



A REGULAR MEETING OF THE WESLACO CITY COMMISSION TUESDAY, MAY 18, 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, May 18, 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 May 18, 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 Jorge Guajardo to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit, Food and Beverage certificate and Mixed Beverage Restaurant Permit with FB at 303 S. Texas, also being the N ½ Lot 23 & all of Lot 24, Block 26, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.
- B. To solicit input on behalf of Ezequiel Reyna to approve a Conditional Use Permit to obtain on-premise alcohol permit at 812 W. Interstate 2, also being lot 2, Re-plat Lot#1 Reyna Office Park Unit #1, Weslaco, Hidalgo County, Texas.
- C. To solicit input on behalf of D&I Restaurants LLC to approve a Conditional Use Permit to obtain a mixed beverage restaurant permit with FB at 2445 N. International Blvd Ste. 4 & 5, also being Lot 2, J. Valderas Subdivision, Weslaco, Hidalgo County, Texas.
- D. To solicit input on behalf of Ruben Salinas to approve a Conditional Use Permit to obtain an On Premise Mixed Beverage Permit, Mixed Beverage late hours permit and Beverage Cartage Permit at 2901 W Business 83 also being the W1.77acres an Irrigation S881.60'-E179.15', Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas.
- E. To solicit input on behalf of Melden & Hunt, Inc to rezone 1108 W Pike Blvd. Also being 0.55 acre tract of land out of, farm Tract 3, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas from R-2 Duplex and Apartment District to B-2 Secondary and Highway Business District.

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 on second and final reading of the following:
 - 1) Approval on Ordinance 2021-15 authorizing the issuance of "City of Weslaco Certificates of Obligation, Series 2021"; entering into a certificate of obligation purchase agreement and a paying agent/registrar agreement; and approving all matters related thereto and authorize the Mayor to execute any related documents. (First reading held May 4, 2021 staffed by Finance Department.) Attachment.
- B. Approval on amendments and extension from May 7, 2021 to June 7, 2021 for Disaster Declaration (COVID-19) and any reports related to such executive orders and authorize the Mayor to execute any related documents. (Staff by City Manager.)

- C. Approval to authorize staff to solicit sealed bids to purchase commercial garbage bins and authorize Mayor to execute any related documents. (Staffed by Public Works Department.) Attachment.

V. OLD BUSINESS

- A. Re-consideration to award RFB No. 2020-21-12 for a New 4x4 Backhoe Loader to the most advantageous bidder Doggett Heavy Machinery, in an amount not to exceed \$89,651 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- B. Discussion and consideration amending Inter-local Agreements between the City of Edcouch and City of Weslaco for lease space at 1912 Joe Stephens for the use, maintenance and operation of the Mid-Valley Regional Communications Corporation (Center) and for the use, maintenance, and operation of Tyler Technologies New World Computer Aided Dispatch (CAD) and Records Management System (RMS) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to award RFB No.: 2020-21-11 to NEXA Trailers to purchase a lowboy trailer in an amount not to exceed \$43,483 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- B. Discussion and consideration to approve brush collection service with Rod'z Lawn Care for three (3) weeks in the amount not to exceed \$24,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Jorge Guajardo to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit, Food and Beverage certificate and Mixed Beverage Restaurant Permit with FB at 303 S. Texas, also being the N ½ Lot 23 & all of Lot 24, Block 26, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration after public hearing on behalf of Ezequiel Reyna to approve a Conditional Use Permit to obtain on-premise alcohol permit at 812 W. Interstate 2, also being lot 2, Re-plat Lot#1 Reyna Office Park Unit #1, Weslaco, Hidalgo County, Texas. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration after public hearing on behalf of D&I Restaurants LLC

to approve a Conditional Use Permit to obtain a Mixed Beverage restaurant permit with FB at 2445 N. International Blvd Ste. 4&5, also being Lot 2, J. Valderas Subdivision, Weslaco, Hidalgo County, and 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 Ruben Salinas to approve a Conditional Use Permit to obtain an on Premise Mixed Beverage Permit, Mixed Beverage late hours permit and Beverage Cartage Permit at 2901 W Business 83 also being the W1.77acres an Irrigation S881.60'-E179.15', Farm Tract 626, West Tract Subdivision, 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 Melden & Hunt, Inc on Ordinance 2021-17 to rezone 1108 W Pike Blvd. Also being 0.55 acre tract of land out of, farm Tract 3, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas from R-2 Duplex and apartment district to B-2 secondary and highway business district. and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-17. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- H. Discussion and consideration to approve the Final Plat for District North Weslaco Subdivision– being 39.97 acres out of Farm Tract 190, BLK 160, 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.
- I. Discussion and consideration to approve the Final Plat for Bridge Crossing Ph II– being a re-subdivision of 16.273acres being part or portion out of farm tract 744, The West And Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 1370 ft east of the intersection of 18th St & Mile 5 ½. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- J. Discussion and consideration to approve the Final Plat for Domain Subdivision– being 1 acre out of Farm Tract 686, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located at 701 E. 16th St. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- K. Discussion and consideration to approve the Final Plat for Stone Oaks Subdivision– being 35.20 acres tract of land being the north 757.95 feet of Farm Tract 221, West Tract Subdivision, Weslaco, Hidalgo County, Texas located at the southwest corner of Mile 11 North and Mile 6 1/2 West and authorize the Mayor to execute any related

documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

- L. Discussion and consideration to approve the Final Plat for Greener Pastures Mobile Home Subdivision PH II– being 3.94 acre tract of land out of Lot 82,133,134,135 and 136, Greener Pastures Mobile Home Subdivision, Weslaco, Hidalgo County, Texas located on Main Gate Drive and Corral Drive and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- M. Discussion and consideration to approve the Final Plat for Vaquero Estates Phase V– being a re-subdivision of 86.961 acres being all of farm tract 1072 out of Farm Tract 1065,1066 & 1071, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on FM 1015 & Mile 11 North and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- N. Discussion and consideration to approve the variance request to Section 26-38(a) for Pike District Subdivision– being 36.052 acres out of Farm Tract 163, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located at the southeast corner of W. Pike Blvd and Milanos Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- O. Discussion and consideration to approve Ordinance 2021-16 for the Voluntary Annexation of West and Adams Tract Subdivision – being a 4.73 acre tract of land out of Farm Tract 1046, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located adjacent to and east of Spanish Oak Dr and Shady Grove Trail and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-16. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- P. Discussion and consideration of Change Order #1 Gignac Architects for Sports Field lighting at Judge Gilberto Garza Park and authorize Mayor to executed any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.
- Q. Discussion and consideration to declare surplus and removal of the Soccer Field Lighting equipment at Mayor Pablo Pena City Park and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.
- R. Discussion and consideration to award a Contract for the Water Spray Splash Pad Request for Proposal No.: 2020-21-17 to be installed at Judge Gilbert Garza Park in an amount not to exceed \$220,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation

Department.) Attachment.

- S. Discussion and consideration to award Bid RFB No.: 2020-21-16 CHRISTMAS WREATHS AND SKYLINE DÉCOR to Arnette Marketing as the most advantageous respondent in the amount of \$48,215 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.
- T. Discussion and consideration to approve an Interlocal Agreement with the Lower Rio Grande Valley Development Council for the implementation of a Regional Bikeshare Program, fund the RGV BCycle project with an initial cost of \$62,916 with annual recurring cost of \$7,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- U. Discussion and consideration approving an Interlocal Agreement with Lower Rio Grande Valley Development Council regarding the development and creation of the Hidalgo County Active Transportation and Tourism Master Plan and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- V. Discussion and consideration on Resolution 2021-33 providing a financial commitment to the Hidalgo County Active Transportation and Tourism Plan Project in the amount of \$12,248 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- W. Discussion and consideration of proposed change order #6 for the Pleasantview & 11th St Drainage Improvements Project in the amount of \$21,000 and authorize Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- X. Discussion and consideration of proposed change order #7 for the Pleasantview & 11th St Drainage Improvements Project in the amount of \$16,500 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- Y. Discussion and consideration of proposed change order #8 for the Pleasantview & 11th St. Drainage Project in the amount of \$31,000 and authorize Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- Z. Discussion and consideration of a Water Utility Reimbursement Agreement for Milanos Estates PH I located on Milanos Rd south of 18th Street and authorize Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

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. Personnel - Discussion regarding the Professional Services Agreement for Municipal Court Judge Samuel V. Sanchez as authorized by section §551.074 of the Texas Government Code.
- C. 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.
- D. 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.
- E. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.
- F. Legal Consultation - Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.
- G. Legal Consultation - seek City Attorney relating to a Conditional Use Permit for a bar located 2307 W. Expressway as authorized by section §551.071 of the Texas Government Code.

- H. Legal Consultation - Consultation with City Attorney regarding litigation styled *Ruben Cantu v City of Weslaco, Texas et al; Cause No. 7:21-cv-155* as authorized by section §551.071 of the Texas Government Code.
- I. 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.
- J. Economic Development - Consultation with City Attorney regarding financial offer or other incentives for Project Falcon as authorized by section §551.087 of the Texas Government Code.
- K. Economic Development - Consultation with City Attorney regarding financial options for Project Green Light 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 14th day of May 2021 at 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. 1104 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: