



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 17, 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, August 17, 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 August 17, 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. PUBLIC HEARING

- A. To solicit input on behalf of SAMES, Inc. to rezone 2526 N. International Blvd. Also being an 8.9 acre tract of land out of farm tract 1056, Block 116, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas R-1 One family Dwelling district to B-2 secondary and highway business district.
- B. To solicit input on behalf of SAMES, Inc. to rezone 3700 E Sugarcane. Also being a 137-acre tract of land out of farm tract 1056, 1057 and 1058, Block 116, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas R-1 One family Dwelling district to I Industrial district.
- C. To solicit input on behalf of Saltillo Developers LLC. to rezone 1912 Mile 4 1/2 Road West / N. Bridge Ave. Also being West Tract E347.24'-W629.50'-S118.93', Farm Tract 31, .95 AC GR .88 AC NET, Weslaco, Texas R-1 One family Dwelling district to B-1 Neighborhood business district.
- D. To solicit input on behalf of Roberto Saenz to approve a Conditional Use Permit to obtain an On-Premise Retail Dealer's Wine and Beer Retailer's permit at 915 E. IH 2 Suite 100. Also being Lot 1, Lowe's of Weslaco, Weslaco, Hidalgo County, Texas.
- E. To solicit input on behalf of Esteban Estevane to approve a Conditional Use Permit to obtain an On-Premise Retail Dealer's Wine and Beer Retailer's permit, and Food and Beverage Certificate at 1605 N. Texas. Also being Lot 10 0.75 acres, Frost Proof Heights, Weslaco, Hidalgo County, Texas.

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 August 3, 2021 (Staffed by City Secretary Department.) Attachment.
- B. Approval on the continuation of the interlocal agreement with Weslaco Independent School District for eight (8) law enforcement officers to serve as school resource security officers (SRO), to be reimbursed in the amount of \$395,000 and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- C. Approval to authorize staff to apply for the Bureau of Justice Assistance (BJA) FY21 Collaborative Crisis Response Training Program for an amount not to exceed \$150,000 with no MATCH REQUIRED and NO RECURRING FEES and authorize the Mayor to execute any related documents. (Staffed by Police Department).

- D. Approval on renewal of Lease of Harlon Block Sports Complex Athletic facilities by the Mid-Valley Soccer Association for youth soccer practices and league play and authorize the Mayor to execute any related documents. (Staffed by Parks & Recreation Department.)
- E. Approval to authorize staff to solicit bids for the temporary construction of a fence to be installed at Mayor Pablo Pena City Park for construction of a Stormwater Regional Detention Facility and authorize the Mayor to execute any related documents. (Staffed by Parks & Recreation Department.) Attachment.

V. OLD BUSINESS

- A. 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. (This item was tabled July 20, 2021; no action August 3, 2021; Staffed by Planning & Code Enforcement Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of SAMES, Inc. on Ordinance 2021-30 to rezone 2526 N International Blvd. Also being an 8.9 acre tract of land out of farm tract 1056, Block 116, West and Adams Tract 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 2021-30. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration after public hearing on behalf of SAMES, Inc. on Ordinance 2021-31 to rezone 3700 E. Sugarcane being a 137-acre tract of land out of farm tract 1056, 1057 and 1058, Block 116, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas R-1 One family Dwelling district to I Industrial district and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-31. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Saltillo Developers LLC. on Ordinance 2021-32 to rezone 1912 Mile 4 1/2 Road West / N. Bridge Ave. Also being West Tract E347.24'-W629.50'-S118.93', Farm Tract 31, .95 AC GR .88 AC NET, Weslaco, Texas from R-1 One family Dwelling district to B-1 Neighborhood business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-32. Possible action. (Staffed by Planning

& Code Enforcement Department.) Attachment.

- D. Discussion and consideration after public hearing on behalf of Roberto Saenz to approve a Conditional Use Permit to obtain an On-Premise Retail Dealer's Wine and Beer Retailer's permit at 915 E IH 2 suite 100. Also being Lot 1, Lowe's of Weslaco, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration after public hearing on behalf of Esteban Estevane to approve a Conditional Use Permit to obtain an On-Premise Retail Dealer's Wine and Beer Retailer's permit, and Food and Beverage Certificate at 1605 N. Texas. Also being Lot 10 0.75 acres, Frost Proof Heights, Weslaco, Hidalgo County, Texas 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 South Point Subdivision—being a resubdivision of 12.889 acres being all of lot 2 VBMH Subdivision, and out of Farm Tract 133, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on between N Westgate Dr. and Border Ave. East Expressway 83 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- G. Discussion and consideration to approve the Final Plat for Pecan Grove No.3 Subdivision—being a 4.73 acre tract out of Farm Tract 1046, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on East of Pecan Grove No.2 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- H. Discussion and consideration for six-month extension for the Final Plat for San Jacinto Estates No.10. Phase II Subdivision – being 13.49-acre tract of land out of Farm Tract 94, West & Adams Tract Subdivision, Hidalgo County, Texas. Approximately on the Northwest corner of Mile 10 North Road and Mile 4 West Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- I. Discussion and consideration for six-month extension for the Final Plat for San Pedro Estates Subdivision – being 20 acre tract of land out of Farm Tract 647, West & Adams Tract Subdivision, Hidalgo County, Texas. Approximately 2,964 ft. North of the Intersection of 18th and Milanos Rd and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- J. Discussion and consideration on Valiant Energy Consulting Agreement to provide

services for the procurement of electricity services and all issues related to electricity and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.

- K. Discussion and consideration on the contract with SWG relating to water interconnect with the City of Donna and application with Texas Water Development Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- L. Discussion and consideration on Resolution 2021-41 authorizing the proposed resale of Foreclosed Real Estate Properties Pursuant to Texas Property Tax Code Section 34.05 (a), (c) and 9(d) and authorize the Mayor to execute the tax resale deeds and any related documents, Possible action. (Requested by the Delinquent Tax Attorneys) Attachment.
- M. Discussion and consideration to accept the UPDATED calculation of the No-New-Revenue and Voter-Approval tax rates for 2021 tax year by the Hidalgo County Tax Assessor-Collector Pablo Villarreal and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department)
- N. Discussion and consideration to approve Resolution 2021-42 proposing an ad valorem tax rate and setting dates on which the Commission will hold a public hearing, and a date to adopt the 2021-2022 ad valorem tax rate and authorize the Mayor to execute any related documents. ROLL CALL VOTE REQUIRED. Possible action. (Staffed by Finance Department.) Attachment.
- O. Discussion and consideration to approve the purchase of two 2022 ambulance remounts from HGAC Contract # AM10-20 vendor Southwest Ambulance Sales in an amount not to exceed \$225,800.00 under the Fire Department Apparatus Replacement Program and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.
- P. Discussion and consideration to authorize work by Hidalgo Cameron Counties Irrigation District 9 for installation of approximately 1,600 feet of irrigation line at Judge Gilbert Garza Park in an amount not to exceed \$43,314 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department). Attachment.
- Q. Discussion and consideration on Change Order #3 Weslaco North Side Sports Complex requesting an increase of 8 days to contract time for time lost in June due to rain and authorize the Mayor to execute any related. Possible action. (Staffed by Parks and Recreation.) Attachment.
- R. Discussion and consideration to approve renewal rates submitted for worker's

compensation insurance provided by Montalvo Insurance for fiscal year October 01, 2021 through October 01, 2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

S. Discussion and consideration to provide in-kind participation for the costs of paving 80 linear feet of 32' Back to Back roadway for Spanish Oak Dr on Pecan Grove 3 Subdivision and authorize Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.

T. Discussion and consideration to send notice of contract termination with Republic Services of Rio Grande Valley for Solid Waste Collection and Disposal Services effective September 1, 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.

VII. 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 380 Agreement between City of Weslaco and SDI Weslaco Holdings, LLC. as authorized by section §551.071 of the Texas Government Code.
- G. Legal Consultation - Consultation with City Attorney regarding redistricting for the City of Weslaco as authorized by section §551.071 of the Texas Government Code.
- H. Legal Consultation - Consultation with City Attorney regarding Economic Development Corporation of Weslaco versus Sunil Wadhvani, Nolana Self-Storage LLC, Harjinder Singh, Gerardo Tafolla, Ricardo Quintanilla and Leo Lopez *Cause No. C-0295-20-L* as authorized by section §551.071 of the Texas Government Code.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

IX. 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 13th day of August 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. 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: