



A REGULAR MEETING OF THE WESLACO CITY COMMISSION TUESDAY, JULY 6, 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, July 6, 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 July 6, 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. 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 June 15, 2021.
(Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Approval on Ordinance 2021-21 establishing a Series 2021 C.O. (Certificate of Construction) Construction Fund for Police, Fire and Library facilities and authorize the Mayor to execute any related documents. (First reading held June 15, 2021; staffed by Finance Department.) Attachment.
 - 2) Approval on Ordinance 2021-22 approving a budget amendment for the Series 2021 C.O. Construction fund for construction of public safety facilities and library project costs in the amount of \$12,397,753 and authorize the Mayor to execute any related documents. (First reading held June 15; staffed by Finance Department.) Attachment.
 - 3) Approval of Ordinance 2021-23 establishing an Interest & Sinking Debt Fund on the Series 2021 Certificate of Obligation related to public facilities namely Police, Fire and Library and authorize the Mayor to execute any related documents. (First reading held June 15, 2021; staffed by Finance Department.) Attachment.
 - 4) Approval of Ordinance 2021-24 budget amendments for purchase of a 40 yd. Grapple Brush Truck not to exceed \$194,640 and purchase of 96-Gallon Residential Bins not to exceed \$594,398 and authorize the Mayor to execute any related documents. First reading held June 15, 2021; staffed by Public Works Department.) Attachment.
- C. Approval on amendments and extension from July 7, 2021 to August 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.)
- D. Approval of Lease of Mayor Pablo Pena City park Baseball/Softball Fields, Isaac Rodriguez Park Minor, Multi, and T-Ball Fields, and Harlon Block Sports Complex East/West Fields, and Baseball/Softball Fields for youth programs by Boys & Girls Club of Weslaco and authorize the Mayor to execute any documents. (Staffed by Parks & Recreation.) Attachment.
- E. Approval of a memorandum of agreement between RATES and City of Weslaco to provide for a summer engineering internship program which jointly funds two (2) internship positions for UTRGV students for a period of approximately 10 weeks and

authorize Mayor to execute any related documents. (Staffed by Engineering Department.) Attachment.

- F. Approval to accept Wal-Mart's Community Grant (Request ID 68492373) from Facility #1041 and Facility # 6159 for the total amount of \$6,000 with NO MATCH and REOCCURRING COSTS required to purchase supplies, promotional products, and gifts for community events and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- G. Approval of a Memorandum of Understanding between U.S. Immigration and Customs Enforcement and Weslaco Police Department for assistance with Homeland Security Investigations and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- H. Authorization to apply to the 2021 Community Policing Development (CPD) De-Escalation Training Solicitation Program for an amount not to exceed \$200,000 with NO MATCH REQUIRED and NO RECURRING COSTS to support our ability to build and maintain our officer's de-escalation proficiency and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- I. Authorization to apply to the BJA FY21 Body-Worn Camera Policy and Implementation Program for an amount not to exceed \$250,000 with a 50% MATCH and RECURRING COST of \$20,000 to purchase Body Worn Camera Kits and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

IV. APPOINTMENTS

- A. Discussion and consideration on Resolution 2021-37 appointing a member to the Parks and Recreation Advisory Board for a term set to expire August 1, 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.

V. OLD BUSINESS

- A. Discussion and consideration to approve scoring matrix for Fire and Police with Municipal Court construction project and authorize the Mayor to execute any related documents. Possible action. (There was no action June 15, 2021; staffed by Airport Department.) Attachment.
- B. Discussion and consideration after public hearing on behalf of Eric Fonseca to approve Conditional Use Permit to obtain a Retail Dealer's On-Premise Late Hours License at 606 S. Missouri also being Lot 4, Block 51, Original Townsite of Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Three-fourths vote required. Possible action. (There was no action June 15, 2021; Staffed by Planning and Code Enforcement Department.)

VI. NEW BUSINESS

- A. Discussion and consideration of award of Buyboard Contract 592-19 for the purchase and installation of sports field lighting at Judge Gilbert Garza Park in the amount not to exceed \$541,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.
- B. Discussion and consideration to award the bid SPORT LIGHTING SALVAGE & DEMOLITION - RFB No.: 2020-21-26 located at Mayor Pablo Pena City Park to the lowest responsive bidder TRI-GEN Construction of Weslaco, Texas in the amount of \$92,646 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.
- C. Discussion and consideration on request from EDC on the Contract for Professional Services with SAMES Inc Engineering and Weslaco Economic Development Services for the proposed Weslaco Industrial Park Phase I in the amount of \$339,314 & Phase II in the amount of \$115,686 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Weslaco-EDC.) Attachment.
- D. Discussion and consideration to ratify Purchase Order No. 21-4424 to contract OMT Utilities for emergency repairs on a collapsed manhole located at 2206 North Gate Circle in the amount of \$56,500 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- E. Discussion and consideration of proposed change order #10 to extend the date of project completion from July 7th to November 30, 2021 for the Pleasantview & 11th Street Drainage Improvements Project and authorize Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- F. Discussion and consideration to approve proposed change order #11 in the amount of \$35,000 for the Pleasantview & 11th St Drainage Improvements Project and authorize Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- G. Discussion and consideration of proposed change order #12 in the amount of \$45,500 for the Pleasantview & 11th St Drainage Improvements Project and authorize Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.

VII. REPORTS

- A. Report by Perdue Brandon Fielder Collins & Mott LLP on delinquent tax collection.
- B. Report by Public Works.
- C. Report by Parks and Recreation.

- D. Report by Emergency Management - COVID-19
- E. Report by Engineering Dept. - Pleasantview project

VIII. 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. 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.
- 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 - Consultation with City Attorney regarding potential claim from The P. Garza Law Firm representing Michael Vega as authorized by section §551.071 of the Texas Government Code.
- H. Legal Consultation - Consultation with City Attorney regarding potential claim from Moore Law Firm representing Humberto Perez as authorized by section §551.071 of the Texas Government Code.
- I. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of real property described as a 0.726 acre of land out of Farm Tract 15 located northeast of the US 83 Expressway in the West and Adams Tract Subdivision as authorized by section §551.072 of the Texas Government Code.
- J. 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.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

X. 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 2nd day of July 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. 1100 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: