



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MAY 3, 2016**

On this 3rd day of May, 2016 at 5:35 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	Letty Lopez
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; Juan Salas, IT Department; Pete Garcia, Public Works Director; Chief Tony Lopez, Fire Department; Chief Stephen Mayer, Police Department; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Arnold Becho, Library Director; David Arce, Parks and Recreation 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, April 29, 2016.

B. Invocation

Pastor Jose Chavez, San Martin de Porres Catholic Church, led in the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition

Mayor Suarez recognized the retirement of Asst. Chief Vallejo and thanked him for 30 years of service. Mayor Suarez recessed the meeting at 5:41 p.m. for a brief reception and reconvened the regular meeting at 5:48 p.m.

E. Roll Call.

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

II. PUBLIC COMMENTS

There were no public comments received.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Minutes of the Regular Meeting on April 19, 2016. (Staffed by the City Secretary's Office) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Ordinance 2016-13 rezoning 2319 W. Business 83, also being 8.68 acres of the West 16.18 acres of Tract 632, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. (First reading of Ordinance 2016-13 held April 19, 2016. Staffed by the Planning and Code Enforcement Department.) Attachment.
 - 2) Ordinance 2016-14 rezoning 701 S. International Blvd., also being the 2.08 acres out of Crenshaw Center Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District. (First reading of Ordinance 2016-14 held April 19, 2016. Staffed by the Planning and Code Enforcement Department.) Attachment.
 - 3) Ordinance 2016-15 rezoning 512 Outlet St., also being a Lots 8, 9, 10 and 11, Block 16, B.F. Morgan Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. (First reading of Ordinance 2016-15 held April 19, 2016. Staffed by the Planning and Code Enforcement Department.) Attachment.
 - 4) Ordinance 2016-16, amending Code of Ordinances Chapter 38, Section 5 relating to Cemetery General Regulations in order to allow the installation of benches. (First Reading of Ordinance 2016-16 held April 19, 2016. Staffed by Parks and Recreation Department.) Attachment.
- C. 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 2016 Summer Reading Program and authorizes the Mayor to execute any related documents. (Staffed by Library.) Attachment.
- D. Approval declaring surplus of vehicle identified as Weslaco Police Unit #635, a 2004 Ford F-150 FX4 pickup truck (asset forfeiture) and authorize a trade in and funds in

an amount not to exceed \$12,000.00 from asset forfeiture monies for the purchase of a vehicle for the D.E.A. Task Force Officer and authorizes the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.

- E. Approval of a Memorandum of Understanding with Texas A&M Forest Service (TIFMAS) program to provide opportunities to capitalize in Live-Fire training on wild land firefighting and authorize the Mayor to execute any related documents. (Staffed by the Fire Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Peña, moved to approve consent agenda items III. A, B, C, D and E as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following are the Ordinances:

ORDINANCE NO. 2016-13

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 2319 W. BUS 83, ALSO BEING 8.68 ACRES OF THE WEST 16.18 ACRES OF TRACT 632, WEST TRACT SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENTS DISTRICT.

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

SECTION I: R-1 One Family Dwelling District to R-2 Duplex and Apartments District being 8.68 acres of the West 16.18 acres of Tract 632, West Tract Subdivision, also being 2319 W. Bus 83, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 19th day of April, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd Day of May, 2016.

ORDINANCE NO. 2016-14

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 701 S. INTERNATIONAL BLVD., ALSO BEING THE 2.08 ACRES OUT OF CRENSHAW CENTER SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT TO B-2 SECONDARY AND HIGHWAY BUSINESS DISTRICT.

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

SECTION I: R-1 One Family Dwelling District to B-2 Secondary and Highway Business District being the 2.08 acres out of Crenshaw Center Subdivision, also being 701 S. International Blvd., Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 19th

day of April, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd Day of May, 2016.

ORDINANCE NO. 2016-15

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 512 OUTLET ST., ALSO BEING A LOTS 8, 9, 10 AND 11, BLK 16, B.F. MORGAN SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT TO B-1 NEIGHBORHOOD BUSINESS DISTRICT .

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

SECTION I: R-1 One Family Dwelling District to B-1 Neighborhood Business District being Lots 8, 9, 10 and 11, Blk 16, B.F. Morgan Subdivision, also being 512 Outlet St, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 19th day of April, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd Day of May, 2016.

Ordinance No. 2016-16

AN ORDINANCE OF THE CITY OF WESLACO UPDATING RULES AND REGULATIONS AT THE CITY CEMETERY AND ALLOWING MEMORIAL BENCHES.

WHEREAS, the City Commission of Weslaco, Texas, has recommended the following updated rules and regulations be enacted for the orderly management of the Weslaco City Cemeteries, and to clarify certain policies and procedures; and

WHEREAS, the City Commission of the City of Weslaco, Texas has permitted the installment of memorial benches be allowed with compliance of the rules and regulations; and

WHEREAS, the Code of Ordinances of the City of Weslaco, Texas, Chapter 38: Cemeteries provides that the City Commission of the City of Weslaco has the power and authority to adopt such rules and regulations as it deems advisable for the management, preservation, care and use of the City Cemeteries.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, Chapter 38 §5 Cemetery General Regulations be amended as follows:

Section 1. General Rules and Regulations

Section 3. FEES

- 1.) Plot fees are prescribed by the current MASTER FEE SCHEDULE approved by City Commission.

Section 4. Monument and Memorial Benches

Monument

- 1.) Markers shall be flat.
- 2.) There will be an installation permit fee; fee amount will be as listed in the current approved MASTER FEE SCHEDULE.
- 3.) Approved size of headstone are:
 - Single: 24x12 inches or 28x12 inches
 - Double: 48x16 inches
- 4.) Monuments and markers must be set during regular working hours of the Cemetery. These hours are 8:00 a.m. through 4:00 p.m. Monday through Friday, not including Holidays.
- 5.) Installment of any monument shall be done by a certified bonded company.

Memorial Benches

- 1.) Memorial Benches will be allowed in new expansion area.
- 2.) There will be installation permit fee; fee amount will be as listed on the current approved MASTER FEE SCHEDULE.
- 3.) The City of Weslaco is not responsible for theft or damage to the property.
- 4.) Memorial Benches shall be placed on the allotted grave space only after burial has taken place.
- 5.) All plans for memorial benches must be submitted to the City for approval before proceeding with installation.
- 6.) Approved size of Memorial Benches are:
 - a.) 36" x 12"-16"
- 7.) The City may remove the bench if:
 - a.) The bench is not on the specified plot and/or encroaching onto neighboring plots.
 - b.) The maintenance/care of the cemetery is being affected.
 - c.) Memorial Bench is placed in any other space than approved space; it may be changed or corrected, AT THE OWNERS EXPENSE.
- 8.) Memorial Benches must be made of Granite; no other materials will be allowed.
- 9.) Memorial Bench must be set on a Granite or concrete foundation; size of the foundation must be equal to the size of the top of the bench.
- 10.) Memorial Benches must be set during regular working hours of the Cemetery. These hours are 8:00 a.m. through 4:00 p.m. Monday through Friday, not including Holidays.
- 11.) Installment of Memorial Benches shall be done by a certified bonded company.

That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 19th day of April, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of May, 2016.

CITY OF WESLACO

/s/David Suarez, **MAYOR**

ATTEST:

/s/Elizabeth Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

/s/Juan E. Gonzalez, **CITY ATTORNEY**

Mayor Suarez changed the order of the day and proceeded to Item VI.K

- VI. K.** Discussion and consideration to authorize an Employee Payroll Deduction Program with the Food Bank of the Rio Grande Valley, Inc. and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Pro-Tem Noriega and Commissioner Peña.) Attachment.

The City Manager recommended approval to authorize an employee payroll deduction similar to the voluntary pledge for United Way. Romeo Cantu stated the Food Bank of the Rio Grande Valley, Inc. feeds 42,000 weekly; every dollar donated can provide five meals to children through eight partner agencies in Weslaco.

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

IV. APPOINTMENTS

- A** Discussion and consideration to approve Resolution 2016-34 appointing one member to an expired term on the Civil Service Commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

Mayor Pro-Tem Noriega, seconded by Commissioner Peña, moved to approve Resolution 2016-34 appointing Griselda Martinez to an expired term on the Civil Service Commission. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following is the resolution:

RESOLUTION NO. 2016-33

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO CIVIL SERVICE COMMISSION.

WHEREAS, the City of Weslaco has established the Weslaco Civil Service Commission pursuant to Chapter 143 of The Texas Local Government Code; and

WHEREAS, the terms of the members of this board are for 3 years; and

WHEREAS, the Civil Service Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT it consents to the appointment of Griselda Martinez on the Civil Service Board and the term will begin on June 20, 2016 and expires on June 20, 2019.

PASSED AND APPROVED on this 3rd day of May 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 Judith C. Figueroa d.b.a. Juan Bota's Drive Thru and Grill LLC to approve Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Beverage Cartage Permit at 611 S. Texas Blvd., also being Lot 19 and 20 ft. South of Lot 20, Block 49, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (This item was tabled on April 19, 2016; Staffed by the Planning and Code Enforcement Department.) Attachment.

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

Mr. Mardoqueo Hinojosa stated the Planning and Zoning Commission and staff recommend approval with stipulations of installation of a privacy fence and traffic bollards, to which the applicant is in agreement. The City Manager stated the conditions are allowed so long as they do not deprive the conduct of the business.

Commissioner Tafolla, seconded by Commissioner Peña, moved to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Permit and Beverage Cartage Permit at 611 S. Texas Blvd., also being Lot 19 and 20 ft. South of Lot 20, Block 49, Weslaco Original Townsite Subdivision subject the conditions of the installation of a privacy fence on church property and traffic bollards as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration to approve compensation for project delays to CDM

Constructors, Inc. in an amount not to exceed \$960,000.00 and authorize the Mayor to execute any related documents. Possible action. (This item was tabled April 5, 2016 and remained tabled April 19, 2016; Staffed by Planning and Code Enforcement Department.) Attachment

The City Manager recommended no action and the item remained on the table.

- C. Discussion and consideration to approve the Contingency Fund Request (CFR) of the contract with CDM Constructors, Inc. for the Water Treatment Plant expansion project as follows:

- 1) PCO #3 – Plant 2, 3, 4 Pipe Replacement - \$844,465.00;
- 2) PCO #5 – Plant 3 Flocculators - \$100,000.00;
- 3) PCO #6 – Plant 3 Clarifier- \$150,000.00.

Possible action. (There was no action on these PCOs on April 19, 2016; Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager recommended no action.

VI. NEW BUSINESS

- A. Discussion and consideration to approve Resolution 2016-35 finding that 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.) Attachment.

Commissioner Kerr abstained from discussion and vote and filed a conflicts affidavit statement.

The City Manager recommended approval of the resolution denying the application by AEP for distribution cost increase contingent on his authorized discussions with other entities on their anticipated course of action.

Commissioner Tafolla, seconded by Commissioner Lopez, moved to approve as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

RESOLUTION NO. 2016-35

A RESOLUTION OF THE CITY OF WESLACO, TEXAS FINDING THAT AEP TEXAS CENTRAL COMPANY'S APPLICATION FOR APPROVAL OF 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; 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 Central Company ("TCC" or "Company"), and a regulatory authority with an interest in the rates and charges of TCC; and

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

WHEREAS, on or about April 6, 2016 TCC filed with the City an Application for Approval of a Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 45787, seeking to increase electric distribution rates by \$54,012,978; and

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

WHEREAS, the Steering Committee is coordinating its review of TCC's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, the Steering Committee's members and attorneys recommend that members deny the DCRF.

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

Section 1. That the City is authorized to participate in the Steering Committee in PUC Docket No. 45787.

