



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
JULY 6, 2021**

On Tuesday, July 6, 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	J.P. Rodriguez
	Commissioner	Josh Pedraza
	Commissioner	Letty Lopez

ABSENT:	Commissioner	Adrian Farias
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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, Juan Salas, IT Department, Omar Rodriguez, Parks & Recreation Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Joel Rivera, Police Chief, Albert Aldana, City Engineer, Pete Garcia, Public Works Director, Martin Vela, IT Director, Arnold Becho, Library Director, David Arce, Deputy Public Works Director, Olga Garza, Asst. Public Works Director, Rosa Huerta, Municipal Court, George Quilantan, Inframark, and Molly Vallejo.

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, July 2, 2021.

B. Invocation.

Pastor Steven Wagenknect, 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.

E. Roll Call.

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

II. PUBLIC COMMENTS

Rojelio Melendrez reported concerns of flooding in his area at 501 San Carlos Street. He would like to know what the City and TxDOT's plans are for drainage improvements in his neighborhood to ease flooding. He shared some pictures of the flooding area.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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.)

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.)

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.)

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.)

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.)

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 related 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 REOCCURING 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.)

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

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 Recreations Department.)

Omar Rodriguez, Parks & Recreation Director stated Carl McCaleb has expressed an interest in continuing to serve as a member to the Parks & Recreation Advisory Board.

Mayor Pro Tem Munoz seconded by Commissioner Lopez moved to appoint Carla McCaleb to the Parks and Recreation Advisory Board as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Following for the record is the resolution.

RESOLUTION NO. 2021-37

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PARKS & RECREATION BOARD.

WHEREAS, the City of Weslaco has established the Parks & Recreation Board pursuant to Section 98-83 of the Weslaco Municipal Code of Ordinances; and

WHEREAS, Members shall be appointed for terms of three years; provided that where the appointment is to fill a vacancy of an existing member prior to the expiration of his term, such appointment shall be for the remainder of the term of the predecessor. Upon the expiration of each term of each of these seven members, a like number of those whose terms shall expire shall be appointed to serve for a term of three years from August 1st of each year until their successors are appointed and shall qualify.

WHEREAS, The Parks and Recreation board shall be an advisory board and make recommendations to the city commission. The city commission shall have final approval of all goals and objectives that will be implemented within the parks and playgrounds of the city.

WHEREAS, the Parks & Recreation Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS appoint/reappoint the following individual to serve on the Parks & Recreation Board:

NAME
Carla McCaleb

UNEXPIRED TERM
08/01/2024

PASSED AND APPROVED on this 6th day of July 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. 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.)

Andrew Munoz, Airport Director/Asst. City Manager, stated revisions to the Matrix were specifically to Section 4. They are: 4.1) limit to 10 projects listed for government entities; 4.2) list out cost of any change orders; and 4.3) omit and add to provide four (4) reference letters that are received. Staff will make the revisions and bring back to the commission for approval.

Mayor Suarez recommended no action and bring back to the commission with change recommendations to the Scoring Matrix for final approval.

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.)

Commissioner Rodriguez abstained from voting and discussion.

Rebekah de la Fuente, Planning & Code Enforcement Director, stated at last meeting City Attorney was going to review the Conditional Use Permit.

City Attorney stated the Conditional Use Permit can be renewed on a yearly basis however the statute does allow for a shorter amount of time. You can have a Conditional Use Permit for one month, three months or six months with a list of violations that will result in an automatic termination such as an arrest, disturbances and/or intoxicated individuals. You can also make it more stringent with any conditions you might have such as loud noise or loud outdoor music.

Gilbert Longoria stated he had only received two complaints for noise. He had closed for two weeks during COVID and upon opening he provided curbside service to patrons. He offers soft music in the patio for dinner and does not provide loud music. Mr. Longoria also stated he is trying to expand his business by extending the late hours and locally promoting artist. He gives back to the community and is a resident of the City of Weslaco.

Mayor Suarez recommended no action be taken, consultation with the City Attorney in executive session.

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.)

Omar Rodriguez stated this project is authorization to purchase lighting system for Judge Gilbert Garza City Park and will replace soccer lighting field at Mayor Pablo Peña City park. Estimates then were \$500,000 in which prices have gone up. Ask for two different options; Option A: 29-27-foot candle at a price of \$569,400 and Option B: 26-24-foot candle for \$541,000. Staff recommends Option B.

Commissioner Rodriguez seconded by Commissioner Pedraza moved to award Buyboard Contract 592-19 for purchase and installation of sports field lighting at Judge Gilbert Garza Park in the amount not to exceed \$541,000 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Omar Rodriguez stated received two bids and Tri-Gen being the lowest bidder at \$92,646 to remove all equipment and declare it surplus. Staff recommends approval.

Commissioner Lopez seconded by Commissioner Rodriguez moved to award bid SPORT LIGHTING SALVAGE & DEMOLITION – RFB No.: 2020-21-26 located at Mayor Pablo Peña City Park to the lowest responsive bidder TRI-GEN Construction in the amount of \$92,646 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Commissioner Kerr abstained from voting and discussion.

Mike R. Perez, City Manager, stated this item is for design cost of the new industrial park on north of International Blvd. This is the property that Commission approved for Weslaco EDC to proceed with the purchase of all the infrastructure such as paving, water, sewer, drainage, etc.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve request from EDC on Contract for Professional Services with SAMES Inc Engineering & Weslaco EDC services for Weslaco Industrial Park Phase I in the amount of \$339,314 & Phase II in the amount of \$115,686 as presented. The motion carried with Commissioner Kerr abstaining; Mayor Suarez was present and voting.

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.)

David Arce, Deputy Director of Public Works, stated emergency repairs were conducted on June 18th at 2206 N. Gate Circle posed safety concerns to residents; three quotes were obtained and selected OMT in the amount of \$56,500; presenting item to ratify Purchase Order No. 21-4424 to contract OMT Utilities for manhole repairs. Staff recommends approval.

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

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.)

Albert Aldana, City Engineer, stated at a previous meeting, it was requested a report on the number of additional construction days required to complete the change orders and the number of rain/wet days for the project in order to perform a better assessment of the project. There's a total of 13 rain days and 22 wet days for a total of 35 rain/wet days with a total of 120 days. Staff recommended approval of extension to November 30, 2021.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve change order #10 to extend the date of project completion from July 7th to November 30, 2021 for Pleasantview & 11th

Street Drainage Improvements Project as presented. Motion carried unanimously; Mayor Suarez was present and voting.

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.

Albert Aldana stated subcontractor Total Commitment requested that City provide additional compensation due to cost of materials for unforeseen expenses.

Armando Gutierrez from Total Commitment stated that prices of materials have increased significantly. Expenses such as manpower, fuel, construction materials and encountering numerous delays with the hurricane season and the hold up from the Texas Parks & Wildlife permit, therefore justifying this proposed change order. Mr. Gutierrez then stated he will be constructing a large concrete slab so that he is able to work better due to rain making the area very sludgy and making the concrete slab an asset to the City.

Mayor Suarez recommended no action and bring back to the commission once City Manager and City Engineer meet with Mr. Gutierrez and work on details with Total Commitment.

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.)

Albert Aldana stated this proposed change order #12 is for storm line extensions that will alleviate flooding occurring along Pleasantview Drive and will also provide grated inlets to drain low area for two properties along the ditch alignment.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to approve change order #12 in the amount of \$45,500 for Pleasantview & 11th Street Drainage Improvements Project as presented. Motion carried unanimously; Mayor Suarez was present and voting.

VII. REPORTS

- A. Report by Perdue Brandon Fielder Collins & Mott LLP on delinquent tax collection.
Hiram Gutierrez gave presentation on delinquent tax collections for the City of Weslaco.
- B. Report by Public Works.
No report until the next meeting.
- C. Report by Parks and Recreation.
No report until the next meeting.
- D. Report by Emergency Management - COVID-19
No report until the next meeting.
- E. Report by Engineering Dept. - Pleasantview project
No report until the next meeting.

VIII. EXECUTIVE SESSION

At 6:39 p.m. Commissioner Rodriguez seconded by Mayor Pro Tem Muñoz moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:31 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

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.)

Commissioner Rodriguez abstained from voting and discussion.

Mayor Pro Tem Muñoz seconded by Commissioner Pedraza moved to recommend and award a conditional use permit for 6 months with standard ordinance conditions as set forth in the ordinance and inspection by fire and police due before 6 months expiration as discussed in executive session. The motion carried with Commissioner Rodriguez abstaining; Mayor Suarez was present and voting.

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.

Commissioner Rodriguez abstained from voting and discussion.

No action.

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.

No action.

E. 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.

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

No action.

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.

Commissioner Lopez abstained from voting and discussion.

No action.

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.

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.

No action.

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.

No action.

X. ADJOURNMENT

Commissioner Kerr seconded by Commissioner Pedraza moved to adjourn the meeting of July 6, 2021 at 7:32 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

Norma A. Cantu, CITY SECRETARY