



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, AUGUST 20, 2013**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, August 20, 2013 at 5:30 p.m. for the purpose of discussing the following items:

**NOTE:** If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

- I. CALL TO ORDER** Pages  
1-2
- A. Certification of Public Notice.
  - B. Invocation.
  - C. Pledge of Allegiance.
  - D. Roll Call.

- II. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 of August 6, 2013. 3-9  
(Requested by City Secretary's Office.) Attachment.
  - B. Approval on Second and Final Reading of the following:
    - 1) Ordinance 2013-08, repealing Part II Chapter 26 of Article XI of the City's Code of Ordinances and providing a new landscape ordinance. (First Reading July 30, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 10-18
    - 2) Ordinance 2013-09 authorizing a negotiated resolution with Texas Gas Service regarding the company's May 1, 2013 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause and other matters as ordained. (First Reading August 6, 2013; Requested by City Attorney.) Attachment. 19-22
  - C. Approval of the renewal of the lease agreement renewal with Missouri Pacific Railroad Company for beautification purposes in the amount of fifty 23-25

dollars (\$50.00) per year, payable five (5) years in advance, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by Public Facilities Department.) Attachment.

- D. Authorization to apply for the FY 2013 Pre-Disaster Mitigation (PDM) Grant through the Federal Emergency Management Agency (FEMA) related to drainage improvements in Las Brisas Subdivision and authorize the Mayor to execute any related documents. (Requested by Planning & Code Enforcement Department.) Attachment. 26-27
- E. Authorization for Mayor Miguel D. Wise to execute the Agency Plan for Fiscal Year beginning October 2013 and the Certificate of Categorical Exclusion HUD Form 24 CFR 58.35(a) for the Weslaco Housing Authority for the 2013 Capital Funds Program. (Requested by the Weslaco Housing Authority.) Attachment. 28-41

**III. OLD BUSINESS**

- A. Discussion and consideration to authorize the transfer of \$55,794.00 from the Retained Earnings account to various funds for the exempt and non-exempt wages of new positions created for the Water Treatment Plant and the Waste Water Treatment Plant for the remaining FY 2012-2013 and authorize a budget amendment as appropriate. Possible action. (There was no action on this item August 6, 2013; Requested by Public Utilities Department.) Attachment. 42-47

**IV. NEW BUSINESS**

- A. Discussion and consideration to authorize the solicitation of proposals for chemicals and sludge removal and disposal necessary for the operation of the Water, Wastewater, and Lift Station systems, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 48
- B. Discussion and consideration to authorize the solicitation of proposals for outside services, i.e. lab services for testing water and wastewater samples, necessary for the operation of the Water, Wastewater, and Lift Station systems, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 49
- C. Discussion and consideration to authorize the solicitation of a request for proposals to drill a 700-foot pilot water well, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment. 50-51
- D. Discussion and consideration to authorize the solicitation for professional services necessary for the design and construction of a potable water well/s, 52

authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

- E. Discussion and consideration to elect to self-insure through TML Risk Pool, or to extend current policies or to authorize the solicitation of proposals for commercial property, contents, equipment, flooding, crime liability, and airport liability coverage policies. Possible action. (There was no action on this item July 16, 2013; Requested by Human Resources Department.) Attachment. 53-54
- F. Discussion and consideration to extend current policies or to authorize the solicitation of proposals for basic life, accidental death, and dismemberment policies. Possible action. (There was no action on this item July 16, 2013; Requested by Human Resources Department.) Attachment. 55-58
- G. Discussion and consideration to approve the City of Weslaco tax rate, take record vote and schedule public hearings as needed. Possible action. (Requested by Finance Department.) Attachment. 59-60
- H. Discussion and consideration to approve Ordinance 2013-21 authorizing the issuance of "City of Weslaco, Texas Tax and Revenue Certificates of Obligation, Series 2013;" entering into a bond purchase agreement and a paying agent/registrar agreement, and other matters related thereto, and authorize the Mayor to execute any related documents. First as Final Reading of Ordinance 2013-21. Possible action. (Notice of Intent to issue approved July 10, 2013; Requested by Finance Department.) Attachment. 61-108
- I. Discussion and consideration to authorize the use of unexpended funds from the Certificates of Obligation, Series 2003 for land acquisition and paving improvements on City of Weslaco property. Possible action. (Requested by Finance Department.) Attachment. 109
- J. Discussion and consideration to authorize the use of unexpended funds from the Certificates of Obligation, Series 2007 for land acquisition and paving improvements on City of Weslaco property. Possible action. (Requested by Finance Department.) Attachment. 110
- K. Discussion and consideration to update City of Weslaco building and safety codes by repealing the existing code and adopting by ordinance those as recommended in the 2012 International Code Council:
  - 1. To adopt the 2012 Edition of the International Building Code Property and Maintenance Standards for the regulation and governing of conditions and maintenance of all property, including the condemnation and demolition of structures unfit for human occupancy and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2013-10. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 111-113

2. To adopt the 2012 Edition of the International Existing Building Code for the regulation and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2013-11. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 114-116
  
3. To adopt the 2012 Edition of the International Residential Code for the regulation and governing of construction, replacements, repairs and demolition of detached one and two family dwellings and multiple single family dwellings; providing for the issuance of permits and collection of fees. First Reading of Ordinance 2013-12. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 117-119
  
4. To adopt the 2012 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 2013-13. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 120-122
  
5. To adopt the 2012 Edition of the International Fire Code for the regulation and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2013-14. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 123-125
  
6. To adopt the 2012 Edition of the International Plumbing Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of plumbing systems; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2013-15. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 126-128
  
7. To adopt the 2012 Edition of the International Mechanical Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of mechanical systems; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2013-16. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 129-131
  
8. To adopt the 2012 Edition of the International Fuel Gas Code for the regulation and governing of fuel gas systems and gas-fired appliances and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2013-17. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 132-134
  
9. To adopt the 2012 edition of NFPA Life Safety Code 101 relating to 135-136

construction and to maintenance of buildings and public safety, health and general welfare; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2013-18. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

10. To adopt the 2012 Edition of the International Swimming Pool and Spa Code governing of design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2013-19. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 137-139

L. Discussion and consideration to approve Ordinance 2013-20 adopting the 2011 National Electrical Code as the Electrical Code of the City, repealing any previous editions. First Reading of Ordinance 2013-20. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment. 140-142

## V. **REPORTS**

A. Report on Departmental Update, Financial Status, Upcoming Meetings, Appointments, and Feedback. Attachment. 143-153

B. Report by Economic Development Corporation of Weslaco. Attachment. 154

C. Report on the Weslaco Housing Authority Audit for Fiscal Year End 2012. Attachment. 155-156

D. Report on GIS mapping initiative.

E. Report on Mayor Joe V. Sanchez Library mobile website application.

## VI. **PUBLIC COMMENTS**

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

## VII. **EXECUTIVE SESSION**

*Texas Government Code, Section 551 Open Meetings:*

*§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty*

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

*§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability*

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

**NOTE:** Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Discussion with the City Manager and City Attorney regarding a proposed settlement with a City employee regarding wages and benefits pursuant to §551.071 of the Texas Government Code.
- B. Economic Development – Discussion with the City Attorney and City Manager regarding an Economic Development Negotiation with Knapp Medical Center to establish a residency program pursuant to §551.087 of the Texas Government Code.

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

### **IX. ADJOURNMENT**

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 16<sup>th</sup> day of August 2013 at 6:50 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

**NOTE:** If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.