



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
AUGUST 3, 2021**

On Tuesday, August 3, 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	Letty Lopez
	Commissioner	J.P. Rodriguez
	Commissioner	Josh Pedraza
	Commissioner	Adrian Farias

ABSENT:	Commissioner	Greg Kerr
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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: Sonia Flores, Assistant 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, Joel Rivera, Police Chief, Pete Garcia, Public Works Director, David Arce, Deputy Public Works Director, Albert Aldana, City Engineer, Martin Vela, IT Director, Rosa Badillo, Municipal Court, and Aida Vega.

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 30, 2021.

B. Invocation.

Pastor Timothy Aguiar, Open Door Baptist 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 call noting the absence of Commissioner Kerr and a quorum present.

II. PUBLIC COMMENTS

None.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 July 20, 2021 (Staffed by City Secretary Department.)

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

1) Approval of 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 held on July 20, 2021; Staffed by Planning & Code Enforcement Department.)

2) Approval of 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 held July 20, 2021; Staffed by Planning & Code Enforcement Department.)

C. Approval on amendments and extension from August 7, 2021 to September 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 on Resolution 2021-38 towards financing the Economic Development Corporation of Weslaco for the Real Estate Project and financing in part thereof, by Texas Regional Bank in the amount of \$12,000,000 authorizing the EDC Executive Director, EDC Board President and Mayor to execute any related documents. (Staffed by City Manager.)

E. Approval to renew the Host Agency Agreement with AARP Senior Community Service Employment Program and authorize the Mayor to execute any related documents. (Staffed by Human Resources Department.)

F. Approval to renew the Federal Work-Study America Reads Challenge, Community Service Challenge, and Community Service Agency agreements with the University of Texas Rio Grande Valley and authorize the Mayor to execute any related documents. (Staffed by Library Department.)

G. Approval to renew the Lease Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area for a term beginning August 1, 2021 - February 18, 2022 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

H. Approval on Resolution 2021-39 for closure of streets affecting state right-of-way on 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 for Alfresco Weslaco Music & Art and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Staffed by Weslaco Economic Development Corporation.)

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

Following for the record are the ordinance(s).

ORDINANCE NO. 2021-25

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 403 W PIKE BLVD. ALSO BEING LOT 2-3, BLOCK 20, ESPLANADA SUBDIVISION, WESLACO HIDALGO COUNTY, R-1 ONE FAMILY DWELLING 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-1 One family Dwelling district to B-2 secondary and highway business district located at 403 W Pike Blvd. Also being Lot 2-3, Block 20, Esplanada 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 20th day of July 2021.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of August 2021.

ORDINANCE NO. 2021-27

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 146.09 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 146.09 acres and are more specifically described as follows, to-wit:

METES & BOUNDS DESCRIPTION

A 146.09 ACRE (6,363,662.99 SQ. FT.) GROSS,

TRACT OF LAND OUT OF FARM TRACTS 1056, 1057, AND 1058, ADAMS TRACT
SUBDIVISION, AS RECORDED IN

VOLUME 1, PAGE 56, MAP RECORDS, HIDALGO COUNTY, TEXAS.

TRACT I:

A 35.26 ACRE (1,535,942.23 SQ.FT.), TRACT OF LAND OUT OF FARM TRACT 1056, AND A 44.95 ACRE (1,957,987.89 SQ.FT.), TRACT OF LAND OUT OF FARM TRACT 1057, WEST AND ADAMS SUBDIVISION, THEREOF CONVEYED TO ECONOMIC DEVELOPMENT CORPORATION, RECORDED IN DOCUMENT No. 322370, DEED RECORDS OF HIDALGO COUNTY, TEXAS, AN ADDITION TO HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 34-37, MAP RECORDS OF HIDALGO COUNTY, TEXAS;

TRACT II:

A 6.04 ACRES (263,119.42 SQ.FT.) TRACT OF LAND OUT OF FARM TRACTS 1056 AND 1057, AND A 59.84 ACRES (2,606,613.45 SQ.FT.) TRACT OF LAND OUT OF FARM TRACT 1058, ADAMS TRACT SUBDIVISION, THEREOF CONVEYD TO SAN JACINTO ENTERPRISES, LLC,

DOCUMENT No. 3053281, DEED RECORDS OF HIDALGO COUNTY, TEXAS, AN ADDITION TO HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 34-37, MAP RECORDS OF HIDALGO COUNTY, TEXAS;

COMMENCING; AT THE COMMON CORNERS OF FARM TRACT 1056, ADAMS TRACT SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 34-37, MAP RECORDS, HIDALGO COUNTY, TEXAS, THENCE; SOUTH 01°09'51" EAST, ALONG THE COMMON LINE OF FARM TRACT 1056 AND 1040, A DISTANCE OF 20.00 FEET, TO A POINT ON THE CENTERLINE OF MILE 3 ROAD WEST, THENCE; SOUTH 88°50'09" WEST, PARALLEL TO THE SOUTH LINE OF FARM TRACT 1056, A DISTANCE OF 110.00 FEET, TO A FOUND HALF (1/2) INCH IRON ROD, AT THE NORTH RIGHT OF WAY LINE OF MILE 9 ROAD (HAVING A 60.0' RIGHT OF WAY) NORTH, BEING THE POINT OF BEGINNING, HAVING A GRID COORDINATE OF E=1161696.9262, N=165592940.5393, ALONG A CORNER CLIP TO A SET (1/2) INCH IRON ROD WITH PLASTIC CAP STAMPED "SAMES", FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE; NORTH 46°09'51" WEST, A DISTANCE OF 70.71 FEET, TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF MILE 3 ROAD WEST (HAVING A 120.0' RIGHT OF WAY), FOR AN ANGLE POINT OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE; NORTH 01°09'51" EAST (NORTH), ALONG THE EAST RIGH OF WAY LINE OF SAID MILE 3 ROAD WEST (F.M. 1015), A DISTANCE OF 1,250.0 FEET, TO A FOUND HALF (1/2) INCH IRON ROD, CONVEYED TO RAUL PEREZ AND RAQUEL PEREZ, AS RECORDED IN HIDALGO COUNTY DEED RECORDS UNDER DOCUMENT NUMBER 2250128, FOR AN EXTERNAL CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE; NORTH 88°50'09" EAST (EAST), ALONG THE SOUTH LINE OF A TRACT OF LAND THEREOF CONVEYED TO RAUL PEREZ AND RAQUEL PEREZ, AS RECORDED IN HIDALGO COUNTY DEED RECORDS UNDER DOCUMENT NUMBER 2250128, A DISTANCE OF 2,346.50 FEET, TO A SET HALF (1/2) INCH IRON ROD WITH A CAP STAMPED "SAMES", FOR AN INTERIOR CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE; NORTH 50°06'51" WEST (NORTH 48°57'00" WEST), ALONG THE EAST LINE OF SAID TRACT OF LAND CONVEYED TO SAID RAUL PEREZ AND RAQUEL PEREZ, A DISTANCE OF 1,984.65 FEET, TO A SET HALF (1/2) INCH IRON ROD WITH A CAP STAMPED "SAMES", ON THE SOUTH RIGHT OF WAY LINE OF A 220.00' IRRIGATION CANAL RIGHT OF WAY, FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE; NORTH 65°30'10" EAST (NORTH 66°40'00" EAST), ALONG A DISTANCE OF 2,244.88 FEET, TO A SET HALF (1/2) INCH IRON ROD STAMPED "SAMES", FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE; SOUTH 00°39'51" WEST (SOUTH 00°30'00" WEST), AT A DISTANCE OF 2,322.59 FEET, PASS A HALF (1/2) INCH IRON ROD, A TOTAL DISTANCE OF 3,492.59 FEET, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE; SOUTH 88°50'09" WEST (WEST), ALONG THE NORTH RIGHT OF WAY LINE OF MILE 9 ROAD NORTH, A DISTANCE OF 2,830.62 FEET, TO A HALF (1/2) INCH FOUND IRON ROD, BEING THE POINT OF BEGINNING, CONTAINING A 146.09 ACRE (6,363,662.99 SQ. FT.) GROSS, TRACT 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 20th day of July 2021.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of August 2021.

For the record following is the ordinance.

RESOLUTION NO. 2021-39

A RESOLUTION OF THE CITY OF WESLACO, TEXAS, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC TRANSPORTATION FOR PUBLIC EVENT IN THE CITY LIMITS OF WESLACO

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSIONERS OF THE CITY OF WESLACO, TEXAS:

That the City of Weslaco wishes to enter into an agreement with the State of Texas, acting by and through the Texas Department of Transportation for temporary closure of a street for public event.

That the closure of Texas Boulevard between /FM 88 between U.S. Business Highway 83 and Sixth St. on the following dates: August 19, 2021; September 16, 2021; October 21, 2021; November 18, 2021; December 16, 2021; January 20, 2022; and February 17, 2022.

That all rules and procedures of 43 Tex., Adm. Code, Section 22.12 have been established for the temporary closure of a segment of the State highway system and this agreement has been developed in accordance with the rules and procedures.

This resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this 3rd day of August by the City Commissioners of the City of Weslaco, Texas.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

Mayor Suarez changed the order of the day and introduced New Business. There was no objection.

VI. NEW BUSINESS

A. Discussion and consideration on first and final reading of Ordinance 2021-29 authorizing Issuance of Certificates of Obligation 2021B and approving and authorizing the execution of the Bond Purchaser Agreement; and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2021-29. Possible action. (Staffed by Finance Department.)

Mike Perez, City Manager, stated the issuance of debt would be for new library and other projects and stated Ann Burger Entrekin would overview the transaction summary and recommended approval.

Ann Burger Entrekin, Hill Top Securities, stated the 2021B bond series were for library, road and drainage improvements; issuance of bonds done earlier as a result of legislative changes effective September 1; summarized city credit rating of “AA” attributed to strong management and revenue growth; par amount of bonds would be \$8,795,000 and with accrued interest and premium total sources would be \$10,174,000; actual interest cost rate is 2.15% lower than projected and actual debt service lower than projected thanking staff, Bond Counsel and underwriters who assisted.

Commissioner Farias seconded by Mayor Pro Tem Muñoz moved to approve Ordinance 2021-39 on first and final reading authorizing Issuance of Certificates of Obligation 2021B as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Following for the record is the ordinance.

ORDINANCE 2021-29

ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF WESLACO, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2021B”; ENTERING INTO A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AGREEMENT; AND OTHER MATTERS RELATED THERETO

WHEREAS, the City Commission of the City of Weslaco (the “Issuer” or the “City”) deems it advisable to issue Certificates of Obligation hereinafter described (the “Certificates”) for the purposes specified in Section 1 hereof;

WHEREAS, the Certificates hereinafter authorized and designated are to be issued and delivered for cash pursuant to the Certificate of Obligation Act of 1971, Section 271.041 et seq, Texas Local Government Code (the “Act”);

WHEREAS, notice of intention to issue the Certificates has been duly published in *The Monitor*, which is a newspaper of general circulation in the City, in its issues of June 9, 2021 and June 16, 2021, the date of the first publication being at least 30 days prior to the tentative date stated in the notice for passage of this Ordinance, such action being hereby ratified and approved;

WHEREAS, the City has received no petition from the qualified electors of the City protesting the issuance of the Certificates; and

WHEREAS, the City Commission of the City desires to issue the Certificates under the Act, the proceeds of which are to be used for the purposes described below;

WHEREAS, it is considered to be in the best interest of the City that the Certificates be issued and the terms hereafter provided are the most reasonable available and are hereby determined by the City Commission to be in the best interest of the City.

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

Section 1. Authorization of the Certificates. There is hereby authorized to be issued and delivered, a series of certificates of the City to be known as “CITY OF WESLACO, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2021B” (the “Certificates”) in the original aggregate principal amount of \$8,795,000, primarily payable from the proceeds of an ad valorem tax levied upon all taxable property within the City, within the limitations prescribed by law, and are further payable from and secured by a limited pledge of the Pledged Revenues (defined herein), for the purpose of providing for the payment of contractual obligations to be incurred in connection with the design, planning, acquisition, construction, equipping, expansion, repair, renovation, and/or rehabilitation of certain City- owned public property, specifically being: (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).

Section 2. Designation, Date, Denominations, Numbers, and Maturities of the Certificates. The Certificates shall be dated as of August 15, 2021 shall be in denominations of \$5,000 each or any integral multiple thereof, shall be numbered I-1 for the Initial Certificate and consecutively from R-1 upward for the Definitive Certificates and shall mature on February 15 in each of the years as provided below unless theretofore called for redemption prior to maturity in accordance with the provisions of the Form of the Certificates contained in Section 6 hereof, and the Certificates shall bear interest at the rates per annum shown below from the date of initial delivery of the Purchase Agreement herein authorized and payable on February 15, 2022 and on each August 15 and February 15 thereafter through the respective maturity date or earlier redemption, to wit:

Years of Stated Maturity (February 15)	Principal Installment (\$)	Interest Rate (%)	Years of Stated Maturity (February 15)	Principal Installment (\$)	Interest Rate (%)
2024	285,000	5.000	2032	415,000	4.000
2025	295,000	5.000	2033	430,000	4.000
2026	310,000	5.000	2034	450,000	4.000
2027	330,000	5.000	2035	470,000	4.000
2028	345,000	5.000	****	*****	****

2029	365,000	5.000	2039*	2,030,000	3.000
2030	380,000	5.000	****	*****	****
2031	400,000	4.000	2043*	2,290,000	3.000

*Represents a Term Certificate.

Section 3. Paying Agent/Registrar. The principal of and interest on the Certificates, due and payable by reason of Stated Maturity, redemption, or otherwise, shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and such payment of principal of and interest on the Certificates shall be without exchange or collection charges to the Owner (as hereinafter defined) of the Certificates.

The selection and appointment of BOKF, NA, Dallas, Texas, to serve as the initial Paying Agent/Registrar for the Certificates is hereby approved and confirmed, and the City agrees and covenants to cause to be kept and maintained at the corporate trust office of the Paying Agent/Registrar books and records (the "Register") for the registration, payment and transfer of the Certificates, all as provided herein, in accordance with the terms and provisions of a Paying Agent/Registrar Agreement, attached, in substantially final form, as Exhibit A hereto, and such reasonable rules and regulations as the Paying Agent/Registrar and City may prescribe. The Paying Agent/Registrar has agreed to keep a copy of the Register at its offices, or its agent's offices, located in Dallas, Texas. The City covenants to maintain and provide a Paying Agent/Registrar at all times while the Certificates are Outstanding, and any successor Paying Agent/Registrar shall be (i) a national or state banking institution or (ii) an association or a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers. Such Paying Agent/Registrar shall be subject to supervision or examination by federal or state authority and authorized by law to serve as a Paying Agent/Registrar.

The City reserves the right to appoint a successor Paying Agent/Registrar upon providing the previous Paying Agent/Registrar with a certified copy of a resolution or ordinance terminating such agency. Additionally, the City agrees to promptly cause a written notice of this substitution to be sent to each Owner of the Certificates by United States mail, first-class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Both principal of and interest on the Certificates, due and payable by reason of Stated Maturity, redemption, or otherwise, shall be payable only to the registered owner of the Certificates appearing on the Register (the "Owner" or "Owners") maintained on behalf of the City by the Paying Agent/Registrar as hereinafter provided (i) on the Record Date (hereinafter defined) for purposes of payment of interest thereon, and (ii) on the date of surrender of the Certificates for purposes of receiving payment of principal thereof upon redemption of the Certificates or at the Certificates' Stated Maturity. The City and the Paying Agent/Registrar, and any agent of either, shall treat the Owner as the owner of a Certificate for purposes of receiving payment and all other purposes whatsoever, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary.

Principal of the Certificates shall be payable only upon presentation and surrender of the Certificates to the Paying Agent/Registrar at its corporate trust office. Interest on the Certificates shall be paid to the Owner whose name appears in the Register at the close of business on the last business day of the month next preceding an Interest Payment Date for the Certificates (the "Record Date") and shall be paid (i) by check sent by United States mail, first-class postage prepaid, by the Paying Agent/Registrar, to the address of the Owner appearing in the Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested in writing by the Owner at the Owner's risk and expense.

If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Paying Agent/Registrar is located are

authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a day. The payment on such date shall have the same force and effect as if made on the original date any such payment on the Certificates was due.

In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the Special Payment Date - which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Owner appearing on the Register at the close of business on the last business day next preceding the date of mailing of such notice.

Section 4. Right of Prior Redemption. (a) Optional Redemption. The City reserves the right to redeem the Certificates maturing on or after February 15, 2031, in whole or in part in principal amount of \$5,000 or an integral multiple thereof, on February 15, 2030, or any date thereafter, at the redemption price of par plus interest accrued to the specific date of redemption and shall direct the Paying Agent/Registrar to call by lot Certificates, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption.

(b) Notice of Redemption. Notice of any redemption shall be given as provided in the FORM OF CERTIFICATES included in Section 6 hereof. If such notice of redemption is given, and if due provision for such payment is made, the Certificates, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the Owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Register all such redemptions of principal of the Certificates or any portion thereof. By the date fixed for any such redemption due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates, or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given and if due provision for such payment is made, all as provided above, the Certificates, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities and shall not bear interest after the date fixed for their redemption and shall not be regarded as being outstanding except for the right of the Owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Certificate shall be redeemed, a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon the surrender thereof for cancellation, at the expense of the City all as provided in this Ordinance.

