



A REGULAR MEETING OF THE WESLACO CITY COMMISSION TUESDAY, APRIL 20, 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, April 20, 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 seventy-nine (79) 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 April 20, 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.
- 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 Adriana Hernandez to approve a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 310 W Expy 83 Suite 3, also being Lot 2, 400 W Expressway 83 subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents.

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 Regular Meeting on April 6, 2021 (Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Approve Ordinance 2021-13 adopting mid-year budget amendments in funds with various amounts and authorize the Mayor to execute any related documents. (First reading held April 6, 2021; staffed by Finance Department.) Attachment.
- C. Approval to continue with the Memorandum of Understanding (MOU) between U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) and Weslaco Police Department (WPD) and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- D. Approval to advertise and solicit Request for Bids (RFBs) for the purchase of a Utility Tractor and authorize the Mayor to execute any related documents. (Staffed by the Airport Department.) Attachment.
- E. Approval to advertise and solicit Request for Bids(RFBs) for the purchase of an Electric Aircraft Tug and authorize the Mayor to execute any related documents. (Staffed by the Airport Department.) Attachment.
- F. Approval of Resolution 2021-28 finding that AEP Texas Central Company's filed an application for approval of a distribution cost recovery factor to increase distribution rates within the city should be denied and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.

V. APPOINTMENTS

- A. Discussion and consideration on Resolution 2021-29 appointing two members to the Library Board for terms set to expire May 7, 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Adriana Hernandez to approve a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 310 W Expy 83 Suite 3, also being Lot 2, 400 W Expressway 83 subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration for the Final Plat for Weslaco Public Services Subdivision— being 9.03 acres out of Farm Tract 54, Block 142, West Tract Subdivision, Weslaco, Hidalgo County, Texas located on Bridge Ave and Witmer St and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration to approve the Final Plat for Final Plat for Pleasant View Estates Subdivision— being 10.984 acres out of Farm Tract 772, Block 137, West Tract Subdivision, Weslaco, Hidalgo County, Texas located on westside of Pleasant View Drive, 1320' North Mile 5 North Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration for six-month extension for the Final Plat for San Jacinto Estates No.10. Phase I Subdivision – being 13.49-acre tract of land out of Farm Tract 94, West & Adams Tract Subdivision, Hidalgo County, Weslaco, Texas. Approximately on the Northwest corner of Mile 10 North Road and Mile 4 West Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration for six-month extension for the Final Plat for Tejas Cuatro Phase III Subdivision – being a 21.21 acre tract of land out of Farm Tract 172, West and Adams Tract Subdivision, , Weslaco, Hidalgo County, Texas located approximately 2000 ft North of the intersection of W. Sugar Cane Dr. along Mile 5 ½ West. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- F. Discussion and consideration for six-month extension for the Final Plat for Pleasant View Heights Subdivision— being 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.
- G. Discussion and consideration to accept and file the Quarterly Investment Report for the period ending March 31, 2021 and authorize the Mayor to execute any related

documents. Possible action. (Staffed by Finance Department.) Attachment.

- H. Discussion and consideration to accept and file the Financial Reports for the General, Water/Wastewater and Solid Waste funds for the period ending March 31, 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- I. Discussion and consideration to accept and award the most advantageous bidder Pico Propane & Fuels fuel price agreement, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- J. Discussion and consideration to accept and award the purchase of a Low Boy Trailer, as specified on RFB No. 2020-21-11 to the lowest and most advantageous bidder Don Van Orden Equipment, in an amount not to exceed \$51,347 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- K. Discussion and consideration to award the purchase for a 2019 Skid Steer and sandbagger to Doggett Heavy Machinery LLC. through BuyBoard Contract #597-19 not to exceed \$69,612 and authorize Mayor to executed any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- L. Report of brush collection services due to February 2021 freeze weather event. (Staffed by Public Works Department.) Attachment.
- M. Discussion and consideration to award RFB No. 2020-21-09 Weslaco Mid-Valley Airport Hangar Expansion and Infrastructure Development (EDA #08-79-05334), and authorize the Mayor to execute any related items. Possible action. (Staffed by Airport Department.) Attachment.
- N. Discussion and consideration on Ordinance 2021-14 amending ordinance Number 200 the City of Weslaco Traffic Ordinance; Codified as Chapter 134 of the Weslaco Code of Ordinances, adopting new regulations regarding the stopping, standing or parking vehicle near mailboxes; and ordaining other matters. First reading of Ordinance 2021-14. Possible action. (Staffed by City Manager.) Attachment.
- O. Discussion and consideration on Resolution 2021-30 in support of funding request by Hidalgo County from President Biden's American Jobs Plan (infrastructure bill) for the expansion of the Hidalgo County Master Drainage System and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.

VII. 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. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.
- C. Legal Consultation - Consultation with City Attorney for opinion regarding possible claim against Texas Cordia Construction and SAMES as authorized by section §551.071 of the Texas Government Code.
- D. Legal Consultation - Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.
- E. Real Property - Consultation with City Attorney on Real Estate Contract for property described as a 65.88 acre tract of land out of Farm Tracts 1056. 1057 and 1058 West Adams Tract Subdivision as authorized by section §551.072 of the Texas Government Code.
- F. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of real property located on Dragon Fly Street as authorized by section §551.072 of the Texas Government Code.
- G. 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 Police Union (Weslaco Municipal Police Association) as authorized by section §551.071 of the Texas Government Code.

- H. Economic Development - Consultation with City Attorney regarding financial offer or other incentives for Project Z & L as authorized by section §551.087 of the Texas Government Code.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

IX. 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 April 2021 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: