



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
JUNE 01, 2021**

On Tuesday, June 01, 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	Josh Pedraza
	Commissioner	Letty Lopez
	Commissioner	J.P. Rodriguez
ABSENT:	Commissioner	Greg Kerr
STAFF PRESENT:	Mike R. Perez	City Manager
	Andrew Muñoz	Asst. City Manager
	Norma A. Cantu	City Secretary
	Juan E. Gonzalez	City Attorney

Also present: Vidal Roman, Finance Director, Antonio “Tony” Lopez, Fire Chief, Eddie Gil, IT Department, Omar Rodriguez, Parks & Recreation Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Albert Aldana, City Engineer, Pete Garcia, Public Works Director, Arnold Becho, Library Director, Martin Vela, IT Director, David Arce, Deputy Public Works Director, Olga Garza, Asst. Public Works Director, 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, May 28, 2021.

B. Invocation.

Pastor Bacilio Castillo, Pave the Way Church led in the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

Mayor Suarez proclaimed June 1, 2021 as “UTRGV American Sign Language Club Day” and proclaimed the month of June “Elder Abuse Prevention Month”.

E. Roll Call.

Norma A. Cantu, City Secretary, called the roll noting the absence of Commissioner Kerr and a quorum present.

II. PUBLIC COMMENTS

Maggie Pena addressed the commission voicing concerns with the drainage ditch between Tejas #1 and #2 Subdivision stating recent rain storms had high water levels that did not drain quick enough; requested consideration for a permanent water pump be in place and submitted a petition for improvements to the drainage ditch.

Rogelio Melendrez, 501 San Carlos Street, presented pictures of flooding for his street; lives at the corner of San Carlos St. and Republic St and the lack of drainage continues to have high waters whenever it rains and when will improvements be done; has been effected since the 2018 flood to present. Stated there are two drains across each other always full of debris and voiced brush pick up has been late or not all.

III. PUBLIC HEARING

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

A. To solicit input on the Adoption and Designation of the Weslaco Reinvestment Zone No. 1 Pursuant to the City's Guidelines and Criteria Under the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code. (Staffed by City Manager.)

None.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to close the public hearing at 5:51 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 May 4 and May 18, 2021 (Staffed by City Secretary Department.)

B. Approval on second and final reading of the following:

1) Approval on 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 held May 18, 2021; staffed by Planning & Code Enforcement Department.)

2) Approval 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 held May 18, 2021; staffed by Planning & Code Enforcement Department.)

C. Approval on amendments and extension from June 7, 2021 to July 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 to apply for the FY 2021 Texas State Library Interlibrary Loan Lending Reimbursement Program, acceptance of funding upon award, and authorization for the Mayor to execute any related documents. (Staffed by the Library Department.)

E. Approval to purchase FortiAuthenticator Cybersecurity software (Contract #200105) in the amount of \$34,883 with NO MATCH REQUIRED AND NO REOCCURRING FEES and will be fully reimbursed through SHSP Grant #4003501 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

F. Approval to submit an application to the FY 21 COPS Office Hiring Program Solicitation to hire police officers and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

G. Approval to submit an application to the FY2021 Bulletproof Vest Program to purchase concealed bullet proof vest and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

H. Approval on renewal of Annual “Movies at the Park” program in the amount of \$3,270 for the 2021 season and authorize the Mayor to execute any related documents. . (Staffed by Parks and Recreation Department.)

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

For the record, following are the ordinances:

ORDINANCE NO. 2021-16

AN ORDINANCE ANNEXING ADDITIONAL TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS ON VOLUNTARY PETITION OF AREA LAND OWNER SUCH LAND BEING 4.73 ACRES OF LAND, LOCATED IN HIDALGO COUNTY, TEXAS, WHICH IS CONTIGUOUS TO THE CITY LIMITS AND HEREINAFTER DESCRIBED; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Weslaco, Texas (the “City”), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the “subject property”);

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. There is hereby annexed on voluntary petition of area landowner as part of the territory within the corporate boundaries of the City of Weslaco the following tract located in Hidalgo County, Texas, that totals to 4.73 acres and are more specifically described as follows, to-wit:

METES AND BOUNDS DESCRIPTION

BEING A 4.73 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THAT CERTAIN 17.948 ACRE TRACT OF LAND OUT OF FARM TRACT 1046, WEST AND ADAMS TRACTS SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 02, PAGES 34-37, MAP RECORDS OF HIDALGO COUNTY, TEXAS; SAID 4.73 ACRE TRACT IS ALL OF THE LANDS BOUND ON THE WEST BY PECAN GROVE PHASE 2 , WESLACO, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 48, PAGE 144, MAP RECORDS OF HIDALGO COUNTY, TEXAS, AND, ON THE NORTH BY LAS BRISAS DEL ORO UNIT NO. 5, WESLACO, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 35, PAGE 13, MAP RECORDS OF HIDALGO COUNTY,

TEXAS, AND, BOUND ON THE EAST BY THAT CERTAIN 12.781 ACRE TRACT OF LAND CONVEYED TO AND HELD BY THE CITY OF WESLACO CARVED OUT OF SAID 17.948 ACRE TRACT OUT OF SAID FARM TRACT 1046; SAID 4.73 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID FARM TRACT 1046 LOCATED IN THE CENTER OF MILE 2 ½ WEST ROAD; THENCE, AS FOLLOWS:

SOUTH 89 DEGREES 59 MINUTES 40 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID FARM TRACT 1046 AND THE NORTH LINE OF SAID 17.948 ACRE TRACT, A DISTANCE OF 757.88 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

- (1) THENCE, SOUTH 00 DEGREES 00 MINUTES 41 SECONDS WEST, A DISTANCE OF 465.37 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET FOR AN OUTSIDE EASTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
- (2) THENCE, NORTH 89 DEGREES 59 MINUTES 19 SECONDS WEST, AT A RIGHT ANGLE FROM THE PREVIOUS CALL, A DISTANCE OF 270.01 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET FOR AN INSIDE EASTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
- (3) THENCE, SOUTH 00 DEGREES 00 MINUTES 41 SECONDS WEST, A DISTANCE OF 219.49 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON INTERSECTION WITH THE SOUTH LINE OF SAID 17.948 ACRE TRACT FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (4) THENCE, WEST, COINCIDENT WITH THE SOUTH LINE OF SAID 17.948 ACRE TRACT, A DISTANCE OF 321.51 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON THE SOUTHWEST CORNER OF SAID 17.948 ACRE TRACT FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (5) THENCE, NORTH, COINCIDENT WITH A WESTERN LINE OF SAID 17.948 ACRE TRACT, A DISTANCE OF 18.51 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON A WESTERN CORNER OF SAID 17.948 ACRE TRACT AND LOCATED ON A CURVE WHOSE RADIUS IS 550.0 FEET FOR A WESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
- (6) THENCE, WITH SAID CURVE, AN ARC LENGTH DISTANCE OF 4.67 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET AT THE END OF SAID CURVE FOR A WESTERN CORNER OF SAID 17.948 ACRE TRACT FOR A WESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
- (7) THENCE, WEST, CONTINUING COINCIDENT WITH THE SOUTH LINE OF SAID 17.984 ACRE TRACT, A DISTANCE OF 20.33 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON AN OUTSIDE CORNER OF SAID 17.984 ACRE TRACT FOR AN OUTSIDE WESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
- (8) THENCE, NORTH, COINCIDENT WITH A WESTERN LINE OF SAID 17.948 ACRE TRACT, A DISTANCE OF 153.28 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON A WESTERN CORNER OF SAID 17.948 ACRE TRACT FOR A WESTERN CORNER OF SAID OF THIS HEREIN DESCRIBED TRACT;
- (9) THENCE, NORTH 83 DEGREES 06 MINUTES 55 SECONDS EAST, COINCIDENT WITH A WESTERN LINE OF SAID 17.948 ACRE TRACT, A DISTANCE OF 20.15 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON A WESTERN CORNER OF SAID 17.948 ACRE TRACT FOR A WESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;

