



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 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, July 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 July 20, 2021. A staff member will contact you with instructions via phone call to address your public comments.

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

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 Juan Rodriguez to approve a Conditional Use Permit to obtain an On-Premise Retail Dealer's Wine and Beer Retailer's permit at 2721 W. Business 83. Also being Lot 7, Block 1, Westview Estates Subdivision, Weslaco, Hidalgo County, Texas.
- B. To solicit input on behalf of Amado Sanchez to rezone 403 W Pike Blvd. Also being Lot 2-3, Block 20, Esplanada Subdivision, Weslaco, Hidalgo County, Texas R-1 One family Dwelling district to B-2 secondary and highway business district.
- C. To solicit input on behalf of Felix De La Cruz to rezone 105 Adelita St. Also being Lot 8-10, San Francisco Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District and R-2 Duplex and apartment district to B-1 neighborhood 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 of the Minutes of the Regular Meeting on July 6, 2021. (Staffed by City Secretary Department.) Attachment.
- B. Approval of the request by the Economic Development Corporation of Weslaco to close Texas Blvd/FM 88 between U.S. Business Highway 83 and Sixth Street on the third (3) Thursday, of the month from August 2021 to February 2022 between the hours 3:00 PM and 10:00 PM for Alfresco Weslaco Music & Art on the Street; in addition, authorizing the sale of wine and beer by a TABC licensed vendor; waiving fees and ordinances associated with the event; provision of support by City of Weslaco, Weslaco Parks and Recreation, Public Works, Police, Fire, and EMS Department and authorize the Mayor to execute any related documents. (Staffed by Weslaco EDC.) Attachment.
- C. Approval of the renewal of the agreements with Muniservices for local hotel occupancy tax program and sales tax audit and administration services for a one year term in the amount of \$6,624 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- D. Authorization to apply to BJA FY2021 Edward Byrne Memorial Justice Assistance

Grant Program - Local Solicitation in the amount of \$12,010 with NO MATCH REQUIRED and NO RECURRING FEES and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

- E. Authorization to apply to BJA FY21 Preventing School Violence: BJA's STOP School Violence Program Grant in the amount not to exceed \$1,000,000 with NO MATCH REQUIRED AND NO RECURRING FEES REQUIRED and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

V. OLD BUSINESS

- A. Discussion and consideration on realignment of drainage ditch at Mayor Pablo Pena City Park and authorize the Mayor to execute any related documents. Possible action. (This item was tabled May 4, 2021; Staffed by Parks and Recreation Department.) Attachment.
- B. 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 on this item on June 15, and July 6, 2021; staffed by Airport Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Juan Rodriguez to approve a Conditional Use Permit to obtain an On-Premise Retail Dealer's Wine and Beer Retailer's permit at 2721 W. Business 83. Also being Lot 7, Block 1, Westview Estates 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 after public hearing on behalf of Domingo Gonzalez on Ordinance 2021-25 to rezone 403 W Pike Blvd. Also being Lot 2-3, Block 20, Esplanada Subdivision, Weslaco, Hidalgo County, Texas R-1 One family Dwelling district to B-2 secondary and highway business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-25. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Felix De La Cruz on Ordinance 2021-26 to rezone 105 Adelita St. Also being Lot 8-10, San Francisco Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District and R-2 Duplex and apartment district to B-1 neighborhood business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-26. Three-fourths vote required. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration to approve Ordinance 2021-27 for the Voluntary

Annexation of Weslaco Industrial Park Subdivision – being a 146.09 acre tract of land out of Farm Tract 1056, 1057, and 1058, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located at the Northeast Intersection of Mile 9 & FM 1015 and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-27. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

- E. Discussion and consideration to approve the Final Plat for Highland Manor PH 2– being a re-subdivision of 13.46 acres out of Farm Tract 238 and 239, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on FM 1015 & Mile 11th North and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- F. Discussion and consideration to approve the Final Plat for Chavez De Los Santos Subdivision– being a 6.364 acre tract out of Farm Tract 256, West Tract Subdivision, Weslaco, Hidalgo County, Texas located on the West side of Mile 4 ½ West, approximately 1770 ft. South of Mile 12 North and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- G. Discussion and consideration on Ordinance 2021-28 first and final reading approving a negotiated resolution between the City of Weslaco and Texas Gas Service regarding the company's Cost of Service Adjustment tariff filing declaring an effective date and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2021-28. Possible action. (Staffed by Finance Department.) Attachment.
- H. Discussion and consideration to accept and file the Financial Reports for the General Fund, Water/Wastewater and Solid Waste funds for the period ending June 30, 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- I. Discussion and consideration to accept and file the Quarterly Investment Report for the period ending June 30, 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- J. Discussion and consideration on amendment to the inter-local agreement between the City of Weslaco and County of Hidalgo Tax Office for the assessment and collection of property taxes for another year effective September 1, 2021 in the amount of \$48,564 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- K. Discussion and consideration to approve authorization to solicit bids for the purchase of Commercial Dumpsters with lock bars and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works.) Attachment.
- L. Discussion and consideration of removal of commercial dumpster from city parks and

authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.

- M. Discussion and consideration to award Southern Trenchless Solutions (Buyboard Contract #635-21) in the amount not to exceed \$127,511 for pipebursting project on S. Indiana St., S. Oklahoma St., and Lee Garza, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works.) Attachment.
- N. Discussion and consideration to solicit for Request for Proposals (RFP's) for EMS Billing services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.
- O. Discussion and consideration to approve rerates on current Health Insurance Plan with UnitedHealthcare, Dental Insurance with BC/BS, and Vision Insurance with Avesis for Fiscal Year October 01, 2021 through September 30, 2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by HR Department.) Attachment.
- P. Discussion and consideration to approve request by contractor to amend contract amendment and reduce retainage amount from 10% to 5% for the Pleasantview & 11th St. Drainage Improvements Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- Q. Discussion and consideration to authorize seeking of Bids for proposed Traffic Signal Improvements at intersections of Westgate and 6th, Bridge and 18th, Bridge and Pike Blvd, and Bridge and 6th St and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- R. Discussion and consideration to approve seeking of bids for proposed new sidewalks and maintenance of existing sidewalks throughout the city of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.

VII. REPORTS

- A. Report by Engineering Department - Pleasantview project.
- B. Report by Siemens: Year 2 Annual Performance Assurance report.
- C. Report by Parks and Recreation.
- D. Report by Public Works.
- E. Report by Emergency Management - COVID-19.

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 Police Union (Weslaco Municipal Police Association) as authorized by section §551.071 of the Texas Government Code.
- D. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.
- E. Legal Consultation - Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.
- F. Legal Consultation - Consultation with City Attorney relating to WEDC loan of \$12,500,000 for land and improvements at real property described as Tract 1 out of Farm Tracts 1056,1057 and 1058, West and Adams Tract Subdivision as authorized by section §551.071 of the Texas Government Code.
- G. Legal Consultation - Consultation with City Attorney regarding potential claim from Leonel Garza, Juan Guadalupe Velasquez, Jose Gonzalez, Judy Velasquez, Individually and as next friend of D.T. and A.G., Minors vs. City of Weslaco, Weslaco Police Department and Jose Alberto Lozoya as authorized by section §551.071 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 15th day of July 2021 on or before 4:00 pm 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: