



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
OCTOBER 6, 2020**

On Tuesday, October 6, 2020, at 5:30 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular Meeting via videoconference with the following member's present:

PRESENT:	Mayor	David Suarez
	Mayor Pro Tem	Letty Lopez
	Commissioner	Greg Kerr
	Commissioner	Josh Pedraza
	Commissioner	Adrian Farias
	Commissioner	J.P. Rodriguez
	Commissioner	Leo Muñoz
ABSENT:	None	
STAFF PRESENT:	City Manager	Mike R. Perez
	Asst. City Manager/Aviation Director	Andrew Munoz
	City Secretary	Norma A. Cantu
	City Attorney	Juan E. Gonzalez

Also present: Vidal Roman, Finance Director, Martin Vela, Information Technology Director; Rebekah De La Fuente, Planning Director; Joe Pedraza, Asst Planning & Code Enforcement Director, Joel Rivera, Police Chief, Antonio Lopez, Fire Chief, Pete Garcia, Public Works Director, Olga Garza, Asst. Public Works Director, Omar Rodriguez, Parks & Recreation Director, Tony Vargas, Marcelo Cosme and Aida Vega, Deputy City Secretary.

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, October 2, 2020.

B. Invocation.

Commissioner Farias led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

Mayor Suarez proclaimed Dyslexia Awareness Month – October 1 – 31, 2020. Recognition was given to Airport Employee Mario Valdez.

Roll Call.

Norma A. Cantu, City Secretary, called the roll noting at the time of roll call the absence of Commissioner Pedraza and a quorum present.

II. PUBLIC COMMENTS

Edward Mejia voiced concerns of gatherings during the election period activity beginning next week with campaign sites and hoped provisions would be in place preventing gatherings since COVID activity is still on-going.

III. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 10, 2020 and Minutes of the Regular Meeting on September 15, 2020 (Staffed by City Secretary Department.)

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

1) Approve Ordinance 2020-31 a rezone request for 3702 S. Westgate also being West Tract E1065'-S501.97' Farm Tract 790 being 12.27 AC GR 11.92 AC NET Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district and authorize the Mayor to execute any related documents. First reading held September 15, 2020; staffed by Planning & Code Enforcement Department.)

C. Approval of Special Services Agreement on Hotel/Motel Room Occupancy tax proceeds between City of Weslaco and the following:

1) Weslaco Chamber of Commerce for \$242,135;
2) Frontera Audubon Society for \$20,000; and
3) Lower Rio Grande Valley Nature Center for \$25,000
and authorize the Mayor to execute any related documents. (Staffed by Finance Department.)

D. Approval on the renewal of a Public Purposes Services Contract with Weslaco Bicultural Museum, d.b.a. Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$63,100 effective October 1, 2020 through September 30, 2021 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.)

E. Approval on the renewal of a Public Purposes Services Contract with the Boys and Girl Club of Weslaco in the amount not to exceed \$75,000 for the public purposes services and activities in this contract, effective October 1, 2020 through September 30, 2021 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.)

- F. Approval to accept a reimbursement award of \$1,401.88 from the Texas State Library and Archives Commission for Inter-library Loans made to Texas Public Libraries in State Fiscal Year 2020, accept additional funding if awarded, permission to apply for the program fiscal year 2021 and authorize the Mayor to execute any related documents. (Staffed by Library Department.)
- G. Approval of a Memorandum of Understanding with Region One for provision of free GED, ESL, and other adult education classes within the library and authorize the Mayor to execute any related documents. (Staffed by Library Department.)
- H. Authorization to accept the 2020 COPS Office School Violence Prevention Program (SVPP) Grant #2020SVWX0124 in the amount of \$330,450.00 with NO MATCH REQUIRED and all reoccurring costs paid by WISD to purchase approved radio equipment and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- I. Approval of Memorandum of Understanding between Weslaco Police Department First Offender Program (WPD FOP) and Weslaco Counseling Center (WCC), PLLC and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- J. Authorization to accept Office of Justice Programs and Department of Justice Edward Byrne Memorial Justice Assistance Grant Program Award #2020-DJ-BX-0825 in the amount of \$10,633.00 with NO MATCH REQUIRED to purchase equipment and supplies for the Crime Victims Program and First Offender Program and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- K. Approval of Memorandum of Understanding between Weslaco Police Department Crime Victims Compensation (WPD CVC) Program and Weslaco Counseling Center (WCC), PLLC and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- L. Authorization and approval to continue Memorandum of Understanding between the City of Weslaco and Uniting Neighbors in Drug Abuse Defense Unidad Coalition to agree to collaborate to increase prevention efforts focusing on reducing tobacco, underage drinking, prescription drug abuse, synthetic, and marijuana use in Hidalgo County and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- M. Authorization and approval to continue Memorandum of Understanding between City of Weslaco and Behavioral Health Solutions to agree to collaborate in the effort to increase the effectiveness and visibility of prevention efforts focusing on alcohol, tobacco, and other drug misuse and behavioral health issues as well as educate communities and contribute to the reduction of substance abuse among youth and adults and authorize the Mayor to execute any related documents (Staffed by Police Department.)
- N. Approval to amend a Weslaco Mid Valley Airport lease agreement with Tenant Felipe Leal, from hangar E4 to E7, and authorize the Mayor to execute any related documents. (Staffed by Airport Department.)
- O. Approval of Mid Valley Airport Ground Lease Agreements with Tenant John Garric for hangars W23, W27, W33 and authorize the Mayor to execute any related documents. (Staffed by Airport Department.)

Commissioner Kerr seconded by Commissioner Muñoz moved to approve consent agenda A, B, C, D, E, F, G, H, I, J, K, L, M, N, and O. as presented. The motion carried unanimously; Mayor Suarez was present and voting.

IV. APPOINTMENTS

A. Discussion and consideration to accept the resignation of Ismael Quiroz from the Parks and Recreation Advisory Board and consider Resolution 2020-28 appointing a member to fill the unexpired term and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, stated interest had been received from Carlo Mcaleb and Edward Mejia.

Commissioner Kerr seconded by Mayor Pro Tem Lopez moved to accept resignation of Ismael Quiroz and appoint Carla McCaleb as a member to the Parks Board to fill an unexpired term as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, following is the resolution.

RESOLUTION NO. 2020-28

A RESOLUTION OF THE CITY OF WESLACO APPOINTING A MEMBER TO AN UNEXPIRED TERM ON THE PARKS & RECREATION BOARD

WHEREAS, the City of Weslaco established the Parks & Recreation Board pursuant to the Weslaco Municipal Code of Ordinance codified as Part II Chapter 98 – Parks and Recreation; and

WHEREAS, The Parks and Recreation board shall be an advisory board and make recommendations to the city commission. The city commission shall have final approval of all goals and objectives that will be implemented within the parks and playgrounds of the city; and

WHEREAS, Article IV, Section 98-86 Parks and Recreation Board states members shall be appointed for terms of three years; provided that where the appointment is to fill a vacancy of an existing member prior to the expiration of his term, such appointment shall be for the remainder of the term of the predecessor. Upon the expiration of each term of each of these seven members, a like number of those whose terms shall expire shall be appointed to serve for a term of three years from August 1st of each year until their successors are appointed and shall qualify.

WHEREAS, the resignation of Board member Ismael Quiroz necessitates the appointment of a member to fill the vacancy for the remainder of the term.

WHEREAS, the Parks & Recreation Board members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS that the following member is appointed for the remainder of the term expiring on the first (1st) day of August 2021.

NAME
Carla Mcaleb

UNEXPIRED TERM
08/01/2021

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

PASSED AND APPROVED on this 6th day of October 2020.

Commissioner Pedraza in attendance.

V. OLD BUSINESS

A. Discussion and consideration after public hearing on behalf of Juan Gonzalez to approve a Conditional Use Permit to operate an indoor shooting range at 2949 N. Texas Blvd., also being Lot C-1, Amended Apostolic Assembly Church Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (There was no action on September 15, 2020; staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated a meeting was held with applicant and residents; seven property owners voiced concerns of safety for the neighborhood and children, area used for walking/jogging and concern with kind of individuals entering the shooting range; applicant stated hours of operation would be 7am-10pm would have security 24/7 and no gun of 45 caliber complying with state, federal and OSHA regulations.

Orlando Valero, Luis Zamora and Nancy Sanchez, all voiced objection raising concerns of safety for their family, children walking from bus drop, noise and the site location so close to residential area all in agreement priority is safety.

In response to Commissioner Muñoz and Pedraza; applicant stated he is providing an 8-foot cement wall on the north and west side of the property as a buffer from the residential area; 24/7 security for premises includes open hours of operation and will also be hiring full-time peace officers; construction of indoor walls to meet OSHA standards; all indoor walls to be constructed CMU (cinder masonry unit) adding ballistic baffle and bullet trap rubber berm to minimize noise levels. Chief Rivera stated the issues raised on noise level will be minimal; those entering a shooting range in his opinion are responsible gun owners; fees charged may mitigate those individuals entering and no statistics could be offered at this time on incidents at a shooting range. The applicant stated HVAC to be installed at the roof top for required airflow and meet all TCEQ air quality control; permitted weapons would those allowed by civilians and law enforcement.

In response to Commissioner Kerr and Rodriguez; staff stated property and surrounding area is commercial; abuts residential and the request is a permitted use with a conditional use permit, applicant stated it would be seven lanes.

Commissioner Muñoz, seconded by Mayor Pro Tem Lopez, moved to approve Conditional Use Permit to operate an indoor shooting range at 2949 N. Texas Blvd as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration on approval on the size of the Police and Fire Public Safety Building and authorize the Mayor to execute any related documents. Possible action. (There was no action September 15, 2020; staffed by City Manager.)

Andrew Munoz, Asst. City Manager/Airport Director, stated staff met with architect; cost reduced from \$8.8 million to \$8.3million for police; square footage would be 37,202 includes detached building for evidence, storage and management of 5,000 square feet; cost per item were evaluated and reduced without jeopardizing the operational functions of the police department and is acceptable to police and fire. Staff recommended approval on the size and cost commenting fire station is \$2.5million and police department \$8.3million for a revised cost of \$10,800,00 and allow negotiations begin with cost and location with the architect.

The City Manager stated the city is in a well position for borrowing and the fund balance is good without risking any CIP projects.

Commissioner Kerr, seconded by Mayor Pro Tem Lopez, moved to approve the size of the Police and Fire Public Safety Building as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

A. Discussion and consideration to Purchase an Air Curtain Burner / Brush incinerator in the amount of \$191,217.53 from Air Burners Inc. GSA Contract 47QMCA20D000C and authorize Mayor to execute any related documents. Possible action. (Staffed by City Manager/Public Works.)

Mike Perez recommended approval stating the purchase will have a cost savings to the City. Currently time, travel and tipping fees charge is notable.

In response to Commissioner Muñoz, the equipment selected is the largest available and adequate for needs of the city; runs with air and no visible smoke meeting all TCEQ requirements; maintenance for the diesel engine only and respond with a call for service, training included. The City Manager stated should disruption with the equipment occur, the city still has the agreement for the landfill in Edinburg and Donna and monies to come from the sanitation fund balance with a return on investment estimated at three years.

Commissioner Muñoz, seconded by Commissioner Kerr, moved to approve the purchase of an AirCurtain Burner / Brush Incinerator in the amount of \$191,217.53 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to authorize staff to submit a Permit by Rule (PBR) application to Texas Commission on Environmental Quality (TCEQ) Air Permit Division (APD) for burn permit located at 5220 S Midway Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

Joe Pedraza, Health Official, requested authorization for staff to apply to TCEQ for an air permit; presented layout of location site that is 300x300 located on S. Midway Road; be available to landscapers for a fee; have 5 staging piles of 15 feet with capability of additional staging piles as needed.

Commissioner Muñoz, seconded by Mayor Pro Tem Lopez, moved to approve to submit a permit by Rule application to Texas Commission on Environmental Quality (TCEQ) Air Permit Division for burn permit at 5220 S. Midway Road as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration on contract agreement for Election Services with Hidalgo County Election Administrator to conduct the General and Special Election on November 3, 2020 for the City of Weslaco and authorize the Mayor to execute any related documents including interlocal joint agreement with the Weslaco Independent School District as related to this election. Possible action. (Staffed by City Secretary Department.)

Norma Cantu, City Secretary, recommended approval on contract agreement with Hidalgo County Election Administrator to conduct the General and Special Election on November 3, 2020 and approve the interlocal joint agreement with the Weslaco Independent School District as related to this election.

Commissioner Muñoz seconded by Mayor Pro Tem Lopez moved to approve contract agreement for election services with Hidalgo County Election Administrator for the General and Special Election on November 3, 2020 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration on amendments and extension from October 7, 2020 to November 7, 2020 for Disaster Declaration (COVID-19) and any reports related to such executive orders and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

Mike Perez, City Manager, recommended approval.

Commissioner Muñoz, seconded by Mayor Pro Tem Lopez, moved to extend Disaster Declaration (COVID-19) to November 7, 2020 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration on request from Rotary Club of Weslaco to display flags on Veteran's Day, Memorial Day, Flag Day and 4th of July along 18th Street at Harlon Block Sports Complex Park and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez stated a request from the Rotary Club of Weslaco would to display flags on four National Holidays being Veteran's Day, Memorial Day, Flag Day and 4th of July along 18th street at Harlon Block Sports Complex. Staff recommended approval.

Commissioner Rodriguez seconded by Mayor Pro Tem Lopez moved to approve request from Rotary Club of Weslaco to display flags as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration on the purchase of a Quint Fire Truck through HGACBuy Contract FS12-19 at a cost of \$878,232.97 out of the Fire Department Apparatus Replacement Program fund and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Antonio Lopez, Fire Chief, stated the purchase would be out of the Fire Department Apparatus Replacement Program fund; unit is called a "Quint" with 5 firefighting functions on 1 apparatus Fire hoses, Ground Ladders, Fire Pump, Water Tank, and Ariel Device and 2000 GPM Pump. The purchase will address the demands/growth of the City and recommended approval.

Commissioner Rodriguez, seconded by Mayor Pro Tem Lopez, moved to approve purchase of a Quint Fire Truck through HGACBuy Contract FS12-19 at a cost of \$878,232.97 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration to select a Broker from the Request for Qualifications for services to advertise, market and manage the possible sale of real property located at 400 South Illinois and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

The City Manager stated two proposal received and evaluated and recommended NAI.

Commissioner Rodriguez seconded by Commissioner Kerr moved to approve and select NAI as Broker for services as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration on naming the Northside Fire Station and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

The City Manager stated Commissioner Kerr and Rodriguez suggested naming the Northside Fire Station after a fallen fire fighter. His recommendation to the commission is consider a memorial as a tribute that would have past and future fire fighters honored.

In response to Commissioner Rodriguez, Chief Lopez stated to his knowledge there are three that have passed in line of duty and/or related circumstance while on duty; currently fire stations are identified as Station 1, 2 and 3. The City Manager stated the memorial would be at the Northside Fire Station and the memorial could be for fire and police. Mayor Suarez recommended no action and bring back to the commission once cost and specifics of memorial are finalized for approval.

No action.

VII. REPORTS

A. Report by Public Works

Olga Garza, Assistant Public Works Director, overviewed brush collection services that began September 1st; stated three routes in place; went over flyers of brush schedule; acceptable items for collection and stated information is available on the City's website. Pete Garcia, Director of Public Works, presented update on the 2019 Street Improvements; working on the 2020-2021 inventory of street improvements for approval. Tony Vargas went over the drainage ditch maintenance; 24,000 sandbags utilized during Hurricane Hanna and continuing with RDF project South of City Cemetery. Marcelo Cosme reported eight manholes collapsed due to Hurricane Hanna repaired at a cost of \$269,369 and repaired a 36" storm inlet at a cost of \$22,000.

B. Report by Parks & Recreation.

Omar Rodriguez, Parks and Recreation Director, reported pavilions closed for the moment; tennis courts opened as of August; basketball rims back up at all parks, exercise stations and playground equipment opened monitoring gatherings; youth sports cancelled; Boys and Girls Club opened to essential workers only; Valley Nature Center closed but trails are open; ITheater, Movie at the Park as well as pool and splash pad closed and mowing continues on North Side Sports Park on Mile 11 with caliche done for some of the trails and is being utilized already.

C. Report by Fire Department.

Antonio Lopez, Fire Chief, reported EMS still responding to COVID-19; federal and state assets were in the City; Hurricane Hanna had high water rescues done inside and outside city limits; opening of Northside Station response time minimal to the furthest part in the district; assisted community's affected by Hurricane Laura; Emergency Operations Management monitoring COVID-19 and Hurricane activity that is ongoing; had a preliminary disaster assessment with FEMA and finalized to Hidalgo County and State of Texas a burn rate of 1.1million was identified that included debris cost charged from Republic Services.

D. Report by Police Department.

Chief Rivera reported calls for service from January 2020 to September 2020 for police had 16,000 fire 1,621 and EMS 4,881; went over reports by category; crime statistics showed a 12% property crime decline; went over crime victim services that encompasses domestic violence, emergency protective orders, assaults, sexual assaults and child pornography; COVID-19 statics had 2,670 as September 14; reported the Records Management /CAD conversion has been working well and seeing the benefits of this investment; grant awarded for school violence prevention in the amount of \$330,450 from the US Dept. of Justice will enhance the communication system of the WISD.

VIII. EXECUTIVE SESSION

At 7:50 p.m. Commissioner Kerr seconded by Commissioner Mayor Pro Tem Lopez moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:30 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

IX. 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 section §551.074 of the Texas Government Code.

No action.

B. 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.

Commissioner Rodriguez seconded by Commissioner Farias moved to authorize the City Attorney continue negotiations as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

C. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of property from the Lions Club located at 307 W. 3rd Street legally described as E28'-W108'-Lots 11, 12 and E32' out of Lots 11-12, Block 23, Weslaco Original Townsite as authorized by section §551.072 of the Texas Government Code.

Commissioner Kerr seconded by Mayor Pro Tem Lopez moved to decline the offer from the Lions Club for the purchase, sale, exchange, lease or value of property located at 307 W. 3rd Street as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

D. Potential Litigation - Consultation with City Attorney regarding Texas Tort Claims Act Notice by Blanca Ramirez as authorized by §551.071 of the Texas Government Code.

No action.

E. Legal Consultation -- Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.

Commissioner Kerr seconded by Mayor Pro Tem Lopez moved to authorize the City Attorney proceed as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

X. ADJOURNMENT

Commissioner Muñoz seconded by Mayor Pro Tem Lopez moved to adjourn the meeting of October 6, 2020 at 8:32 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

Norma A. Cantu, CITY SECRETARY

MAYOR PRO-TEM, Letty Lopez

COMMISSIONER, Leo Muñoz

COMMISSIONER, Jose “J.P.” Rodriguez

COMMISSIONER, Adrian Farias

COMMISSIONER, Greg Kerr

COMMISSIONER, Josh Pedraza