



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 18, 2017**

On Tuesday, April 18, 2017, at 5:33 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 Noriega
Commissioner	Letty Lopez
Commissioner	Josh Pedraza
City Manager	Mike R. Perez
Deputy Secretary	Aida Vega
City Attorney	Juan E. Gonzalez

Also present: Mary Barrera, Finance Director; Juan Salas, Information Technology; Pete Garcia, Public Works 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 Thursday, April 13, 2017.

B. Invocation.

Mayor Suarez led in the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral recognition.

There were none.

E. Roll Call.

Aida Vega, Deputy Secretary, called the roll stating a quorum was present.

II. PUBLIC COMMENTS

There were no comments received.

III. PUBLIC HEARING

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to open the public hearings at 5:33 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input on behalf of Miguel and Sarah Marines requesting a Conditional Use Permit to operate an Event Center at 501 S. Texas Blvd, also being Lots 43-44, Block 42, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.

Miguel and Sarah Marines, applicants, stated the event center would cater to party events for children and adults with operation of hours 11 a.m. – 8 p.m.

B. To solicit input on behalf of RCI Development-Wisconsin, Ltd to rezone 1301 South Midway Road also being a 25.263-acre tract out of Farm Tract 643, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to M-1 Mobile Home District.

There were no public comments received.

C. To solicit input on behalf of Valley Donna Food Mart Inc. to rezone 718 W. 6th Street also being Lots 14-17 and the West ½ of Lot 18, Blk 4, Glendale Subdivision, Weslaco, Hidalgo County, Texas, from R-2 Duplex & Apartment District to B-1 Neighborhood Business District.

There were no public comments received.

D. To solicit input on behalf of Valley Donna Food Mart, Inc. requesting a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 718 W. 6th St., also being Lots 14-17 and W 1/2 Lot 18, Blk 4, Glendale Addition Subdivision, Weslaco, Hidalgo County, Texas.

There were no public comments received.

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to close the public hearing at 5:40 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 on second and final reading of the following:

1) Approve Ordinance 2017-20 for the voluntary annexation of the 48.682 acres out of Farm Tracts 98 and 114 and the right-of-way along F.M. 88 between Mile 10 North Road and Mile 11 North Road. First Reading of Ordinance 2017-20 was held on April 4, 2017. (Staffed by Planning and Code Enforcement Department).

2) Approve Ordinance 2017-22 creating a no parking zone on Huisache Street from Calle De La Republica to Border Avenue and authorize citations to be issued. Second and Final Reading of Ordinance 2017-22. First Reading was held on April 4, 2017. (Staffed by Public Works Department.)

B. Approval of the renewal of the Summer Seamless Food Program established through the Texas Department of Agriculture accepting meals at no charge from Weslaco Independent School District Food Services Department for distribution to school age children within the 2017 Summer Reading Program and authorizes the Mayor to execute any related documents. (Staffed by Library.)

C. Approval to authorize staff to solicit Requests for Proposals for Depository Services and authorize the Mayor to execute any related documents. (Staffed by the Finance Department)

Mayor Pro-Tem Tafolla, seconded by Commissioner Muñoz moved to approve the consent agenda items A through C as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following are the ordinances:

ORDINANCE NO. 2017-20

AN ORDINANCE ANNEXING ADDITIONAL TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS ON VOLUNTARY PETITION OF AREA LAND OWNER SUCH LAND BEING 62.56 ACRES OF LAND, LOCATED IN HIDALGO COUNTY, TEXAS, WHICH IS CONTIGUOUS TO THE CITY LIMITS AND HEREINAFTER DESCRIBED; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Weslaco, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. THERE IS HEREBY ANNEXED ON VOLUNTARY PETITION OF AREA LANDOWNER AS PART OF THE TERRITORY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF WESLACO THE

FOLLOWING TRACT LOCATED IN HIDALGO COUNTY, TEXAS, THAT TOTALS TO 62.56 ACRES AND ARE MORE SPECIFICALLY DESCRIBED AS FOLLOWS, TO-WIT:

Tract: Being a 62.56-acre tract of land more or less out of all or part of Farm Tract 98,114 and Mile 5 North (FM 88) also known as Texas Boulevard(FM88) right of way of the West Tract Subdivision as per map recorded in volume 2, Pages 34-37 of the Hidalgo County Map Records, and said 62.56 acres described as follows:

COMMENCING at a point being the Southeast corner of a property with the following legal description WEST TRACT S396'-E475' FT 246 4.32 AC; Thence continuing North and along the West right of way line of Mile 5 West also known as Texas Boulevard(FM 88) for an approximate distance of 10.00 ft. and East to point being the Southwest corner of Lot 6 of La Quinta Estate also being an intersecting point of the East right of way line of Texas Boulevard and the North right of way line of Mile 11 North described herein as the **Point of Beginning**;

Thence, continuing East to the Southeast corner of Lot 6 of La Quinta Estates recorded in Vol. 20, Pg. 133 of the map and records of Hidalgo County, Texas also, being a point on the West property line of Lot 7 of La Quinta Estates recorded in Vol. 20, Pg. 133 of the map and records of Hidalgo County, Texas

Thence, South to a point being the Southwest corner of Lot 7 of La Quinta Estates described above also being a point on the North right of way line of Mile 11 North;

Thence, continuing East and along the North right of way of Mile 11 North to a point on North right of way of Mile 11 North also being the Southeast corner of a property with the following legal description WEST TRACT E 2.50AC -W5AC -W20AC FT 254;

Thence, North for a distance of 5.00 ft to a point being the Southwest corner of Lot 1 of Ash Country Subdivision recorded in Vol. 21, Pg. 4 of the map and records of Hidalgo, County, Texas;

Thence, East and along the North right of way line of Mile 11 North to a point being on the North right of way line of Mile 11 North, also being the Southeast corner of Lot 36 Ash Country Subdivision recorded in Vol. 21, Pg. 4 of the map and records of Hidalgo, County, Texas;

Thence, South for a distance of 5.00ft to a point being on the North right of way line of Mile 11 North also being the Southwest corner of a property with the following description WEST TRACT-E5AC-W20AC EX 0.74AC BEING AN IRR TR FT 254 4.20AC GR 4.20AC NET;

Thence. continuing East to the Southeast corner of said property with the following description WEST TRACT-E5AC-W20AC EX 0.74AC BEING AN IRR TR FT 254 4.20AC GR 4.20AC NET;

Thence, South and parallel to the West property line of Farm Tract 98, to a point being the Southeast corner of this tract of land;

Thence, West and parallel to the centerline of Mile 11 North to a point being the Southwest corner of Farm Tract 114 also being the Southeast corner of Lot 1 of Gilbert Subdivision recorded in Vol. 41, Pg. 179 of the map and records of Hidalgo County, Texas

Thence, North and parallel to the East property line of Farm Tract 114 to a point being on the South right of way line of Mile 11 North Rd and the Northwest corner of said Farm Tract 114,

Thence, West along the South right of way line of Mile 11 North Rd. to a point being the Northwest corner of the intersection of Texas Boulevard and Mile 11 North also being a point on the East right of way line of Texas Boulevard (FM88) and an inside corner for this tract of land;

Thence, continuing South and along the East right of way line of Texas Boulevard to a point being the inside corner of this tract of land;

Thence, East and along the right of way line of Texas Boulevard(FM88) to point being the Northwest corner of Lot 9 of Gilbert Subdivision recorded in Vol. 41, Pg. 179 of the map and records of Hidalgo County, Texas

Thence, South and along the right of way line of Texas Boulevard(FM88) to point being the Southwest corner of Lot1 of Gilbert Subdivision recorded in Vol. 41, Pg. 179 of the map and records of Hidalgo County, Texas

Thence, West and along the North property line of a property with the following legal description WEST TRACT N174'-W300.34'-FT 113 1.20AC to a point being the Northwest corner of said property and a point on the East right of way line of Texas Boulevard (FM88);

