



A REGULAR MEETING OF THE WESLACO CITY COMMISSION TUESDAY, OCTOBER 20, 2020

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, Located at 255 South Kansas Avenue on Tuesday, October 20, 2020 at 5:30 pm pursuant to Section 551.045 of the Texas Open Meetings Act.

A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. In conjunction with the guidance and provisions provided by the Governor and in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus (COVID-19), there will be a **limit of twenty-five (25) in person attendance to include staff and the governing body.** These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring a large group setting and in accordance with Section 418.016 of the Texas Government Code. The meeting will be recorded and uploaded to the City website following the conclusion of the meeting.

Telephonic conferencing capabilities will be utilized to allow member of the public to participate remotely via Toll Free Dial In Number: 1-877-853-5247; Meeting ID: 946 1533 4573.

Members of the public who wish to participate in Public Comment on an agenda item must send their name, address and phone number via email to nacantu@weslacotx.gov by 12:00 pm on October 20, 2020. A staff member will contact you with instructions via phone call to address your public comment.

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral Recognition.
 - Proclamation - "Texas Chamber of Commerce Week throughout Weslaco Texas"
- E. Roll Call.

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

The Public may comment on anything on the agenda, however if you comment on something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. PUBLIC HEARING

- A. To solicit input on behalf of VIGA Restaurants, Inc.. to approve Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 1311 West IH 2 Ste G, also being Lot 2, Weslaco Plaza Subdivision, Hidalgo County, Texas.
- B. To solicit input on behalf of Alan Hurtado to approve Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 611 S Texas Blvd, also being Lot 19 & South (20') of lot 20, Block 49, Original Townsite of Weslaco, Hidalgo County, Texas.
- C. To solicit input on behalf of Dominic Reyna to approve Conditional Use Permit to obtain an On-Premise Mixed Beverage Permit, Mixed Beverage Late Hours, Food & Beverage Certificate, Beverage Cartage Permit at 1901 Club de Amistad, also being West Tract 15.67 acres being Two Irrigation Tracts of Farm Tract 791 Golf Course, Weslaco, Hidalgo County, Texas.
- D. To solicit input on behalf of Ricardo Guerra rezone 2606 N. Westgate also being Block 1, Lot 4, Sun Country Estates Subdivision, Hidalgo County, Texas. from R-1 One-family dwelling district to B-2 Secondary and Highway business district.
- E. To solicit input on behalf of Ricardo Guerra rezone 2720 N. Westgate. Also being Block 5, Lot 1 & 2, Sun Country Estates Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary and Highway business district.
- F. To solicit input on the City's intent to submit an application for grant funds through the Texas General Land Office (GLO) CDBG-MIT for the Kansas and Los Torritos Drainage Project Improvements – Phases 2 and 3.
- G. To solicit input on the City's intent to submit an application for a Federal Awards Matching Funds – Category 3 of the Flood Infrastructure Fund through the Texas Water Development Board for Kansas and Los Torritos Drainage Project Improvements to Mayor Pablo Pena Park – Phase 1 Project. Attachment

IV. CONSENT AGENDA

The following items are 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 Special Meeting on September 29, 2020

and Regular Meeting on October 6, 2020. (Staffed by City Secretary's Department.) Attachment.

- B. 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 Department.) Attachment
- C. Authorization of an expenditure in an amount not to exceed \$2,000.00 from the Preservation Fund for the purchase of death record binders, birth record binders, secure life ledger paper, and other supplies for the permanent retention of vital records as prescribed by the Texas Health & Safety Code §191.0045 (h) and authorize the Mayor to execute any related documents. (Staffed by City Secretary's Department.) Attachment
- D. Approval to solicit competitive sealed bids for the construction of the North Side Sports Complex located at 320 East Mile 11 Road (RFB No.: 2020-21-03) and authorize the Mayor to execute any related documents. (Staffed by Airport Department.) Attachment

V. NEW BUSINESS

- A. Discussion and consideration on presentation of the financials for the General Fund, Water/Wastewater and Solid Waste funds for period ending September 30, 2020 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment
- B. Discussion and consideration to accept and file the Quarterly Investment Report for period ending September 30, 2020 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment
- C. Discussion and consideration to purchase three vehicles from budgeted line items as follows: Building Maintenance one compact cargo van from Buyboard vendor #521-16 Gunn Buick, GMC in the amount of \$20,213.75 / Drain Ditch and Water Meter two full size trucks from Buyboard vendor #601-19 Caldwell Country in the amount of \$45,690.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment
- D. Discussion and consideration selecting a date(s) for a joint workshop with Weslaco Economic Development Corporation to establish goals and objectives and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)
- E. Discussion and consideration after public hearing on behalf of VIGA Restaurants, Inc. to approve a Conditional Use Permit to obtain an On-Premise Wine and Beer

Retailer's Permit at 1311 West IH 2 Ste G, also being Lot 2, Weslaco Plaza Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment

- F. Discussion and consideration after public hearing on behalf of Alan C. Hurtado to approve a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 611 S Texas Blvd, also being Lot 19 & South (20') of lot 20, Block 49, Original Townsite of Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment
- G. Discussion and consideration after public hearing on behalf of Dominic A. Reyna to approve a Conditional Use Permit to obtain an On-Premise Mixed Beverage Permit, Mixed Beverage Late Hours, Food & Beverage Certificate, Beverage Cartage Permit at 1901 Club de Amistad, also being West Tract 15.67 acres being Two Irrigation Tracts of Farm Tract 791 Golf Course, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment
- H. Discussion and consideration after public hearing on behalf of Ricardo Guerra to approve Ordinance 2020-32 a rezone request for 2606 N. Westgate. Also being Block 1, Lot 4, Sun Country Estates Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary and Highway business district and authorize the Mayor to execute any related documents. First reading on Ordinance 2020-32. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment
- I. Discussion and consideration after public hearing on behalf of Ricardo Guerra to approve Ordinance 2020-33 a rezone request for 2720 N. Westgate. Also being Block 5, Lot 1 & 2, Sun Country Estates Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary and Highway business district and authorize the Mayor to execute any related documents. First reading on Ordinance 2020-33. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment
- J. Discussion and consideration for the Final Plat for Freedom Storage— being a 2.409 acre being a part or portion out of Farm Tract 710, Block 136, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 863' east of Pleasantview Dr. south of Business 83 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment
- K. Discussion and consideration for a six-month extension of the Final Plat for Pleasant View Heights Subdivision— being a 20.33 acres out of Re- Subdivision of Lots 3 & 4, Rev M. Perez Dream Acres Subdivision, Weslaco, Hidalgo County, Texas located approximately 1500 ft. South of Interstate 2 along Pleasantview Dr. and authorize the

Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment

- L. Discussion and consideration on request from Weslaco Boys & Girls Club for funding under the CARES Act and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment
- M. Discussion and consideration of adopting Resolution No. 2020-29 electing to become eligible to participate in Tax Abatement; adopting policy; establish guidelines and criteria for Tax Abatement Agreements; providing an effective date and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment
- N. Discussion and consideration amending Professional Services Agreement AIA G802-2017 with ERO Architects for the increase in Budget for the Cost of Work for the New Police Station and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment
- O. Discussion and consideration amending Professional Services Agreement AIA G802-2017 #2 with ERO Architects for the increase in Compensation for the Architect for the New Police Station. Possible action. (Staffed by Airport Department.) Attachment

VI. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a government body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection

(a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

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

Government Code.

- B. Personnel - Discussion regarding the goals, objectives, and evaluation of the Fire Chief for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.
- C. Personnel - Discussion regarding the goals, objectives, and evaluation of the Police Chief for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.
- 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 section §551.071 of the Texas Government Code.
- E. Legal Consultation -- Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.
- F. Legal Consultation - Consultation with City Attorney regarding contract deed on Estate of Gilberto Garza and naming the North Side Park on Mile 11th North as authorized by section §551.071 of the Texas Government Code.

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

VIII. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 16th day of October 2020 on or before 4:00 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Norma A. Cantu, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary Department at (956) 968-3181, Ext. 1001 prior to the meeting date.

Regular Meetings of the Weslaco City Commission stream live online at <http://www.weslacotx.gov/open-government/open-meetings>. Archived video of some meetings are also available.

Removed from Bulletin Board

Date:

Initials: