



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MAY 5, 2015**

On this 5th day of May 2015 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	David Suarez
Mayor Pro-Tem	Olga Noriega
Commissioner	David R. Fox
Commissioner	Greg Kerr
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Frank Garza

Also present: Juan Salas, IT Department; Sonia Flores, Assistant Finance Director; David Salinas, Public Utilities Director, Pete Garcia, Public Facilities Director, Chief Tony Lopez, Fire Department; Captain Ted Walensky, Police Department; David Arce, Parks and Recreation Director; Arnold Becho, Library Director; Gloria Givilancz, Compliance Coordinator; Joe Pedraza, Health Official; and other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, May 1, 2015.
- B. Invocation.
The Mayor led the invocation.
- C. Pledge of Allegiance.
The Mayor led the Pledge of Allegiance and Texas Flag.
- D. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC COMMENTS

Jesse and Judy Blas, Bernie Garza, and Joe Garza spoke in opposition to New Business item K, which proposes to abandon the alley at South Palm Garden.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Regular Meeting on April 21, 2015. (Staffed by City Secretary’s Office.) Attachment.

- B. Approval on Second and Final Reading of the following:
 - 1) Ordinance 2015-12 repealing Ordinance 2004-23, the “City of Weslaco Sign Ordinance,” codified as Chapter 114 of the Weslaco Code of Ordinances, to adopt new regulations and ordain other matters with respect to the subject matter hereof. (First reading held April 21, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

 - 2) Ordinance 2015-14, the “Peddlers and Solicitors Ordinance,” to amend ordinance number 2015-08, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations. (First reading held April 21, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Ordinances read as follows:

ORDINANCE 2015-12

AN ORDINANCE REPEALING ORDINANCE NUMBER 2004-23, THE CITY OF WESLACO SIGN ORDINANCE; CODIFIED AS CHAPTER 114 OF THE WESLACO CODE OF ORDINANCES, ADOPTING NEW REGULATIONS; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO TEXAS THAT:

SECTION I.

Ordinance 2004-23 passed and approved on August 3, 2004 as “Sign Ordinance” and Codified as Chapter 114 of the Weslaco Code of Ordinances is hereby repealed in its entirety.

SECTION II.

After second and final reading of this Ordinance the new sign ordinance will be adopted and codified as Chapter 114 of the Weslaco Code of Ordinances and said Chapter shall read as follows:

CHAPTER 114 SIGN ORDINANCE

Section 114.01 Purpose and Applicability

The purpose this Chapter is to encourage the effective use of signs as a means of communication in the city, to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign restrictions.

The purpose of these sign regulations are:

- To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zone, subject to the standards and the permit procedures of this Chapter;
- To encourage the effective use of signs as a means of communication in the City;
- To maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
- To improve pedestrian and traffic safety;
- To minimize the possible adverse effect of signs on nearby public and private property;
- To enable the fair and consistent enforcement of these sign restrictions;
- To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
- To prohibit all signs not expressly permitted by this ordinance; and
- To provide for the enforcement of this ordinance.

Section 114.02 Sign Definitions

Words and phrases used in this Chapter shall have the meanings set forth in this section, except where the context clearly indicates a different meaning:

1. ANIMATED SIGN - Any sign that uses movement or change of lighting to depict action or create a special effect or scene, or which is designed and constructed to give a message through a sequence of progressive changes by either action or motion, color changes, requiring electrical or manual energy. This definition includes, but is not limited to, digital signs.
2. BANNER - Any temporary sign intended to be hung either with or without frames, characters, letters, illustrations or ornamentations applied to plastic or fabric of any kind.
3. BALLOONS - Any sign that floats above the ground, motorized or non-motorized.
4. BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move (contact airport management before placement).
5. BENCH SIGN - Any sign painted on street furniture, especially bus stop benches.
6. BUILDING MARKER - Any sign indicating the name of a building and date and incidental information about its construction, or historical data on historic site, which sign is cut into a masonry surface or made of bronze or other permanent material.
7. CANOPY SIGN - Any sign that is a part of or attached to an awning, canopy,

- or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. (A marquee is not a canopy.)
8. CHANGEABLE COPY SIGN - A sign or portion thereof with characters, letters, numbers, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time and/or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.
 9. COMMERCIAL MESSAGE - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
 10. FLAG - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other non-commercial entity.
 11. FREESTANDING SIGN - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from (i.e. not attached to) any building or other structure.
 12. HIGHWAY CONTROL ZONE - Means an area on either side of the U.S. Expressway 83 or future Interstate I-2 which is within 100 feet of the nearest edge of the right-of-way of said highway.
 13. INCIDENTAL SIGN - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
 14. LANDMARK SIGN - Any sign of artistic or historic merit, uniqueness, or of extraordinary significance as may be identified by the national, state, or local historic commission, or other official agency or board identified in this ordinance to make such a determination.
 15. LOT - Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as required under this ordinance, and having its principal frontage upon a public street (same as PREMISE).
 16. MARQUEE - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
 17. MARQUEE SIGN - Any sign attached to, in any manner, or made a part of a marquee.
 18. NON-CONFORMING SIGN - Any sign previously permitted and/or allowed existing at the time of the Ordinance adoption that does not conform to the requirements of this ordinance.
 19. OFF-PREMISE SIGN - A sign advertising a product, service, or other type of communication which is on a lot which is not the location at which the product or service is offered.
 20. ON-PREMISE SIGN - A sign advertising a product or service on a lot at which the product or service is offered.
 21. PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
 22. PERMANENT SIGN - A sign that is securely attached to a building or premise according to building codes.
 23. PORTABLE SIGN - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs

- converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to, leaning against, placed inside of, or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
24. PRINCIPAL BUILDING – The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal building, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.
 25. PREMISE – Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as required under this ordinance and having its principal frontage upon a public street (same as LOT).
 26. PROJECTING SIGN - Any sign built in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
 27. REAL ESTATE SIGN – Any sign used for the primary purpose of advertising the availability of real property for sale.
 28. RESIDENTIAL SIGN - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of Chapter 150.
 29. ROOF SIGN - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
 30. ROOF SIGN, INTEGRAL - Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.
 31. SANDWICH BOARD SIGN - Self-supporting A-shaped portable signs with only two visible sides that are situated adjacent to a business, typically on a sidewalk, that contains commercial speech. The maximum area of such sign shall be no more than six (6) square feet per side with the maximum height being forty-two (42) inches. Sandwich board signs shall not be illuminated, nor shall they contain moving parts or have balloons, streamers, pennants, or similar adornment attached to them.
 32. SECONDARY ARTERIAL- Such right-of-way of the city as Texas Blvd., FM 1015 (International Blvd.), Westgate Drive, Airport Drive, US Business Highway 83 and Dolores Huerta Ave.
 33. SETBACK- The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.
 34. SIGN - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity or product, or to communicate information of any kind to the public and visible from the public right-of-way or another property.
 35. STREET FRONTAGE - The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.
 36. SUBDIVISION SIGN- a non-illuminated sign located on the property to be subdivided or recently subdivided.
 37. SUSPENDED SIGN - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
 38. TEMPORARY CONSTRUCTION SIGN – A sign used to promote the contractor, bank or other business involved in or responsible for construction taking place on the premise.
 39. TEMPORARY SIGN - Any sign that is used only temporarily in accordance with this section and is not permanently mounted according to building codes.
 40. WALL SIGN - Any sign attached parallel to, but within twelve inches of, a wall,

painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

41. WINDOW SIGN - Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside or outside of a window or on the window panes or glass and is visible from the exterior of the window.
42. ZONE LOT - a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulation.
 - (a) *Zoning definitions.* Words and phrases not defined in subsection (a) of this section but defined in Chapter 150 shall be given the meanings set forth in Chapter 150.
 - (b) *Computation of sign area.* Principles for computing sign area and sign height are contained in section 114-03

Section 114.03 Sign Regulation & Computations

The following principals shall control the computation of sign area and sign height:

- A. HEIGHT – The height of a sign shall be computed as the vertical distance from the base of the sign at the roadbed grade (or the surface grade beneath the sign if not flush with the ground) to the top of the highest attached component of the sign. Along elevated Expressway sections, the height shall be measured from the centerline of the main traveled way. In no case shall a free-standing sign height exceed the actual sign setback from any adjacent lot zoned and used for residential purposes.
- B. AREA-
 - a. Individual Signs: The area of a sign face, which is also the sign area of a wall sign or other sign with only one face shall be computed by means of the outside dimensions of the sign and frame. This does not include bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
 - b. Multi-faced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any given point. When two sign faces are placed back to back, so that only one face can be seen by approaching traffic at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
 - c. Total Permitted Sign Area: The permitted sum of the area of all individual signs on a premise shall be computed by adding the area of each individual sign. The maximum total sign area per zone lot by zoning district is described in Section 114-08.
 - d. Painted Signs: Lettering painted on buildings will require a permit and will be counted toward maximum sign area allowed.
 - e. Placement: No sign shall obstruct traffic or violate the sight triangle visibility. No sign with a commercial message shall be placed in the right-of-way without first obtaining a license to encroach.
Existing multi-tenant and/or retail/shopping centers in commercial zones shall follow the total permitted sign area requirements in

Section 114-08, except as follows:

- i. New tenants in a tenant space with no existing signage (from a previous tenant) shall be allowed up to thirty-two (32.0) square feet of signage on said tenant space but not to exceed 10% of store front, regardless of the total permitted sign area calculation for the center; and/or
- ii. New tenants in a tenant space with existing defunct signage shall be allowed to replace said defunct sign with no more sign area than that of the defunct sign, unless an increase would be allowed under the total permitted sign area for the center; and/or
- iii. New tenants in the anchor tenant space shall be allowed signage under the total permitted sign area calculation for the center, or a no more than a thirty percent (30%) increase in sign area on the anchor tenant space from that of the previous anchor tenant, whichever is greater. The latter option (30%) shall be allowed on one occasion only (i.e. if the 30% option is used by a new anchor tenant, future anchor tenants in the same space may not repeat the option).

C. LIGHTING – Signs may be illuminated subject to the following restrictions:

- a. Internally and externally illuminated signs shall be permitted in all business, commercial and industrial zoned areas in accordance with section 114-08.
- b. The illumination of any sign by exposed bulbs or neon shall only be permitted in Central Business District zoned areas.
- c. No revolving or rotating beam or beacon of light that simulates any emergency light or traffic device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign; however, illuminated signs that indicate customary public information, such as time, date, temperature or other similar information, shall be permitted.
- d. External lighting, such as floodlights, thin line and goose neck reflectors, are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light or glare or other unsafe conditions from being directed into any portion of the traveled roadway.
- e. The illumination of any sign within two hundred (200) feet of a residential lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts or lots.
- f. Any extension or power cords used shall not be visible or accessible but secured in rigid conduit or otherwise safely secured as required by the currently adopted city electrical code.

D. ANIMATED- animated signs shall comply with the following additional regulations and in accordance with section 114.08:

- a. Animated signs shall be permitted in all business, commercial and industrial zoned areas. Animated signs shall only be permitted in residential zoned areas when the use of the area is for public or private schools, churches and government operated buildings.
- b. The dwell time, defined as the interval of change between each individual static message, shall be at least ten (10) seconds, and a change of message must be accomplished within two (2) seconds or

- less. The dwell time shall not include the two (2) seconds or less required to change a message;
- c. The sign shall contain a default mechanism that will freeze the sign in one position if a malfunction occurs;
- d. The sign must contain a dimmer control and a photocell, which automatically adjusts the display's intensity according to natural ambient light conditions. In addition, the sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver;
- e. The sign shall not be configured to resemble a warning or danger signal or cause the driver to mistake the sign for such;
- f. The sign shall not resemble or simulate any lights or official signage used to control traffic in accordance with the current adopted Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.
- g. The sign shall not have parts which move, flashing/ blinking lights, or smoke issuing from the sign;
- h. The city, through appropriate personnel, may exercise its police powers to protect health, safety, and welfare by requiring emergency information to be displayed via digital signs. The sign operator shall upon notification display in appropriate sign rotation: Amber alerts or emergency information regarding terrorist attacks, or natural disasters. Emergency information shall remain in rotation in accordance with designation agencies protocols.
- i. The sign light intensity exceeding the following intensity level (nits) constitutes "excessive intensity or brilliance":

Intensity Levels (Nits)		
Color	Daytime	Nighttime
Red Only	3,150	1,125
Green Only	6,300	2,250
Amber Only	4,690	1,675
Full Color	7,000	2,500

- j. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed seven-thousand (7,000) Nits and that the intensity level is protected from end-user manipulations by password-protected software or other method as deemed appropriate by the Planning & Code Enforcement Director or designee.
- k. Construction requirements and Engineer certificates must satisfy TxDOT's requirements and obtain their approval prior to permit issuance.
- l. Permit fees. There will also be a \$75.00 annual renewal fee on each off-premises sign, due and payable when invoiced by the city.

E. OFF-PREMISE SIGNS

No off-premises signs shall be allowed within the highway control zone, as described in section 114-02 and in accordance with section 114-08 unless the following are complied with:

- a. For the purpose of this regulation, each side of the Expressway (Future I-2) shall be considered separately.
- b. All distances shall be measured directly along the public right-of-ways at the shortest distance possible where necessary to cross the street.
- c. Off-premise signs having a face area of greater than 242 square feet

shall not be erected within 1,500 feet of another off-premise sign. Signs within this range of size are allowable only on the Expressway corridor (Future I-2).

- d. Off-premise signs having a face area ranging from 100 to 242 square feet shall not be erected within 1,000 feet of another off-premise sign on the same street. Signs within this range of size are allowable only on streets designated as secondary arterial.
- e. Off-premise signs having a face area of less than 100 square feet shall not be erected within 500 feet of another off-premise sign on the same street.
- f. Bench signs with advertising shall not be used in the calculation of distances between off-premise signs due to specific placement requirements usually affixed to bench signs.
- g. No sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or interfere with a driver's view of approaching or intersecting traffic.
- h. No off-premise signs shall be allowed within 1,000 feet from any cemetery, preschool, school, college, public forest, public park, public playground or designated scenic area as such by any state or federal agency or other governmental agency having and exercising such authority which is adjacent to the expressway.
- i. No off-premise sign shall be allowed on Texas Boulevard and on Business Highway 83 within the city limits.
- j. Off-premise signs are not allowed on tracts of land not platted in accordance with the City of Weslaco Subdivision Ordinance.
- k. Off-premise signs shall only be free-standing and shall not be placed on or through buildings or roofs.

Section 114.04 Permits Required

- A. The owner, leaseholder or his agent shall secure a sign permit prior to the construction, placement, erection, or modification of a sign in accordance with the requirements of this section.
- B. All signs require a City sign permit prior to being erected, placed, installed or modified except:
 - a. Banners no greater than 80.0 square feet and mounted in accordance with Section 114-08, with a vertical clearance of 12 feet from sidewalks, private drives and parking areas.
 - b. Sandwich board signs in the Central Business District so long as said signs do not cause the width of the pedestrian sidewalk to be reduced to less than four (4.0) feet in width, and the sign is removed at the end of each business day.
 - c. Signs that are inside a building, or signs that do not have a primary purpose of being legible from a public street or another property.
 - d. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
 - e. Works of art that do not include a commercial message as its primary intent;
 - f. Lights and decorations with no commercial message (such as holiday); but only between November 15 and January 15.
 - g. Traffic control signs on private property, such as Stop, Yield and similar signs, the face of which meet Texas Department of Transportation Standards and contain no commercial message of any sort;
 - h. Informational signs of a public utility regarding its poles, lines, pipes or

facilities;

- i. Signs placed by a governmental agency, public utility company or a contractor doing authorized or permitted work within the right-of-way; and
- j. Event banners placed across City rights-of-way for special events as determined by the City Manager's Office or its agent who shall also establish the length of time banners may be erected.

C. GENERAL PERMIT PROCEDURES

- a. If the work to be performed is a modification of a non-conforming sign already existing on the lot, it cannot increase the amount of non-conformance of the sign.
- b. A sign shall not be erected without first having obtained a permit from the Planning and Code Enforcement Department of the city. A permit application must be submitted to be reviewed and approved.
- c. An engineering seal shall be required on any freestanding sign 25' or taller to withstand 125 m.p.h. winds.
- d. Within five days of receiving an application for a sign permit city staff shall review the application for completeness. City staff will notify applicant of specific ways that an application is deficient.

D. PLANS, DESIGN, CONSTRUCTION AND MAINTENANCE

Every application for a permit under this section shall be accompanied by a plan or plans drawn to scale of the proposed sign and all existing signs maintained on the premises, and shall include:

- a. A Master Signage plan must be submitted for any zone lot on which the owner proposes to erect one or more signs requiring a permit, unless such zone is included in a common signs plan.
- b. Common Signage plan shall be submitted for multi-tenant and/or retail/shopping centers in commercial zoned areas. The common signage plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.
- c. The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached;
- d. The dimensions of the sign's supporting members;
- e. The maximum and minimum height of the sign (if sign exceeds 15 feet in height, it shall have plans sealed by professional engineer licensed to practice in the State of Texas);
- f. The proposed location of the sign in relation to the face of the building, in front of which or above which it is to be erected;
- g. The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated, existing buildings and any other signs on the property;
- h. Where the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached;
- i. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector;
- j. The location by street address or the proposed sign structure;
- k. The legal description of the property on which the sign is to be located;
- l. Application for an electrical permit for all electric signs if the person

- building the sign is to make the electrical connection;
- m. A statement of valuation; and
- n. All specifications shall meet the current adopted building codes of the City of Weslaco.
- o. All signs requiring a permit must be marked in some permanent visible manner with the name of the contractor upon completion of the project or the contractor must include on the sketch where the permanent marker will be placed.
- p. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- q. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes at all times.
- r. All signs must be maintained current, that is, not advertising defunct businesses and must be legible and in good repair without broken faces, missing or chipped letters or faded beyond recognition.

Section 114.05 Signs in the public right-of-way

- A. No signs shall be allowed in the public right-of-way, except for the following:
 - a. Permanent signs, including public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic:
 - i. Bus stop signs erected by a public transit company;
 - ii. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.

No person shall be allowed to display or evert a sign or banner for the purpose of advertising alongside or across any roadway or right-of-way when any portion of such sign or banner shall extend above the roadway or right-of-way.
 - b. Emergency signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- B. Any other signs to be forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

Section 114.06 Special Sign Categories, Permitted, and Prohibited Signs

- A. PAINTED SIGNS
Signs painted on buildings require a sign permit, and will be counted toward overall square footage of signs allowed.
- B. REAL ESTATE SIGNS
Real estate signs will be exempt from permitting if less than 32 square feet. These signs may be in place until such time the real property is no longer offered for sale or lease.
- C. CONSTRUCTION SIGNS

Construction signs are used to promote the contractor, bank or other business/ service involved or responsible for construction taking place on the premise and are allowable without permits until such time as construction is complete and the building is occupied by tenant or user. Such businesses/services include, but are not limited to, landscaping, financing, and subcontractors of all types.

D. SECURED PORTABLE SIGNS

Secured portable signs are allowed on a permanent basis in accordance with section 114-08 and only if they are secured into the ground. If electrical connections are allowed on these signs, the customer must have the proper electrical receptacles in place to allow safe lighting of the sign and avoid loose or accessible connections, extension cords, etc. If proper electrical receptacles are not available upon sign delivery, the electrical connectors within the sign must be disabled by the sign company to ensure safe use by customer.

E. PROHIBITED SIGNS – It shall be unlawful for any person, corporation or entity to knowingly or intentionally place or maintain a sign:

- a. That is obsolete or does not meet building code standards, signs advertising defunct businesses (except landmark signs), and signs which require a sign permit but were erected without such a permit having been issued;
- b. Which is not legible or in good repair, such as with broken faces, faded or missing letters, etc.;
- c. That is not securely fixed as per building codes;
- d. That attempts or appears to attempt to regulate, warn or direct the movement of traffic or which interferes with, imitates, or resembles any official traffic sign, signal or device (except actual traffic control devices installed by the appropriate authority);
- e. That is erected or maintained upon trees, utility poles, or painted or drawn upon rocks or other natural features;
- f. That is non-conforming and damaged or destroyed to an extent of more than 75% of the current fair market value as determined by the Chief Building Official and approved by the Building Board of Adjustments and Appeals using the procedures outlined in Chapter 150-19 of the Zoning Ordinance;
- g. That prevents or obstructs or inhibits free ingress or egress from any doors, windows, or fire escapes or that are attached to a standpipe or fire escape; and
- h. Any signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the city. Such signs include, but are not limited to:
 - i. Beacons (except as temporary signs not interfering with traffic or aircraft safety);
 - ii. Pennants;
 - iii. Feathered Flags;
 - iv. Any vehicle which carries, conveys, pulls, or transports any sign for the primary purpose of advertising.
 - v. Strings of lights not permanently mounted to a rigid background, except those exempt under previous sections
 - vi. Signs attached to utility poles (except as informational to the operation or identification of the utility function); and
 - vii. Inflatable signs (except on a temporary basis for no more than 30 calendar days each occurrence, no more than two occurrences per calendar year).
 - viii. Signs located in the city shall not be used to advertise any pornographic services or establishments.

Section 114.07 Non-Conforming Signs

- A. Non-Conforming signs will not be required to be modified or otherwise come into

compliance with regulations adopted here unless such non-conforming sign is damaged or destroyed to an extent more than 75% of the current fair market value as determined by the Chief Building Official.

- B. A change in the information on the face of an existing non-conforming sign is allowed. Any non-conforming sign shall either be eliminated or made to conform with the requirements of this Section when any proposed change, repair, or maintenance would constitute an expense of more than 75% of the current replacement value of the sign. However, maintenance work on an existing non-conforming pole shall be permitted with the submission of an Engineering Report verifying that such sign is structurally unsafe.
- C. All on-site nonconforming signs not otherwise prohibited by the provisions of this Chapter shall be removed or altered to conform to the provisions of this Chapter when the nature of the business conducted on the premises or when the name of the business changes and the sign is changed or modified either in shape, size, or legend.

Section 114.08 Signs permitted by zoning districts

A. RESIDENTIAL DISTRICTS.

This section specifies which signs are permitted in residential zoned areas as classified by the city. They are as follows: R-1 single-family residential, R-2 duplex and apartments, R- 3 rural residential, M-1 mobile home residential and B-4 neighborhood office districts as classified by the city.

- a. Maximum number of total square feet of all signs in a residential zone, except incidental, building marker and identifications signs and flags shall not exceed 50 square feet.
- b. On-premises signs. The following on-premises signs shall be limited to one permanent sign per site in a residential zone as allowed by the City of Weslaco Zoning Ordinance.
 - i. Free standing sign: No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
 - 1. Minimum setback: 5 feet from property line.
 - 2. Maximum size: 32 square feet.
 - 3. Maximum height: 15 feet.
 - 4. Limit of one sign per lot.
 - ii. Subdivision sign:
 - 1. Minimum setback: attached to a fence or wall at the entrance of a subdivision.
 - 2. Maximum size: 16 square feet on each side of the entrance to the subdivision.
 - 3. Maximum height: 7 feet.
 - iii. Wall sign: shall be limited to two per premises and are restricted to entrances to subdivision only.
 - 1. Maximum size: 15 square feet of wall or fences.
 - 2. Minimum setback: attached or painted to fence or wall.
- c. Temporary signs. Temporary signs shall be permitted as allowed in this subsection. Such signs shall be limited to one temporary sign per site and shall comply with section 114-06.
 - i. Banner sign: shall be limited to one temporary banner per lot

- and shall not exceed ten (10) square feet. Such signs may be displayed for a period of no more than 30 calendar days, after which the sign will be removed and may not be replaced for one calendar year. No permit will be required.
- ii. Construction sign: may be erected no more than 30 days prior to construction. Such signs shall comply with section 114-06.
 - 1. Minimum setback: 5 feet from property line.
 - 2. Maximum size: 16 square feet.
 - 3. Maximum height: 10 feet.
 - iii. Real estate sign: shall comply with section 114-06.
 - 1. Minimum setback: inside property line.
 - 2. Maximum size: 16 square feet.
 - 3. Maximum height: 10 feet.
 - d. Home occupation signs. Home occupation signs shall be permitted as allowed in Chapter 150 under use regulations in residential districts.
 - 1. Minimum setback: sign shall be placed flush against a wall.
 - 2. Maximum size: 3 square feet.
 - e. Off-premises signs. Off-premises signs are prohibited in a residential district.
 - f. Additional requirements.
 - i. No sign or part of any sign in the residential districts shall move, flash, or rotate its illumination. Temporary holiday decorations are permitted.

B. NEIGHBORHOOD BUSINESS DISTRICT.

This section specifies which signs are permitted in B-1 neighborhood business districts as classified by the city.

- a. Maximum number of total square feet of all signs in a Neighborhood business district zone, except incidental, building marker and identifications signs and flags shall not exceed 200 square feet.
- b. On-premises signs. The following on-premises signs shall be limited to a combination of any two of the following permanent signs per business and/or site, unless otherwise specified.
 - i. Canopy sign: shall be limited to one permanent sign per business, with a vertical clearance of nine feet, and shall comply with all current city building codes.
 - ii. Window Signs: shall have a maximum signage area of 25% of the total window area.
 - iii. Changeable copy sign:
 - 1. Minimum setback: 5 feet from property line.
 - 2. Maximum size: 32 square feet.
 - 3. Maximum height: 15 feet.
 - iv. Free standing sign: shall be limited to one permanent sign per site. In the case of a multiunit building, one free standing sign will be allowed per site along with a wall sign, canopy or roof sign for each business as permitted in section 114.03
 - 1. Minimum setback: 5 feet from property line.
 - 2. Maximum size: 50 square feet.
 - 3. Maximum height: 15 feet.
 - v. Subdivision sign:

1. Minimum setback: attached to a fence or wall at the entrance of a subdivision.
 2. Maximum size: 32 square feet on each side of the entrance to the subdivision.
 3. Maximum height: 10 feet.
- vi. Wall sign: shall be limited to two per site, of which there shall be no more than one facing in each direction. Wall signs shall comply with all current city building codes.
1. Minimum setback: attached or painted on wall or fence.
 2. Maximum size: 32 square feet of wall or fence.
- c. Temporary signs. Temporary signs shall be permitted as allowed in this subsection. Such signs shall be limited to one temporary sign per site and shall comply with section 114-06.
- i. Banner sign: shall be permitted for a period of 30 days at one time after which such signs shall be removed and not replaced for a period and may not be replaced for one calendar year. Banners three feet or less in width do not require a permit.
 - ii. Construction and Real Estate signs: shall be limited to one, non-illuminated temporary sign per project and shall comply with section 114-06.
 1. Minimum setback: 5 feet from property line.
 2. Maximum size: 40 square feet.
 3. Maximum height: 10 feet.
 - iii. Street banner sign: shall be allowed on special occasion with the permission of the city manager; such signs shall in no way affect the traffic flow visibility. No commercial message of any kind is allowed on the sign if such message is legible from any location off the zone lot on which the sign is located.
- d. Off-premises sign: shall be limited to one off-premise sign per site and shall comply with subsection 114.03. Overall maximum square footage per zone does not apply to off-premise signs.
1. Non-expressway corridor:
 - a. Minimum setback: shall comply with section 114.03.
 - b. Maximum size: 242 square feet.
 - c. Maximum height: 20 feet.
 2. Expressway corridor:
 - a. Minimum setback: shall comply with section 114.03.
 - b. Maximum size: 672 square feet.
 - c. Maximum height: 60 feet or comply with TxDOT's regulations whichever is the most stringent.

C. SECONDARY AND HIGHWAY BUSINESS DISTRICTS.

This section specifies which signs are permitted in the secondary and highway business zoned areas as classified in the city zoning ordinance. Such districts are as follows: B-2 Secondary and Highway Business District.

- a. Maximum number of total square feet of all signs in a secondary and highway business district zone, except incidental, building marker and identification signs and flags shall not exceed 300 square feet.

- b. On-premises signs. The following on-premises signs shall be permitted, limited to a combination of any two of the following permanent signs per business and/or site, unless otherwise specified.
 - i. Canopy sign: shall be limited to one permanent sign per business, with a vertical clearance of nine feet, and shall comply with all current city building codes
 - ii. Window Signs: shall have a maximum signage area of 25% of the total window area.
 - iii. Changeable copy sign:
 - 1. Minimum setback: 5 feet from property line.
 - 2. Maximum size: 32 square feet.
 - 3. Maximum height: 20 feet.
 - iv. Freestanding sign: in the case of a multiunit building, one ground pole or pole sign will be allowed per site.
 - 1. Non-expressway corridor:
 - a. Minimum setback: 5 feet from property line.
 - b. Maximum size: 100 square feet.
 - c. Maximum height: 30 feet.
 - v. Marquee and Projection signs: shall be limited to one permanent sign per site and shall comply with all current city building codes. Size of the signs cannot exceed 40 square feet with a vertical clearance of 9 feet.
 - vi. Roof sign, integral: shall be limited to one permanent sign per site, and shall comply with all current city building codes. Size of roof sign cannot exceed 4 feet in height and 16 feet in length.
 - vii. Portable sign:
 - 1. Minimum setback: 5 feet from property line.
 - 2. Maximum size: 32 square feet.
 - 3. Maximum height: 10 feet.
 - viii. Subdivision sign:
 - 1. Minimum setback: attached to fence or wall at the entrance of a subdivision.
 - 2. Maximum size: 32 square feet on each side of the entrance to the subdivision.
 - 3. Maximum height: 10 feet.
 - ix. Wall sign: shall be limited to four per premises, of which there shall be no more than one facing each direction. Wall signs shall comply with all current city building codes.
 - 1. Minimum size: 64 square feet of wall.
 - 2. Maximum setback: attached or painted to wall.
- c. Temporary signs. Temporary signs shall be permitted as listed in this subsection. Such signs shall be limited to one temporary sign per site and shall comply with subsection section 114-06.
 - i. Banner sign: shall be limited to two temporary banner signs per business. Banner shall be permitted for a period of 30 calendar days, after which they shall be removed and not replaced for a period and may not be replaced for one calendar year. Banners which are less than 3 feet in width shall not require a permit.

- ii. Construction and Real Estate signs: shall be limited to one non-illuminated temporary sign per project and shall comply with section 114-06.
 - 1. Minimum setback: 5 from property line.
 - 2. Maximum size: 40 square feet.
 - 3. Maximum height: 10 feet.
- iii. Street banner sign: shall be allowed on special occasion with the permission of the city manager; such signs shall in no way affect the traffic flow visibility. No commercial message of any kind is allowed on the sign if such message is legible from any location off the zone lot on which the sign is located.
- d. Off-premise signs: shall be limited to one off-premise sign per site and shall comply with subsection 114.03. Overall maximum square footage per zone does not apply to off-premise signs.
 - 1. Non-expressway corridor:
 - a. Minimum setback: shall comply with section 114.03.
 - b. Maximum size: 242 square feet.
 - c. Maximum height: 20 feet.
 - 2. Expressway corridor:
 - a. Minimum setback: shall comply with section 114.03.
 - b. Maximum size: 672 square feet.
 - c. Maximum height: 60 feet or comply with TxDOT's regulations whichever is the most stringent.

D. CENTRAL BUSINESS DISTRICTS.

This section specifies which signs are permitted in the central business zoned areas as classified in the city zoning ordinance. Such districts are as follows: B-3 Central Business District.

- a. Maximum number of total square feet of all signs in a central business district zone, except incidental, building marker and identifications signs and flags shall not exceed 200 square feet.
- b. On-premises signs. The following on-premises signs shall be permitted, limited to a combination of any two of the following permanent signs per business and/or site, unless otherwise specified.
 - i. Canopy sign: shall be limited to one permanent sign per business, with a vertical clearance of nine feet, and shall comply with all current city building codes.
 - ii. Window Signs: shall have a maximum signage area of 25% of the total window area.
 - iii. Changeable copy sign:
 - 1. Minimum setback: 5 feet from property line.
 - 2. Maximum size: 32 square feet.
 - 3. Maximum height: 15 feet.
 - iv. Freestanding sign: in the case of a multiunit building, one ground pole or pole sign will be allowed per site.
 - 1. Non-expressway corridor:
 - a. Minimum setback: 5 feet from property line.

- b. Maximum size: 40 square feet.
 - c. Maximum height: 24 feet.
 - v. Marquee and Projection signs: shall be limited to one permanent sign per site and shall comply with all current city building codes. Size of the signs cannot exceed 40 square feet with a vertical clearance of 9 feet.
 - vi. Roof sign and roof integral signs: shall be limited to one permanent sign per site, and shall comply with all current city building codes. Size of roof sign cannot exceed 4 feet in height and 16 feet in length.
 - vii. Wall sign: shall be limited to four per premises, of which there shall be no more than one facing each direction. Wall signs shall comply with all current city building codes.
 - 1. Minimum size: 32 square feet of wall.
 - 2. Maximum setback: attached or painted to wall.
- c. Temporary signs. Temporary signs shall be permitted as listed in this subsection. Such signs shall be limited to one temporary sign per site and shall comply with subsection section 114-06.
 - i. Banner sign: shall be limited to two temporary banner signs per business. Banner shall be permitted for a period of 30 calendar days, after which they shall be removed and not replaced for a period and may not be replaced for one calendar year. Banners which are less than 3 feet in width shall be not require a permit.
 - ii. Construction and Real Estate signs: shall be limited to one non-illuminated temporary sign per project and shall comply with section 114-06.
 - 1. Minimum setback: 5 from property line.
 - 2. Maximum size: 40 square feet.
 - 3. Maximum height: 10 feet.
 - iii. Street banner sign: shall be allowed on special occasion with the permission of the city manager; such signs shall in no way affect the traffic flow visibility. No commercial message of any kind is allowed on the sign if such message is legible from any location off the zone lot on which the sign is located.
- d. Off-premise signs: shall be limited to one off-premise sign per site and shall comply with subsection 114.03. Overall maximum square footage per zone does not apply to off-premise signs.
 - 1. Non-expressway corridor:
 - a. Minimum setback: shall comply with section 114.03.
 - b. Maximum size: 242 square feet.
 - c. Maximum height: 20 feet.

E. INDUSTRIAL DISTRICTS.

This section specifies which signs are permitted in the industrial districts areas as classified in the city zoning ordinance. Such districts are as follows: I Industrial District.

- a. Maximum number of total square feet of all signs in an industrial district zone, except incidental, building marker and identifications sings and flags shall not exceed 400 square feet.

- b. On-premises signs. The following on-premises signs shall be permitted, limited to a combination of any two of the following permanent signs per business and/or site, unless otherwise specified.
 - i. Changeable copy sign:
 - 1. Minimum setback: 5 feet from property line.
 - 2. Maximum size: 32 square feet.
 - 3. Maximum height: 20 feet.
 - ii. Freestanding sign: in the case of a multiunit building, one ground pole or pole sign will be allowed per site.
 - 1. Minimum setback: 5 feet from property line.
 - 2. Maximum size: 100 square feet.
 - 3. Maximum height: 30 feet.
 - iii. Marquee and Projection signs: shall be limited to one permanent sign per site and shall comply with all current city building codes. Size of the signs cannot exceed 40 square feet with a vertical clearance of 9 feet.
 - iv. Portable sign:
 - 1. Minimum setback: 5 feet from property line.
 - 2. Maximum size: 32 square feet.
 - 3. Maximum height: 10 feet.
 - v. Subdivision sign:
 - 1. Minimum setback: attached to fence or wall at the entrance of a subdivision.
 - 2. Maximum size: 32 square feet on each side of the entrance to the subdivision.
 - 3. Maximum height: 10 feet.
 - vi. Wall sign: shall be limited to four per premises, of which there shall be no more than one facing each direction. Wall signs shall comply with all current city building codes.
 - 1. Minimum size: 64 square feet of wall.
 - 2. Maximum setback: attached or painted to wall.
- c. Temporary signs. Temporary signs shall be permitted as listed in this subsection. Such signs shall be limited to one temporary sign per site and shall comply with section 114-06.
 - i. Banner sign: shall be limited to two temporary banner signs per business. Banner shall be permitted for a period of 30 calendar days, after which they shall be removed and not replaced for a period and may not be replaced for one calendar year. Banners which are less than 3 feet in width shall not require a permit.
 - ii. Construction and Real Estate signs: shall be limited to one non-illuminated temporary sign per project and shall comply with section 114-06.
 - 1. Minimum setback: 5 from property line.
 - 2. Maximum size: 40 square feet.
 - 3. Maximum height: 10 feet.
 - iii. Street banner sign: shall be allowed on special occasion with the permission of the city manager; such signs shall in no way affect the traffic flow visibility. No commercial message of any kind is allowed on the sign if such message is legible from any location off the zone lot on

- which the sign is located.
- d. Off-premises signs. Off-premises signs in the case of a multiunit building, one ground pole or pole sign will be allowed per site. Overall maximum square footage per zone does not apply to off-premise signs.
 1. Non-expressway corridor:
 - a. Minimum setback: shall comply with section 114.03.
 - b. Maximum size: 242 square feet.
 - c. Maximum height: 20 feet.
 2. Expressway corridor:
 - a. Minimum setback: shall comply with section 114.03.
 - b. Maximum size: 672 square feet.
 - c. Maximum height: 60 feet or comply with TxDOT's regulations whichever is the most stringent.

Section 114.09 Violations

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance under Section 1-05:

- A. To install, create, erect, or maintain any sign:
 - a. In a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;
 - b. Requiring a permit without first obtaining such permit;
 - c. In such a way that is inconsistent with any plan or permit governing such sign or the lot on which sign is located;
- B. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or

NOTE:

- a. All reasonable efforts will be made to notify a property owner of a sign in violation of this ordinance for their voluntary removal in a timely fashion.
 - b. If a property owner cannot be located or refuses to remove a sign in violation of this ordinance, the City may remove such sign and bill the property owner for reasonable recovery of time and costs associated with sign removal and disposal.
- C. To continue any such violation. Any person violating any provisions of this chapter within the city limits shall be guilty of a misdemeanor, and upon conviction shall be fined \$100.00. Each day that such violation continues shall be a separate offense.

Section 114.10 Enforcement and remedies

Any violation or attempted violation of this Chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this Chapter shall be considered a violation of Chapter 150. The remedies of the city shall include the following:

- A. Issuing a stop work order for any and all work on any signs on the same zone lot;
- B. Seeking an injunction or other order of restraint abatement that requires the removal of the sign or the correction of the nonconformity;
- C. Imposing any penalties that can be imposed by such court under Chapter 150;

- D. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as is available to the city under applicable provisions of Chapter 150 and article III of Chapter 26 for such circumstances.
- E. The city shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of Chapter 150.

Section 114.11 Appeals

Appeals to the conditions of the sign ordinance may be taken to the Zoning Board of Adjustments. All appeals must be submitted in writing to the Planning and Code Enforcement Department within ten (10) days hereafter the filing of the decision in the office of the Board and not thereafter.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 21st day of April, 2015.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 5th day of May, 2015.

ORDINANCE 2015-14

AN ORDINANCE AMENDING ORDINANCE NUMBER 2015-08, THE CITY OF WESLACO PEDDLERS AND SOLICITORS ORDINANCE; CODIFIED AS PART II CHAPTER 102 OF THE WESLACO CODE OF ORDINANCES, ADOPTING NEW REGULATIONS; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO TEXAS THAT:

SECTION I.

Ordinance 2015-08 passed and approved on March 3, 2015 as "Peddlers and Solicitors Ordinance" and Codified as Part II Chapter 102 of the Weslaco Code of Ordinances is hereby amended to adopt new regulations.

SECTION II.

After second and final reading of this Ordinance the new peddlers and solicitors ordinance will be adopted and codified as Part II Chapter 102 of the Weslaco Code of Ordinances and said Chapter shall read as follows:

PART II CHAPTER 102 PEDDLERS AND SOLICITORS

Sec.102-01 Garage, Porch, and yard sales

Sec.102-01B Garage, Porch, and yard sales exemption

- (a) During and two days prior to the following holidays the sales of merchandise will be allowed in any single family and commercial zoned areas:
 - a. Valentine's Day

- b. Easter Sunday
- c. Mother's Day
- d. Father's Day
- e. All Souls Day

(b) The cost for the permit will be \$20.00 per event.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this this 21st day of April, 2015.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 5th day of May, 2015.

CITY OF WESLACO
/s/ David Suarez, **MAYOR**

ATTEST:
/s/ Elizabeth M Walker, **CITY SECRETARY**

APPROVED AS TO FORM:
/s/ Frank Garza, **CITY ATTORNEY**

IV. NEW BUSINESS

- A. Discussion and consideration to approve the City of Weslaco Audit for Fiscal Year 2013-2014 presented by City Independent Auditor Manuel L. Garcia of Garcia and Pena, CPAs. Possible action. (Staffed by Finance Department.) Attachment.

In summary, Mr. Manuel Garcia noted a clean audit with a good fund balance and good cash balance. His findings were limited to a high balance in receivables, commenting that a write off in utility billing may be appropriate, and some clerical weaknesses on grant management, recommending reimbursements be identified on purchase orders. Additionally he recommended adherence to the Davis-Bacon fixed asset schedule; the City Manager noted the City may adjust the value of a designated fixed asset, increasing from \$1,000.00. All funds are positive with 106-days operation in reserve.

Mayor Pro-Tem Noriega, seconded by Commissioner Rivera, moved to accept the City of Weslaco Audit for Fiscal Year 2013-2014 as presented by City Independent Auditor Manuel L. Garcia of Garcia and Pena, CPAs. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Fox, seconded by Commissioner Pena, moved to change the order of the day to consider item K immediately. The motion carried unanimously; Mayor Suarez was present and voting.

- K. Discussion and consideration to approve Ordinance 2015-15 abandoning 20' X 830' of alley located behind lots 1-4 Block 1 South Palm Garden Estate Phase 1 and Lots 5-8 Block 1 South Palm Garden Estates Phase 2, creating a 20' x 830' utility easement behind Lots 1-4 Block 1 South Palm Garden Estate Phase 1 and

lots 5-8 Block 1 South Palm Garden Estate Phase 2, and ordaining all other matters with respect to the subject matter hereof. First Reading of Ordinance 2015-15. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa explained that on April 7 Mr. Romel Garcia was advised that he is blocking an alley with a private fence; he claims the county had given him permission prior to his annexation but is unable to provide evidence. Mr. Garcia stated that in the seventeen years he has lived there the alley has not been used; he is requesting the alley not be abandoned but converted to a utility easement. Commissioner Pena cited public safety issues, particularly after the recent power outages.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to deny the item as presented. The motion carried unanimously; Mayor Suarez was present, and voting.

- B. Discussion and consideration to approve Ordinance 2015-16 amending the Master Fee Schedule and authorize the Mayor to execute any related documents. First Reading of Ordinance 2015-16. Possible action. (Staffed by Finance Department.) Attachment.

There was no action on this item.

- C. Discussion and consideration to approve a Lease Purchase Agreement with Frost Bank in the amount to be financed of \$326,726.40 for the purchase of a 2015 Elgin Pelican Sweeper and a 2016 Freightliner M2106 Pro-Patch Pothole Patcher. Possible action. (Staffed by Public Facilities Department.) Attachment.

The City Manager noted this program is \$15,286.00 less expensive than financing with the vendor, as previously approved. He clarified this proposed financing through Frost Bank as a “qualified tax exempt obligation” costing \$326,726.40 for a term of 60 months, at 2.2400% annual percentage rate, pursuant to a Municipal Equipment Lease/Purchase Agreement with funding to an Acquisition Fund Account and first monthly payment of \$5,761.16 paid on June 15, 2015, followed by 59 monthly payments of \$5,761.16.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve a Lease Purchase Agreement with Frost Bank in the amount to be financed of \$326,726.40 for the purchase of a 2015 Elgin Pelican Sweeper and a 2016 Freightliner M2106 Pro-Patch Pothole Patcher and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting

- D. Discussion and consideration to authorize the solicitation of Requests for Proposals for solid waste collection services. Possible action. (Staffed by Public

Utilities Department.) Attachment.

The City Manager stated in accordance with the authorization by the Commission in January to provide a Notice of Termination to current contractor Allied Waste; should this item be approved, he expects a prebid conference May 21 and services to commence October 1. Any interests by any employee or Commission member will be part of the evaluation criteria. Commissioner Fox requested that the thirty employees with Allied Waste receive first refusal for employment should a different contractor be selected. The Mayor and Commissioner Rivera expressed satisfaction with the service by Allied Waste; the Mayor Pro-Tem and Commissioner Pena noted their hope to receive the best service at the best rate.

Commissioner Pena, seconded by Commissioner Kerr, authorized the solicitation of Requests for Proposals for solid waste collection services. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration to implement the Scofflaw Program at the Municipal Court for outstanding violations and warrants and authorize the Mayor to execute any related documents. Possible action. (Staffed by Municipal Court.) Attachment.

Mr. Paul Villarreal and Mr. Tony Worley explained that as authorized by Texas Transportation Code 702, the County implemented this program in 2011 and it has generated \$4 million in revenue to date. This program allows electronic database access to County, District, and Justice of the Peace court records at the time of vehicle registration to recover unpaid fees. The user pays the base fee to the City, a \$20.00 administrative fee to the County, and a \$2.50 convenience fee to the vendor.

Commissioner Pena, seconded by Commissioner Kerr, moved to approve to implement the Scofflaw Program at the Municipal Court for outstanding violations and warrants and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration to award the best qualified, most advantageous respondent to the Request for Qualifications for City Prosecutor professional legal services, and authorize the Mayor to execute any related documents. Possible action. (Requested by Commissioners Pena and Kerr; staffed by Municipal Court.) Attachment.

Commissioner Kerr noted he had requested staff to research terms extended in other municipalities for comparable services and requested the City Manager consider those in his negotiations; the City Manager noted the sole respondent was Justino Garza, Jr.

