



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JANUARY 5, 2021**

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, January 5, 2021 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 January 5, 2021. A staff member will contact you with instructions via phone call to address your public comments.

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral Recognition
 - Award from the Government Finance Officers Association to the City of Weslaco Finance Department for Excellence in Financial Reporting fiscal year ending September 30, 2019.
- 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. 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 Regular Meeting on December 15, 2020.
(Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Approval of Ordinance 2020-37 for a budget amendment for the purchase of residential and commercial garbage units (approved on 12/1/20) in the total amount of \$3,260,276.17 and authorize the Mayor to execute any related documents. (First reading held December 15, 2020; staffed by Public Works Department.) Attachment
 - 2) Approval of Ordinance 2020-38 a budget amendment in the amount not to exceed \$140,878.32 and authorize the Mayor to execute any related documents. (First reading held December 15, 2020; staffed by Public Works Department.) Attachment
 - 3) Approval of Ordinance 2020-39 a rezone request for 1402 W Sugarcane Dr. also being 6.06 acres out of the East 13.49 acres of Farm Tract 141, Block 161, West Tract Subdivision, 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 December 15, 2020; staffed by Planning & Code Enforcement Department.) Attachment
 - 4) Approval of Ordinance 2020-40 a rezone request for 1819 N. Border Ave. also being 1 acre out East 170'-N256.23' of Farm Tract 131, Block 162, West and Adams Tract, 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 December 15, 2020; staffed by Planning & Code Enforcement Department.) Attachment
- C. Approval to submit an application renewing the ERate 2021-2022 Grant program, accept funds upon award, accept additional funding if awarded during the grant year, and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment

- D. Approval to terminate a Weslaco Mid Valley Airport Ground Lease Agreement with Tenant Shari Pate for Hanger W3 and approval of a Weslaco Mid Valley Ground Lease Agreement with Tenant Arthur E. Beckwith for Hangar W3 and authorize the Mayor to execute any related documents. (Staffed by Airport Department.) Attachment
- E. Authorization to enter into an Interlocal Cooperation Act Agreement between City of Weslaco Police Department and the Lower Rio Grande Valley Development Council (LRGVDC) through the Lower Rio Grande Valley Police Academy (LRGVRPA) for the use of the Weslaco Police Department's Shooting Range and Training and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment
- F. Acceptance of funds in the amount of \$17,500.00 from the U. S. Department of Justice United States Marshals Services for overtime operations by the City of Weslaco Police Department pursuant to the Memorandum of Understanding and authorize the Chief of Police to execute any related documents. (Staffed by Police Department.) Attachment
- G. Authorization for solicitation of sealed bids to purchase a mobile lift for Public Works Fleet Maintenance Division and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.) Attachment
- H. Approval on amendments and extension from January 7, 2021 to February 7, 2021 for Disaster Declaration (COVID--19) and any reports related to such executive orders and authorize the Mayor to execute any related documents. (Staffed by City Manager.)

IV. APPOINTMENTS

- A. Discussion and consideration on Resolution 2021-01 appointing a member to the Board of Adjustments & Appeals to the Zoning -Ordinance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

V. NEW BUSINESS

- A. Discussion and consideration on agreement with Custom Controls Unlimited LLC for Control System Reprogramming and SCADA Conversion materials and services for the Weslaco Water Treatment Plant and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment
- B. Discussion and consideration on agreement with Ares Services Incorporated to assist in grant preparation and legislative assistance in the area of flooding, aviation and other matters determined by the commission and authorize the Mayor to execute any

related documents. Possible action. (Staffed by City Manager.) Attachment

- C. Discussion and consideration on approval of Ordinance 2021-01 for a Budget Amendment on transfer of \$450,000 from the General Fund to the Economic Incentive Fund in accordance to the Memorandum dated November 09,2020 and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-01. Possible action. (Staffed by Finance Department.) Attachment
- D. Discussion and consideration on Resolution 2021-02 creating the Tower of Honor Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment
- E. Discussion and consideration to award BuyBoard vendor #555-18 & 582-19, Southern Trenchless Solutions, for the Westgate Drive Sanitary Sewer Realignment project in the amount not to exceed \$305,445.43, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment
- F. Discussion and consideration to approve an Interlocal Agreement between the City of Weslaco Police Department and the City of Mercedes setting terms and tenure regarding the housing of prisoners in the City of Weslaco's Municipal Jail and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police 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. 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.
- C. Legal Consultation -- Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.
- D. 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.
- E. Legal Consultation - Consultation with City Attorney regarding possible hiring of an Attorney as legal counsel relating to Texas Parks & Wildlife easement issue for Pleasantview & 11th Street Drainage Improvements project as authorized by section §551.071 of the Texas Government Code.
- F. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of real property located at Mid Valley Airport, 1901 Joe Stephens relating to Hanger B as authorized by section §551.072 of the Texas Government Code.
- G. Real Property – Consultation with City Attorney on the acquisition of real property located North of Industrial Park, North East of Mile 9 and International Blvd. and Adams Tract FT 1026 as authorized by §551.072 of the Texas Local Government Code.
- H. Pending Litigation - Consultation with City Attorney regarding Cause No. CL-20-4540-G, Gloria Oliva vs. City of Weslaco 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 31st day of December 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: