



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 3, 2013**

On this 3rd day of September 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; Veronica Ramirez, Human Resources Director; Jeff Underwood, Planning & Code Enforcement Director; David Salinas, 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 30, 2013.
- B. Invocation.
Father Martin de la Cruz from St. Joan of Arc 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.

II. PUBLIC HEARING

- A. To solicit input regarding the proposed Municipal Budget for the City of Weslaco for the fiscal year beginning October 1, 2013 and ending September 30, 2014.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to open public hearings on items II. A, B and C as posted concurrently. The motion carried

unanimously; Mayor Wise was present, but not voting.

The City Manager stated the Commission held two (2) workshops on this budget, which proposes to decrease property taxes from \$0.6967 to \$0.6867 as part of a ten year plan to decrease every other year until a rate of \$0.6500 by 2021. The City Manager highlighted another major change proposed in this budget is to restore the retirement contributions for employees back to 2:1. This budget a \$750.00 increase to the base salary for Police as per the Collective Bargaining Agreement; however, there is no proposed salary increase for Fire because there is no contract nor for non-union staff.

For ease and transparency, other proposed changes are to consolidate some of the accounts presently administered by the same department director. The sales tax revenue has been steadily increasing, so there has been consistent growth at the economic base. During 1999 through 2009 there was a decline in the fund balance, the City is now saving \$1.0 million a year and is ahead of schedule with an expected ending fund balance for September 30, 2014 of \$4,537,911.00. There has been a steady increase in the revenues from water, waste, brush and trash but the hotel tax revenues have declined since 2008 and are currently \$350,000.00

Commissioner Rivera, seconded by Commissioner Martinez, moved to close public hearing on this item. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. To solicit input on behalf of 1980 JTR Enterprises, LLC, d.b.a. O'Lei Restaurant & Bar to approve a Conditional Use Permit to obtain an On-Premise Beer and Wine Retailer's Permit at 601 S. Texas Blvd., also being Lots 23-24, Block 49, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.

There were no comments received.

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

- C. To solicit input on behalf of Martha A. Trevino, d.b.a. Mariscos Estrella del Mar to approve a Conditional Use Permit to obtain an On-Premise Beer and Wine Retailer's Permit at 2017 W. Expressway 83, Unit 10, also being Lot B1, of the Re-subdivision of Lot 4, Jones-Davis-Harren Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close public hearing on this item. The motion carried unanimously; Mayor Wise was present, but not voting.

III. CONSENT AGENDA

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

discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the following:
- 1) Regular Meeting of August 20, 2013;
 - 2) Special Meeting of August 27, 2013.
- (Requested by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of the following:
- 1) Ordinance 2013-10 adopting the 2012 Edition of the International Building Code Property and Maintenance Standards for the regulation and governing of conditions and maintenance of all property, including the condemnation and demolition of structures unfit for human occupancy and providing for the issuance of permits and collection of fees. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
 - 2) Ordinance 2013-11 adopting the 2012 Edition of the International Existing Building Code for the regulation and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings and providing for the issuance of permits and collection of fees. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
 - 3) Ordinance 2013-12 adopting the 2012 Edition of the International Residential Code for the regulation and governing of construction, replacements, repairs and demolition of detached one and two family dwellings and multiple single family dwellings; providing for the issuance of permits and collection of fees. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
 - 4) Ordinance 2013-13 adopting the 2012 Edition of the International Energy Conservation Code for the regulation and governing of energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems and providing for the issuance of permits and collection of fees. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
 - 5) Ordinance 2013-14 adopting the 2012 Edition of the International Fire Code for the regulation and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits and collection of fees. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
 - 6) Ordinance 2013-15 adopting the 2012 Edition of the International Plumbing Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of plumbing systems; and providing for the issuance of permits and collection of fees. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.

- 7) Ordinance 2013-16 adopting the 2012 Edition of the International Mechanical Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of mechanical systems; and providing for the issuance of permits and collection of fees. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
 - 8) Ordinance 2013-17 adopting the 2012 Edition of the International Fuel Gas Code for the regulation and governing of fuel gas systems and gas-fired appliances and providing for the issuance of permits and collection of fees. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
 - 9) Ordinance 2013-18 adopting the 2012 edition of NFPA Life Safety Code 101 relating to construction and to maintenance of buildings and public safety, health and general welfare; and providing for the issuance of permits and collection of fees. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
 - 10) Ordinance 2013-19 adopting the 2012 Edition of the International Swimming Pool and Spa Code governing of design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment; and providing for the issuance of permits and collection of fees. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
 - 11) Ordinance 2013-20 adopting the 2011 National Electrical Code as the Electrical Code of the City, repealing any previous editions. (First Reading August 20, 2013; Requested by Planning and Code Enforcement Department.) Attachment.
- C. Approval of the renewal of a Memorandum of Agreement with Cameron County Department of Health and Human Services Hospital Preparedness Program for 8 XTL 1500 mobile radios for the EMS units. (Requested by Fire Department.) Attachment.
- D. Approval of the transfer of EMS equipment from the Lower Rio Grande Valley Regional Advisory Council on Trauma, Service Area V and authorize the Mayor to execute any related documents. (Requested by Fire Department.) Attachment.
- E. Acceptance of county funds in the amount of \$5,469.40 from the Lower Rio Grande Valley Regional Advisory Council on Trauma, Service Area V to purchase a stretcher, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by Fire Department.) Attachment.

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

For the record, the Ordinances are as follows:

ORDINANCE NO. 2013-10

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2012 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 COMMISSION 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, 2012 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
§3409.2 September 1979

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 3 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 immediately 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 20th

day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

ORDINANCE NO. 2013-11

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2012 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 COMMISSION 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, 2012 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, 2012 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:

Section 101.1 City of Weslaco
Section 1401.2.....(Date)

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 immediately 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 20th day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

ORDINANCE NO. 2013-12

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2012 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 COMMISSION 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, 2012 edition, excluding section P2904, 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, 2012 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:

§ R101.1 City of Weslaco

§ P2603.5.1.....six, twelve

SECTION 3. Be It Further Ordained By The City of Weslaco Ordinance No. 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 3 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

immediately 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 20th day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

ORDINANCE NO. 2013-13

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2012 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 COMMISSION 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, 2012 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, 2012 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 20th day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

ORDINANCE NO. 2013-14

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2012 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 COMMISSION 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, 2012 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

§ F109.4 Persons who shall violate a provision of this code or shall fail to comply with any of the requirements therefore or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class B Misdemeanor, **Interference With Public Duties**, punishable by a fine not to exceed 2000 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

§ F 111.4.....Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 1000 dollars or more than 2000 dollars.

SECTION 3. That the geographic limits in referred to in certain sections of the 2012 International Fire Code are hereby established as follows:

§ F 5704.2.9.6.1 (limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): City of Weslaco

§ F 5706.2.4.4 (limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): City of Weslaco

§ F 5806.2 (limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): City of Weslaco

§ F 6104.2 (limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): City of Weslaco

SECTION 4. Be It Further Ordained By The City of Weslaco that Ordinance No. 2011-11 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 6. That nothing in this ordinance or in the Fire 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 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 7. That the City Secretary is hereby ordered and directed to cause this ordinance to be published.

SECTION 8. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect _____ 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 20th day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

ORDINANCE NO. 2013-15

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2012 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 COMMISSION 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, 2012 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, 2012 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
§ P106.6.2. City of Weslaco Master Fee Schedule
§ P106.6.3..... fifty, ninety
§ P108.4.....class B misdemeanor, two thousand, 180 days
§ P108.5.....500, 2000
§ P305.4.1.....six, six

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 3 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 immediately 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 20th day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

ORDINANCE NO. 2013-16

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2012 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 COMMISSION 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, 2012 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, 2012 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

§ M106.5.2. City of Weslaco Master Fee Schedule

§ M106.5.3..... fifty, ninety

§ M108.4.....class B misdemeanor, two thousand, 180 days

§ P108.5.....500, 2000

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 3 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 immediately 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 20th day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

ORDINANCE NO. 2013-17

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2012 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 COMMISSION 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, 2012 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

§ FG106.6.2.....Master Fee Schedule

§ FG106.6.3.....fifty, ninety

§ FG108.4.....Class B Misdemeanor, two thousand, 180 days

§ FG108.5.....two hundred, two thousand

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 3 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 immediately 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 20th day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

ORDINANCE NO. 2013-18

AN ORDINANCE TO ADOPT NFPA LIFE SAFETY CODE 101-2012 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- 2012 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. 2011-15, entitled National Fire Protection Association-2006 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 20th day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

ORDINANCE NO. 2013-19

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING THE 2012 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, REGULATING AND GOVERNING THE DESIGN , CONSTRUCTION, ALTERATION, MOVEMENT, RENOVATION, REPLACEMENT, REPAIR AND MAINTENANCE OF SWIMMING POOLS, SPAS, HOT TUBS, AQUATIC FACILITIES AND RELATED EQUIPMENT 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 COMMISSION OF WESLACO as follows:

Section 1. That a certain document is on file in the office of the Building Official of City of Weslaco, being marked and designated as the *International Swimming Pool and Spa Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Pool and Spa Code of the City of Weslaco, in the State of Texas; regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment 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 Pool and Spa 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 legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:

- § SPS101.1 City of Weslaco
- § SPS105.6.2.....Master Fee Schedule
- § SPS105.6.3.....fifty, ninety

§ SPS107.4.....Class B Misdemeanor, two thousand, 180 days
§ SPS107.5.....two hundred, two thousand

SECTION 3. Be It Further Ordained By The City of Weslaco that Ordinance No. entitled International Swimming Pool And SPA 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 3 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 immediately 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 20th day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

ORDINANCE NO. 2013-20

AN ORDINANCE REPEALING THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE AND ADOPTING THE 2011 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 WESLACO as Follows:

Section 1: The 2008 Edition of the National Electrical Code is hereby repealed and the 2011 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. Be It Further Ordained By The City of Weslaco Ordinance No. entitled National Electrical 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 3 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 20th day of August, 2013.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of September, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

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

VI. PUBLIC COMMENTS

Martin Garcia Jr. expressed his gratitude to the Commission and the sponsors for the success of Movies at the Park over the summer. Mr. Garcia stated that over 350 people were in attendance at each showing and 500 people at the last showing. The proceeds of the program support scholarship funds, one for Weslaco High School and one for Weslaco East High School. Next he hopes to add a firework show; he already has collected \$3,800.00 from sponsors and would like the City to consider matching those funds.

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

IV. NEW BUSINESS

- C. Discussion and consideration to approve Ordinance 2013-23 approving the City of Weslaco budget appropriation for the fiscal year October 1, 2013 – September 30, 2014. First Reading of Ordinance 2013-23. Possible action. (Requested by Finance Department.) Attachment.

The City Manager stated the City submitted a balanced budget with an annual surplus to build the fund balance. The proposed budget meets the Police CBA obligations and rewards staff who took ownership by restoring the Texas Municipal Retirement System contribution rate. The City also hopes to establish the Public Education and Government Channel with the \$100,000.00 in available funds.

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

In response to Commissioner Noriega, the City Manager stated there would be 19 new employees who will assume operations at the water and wastewater plants; mindful of creep effect, there are neither new positions nor proposed salary increases other than police. As a result of the consolidation it may appear higher, i.e. the grants coordinator position has been transferred to the City Manager's Office.

He added there is proposed restructuring of the utility rates, but there are no increases to residential rates. Mayor Pro-Tem Cuellar reiterated that it was tremendous news there would be no residential increases to water rates this year and congratulated the Commission and the staff for their hard work.

Commissioner Noriega opposed the motion because she feels that the Commission did not thoroughly review the budget. By roll call vote, the motion carried (5-1); Mayor Wise was present, but not voting.

IV. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2013-24 approving the City of Weslaco ad valorem property tax rate of \$0.6867/\$100.00 valuation, assessed lower than the rate last year, pursuant to §26.05(d) of the Texas Tax Code on all taxable property within the City of Weslaco, Texas for Tax Year 2013, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of Weslaco, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. First Reading of Ordinance 2013-24. Possible action. (Requested by Finance Department.) Attachment.

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

The City Manager stated the proposed property tax rate is \$0.6867/\$100.00 valuation, which is a \$0.01 decrease from last year's rate. He countered the factual errors in Mid-Valley Town Crier editorial: this proposed \$0.01 decrease is part of a plan to lower the ad valorem rate every other year for the next 10 years. There is expected a \$131,000.00 decrease to the general fund, but the City has prepared for the decrease in the proposed budget. There is a potential savings of \$300,000.00 by bringing the

operations of the water and wastewater treatment plants in-house.

In response to Commissioner Noriega, Mr. Mann stated he could not know what the appraisal values would be. The City Manager stated they could prepare an average value of a house in Weslaco and its corresponding tax savings for the next meeting. Mr. Mann stated that the goal by lowering the tax rate is to meet the average tax rate to be more competitive: the top 11 cities in the Rio Grande Valley average less than Weslaco in property taxes.

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

Commissioner Tafolla, seconded by Commissioner Martinez, moved to take items V, E, F and G from their posted sequence for immediate consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

V. REPORTS

E. Report on transition toward self-performance by the Public Utilities Department of water and wastewater treatment and lift stations.

The City Manager stated that the City assumes operation of the water and wastewater treatment plants on October 1 after twenty years with Operations Management International (OMI). Mr. Salinas reported they hired most of the staff except for three positions; nine of the 19 applied from OMI, 6 were hired by the City. The City Manager stated that staff has been preparing for the switch since 2011.

Mr. Oswaldo Garza representing OMI stated that he would like the City to reconsider their offer. Mr. Garza stated that they had 18 on site employees, but that there is a team of ten (10) behind the scenes to keep the City in compliance. City Manager stated that he believed the City was making the right decision to move in-house because staff is capable of the work and it allows the City to save \$300,000.00 a year since OMI pays higher than market wages.

Mayor Wise stated that they were not closing the door on OMI negotiations. Mayor Pro-Tem Cuellar stated that 27 cities in the Rio Grande Valley do not use OMI.

Commissioner Noriega asked if the City would be saving money at the expense of service by not having these additional ten (10) employees behind the scenes? Mr. Salinas stated that the additional ten (10) employees are not full time employees and are not all are assigned to this region.

Mayor Wise stated that his hope is that savings are passed onto the taxpayers.

F. Report on Rate Study of the Public Utilities.

Mr. Jeff Snowden representing Capex Consulting stated the rate study objective is to correct rate structure to be more equitable. Based on the current rate structure the average multifamily/commercial meter incurs a minimum charge of \$13.66 despite its meter size. Moreover, the majority of commercial customers never reach 35,000 gallons consumption per month, so the revenues of those overage rates are never

generated. Mr. Snowden recommends a rate structure as compared to a peer group of other cities which is based on meter size; for example, in Weslaco a 4" meter is \$16.25 versus a \$222.01 average in other cities. There are 36 active 4" meter accounts that use 30,000 gallons monthly. Mr. Snowden recommended a five (5) year plan with rates that increase to meet inflation.

The City Manager stated that Weslaco's commercial meters are undercharged when compared to the rest of the cities in the Valley. City Manager stated the proposed plan for meeting the financial obligations is revenue neutral and would be met through commercial rates rather than residential rates. The five (5) year plan will have an ordinance adopted each year.

Commissioner Fox recommended they prepare literature to notify the affected accounts. Mayor Wise stated that the City is not a slave to the rate and has the opportunity to review it each year.

G. Report on Water Treatment Plant expansion project.

Mr. Rolando Briones representing Briones Engineering stated the existing capacity of plant is 8 MGD and there have been several notices of non-compliance from the Texas Commission on Environmental Quality since 2009. This project adds 2.0 MGD to the existing plant capacity as well as 8.0 MGD additional capacity at a new modular plant, bringing the City's total up to 18.0 MGD. The useful life of the new plant will be 50 years with a 20 year life on machinery.

The future demands for the plant will include in distribution system improvements, bigger lines, bigger pumps and tanks. Mr. Salinas stated that the new pumps based on the projected growth of the City may need to be put in sooner rather than later.

Mr. Briones stated that this project included three separate components to bring the plant up to 18.0 MGD. There were additional expense that came up during the projects which included \$2.0 million used on electrical replacement at the existing plant and \$500,000.00 used for the Milano tank.

Mike Clarke representing CDM stated that their contract came in at \$38.5 million. The project is currently \$1.75 million under budget and 90% of subcontracts have been bid out. The bid packages varied according to trade discipline and there was a minimum of three (3) bidders with every package. Currently there is \$3.0 million in funds remaining for bid outs. The project is currently 60% complete and there has been at total of 50,000 labor hours accumulated so far with zero accidents. All agreed order items set by TCEQ have been complete. The cost comparison for the new plant is \$2.34/ per gallon and the existing plant \$1.31/ per gallon.

Mr. Briones stated that the plant project cost is in range with similar plants of \$2.00-\$5.00 per gallon. The materials for the concrete have been kept local and numbers are open to the public.

Commissioner Noriega asked why they did not go out for bids on CDM or for the subcontractor. Mr. Briones stated that CMAR contract was awarded at \$38.0 million, with \$5.0 million worth of work being self performed by CDM/CCI and 87% of the

amount is bid open to the public.

The City Manager stated the City ran the plant into the ground and should have built a new plant operational by 2003. In 2009 the City received its first letter from TCEQ and in 2011 the City received a notice of violation. The Construction Manager At Risk process was selected to move the project expeditiously. The City Secretary stated that 54 agenda items have been considered by the Commission over the past five (5) years on the Water Treatment Plant.

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

IV. NEW BUSINESS

- M. Discussion and consideration to approve Resolution 2013-64 supporting the South Texas College Bond and Maintenance Election. Possible action. (Requested by South Texas College.) Attachment.

Ms. Shirley Reed stated that this item was to endorse the proposed bond for \$159.0 million which comes out to a ½ cent increase to the public and will result in a \$34 million investment in Weslaco.

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.

- N. Discussion and consideration to approve a shared grant with the Economic Development Corporation of Weslaco to South Texas College in the amount of \$18,624.00 to assist with transportation of students for the spring semester 2014 from outside of Weslaco to the South Texas College Mid-Valley Campus. Possible action. (Requested by the Economic Development Corporation of Weslaco.) Attachment.

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

IV. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2013-24 approving the City of Weslaco ad valorem property tax rate of \$0.6867/\$100.00 valuation, assessed lower than the rate last year, pursuant to §26.05(d) of the Texas Tax Code on all taxable property within the City of Weslaco, Texas for Tax Year 2013, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of Weslaco, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. First Reading of Ordinance 2013-24. Possible action. (Requested by Finance Department.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to bring this

item for a roll call vote. The motion carried unanimously; Mayor Wise was present, but not voting.

By roll call vote, the motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to approve Ordinance 2013-25 approving the City of Weslaco Texas Municipal Retirement System (TMRS) benefits and rates and establishing an effective date of January 1, 2014 for such actions. First Reading of Ordinance 2013-25. Possible action. (Requested by Finance Department.) Attachment.

The City Manager stated this item is to restore the contribution rates for City employees to 2:1 for the Texas Municipal Retirement System (TMRS).

Mayor Pro-Tem Cuellar, 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 after public hearing on behalf of 1980 JTR Enterprises, LLC, d.b.a. O'Lei Restaurant & Bar, to approve a Conditional Use Permit to obtain an On-Premise Beer and Wine Retailer's Permit at 601 S. Texas Blvd., also being Lots 23-24, Block 49, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager stated notice was published and hearing held with two (2) citizens opposed; the Planning and Zoning Commission and staff recommend approval.

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

- E. Discussion and consideration after public hearing on behalf of Martha A. Trevino, d.b.a. Mariscos Estrella del Mar to approve a Conditional Use Permit to obtain an On-Premise Beer and Wine Retailer's Permit at 2017 W. Expressway 83, Unit 10, also being Lot B1, of the Re-subdivision of Lot 4, Jones-Davis-Harren Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager stated notice was published and hearing held; the Planning and Zoning Commission and staff recommend approval.

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

- F. Discussion and consideration to approve Resolution 2013-65 establishing the number of inhabitants within the territory of the City of Weslaco, Texas. Possible action.

(Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager stated this determines a method to calculate the number of inhabitants solely for the purposes of extraterritorial jurisdiction (ETJ) and annexation.

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

- G. Discussion and consideration to authorize the preparation of service plans for the involuntary annexation of any tracts of land in addition to those as presented June 4, 2013. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager stated the Commission approved the preparation of a service plan on June 4 for 17 parcels of land. Staff has since gone back and identified additional properties it would like to include in the proposed annexation bringing the total up to 23 tracts with most of the properties being located along Westgate. Staff requests authorization to prepare a service plan for all 23 properties.

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

- H. Discussion and consideration to approve the service plans for the involuntary annexation of 23 tracts of land pursuant to Texas Local Government Code §43.056. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager presented the service plan to extend hard services and soft services such a library access. Commissioner Noriega asked if the City would have to hire additional staff as a result of the service plan? The City Manager stated that they would have to keep up with the national standards of police and fire but staff has been very strategic in selecting areas of undeveloped property that do not need immediate City services.

Mr. Underwood stated the service plan does not establish commitment until annexation ordinance is approved. Soft service will need to be provided immediately; hard services will need to be provided within 2½ years. The City can enter into a development agreement with farmland to extend ETJ without having to provide services. In response to Mayor Wise, Mr. Underwood stated 1900 acres of the proposed annexation is farmland to extend the City's ETJ.

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

- I. Discussion and consideration to approve Resolution 2013-66 setting public hearing dates on the proposed annexations. Possible action. (Requested by Planning and

Code Enforcement Department.) Attachment.

The City Manager stated that the public hearings are set for October 15 and October 16.

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

Commissioner Noriega asked why there was no time scheduled in between the public hearings? Mr. Underwood stated that the proposed dates comply with statute.

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

- J. Discussion and consideration to approve Ordinance 2013-22 amending ordinance number 75-4, the City of Weslaco Subdivision Ordinance, codified as Appendix B, Article I, Section 26 of the Weslaco Code of Ordinances; adopting new subdivision regulations; providing for publication and an effective date and ordaining other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. First Reading of Ordinance 2013-22. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager stated this item was to amend the subdivision ordinance to require water rights and capital recovery fees for parks; staff is ready to elaborate more before second reading.

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.

- K. Discussion and consideration to authorize the solicitation of a request for qualifications for professional services for geotechnical and material testing on an as-needed basis, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

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

The City Manager stated with this item was the City to hire a company and the developers pay the cost.

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

- L. Discussion and consideration to approve an agreement that will allow for the adoption of animals by the Palm Valley Animal Center in Edinburg, Texas, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager stated that the animal shelter has saved the City \$100,000.00 a year; however, recognizing an adoption program as important, staff proposes this

agreement for adoptable animals with Palm Valley Animal Shelter. The cost estimate is \$25,000.00 and he would like to amend the contract to include educational materials on spaying and neutering pets.

Commissioner Rivera, seconded by Commissioner Martinez, 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 reference the report as enclosed.

- B. Report on Litigation Status. Attachment.

The City Manager stated the lawsuit by eleven former employees regarding the reduction in force have been dismissed.

- C. “Is the Current Model for Public Safety Service Delivery Sustainable?” *Public Management*, September 2013. Attachment.

The City Manager reference the report as enclosed.

- D. “Bargaining for a New 12-Hour Firefighters’ Shift Structure: Learn Which Strategies Worked for Delaware Ohio.” *Public Management*, September 2013. Attachment.

The City Manager reference the report as enclosed.

VII. EXECUTIVE SESSION

At 8:21 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 9:07 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. Economic Development – Discussion to authorize a Development Agreement between the Economic Development Corporation of Weslaco and a national restaurant chain that provides an incentive over One Hundred Thousand Dollars (\$100,000.00) to locate a new restaurant and shopping center Weslaco pursuant to §551.087 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Fox, moved to authorize the Economic Development Corporation of Weslaco to negotiate an incentive agreement in excess of \$100,000.00 to locate a new restaurant as discussed in executive session. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Economic Development – Discussion to authorize a Development Agreement

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

There was no action on this item.

- C. Pending Litigation – Consult with City Attorney regarding Cause No. C-3865-10-I, City of Weslaco v. Champion Energy Services, LLC as authorized by §551.071 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Noriega, moved to authorize the City Manager to negotiate with Champion Energy as discussed in executive session in an attempt to resolve the case. The City Manager stated he will continue to negotiate and once finalized will disclose the terms to the Commission. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion with City Attorney to authorize Special Counsel for advice about pending or contemplated litigation pursuant to §551.071 of the Texas Government Code.

Commissioner Rivera, seconded by Commissioner Martinez, moved to authorize the City Attorney to negotiate a special services contract with counsel as discussed in executive session. The motion carried unanimously; Mayor Wise was present, but not voting.

IX. ADJOURNMENT

With no other business before the Commission, at 9:10 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the September 3, 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