



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
MARCH 2, 2021**

On Tuesday, March 2, 2021, at 5:30 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following member's present:

PRESENT:	Mayor	David Suarez
	Mayor Pro Tem	Leo Muñoz
	Commissioner	Greg Kerr
	Commissioner	Adrian Farias
	Commissioner	J.P. Rodriguez
	Commissioner	Josh Pedraza
	Commissioner	Letty Lopez

ABSENT: None.

STAFF PRESENT:	Mike R. Perez	City Manager
	Andrew Muñoz	Asst. City Manager
	Norma A. Cantu	City Secretary
	Juan E. Gonzalez	City Attorney

Also present: Eddie Gil, Information Technology Dept; Vidal Roman, Finance Director, Joel Rivera, Police Chief, Antonio "Tony" Lopez, Fire Chief, Martin Vela, IT Director, Omar Rodriguez, Parks & Recreation Director, Cristina Garcia, PIO, Pete Garcia, Public Works Director, Albert Aldana, City Engineer, Olga Garza, Asst. Public Works Director, David Arce, Deputy Public Works Director, Rebekah de la Fuente, Planning & Code Enforcement Director, Joe Pedraza, Asst. Planning & Code Enforcement Director, George Quilantan, Inframark 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, February 26, 2021.

B. Invocation.

Pastor Steven Wagenknecht, Abiding Savior Lutheran Church led in the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

None.

E. Roll Call.

Norma A. Cantu, City Secretary, called the roll noting perfect attendance and a quorum present.

II. PUBLIC COMMENTS

Dr. Raul Cantu expressed concern involving how the Weslaco Police Department responded to an incident that involved his nephew questioning the charges brought forth would have a sentencing of 5 years to life contributed to the tragic event that led to his nephews suicide; requested an inquest be done if the charges brought forth were appropriate for the circumstances of the incident and if the officer(s) who responded were unbiased to all parties involved.

III. PUBLIC HEARING

Commissioner Kerr seconded by Commissioner Lopez moved to open the public hearing at 5:41 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input on behalf of Ezequiel Reyna Jr. to rezone 3701 S. Westgate. Also being West Tract S330' & E440'-S495'-N990' Farm Tract 795 15 AC GR 14.77 AC NET, Weslaco, Hidalgo County, Texas from R-2 Duplex and apartment district to M-1 Mobile home subdivision district.

Hanna McCann, 3909 Tierra Escondida, submitted a petition of objection to the rezone citing property values will lessen, safety issues of increased traffic, damage to the overall beauty of the Tierra Santa residential community. Other concerns raised will discourage buyers at Tierra Santa if their home is located next to a mobile home park; 2) the two neighborhoods will look and feel cut off from Tierra Santa due to the numerous gates; 3) possible lack of access to the amenities and paying POA fees; and, 4) a lack of the added protection of a security guard in the evening and night hours. Requested the commission consider their concerns and deny the rezone as the proposed use of mobile homes would be detrimental to the growth of Tierra Santa.

David Fuentes, 3619 S. Border, represented the applicant; stated the use of the property in question has been vacant for over 23 years being used as storage of vehicles and equipment; proposed use would be a 55plus community; fencing around the perimeter of the community will be done and landscaping; there is a 50-foot setback from the lot line; property zoned townhouse use and traffic minimal because of the proposed 55plus community; owner investing over \$3million in infrastructure and improvements that will add to the property tax base for the City; other issues are related to a proposed Event Center; 24-hour fencing for all the residents; alternative cart and bike paths for Tierra Santa residents and requested favorable consideration.

B. To solicit input on behalf of Ezequiel Reyna Jr. to rezone 3702 S. Westgate. Also being West Tract E1065'-S501.97' Farm Tract 790 being 12.27 AC GR 11.92 AC NET Weslaco, Hidalgo County, Texas from R-2 Duplex and apartment district.to M-1 Mobile home subdivision district.

No comments.

C. To solicit input on behalf of Rush Transportation LLC to rezone 703 & 705 W. 6th St. Also being lot 24 & 25, Block 4, Glendale Addition, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling to R-2 Duplex and apartment district.

No comments.

D. To solicit input on behalf of Ricardo Guerra to approve a Conditional Use Permit to obtain an Off-Premise Wine and Beer Retailer's Permit at 2720 N Westgate, also being Lot 1 & 2, Block 5, Sun Country Estates Subdivision, Weslaco, Hidalgo County, Texas.

No comments.

Commissioner Pedraza seconded by Commissioner Lopez moved to close the public hearing at 5:50 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

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 February 2, 2021. (Staffed by City Secretary Department.)

B. Approval on amendments and extension from March 7, 2021 to April 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.)

C. Approval on Resolution 2021-19 to apply to the FY22 Local Border Security Program (LBSP) Grant #3407205 in the amount of \$150,000 with NO MATCH Required to fund Overtime for enhanced patrol, jailers, dispatchers, clerical/assistance and accountant/finance to complete goals and objectives outlined in this grant and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

D. Approval on Resolution 2021-20 to apply to the FY22 National Incident-Based Reporting System (NIBRS) Program Grant #4272301 in an amount not to exceed \$200,000 with NO MATCH Required for the purchase of hardware and software to complete Weslaco NIBRS Project and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

Commissioner Kerr seconded by Mayor Pro Tem Muñoz moved to approve consent agenda A, B, C and D, as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Following for the record are the resolution(s).

RESOLUTION NO. 2021-19

WHEREAS, The City of Weslaco finds it in the best interest of the citizens of Weslaco, Hidalgo County, Texas that the FY2022 Local Border Security Program be operated for the fiscal year 2021 through 2022; and

WHEREAS, The City of Weslaco agrees to provide matching funds for the said project as required by the Office of the Governor - Homeland Security Grants Division Local Border Security Program grant application; and

WHEREAS, The City of Weslaco agrees that in the event of loss or misuse of the Office of the Governor funds, City of Weslaco assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, The City of Weslaco designates Mayor David Suarez as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that The City of Weslaco approves submission of the grant application for the FY2022 Local Border Security Program to the Office of the Governor.

Grant Number: 3407205

Passed and Approved this 2nd day of March 2021.

RESOLUTION NO. 2021-20

WHEREAS, The City of Weslaco finds it in the best interest of the citizens of Weslaco, Hidalgo County, Texas that the Office of the Governor Texas Conversion to the National Incident-Based Reporting System Grant be operated for the fiscal year 2021 through 2022; and

WHEREAS, The City of Weslaco agrees to provide matching funds for the said project as required by the Office of the Governor Texas Conversion to the National Incident-Based Reporting System Grant application; and

WHEREAS, The City of Weslaco agrees that in the event of loss or misuse of the Office of the Governor funds, City of Weslaco assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, The City of Weslaco designates Mayor David Suarez as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that The City of Weslaco approves submission of the grant application for the Office of the Governor Texas Conversion to the National Incident-Based Reporting System Grant to the Office of the Governor.

Grant Number: 4272301

Passed and Approved this 2nd day of March 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

V. APPOINTMENTS

A. Discussion and consideration on Resolution 2021-21 appointing five members to the Weslaco Recycling Committee Task Force for terms set to expire March 21, 2021 and authorize

the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

Pete Garcia, Public Works Director, stated all current members submitted board application and expressed favorable consideration for reappointment.

In response to Mayor Pro Tem Muñoz, staff received a total of seven board applicants stating all current members applied.

The City Manager stated the committee when established referenced three members would be commissioners; suggested should any one of the sitting commission member wish to renounce their appointment to allow a citizen expressing interest in serving it could be considered. Mayor Pro Tem Muñoz and Commissioner Lopez both expressed they would do so to allow the appointment of two new applicants making the composition of members to be seven citizens.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to appoint Lainey Garcia, Gail Weigel Ortiz, Ignacio H. Cavazos, Maria L. Gonzalez, Jim Chapman, Colton Reed Gammill and Jerry Don Wilson as members to the Weslaco Recycling Committee Task Force as presented. The motion carried unanimously; Mayor Suarez was present and voting.

RESOLUTION NO. 2021-21

A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS TO THE
WESLACO RECYCLING TASK FORCE COMMITTEE

WHEREAS, this Commission finds merit in establishing an ad hoc citizen's committee to solicit suggestions and recommendations and encourage participation toward the planning and facilitating of programs and activities; and

WHEREAS, after public meetings, all recommendations are required to be submitted to the Weslaco City Commission for approval; and

WHEREAS, the Committee shall concurrently consider challenges and opportunities to promote awareness to reduce, reuse, recycle and encourage participation toward the common goal of a positive public image for the Weslaco Recycling Center; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, there shall be ten (10) members in the Weslaco Recycling Committee Task Force who shall be appointed by the Weslaco City Commission and shall be comprised of three Commissioners, one representative of the Public Works Department, one representative of Republic Services, and five citizens; and

WHEREAS, members shall serve without compensation and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT the following are appointed to serve on the Weslaco Recycling Task Force.

<u>NAME</u>	<u>TERM ENDING</u>
Colton Reed Gammill	03/21/2021
Jerry Don Wilson	03/21/2021
Gail Weigel Ortiz	03/21/2021

Ignacio H. Cavazo
Jim Chapman
Lainey Garcia
Maria L. Gonzalez

03/21/2021
03/21/2021
03/21/2021
03/21/2021

PASSED AND APPROVED on this 2nd day of March 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

VI. OLD BUSINESS

A. Discussion and consideration to approve Tax Abatement Application and Evaluation Report and authorize the Mayor to execute any related documents. Possible action. (There was no action February 2, 2021; staffed by Airport Department.)

Andrew Muñoz, Aviation Director/Interim HR Director, stated the Tax Abatement Application and evaluation report were documents that would be used for tax abatement assistance; the Weslaco Economic Development Corporation will administer the program and will require the commission to approve or deny a request. Staff recommended approval unless there were any comments and/or changes from the commission.

In response to Mayor Suarez, staff will present at a future meeting a map outlining boundaries of a reinvestment zone for approval; change in statutory law requires a request for tax abatement assistance must be in a designated reinvestment zone.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve Tax Abatement Application and Evaluation Report as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VII. PRESENTATION

A. Presentation and discussion on the Public Safety Building (Fire/Police) project. (Staffed by City Manager.)

No presentation until the next regular meeting. Representative unable to attend.

B. Presentation and discussion on the Pleasantview 11th Street drainage project. (Staffed by Engineering Department.)

Jose G. Reyes, SWG Engineering, stated project began October 19, 2020; contract construction originally was 150 days with completion date of March 2021; two change orders approved for time extension due to material delays (concrete boxes) from the supplier; construction days was 240 days and days charged is 52 with completion date set for June 16, 2021.

Presentation only. No action required.

VIII. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Ezequiel Reyna Jr. on Ordinance 2021-05 to rezone 3701 S. Westgate also being West Tract S330' & E440'-S495'-N990' Farm Tract 795 15 AC GR 14.77 AC NET, Weslaco, Hidalgo County, Texas from R-2 Duplex and apartment district to M-1 Mobile home subdivision district and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-05. Possible action. (Staffed by Planning & Code Enforcement Department.)

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to approve.

Rebekah de la Fuente, Planning and Code Enforcement Director, stated forty-one property owners were notified; opposition received from Hannah McCann and Mark Russell at the Planning and Zoning Commission meeting citing concerns of traffic and devaluation of their homes; Ms. Nelda Garcia submitted written objection citing traffic and property devaluation and a petition was submitted to the City Secretary. The Planning and Zoning Commission and staff recommended denial based on proposed use not compatible to surrounding area and the 2040 Future Land Use Map identifies the area as residential.

In response to Mayor Pro Tem Muñoz, staff stated Planning and Zoning denied based on proposed use not compatible to the area; concerns raised were addressed by the applicant that stated traffic not an issue as property is zoned townhouse and the other concerns are more interrail issues within Tierra Santa (gate) and not related to the proposed rezone. The City Manager stated conditions cannot be stipulated on a rezone.

Commissioner Rodriguez moved to table and allow ample time for the petitioner to review information fulfilled from a public information request received today. The City Manager stated a request for information was fulfilled but staff sent to an incorrect email that was not returned as undeliverable; petitioner called today stating she had not received any information and staff realized the error.

The City Manager stated the proposed development is a 55plus community and opinioned may have a less impact of traffic to an area versus a mobile home development; use may not have been distinguished at the Planning and Zoning Commission meeting and allowing to table will give the petitioner and applicant time to discuss development and concerns.

In response to Mayor Suarez, City Attorney stated a public information request does not override any statutory requirements met such as publication and notice; should more than 20% of property owners notified object, a supermajority vote is needed. Staff stated forty-one notices were sent.

In response to Commissioner Pedraza and Commissioner Farias; staff stated from the petition submitted seven are within the area and noted three are not property owners; nine objections would meet the 20% to require a supermajority vote; the public information requested names of individuals notified; requestor could use the information to petition for objection; staff complied within the 10 days as required but mistakenly sent to the wrong email address and not made aware of it until today.

Mayor Suarez called for the question on original motion to approve Ordinance 2021-05 rezoning 3701 S. Westgate also being West Tract S330' & E440'-S495'-N990' FT 795 15 AC GR 14.77 AC net Weslaco from R-2 Duplex and apartment district to M-1 Mobile Home Subdivision district as presented. The motion carried 6 ayes – 1 nay; Commissioner Farias against; Mayor Suarez was present and voting.

B. Discussion and consideration after public hearing on behalf of Ezequiel Reyna Jr. on Ordinance 2021-06 to rezone 3702 S. Westgate also being West Tract E1065'-S501.97' Farm Tract 790 being 12.27 AC GR 11.92 AC NET Weslaco, Hidalgo County, Texas from R-2 Duplex and apartment district to M-1 Mobile home subdivision district and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-06. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated forty property owners were notified; no objection received. The Planning and Zoning Commission and staff recommended denial based on proposed use did not conform to surrounding area and the 2040 Future Land Use Map identifies the area as residential.

Mayor Pro Tem Muñoz seconded by Commissioner Kerr moved to approve Ordinance 2021-06 rezoning 3702 S. Westgate also being West Tract E1065'-S501.97' Farm Tract 790 being 12.27 AC GR 11.92 AC NET Weslaco from R-2 Duplex and apartment district to M-1 mobile home subdivision district as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration after public hearing on behalf of Rush Transportation L.L.C on Ordinance 2021-07 to rezone 703 & 705 W. 6th St. also being lot 24 & 25, Block 4, Glendale Addition, Weslaco, Hidalgo County, Texas from R-1 One-family dwelling to R-2 Duplex and apartment district and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-07. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated thirty property owners were notified with no objection received and applicant proposing apartments. The Planning and Zoning Commission and staff recommended approval based on surrounding use of existing commercial businesses and apartments.

Mayor Pro Tem Muñoz seconded by Commissioner Pedraza moved to approve Ordinance 2021-07 rezoning 703 & 705 W. 6th Street also being lot 24 & 25, Block 4, Glendale Addition as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration after public hearing on behalf of Ricardo Guerra to approve a Conditional Use Permit to obtain an Off-Premise Wine and Beer Retailer's Permit at 2720 N Westgate, also being Lot 1 & 2, Block 5, Sun Country Estates Subdivision, Weslaco, Hidalgo County, Texas. and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated twenty-two property owners notified with no objection; this is a transfer of location having the same operations as the previous location. The Planning and Zoning Commission and staff recommended approval.

Mayor Pro Tem Muñoz seconded by Commissioner Pedraza moved to approve Conditional Use Permit to obtain an Off-premise Wine and Beer Retailer's Permit at 2720 N. Westgate being Lot 1 & 2, Sun Country Estates as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to convert a section of South Border Avenue from a public roadway to a private roadway, heading south from the intersection of Border Avenue and Tierra Santa Blvd to the floodway, Weslaco, Hidalgo County, Texas authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated the property owner requested a portion of Border Avenue be converted into a private roadway; owner has agreed to take over all maintenance of the section; there are no public utilities in the area and city is not able to provide maintenance as there is a gate located on both Border Avenue and Tierra Santa Blvd belonging to Tierra Santa Golf Course and Community. The Planning & Zoning Commission and staff recommended approval of the conversion to a private roadway.

In response to Mayor Pro Tem Muñoz, the roadway ends at the levee and does not serve any public purpose.

Mayor Pro Tem Muñoz seconded by Commissioner Pedraza moved to approve to convert a section of South Border Avenue from a public roadway to a private roadway heading south from intersection of Border Avenue and Tierra Santa Blvd. to the floodway, Weslaco as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to approve a Professional Services Agreement with Montalvo Insurance Agency for Loss Control and Risk Management in an amount of \$36,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.)

Commissioner Farias abstained from discussion and vote.

Andrew Muñoz stated this was an annual agreement for loss control and risk management services; proposed fee is \$36,000 with an alternate proposal for additional hours for site inspections and COVID-19 training in the amount of \$7,500 for a total cost of \$43,500. Staff recommended approval of the annual agreement without the alternate proposal for a total cost of \$36,000.

Ramon Montalvo, Montalvo Insurance Agency, reported premium reductions in worker compensation claims down 55% in spite of higher payroll; premium savings has been over \$650,000 over the last four years; modifier had decreased to a credit of .46 from 1.04; safety awareness from staff good resulting in low claim activity with a projected saving of \$30,000. Jesus Villarreal, J.C. Villafranca Consulting Claims Services, stated work site accidents was down and additional hours requested would allow for more on-site inspections and the need of more meetings

being scheduled due to a reduction in class size because of COVID-19.

In response to Mayor Pro Tem Muñoz, the City Manager stated the positive results of savings is attributed to the joint efforts of the consultant and the employees; department heads being held accountable in carrying out the recommendations and corrective measures of safety issues observed and reported by the consultant. The City Manager recommended renewal at a fee of \$36,000 with no additional hours.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve a Professional Services Agreement with Montalvo Insurance Agency for Loss Control and Risk Management in the amount of \$36,000 as presented. The motion carried; Commissioner Farias abstained; Mayor Suarez was present and voting.

G. Discussion and consideration on renewal of a one-year Advanced Education Consultant Agreement between the City of Weslaco and Armando A. Martinez to advance the EMS Training and Continuing Education of the Weslaco Fire Department EMS Division and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Antonio Lopez, Fire Chief, stated this was an annual renewal; allows consultant to plan, develop and coordinate in-service training for EMS personal as well as in-house certification courses for continuing education. Staff recommended approval.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve a one-year Advanced Education Consultant Agreement between City of Weslaco and Armando A. Martinez to advance the EMS Training and Continuing Education of the Weslaco Fire Department EMS Division as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration to approve Resolution 2021-22 authorizing publication of Notice of Intent to Issue Certificates of Obligation Series 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

Mike Perez, City Manager recommended approval stating the resolution authorizes the issuance of bonds for the public safety buildings and introduced Anne Burger Entrekin, Hilltop Securities.

Ms. Entrekin went over the bond buyers index stating the rate on February 18 was 2.17% and current rate is 2.44%; the 2021 bond issuance would be \$12,250,000 with no projected impact to tax rate; emphasized on timetable of events that included publication dates of March 8 and 15, receiving date of April 21; pricing on May 4 and closing date of May 27. The Resolution once adopted authorizes to proceed with the intent to issue Certificates of Obligation Series 2021.

Commissioner Kerr second by Commissioner Lopez moved to approve Resolution 2021-22 authorizing publication of Notice of Intent to Issue Certificates of Obligation Series 2021 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Following for the record is the resolution.

RESOLUTION NO. 2021-22

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

WHEREAS, the City Commission (the "City Commission") of the City of Weslaco, Texas (the "City"), finds that financing the design, planning, acquisition, construction, equipping, expansion, repair, renovation, and/or rehabilitation of the public property, as well as the payment of fees for professional services related thereto, described in Exhibit A hereto would be beneficial to the inhabitants of the City, and such property is needed to perform essential governmental functions; and the City Commission has determined that one or more series of certificates of obligation (the "Certificates of Obligation") should be issued pursuant to the provisions of the Certificate of Obligation Act of 1971, Section 271.041 et seq., Texas Local Government Code, for such purposes;

WHEREAS, prior to the issuance of the Certificates of Obligation, the City is required to publish notice of its intention to issue the Certificates of Obligation in a newspaper of general circulation in the City, the notice stating (i) the time and place the City Commission tentatively proposes to pass the ordinance authorizing the issuance of the Certificates of Obligation, (ii) the maximum amount of Certificates of Obligation proposed to be issued, (iii) the purposes for which the Certificates of Obligation are to be issued, and (iv) the manner in which the City Commission proposes to pay the Certificates of Obligation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, THAT:

Section 1. Attached hereto and marked Exhibit A is the "Notice of intention to Issue Certificates of Obligation" (the "Notice"), the form and substance of which are hereby adopted and approved.

Section 2. Attached hereto and marked Exhibit B is a list of outstanding debt obligations of the City which the City designates as self-supporting debt for purposes of Subchapter C of Chapter 271, Texas Local Government Code, as amended.

Section 3. The Mayor or the City Secretary shall cause the Notice to be published in a newspaper, as defined in Section 2051.044, Texas Government Code, of general circulation in the City for two consecutive weeks, the date of first publication to be at least 45 days prior to the date tentatively set for adoption of one or more ordinances authorizing the issuance of the Certificates of Obligation.

Section 4. The Mayor and the City Secretary are hereby authorized and directed to execute the Certificate to which this Resolution is attached on behalf of the City Commission and to do any or all things proper and necessary to carry out the intent thereof.

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE is hereby given that it is the intention of the City Commission (the "City Commission") of the City of Weslaco, Texas (the "City") to adopt one or more ordinances providing for the issuance of one or more interest-bearing obligations of the City presently contemplated to be designated and known as the "CITY OF WESLACO, TEXAS CERTIFICATES OF OBLIGATION" (the "Certificates of Obligation") for the purpose of providing for the payment of contractual obligations to be incurred in connection with the design, planning, purchasing, acquisition, construction, equipping, expansion, repair, renovation, and/or rehabilitation of certain City-owned public property, including (i) providing for the payment of contractual obligations to be incurred in connection with the design, planning, acquisition, construction, equipping, expansion, repair, renovation, and/or rehabilitation of City-owned property, to-wit, a fire station, a police station, and a library; and (ii) payment of contractual obligations for professional services in connection therewith (to-wit: consulting, engineering, financial advisory, and legal).

The City Commission tentatively proposes to authorize the issuance of the Certificates of Obligation (one or more series) at its regular meeting place at City Hall, Weslaco, Texas, at a meeting of the City Commission to be commenced at 5:30 p.m. on May 4, 2021, in a maximum total amount expected not to exceed \$12,250,000. In the event the City Commission will be unable to meet at this location on May 4, 2021, the City will post information on its website for

attending the meeting by telephone, teleconference, or other electronic means. The City Commission proposes to provide for payment of the Certificates of Obligation from a pledge of an annual ad valorem tax, as well as an additional subordinate lien pledge of surplus revenues not to exceed \$1,000 of the City's waterworks and sewer system.

In accordance with the provisions of Subchapter C of Chapter 271, Texas Local Government Code, as amended ("Chapter 271"), the following information has been provided by the City (excludes \$42,230,000 principal amount of outstanding debt obligations the City has designated as self-supporting and which the City reasonably expects to pay from revenue sources other than ad valorem taxes; provided, however, that in the event such self-supporting revenues sources are insufficient to pay debt service, the City is obligated to levy ad valorem taxes to pay such debt obligations): The current principal of all outstanding debt obligations of the City is \$24,125,000, the combined principal and interest required to pay all currently outstanding debt obligations of the City on time and in full is \$30,839,398, the estimated combined principal and interest required to pay the Certificates of Obligation on time and in full is \$16,578,386, the estimated interest rate for the Certificates of Obligation is 2.85%, and the maximum maturity date of the Certificates of Obligation will not exceed the maximum allowed by law. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with one or more series of the Certificates of Obligation. The resolution designating certain outstanding debt obligations of the City as self-supporting for purposes of Chapter 271 is available upon request sent to the City at the address noted above.

/s/David Suarez
Mayor, City of Weslaco, Texas

EXHIBIT B

SELF-SUPPORTING DEBT OBLIGATIONS OF THE CITY

Ce1tificates of Obligation, Series 2012	\$1,200,000
Certificates of Obligation, Series 2014	150,000
General Obligation Refunding, Series 2016	12,150,000*
General Obligation Refunding, Series 2017	19,045,000
General Obligation Refunding, Series 2020	9,685,000*
TOTAL	\$42,230,000

*Denotes par amount that is self-supporting

I. Discussion and consideration to ratify amendment to Commercial Contract for the sale of 400 S. Illinois Street to approve time extension and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

The City Manager stated previous commission action approved the sale of 400 S. Illinois; buyer has changed financial institution and will not meet the closing date outlined in the commercial sale contract and requested an extension. Staff recommended approval.

Mayor Pro Tem Muñoz seconded by Commissioner Rodriguez moved to approve and ratify amendment to Commercial Contract for sale of 400 S. Illinois Street for time extension as presented. Motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration of date and time for a City Commission Retreat to discuss the goals and objectives of Capital Outlay Projects and the 5-year plan. Possible action. (Staffed by City Manager.)

The City Manager stated jointly staff and the commission meet on a Saturday to discuss, review, and assess accomplished goals and objections from the 5-year capital improvements plan approved

and begin setting goals for the next 5-year capital projects. Staff recommended Saturday March 13th or 20th for a workshop retreat.

Discussion on dates followed with the consensus that March 27th was a more available date for the majority of the commission.

Commissioner Pedraza seconded by Mayor Pro Tem Muñoz moved to approve March 27, 2021 at 8:00am for a City Commission Retreat to discuss goals and objectives of Capital Outlay Projects and 5-year plan as presented. Motion carried unanimously; Mayor Suarez was present and voting.

K. Discussion and consideration on amendment and extension of 14 days to the Local State of Disaster Declaration for the severe Winter Storm 2021 and any reports related to such executive orders and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

The City Manager recommended approval noting the declaration issued by the Mayor was for a seven day period; extension is needed to determine any damages from the winter storm and submit for state and federal funds stating landscaping was the most affected.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve amendment and extension of 14 days to the Local State of Disaster Declaration for severe Winter Storm 2021 as presented. Motion carried unanimously, Mayor Suarez present and voting.

L. Discussion and consideration of award of bid RFB No.:2020-21-05 Industrial Employee Uniform Service Contract to AlSCO Linens and Uniform Rental Services for 3 years and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, stated bids for uniforms, Uniform Insurance Program and embroidered oxford shirts for supervisors for employees in Public Works, Parks, and Utility Departments (70 employees) were received from Unifirst and AlSCO Linens and Uniforms Rental Services; bid terms included uniforms be laundered, maintained and steamed pressed. A committee reviewed and evaluated and recommended to award AlSCO Linens and Uniform Services for the base bid of providing Industrial Employee Uniform Rental Services without the Uniform Insurance Program for a three year contract and award the Embroidered Oxford Shirts to Cintas.

Commissioner Kerr seconded by Commissioner Lopez moved to award AlSCO Linens and Uniform Services for the base bid of providing Industrial Employee Uniform Rental Services without the Uniform Insurance Program for a three year contract and award the Embroidered Oxford Shirts to Cintas as presented. The motion carried unanimously; Mayor Suarez was present and voting.

M. Discussion and consideration to award the Request for Bid No. 2020-21-07 to the best qualified, most advantageous bidder for the lease and maintenance of copiers on a three-year contract and authorize the Mayor to execute any related documents. Possible action. (Staffed by Information Technology Department.)

Martin Vela, IT Director, stated a total of eight bids for the lease and maintenance of copiers were received, evaluated, and tabulated by staff for twenty-one copiers. Staff recommended A three year contract to the most advantageous respondent Digital Office.

Mayor Pro Tem Muñoz seconded by Commissioner Pedraza moved to award a three-year contract to Digital Office for lease and maintenance of copiers as presented. Motion carried unanimously; Mayor present and voting.

N. Discussion and consideration on Hold Harmless Agreement between City of Weslaco and BFI Waste Services of Texas regarding residential garbage services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

Olga Garza, Assistant Public Works Director, stated new and/or replacements of residential garbage bins from BFI has been delayed as a result of the pandemic; in preparations of sanitation services soon to be done by the city, garbage bins were purchased (100-96-gallon). Staff recommends in the event BFI is unable to provide a container in timely manner the City shall provide from the City's inventory to the customer but BFI will not pick-up unless it agrees to hold them harmless from any claims and or damages to our containers. Staff recommended approval of the agreement.

Commissioner Farias seconded by Commissioner Pedraza moved to approve Hold Harmless Agreement between City of Weslaco and BFI Waste Services of Texas as presented. The motion carried unanimously; Mayor Suarez was present and voting.

O. Discussion and consideration to authorize the purchase of a 2022 Freightliner M2-106 Conventional Dump Truck from Doggett Freightliner of South Texas, LLC., Buyboard Vendor Contract No. 601-19, in the amount not to exceed \$101,127.99 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

Commissioner Farias abstained from vote and discussion.

Pete Garcia, Public Works Director, recommended approval stating this was budgeted under the capital outlay fiscal year 2020-2021 and will be used for water breaks, backfill material, and transportation of other material as needed.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve purchase of a 2022 Freightliner M2-106 Conventional Dump Truck from Doggett Freightliner of South Texas, LLC Buyboard vendor contract No. 601-19 in the amount not to exceed \$101,127.99 as presented. The motion carried; Commissioner Farias abstained; Mayor Suarez was present and voting.

P. Discussion and consideration to approve Ordinance 2021-08 amending Ordinance 2011-28 adopting rates for brush and bulky items to multifamily structures effective April 1, 2021 and authorize Mayor to execute any related documents. First reading on Ordinance 2021-08. Possible action. (Staffed by Public Works Department.)

Olga Garza, stated staff recommended a \$3.00 per apartment fee be imposed for brush and bulky items to start on April 1, 2021; current ordinance for brush services does not impose any fee for commercial properties and apartments and residential; numerous complaints are received with the city ultimately picking up piles of brush and bulky items located outside of apartment properties. Staff recommended approval to amend the ordinance to include a fee for apartments.

In response to Mayor Suarez and Commissioners; there are 21,000 apartment units; BFI does not pick up brush and bulky items for apartments; City does not charge BFI when the City picks up from the apartment complexes; the fee would apply to the Housing Authority and staff will merit the need to consider a fee for commercial properties as well.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve Ordinance 2021-08 amending Ordinance 2011-28 adopting rates for brush and bulky items to multifamily structures effective April 1, 2021 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Q. Discussion and consideration on Approval of Ordinance 2021-09 for a Budget Amendment in the amount of \$450,000 in the General Fund for purchase of an Ambulance (COVID 19) and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-09. Possible action. (Staffed by Finance Department.)

Vidal Roman, Finance Director, stated the City recently purchased an ambulance for transfer of patients suspected and/or having COVID-19 symptoms to protect the health and welfare of the individuals in risk of this pandemic. Staff recommended approval noting the expenditure will be submitted for CARES act funding.

Commissioner Kerr seconded by Mayor Pro Tem Muñoz moved to approve Ordinance 2021-09 a Budget Amendment in the amount of \$450,000 in the General Fund for purchase of an Ambulance (COVID-19) as presented. Motion carried unanimously; Mayor Suarez was present and voting.

R. Discussion and consideration to authorize the solicitation of bids for construction of the Regional Detention Facility for the Pleasantview Drainage project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana, City Engineer, stated the Regional Detention Facility (RDF) for the Pleasantview drainage project was to be done in-house; the RDF entails a large excavation (~300k cy); current personnel and available equipment could make this a 16-month project and staff would like the RDF to be constructed before hurricane season. Additionally, the Kansas-Los Torritos Drainage Project requires that the proposed RDF be done by the City and Public Works can do this as it is smaller in volume. Staff recommended approval for solicitation of bids for the RDF for the Pleasantview drainage project that will have a more favorable timeline of completion if subcontracted.

Commissioner Kerr seconded by Commissioner Rodriguez moved to authorize the solicitation of bids for construction of the Regional Detention Facility for Pleasantview Drainage project as presented. The motion carried unanimously; Mayor Suarez was present and voting.

S. Discussion and consideration to approve Ordinance 2021-10, a Budget Amendment in an amount not to exceed \$25,000 for proposed professional engineering services and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-10. Possible action. (Staffed by Engineering Department.)

Albert Aldana stated the budget amendment would authorize engineering services for the preparation of plans for the proposed RDF for the Pleasantview drainage project; engineering department currently working on preparation of construction plans for UCP water/sewer improvements, plans for infrastructure for the public safety building; plans for Mayor Pablo Pena RDF and utility relocations and plans for Recycling Center on Border & Mile 5N. Staff recommended approval of a budget amendment stating fees for engineering services is estimated at less than \$25,000.

Commissioner Kerr seconded by Mayor Pro Tem Muñoz moved to approve Ordinance 2021-10 a Budget Amendment not to exceed \$25,000 for proposed professional engineering services as presented. The motion carried unanimously; Mayor Suarez was present and voting.

T. Discussion and consideration to approve a Change Order for time extension for the Pleasantview and 11th Street Drainage Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana recommended approval of the time extension; contractor (Rigney) requested additional contract days due to the delays in the delivery of materials (concrete boxes/pipes); delivery of the material was expected February 22nd and has been revised to March 1st; CAPA the supplier indicated final preparation on the box culverts were delayed a week due to the severe winter storm causing power outages.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to approve Change Order for time extension for Pleasantview and 11th Street Drainage Project as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. EXECUTIVE SESSION

At 7:19 p.m. Mayor Pro Tem Kerr seconded by Commissioner Lopez moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:24 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. Personnel - Discussion regarding the goals, objectives, and evaluation of the Interim Human Resources Director for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to authorize staff begin the recruitment for a Human Resources Director as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

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.

No action.

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

No action.

E. Legal Consultation - Consultation with City Attorney on potential litigation from Beto Perez as authorized by §551.071 of the Texas Government Code.

Commissioner Rodriguez seconded by Commissioner Lopez authorized the City Attorney proceed as discussed in executive on the potential litigation from Beto Perez. The motion carried unanimously; Mayor Suarez was present and voting.

F. Legal Consultation - Consultation with City Attorney regarding the Conditional Use Permit for Sr Mostacho located at 2307 W Interstate 2, Suite A, also being Lot 4, Town Center Subdivision Lots 2-9, Weslaco Original Townsite, Weslaco, Hidalgo County as authorized by section §551.071 of the Texas Government Code.

No action.

G. 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.

No action.

H. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of real property located at Mid Valley Airport, 1909 Joe Stephens relating to Hanger B as authorized by section §551.072 of the Texas Government Code.

Commissioner Kerr seconded by Commission Rodriguez moved to approve amendment to the original offer to include right of first refusal in case of sale to the City as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

I. 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.

Commissioner Kerr seconded by Commissioner Lopez moved to authorize staff proceed and hire appraiser to prepare appraisal of real property on Dragon Fly as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

J. Real Property– Consultation with City Attorney on the acquisition of real property legally described as 36.56 acres net and 1 acre net out of Farm Tract 1056 and the acquisition of the adjacent east 46.57 net acres as authorized by §551.072 of the Texas Local Government Code.

Commissioner Kerr abstained from discussion and vote.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to authorize EDC acquire real property from Lars Hansen described as 36.56 acres net and 1-acre net out of Farm Tract 1056 and the acquisition of the adjacent east 46.57 net as discussed in executive session. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

K. Real Property – Consultation with City Attorney on the purchase, exchange, lease or value of real property located on the Northeast corner of Interstate 2 and North Airport Drive intersection as authorized by §551.072 of the Texas Local Government Code.

Commissioner Lopez seconded by Commissioner Rodriguez moved to authorize the acquisition of real property from TXDOT located on the Northeast corner of Interstate 2 and North Airport Drive in the amount of \$670,000 subject to appraisal as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

X. ADJOURNMENT

Commissioner Rodriguez seconded by Commissioner Lopez moved to adjourn the meeting of March 2, 2021 at 8:27 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

Norma A. Cantu, CITY SECRETARY