



## A REGULAR MEETING OF THE WESLACO CITY COMMISSION

On this 6<sup>th</sup> day of September 2011 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Olga M. Noriega
Commissioner	Gerardo "Gerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Bret Mann, Finance Director; Elvia Rios, Interim Human Resources Director; David Salinas, Public Utilities Director Police Chief Juan Sifuentes; Fire Marshal Jimmy Cuellar; Jorge Gonzalez, Planning & Code Enforcement Director; Arnold Becho, Library Director; George Garrett, Airport Director; and several other staff members and citizens.

### **I. CALL TO ORDER**

- A. Certification of Public Notice.  
Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, September 2, 2011.
- B. Mayoral Proclamations and Recognitions.  
The Mayor presented a proclamation to Chief Sifuentes and Emergency Management Coordinator George Garrett recognizing Emergency Preparedness Month.
- C. Invocation.  
Rev. Art Beckwith of RGV Fellowship Church delivered the invocation.
- D. Pledge of Allegiance.  
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. Roll Call.  
Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Garza.

### **II. STATUS REPORTS AND VISITORS WITH BUSINESS**

- A. Sandra de la Fuente, Weslaco Museum, on quarterly activities.

Ms. De la Fuente reported on gallery exhibits and other programming hosted May –

August, including “Dichos,” a \$10,000.00 exhibit at no charge to the Museum. She noted that the Al Fresco Weslaco event coordinated by the Economic Development Corporation helped draw the largest evening crowd to the Museum. She announce upcoming Diez de Septiembre events.

- B. David Mendez, with Bickerstaff Heath Delgado Acosta, LLP, regarding draft plans for redistricting of the Single Member Districts and designation by the Weslaco City Commission of the illustrative plan for public hearings.

Mr. Mendez, following-up on a previous presentation, stated that the Single Member Districts are out-of-balance, since the Census shows that districts 1, 4, and 6 grew in population. He unveiled three composite plans which are his draft attempts to incorporate those ideas borne of interviews with individual Commissioners. The Commission requested all three plans be posted to the City’s website for public inspection, with a public hearing in October.

### **III. PUBLIC HEARINGS**

- A. To solicit input on a request by Fred Perez to amend Ordinance 320 and the City of Weslaco Zoning map to rezone Professional & Medical Plaza Phase I & II Subdivision, Weslaco, Texas, also being Farm Tract 17, West Tract Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-2 Secondary & Highway Business District.”

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to open public hearings concurrently on items a, b, and c as posted. The motion carried unanimously; Mayor Wise was present, but not voting.

There were no comments received on this item.

- B. To solicit input on a request by Marco Garcia to approve a Conditional Use Permit to operate a bar/lounge and to obtain a mixed beverage and late hours permit at 331 S. Texas Blvd, Weslaco, Texas, also being Lot 17, Block 26, Weslaco Original Townsite, Hidalgo County, Texas.

The City Manager stated that the Planning and Zoning Commission recommends approval with conditions, including hours of operation 5 p.m. – 2 a.m., three security guards, no congregation outside the business, and adherence to the noise and parking ordinance. Mr. Rudy Cisneros read aloud a petition by downtown merchants in opposition; additionally, Ms. Sandy Pena with Lionel’s spoke against the request; Ms. Martha Noell with the Weslaco Area Chamber of Commerce submitted a letter of opposition for the record.

Mr. Randy Summers, commissioner with Planning and Zoning, recommended the formation of an entertainment district with appropriate plans and ordinances in place, suggesting the warehouses on Business 83 not presently in use. Mr. Hernan Gonzalez recommended a restaurant with alcohol sales at the proposed location to ease the transition to that business type in downtown.

Mr. Marco Garcia, the requestor, stated he owns two similar establishments in McAllen and will abide by all requests by the Planning and Zoning Commission as well as the City Commission. He expects a \$200,000.00 investment, 12-13 employees, and a targeted opening December 2011. The Mayor Pro-Tem encouraged him to meet with the downtown merchants; the Mayor stated the Chamber and EDC can facilitate those meetings.

- C. To solicit input on a request by Amirta Trejo to approve a Conditional Use Permit to operate a Daycare Center at 723 N. Padre Avenue, Weslaco, Texas, also being Lot 1 & 2, Block 4, El Texano Subdivision, Hidalgo County, Texas.

Commissioner Rivera expressed his support as the proposed Daycare Center is directly across the street from his house.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to close the public hearings. The motion carried unanimously; Mayor Wise was present, but not voting.

#### IV. CONSENT AGENDA

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

- A. Approval of Minutes of the Regular Meeting of August 16, 2011. Attachment.
- B. Approval of Minutes of the Special Meeting of August 18, 2011. Attachment.
- C. Approval on Second Reading of the following ordinances:

1. Ordinance 2011-22 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 901 S. Texas Blvd., Weslaco Texas, also being Lot 11 & 12, Block 3, Hollywood Subdivision, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District." Attachment.

2. Ordinance 2011-07 to adopt the 2006 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. Attachment.

3. Ordinance 2011-08 to adopt the 2006 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. Attachment.

4. Ordinance 2011-09 to adopt the 2006 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. Attachment.

5. Ordinance 2011-10 to adopt the 2006 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. Attachment.

6. Ordinance 2011-11 to adopt the 2006 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. Attachment.

7. Ordinance 2011-12 to adopt the 2006 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. Attachment.

8. Ordinance 2011-13 to adopt the 2006 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. Attachment.

9. Ordinance 2011-14 to adopt the 2006 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. Attachment.

10. Ordinance 2011-15 to adopt the NFPA Life Safety Code 101-2006 Edition 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. Attachment.

11. Ordinance 2011-21 to adopt the 2008 National Electrical Code as the Electrical Code of the City. Attachment.

D. Approval of the Letter of Interest and Letter of Authorization with Schneider Electric Buildings Americas, Inc. authorizing a preliminary assessment of City facilities for energy and operational costs reduction at no expense to the City and authorize the Mayor to execute any related documents. Attachment.

E. Approval of the renewal of Federal Work Study agreements with The University of Texas Pan American, including the America Reads Challenge, America Counts Challenge, and Community Service programs, to allow the City of Weslaco to obtain student volunteer assistance and authorize the Mayor to execute any related documents. Attachment.

F. Approval of the letter of support for Border 2012 Grant Application as submitted by Texas A&M University Kingsville on behalf of the Rio Grande Valley TPDES Storm Water Task with a match of up to 20 hours of local in-kind labor per year for a period

of one and a half years and a one-time contribution of \$800.00, to authorize a budget amendment as needed upon award, and authorize the Mayor and/or the City Manager to sign any related documents. Attachment.

- G. Approval of the request to close Texas Boulevard/FM 88 from Fifth to Sixth Streets from 3:00 p.m. to 11:00 p.m. on November 5, 2011 for the Seventh Annual Pan de Campo Fundraiser coordinated by the Weslaco Museum of Local History and Cultural Art, waive any fees associated, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. (Commission approved October 1 on August 16, 2011). Attachment.
- H. Approval of the request to close Kansas Avenue from Sixth to Seventh Streets from 5:00 p.m. to 7:00 p.m. on October 31, 2011 for the First Baptist Church Fall Festival. Attachment.
- I. Approval on reconsideration of the renewal of the lease agreement with Weslaco Youth Football League for use of the Multi-Purpose field, Minor Practice Field, parking lot, and concession stand at Isaac Rodriguez Park as well as practice fields at Harlon Block Sports Complex effective September 1, 2011 – January 31, 2012 and authorize the Mayor to execute an related documents. (Commission approved through December 31 on August 2, 2011.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Ordinances read as follows:

**ORDINANCE NO. 2011-22**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 901 S TEXAS BLVD, WESLACO TEXAS, ALSO BEING LOTS 11 & 12, BLOCK 3, HOLLYWOOD SUBDIVISION, HIDALGO COUNTY, TEXAS, FROM “R-1 SINGLE FAMILY DWELLING DISTRICT” TO “B-1 NEIGHBORHOOD BUSINESS DISTRICT”.**

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

**SECTION I:** Rezone from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District” of Lots 11 & 12, Block 3, Hollywood Subdivision, Hidalgo County, Texas, also being 901 S Texas Blvd, Weslaco 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 16<sup>th</sup> day of August 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6<sup>th</sup> day of September 2011.

**ORDINANCE NO. 2011-07**

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF WESLACO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**BE IT ORDAINED BY THE CITY COUNCIL OF WESLACO as follows:**

SECTION 1. That a certain document is on file in the office of the Building Official, being marked and designated as the International Building Code, 2006 edition, including all Appendix Chapters as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the City of WESLACO, in the State of Texas; for the control of building and structures as herein provided; and each and all the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:

§E101.1 ..... City of WESLACO

§1612.3 ..... City of WESLACO

§1612.3 .....

§3409.2 .....

SECTION 3. Be It Further Ordained By The City of WESLACO Ordinance No. \_\_\_\_\_ entitled International Building Code Ordinance, and all other ordinances in conflict herewith are hereby repealed in that respect only.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance or in the Building Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of WESLACO hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. That the City Secretary is hereby ordered and directed to cause this ordinance to be published.

SECTION 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall take effect and be in full force and effect (time period) from and after the date of its final passage and adoption.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 16th day of August, 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6th

day of September, 2011.

**ORDINANCE NO. 2011-08**

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2006 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS, IN THE CITY OF WESLACO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**BE IT ORDAINED BY THE CITY COUNCIL OF WESLACO as follows:**

SECTION 1. That a certain document is on file in the office of the Building Official and the City of Weslaco, being marked and designated as the International Existing Building Code, 2006 edition, including the appendix as published by the International Code Council, Inc., be and is hereby adopted as the Existing Building Code of the City of Weslaco, in the State of Texas, for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code, 2006 edition, on file in the office of the Building Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:  
§ E101.1 ..... City of Weslaco

SECTION 3. Be It Further Ordained By The City of Weslaco Ordinance No. entitled International Existing Building Code Ordinance, and all other ordinances in conflict herewith are hereby repealed in that respect only.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City of Weslaco hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. That the City Secretary is hereby ordered and directed to cause this ordinance to be published.

SECTION 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall take effect and be in full force and effect (time period) from and after the date of its final passage and adoption.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 16th day of August, 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6th day of September, 2011.

**ORDINANCE NO. 2011-09**

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, REGULATING AND GOVERNING CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, LOCATION, REMOVAL AND DEMOLITION OF DETACHED ONE AND TWO FAMILY DWELLINGS AND MULTIPLE SINGLE FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE STORIES IN HEIGHT WITH SEPARATE MEANS OF EGRESS IN THE CITY OF WESLACO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**BE IT ORDAINED BY THE CITY COUNCIL OF WESLACO the following:**

SECTION 1. That a certain documents is on file in the office of the Building Official and the City of Weslaco, being marked and designated as the International Residential Code, 2006 edition, excluding appendix P, but including all other appendix chapters as published by the International Code Council and is hereby adopted as the Residential Code of the City of Weslaco, in the State of Texas regulating and governing construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Weslaco; providing for the issuance of permits and collection of fees therefore; and each and all the regulations, provisions, penalties, conditions and terms of said Residential Code, 2006 edition, on file in the office of the Building Official are hereby referred to, adopted and made part hereof as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:  
§ RR101.1 ..... City of Weslaco

SECTION 3. Be It Further Ordained By The City of Weslaco Ordinance No. 795 entitled International Residential Code Ordinance, and all other ordinances in conflict herewith are hereby repealed in that respect only.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City of Weslaco hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. That the City Secretary is hereby ordered and directed to cause this ordinance to be published.

SECTION 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall take effect and be in full force and effect (time period) from and after the date of its final passage and adoption.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 16th day of August, 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6th day of September, 2011.

**ORDINANCE NO. 2011-10**

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2006 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, REGULATING AND GOVERNING ENERGY EFFICIENT BUILDING ENVELOPES AND INSTALLATION OF ENERGY EFFICIENT MECHANICAL, LIGHTING AND POWER SYSTEMS IN THE CITY OF WESLACO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**BE IT ORDAINED BY THE CITY COUNCIL OF WESLACO as follows:**

SECTION 1. That a certain document is on file in the office of the Building Official and the City of Weslaco, being marked and designated as the International Energy Conservation Code, 2006 edition, including the appendix as published by the International Code Council, Inc., be and is hereby adopted as the Energy Conservation Code of the City of Weslaco, in the State of Texas, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code, 2006 edition, on file in the office of the Building Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:  
§ E101.1 ..... City of Weslaco

SECTION 3. Be It Further Ordained By The City of Weslaco Ordinance No. entitled International Energy Conservation Code Ordinance, and all other ordinances in conflict herewith are hereby repealed in that respect only.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City of Weslaco hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. That the City Secretary is hereby ordered and directed to cause this ordinance to be published.

SECTION 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall take effect and be in full force and effect (time period) from and after the date of its final passage and adoption.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 16th day of August, 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6th

day of September, 2011.

**ORDINANCE NO. 2011-11**

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF WESLACO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**BE IT ORDAINED BY THE CITY COUNCIL OF WESLACO the following:**

SECTION 1. That a certain document is on file in the office of the Building Official and the City of Weslaco, being marked and designated as the International Fire Code, 2006 edition, including all Appendix Chapters as published by the International Code Council and is hereby adopted as the International Fire Code of the City of Weslaco, in the State of Texas for regulating and governing the safeguarding of life and property from fire hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and providing for the issuance of permits and collection fees therefore; and each and all the regulations, provisions, penalties, conditions and terms of said Fire Code, in the office of the Building Official are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:  
§ F101.1 ..... City of Weslaco

SECTION 3. That the limits in referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

§F3204.3.1.1 (limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): [ ]

§F3404.2.9.5.2 (limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): [Jurisdiction to specify]

§3406.2.4.4 (limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): [Jurisdiction to specify]

§3804.2 (limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): [Jurisdiction to specify]

SECTION 3. Be It Further Ordained By The City of Weslaco that Ordinance No. entitled International Fire Code Ordinance, and all other ordinances in conflict herewith are hereby repealed in that respect only.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City of Weslaco hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by

this ordinance.

SECTION 6. That the City Secretary is hereby ordered and directed to cause this ordinance to be published.

SECTION 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall take effect and be in full force and effect (time period) from and after the date of its final passage and adoption.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 16th day of August, 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6th day of September, 2011.

**ORDINANCE NO. 2011-12**

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2006 EDITION OF THE INTERNATIONAL PLUMBING CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS IN THE CITY OF WESLACO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**BE IT ORDAINED BY THE CITY COUNCIL OF WESLACO as follows:**

SECTION 1. That a certain document is on file in the office of the Building Official and the City of Weslaco, being marked and designated as the International Plumbing Code, 2006 edition, including all appendix chapters as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Weslaco, in the State of Texas regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code, 2006 edition, on file in the office of the Building Official are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:  
§ P101.1 ..... City of Weslaco

SECTION 3. Be It Further Ordained By The City of Weslaco Ordinance No. entitled International Plumbing Code Ordinance, and all other ordinances in conflict herewith are hereby repealed in that respect only.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City of Weslaco hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. That the City Secretary is hereby ordered and directed to cause this ordinance to be published.

SECTION 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall take effect and be in full force and effect (time period) from and after the date of its final passage and adoption.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 16th day of August, 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6th day of September, 2011.

**ORDINANCE NO. 2011-13**

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS IN THE CITY OF WESLACO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**BE IT ORDAINED BY THE CITY COUNCIL OF WESLACO as follows:**

SECTION 1. That a certain document is on file in the office of the Building Official and the City of Weslaco, being marked and designated as the International Mechanical Code, 2006 edition, including all Appendix Chapters as published by the International Code Council, Inc., be and is hereby adopted as the Mechanical Code of the City of Weslaco, in the State of Texas regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the mechanical systems in the City of Weslaco and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code, 2006 edition on file in the office of the City of Weslaco are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:  
§ M101.1 ..... City of Weslaco

SECTION 3. Be It Further Ordained By The City of Weslaco Ordinance No. entitled International Mechanical Code Ordinance, and all other ordinances in conflict herewith are hereby repealed in that respect only.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City of Weslaco hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. That the City Secretary is hereby ordered and directed to cause this ordinance to be published.

SECTION 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall take effect and be in full force and effect (time period) from and after the date of its final passage and adoption.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 16th day of August, 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6th day of September, 2011.

**ORDINANCE NO. 2011-14**

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FUEL GAS CODE, REGULATING AND GOVERNING FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES IN THE CITY OF WESLACO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**BE IT ORDAINED BY THE CITY COUNCIL OF WESLACO as follows:**

SECTION 1. That a certain document is on file in the office of the Building Official and the City of Weslaco, being marked and designated as the International Fuel Gas Code, 2006 edition, including all Appendix Chapters, as published by the International Code Council, Inc., be and is hereby adopted as the Fuel Gas Code of the City of Weslaco, in the State of Texas; for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the Building Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:  
§ FG101.1 ..... City of Weslaco

SECTION 3. Be It Further Ordained By The City of Weslaco that Ordinance No. entitled International Fuel Gas Ordinance, and all other ordinances in conflict herewith are hereby repealed in that respect only.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City of Weslaco hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. That the City Secretary is hereby ordered and directed to cause this ordinance to be published.

SECTION 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall take effect and be in full force and effect (time period) from and after the date of its final passage and adoption.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 16th day of August, 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6th day of September, 2011.

**ORDINANCE NO. 2011-15**

AN ORDINANCE TO ADOPT NFPA LIFE SAFETY CODE 101-2006 EDITION RELATING TO INSPECTION ACTIVITIES OF WESLACO, HIDALGO COUNTY, TEXAS AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODES.

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

**SECTION 1: WHEREAS**, it is the desire of the Weslaco City Commission to adopt, in all respect, the various Standard Codes relating to building, structures and fire prevention, and

**WHEREAS**, the adoption of these Codes is done to facilitate proper inspection activities by Weslaco, Hidalgo County, Texas relating to construction and to maintenance of buildings within said Weslaco, Hidalgo County, Texas and relating to public safety, health and general welfare;

**NOW, THEREFORE, BE IT ORDAINED BY** the Weslaco City Commission that the following code is hereby adopted by reference as though they were copied herein fully;

N.F.P.A. Life Safety Code 101- 2006 Edition

**SECTION 2: BE IT FURTHER ORDAINED BY** the Weslaco City Commission that any matters in said Code which are contrary to existing Ordinance of Weslaco, Hidalgo County, Texas, Shall prevail and that Ordinance No. 2000-04, entitled National Fire Protection Association-1997 Edition of Life Safety Code 101. is hereby repealed and, to that extend any existing Ordinance to the contrary are hereby repealed in that respect only.

**SECTION 3: BE IT FURTHER ORDAINED** the within said code, when reference is made to the duties of a certain official named therein, that designated official of Weslaco, Hidalgo County, Texas, who has duties corresponding to those of the named official in said Code shall be deemed to be responsible official insofar as enforcing the provision of said Code are concerned.

**SECTION 4: BE IT FURTHER ORDAINED** that this Ordinance shall take effect and be in force from and after its passage, the public welfare requiring it.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 16th day of August, 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6th day of September, 2011.

**ORDINANCE NO. 2011-21**

**AN ORDINANCE REPEALING THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE AND ADOPTING THE 2008 NATIONAL ELECTRICAL CODE AS THE ELECTRICAL CODE OF THE CITY OF WESLACO, AND REPEALING OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH.**

**BE IT ORDANINED BY THE CITY COMMISSION OF THE  
CITY OF WESLACO:**

**Section 1:** The 2002 Edition of the National Electrical Code is hereby repealed and the 2008 Edition of the National Electrical Code is hereby adopted as the Electrical Code of the City of Weslaco

**Section 2:** All ordinances or parts thereof in conflict herewith shall be and they are hereby repealed

**Section 3:** That the City Secretary is hereby ordered and directed to cause this ordinance to be published.

**PASSED AND APPROVED** on first reading this 16<sup>th</sup> day of August, 2011.

**PASSED, APPROVED AND ADOPTED** on second and final reading this 6th day of September, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

**V. NEW BUSINESS**

- A. Discussion and consideration after public hearing to approve a request by Fred Perez to amend Ordinance 320 and the City of Weslaco Zoning map to rezone Professional & Medical Plaza Phase I & II Subdivision, Weslaco, Texas, also being Farm Tract 17, West Tract Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-2 Secondary & Highway Business District” and authorize the Mayor to execute any related documents. First Reading of Ordinance 2011-23. Possible action. Attachment.

Commissioner Martinez, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration after public hearing to approve a request by Marco Garcia to approve a Conditional Use Permit to operate a bar/lounge and to obtain a mixed beverage and late hours permit at 331 S. Texas Blvd, Weslaco, Texas, also being Lot 17, Block 26, Weslaco Original Townsite, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. Attachment.

There was no action on this item.

- C. Discussion and consideration after public hearing to approve a request by Amirta Trejo to approve a Conditional Use Permit to operate a Daycare Center at 723 N. Padre Avenue, Weslaco, Texas, also being Lot 1 & 2, Block 4, El Texano Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration on behalf of John Kittleman, Four D-Partnership & CDC/SMT Broadcast, LLC to approve final plat of KRGV/Clear Channel Subdivision, being a resubdivision of 4.514 acres out of Farm Tract 40, West and Adams Tracts Subdivision, located on U.S. Expressway 83 and Paso del Norte and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve final plat of KRGV/Clear Channel Subdivision, being a resubdivision of 4.514 acres out of Farm Tract 40, West and Adams Tracts Subdivision, located on U.S. Expressway 83 and Paso del Norte without requested variances and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to approve Resolution 2011-46 in opposition to the federal closure of the USDA Kika de la Garza Subtropical Research Center. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to approve payment to CH2MHILL – OMI in the amount of \$93,010.75 for overages in the \$250,000.00 annual repair allowance as stipulated by contract and authorize budget amendments as appropriate. Possible action. Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to authorize renewal of an Interlocal Governmental Agreement with the Hidalgo County Emergency Services District No. 1 on the same terms and conditions by which the City provides emergency ambulance service with not less than two ambulances to those areas of rural Hidalgo County within the established boundaries of the District and the District agrees to pay the City the sum of \$75,000.00 for the period October 1, 2011 through September 30, 2012 and authorize the Mayor to execute any related documents. Possible action. Attachment.

There was no action on this item.

## **VI. CITY MANAGER'S REPORT**

- A. Report on Departmental Update, Upcoming Meetings and Appointments. Attachment.

The City Manager referenced his report, noting the City Auction generated \$134,000.00 in revenue.

- B. Report on Bond Rating by Standard and Poor's.

The City Manager stated that in a two hour meeting with Standard & Poor's, the City presented three and five year financial plans to build the fund balance.

C. Report on FEMA grants projects.

The City Manager stated action on engineering pertaining to these grants would be proposed at the next meeting of the Commission.

D. Report by Fire Department.

Chief Cuellar reported on the activities of the three stations, with 8,000 EMS calls for service this year. Staff recently completed dive training at the school district and conducted CPR training for school district staff. Other upcoming community events include a flag ceremony with the Honor Guard at the Weslaco East home game, at St. Pius Catholic Church, and with Woodmen of the World.

**VII. PUBLIC COMMENTS**

There were no comments received.

**VIII. EXECUTIVE SESSION**

At 7:33 p.m., Mayor Wise recessed the regular meeting to convene in Executive Session.

At 8:05 p.m., Mayor Wise 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. Pending Litigation – Discussion with City Attorney regarding filing an answer in Cause No. 2201-11-I Pascual Hernandez and Maria Luisa Hernandez v. The City of Weslaco, Texas pursuant to §551.071 of the Texas Government Code.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to authorize the Law Firm of Hodge & James to file an answer in Cause No. 2201-11-I *Pascual Hernandez and Maria Luisa Hernandez v. The City of Weslaco, Texas*. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Pending Litigation – Discussion with Special Assigned Counsel Michael Garza regarding proposed settlement in Cause No. CL-2165-E L&G Concrete Construction, Inc., Plaintiffs v. RCD Infrastructure, LLC, Enriquez Enterprises, Inc. and City of Weslaco, Defendants pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

**X. ADJOURNMENT**

With no other business before the Commission, at 8:06 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to adjourn the September 6, 2011 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

**CITY OF WESLACO**

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**MAYOR**, Miguel D. Wise

**ATTEST:**

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**CITY SECRETARY**, Elizabeth M. Walker

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**MAYOR PRO-TEM**, J.F. “Johnny” Cuellar

(absent)

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**COMMISSIONER**, Robert J. Garza

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**COMMISSIONER**, Olga M. Noriega

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**COMMISSIONER**, Gerardo “Gerry” Tafolla

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Joe A. Martinez