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 TCC 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 TCC within 30 days of presentation of an invoice to TCC.

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 Jay Toungate, American Electric Power Service Corporation, 1201 Elm Street, Suite 800, Dallas, Texas 75270 and to Thomas Brocato, General Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

- B. Discussion and consideration to authorize final payment to Tenzo McAllen LLC in the amount of \$46,300.00 for the construction of the expansion project at the Animal Shelter and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department.) Attachment.

Mr. Hinojosa recommended approval of the final payment of \$43,900.00 which includes a change order approved by previous commission action.

Commissioner Kerr, seconded by Commissioner Peña, moved to approve as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration to award the Request for Bids 2015-16-10 Parking Lot at the Mayor Pablo G. Pena City Park-Boys and Girls Club project to the best qualified, most advantageous bidder(s) and authorize the Mayor to execute any related documents. Possible action. Staffed by the Planning and Code Enforcement Department.) Attachment.

Mr. Hinojosa stated the parking lot was designed by City staff and thirteen very competitive bids were received. Staff recommends GNH Company LLC as the lowest, best qualified, most advantageous bidder in the amount of \$195,745.75.

Commissioner Peña, seconded by Commissioner Lopez, moved to award Request for Bids 2015-16-10 Parking Lot at the Mayor Pablo G. Pena City Park-Boys and Girls Club project to GNH Company LLC as the lowest, best qualified, most advantageous bidder in the amount of \$195,745.75 as recommended and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration to approve Change Order No. 3 for the Boys and Girls Club Project at Mayor Pablo G. Peña City Park for a time extension and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department.) Attachment.

Mr. Hinojosa stated staff is waiting on AEP to extend electrical line to be completed by May 11th. Upon completion of AEP task, completion by contractor is anticipated by June 3rd. In response to Commission Muñoz, Mr. Hinojosa clarified this is not due to weather delays; staff recommends approval of Change Order No. 3 for a time extension.

Commissioner Tafolla, seconded by Commissioner Peña, moved to approve Change Order No. 3 for the Boys and Girls Club Project extension of time until June 3, 2016 as recommended and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration to authorize solicitation of a Request For Bids for the repair of Influent Receiving Line at the South Wastewater Treatment Plant. Possible

action. (Requested by Severn Trent.) Attachment.

Trinidad Cantu, Project Manager, stated a 24” line that carries influent load to the South wastewater plant has severe corrosion. To avoid any disruption to the public, a temporary repair has been done that should last about three months to allow the solicitation of request for competitive bids.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to authorize solicitation of Request For Bids for the repair of Influent Receiving Line at the South Wastewater Treatment Plant as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration to authorize solicitation of a Request For Bids for the repair of an Oxidation Ditch Brush Rotor Aerator at the South Wastewater Treatment Plant. Possible action. (Requested by Severn Trent.) Attachment.

Trinidad Cantu, Project Manager, stated repair of one of five rotors was necessary and requested to solicit bids.

Commissioner Tafolla, seconded by Commissioner Peña moved to authorize solicitation of a Request For Bids for the repair of an Oxidation Ditch Brush Rotor Aerator at the South Wastewater Treatment Plant as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration to ratify Purchase Order No. 16-1220 to contract Southern Trenchless Solutions, LLC for emergency repairs of a sewer line located at 8th and Indiana Streets in the amount of \$33,250.00. Possible action. (Staffed by the Public Works Department.) Attachment.

Pete Garcia, Director of Public Works, stated an emergency repair was necessary to the sewer line that was leaking into the storm water system. Southern Trenchless Solutions LLC provided the lowest quote and work already was completed.

Commissioner Kerr, seconded by Commissioner Peña, moved to ratify Purchase Order No. 16-1220 to contract Southern Trenchless Solutions, LLC for emergency repairs of a sewer line located at 8th and Indiana Streets in the amount of \$33,250.00 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- H. Discussion and consideration to award the best and most advantageous respondent to the Request for Proposal No. 2015-16-09 for Administration of Load Curtailment in ERCOT and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Finance Department.) Attachment.

Mary Barrera, Finance Director, stated the current vendor EnerNOC currently pays 60% of capacity payments to the City and the contract will expire in June. Proposals were solicited with EnerNOC proposing to renew at 60% of capacity payments and

Joule Energy Services proposing 70%. Staff recommended awarding Joule Energy Services as the best and most advantageous respondent. The City Manager stated the minimum payment received has been \$25,000.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to award Joule Energy Services as the best qualified, most advantageous respondent to the Request for Proposal No. 2015-16-09 for the Administration of Load Curtailment as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

- I. Discussion and consideration authorizing staff to prepare bid specification for electricity starting December 1, 2017. Possible action. (Staffed by the Finance Department.) Attachment.

Ms. Barrera stated the current contract with General Land Office does not expire until December 2017. Rates are very low in the market and requested to begin the process of looking for the best rates available. She recommended joining the Texas Coalition of Affordable Power (TCAP) that negotiates to provide the best electrical provider to its members.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to authorize staff to prepare bid specification for electricity starting December 1, 2017 and join TCAP. The motion carried unanimously; Mayor Suarez was present and voting.

- J. Discussion and consideration to approve a request from Carmen Sereno to authorize a variance at 1900 West Expressway 83 to connect to City water and wastewater systems. Possible action. (Staffed by the City Manager's Office.) Attachment.

The City Manager recommended approval of the variance request to Carmen Sereno, who has owned the property since 1992. The city annexed the property and she will need to connect a mobile home on site to the City's water system. The variance to the wastewater system is applicable only as long as Ms. Sereno owns the property. She agrees to these stipulations.

Commissioner Tafolla, seconded by Commissioner Peña, moved to authorize a non-transferrable variance at 1900 West Expressway 83 to the wastewater systems and must connect to the City's water as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

VII. REPORTS

The City Manager stated reports will be presented at the next meeting.

- A. Report by Weslaco Area Chamber of Commerce.
- B. Report by Economic Development Corporation of Weslaco.
- C. Report on Engineering and Animal Control by Planning and Code Enforcement Department.

- D. Report by Severn Trent.
- E. Report by Public Works Department
- F. Report by Parks and Recreation.
- G. Report by Finance Department - Quarterly Financial report.

VIII. EXECUTIVE SESSION

At 6:31 p.m. Mayor David Suarez Announced the regular meeting to convene in executive session. At 7:02 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 annual evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Peña, moved to modify the City Manager's contract authorizing the health insurance premium be paid into a health retirement account with the City matching dollar for dollar not to exceed a \$4,000.00 contribution. The motion carried unanimously; Mayor Suarez was present and voting.

- 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 this item.

- C. Economic Development – Consultation with City Attorney on the purchase, exchange, lease or value of real property at the Mid Valley Airport with TR Valley Aviation LLC as authorized by §551.072 of the Texas Local Government Code.

Commissioner Tafolla, seconded by Commissioner Peña, moved to require all contracts have language that there shall be no residence at the airport hangers and all airport hangars comply with Texas Department of Transportation regulations. The motion carried unanimously; Mayor Suarez was present and voting.

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

There was no action on this item.

- E. Pending Litigation - Consultation with City Attorney regarding Cause No. C-6090-14-B, *Zequiél Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Peña, moved to authorize the City Manager and City Attorney negotiate with Ramon Vela an hourly fee to assist in the matter regarding Cause No. C-6090-14-B, *Zequiél Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco*. The motion carried unanimously; Mayor Suarez was present and voting.

X. ADJOURNMENT

With no other business before the commission, at 7:05 p.m. on May 3, 2016, Commissioner Tafolla, seconded by Commissioner Peña, moved to adjourn the regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Olga Noriega

COMMISSIONER, Leo Muñoz

COMMISSIONER, Greg Kerr

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Letty Lopez

COMMISSIONER, Fidel L. Peña, III