



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MAY 1, 2018**

On Tuesday, May 1, 2018, at 5:35 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	Gerardo “Jerry” Tafolla
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Jose “J.P.” Rodriguez
Commissioner	Letty Lopez
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; Leo Gonzalez, Information Technology Director; Tony Lopez, Fire Chief; Joel Rivera, Police Chief; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; David Arce, Parks and Recreation Director; Andrew Munoz, Airport Director; Arnoldo Becho, Library Director; Pete Garcia, Public Works Director; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

The Mayor called the meeting to order and certified the public notice of the meeting as properly posted Friday, April 27, 2018.

B. Invocation.

Pastor Raja Masilamony, Seventh Day Adventists Church, led the invocation.

C. Pledge of Allegiance.

The Mayor led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

The Mayor proclaimed May 2018 as Elder Abuse Prevention and Motorcycle Safety Awareness Months.

E. Roll Call.

Elizabeth Walker, City Secretary, called the roll noting the absence of Commissioner Pedraza and the arrival of Commissioner Kerr at 5:42 p.m. A quorum was present.

II. PUBLIC COMMENTS

There were none received.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 17, 2018. (Staffed by City Secretary's Office.)

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

1) Ordinance 2018-08 rezoning 1905 Hollow Drive also being Lot 97, Westgate Village Phase II Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling to B-1 Neighborhood Business District and authorize the Mayor to execute any related documents. (First reading held March 20, 2018; Staffed by the Planning and Code Enforcement Department.)

2) Ordinance 2018-09 amending Ordinance 2017-10 The City of Weslaco International Energy Conservation Code creating a sampling protocol for multiple dwelling units for Building Thermal Envelope Test and Duct Leakage Test and authorize the Mayor to execute any related documents. (First Reading held April 17, 2018; Staffed by Planning and Code Enforcement Department.)

3) Ordinance 2018-12 amending Ordinance 2017-10 The City of Weslaco International Energy Conservation Code regarding Commissioning. (First Reading held April 17, 2018; Staffed by Planning and Code Enforcement Department.)

C. Approval of a renewal of a Local Agreement between the City of Weslaco Police Department and Criminal District Attorney of Hidalgo County and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

D. Approval on Park Project Development Agreement between Economic Development Corporation of Weslaco and City on financial support for the proposed north side park and authorize the Mayor to execute any related documents. (Staffed by Economic Development Corporation.)

E. Approval of the renewal of Remote Birth Access contract with Department State Health Services for the period September 1, 2018 through August 31, 2023 and authorize the Mayor to execute any related documents. (Staffed by City Secretary's Department.)

F. Acceptance of donation in the amount of \$1,000 from KSA Engineers for Weslaco City Hall Christmas Tree. (Staffed by Parks Department.)

G. Approval of a Mid Valley Airport Hangar Lease Agreement with Mike Carey, Hangar E-2, and authorize the Mayor to execute any related documents. (Staffed by Airport.)

Mayor Pro Tem Tafolla, seconded by Commissioner Kerr, moved to approve consent agenda items A, B1, B2, C, D, E, F and G withholding agenda item B3. The motion carried unanimously; Mayor Suarez was present and voting.

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

3) Ordinance 2018-12 amending Ordinance 2017-10 The City of Weslaco International Energy Conservation Code regarding Commissioning. (First Reading held April 17, 2018; Staffed by Planning and Code Enforcement Department.)

Mike Perez, City Manager, recommended changes on the lighting and air conditioning testing. Mardoqueo Hinojosa, City Engineer/Director of Planning and Code Enforcement, clarified functional testing for lighting, identified as Section 408.3.1, would be optional and standards would be 600 BTU for cooling and 720 BTU for heating and cooling combined.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to approve Ordinance 2018-12 amending Ordinance 2017-10 The City of Weslaco International Energy Conservation Code regarding Commissioning incorporating changes recommended, with Section 408.3.1 as optional and thresholds on BUTs as 600 for cooling and 720 for combined heating and cooling. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the following are the ordinances:

ORDINANCE NO. 2018-08

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1905 HOLLOW ROAD ALSO BEING LOT 97 WESTGATE VILLAGE PHASE II SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING TO B-1 NEIGHBORHOOD BUSINESS DISTRICT.

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

SECTION I: R-1 One Family Dwelling District to B-1 Neighborhood Business District being Lot 97, Westgate Village Phase II Subdivision, also being 1905 Hollow Road, Weslaco, Hidalgo County, Texas.

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

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 20th day of March 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of May 2018.

ORDINANCE 2018-09

AN ORDINANCE AMENDING ORDINANCE NUMBER 2017-10, THE CITY OF WESLACO INTERNATIONAL ENERGY CONSERVATION CODE ORDINANCE; CODIFIED AS ARTICLE I, SECTION 26-3 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 2017-10 passed and approved on May 2, 2017 as "International Energy Conservation Code Ordinance" and Codified as Article I Section 26-3 of the Weslaco Code of Ordinances is hereby amended.

SECTION II.

After second and final reading of this Ordinance the amended International Energy Conservation ordinance sections will be adopted and codified as Article I Section 26-3 International Energy Conservation Code of the Weslaco Code of Ordinances and said Article shall read as follows:

Chapter 26-3

International Energy Conservation Code

(c) SAMPLING PROTOCOL FOR GROUP R2, R3 AND R4 OCCUPANCIES

1. Sampling for Testing. For buildings having three or more dwelling units, a minimum of 30% of the dwelling units in each building must be tested as required by Sections R402.4.1.2 and R403.3.3 of the 2015 *International Energy Conservation Code* (Code). Prior to beginning sampling for testing, "Initial Testing" is required for each multifamily property. "Initial Testing" shall consist of the 3rd party testing contractor performing the required tests on at least three consecutive dwelling units. Test results from the "Initial Testing" must satisfy minimum code requirements before sampling is permitted. Dwelling units selected for the "Initial Testing" must be within the same building. Dwelling units selected for "Initial Testing" shall not be included in a "sample group" or counted toward the minimum 30% of dwelling units tested. The building official shall randomly select the three dwelling units for "Initial Testing." The building official may delegate the random selection to the designated 3rd party testing contractor.
2. Sample group Identification and Sampling The builder shall identify a "sample group" which may be a building, floor, fire area or portion thereof. All of the dwelling units within the "sample group" must be at the same stage of construction and must be ready for testing. The building official shall randomly select at least 30% of dwelling units from each "sample group" for testing. The building official may delegate the random selection to the designated 3rd party testing contractor.
If each tested dwelling unit within a "sample group" meets the minimum code requirements, then all dwelling units in the "sample group" are considered to meet the minimum code requirements. Before a building may be deemed compliant with the testing as required, each "sample group" must be deemed to be compliant with the minimum code requirements. The sum total of all of the tested dwelling units across all "sample groups" shall not be less than a minimum of 30% of the dwelling units in a building.
3. Failure to Meet Code Requirement(s)
 - a. If any dwelling units within the identified "sample group" fail to meet a code requirement as determined by testing, the builder will be directed to fix the cause(s) of failure, and 30% of the remaining dwelling units in the "sample group" will be randomly selected for testing by the building official, or third-party testing contractor, regarding the specific cause(s) of failure.
 - b. If any failures occur in the additional dwelling units, all remaining dwelling units in the sample group must be individually tested for code compliance.
 - c. A multifamily property with 3 failures within a 90-day period is no longer eligible to use the sampling protocol in that community or project until successfully repeating "Initial

Testing." Sampling can be reinstated after at least 3 consecutive dwelling units are individually verified to meet all code requirements.

- d. No building may be issued a Certificate of Occupancy until testing has been performed and deemed to satisfy the minimum code requirements on the dwelling unit(s) identified for testing.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this this 17th day of April 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of May 2018.

ORDINANCE 2018-12

AN ORDINANCE AMENDING ORDINANCE NUMBER 2017-10, THE CITY OF WESLACO INTERNATIONAL ENERGY CONSERVATION CODE ORDINANCE; CODIFIED AS ARTICLE I, SECTION 26-3 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 2017-10 passed and approved on May 2, 2017 as "International Energy Conservation Code Ordinance" and Codified as Article I Section 26-3 of the Weslaco Code of Ordinances is hereby amended.

SECTION II.

After second and final reading of this Ordinance the amended International Energy Conservation ordinance sections will be adopted and codified as Article I Section 26-3 International Energy Conservation Code of the Weslaco Code of Ordinances and said Article shall read as follows:

Chapter 26-3

International Energy Conservation Code

C408.2 MECHANICAL SYSTEMS AND SERVICE WATER-HEATING SYSTEMS COMMISSIONING AND COMPLETION REQUIREMENTS.

Exceptions: The following systems are exempt:

1. Mechanical systems and service water heater systems in buildings where the total equipment capacity is less than 600,000 BTU/h cooling capacity and 720,000 BTU/h combined service water-heating and space-heating capacity.
2. Systems included in Section C403.3 that serve individual dwelling units and sleeping units.

C408.3.1 FUNCTIONAL TESTING (OPTIONAL).

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this this 17th day of April 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of May, 2018.

CITY OF WESLACO

/s/David Suarez, MAYOR

ATTEST:

/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/Juan E. Gonzalez, CITY ATTORNEY

IV. OLD BUSINESS

A. Discussion for establishing the Board of Adjustments to the Building Code and Zoning Ordinance (merging Board of Adjustments to the Construction and Housing Code and Board of Adjustment to the Zoning. (There was no action on April 17, 2018; Staffed by Planning and Code Enforcement Department.)

Commissioner Kerr, seconded by Commissioner Lopez moved to discuss.

Mardoqueo Hinojosa recommended no changes be made advising staff would place an item on the next agenda for board appointments.

There was no action on this item.

V. NEW BUSINESS

A. Discussion and consideration to approve final payment for the Repairs of the Villa de Cortez Parking Garage Project in an amount not to exceed \$6,151.20 and authorize Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mardoqueo Hinojosa stated the project was completed April 26; the original contract cost awarded is \$49,625.00 with a subsequent change order approved \$11,887.00. This final payment is to release 10% retainage as per contract. Staff recommends approval.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to approve final payment for the Repairs of the Villa de Cortez Parking Garage Project in an amount not to exceed \$6,151.20. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve Ordinance 2018-13 adopting a mid-year budget amendment and authorize the Mayor to executed any related documents. First reading of Ordinance 2018-13. Possible action. (Staffed by the Finance Department.)

Mary Barrera, Finance Director, stated a mid-year review of budget amendments to date reflects various expenditures approved by the Commission which reduce the fund balance \$375,945.00; the City retains operating reserves of 90-days (25%) to comply with fund balance policy. Staff recommends approval. The City Manager noted half of the amendment addresses overtime in the Fire Department; he plans to meet with each department to trim budgets without affecting the delivery of services.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve Ordinance 2018-13 adopting a mid-year budget amendment. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to accept, open, award or reject the sole bid received for Bid No.: 2017-18-16 Public Sale of Property and Building Structures located at 1411 West 18th Street. Possible action. (Staffed by Finance Department.)

The City Manager recommended to table the item until later in the meeting.

Mayor Pro Tem Tafolla, seconded by Commissioner Kerr, moved to table the item until later in the meeting. The motion carried unanimously; Mayor Suarez was present and voting.

VI. REPORTS

A. Report by Weslaco Area Chamber of Commerce.

City Manager stated Mr. Croft unavailable as he is with the leadership class on their Austin trip; the monthly report is in the agenda packet.

B. Report by Economic Development Corporation of Weslaco.

Marie McDermott, EDC Executive Director, reviewed progress report number three for the Center of Innovation and Commercialization Project and provided a summary of 62 leads with 4 leads committing to Weslaco.

C. Report by Inframark.

George Quilantan, Inframark, reported the Water Treatment Plant produced 5.007 million gallons per day in April and the South Wastewater Plant treated 1.36 million gallons per day. There was vehicular damage to the perimeter fence. In response to the City Manager, Mr. Quilantan stated Lift Station 12 will be affected by potential development as Lift Stations 4 and 5 feed into it. Staff will analyze flows to determine about capacity upgrade.

D. Report by Siemens Technologies on Performance Contracting Agreement.

Chad Noble, Siemens Technologies, reported lighting retrofits began with expected completion in July, HVAC replacements initiated with expected completion by May 7, and HVAC Armour is complete. Traffic signals should be complete by late May, with work in school zones deliberately when not in session. More than 3,400 water meters installed to date, but five new gateways/collectors delayed as a result of soil condition issues. Mr. Noble apologized for any inconvenience by water being off during meter replacement.

E. Report by Planning and Code Enforcement.

Mardoqueo Hinojosa stated Clean Sweep Operations was held May 21. Joe Pedraza reported the location was Gibson Park, covering Business 83 to 6th Street with 120 volunteers. They collected 116 tons of trash, 82 tons debris and 732 tires.

F. Report by Public Works.

Pete Garcia, Public Works Director, reported the two new recycling trailers were received and placed at sites and new work vehicles received for water distribution division. A waterline was replaced as a result of water break on 6th Street and Border; storm drain, sewer system, and fire hydrants replacements are ongoing.

C. Discussion and consideration to accept, open, award or reject the sole bid received for Bid No.: 2017-18-16 Public Sale of Property and Building Structures located at 1411 West 18th Street. Possible action. (Staffed by Finance Department.)

Mayor Pro Tem Tafolla, seconded by Commissioner Kerr, moved to remove the item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

City Manager recommends unsealing sole bid and accept if \$107,000 or greater.

Mayor Pro Tem Tafolla, seconded by Commissioner Kerr, moved to accept, open and award if over \$107,000. Mayor Suarez proceeded, announcing bid of \$110,000.00.

The original motion to approve and award if over \$107,000 carried unanimously for the sole bid received in the amount of \$110,000 from Ashley and Annie Salinas. Mayor Suarez was present and voting.

VII. EXECUTIVE SESSION

At 6:33 p.m. Mayor Pro Tem Tafolla, seconded by Commissioner Muñoz, moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:26 p.m. Mayor Suarez announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. 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.

B. Pending Litigation - Consultation with City Attorney regarding Cause No. C-1301-18-F Jimmie E. Steidinger, John Paul Blakely, and Roy Dale Kincaid, Plaintiffs, v. City of Weslaco and Andrew Munoz, Defendants as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

C. Legal Consultation - Seek City Attorney opinion relating to the mediation with CDM as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

D. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining

Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code

The City Manager advised that the Fire Union submitted their notice of intent to negotiate for collective bargaining. The negotiating team for the City would consist of Mayor, Mayor Pro Tem Tafolla, and Commissioner Lopez with staff support from the City Attorney and Fire Chief.

There was no action on this item.

IX. ADJOURNMENT

The City Manager welcomed and introduced Leo Gonzalez, IT Director.

Mayor Pro Tem Tafolla, seconded by Commissioner Muñoz, moved to adjourn at 7:26 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Gerardo “Jerry” Tafolla

COMMISSIONER, Leo Muñoz

COMMISSIONER, Greg Kerr

COMMISSIONER, Jose “J.P.” Rodriguez

COMMISSIONER, Letty Lopez

ABSENT
COMMISSIONER, Josh Pedraza