



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 3, 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, September 3, 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. PUBLIC HEARING**
- A. To solicit input regarding the proposed Municipal Budget for the City of Weslaco for the fiscal year beginning October 1, 2013 and ending September 30, 2014. 3-4
 - B. To solicit input on behalf of 1980 JTR Enterprises, LLC, d.b.a. O’Lei Restaurant & Bar to approve a Conditional Use Permit to obtain an On-Premise Beer and Wine Retailer’s Permit at 601 S. Texas Blvd., also being Lots 23-24, Block 49, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas. 5
 - C. To solicit input on behalf of Martha A. Trevino, d.b.a. Mariscos Estrella del Mar to approve a Conditional Use Permit to obtain an On-Premise Beer and Wine Retailer’s Permit at 2017 W. Expressway 83, Unit 10, also being Lot B1, of the Re-subdivision of Lot 4, Jones-Davis-Harren Subdivision, Weslaco, Hidalgo County, Texas. 6
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:
 - 1) Regular Meeting of August 20, 2013; 7-25
 - 2) Special Meeting of August 27, 2013. 26-28(Requested by City Secretary’s Office.) Attachment.

B. Approval on Second and Final Reading of the following:

- 1) Ordinance 2013-10 adopting 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 August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 29-30
- 2) Ordinance 2013-11 adopting 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 August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 31-32
- 3) Ordinance 2013-12 adopting 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 August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 33-34
- 4) Ordinance 2013-13 adopting 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 August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 35-36
- 5) Ordinance 2013-14 adopting 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 August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 37-38
- 6) Ordinance 2013-15 adopting 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 August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 39-40

- 7) Ordinance 2013-16 adopting 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 August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 41-42
- 8) Ordinance 2013-17 adopting 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 August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 43-44
- 9) Ordinance 2013-18 adopting the 2012 edition of NFPA Life Safety Code 101 relating to 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 August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 45
- 10) Ordinance 2013-19 adopting 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 August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 46-47
- 11) Ordinance 2013-20 adopting the 2011 National Electrical Code as the Electrical Code of the City, repealing any previous editions. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment. 48-49
- C. Approval of the renewal of a Memorandum of Agreement with Cameron County Department of Health and Human Services Hospital Preparedness Program for 8 XTL 1500 mobile radios for the EMS units. (Requested by Fire Department.) Attachment. 50-61
- D. Approval of the transfer of EMS equipment from the Lower Rio Grande Valley Regional Advisory Council on Trauma, Service Area V and authorize the Mayor to execute any related documents. (Requested by Fire Department.) Attachment. 62-63
- E. Acceptance of county funds in the amount of \$5,469.40 from the Lower Rio Grande Valley Regional Advisory Council on Trauma, Service Area V to purchase a stretcher, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by Fire Department.) Attachment. 64-66

IV. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2013-24 approving the City of Weslaco ad valorem property tax rate of \$0.6867/\$100.00 valuation, assessed lower than the rate last year, pursuant to §26.05(d) of the Texas Tax Code on all taxable property within the City of Weslaco, Texas for Tax Year 2013, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of Weslaco, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. First Reading of Ordinance 2013-24. Possible action. (Requested by Finance Department.) Attachment. 67-69
- B. Discussion and consideration to approve Ordinance 2013-25 approving the City of Weslaco Texas Municipal Retirement System (TMRS) benefits and rates and establishing an effective date of January 1, 2014 for such actions. First Reading of Ordinance 2013-25. Possible action. (Requested by Finance Department.) Attachment. 70-72
- C. Discussion and consideration to approve Ordinance 2013-23 approving the City of Weslaco budget appropriation for the fiscal year October 1, 2013 – September 30, 2014. First Reading of Ordinance 2013-23. Possible action. (Requested by Finance Department.) Attachment. 73-74
- D. Discussion and consideration after public hearing on behalf of 1980 JTR Enterprises, LLC, d.b.a. O’Lei Restaurant & Bar, to approve a Conditional Use Permit to obtain an On-Premise Beer and Wine Retailer’s Permit at 601 S. Texas Blvd., also being Lots 23-24, Block 49, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 75-85
- E. Discussion and consideration after public hearing on behalf of Martha A. Trevino, d.b.a. Mariscos Estrella del Mar to approve a Conditional Use Permit to obtain an On-Premise Beer and Wine Retailer’s Permit at 2017 W. Expressway 83, Unit 10, also being Lot B1, of the Re-subdivision of Lot 4, Jones-Davis-Harren Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 86-94
- F. Discussion and consideration to approve Resolution 2013-65 establishing the number of inhabitants within the territory of the City of Weslaco, Texas. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 95
- G. Discussion and consideration to authorize the preparation of service plans for the involuntary annexation of any tracts of land in addition to those as presented June 4, 2013. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 96

- H. Discussion and consideration to approve the service plans for the involuntary annexation of 23 tracts of land pursuant to Texas Local Government Code §43.056. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 97-104
- I. Discussion and consideration to approve Resolution 2013-66 setting public hearing dates on the proposed annexations. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 105-109
- J. Discussion and consideration to approve Ordinance 2013-22 amending ordinance number 75-4, the City of Weslaco Subdivision Ordinance, codified as Appendix B, Article I, Section 26 of the Weslaco Code of Ordinances; adopting new subdivision regulations; providing for publication and an effective date and ordaining other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. First Reading of Ordinance 2013-22. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 110-167
- K. Discussion and consideration to authorize the solicitation of a request for qualifications for professional services for geotechnical and material testing on an as-needed basis, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 168-192
- L. Discussion and consideration to approve an agreement that will allow for the adoption of animals by the Palm Valley Animal Center in Edinburg, Texas, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment. 193-198
- M. Discussion and consideration to approve Resolution 2013-64 supporting the South Texas College Bond and Maintenance Election. Possible action. (Requested by South Texas College.) Attachment. 199
- N. Discussion and consideration to approve a shared grant with the Economic Development Corporation of Weslaco to South Texas College in the amount of \$18,624.00 to assist with transportation of students for the spring semester 2014 from outside of Weslaco to the South Texas College Mid-Valley Campus. Possible action. (Requested by the Economic Development Corporation of Weslaco.) Attachment. 200

V. **REPORTS**

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Appointments, and Feedback. Attachment. 201-204
- B. Report on Litigation Status. Attachment. 205
- C. "Is the Current Model for Public Safety Service Delivery Sustainable?" *Public Management*, September 2013. Attachment. 206-210

- D. “Bargaining for a New 12-Hour Firefighters’ Shift Structure: Learn Which Strategies Worked for Delaware Ohio.” *Public Management*, September 2013. Attachment 211-216
- E. Report on transition toward self-performance by the Public Utilities Department of water and wastewater treatment and lift stations.
- F. Report on Rate Study of the Public Utilities.
- G. Report on Water Treatment Plant expansion project.

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. Economic Development – Discussion to authorize a Development Agreement between the Economic Development Corporation of Weslaco and a national restaurant chain that provides an incentive over One Hundred Thousand Dollars (\$100,000.00) to locate a new restaurant and shopping center Weslaco pursuant to §551.087 of the Texas Government Code.

- B. Economic Development – Discussion to authorize a Development Agreement between the Economic Development Corporation of Weslaco and a business to expand to Weslaco that provides an incentive over One Hundred Thousand Dollars (\$100,000.00) to locate a new restaurant and shopping center Weslaco pursuant to §551.087 of the Texas Government Code.
- C. Pending Litigation – Consult with City Attorney regarding Cause No. C-3865-10-I, *City of Weslaco v. Champion Energy Services, LLC* as authorized by §551.071 of the Texas Government Code.
- D. Discussion with City Attorney to authorize Special Counsel for advice about pending or contemplated litigation pursuant to §551.071 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 30th day of August 2013 at 8:15 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.