



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 7, 2017**

On Tuesday, March 7, 2017, at 5:35 PM 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
Commissioner	Leo Muñoz
Commissioner	Olga M. Noriega
Commissioner	Letty Lopez
Commissioner	Josh Pedraza
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

Also present: Mary Barrera, Finance Director; Veronica Ramirez, Human Resources Director; Jose Pena, IT Director; Pete Garcia, Public Works Director; Tony Lopez, Fire Chief; Stephen Mayer, Police Chief; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation Director; Arnold Becho, Library Director; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor David Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, March 3, 2017.

B. Invocation.

Mayor Suarez led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral recognition.

There were no proclamations.

F. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the absence of Mayor Pro-Tem Gerardo “Jerry” Tafolla and Commissioner Kerr. Commissioner Noriega arrived at 6:40 p.m.

II. PUBLIC COMMENTS

There were no comments received.

III. PUBLIC HEARING

Commissioner Lopez, seconded by Commissioner Muñoz moved, to open the public hearing. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input on behalf of Valley Donna Food Mart Inc. requesting a Conditional Use Permit to obtain a Wine and Beer Retailer’s Off-Premise Permit at 718 W. 6th St., also being Lots 14-17 and W1/2 Lot 18, Block 4, Glendale Addition Subdivision, Weslaco, Hidalgo County, Texas.

Ramon Montalvo stated he was in favor of the request.

B. To solicit input on behalf of Robert W. McNabney requesting a Conditional Use Permit to obtain a Retail Dealer’s On-Premises Late Hours License at 2901 W. Business 83, also being 1.77 acres Irrigation Tract S881.60’-E179.15’ out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to close the public hearing at 5:36 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

IV. CONSENT AGENDA

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

A. Approval of the Minutes of the Regular Meeting on February 21, 2017. (Staffed by City Secretary's Office.)

B. Approval on second and final reading of the following:

1) Ordinance 2017-04 to reduce a detention pond easement line by 66 feet on Lot 2, Bonita Homes Subdivision. (First Reading held February 14, 2017; Staffed by Planning and Code Enforcement Department.)

2) Ordinance 2017-06, amending Ordinance 2013-26, providing for a new schedule of rates to be charged for certain meter tapping fees. (First Reading held February 21, 2017; Staffed by Finance Department.)

3) City of Weslaco Building and Safety Codes (First Reading of Ordinances held February 21, 2017; Staffed by Planning & Code Enforcement Department.)

1. Ordinance 2017-07 the 2015 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.

2. Ordinance 2017-08 the 2015 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.

3. Ordinance 2017-09 the 2015 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.

5. Ordinance 2017-11 the 2015 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.

6. Ordinance 2017-12 the 2015 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.

7. Ordinance 2017-13 the 2015 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.

8. Ordinance 2017-14 the 2015 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.

9. Ordinance 2017-15 the 2015 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.

10. Ordinance 2017-16 the 2015 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.

11. Ordinance 2017-17 the 2014 National Electrical Code as the Electrical Code of the City, repealing any previous editions.

4) Ordinance 2017-18, authorizing a budget amendment in the amount of \$150,000.00 for drainage improvements at Beatriz Garza Middle School on Sugarcane Drive. (First reading held February 21, 2017; Staffed by City Manager's Office.)

C. Approval of the request by Weslaco Independent School District (WISD) to utilize Isaac Rodriguez Park on April 8, 2017 from 6 a.m. – 12 noon for the Cowboy/Cowgirl for Dyslexia 5K Run, and authorize the Mayor to execute any related documents as may be required. (Requested by WISD.)

D. Approval of the renewal of the Interlocal Cooperation Agreement with the County of Hidalgo for participation within the Hidalgo County Library System (HCLS) and authorize the Mayor to execute any related documents. (Staffed by the Library.)

E. Approval on the renewal of the listed Affiliation Agreements for Clinical Experience for EMT, Advanced EMT and Paramedic clinical ride outs and authorize the Mayor to execute any related documents:

- 1) Weslaco FD EMS and HealthWebCE;
- 2) Weslaco FD EMS and Valley Baptist Medical Center;
- 3) Weslaco FD EMS and South Texas Health System; and
- 4) Weslaco FD EMS and Doctors Hospital at Renaissance

(Staffed by the Fire Department.)

F. Acceptance of a grant award in the amount of \$19,200.00 with no matching funds required from U.S. Department of Homeland Security to the City of Weslaco Fire Department for Water Rescue Dry Suits for Special Operations Team, approve Resolution 2017-17 regarding this grant, and authorize the Mayor to execute any related documents. (Staffed by the Fire Department.)

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve consent agenda items A, B 1 and 2, 4, C, D, E and F withholding item B3 1 through 11. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Muñoz requested withholding the ordinances, stating the energy code was unresolved and recommended approval of the building code ordinances all together.

Commissioner Muñoz, seconded by Commissioner Lopez moved to table two meetings item B3 1 through 11. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, following are the ordinances:

ORDINANCE NO. 2017-04

AN ORDINANCE REDUCING THE SIZE OF 126-FOOT DETENTION POND EASEMENT ALONG THE SOUTHSIDE LOT 2, BONITA HOMES SUBDIVISION, HIDALGO COUNTY, TEXAS TO A 60 FOOT DETENTION POND EASEMENT 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. Reducing the size of 126-foot detention pond easement along the Southside Lot 2, Bonita Homes Subdivision, Hidalgo County, Texas, to a 60-foot detention pond easement

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 14th day of February, 2017.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 7th day of March 2017.

ORDINANCE NO. 2017-06

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 77-16, CODIFIED IN THE WESLACO CODE OF ORDINANCES AS SECTION 138.58 "WATER RATES PRESCRIBED" AND AMENDING SECTION 1 OF ORDINANCE 67-10, CODIFIED IN THE WESLACO CODE OF ORDINANCES AS SECTION 138.59 "SEWER RATES PRESCRIBED;" BY PROVIDING FOR A NEW SCHEDULE OF RATES TO BE CHARGED FOR TREATED WATER DELIVERED THROUGH THE SYSTEM OF THE WATER DEPARTMENT OF THE CITY OF WESLACO; AND PROVIDING FOR A NEW SCHEDULE OF RATES TO BE CHARGED FOR THE USE OF WASTEWATER TREATMENT FACILITIES OF THE CITY OF WESLACO; AND PROVIDING FOR AN EFFECTIVE DATE AFTER THE SECOND PUBLICATION OF THIS ORDINANCE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

SECTION 1. BE IT ORDAINED BY THE CITY OF WESLACO, TEXAS, to amend Section I of Ordinance No. 77-16, adopted on August 16, 1977, and Codified in the Weslaco Code of Ordinances as Section 138.58 and entitled "Water Rates Prescribed", to adopt a new schedule of rates to be charged for treated water delivered through the system of the water department of the City of Weslaco so that after Second and Final Reading of this Ordinance, Weslaco Code of Ordinances Section 138.58, will read as follows:

ARTICLE II. SERVICE CHARGES

Sec. 138.58. Water Rates Prescribed.

There are hereby established the following schedules of rates to be charged for treated water delivered through the system of the water department of the city:

Schedule A. Residential Inside City Limits
(1) Minimum monthly bill, (not including water)..... \$15.62

Minimum monthly bill, (includes 2,000 gallons of water) if applied for by a Resident over 65 years of age, Disabled, or a Veteran\$10.41

(2) Charge per each 1,000 gallons or portion thereof.....\$2.71

Schedule B. Commercial Inside City Limits

(1) Minimum monthly bill (not including water):	
5/8 inch or ¾ inch meter.....	\$16.26
1 inch meter.....	\$18.64
1 ½ inch meter.....	\$21.70
2 inch meter.....	\$26.25
3 inch meter.....	\$37.69
4 inch meter.....	\$52.60
6 inch meter.....	\$86.34
8 inch meter.....	\$109.65

(2) Charges per each 1,000 gallons or portion thereof:	
0 to 15,000 gallons	\$2.90
15,000 to 15,001 gallons (An addition to the base fee when this level is reached.)	
.....	\$13.87
15,002 to 30,000 gallons.....	\$ 3.23
30,000 to 35,000 gallons.....	\$3.26
35,000 to 35,001gallons (An addition to the base fee when this level is reached.)	
.....	\$13.43
Over 35,000 gallons.....	\$3.26

Schedule C. Multi Family Inside City Limits

(1) Minimum monthly bill (not including water):	
5/8 inch or ¾ inch meter.....	\$16.26
1 inch meter.....	\$17.55
1 ½ inch meter.....	\$21.70
2 inch meter.....	\$26.25
3 inch meter.....	\$37.69
4 inch meter.....	\$52.60
6 inch meter.....	\$86.34
8 inch meter.....	\$109.65

Multi Family residents whose water rates increase because of Ordinance 2013-26 affixing the rate structure for “Multi Family Inside City Limits” may request a 2% reduction of their current minimum monthly bill as assigned by the Water Rates prescribed to be “Residential Inside City Limits” from the Weslaco City Manager.

(2) Charges per each 1,000 gallons or portion thereof:	
0 to 15,000 gallons	\$ 2.90
15,000 to 15,001 gallons (An addition to the base fee when this level is reached.)	
.....	\$13.87
15,002 to 30,000 gallons.....	\$ 3.23
30,000 to 35,000 gallons.....	\$ 3.26
35,000 to 35,001gallons (An addition to the base fee when this level is reached.)	
.....	\$13.43
Over 35,000 gallons.....	\$ 3.26

Schedule D. Irrigation Meters Inside City Limits

(1) Minimum monthly bill (not including water):	
5/8 inch or ¾ inch meter.....	\$ 8.29
1 inch meter.....	\$11.17
1 ½ inch meter.....	\$15.32
2 inch meter.....	\$19.88

3 inch meter.....	\$31.31
4 inch meter.....	\$46.22
6 inch meter.....	\$79.97
8 inch meter.....	\$103.28

(2) Charges per each 1,000 gallons or portion thereof:

0 to 10,000 gallons	\$2.77
10,000 to 15,000 gallons.....	\$2.86
Over 15,000 gallons.....	\$2.91

(3) Irrigation meters with no associated wastewater service will not be assessed monthly charges for wastewater service.

Schedule E. Service Provided to Customers Residing Outside of the City Limits

(1) The monthly water charges for any customer (residential, commercial, multi-family, irrigation, or other) located outside the corporate limits of the City of Weslaco shall be at the rate of 150% of the rate charged customers inside the corporate limits of the City.

Schedule F. Tapping Fees.

The following charges shall be made as tapping fees for making connections for the use of any water user (deposit and permit fees are not included):

Meter Size	Inside City	Outside City
5/8"	\$739.86	\$832.34
1"	\$870.76	\$979.60
1 1/2"	\$1,187.35	\$1,336.23
2"	\$3,286.06	\$4,929.09
3"	\$4,612.93	\$6,919.39
4"	\$6,936.71	\$10,405.06

For all other size taps, the tapping charge shall be based upon the current cost of the meter, required materials, and labor therefore.

In cases where the developer has installed their own water lines, tapping saddles, corp. stop, tubing and angle stop up to the ground surface, the fees for a 5/8" meter will be \$232.07 for a connection inside the city limits and \$348.10 for a connection outside the city limits.

Schedule G. Fire Protection Sprinkler Fees

There shall be no additional charge per month in addition to the other charges listed in this section, for accounts with a fire protection sprinkler system.

SECTION II. BE IT FURTHER ORDAINED BY THE CITY OF WESLACO, TEXAS, to amend Section I of Ordinance No. 67-10, adopted on June 27, 1967, and codified in the Weslaco Code of Ordinances as Section 138.59 and entitled "Sewer Rates Prescribed", so that after Second and Final Reading of this ordinance, Weslaco Code of Ordinances Section 138.59 will read as follows:

ARTICLE II. SERVICE CHARGES

Sec. 138.59. Wastewater Rates Prescribed.

The following rates shall be charged for use of the wastewater treatment facilities of the City of Weslaco, including storm sewer lines if used for the purpose of disposing waste or cooling water. The rates hereby established shall be applicable to all classes of customers using the city sanitary sewer system, except for industrial customers who will continue to be charged under the provisions of the industrial waste ordinance of the City of Weslaco, Ordinance No. 76-16, as amended:

(1) Minimum Charge Inside City Limits: The minimum monthly charge for all classes of customers using the City of Weslaco wastewater treatment facilities shall be fifteen dollars and forty-five cents (\$15.45) per month. The monthly base rate will be ten dollars and thirty-one cents (\$10.31) if applied for by a resident over 65 years of age, Disabled, or a Veteran.

(2) Additional Charges for Single-Family Residential Users Inside City Limits. In addition to the minimum charge listed above, a charge of one dollar and seventy-seven cents (\$1.77) will be made for each one thousand (1,000) gallons of water used, or portion thereof, for monthly metered consumption up to 35,000 gallons.

(3) Multifamily Residential and Mobile Homes Inside City Limits. The charge for the use of the city wastewater treatment facility for duplexes or multifamily apartments or housing where the buildings are generally used solely for permanent or continuous living quarters and mobile home and/or recreational vehicle park owners on master meters shall be as follows:

Minimum monthly bill\$11.81

Charges per each 1,000 gallons of metered water use, or portion thereof:

0 to 15,000 gallons.....	\$2.28	
15,000 to 15,001 gallons (An addition to the base fee when this level is reached.).....	\$10.61	
15,001 to 35,000 gallons.....	\$2.54	
35,000 to 35,001 gallons (An addition to the base fee when this level is reached.).....	\$10.27	
Over 35,000 gallons.....	\$2.54	

(4) Commercial Customers Inside City Limits. Commercial customers are those customers who discharge wastewater from a private building which is not residential in nature and conduct business activities for the sole purpose of making a profit, and receive an inflow of paying customers for services rendered or the purchase of goods. All sewer accounts required to file for a sales tax number with the state comptroller's office or an employer's federal I.D. number with the Internal Revenue Service shall be deemed as commercial accounts. The charge for commercial users shall be as follows:

Minimum monthly bill\$12.98

Charges per each 1,000 gallons of metered water use, or portion thereof:

0 to 15,000 gallons.....	\$2.61
15,000 to 15,001 gallons (An addition to the base fee when this level is reached.).....	\$12.12
15,001 to 35,000 gallons.....	\$2.91
35,000 to 35,001 gallons (An addition to the base fee when this level is reached.).....	\$11.74
Over 35,000 gallons.....	\$2.91

(5) Lawn and Landscape Irrigation. All accounts shall be exempt from sanitary sewer charges on water metered solely for lawn and landscape irrigation.

(6) Industrial Users. All industrial uses, such as canning plants, packing sheds, laundries, bottling works, milk plants and other industrial users, shall be charged a rate computed under Ordinance No. 76.16, as amended.

(7) Institutional, Etc., Users Inside City Limits. All customers not classified as aforementioned, including institutional, religious and not-for-profit entities, shall be charged for the use of the wastewater treatment facility as follows:

Minimum monthly bill.....\$11.81

Charges per each 1,000 gallons of metered water use, or portion thereof:

0 to 15,000 gallons.....\$2.28

15,000 to 15,001 gallons (An addition to the base fee when this level is reached.)

.....\$10.61

15,001 to 35,000 gallons.....\$2.54

35,000 to 35,001 gallons (An addition to the base fee when this level is reached.)

.....\$10.27

Over 35,000 gallons.....\$2.54

(8) Commercial Laundries Inside City Limits. Commercial customers whose principal business is the operation of a commercial laundry shall be charged for use of the city wastewater treatment facility as follows:

Minimum monthly bill.....\$12.98

Charges per each 1,000 gallons of metered water use, or portion thereof:

0 to 15,000 gallons.....\$2.61

15,000 to 15,001 gallons (An addition to the base fee when this level is reached.)

.....\$12.12

15,001 to 35,000 gallons.....\$2.91

35,000 to 35,001 gallons (An addition to the base fee when this level is reached.)

.....\$11.74

Over 35,000 gallons.....\$2.91

(9) The monthly sewer charges for any customer (residential, commercial, multi-family, institutional, laundry, or other) located outside the corporate limits of the City of Weslaco shall be at the rate of 150% of the rate charged customers inside the corporate limits of the City.

SECTION III: All other provisions of Chapter 138, Article II, Section 138.58, and Section 138.59, and Ordinance 77-16, and Ordinance 67-10 shall remain in effect and are not being amended by this Ordinance.

SECTION IV: These amendments to Chapter 138, Article II, Section 138.58, and Section 138.59, shall be in effect after Second and Final Reading of this Ordinance.

PASSED AND APPROVED on first reading at regular meeting of the City Commission this 21st day of February, 2017.

PASSED AND APPROVED on second and final reading at regular meeting of the City Commission this 7th day of March, 2017.

ORDINANCE 2017-18

AN ORDINANCE AMENDING ORDINANCE NUMBER 2016-31, APPROVING AND ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017, FINDING NEED TO AMEND THE 2016-2017 MUNICIPAL BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City Commission of the City of Weslaco utilized diligent thought and attention to the preparation of the 2016-2017 budget; and

WHEREAS, unusual and unforeseen conditions have arisen during the fiscal year which have, or will require, the expenditure of additional funds constituting an emergency expenditure; and

WHEREAS, Section 102.009 of the Texas Local Government Code authorizes the City to amend its budget in such a manner as to provide for emergency expenditures as an amendment to the original budget in a case of grave public necessity to meet an unusual and unforeseen condition; and

WHEREAS, the City Commission finds the amendments in the line items identified in the attached Exhibit are reasonable, necessary, and for municipal purposes.

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

SECTION 1. FINDINGS. The City Commission finds the statements made in the preamble above are true.

SECTION 2. BUDGET LINE ITEMS. The City Commission approves the budget amendments in the attached Exhibit as such change is necessary to meet an unusual and unforeseen condition as the result of an emergency.

SECTION 3. BUDGET TOTAL. The City Commission further finds the amended budget line items identified in such Exhibit will not cause the total expenditures in the budget to exceed the total amount of estimated revenue.

SECTION 4. APPROVAL. The 2016-2017 Official Budget, adopted by Ordinance 2016-31, is hereby reallocated, revised, amended and approved as set forth in the attached Exhibit.

SECTION 5. AUTHORIZATION. The City Manager is authorized to undertake action to execute such transfers in accordance with state law, and file, or cause to be filed, a true and correct copy of this Ordinance, with the attached budget amendment, with the City Secretary.

SECTION 6. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 21st day of February, 2017.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 7th day of March, 2017.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:

/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/Juan E. Gonzalez, CITY ATTORNEY

For the record, following is the resolution:

RESOLUTION 2017-17

WHEREAS, The City of Weslaco finds it in the best interest of the citizens of Weslaco, Hidalgo County, Texas, that the 2017 State Homeland Security Program Law Enforcement Terrorism Prevention Activities Grant be operated for the 2017 fiscal year; and

WHEREAS, The City of Weslaco agrees to provide matching funds for the said project as required by the FY2017 HS-Homeland Security Grant Program (HSGP) grant application; and

WHEREAS, The City of Weslaco agrees that in the event of loss or misuse of the Office of the Governor funds, The City of Weslaco assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, The City of Weslaco designates Mayor David Suarez as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that The City of Weslaco approves submission of the grant application for the 2017 State Homeland Security Program Law Enforcement Terrorism Prevention Activities Grant to the Office of the Governor.

Grant Number: 3405301

Passed and approved this 7th day of March, 2017.

CITY OF WESLACO

/s/David Suarez, MAYOR

ATTEST:

/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/Juan E. Gonzalez, CITY ATTORNEY

V. APPOINTMENTS

A. Discussion and consideration to approve Resolution 2017-18 appointing a member to the Planning and Zoning Commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve Resolution 2017-18 reappointing David Hernandez to the Planning and Zoning Commission. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, following is the resolution:

RESOLUTION NO. 2017-18

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE
PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances.

WHEREAS, the terms of the members of this board are for three years; and

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT David Hernandez is appointed to serve an expired term on the Planning and Zoning Commission Board and the term will begin on April 3, 2017 and will expire on April 2, 2020.

PASSED AND APPROVED on this 7th day of March, 2017.

CITY OF WESLACO
/s/David Suarez MAYOR

ATTEST:

/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/Juan E. Gonzalez, CITY ATTORNEY

B. Discussion and consideration to approve Resolution 2017-19 appointing a member to the Ambulance Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Fire Department.)

Commissioner Muñoz, seconded by Commissioner Pedraza, moved to approve Resolution 2017-19 reappointing Patrick Kennedy to the Ambulance Advisory Board. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, following is the resolution:

RESOLUTION NO. 2017-18

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE
AMBULANCE ADVISORY BOARD.

WHEREAS, the City of Weslaco has established the Ambulance Advisory Board pursuant to Section 14-1(A) of Ordinance No. 78-39; and

WHEREAS, the terms of the members of this board are for two years; and

WHEREAS, the Ambulance Advisory Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Patrick Kennedy is appointed to serve on the Ambulance Advisory Board and the term will begin on April 18, 2017 and will expire on April 17, 2019.

PASSED AND APPROVED on this 7th day of March, 2017.

CITY OF WESLACO

/s/David Suarez MAYOR

ATTEST:

/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/Juan E. Gonzalez, CITY ATTORNEY

C. Discussion and consideration to approve Resolution 2017-20 establishing the City of Weslaco Recycling Task Force and approve Resolutions 2017-21, 2017-22, 2017-23, 2017-24, and 2017-25 appointing citizen members to the same and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works.)

Mike Perez, City Manager, recommended to approve Resolution 2017-20 and solicit on the website public interest for committee members.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve Resolution 2017-20 establishing the Weslaco Recycling Task Force comprised of three (3) instead of two (2) members of the commission, including Commissioners Muñoz, Lopez and Kerr. The motion carried unanimously; Mayor Suarez was present and voting.

There was no action on Resolutions 2017-21, 2017-22, 2017-23, 2017-24, and 2017-25 appointing citizen members.

For the record, following is the resolution:

RESOLUTION NO. 2017-20

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO RECYCLING COMMITTEE TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and encourage participation toward the planning and facilitating of programs, activities, and awareness on the importance of recycling; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, there shall be ten (10) members in the Weslaco Recycling Committee Task Force who shall be appointed by the Weslaco City Commission and shall be comprised of three Commissioners, one representative of the Public Works Department, one representative of Republic Services, and five citizens; and

WHEREAS, members shall serve without compensation and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a Weslaco Recycling Committee Task Force is hereby created.

PASSED AND APPROVED on this 7th day of March, 2017.

CITY OF WESLACO

/s/David Suarez MAYOR

ATTEST:

/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/Juan E. Gonzalez, CITY ATTORNEY

D. Discussion and consideration to accept one resignation from the Weslaco 100 Committee and approve Resolution 2017-26 appointing a member to that unexpired term and authorize the Mayor to execute any related documents. Possible action. (Staffed by Museum.)

Commissioner Lopez, seconded by Commissioner Muñoz, moved to accept the resignation of Barbara Ostermaier and approve Resolution 2017-16 appointing Laurie Cardenas as a member to the unexpired term on the Weslaco 100 Committee. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, following is the resolution:

RESOLUTION NO. 2017 - 26

A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS TO THE WESLACO 100 COMMITTEE TO PREPARE WESLACO'S CENTENNIAL CELEBRATION AND STRATEGIC PLAN

WHEREAS, The City of Weslaco, Texas, founded 1919, will celebrate its centennial in 2019, and anticipates programs and activities befitting the occasion; and

WHEREAS, This Commission finds merit in establishing an ad hoc citizen's committee to solicit suggestions, make recommendations, and encourage participation toward the planning and facilitating of such programs and activities; and

WHEREAS, After public meetings, all recommendations are required to be submitted to the Weslaco City Commission for approval; and

WHEREAS, The Committee shall concurrently consider issues for the strategic growth of the City over the next 100 years, including planning/sustainable development, governance, health, transportation, education, economic development, public safety, parks, information technology, and housing; and

WHEREAS, there shall be sixteen (16) members in the Weslaco 100 Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for three (3) years and may be eligible for reappointment;

WHEREAS, The Weslaco 100 Committee members shall serve without compensation

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Laurie Cardenas is appointed to serve on the Weslaco 100 Committee and the term will begin on March 8, 2017, and will expire on April 19, 2019.

PASSED AND APPROVED on this 7th day of March, 2017.

CITY OF WESLACO
/s/David Suarez MAYOR

ATTEST:

/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/Juan E. Gonzalez, CITY ATTORNEY

VI. OLD BUSINESS

A. Discussion and consideration to adopt Ordinance 2017-10, the 2015 Edition of the International Energy Conservation Code, for the regulation and governing of energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2017-10. Possible action. (There was no action on this item February 21, 2017; Staffed by Planning and Code Enforcement Department.)

Commissioner Muñoz, seconded by Commissioner Lopez, moved for the item to remain on the table until the next regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion on the Single Member District Model for the City of Weslaco. (This item was tabled February 21, 2017; Requested by Commissioners Munoz and Kerr.)

Mayor Suarez recommended the item remain on the table.

Commissioner Muñoz, seconded by Commissioner Lopez, moved for the item to remain on the table scheduling a workshop for discussion. The motion carried unanimously; Mayor Suarez was present and voting.

VII. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Valley Donna Food Mart Inc. to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 718 W. 6th St., also being Lots 14-17 and W1/2 Lot 18, Block 4, Glendale Addition Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve.

Mardoqueo Hinojosa, City Engineer/Planning Director, recommended to table until the regular meeting of April 18th to allow for the rezoning process.

Commissioner Muñoz rescinded his motion.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to table the item until the April 18th regular meeting as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration after public hearing on behalf of Robert W. McNabney to approve a Conditional Use Permit to obtain a Retail Dealer's On-Premises Late Hours License at 2901 W. Business 83, also being 1.77 acres Irrigation Tract S881.60'-E179.15' out of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement.)

Mardoqueo Hinojosa stated previous commission approved a conditional use permit. The owner is requesting a change to add late hours of operation. Staff recommends approval; owner will have two (2) security guards through close of business as stipulated in the conditional use permit.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to approve a Conditional Use Permit to obtain a Retail Dealer's On-Premises Late Hours License at 2901 W. Business 83 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to approve the Final Plat for Pleasant View Village Subdivision, being a 8.55 acre tract of land out of Farm Tract 709, Block 136, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located along the East right-of-way of Pleasant Village Drive, and about 1250 feet South of the U.S. Business Highway 83 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement.)