Commissioner Pena, seconded by Commissioner Kerr, moved to award the Sole

Respondent to the Request for Qualifications for City Prosecutor professional legal services, authorized the City Manager to negotiate the terms of the agreement, and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration to approve a Memorandum of Understanding (MOU) with South Texas College in jurisdiction matters and interagency support and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.

Captain Walensky explained this formalizes the understanding of jurisdiction; on campus, South Texas College is the lead agency and the Weslaco Police Department serves as support.

Commissioner Pena, seconded by Mayor Pro-Tem Noriega, moved to approve a Memorandum of Understanding (MOU) with South Texas College in jurisdiction matters and interagency support and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- H. Discussion and consideration to approve Budget and Project Amendment No. 4 to move the Weslaco Boys and Girls Club Recreation Center project from N. Iowa between Plaza Street and First Street to Mayor Pablo G. Pena Park at 300 N. Airport Drive, funded in part by the Texas Parks and Wildlife as Project Number 51-000065, as shown on architectural drawings design completed by Alcocer Garcia Associates Architectural Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

The City Manager clarified this action formalizes numerous discussions by the Commission to relocate the project to Mayor Pablo G. Pena Park; the groundbreaking ceremony is scheduled May 14 and the contractor has 260 days to complete construction. In response to Commissioner Kerr, the City Manager stated that parking considerations at the new facility would be addressed in the next fiscal year budget.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve Budget and Project Amendment No. 4 to move the Weslaco Boys and Girls Club Recreation Center project from N. Iowa between Plaza Street and First Street to Mayor Pablo G. Pena Park at 300 N. Airport Drive, funded in part by the Texas Parks and Wildlife as Project Number 51-000065, as shown on architectural drawings design completed by Alcocer Garcia Associates Architectural Services and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- I. Discussion and consideration to amend the Hidalgo County Overweight Truck

Corridor to designate FM 1015 from Progreso-Nuevo Progreso International Bridge to Mile 9 as requested by the Hidalgo County Regional Mobility Authority and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

The City Manager referred to this as "another arrow in our quiver," by which the City requests the Regional Mobility Authority to identify FM1015 from the international bridge to Mile 9 as an overweight truck corridor due to the volume of truck traffic carrying produce that route to the industrial park.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve to amend the Hidalgo County Overweight Truck Corridor to designate FM 1015 from Progreso-Nuevo Progreso International Bridge to Mile 9 as requested by the Hidalgo County Regional Mobility Authority and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- J. Discussion and consideration to approve Ordinance 2015-17, amending Ordinance 2014-11 establishing the Municipal Budget for Fiscal Year 2014-2015, and approving a budget amendment in the amount not to exceed \$42,000.00 to add no more than seven temporary full-time employees to the streets division of the Public Facilities Department. First Reading of Ordinance 2015-17. Possible action. (Requested by the Mayor.) Attachment.

The City Manager clarified this would add seven temporary employees to Public Facilities Department through September 30 to patch potholes, round-up sidewalks, clear trees, and other tasks.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve Ordinance 2015-17, amending Ordinance 2014-11 establishing the Municipal Budget for Fiscal Year 2014-2015, and approved a budget amendment in the amount not to exceed \$42,000.00 to add no more than seven temporary full-time employees to the streets division of the Public Facilities Department. The motion carried unanimously; Mayor Suarez was present and voting.

- L. Discussion and consideration to select the best qualified and most advantageous respondent to Request For Bids 2014-15-23 Utah Avenue Waterline Improvements and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve.

Mr. Mardoqueo Hinojosa explained this will connect the Second Street line to Pat Cannon, improving water pressure and servicing the new Boys and Girls Club facility. He checked references and the lowest bidder, Balch Machine Company,

has done similar projects but not in Weslaco.

Commissioner Pena, seconded by Commissioner Kerr, moved to amend the motion to award Balch Machine Company as the best qualified and most advantageous respondent to Request For Bids 2014-15-23 Utah Avenue Waterline Improvements and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

The original motion carried unanimously; Mayor Suarez was present and voting.

V. **PROJECT REPORTS**

The City Manager stated to improve transparency he would conduct project reports the first meeting of the month, about three minutes each.

A. Water Treatment Plant Expansion by Public Utilities Department.

Mr. David Salinas reported the Water Treatment Plant is 82% complete and 82% paid; plants two and three presently are offline for rehabilitative work. There is a \$9 million balance.

B. Border Avenue Reconstruction by Planning and Code Enforcement Department.

Mr. Mardoqueo Hinojosa reported this project is scheduled for 250 calendar days but is presently 45 days ahead of schedule; the total cost is \$2.5 million, with one invoice of \$460,000.00 paid to date. Due to the cost share, the County reimburses as "we go." A project overrun may be presented to the Commission because there was more clay than tested.

C. Parks Restrooms Renovations by Parks and Recreation Department.

Mr. David Arce reported on recent improvements, including lights on photocells rather than timer to turn on automatically when dark; replacing windows with glass blocks; painting the interiors white to make easier to clean after graffiti, added interior light fixtures, replacing other fixtures with stainless steel, and adding privacy walls inside and outside the restrooms. The Mayor requested the installation of the drinking water fountains as a priority.

D. Storm Damage Mitigation by Public Facilities Department.

Mr. Pete Garcia reported that five laborers and two supervisors were called in at 7:00 a.m. following the storm and removed brush until nearly 1:00 p.m. Various brush piles await pick up by Allied Waste.

E. Runway Extension by Airport Department.

Mr. George Garrett advised that two phases of this project are complete by local firm Anderson Columbia; however, due to rain delays, the project is 45 days behind schedule. Until additional land is acquired, the project cannot proceed with Phase 2, which could add another 1,000 feet to runway length for a total of 6,000 feet, sufficient to land a 737 airplane.

F. Emergency Management Plan Update by Airport Department.

Mr. Garrett stated the current plan is designated advanced level, which covers both Donna and Weslaco. Hurricane season starts again in 25-days.

VI. **EXECUTIVE SESSION**

At 8:01 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:35 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VII. **POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

A. Personnel - Discussion with the City Manager regarding the Municipal Court Associate Judge applicants as authorized by §551.074 of the Texas Government Code

There was no action on this item.

B. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

C. Pending Litigation – Consultation with Special Counsel regarding Cause No. C-5929-13-H City of Weslaco, Texas v. City of Mercedes, Texas in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

D. Pending Litigation – Discussion with the City Attorney regarding Cause No. LC14-074JM City of Weslaco and Chachalaca Aero, LLC v. John Pate in Hidalgo County, Texas as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

VIII. **ADJOURNMENT**

With no other business before the Commission, at 8:35 p.m. Commissioner Tafolla, seconded by Commissioner Pena, moved to adjourn the May 5, 2015 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Olga Noriega

COMMISSIONER, David R. Fox

COMMISSIONER, Greg Kerr

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Fidel L. Pena, III