



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

On this 20th day of August 2013 at 5:30 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	Miguel D. Wise
Mayor Pro-Tem	J.F. “Johnny” Cuellar
Commissioner	David R. Fox
Commissioner	Olga M. Noriega
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Lupe Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth M. Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Bret Mann, Finance Director; Jeff Underwood, Planning & Code Enforcement Director; Trinidad Cantu, Assistant Public Utilities Director; Police Chief Michael Kelly; Fire Chief Santiago Cuellar; Arnold Becho, Library Director; Mardoqueo Hinojosa, City Engineer; 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, August 16, 2013.

B. Invocation.

Father Carlos Zuniga from St. Pius X Catholic Church, delivered the invocation.

C. Pledge of Allegiance.

Mayor Wise recited the Pledge of Allegiance; Mayor Pro-Tem recited the Texas flag.

D. Roll Call.

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

Commissioner Tafolla, seconded by Commissioner Martinez, moved to take item V. D. from its posted sequence for immediate consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

V. REPORTS

D. Report on GIS mapping initiative.

Ms. Joanna Sanchez reported on her work with the Planning and Public Utilities departments for the past ten months to set up the geographic information systems (GIS). Using existing paper maps and historical memory as well as two (2) nomad machines, interactive databases for electronic mapping, she streamlined the water meter routes so each zone would have the same amount of meters. Ms. Sanchez also created a website with all the GIS map layers, including the two mile ETJ, city limits, single member districts, voting sites, sewer lines, water service areas and lift stations. City staff should continue working with address points, water valves, manholes and storm inlets.

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. (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.

ORDINANCE 2013-08

AN ORDINANCE REPEALING ORDINANCE 93-13, THE CITY OF WESLACO LANDSCAPING ORDINANCE CODIFIED AS ARTICLE XI OF CHAPTER 26 OF THE WESLACO CODE OF ORDINANCES; ADOPTING NEW LANDSCAPE AND BUFFERING REGULATIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY OF WESLACO:

I.

ORDINANCE 93-13, passed and approved on September 7, 1993, The City of Weslaco Landscaping Ordinance and codified as Article XI of Chapter 26 of the Weslaco Code of Ordinances is hereby repealed in its entirety.

II.

After second and final reading of this Ordinance the new landscape and buffering regulations will be adopted and codified as Article XI of Chapter 26 of the Weslaco Code of Ordinances and said Article XI shall read as follows:

ARTICLE XI – LANDSCAPE AND BUFFERING

26-345: APPLICATIONS AND EXCEPTIONS.

(a) The landscaping requirements of this ordinance apply to any premises on which construction occurs for which a building permit is required, except as follows:

- (1) The remodeling of the interior of a building or the façade of a building that does not alter the location of exterior walls; or
- (2) The expansion of a Single-Family Dwelling.

(b) Any requirement of this ordinance that applies to a Front Yard also applies to the Street Side Yard, unless otherwise specified. Any other requirement of this ordinance that applies to a Side Yard does not apply to a Street Side Yard, unless specified otherwise.

(c) Whenever this ordinance imposes a requirement based on the classification of a premises as a Residential or Nonresidential use, the requirement shall also apply to the portions of a premises used for Residential uses and Nonresidential uses located in a planned unit development, as determined by the Planning Director.

26-346: LANDSCAPE PLAN, DEVIATIONS AND APPEALS.

(a) For any premises to be developed for Multi-Family Dwellings or Nonresidential use, a landscape plan must be submitted to the City showing how the requirements of this chapter are to be met. The required plan must be submitted on sheets of a size not to exceed 24"x36". If the plan meets the requirements of this chapter, the Planning Director may approve the plan.

(a) Where improvements are proposed to a developed premises devoted to a Nonresidential use that was developed prior to the effective date of this ordinance and does not meet the landscaping requirements of this ordinance, the Planning Director may approve a landscape plan with deviations from the requirements of this ordinance or impose alternative requirements that serve the purpose and

intent of this ordinance, if the requirements of this ordinance cannot be reasonably complied with because of the existing developed conditions.

(b) In approving a landscape plan, the Planning Director may allow or require minor deviations from the requirements of this ordinance whenever a literal application of a requirement to a premises that would, because of unusual circumstances or situations not generally common to other premises, not achieve the purpose or intent of the regulation or cause an undesired result.

26-347: COMPLIANCE REQUIREMENTS.

(a) All landscaping requirements of this ordinance, including the requirements contained in an approved landscape plan, must be met prior to and as a condition for the issuance of a Certificate of Occupancy for any premises to which these regulations apply. If weather conditions, scheduling delays, or similar conditions delay compliance, the Planning Director may grant a temporary Certificate of Occupancy if the owner or person in control of the premises enters into an agreement with the City to comply with the landscaping requirements within a specified time, not to exceed six months.

(b) All vegetation required to be installed must, after installation, be maintained in good condition. If the required vegetation becomes diseased, deteriorated, or dies, the owner of the premises must replace the vegetation within 90 days of written notice from the City.

(c) All fences required by this chapter must be maintained by the owner in good condition so that there are no damaged or missing boards or parts, all structural supports are sound and sufficient to maintain the fence in its original upright condition, and any surface treatment, including paint or stucco, is substantially maintained in its original appearance to be free from graffiti, noticeable cracking, discoloration, or similar surface blemishes or defects.

(d) City reserves the right to prune and remove trees, plants and shrubs within the rights of way of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary for construction, to ensure public safety, to preserve or enhance the symmetry and beauty of the public area, or to protect utility facilities thereon.

(e) City may remove, or cause or order to be removed, any tree, shrub or other vegetation or part thereof which is in an unsafe condition or which by reason of its nature is injurious to or threatens to injure sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect or other pest.

(f) Within public easements only ornamental trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within five lateral feet of any underground public utility line.

(g) The minimum landscaped area for any building in multifamily, commercial and industrial districts shall be the greater of the requirements set forth in sections 26-349 through 26-352 of this Chapter or ten percent of gross building site area.

26-348: RESIDENTIAL FRONT YARD LANDSCAPING.

For any premises located in an R-1, Single Family Residential District, R-3 Rural District and M-1 Mobile Home Subdivision District, the premises must have one shade tree located within 15 feet of the Front Lot Line for each 60 feet of lot width or portion thereof, measured along the Front Lot Line. Trees may be clustered or spaced linearly and need not be placed evenly at 60 foot intervals. For R-2, Duplex-and Apartment District, one additional tree must be planted in the Front Yard of the premises for each housing unit equivalent.

26-349: NONRESIDENTIAL USE LANDSCAPING.

The following landscape requirements apply to all premises developed for a Nonresidential Use:

(1) If the premises abutting the opposite side of the street is used or zoned for Residential Use, the premises must have one shade tree located in the Front Yard for each 30 feet of lot width, or portion thereof, measured along the front lot line. If the premises abutting the opposite side of the street is used or zoned for Nonresidential Use, the premises must contain one shade tree for every 50 feet of lot width, or portion thereof, measured along the front lot line. The trees may be clustered or spaced linearly and need not be placed evenly.

(2) If the premises abuts another premises used for residential purposes, the premises must have an opaque screen at least eight feet in height located along the abutting lot line, from the front building line to the rear lot line. The fence is not required if a comparable fence is already existing on the abutting residential property.

- (3) All portions of the ground located in the front yard or the street side yard of the premises which are not covered by driveways, parking lots, and similar permanent improvements, must be landscaped.
- (4) All side yards must contain a six-foot wide landscaped area extending from the front lot line to the rear lot line.

26-350: FRONT YARD PARKING LOT LANDSCAPING.

Any premises zoned or used for Nonresidential Use that contains a parking lot or vehicle use area within a front yard or street side yard must have a 15 foot wide landscaped area located between all portions of the parking lot, including a vehicle use area, and the public street. The landscaped area must have a continuous hedge, fence or berm of a minimum height of three feet to screen the parking lot and vehicle use area from the street. If fences are used to provide screening, one shrub or vine must be planted on the street side of the fence or berm for each ten feet of street frontage, but the plants need not be spaced evenly apart. If berms are utilized they shall have a slope no steeper than 3 to 1. The remainder of the landscaped area must contain plants, grass, or ground cover. All other portions of the front yard lying between the parking lot and front lot line which are not improved, must be landscaped.

26-351: SIDE AND REAR YARD PARKING LOT LANDSCAPING.

- (a) Any premises used or zoned for a nonresidential use that contains a parking lot or vehicle use area in a side yard or rear yard that abuts a premises used or zoned for a residential use, must have a continuous hedge, fence or berm, with a minimum height of eight feet, located between the parking lot, including a vehicle use area, and the lot line. The area required to be screened must also contain one tree for each thirty linear feet of landscaping or screening, or portion thereof.
- (b) Any premises used or zoned for nonresidential use that contains a parking lot or vehicle use area in a side or rear yard that abuts a premises used or zoned for nonresidential use, must have a screen of hedges, fences or berms, of a minimum height of three feet, located between the parking lot, including the vehicle use area, and the side or rear lot line so as to provide screening for 25% of the parking lot and vehicle use area. The required screening may be grouped and dispensed randomly and need not be spaced evenly. The area required to be screened must also contain one tree for each fifty linear feet of screened area, or portion thereof.
- (c) All plants used to satisfy the requirements of this section must be located in landscaped areas that are at least 2 ½ feet in width.
- (d) Each required tree must be planted in a landscaped area of at least 36 square feet, with a minimum dimension of six feet.

26-352: INTERIOR PARKING LOT LANDSCAPING.

Any premises containing a parking lot that has more than ten parking spaces must meet the following landscaping requirements for the parking lot:

- (a) For each twenty parking spaces, or fraction thereof, landscaped areas containing a total of at least 162 square feet must be provided within the parking lot. Landscaped areas or islands must be a minimum of six feet in width, measured from the back of curb, and be dispersed throughout the parking lot. One shade tree must be provided for each required landscaped island. The remaining area or island must be landscaped with plants not exceeding three feet in height.
- (b) Landscaped islands must be protected from vehicle intrusion by curbs or similar structures. The front of a vehicle may encroach upon the island when the area is a minimum of six feet in depth and protected by wheel stops or curbs. Two feet of the landscaped area may be counted as part of the required depth of the abutting parking space.

26-353: ACCESSORY STRUCTURE SCREENING.

The following landscape and screening requirements apply to premises use for Multi-Family Dwellings or a Nonresidential Use:

- (a) Areas used to hold refuse containers must be screened from the public view with a solid masonry fence not less than six feet in height.
- (b) Exterior ground-mounted or building-mounted equipment to serve as a building, including mechanical equipment, utility meter banks, and heating and cooling equipment must be screened from public view with landscaping or with an architectural treatment compatible with building architecture.

- (c) All rooftop equipment must be screened from the public view with an architectural treatment which is compatible with the building architecture. The methods of screening rooftop equipment include the use of parapet walls and the encasement of partition screens.
- (d) All materials, products, or equipment which are stored outside of a fully-enclosed building, other than for display, must be entirely screened from the public view.
- (e) For the purposes of this section, "screened from the public view" means not visible at eye level from any point on the lot line of the abutting premises or from any point on a street.

26-354: TREE PRESERVATION.

- (a) The landscape plan required by this chapter must show the location of all existing trees with a caliper equal to or greater than six inches, wooded areas, areas with dense shrubbery, and which trees and plants will be preserved and which will be removed.
- (b) Improvements must be designed whenever reasonably possible to preserve existing trees. The Planning Director may approve a landscape plan that provides for the removal of existing trees where it is determined by the Planning Director that the development cannot reasonably preserve the trees. For each existing tree that is preserved, the owner may receive credit for two trees that are otherwise required to be installed to comply with this chapter.
- (c) If the Planning Director approves the removal of an existing tree, the landscape plan must provide for the planting of two replacement trees of like type for each existing tree to be removed. The replacement trees are in addition to any other trees required to be planted by this chapter.
- (d) Whenever one or more existing trees, or existing shrubs provide an effective and desirable buffer or screen for a proposed use or development, the Planning Director may require that the existing trees or shrubs or portions thereof, be preserved if the preservation can be accomplished without undue interference with the development of the premises. The Planning Director will credit any existing trees or shrubs which are preserved against any requirements for trees, shrubs, or screening as provided in this chapter, if the preserved trees or shrubs substantially serve the purpose of the requirement.

26-355: DESIGN PLANTING AND CRITERIA.

(a) Any tree, shrub, plant, fence, or screen installed to satisfy the requirements of this chapter must meet the following requirements:

- (1) Trees must be a minimum of two inch caliper, measured six inches above ground level, with a twelve to fourteen foot average height immediately after planting and must have an average mature crown spread of at least 15 feet in diameter. Trees having an average mature crown spread of less than 15 feet in diameter may be grouped in sufficient number so as to create the equivalent of a 15 foot crown spread. Tree trunks shall be free of branches to seven feet (illustrated in Figure 1). Any trees or plants used to meet the requirements of this chapter are recommended to be one of the preferred trees or plants listed in Table A.
- (2) Planting of trees shall be consistent with Figure 2.
- (3) Shrubs must have a minimum of two feet in height when measured immediately after planting. When used for screening purposes, the shrubs must be planted in triangular centers and not be separated by more than two and ½ feet. Whenever hedges are used to meet a screening requirement, the plants must be planted and maintained so as to form a continuous, unbroken, solid, visual screen within one year of planting.
- (4) Vines must be a minimum of 30 inches in height immediately after planting and may be used in conjunction with fences to meet physical barrier requirements.
- (5) Ground covers used in place of grass, in whole or in part, must be planted to present a finished appearance and reasonable complete coverage within three months after planting.
- (6) Grass must be of a species normally grown as permanent lawns in the Texas Rio Grande Valley Region. Solid sod must be used to provide coverage and soil stabilization in swales or other areas subject to erosion.
- (7) Detention and retention basins and ponds must be landscaped with shade and ornamental trees, shrubbery, hedges, or other plants.
- (8) Indigenous and drought resistant plant material should be used, but if not used, an irrigation system must be installed or a watering source made available within 100 feet.
- (9) Any fence installed to meet the requirements of this chapter must, unless otherwise specified, be constructed of wood, stone, brick, masonry, stucco, or concrete.

TABLE A

PREFERRED LANDSCAPE MATERIALS

Preferred trees and shrubs to be used to meet the city landscaping standards include, but are not specifically restricted to:

Plant Type	Botanical Name	Common Name
Shade Trees		
	<i>Quercus Virginiana</i>	Live Oak; Encino
	<i>Celtis Laevigata</i>	Sugar Hackberry; Palo Blanco
	<i>Ulmus Crassifolia</i>	Cedar Elm; Olmo
	<i>Pithecellobium Ebano</i>	Texas Ebony; Ebano
	<i>Leucaena Pulverulenta</i>	Tepeguaje; Lead Tree
	<i>Prosopis Glandulosa</i>	Honey Mesquite
	<i>Fraxinum Berlandieriana</i>	Rio Grande Ash; Fresno
	<i>Ehretia Anacua</i>	Anacua; Sugarberry
Ornamental Trees		
	<i>Lagerstroemia Indica</i>	Crepe Myrtle
	<i>Celtis Pallida</i>	Granjeno, Spiny Hackberry
	<i>Pithecellobium Pallens</i>	Tenaza
	<i>Acacia Smallii</i>	Texas Huisache
	<i>Acacia Berlandieri</i>	Guajillo
	<i>Parkinsonia Aculeata</i>	Retama; Lluvia de Oro
	<i>Cercidium Texanum</i>	Texas Paloverde
	<i>Guaiaacum Angustifolium</i>	Soapbush; Guayacan
	<i>Esenbeckia Runyonii</i>	Jopoy
	<i>Sapindus Drummondii</i>	Western Soapberry; Jaboncillo
	<i>Condalia Hookeri</i>	Brasil, Bluewood
	<i>Bumelia Celastrina</i>	Coma Del Sur; Saffron-plum
	<i>Diospyros Texana</i>	Chapote; Persimmon
	<i>Cordia Boissieri</i>	Mexican Olive; Anacahuita
	<i>Sophora Secundiflora</i>	Mountain Laurel
Shrubs for Screening		
	<i>Photinia Fraseri</i>	Oleander
	<i>Leucophyllum Frutescens</i>	Purple Sage; Cenizo
		Bougainvillea
	<i>Xylosma Flexuosa</i>	Holly; Coronillo
	<i>Acacia Rigidula</i>	Black Brush
	<i>Citherecyllum Berlandieri</i>	Tamaulipan Fiddlewood
	<i>Tecoma stans var. angustata</i>	Yellowbells; Esparanza
Shrubs for Mass Plantings		
	<i>Viguiera Stenoloba</i>	Skeletonbush
	<i>Schaefferia Cuneifolia</i>	Desert Yaupon; Capul
	<i>Coursetia Axillaris</i>	Texas Baby-Bonnets
	<i>Sophora Tomentosa</i>	Yellow Sophora; Tambalisa
	<i>Salvia Ballotiflora</i>	Blue Sage; Mejorana
	<i>Malpighia Glabra</i>	Manzanita
	<i>Croton Humilis</i>	Low Croton
	<i>Rusellia Equisetiforma</i>	Firecracker Plant
	<i>Hesperaloe Parviflora</i>	Red Yucca
	<i>Hamelia Patens</i>	Firebush
Groundcover Plantings		
	<i>Lantana Horrida</i>	Texas Lantana
	<i>Buchloe Dactyloides</i>	Buffalo Grass
		Verbena
	<i>Ruellia Corzoi</i>	Ruellia
Vines		
	<i>Passiflora Foetida</i>	Blue Passion Vine

FIGURE 1

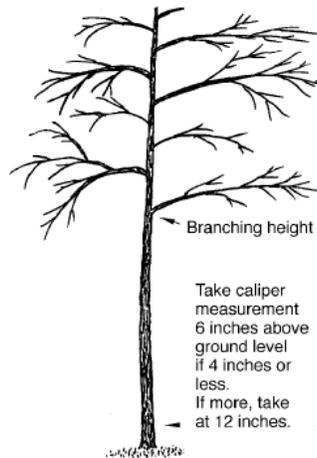
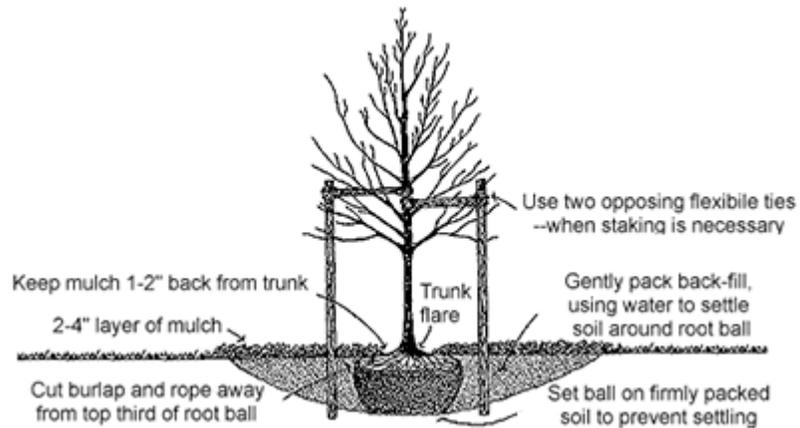


FIGURE 2



I.

This Ordinance shall be published by the City Secretary as required by the Weslaco City Charter.

II.

The ordinance shall become effective after second and final reading and publication.

PASSED and APPROVED on First Reading on this the 30th day of July, 2013.

PASSED, APPROVED and ADOPTED on Second and Final Reading on this the 20th day of August, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY
APPROVED AS TO FORM:
/s/ Ramon Vela, CITY ATTORNEY

- 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.

ORDINANCE NO. 2013-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESLACO, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN CITY AND TEXAS GAS SERVICE ("TGS" OR "THE COMPANY") 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; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITY'S LEGAL COUNSEL.

WHEREAS, the City of Weslaco, Texas ("City") is a gas utility customer of Texas Gas Service ("TGS" or "the Company"), and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, pursuant to the terms of the agreement settling the Company's 2009 Statement of Intent ("SOI") to increase rates, to which City was a signatory, the City and other municipalities within the Rio Grande Valley Service Area and TGS worked collaboratively to develop the COSA tariff which allows for an expedited comprehensive rate review process controlled in a three-year experiment; and

WHEREAS, the City took action in 2009 to approve a Settlement Agreement with TGS resolving the Company's 2009 rate case and initially authorizing the COSA tariff for three years; and

WHEREAS, in 2012, the initial COSA-tariff term expired; and

WHEREAS, TGS filed a SOI in 2012 that incorporated a revised COSA tariff; and

WHEREAS, the City and TGS settled the SOI in 2012 and agreed to renew the COSA tariff process for an additional three years; and

WHEREAS, the COSA tariff contemplates reimbursement of the City's reasonable expenses associated with COSA applications; and

WHEREAS, on or about May 1, 2013, TGS filed with the City a COSA tariff seeking to increase natural gas rates to all customers residing in the City; and

WHEREAS, the City coordinated a review of the Company's COSA filing and designated attorneys and consultants to resolve issues in the Company's COSA filing; and

WHEREAS, the Company's COSA application supported increased revenues of \$1,597,656 under the terms of the COSA; and

WHEREAS, the City's attorneys and consultant recommend that the City approve the

negotiated resolution, which is attached; and

WHEREAS, the tariffs implementing new rates attached to this Ordinance are consistent with the negotiated resolution reached by the City and are just, reasonable, and in the public interest; and

WHEREAS, the negotiated resolution of the Company's COSA filing and the resulting rates are, as a whole, in the public interest; and

WHEREAS, the effective date of new COSA rates is to be the first billing cycle of August 1, 2013 pursuant to the COSA tariff previously adopted by the City.

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

Section 1. That the City Commission finds that the existing rates for natural gas service provided by TGS are unreasonable and the new tariffs attached to this Ordinance are just and reasonable and are hereby adopted.

Section 2. That the Settlement Agreement between the City and TGS dated July 24, 2013 is approved.

Section 3. That TGS shall reimburse the reasonable ratemaking expenses of the City in processing the Company's rate application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That tariffs attached to this Ordinance are effective as of August 1, 2013.

Section 8. That a copy of this Ordinance shall be sent to TGS, care of Dean LaFever, Director, at 5602 East Grimes Road, Harlingen, Texas 78550-1783, and to Geoffrey Gay, Special Counsel to the City, at Lloyd Gosselink Rochelle & Townsend, P.C., 801 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED, APPROVED and ADOPTED on First Reading on this the 6th day of August, 2013.

PASSED, APPROVED and ADOPTED on Second and Final Reading on this the 20th day of August, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- C. Approval of the renewal of the lease agreement renewal with Missouri Pacific Railroad Company for beautification purposes in the amount of fifty 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.
- 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.

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

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.

The City Manager stated that the City is transitioning to self performance on October 1. Some OMI employees decided to transfer to the City and this item is to provide one month of funding for new hires so they can have on the job training. There are 19 positions and the OMI employees had first refusal, though they will take a pay cut because those salaries are above market but will gain other benefits. In September the City will begin to hire so the treatment plants will be fully staffed with licensed operators for October 1.

In response to Commissioner Noriega, the City Manager stated that the amount on the agenda changed because they had budgeted for two months of training and there will only be one month of training.

Mayor Pro Tem Cuellar, seconded by Commissioner Rivera, moved to authorize the transfer an amount not to exceed \$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. Commissioner Noriega opposed because she believes the City is not prepared to assume operations at the treatment plants. The motion carried (5-1); Mayor Wise was present, but not voting.

Mayor Pro Tem Cuellar, seconded by Commissioner Rivera, moved to take item IV. H. from its posted sequence for immediate consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. NEW BUSINESS

- 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/registrars 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.

Ms. Anne Burger, representing First Southwest as a financial advisor, stated the municipal interest rate increased 100 bases points over the past eight (8) weeks because of Chairman Bernanke's comments about the potential of the Federal Reserve stopping the "quantitative easing". Based on the capacity analysis the City has the option to issue a bond for \$6.75 million with an interest of 4.165%, which is higher than in recent years. Standard & Poors Corporation maintained the City rating and suggested the possibility of moving up to a solid A rating. The City's Management Financial Assessment (MFA) was raised from standard to good.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented.

Noriega asked which funds would pay back the bond and if there would have to be an increase to the water and sewer rates. Ms. Burger stated that there has been a drop in the debt service and increase in taxable assessed valuation so there would not have to be any increase.

The City Manager brought attention to page 64 of the packet which lists all eligible activities; the Commission would host public hearings to solicit comments on the scope of work from this \$6.7 million without the need to raise taxes.

Commissioner Noriega stated she does not believe it is the right time to issue the Certificates of Obligations and believes there should be a bond election. The City Manager stated it is the option of the Commission to proceed. Mayor Pro Tem Cuellar stated over the past 36 months the Commission has voted unanimously for multiple Certificates of Obligation.

Commissioner Rivera called to question. Mayor Wise stated that the Commission was out of order by questioning each other.

Commissioner Noriega opposed. The motion carried (5-1); Mayor Wise was present, but not voting.

- 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.

The City Manager stated this item is for the transition to self-performance of the Water and Wastewater Treatment Plants set for October 1.

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

- 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.

The City Manager stated this item too is for the transition to self-performance of the Water and Wastewater Treatment Plants and allows the City to hire for lab services for testing water and wastewater samples.

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

- 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.

The City Manager stated this item is for the City's need for push water as the Texas Commission on Environmental Quality (TCEQ) has been working with local cities to expedite alternative water sources.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented.

In response to Commissioner Noriega, the City Manager stated the pilot well would be located on the Southside of town.

The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to authorize the solicitation for professional services necessary for the design and construction of a potable water well/s, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this was related to the last item in that if the pilot well is productive then they would develop it further and provide necessary infrastructure to capture the water and improve two existing wells at the Water Treatment Plant.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented.

Commissioner Noriega asked if they knew what the projected cost would be to develop the wells. Mr. Trinidad Cantu stated this item was just for the solicitation of professional services; it is not possible at this time to project the amount.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to authorize the issuance of a Request for Qualifications for professional services necessary for the design and construction of a potable water well/s, authorize a budget amendment as

needed, 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 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.

The City Manager stated that the current insurance policies are set to expire on September 30; staff recommends to self-insure through Texas Municipal League (TML) which is the common practice of 95% of Texas cities.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented.

Commissioner Noriega asked if Montalvo Insurance is the current vendor, why didn't the City go with TML in the past? The City Manager replied that in the past TML did not have the best rates, which vary from year to year.

Mayor Wise stated the Commission needed to stop with the personal attacks.

Commissioner Noriega opposed because there are no numbers to compare which rate is best. The motion carried (5-1); Mayor Wise was present, but not voting.

- 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.

The City Manager recommends keeping the current policy provider Dearborne National which has a slight increase in the basic life but no increases in the other policies.

Commissioner Martinez, seconded by Commissioner Rivera, moved to approve the item as presented.

Commissioner Noriega opposed because there were no bids received. The motion carried (5-1); Mayor Wise was present, but not voting.

- 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.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented.

The City Manager stated the City proposes a ten (10) year plan to lower the tax rate by \$0.01 every two years, which would provide tax relief to the public as well as

predictability and stability. The proposed tax relief would put the City at \$0.65 per \$100.00 valuation by 2023.

Mayor Pro-Tem Cuellar commented that the proposed budget includes a tax reduction, a balanced budget, and a fund balance of \$4.4 million in four (4) rather than five (5) years as previously anticipated. The City is in a great financial situation thanks to all the hard work of staff and the recommendation of the Ad Hoc Budget Committee.

Mr. Mann stated that there is \$1.3 billion in taxable value with \$2.4 - \$2.6 million going to the debt service and \$6.4 million going to the general fund. The City Manager stated that public hearings are scheduled September 3 and September 17.

Mayor Wise stated that the proposed tax rate is \$0.6867/\$100.00 valuation and requested a roll call vote. By roll call vote, the motion carried unanimously; Mayor Wise was present, but not voting.

- 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.

There was no action on this item.

- 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.

There was no action on this item.

- 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.

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.

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.

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.

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.

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.

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.

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.

9. To adopt 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 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.

The City Manager stated this item is to update the current building codes.

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.

- 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.

The City Manager stated this item was to update the current electrical codes.

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

V. REPORTS

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

The City Manager reported that staff reached an agreement with one of the property owners around the airport so they do not have to proceed with condemnation and is continuing negotiations with the Edwards family. The November elections is moving along and wanted to remind the public that a form of identification will be required in order to vote in Texas. Rey Garcia from the IT Department has been appointed to the Board of Directors for the National Association of Web Professionals. Parks & Recreation will have the municipal pools open until August 31. The Planning Department is continuing to synchronize the traffic lights and conducting traffic counts.

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

Ms. Alicia Aguilar reported that Arturo's Bar & Grill is set to open on Monday. The Payne Auto Mall is hosting its grand opening on September 7. Edible Arrangements will be opening this weekend, which will be the fourth location in the Valley. Omar Figueroa's next fight is set for November 6, November 9 or December 14 at Weslaco Stadium and will broadcast on Fox News and Showtime. Valley Grande Builders completed its 3300 sq. ft. warehouse, which was immediately leased. The sale tax receipts this calendar year to date increased 6.52%.

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

The City Secretary referenced the report as enclosed.

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

Mr. Arnold Becho stated a mobile website application was grant-funded and developed at no cost to the City. Grant funds were also used to purchase four (4) Ipads and the mobile app can be used on any mobile device. The MJVSPL application can be downloaded at no charge to the public and allows for catalog searches, reviews of personal accounts, book look by barcode scanning. The Library already has the largest collection of eBooks south of San Antonio.

The City Manager congratulated the continued and innovative advancements at the Public Library with fewer staff members.

VI. PUBLIC COMMENTS

There were no public comments received.

VII. EXECUTIVE SESSION

At 6:28 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:09 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

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.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to approve the settlement agreement as discussed in executive session and authorized the Mayor to execute any settlement documents. The motion carried unanimously; Mayor Wise was present, but not voting.

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.

There was no action on this item.

IX. ADJOURNMENT

With no other business before the Commission, at 8:10 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to adjourn the August 20, 2013 regular meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

COMMISSIONER, David R. Fox

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Joe A. Martinez