Report by Economic Development Corporation of Weslaco.

B. Report by Weslaco Area Chamber of Commerce.

C. Report by Severn Trent.

D. Report by Planning and Code Enforcement.

E. Report by Public Works.

F. Report by Parks and Recreation Department.

G. Report by Information Technology.

X. **ADJOURNMENT**

Commissioner Kerr, seconded by Commissioner Lopez, moved to adjourn at 8:59 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, Gerardo “Jerry” Tafolla

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COMMISSIONER, Leo Muñoz

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COMMISSIONER, Greg Kerr

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COMMISSIONER, Olga M. Noriega

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COMMISSIONER, Letty Lopez

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COMMISSIONER, Josh Pedraza