Mardoqueo Hinojosa stated staff recommends approval of the final plat and a rear setback variance from 25% to 10% as requested by the owner.

Commissioner Lopez, seconded by Commissioner Muñoz, moved to approve the Final Plat for Pleasant View Village Subdivision with 10% variance to setback requirement as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to approve the Final Plat for Fern Oak Subdivision, being a 1.20 acre tract of land out of Farm Tract 117, West Tract Subdivision, Weslaco, Hidalgo County, Texas, located at 209 W. Sugar Cane Dr. and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement.)

Mardoqueo Hinojosa recommended approval stating the property has been rezoned.

Commissioner Lopez, seconded by Commissioner Muñoz, moved to approve the Final Plat for Fern Oak Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to accept the most advantageous bidder, SmartCom Telephone, as the vendor for internet access services submitted in response to the Library's Request for Proposal within the E-Rate Year 20 cycle (Fiscal Year 2017-2018), and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.)

Arnold Becho, Library Director, stated two responses were received and evaluated. Staff recommends approval of SmartCom Telephone as the most advantageous bidder, though \$30.00 more per month, past performance of customer service was a significant criteria in evaluation.

Commissioner Lopez, seconded by Commissioner Muñoz, moved to approve SmartCom Telephone, as the most advantageous vendor for internet access services for the E-Rate Year 20 cycle (Fiscal Year 2017-2018) as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to approve the current Fiscal Year 2016/2017 Street Improvement Projects schedule and the continuation of FY 2016/2017 Street Improvement Projects list. Possible action. (Staffed by Public Works.)

Pete Garcia stated improvements are on schedule with Huisache street to be completed during spring break week and is the last street on the 2016-17 list. The Mayor noted improvements to Midway Road in partnership with the City of Donna and County Precinct 1 are upcoming.

Commissioner Lopez, seconded by Commissioner Muñoz, moved to approve the current Fiscal Year 2016/2017 Street Improvement Projects schedule and the continuation of FY 2016/2017 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration to approve the paving of Medrano Road. Possible action. (Requested by Commissioners Pedraza and Lopez.)

Commissioner Pedraza, seconded by Commissioner Lopez, moved discuss.

Commissioner Pedraza was approached concerning the condition of Medrano Road; stating it is in very poor condition.

The City Manager stated the road is privately owned as a private access easement; in order for the City to make improvements, it would require surveying and securing individual warranty deeds that assess a paving lien. Staff could grate and level the road in the meantime and estimated a project cost of \$20,000.00 in engineering and attorney fees. The paving assessed to the property owners would be 2/3 of the project cost.

Commissioner Muñoz, seconded by Commissioner Pedraza, moved to authorize the initiation of the paving improvements process as presented for Medrano Road. The motion carried unanimously; Mayor Suarez was present and voting

H. Discussion and consideration to approve rules for the rental of Park fields. Possible action. (Staffed by Parks and Recreation Department.)

Commissioner Lopez, seconded by Commissioner Muñoz, moved to discuss.

David Arce, Parks Director, presented guidelines for the renting of park fields. The Weslaco park fields are popular as the location is mid-point for valley cities. Guidelines proposed would give priority to Weslaco residents and time limitations on rental. Staff welcomed any suggestions from the commission.

The City Manager stated concerns raised from the residents are the availability of park usage. Mayor Suarez recommends no action and for staff to prepare rules for review and consideration for the next meeting approving them as a policy.

There was no action on this item.

I. Discussion and consideration to authorize the submission of a waiver of retro-activity for the north side property comprised of 45.944 acres located in 48.682 acres of land out of Farm Tracts 98 and 114 West Tract Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

The City Manager recommended approval stating the pledge of land for the proposed north side location of 45 acres will look more favorable on the grant application.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to authorize the submission of a waiver of retro-activity for the north side property comprised of 45.944 acres located in 48.682 acres of land out of Farm Tracts 98 and 114 West Tract Subdivision, as presented. The motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration to authorize the additional repairs needed on the Kansas Avenue concrete water tower, including painting and caulking of the interior of the tank, in an amount not to exceed \$37,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

Pete Garcia stated repairs of leaks were necessary for the water tower, which has 300,000 gallon capacity. The City Manager stated repairs include replacing rusted pipes and caulking and sealing the inside to address TCEQ violations; repairs would give the tower an additional 20-year life span. Staff recommends approval.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to authorize the additional repairs needed on the Kansas Avenue concrete water tower, including painting and caulking of the interior of the tank, in an amount not to exceed \$37,000.00 with Southern Trenchless as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. REPORTS

A. Quarterly investment report for 12/31/2016. Possible action to accept and file.

Mary Barrera, Finance Director, reviewed the quarterly report for first quarter performance, stating the interest earned was \$19,136.00 with \$23,380,294 in investments comprised of Texpool, two Certificates of Deposit and money market accounts.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to accept and file the Quarterly Investment report as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Quarterly financial report for 12/31/2016. Possible action to accept and file.

Mary Barrera stated the first quarter financial report was unaudited; assets, cash and equivalents totaled \$18,293,725; liabilities are \$10.4million recognizing the full amount of tax levy. There is a general fund balance of \$9,793,930 with an excess of revenues over expenditures at \$1,832,778. Water and sewer funds operations are within budget considering there is a lot of capacity and not

a lot of usage; there is negative net capital change for the airport fund, report \$61,000 charges for services.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to accept and file the Quarterly Financial report as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Report by Economic Development Corporation of Weslaco.

Marie McDermott, EDC Director, reported the Alfresco event held was well attended; the next event is the Fourth of July; there was an article in newspaper highlighting murals. There are 59 leads that could have a capital investment of \$150 million and 5 projects wins, creating 109 jobs.

D. Report by Weslaco Area Chamber of Commerce.

Laura Espinoza introduced Doug Croft as the newly hired Chamber CEO, and reported the mobile apps has 775 users.

E. Report by Severn Trent.

George Quilantan stated he now is overseeing operations; he reported on a lift station spill, thanking Public Works for assistance in cleanup. Additionally, he requested from TCEQ to reduce reporting from quarterly to bi-annual; this was approved, with a cost savings in testing fees.

F. Report by Planning and Code Enforcement.

Mardoqueo Hinojosa presented his research on daycare comparison and recommended to adopt guidelines by Ordinance; there was \$48 million in building valuations since August with more apartments forthcoming. Joe Pedraza reported on dilapidated structures and the next Clean Sweep is scheduled April 29th.

G. Report by Human Resources Department - Leave Donation Policy.

The City Manager stated as directed to staff, the leave donation presented was in draft for review and would be on the next meeting for approval. Ms. Veronica Ramirez noted this is not a pool rather a departmental program for individual employees on an as-needed basis for qualifying events within the same pay grade level or lower.

H. Report by Public Works.

Pete Garcia, Public Works Director, reported on continued cleanup of ditches and replacement of fire hydrants ongoing.

I. Report by Parks and Recreation Department.

David Arce, Parks Director, reported on upcoming events, sidewalks and ramps improvements at city park ongoing; van arrived for building maintenance, power being added on the north side of City Park for events; roof project at fire station 3 done; ongoing projects include ADA doors, bike rack at City Hall and generators for City Hall and Fire Administration offices.

IX. EXECUTIVE SESSION

At 7:25 p.m. Mayor Suarez announced the regular meeting to convene in executive session. At 8:22 p.m. Mayor Suarez announced the City Commission had completed its executive session and reconvened the regular meeting as open to the public.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. 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 Government Code.

There was no action on this item.

B. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

C. Legal Opinion - Consultation with City Attorney on legal opinion related to the appointments of Municipal Judges as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

D. Legal Opinion - Consultation with City Attorney on legal opinion related to the contract with neighboring cities for the sale of water as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

E. Pending Litigation - Report by City Attorney regarding all pending litigation as provided to City Auditor as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

F. Legal Opinion - Consultation with City Attorney on legal opinion related to government services consulting as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

G. Economic Development - Discussion regarding Project Chicken Hatch as authorized by §551.087 of the Texas Government Code.

Commissioner Noriega, seconded by Commissioner Muñoz, approved a lease between Economic Development Corporation and UTRGV and authorized the City Attorney to prepare the lease between the Economic Development Corporation and the City as discussed in executive session

and bring back for final approval by the Commission. The motion carried; Mayor Suarez was present and voting.

XI. ADJOURNMENT

Commissioner Lopez, seconded by Commissioner Muñoz, moved to adjourn at 8:23 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

ABSENT
MAYOR PRO-TEM, Gerardo “Jerry” Tafolla

COMMISSIONER, Leo Muñoz

ABSENT
COMMISSIONER, Greg Kerr

COMMISSIONER, Olga Noriega

COMMISSIONER, Letty Lopez

COMMISSIONER, Josh Pedraza