- (10) THENCE, NORTH 76 DEGREES 23 MINUTES 18 SECONDS EAST, COINCIDENT WITH A WESTERN LINE OF SAID 17.948 ACRE TRACT, A DISTANCE OF 174.30 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON A WESTERN CORNER OF SAID 17.948 ACRE TRACT FOR A WESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
- (11) THENCE, NORTH 83 DEGREES 06 MINUTES 37 SECONDS EAST, COINCIDENT WITH A WESTERN CORNER OF SAID 17.948 ACRE TRACT, A DISTANCE OF 102.84 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON A WESTERN CORNER OF SAID 17.948 ACRE TRACT FOR A WESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
- (12) THENCE, NORTH 89 DEGREES 20 MINUTES 36 SECONDS EAST, COINCIDENT WITH A WESTERN LINE OF SAID 17.948 ACRE TRACT, A DISTANCE OF 20.75 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON A WESTERN CORNER OF SAID 17.948 ACRE TRACT FOR A WESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
- (13) THENCE, NORTH 03 DEGREES 43 MINUTES 44 SECONDS WEST, COINCIDENT WITH A WESTERN LINE OF SAID 17.948 ACRE TRACT, A DISTANCE OF 121.11 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON A WESTERN CORNER OF SAID 17.948 ACRE TRACT BEING ON A CURVE TO THE RIGHT WHOSE RADIUS IS 834.0 FEET FOR A WESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
- (14) THENCE, WITH SAID CURVE TO THE RIGHT AND BEING COINCIDENT WITH A WESTERN LINE OF SAID 17.948 ACRE TRACT, AN ARC LENGTH DISTANCE OF 28.86 FEET THROUGH A DELTA ANGLE OF 01 DEGREES 58 MINUTES 58 SECONDS AND A CHORD DIRECTION OF NORTH 87 DEGREES 18 MINUTES 00 EAST TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON A WESTERN CORNER OF SAID 17.948 ACRE TRACT FOR A WESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
- (15) THENCE, NORTH, COINCIDENT WITH A WESTERN LINE OF SAID 17.984 ACRE TRACT, A DISTANCE OF 334.77 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED “SEA 5782” SET ON THE NORTHWEST CORNER OF SAID 17.948 ACRE TRACT FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (16) THENCE, NORTH 89 DEGREES 59 MINUTES 40 SECONDS EAST, A DISTANCE OF 283.45 FEET TO THE POINT OF BEGINNING, CONTAINING 4.73 ACRES OF LAND, MORE OR LESS.

SECTION 3. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Weslaco.

SECTION 4. This ordinance shall be published in one (1) newspaper of general circulation published in Weslaco, once a week for two (2) weeks, after the last reading of the ordinance.

SECTION 5. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't. Code*.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 18th day of May 2021.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of June 2021.

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 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, R-2 DUPLEX AND APARTMENT DISTRICT TO B-2 SECONDARY AND HIGHWAY BUSINESS DISTRICT SUBDIVISION DISTRICT BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: To rezone from an R-2 Duplex and apartment district to B-2 secondary and highway business district located at 1108 W Pike Blvd. Also being 0.55-acre tract of land out of, farm Tract 3, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 18th day of May 2021

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of June 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. NEW BUSINESS

A. Discussion and consideration after public hearing on the Adoption and Designation of the Weslaco Reinvestment Zone No. 1 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

Andrew Muñoz, Airport Director/Assistant City Manager, stated staff solicited comments as required for 30 consecutive days; public hearing held with no comments received; notified all taxing entities with no response received of the city's intent to adopt and designate Reinvestment Zone No. 1 for the University Apartments located downtown. Staff recommended approval to adopt and designate a Weslaco Reinvestment Zone No. 1 for the University Apartments.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to approve the adoption and designation of a Weslaco Reinvestment Zone No. 1 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration on Resolution 2021-34 authorizing grant agreements with the Texas Water Development Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

Vidal Roman, Finance Director, stated the city applied to the TWDB for financial assistance for drainage improvements; city was approved for loans and a grant; the resolution authorizes agreements be executed and a requirement in order to receive the monies for the loans. Staff recommended approval.

Mike R. Perez, City Manager, stated the loan amount was a total of \$3,331,000 and total grant in the amount of \$2,711,000; recommended approval noting the subsequent item authorizes the issuance of certificates of obligation.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to approve Resolution No. 2021-34 authorizing grant agreements with Texas Water Development Board as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, following is the resolution.

RESOLUTION 2021-34

RESOLUTION BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS
AUTHORIZING EXECUTION OF GRANT AGREEMENTS WITH THE TEXAS WATER
DEVELOPMENT BOARD

WHEREAS, the City of Weslaco, Texas (the "City") has previously submitted applications to the Texas Water Development Board for financial assistance to fund certain drainage projects of the City;

WHEREAS, the Texas Water Development Board made a commitment to provide financial assistance for TWDB Project No. 40114 in the form of a loan in the amount of \$1,051,000 and a grant in the amount of \$1,951,708 and a loan of \$2,280,000 and a grant in the amount of \$760,000 for TWDB Project No. 40171 to the City to finance the drainage projects upon execution of respective agreements; therefore

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

SECTION 1. Approval of Agreements. The agreements setting out the terms and conditions of the financial assistance between the Texas Water Development Board and the City are approved and the City's Designated Representatives identified below are authorized to execute the agreements on behalf of the City.

SECTION 2. Authorization for Execution. The City Commission of the City hereby authorizes the City Manager, Assistant City Manager, or the Mayor of the City, each a Designated Representative of the City, to execute respective agreements with the Texas Water Development Board for TWDB Project No. 40114 and TWDB Project No. 40171.

SECTION 3. Effective Date. This Resolution shall become effectively immediately after its adoption. PASSED AND APPROVED, this the 1st day of June 2021.

ATTEST: By: /s/ Norma A. Cantu
City Secretary

By: /s/ David Suarez
Mayor

C. Discussion and consideration on Ordinance 2021-18 authorizing the issuance of "City of Weslaco, Texas Tax and Revenue Certificates of Obligation, Series 2021A"; approving the terms of a Resolution of the Texas Water Development Board; approving an application for financial assistance, a paying agent/registrar agreement and an escrow agreement; and making other provisions regarding the certificates and other matters related thereto and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-18. Possible action. (Staffed by City Manager.)

The City Manager stated ordinance allows the issuance of debt for library improvements; the proposed timeline to consider issuance of this debt was six to nine months away but with HB 1869 likely to pass (new legislation) would restrict how a city can issue debt; estimated debt would be \$10,000,000 that would have monies for street and drainage improvements as well. Staff recommended approval and stated Bond Counsel, Dan Martinez, and Anne Berger Entrekin, Financial Advisor were available for any questions.

Anne Berger Entrekin. Hilltop Securities, stated as a result of low interest rates and zero percent interest loans with TWDB, the issuance of this debt should not have a tax rate impact based on preliminary analysis and taxable valuations to be certified.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve Ordinance 2021-18 authorizing the issuance of City of Weslaco, Texas Tax and Revenue Certificates of Obligation, Series 2021A; approving terms of Resolution of the Texas Water Development Board as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to approve Resolution 2021-35 authorizing Publication of Notice of Intention to Issue Certificates of Obligation and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

The City Manager recommended approval of the resolution that authorizes publication of issuance of debt.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve Resolution 2021-35

authorizing publication of Notice of Intention to Issue Certificates of Obligation as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, following is the resolution.

RESOLUTION 2021-35

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. 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 3. 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, SERIES 2021B” (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) improvements to the existing or the construction of a new City library; (ii) City street improvements; (iii) drainage improvements; and (iv) 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 August 3, 2021, in a maximum total amount expected not to exceed \$10,000,000. 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 \$38,346,000, the combined principal and interest required to pay all currently outstanding debt obligations of the City on time and in full is \$49,460,032, the estimated combined principal and interest required to pay the Certificates of Obligation on time and in full is \$13,515,249, the estimated interest rate for the Certificates of Obligation is 2.75%, 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.

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

E. Discussion and presentation on progress report on proposed projects discussed at City Commission Retreat. (Staffed by City Manager.)

The City Manager went over the mid-year expenditures approved during workshop discussion for Public Works, Engineering, Police, Airport and Parks going over the amount, date completed, estimated date of completion and comments from staff.

Report only no action required.

F. Discussion and consideration to solicit Requests for Bids for the Fire and Police Station with Municipal Court project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)

Andrew Muñoz presented renderings of the proposed fire and police with municipal court building; going over site plan, aerial view and parking; fire building is 14,600 square feet with five bays; police department was 32,000 square feet with a 5,000 detached square foot metal building (evidence storage); went over original and revised estimates as well as revenue sources that included issuance of certificates of obligations. Staff recommended approval to solicit bids as design plans were 100% complete.

In response to Mayor Pro Tem Muñoz, original total budget was \$11,582,000 for fire and police to include ERO fees; revised budget \$11,982,000 a difference of \$400,000; does not include furniture, fixtures and equipment; owner provided items such as security code access and cameras and does not include cost for construction management testing estimating these expenditures at one million; revenues total was \$14,500,000 comprised of certificates of obligations, sale of police department building and budgeted CIP (property acquisition). In response to Mayor Suarez, the RFP would be competitive sealed bids and a scoring matrix will be brought to the commission for approval.

Commissioner Lopez seconded by Mayor Pro Tem Muñoz moved to approve to solicit Requests for Bids for Fire and Police Station with Municipal Court project as presented. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration to solicit for Construction Management Services for the Fire and Police with Municipal Court project located at 301 N. Bridge and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

The City Manager recommended approval to solicit qualifications; this is a large project and will consider the use of Construction Manager in the event city staff is unable to oversee the project because of workload.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to approve to solicit for Construction Management Services for Fire and Police with Municipal Court project located at 301 N. Bridge as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration to award RFB No.: 2020-21-20 for the purchase of Aircraft Tug in the amount not to exceed \$43,168 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)

Andrew Munoz stated funding approved; current tug has exceeded its life use; two bids received one from JBT LEKTRO in an amount of \$43,168 and TOWFLEXX in an amount of \$75,000. Staff recommended lowest bidder JBT LEKTRO in an amount to exceed \$43,168.

Commissioner Lopez seconded by Mayor Pro Tem Muñoz moved award JBT LEKTRO for purchase of Aircraft Tug in amount not to exceed \$43,168 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to award RFB No.: 2020-21-19 for the purchase of a Utility Tractor in the amount not to exceed \$56,700 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)

Andrew Muñoz stated funding approved; two bids received and evaluated. Staff recommended approval to award lowest respondent John Deere / Tellus Equipment in an amount of \$56,700.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to award RFB No.: 2020-21-19 for purchase of Utility Tractor in the amount not to exceed \$56,700 as presented. Motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration on Change Order #1 for the North Side Sports Complex for addition of 57 days to contract and Change Order #2 for deduct of sidewalks and additional trails in the amount of \$52,122 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, stated Change Order #1 would extend the contract by a total of fifty-seven (57) days because of weather delays (rain) and lab contracting delays; Change Order #2 deducts sidewalks, moves septic tank and connects additional trails to existing trails; contract cost remains the same \$1,725,000 and work for additional trails is \$52,122 to come out of the contingency fund. Staff recommended approval.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to approve Change Order #1 for North Side Sports Complex for addition of 57 days to contract and Change Order #2 for deduct of sidewalks and additional trails in the amount of \$52,122 as presented. Motion carried unanimously; Mayor Suarez was present and voting.

K. Discussion and consideration to approve change order #9 to the construction contract agreement in the amount of \$42,960 for the Pleasantview & 11th St Drainage Improvements project and authorize Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana, City Engineer, stated that the work under this change order would include installation of down drains on ten lots located East of Pleasantview and South of 18th street; drainage ditch improvements completed had berms raised to an elevation of 70' and the improvements are affecting these existing properties located in the city's ETJ. The properties naturally drain easterly towards the ditch; the proposed down drains will allow water to drain into the ditch. Staff recommended approval.

In response to Mayor Pro Tem Muñoz and Commissioner Pedraza, flap gates will be installed to assist with potential water backflow on properties located East of Pleasantview South of 18th Street. The City Manager stated the concerns with properties West of 18th Street and further North of Pleasantview will see a decline in stormwater once an inlet is installed directing stormwater to the regional detention facility. Staff agreed to have the project engineer, Jose Reyes of SWG, available to address all concerns regarding design and construction of the project. The recommendation is to approve this and allow work to begin, and to direct commissions concerns to the project engineer for answers.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to approve change order #9 to the construction contract agreement in the amount of \$42,960 for Pleasantview & 11th St. Drainage Improvement projects as presented. Motion carried unanimously; Mayor Suarez was present and voting.

L. Discussion and consideration to award bid for the excavation of a regional detention facility (RDF) relating to Pleasantview Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Commissioner Lopez seconded by Commissioner Pedraza moved to approve.

The City Manager stated the regional detention facility for the Pleasantview project was to be excavated by staff and is 23 acres; staff will also need to excavate at Mayor Pablo Pena Park sooner than anticipated as a result of loans and grants approved and time will not allow excavation of both projects by staff; bids were authorized for the excavation of the 23 acres; bids were over a million dollars with lowest respondent, Total Commitment at \$1,055,100. Staff recommended approval to award and authorize negotiations with the lowest respondent Total Commitment bringing back to the commission for approval for an amended contract because of negotiations.

In response to Mayor Pro Tem Muñoz, the request for bids clearly indicated the scope of work needed was stock piling of dirt (4 areas) to include transporting dirt and the estimated amount of cubic yard of materials to be transported (5 miles longest); bids received were itemized stating the transporting material to the furthest distance was a high amount. Staff could reduce bid by revising scope of work evaluating what could be done inhouse. Staff can award to low bid and authorize negotiations.

Juan E. Gonzalez, City Attorney, stated the commission can award lowest respondent bid conditional to a negotiated contract to be approved by the commission.

Commissioner Lopez seconded by Mayor Pro Tem amended the original motion to award Total Commitment lowest respondent and authorized staff to negotiate the contract to be approved by the commission. Motion carried unanimously; Mayor Suarez was present and voting.

M. Discussion and consideration to approve Ordinance 2021-19 abandoning an existing 10-foot utility easement along the south property line of Lot 22 Northcross Subdivision and authorize the Mayor to execute any related documents. First reading on Ordinance 2021-19. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente, Planning and Code Enforcement Director, stated the property owner requested the abandonment of the rear 10-foot utility easement to allow improvements proposed in the back yard; owner has obtained letters from the utility companies stating they do not object to the abandonment of the easement and city's water and sanitary sewer lines located in the front. Staff recommended approval to abandon the rear 10-foot utility easement.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to approve Ordinance 2021-19 abandoning an existing 10-ft utility easement along the south property line of Lot 22 Northcross Subdivision as presented. Motion carried unanimously; Mayor Suarez was present and voting.

N. Discussion and consideration on Ordinance 2021-20 amending Ordinance No. 71-4 Codified in the Code of Ordinances as Chapter 62 Garbage, Trash and Rubbish adopting new regulation regarding placement of garbage bins near mailboxes and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-20. Possible action. (Staffed by Public Works Department.)

Olga Garza, Assistant Public Works Director, stated amendments to the Traffic Ordinance was approved regulating the parking of vehicles near mailboxes and discussions regarding placement of trash cans near mailboxes be regulated as well. The proposed ordinance adds a subsection for a new regulation for placement of garbage bins within 10 feet of a mailbox a building/structure, low hanging wires, or any fence located in a residential use area is prohibited. Staff recommended approval of Ordinance 2021-20.

Commissioner Pedraza seconded by Mayor Pro Tem Muñoz moved to approve Ordinance 2021-20 amending Ordinance No. 71-4 Codified in the Code of Ordinances as Chapter 26 Garbage, Trash and Rubbish adopting new regulation regarding placement of garbage bins near mailboxes as presented. Motion carried unanimously; Mayor Suarez was present and voting.

O. Discussion and consideration to award RFB 2020-21-22 to Doggett Freightliner of South Texas for the purchase of a 40 Yd. Brush Grapple Truck and extended warranty in the amount not to exceed \$194,640 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

Olga Garza stated three bids were received; staff reviewed and evaluated and recommended to award Doggett Freightliner of South Texas as the lowest respondent in the amount of \$191,548 and recommended purchase of extended warranty in the amount \$3,092 for a total award of \$194,640. Staff would come back with a budget amendment at the next regular meeting.

Commissioner Lopez seconded by Mayor Pro Tem Muñoz moved to approve and award Doggett Freightliner of South Texas for the purchase of a 40-yd Brush Grapple Truck and extended warranty not to exceed \$194,640 as presented. Motion carried unanimously; Mayor Suarez was present and voting.

P. Discussion and consideration to approve an Interlocal Agreement between Leisure World and City of Weslaco for Water/Wastewater Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce, Deputy Public Works Director, stated the Texas Commission on Environmental Quality (TCEQ) requested service agreements for Trials End RV Park located at 2001 S. Texas and Leisure World RV Park located at 400 E. 18th Street; RV parks are being serviced by water and wastewater from the City; agreements will allow the State to remove the RV parks from their state's Public Water System data base. Staff recommended approval.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve an Interlocal Agreement between Leisure World and City of Weslaco for Water/Wastewater Services as presented. Motion carried unanimously; Mayor Suarez was present and voting.

VI. EXECUTIVE SESSION

At 6:55 p.m. Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:42 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VII. 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 Professional Services Agreement for Municipal Court Judge Samuel V. Sanchez as authorized by section §551.074 of the Texas Government Code.

No action.

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 relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.

No action.

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

No action.

F. Legal Consultation - Consultation with City Attorney regarding notice of potential claim from Lapeze & Johns PLLC representing Jorge Luis Colunga as authorized by section §551.071 of the Texas Government Code.

No action.

G. Legal Consultation - Consultation with City Attorney regarding use of real property as a roadway located on Midway Road South of Mile 5 as authorized by section §551.071 of the Texas Government Code

Commissioner Rodriguez, seconded by Commissioner Pedraza moved to authorize City Attorney respond and authorize City Manager to order a survey, if necessary, regarding use of real property as a roadway located on Midway Road South of Mile 5 as discussed in executive session. The motion carried unanimously.

H. 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.

No action.

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.

Commissioner Pedraza seconded by Commissioner Rodriguez moved for appraisal of city owned property and authorized staff negotiate for exchange of real property described as a 0.726 acre of land out of Farm Tract 15 for other property of equal value as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

J. Economic Development - Consultation with City Attorney regarding financial offer or other incentives for Project Good Times as authorized by section §551.087 of the Texas Government Code.

Commissioner Rodriguez seconded by Mayor Pro Tem Muñoz moved to authorize Mayor Suarez, Mayor Pro Tem Muñoz and Commissioner Lopez meet with Project Good Times representatives and discuss financial offer or incentives as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. ADJOURNMENT

Commissioner Rodriguez seconded by Mayor Pro Tem Muñoz moved to adjourn the meeting of June 01, 2021 at 7:44 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

Norma A. Cantu, CITY SECRETARY