Thence, South and along the East right of way line of Texas Boulevard (FM88) to point being on the Southeast intersection of Texas Boulevard (FM88) and Mile 10 North also being the Northwest corner of a property with the following legal description WEST TRACT W330'-N367.15' FT 110 EXC 5165'-W264' 1.79AC GR 1.36AC NET;

Thence, South for a distance of approximately 9.00ft to a point on the East right of way line of Texas Boulevard(FM88) also being the West property line of the property described as the WEST TRACT W330'-N367.15' FT 110 EXC S165'-W264' 1.79AC GR 1.36AC NET;

Thence, West and across Texas Boulevard(FM88) to the West right of Way of said road to a point being the Northeast corner of a property with the following legal description WEST TRACT N160'-E272.50' FT 174 1AC NET;

Thence, North and past Mile 10 North Road to a point being on the West right of way line of Texas Boulevard(FM88) also being a point on the Northeast corner of the boundary for McKee Subdivision an amended plat recorded in Vol. 14, Pg. 16 of the map and records of Hidalgo County, Texas

Thence, West and along the North boundary line of McKee Subdivision an amended plat recorded in Vol. 14, Pg. 16, of the map and records of Hidalgo County, Texas to a point being the Southeast corner of Lot 1 of Velasquez Subdivision a plat recorded in Vol. 53, Pg. 168 of the map and records of Hidalgo County, Texas

Thence, North and parallel to the East right of way line of Texas Boulevard to a point being the Northeast corner of Lot 2 of Velasquez Subdivision a plat recorded in Vol. 53, Pg. 168 of the map and records of Hidalgo County, Texas;

Thence, East and parallel to the North boundary line of McKee Subdivision an amended plat recorded in Vol. 14, Pg. 16, of the map and records of Hidalgo County, Texas to a point being the Southeast corner of a property with the following legal description WEST TRACT S5AC- N10AC FT 178;

Thence, North and along the West right of way line of Texas Boulevard(FM88) and the North right of way line of Mile 11 North to the point of Commencement and containing within 62.56-acre tract of land more or less;

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Weslaco.

SECTION 6. THIS ORDINANCE SHALL BE PUBLISHED IN ONE (1) NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN WESLACO, ONCE A WEEK FOR TWO (2) WEEKS, AFTER THE LAST READING OF THE ORDINANCE.

SECTION 7. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 8. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 4th day of April, 2017.

PASSED AND APPROVED on second and final reading at regular meeting of the City Commission this 18th day of April 2017.

ORDINANCE 2017-22

AN ORDINANCE AMENDING CHAPTER 134 – TRAFFIC, ARTICLE III STOPPING, STANDING, AND PARKING, SECTION 134-133 OF THE WESLACO CODE OF ORDINANCE, ADOPTING NEW REGULATIONS; AND ORDAINING OTHER MATTER WITH RESPECT TO THE SUBJECT MATTER HEREOF.

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

SECTION I. Chapter 134 – 133, Article III, Stopping, Standing, and Parking is hereby amended as follows:

a. No person shall at any time park or stop a vehicle on the following streets or portions thereof:

- 1) Huisache Street, on the designated no parking zones, about 660 ft. on both sides East of Border Ave.;

SECTION II. This ordinance shall become effective upon its second and final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of April, 2017.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 18th day of April, 2017.

CITY OF WESLACO
/s/DAVID SUAREZ, MAYOR

ATTEST
/s/ELIZABETH WALKER, CITY SECRETARY

APPROVED AS TO FORM:
/s/JUAN E. GONZALEZ, CITY ATTORNEY

V. APPOINTMENTS

A. Discussion and consideration to accept the resignation of Sandra Hernandez from the Weslaco 100 Committee and approve Resolution 2017-39 appointing a member to an unexpired term and authorize the Mayor to execute any related documents. Possible action. (Staffed by Museum.)

Commissioner Noriega, seconded by Mayor Pro-Tem Tafolla, moved to accept the resignation of Sandra Hernandez and approve Resolution 2017-19 appointing Joel Nava to an unexpired term on

the Weslaco 100 Committee. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following is the resolution:

RESOLUTION NO. 2017 - 39

A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS TO THE
WESLACO 100 COMMITTEE TO PREPARE WESLACO'S CENTENNIAL CELEBRATION
AND STRATEGIC PLAN

WHEREAS, The City of Weslaco, Texas, founded 1919, will celebrate its centennial in 2019, and anticipates programs and activities befitting the occasion; and

WHEREAS, This Commission finds merit in establishing an ad hoc citizen's committee to solicit suggestions, make recommendations, and encourage participation toward the planning and facilitating of such programs and activities; and

WHEREAS, After public meetings, all recommendations are required to be submitted to the Weslaco City Commission for approval; and

WHEREAS, The Committee shall concurrently consider issues for the strategic growth of the City over the next 100 years, including planning/sustainable development, governance, health, transportation, education, economic development, public safety, parks, information technology, and housing; and

WHEREAS, there shall be sixteen (16) members in the Weslaco 100 Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for three (3) years and may be eligible for reappointment;

WHEREAS, The Weslaco 100 Committee members shall serve without compensation

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Joel Nava is appointed to serve on the Weslaco 100 Committee and the term will begin on April 18, 2017 and will expire on April 19, 2019.

PASSED AND APPROVED on this 18th day of April, 2017.

CITY OF WESLACO
/s/DAVID SUAREZ, MAYOR

ATTEST
/s/ELIZABETH WALKER, CITY SECRETARY

APPROVED AS TO FORM:
/s/JUAN E. GONZALEZ, CITY ATTORNEY

VI. OLD BUSINESS

A. Discussion and consideration to adopt Ordinance 2017-10 the 2015 Edition of the International Energy Conservation Code for the regulation and governing of energy efficient building envelopes

and installation of energy efficient mechanical, lighting and power systems and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2017-10. Possible action. (This item remained tabled on April 4, 2017; Staffed by Planning and Code Enforcement Department).

Mayor Pro-Tem Tafolla, seconded by Commissioner Kerr, moved to remove the item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

Mardoqueo Hinojosa, City Engineer/Director, stated the committee composed of elected officials recommends approval of the Energy Conservation Code with revisions.

Commissioner Muñoz, seconded by Mayor Pro-Tem Tafolla, moved to adopt Ordinance 2017-10 the 2015 Edition of the International Energy Conservation Code incorporating revisions to Section 403.3 - Economizers creating an exception to add number 10 interior air handling units and Section 302.1 - Interior Design Conditions allowing design temperatures used for cooling be a minimum of 72° F. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve on second and final reading Ordinance 2017-19 to eliminate and convert the alley located on Heritage Square No. 2 Subdivision between Sugarcane Road and Washington Street into a street with a variance to have a paved section of 20 feet. First reading of Ordinance 2017-19 was held March 21, 2017; second reading was tabled April 4, 2017. (Requested by the Mayor and Commissioner Lopez; Staffed by Planning and Code Enforcement Department.)

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

Mardoqueo Hinojosa stated staff spoke with the residents on cost participation for a street with five indicating they would participate; three maybe but no commitment and others stating no funds available. The cost estimate for a street is \$80,000.00 with a cost share of \$20.41 per linear foot to the property owner.

In response to Mayor Suarez, the City Manager stated having some participation from the property owners could alleviate other similar requests; another option would be a street assessment program that imposes a lien. In response to Commissioner Kerr, staff stated the alley is not a typical circumstance. Commissioner Lopez requested paving commence as soon as practical.

Commissioner Lopez, seconded by Mayor Pro-Tem Tafolla, moved to approve Ordinance 2017-19 to eliminate and convert the alley located on Heritage Square No. 2 Subdivision between Sugarcane Road and Washington Street into a street with a variance to have a paved section of 20 feet. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following is the ordinance:

ORDINANCE 2017-19

AN ORDINANCE TO CONVERT 20' X 980' ALLEY ALSO BEING 0.45 ACRE TRACT OF LAND LOCATED BETWEEN BLK 1 OF HERITAGE SQUARE SUBDIVISION CREATING A 20' X 980' PUBLIC RIGHT OF WAY

HEREBY KNOWN AS ADAMS STREET; AND ORDAINING OTHER MATTER WITH RESPECT TO THE SUBJECT MATTER HEREOF.

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

SECTION I. It is in the interest of the City of Weslaco to convert 20' x 980' alley also being 0.45 acre tract of land located between Blk 1 of Heritage Square Subdivision No. 2 creating a 20' x 980' public right of way instead.

Point of Commencement beginning on the Northeast corner of Farm Tract 27 also being the intersection of Mile 4 ½ West also known as (North Bridge Avenue) and Mile 9 North also known as (Sugarcane Drive). Traveling South along the East boundary line of Farm Tract 27, also being the centerline of North Bridge Avenue for a distance of 155.58 ft. Thence, West for a distance of 30.0 ft., to a point on the West Right of Way Line of North Bridge Avenue also being the Northeast corner of Lot 17 recorded in Heritage Square Subdivision No.2, Volume 23, Pg.1 known as the Point of Beginning;

Thence, continuing West and along a line described as the south boundary line of an area known as an alley in Heritage Square Subdivision No. 2 for a distance of 980.00 ft. to an inside corner of known alley:

Thence, North a distance of 20.00 ft. to a point being the inside corner of this tract of land also being the Southwest corner of Lot 8 recorded in Heritage Square Subdivision No.2, Volume 23, Pg.1;

Thence, East and parallel to the south boundary line of the this tract of land for a distance of 980.00 ft. to a point being the Southeast corner of Lot 1 recorded in Heritage Square Subdivision No.2, Volume 23, Pg.1;

Thence, South for a distance of 20.00 ft. to a point being the inside corner of this tract of land, also being the Northwest corner of Lot 17 recorded in Heritage Square Subdivision No.2, Volume 23, Pg. 1 also as the Point of Beginning and containing within these metes and bounds a 0.45 acre tract of land more or less;

SECTION II. The alley described above in Section I of this ordinance is hereby designated as a 20' x 980' Public Right of Way hereby known as Adams Street.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 21st day of March, 2017.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 18th day of April, 2017.

CITY OF WESLACO
/s/DAVID SUAREZ, MAYOR

ATTEST
/s/ELIZABETH WALKER, CITY SECRETARY

APPROVED AS TO FORM:
/s/JUAN E. GONZALEZ, CITY ATTORNEY

C. Discussion and consideration to name the street converted from an alley located on Heritage Square No. 2 Subdivision between Sugarcane Road and Washington Street. Possible action. (There was no action on April 4, 2017; Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated the street names in the subdivision are those of former U.S. Presidents, noting those names not yet taken included Adams, Monroe, Pierce, Buchanan and Grant.

Commissioner Noriega, seconded by Commissioner Muñoz, moved the street converted from an alley located on Heritage Square No. 2 Subdivision between Sugarcane Road and Washington

Street be named Adams Street. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to approve the cost allocation from the Capital Improvement Program paving fund in the amount of approximately \$80,000.00 for the paving of a street converted from an alley at Heritage Square No. 2 Subdivision. Possible action. (There was no action on April 4, 2017; staffed by Planning and Code Enforcement Department.)

There was no action on this item.

VII. NEW BUSINESS

A. Discussion and consideration to declare and dispose of surplus property from various City departments as per Ordinance No. 86-08, authorize a public auction awarding a one year contract to Valley Wide Auction Services and hold a live Public Auction at Public Works Building on May 6, 2017, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department and Purchasing Office.)

Homer Rhodes, Purchasing Agent, stated an inventory of surplus item from various departments has been completed, including fifteen city vehicles, various machinery, equipment and miscellaneous items. Staff recommends awarding Valley Wide Auction a one year contract and approving the inventory of surplus items removing from the list the Crack Sealer equipment.

Commissioner Kerr, seconded by Commissioner Lopez, moved to authorize a public auction on May 6, 2017, awarding a one year contract to Valley Wide Auction Services and removing from approved inventory the Crack Sealer. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve two (2) Professional Services Agreement for Municipal Court Judges and authorize the Mayor to execute any related documents. Possible action. (Staffed by Municipal Court.)

There was no action on this item.

C. Discussion and consideration to authorize a grant submission to the Hidalgo County Metropolitan Planning Organization for the Federal Transit's Administration 5310 Program for Enhance Mobility for Seniors and Persons with Disabilities with a 20% match and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Planning and Code Enforcement Department).

Mardoqueo Hinojosa stated the Hidalgo County Metropolitan Planning Organization notified cities of funding availability for enhanced mobility. Staff proposes two sidewalks projects: 2nd Street between Airport Drive and Bridge Avenue and Airport Drive between 6th Street and 8th Street. City participation would be \$60,000.00 for both projects.

In response to Mayor Pro-Tem Tafolla, eligibility criteria must enhance mobility for the elderly and disabled such as proximity to pharmacies, parks and medical facilities. In response to

Commissioner Lopez, staff will modify the project area to include for sidewalks north and south on Utah.

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to authorize a grant submission to the Hidalgo County Metropolitan Planning Organization for the Federal Transit's Administration 5310 Program for Enhance Mobility for Seniors and Persons with Disabilities with a 20% match and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to approve Resolution 2017-40 engaging legal counsel and rate consultants to review AEP Texas Central Company's application for a distribution cost recovery factor to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

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

Mike Perez, City Manager, recommended approval stating AEP has filed a rate cost increase and the resolution allows cities to join together and authorize consultants to review the application for appropriate action. Any rate case expenses are reimbursed by AEP.

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to approve Resolution 2017-40 engaging legal counsel and rate consultants to review AEP Texas Central Company's application for a distribution cost recovery factor to increase distribution rates within the city should be denied as presented. The motion carried with Commissioner Kerr abstaining; Mayor Suarez was present and voting.

For the record, the following is the resolution:

RESOLUTION NO. 2017-40

A RESOLUTION OF THE CITY OF WESLACO, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Weslaco, Texas ("City") is an electric utility customer of AEP Texas Inc. ("AEP" or "Company"), and a regulatory authority with an interest in the rates and charges of AEP; and

WHEREAS, the City is a member of the Cities Served by AEP ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP's service area; and

WHEREAS, on or about April 3, 2017 AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 47015, seeking to increase electric distribution rates by \$28,010,174

(\$21,365,072 for the Central Division and \$6,645,102 for the North Division); and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, Cities are coordinating its review of AEP's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, Cities members and attorneys recommend that members deny the DCRF.

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

- Section 1. That the City is authorized to participate with Cities in PUC Docket No. 47015.
- Section 2. That subject to the right to terminate employment at any time, the City of Weslaco hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.
- Section 3. That the rates proposed by AEP to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.
- Section 4. That the Company shall continue to charge its existing rates to customers within the City.
- Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by AEP within 30 days of presentation of an invoice to AEP.
- Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.
- Section 7. That a copy of this Resolution shall be sent to Melissa Gage, American Electric Power Service Corporation, 400 West 15th Street, Suite 1520, Austin, Texas 78701 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 18th day of April, 2017.

CITY OF WESLACO
/s/DAVID SUAREZ, MAYOR

ATTEST
/s/ELIZABETH WALKER, CITY SECRETARY

APPROVED AS TO FORM:
/s/JUAN E. GONZALEZ, CITY ATTORNEY

E. Discussion and consideration after public hearing on behalf of Miguel and Sarah Marines to approve a Conditional Use Permit to operate an Event Center at 501 S. Texas Blvd, also being Lots 43-44, Block 42, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas and authorize

the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa stated twenty-eight property owners were notified with no objection received. The Planning and Zoning Commission and staff recommended approval.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez moved to approve a Conditional Use Permit to operate an Event Center at 501 S. Texas Blvd, also being Lots 43-44, Block 42, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration after public hearing on behalf of RCI Development- Wisconsin, Ltd to approve Ordinance 2017-23 to rezone 1301 South Midway Road also being a 25.263 acre tract out of Farm Tract 643, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to M1 Mobile Home District. First reading of Ordinance 2017-23. Possible action. (Staffed by Planning and Code Enforcement Department. Item will require a 3/4 vote as item was denied by Planning & Zoning Commission.)

Mayor Pro-Tem Tafolla, seconded by Commissioner Noriega, moved to approve.

Mardoqueo Hinojosa stated Planning and Zoning denied the request. The applicant requested the item be tabled to allow him to be present. Mayor Pro-Tem Tafolla rescinded his motion.

Mayor Pro-Tem Tafolla, seconded by Commissioner Noriega, moved to table the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration after public hearing on behalf of Valley Donna Food Mart, Inc to approve Ordinance 2017-24 to rezone 718 W. 6th Street also being Lots 14-17 and W½ Lot 18, Block 4, Glendale Subdivision, Weslaco, Hidalgo County, Texas, from R-2 Duplex & Apartment District to B-1 Neighborhood Business District. First reading of Ordinance 2017-24. Possible action. (Staffed by Planning and Code Enforcement Department)

Mardoqueo Hinojosa stated thirty-three property owners were notified with no objection received. The Planning and Zoning Commission and staff recommend approval.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve Ordinance 2017-24 to rezone 718 W. 6th Street also being Lots 14-17 and W½ Lot 18, Block 4, Glendale Subdivision, Weslaco, Hidalgo County, Texas, from R-2 Duplex & Apartment District to B-1 Neighborhood Business District as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration after public hearing on behalf of Valley Donna Food Mart, Inc. to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 718 W. 6th St., also being Lots 14-17 and W1/2 Lot 18, Block 4, Glendale Addition Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (This item was tabled March 7, 2017; Staffed by Planning and Code Enforcement).

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to remove the item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

Mardoqueo Hinojosa recommended approval; the applicant has rezoned the property for appropriate use.

Mayor Pro-Tem Tafolla, seconded by Commissioner Lopez, moved to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off Premise Permit at 718 W. 6th St., also being Lots 14-17 and W1/2 Lot 18, Block 4, Glendale Addition Subdivision, Weslaco, Hidalgo County, Texas as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration for approval on the revised re-development park plan for Isaac Rodriguez Park and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

David Arce, Parks Director, stated Texas Parks and Wildlife did not approve the grant submitted for the redevelopment of the park. Staff revised the park layout to allow continuation of improvements within budget. The City Manager stated the only change was the removal of the skate park from the original layout; however, all other proposed improvements could be completed, including the Splash Pad, restroom rehabilitation, disc golf course, walking trails, and demolition of existing pool. There would be some savings that could allow upgrades to the existing skate park. Staff would request funding from Knapp Community Foundation of \$200,000.00; City will contribute cash plus in-kind services.

In response to Commissioners Noriega and Lopez, a scoring criteria matrix is used and the cost to rehabilitate the existing pool would be over a million dollars.

Commissioner Kerr, seconded by Mayor Pro-Tem Tafolla, moved to approve the revised re-development park plan as presented. The motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration to accept and approve the Articles of Incorporation and Bylaws of the Hidalgo County Regional Foreign Trade Zone and authorize the Mayor to execute any related documents. Possible action. (Staffed by the City Manager's Office).

The City Manager stated after discussions with other entities for the creation of a regional foreign trade zone, staff recommends approval of the Articles of Incorporation and Bylaws as presented, identifying Weslaco as having two votes on the board. Hidalgo County may propose minor changes; should their edits be more than non-substantive, staff will bring back to the commission for reconsideration.

Commissioner Kerr, seconded by Mayor Pro-Tem Tafolla, moved to approve the Articles of Incorporation and Bylaws of the Hidalgo County Regional Foreign Trade Zone as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. REPORTS

A. Quarterly investment report for 3/31/2017. Possible action to accept and file.

Mary Barrera, Finance Director, presented the Quarterly Investment Report, showing deposits totaled \$24,215,775.00 with return on investment averaging 0.7% which is a little below the benchmark of the three-month T-Bill rate. Interest earned for the quarter is \$29,836.57. The report is in full compliance with the investment policy; she recommends approval to accept and file.

Commissioner Muñoz, seconded by Commissioner Noriega, moved to accept and file the Quarterly Investment Report as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Quarterly financial report for 3/31/2017. Possible action to accept and file.

Mary Barrera, Finance Director, reported the general fund has combined assets of \$16,824,891.00 and total liabilities of \$4,538,325.00; 94% of ad valorem property taxes have been collected resulting in total revenues \$16,109,608.00 and expenditures \$11,461,508.00 reflected this quarter. Water and sewer fund total assets are \$98,306,263.00 and total liabilities \$65,227,210.00; solid waste fund total assets are \$3,402,912.00 and total liabilities \$584,311.00, noting \$2 million loan advanced to the Water/Sewer fund was included in fund equity. Airport fund total assets are \$10,349,074.00 and total liabilities \$469,299.00.

Mayor Pro-Tem Tafolla, seconded by Commissioner Muñoz, moved to accept and file the quarterly financial report as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Report by Police Department.

Chief Mayer introduced his executive staff, who would be reporting on the annual accomplishments of the Police Department. Captain Oliva reported on CID accomplishments; Captain De La Cerda highlighted on the Community Outreach accomplishments; Captain Robert Lopez reported on Research and Standards accomplishments; Jennifer Vilches reported on administrative accomplishments; and Asst. Chief Walensky advised 2016 reported 11% decrease in violent crime; 8% decrease in property crime for an overall decrease of 8%.

D. Report by Fire Department.

Antonio Lopez, Fire Chief, reported on officer development training, higher education programs for EMS, Medical Counter Measures plan for first responders, and emergency management trainings on equipment usage and drain ditch cleaning. He also reported a grant was secured for additional communication consoles.

IX. EXECUTIVE SESSION

At 7:47 p.m. Mayor Suarez announced the regular meeting to convene in executive session. At 8:40 p.m. Mayor Suarez 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. 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.

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.

C. Personnel - Evaluation and interview of Municipal Judges and possible selection of Municipal Judges for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

Commissioner Munoz, seconded by Commissioner Kerr, moved to terminate the three Municipal Judges agreement with the agreement with Carlos Garza effective 5:00 p.m. Friday, April 21, 2017 and Samuel Sanchez and Miguel Wise effective until June 2, 2017. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Pro-Tem Tafolla, seconded by Commissioner Noriega, moved to appoint Samuel Sanchez as Presiding Judge; and the Associate Judge appointment to be done in May. 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 Bridge Avenue and Expressway 83 as authorized by §551.072 of the Texas Local Government Code

There was no action.

E. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at 901 N. Airport Drive as authorized by §551.072 of the Texas Local Government Code

Mayor Pro-Tem Tafolla, seconded by Commissioner Kerr, moved to authorize the City Manager and Mayor to negotiate the sale price with potential buyer as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

F. Potential Litigation - Consultation with City Attorney on Notice of Claim from The J Gonzalez Law Firm on behalf of Madeleyn Werlen as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

XI. ADJOURNMENT

Mayor Pro-Tem Tafolla, seconded by Commissioner Muñoz, moved to adjourn at 8:47 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Gerardo “Jerry” Tafolla

COMMISSIONER, Leo Muñoz

COMMISSIONER, Greg Kerr

COMMISSIONER, Olga Noriega

COMMISSIONER, Letty Lopez

COMMISSIONER, Josh Pedraza