Section 5. Initial Certificate; Exchange or Transfer of Certificate. Initially, one Certificate (the "Initial Certificate") numbered I-1 and being in the principal amount of the Certificate shall be registered in the name of the Initial Purchaser and shall be executed and submitted to the Attorney General of Texas for approval, and thereupon certified by the Comptroller of Public Accounts of the State of Texas or his duly authorized agent, by manual signature, and the Initial Certificate shall be effective and valid without the Authentication Certificate being signed by the Paying Agent/Registrar. At any time thereafter, the Owner may deliver the Initial Certificate to the Paying Agent/Registrar for exchange, accompanied by instructions from the Owner or designee designating the persons, maturities, and principal amounts to and in which the Initial Certificate is to be transferred and the addresses of such persons, and the Paying Agent/Registrar shall thereupon, within not more than three days, register and deliver such Certificates upon authorization of the City as provided in such instructions.

Each Certificate shall be transferable only upon the presentation and surrender thereof at the designated payment office of the Paying Agent/Registrar, duly endorsed for transfer, or accompanied by an assignment duly

executed by the Owner or his authorized representative in form satisfactory to the Paying Agent/Registrar. Upon presentation of any Certificate for transfer, the Paying Agent/Registrar shall authenticate and deliver in exchange therefore, to the extent possible and under reasonable circumstances within three business days after such presentation, a new Certificate or Certificates, registered in the name of the transferee or transferees, in authorized denominations and of the same maturity and aggregate principal amount and bearing interest at the same rate as the Certificate or Certificates so presented.

All Certificates shall be exchangeable upon presentation and surrender thereof at the designated payment office of the Paying Agent/Registrar for a Certificate or Certificates of the same maturity and interest rate and in any authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of the Certificate or Certificates presented for exchange. The Paying Agent/Registrar shall be and is hereby authorized to authenticate and deliver exchange Certificates in accordance with this Ordinance and each Certificate so delivered shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such Certificate is delivered.

The City or the Paying Agent/Registrar may require the Owner of any Certificate to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Certificate. Any fee or charge of the Paying Agent/Registrar for such transfer or exchange shall be paid by the City.

Section 6. General Characteristics and Form of the Certificates. The Certificates shall be issued, shall be payable, may be redeemable prior to their scheduled maturities, shall have the characteristics, and shall be signed and executed (and the Certificates shall be sealed) all as provided and in the manner indicated in the form set forth below. The Form of the Certificates, the Form of the Registration of the Comptroller of Public Accounts of the State of Texas to be printed and manually endorsed on each of the Initial Certificate, the Form of the Authentication, and the Form of Assignment, which shall be, respectively, substantially as follows, with necessary and appropriate variations, omissions, and insertions as permitted or required by this Ordinance, and the definitions contained within each such form shall apply solely to such form:

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

B. Discussion and consideration to accept the calculation of the No New Revenue (effective) and Voter Approval (Rollback) tax rates for 2021 tax year by Hidalgo County Tax Assessor-Collector Pablo Villarreal and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

The City Manager stated the County completed the certified tax roll numbers and benchmarks for the 2021 tax rate calculations and recommended to accept as submitted.

Sonia Flores, Assistant Finance Director, recommended a tax rate of 0.6967 (same as last year) stating the proposed tax rate would not subject the city to seek voter approval of the rate.

Commissioner Lopez seconded by Mayor Pro Tem Muñoz moved to accept the calculation of the New Revenue and Voter Approval tax rates for 2021 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to award the most advantageous proposal for financing of the purchase of Weslaco Fire Department 2021 Fire Ladder Truck and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Sonia Flores stated four financing proposals were received and evaluated. Staff recommended approval to award Governmental Capital Corporation as the most advantageous proposal for financing with an interest rate of 2.23% that would have ten annual payments of \$99,987.09.

Commissioner Pedraza seconded by Commissioner Lopez moved to award Governmental Capital Corporation as the most advantageous for financing a 2021 Fire Ladder Truck as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to award the most advantageous proposal for financing of the purchase of Solid Waste Collection Department 12,000 trash can bins and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Sonia Flores stated three financing proposals were received and evaluated. Staff recommended approval to award Frost Bank as the most advantageous proposal for financing with an interest rate of 1.776% that would have five annual payments of \$125,287.83.

Commissioner Pedraza seconded by Commissioner Rodriguez moved to approve financing proposal to Frost Bank for the purchase of 12,000 trash bins for Solid Waste Collection Department as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration on House Bill 1927 regulating signage on City buildings for the carrying of handguns during public meetings and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.)

Commissioner Rodriguez seconded by Mayor Pro Tem Muñoz moved to approve.

Joel Rivera, Chief of Police, stated HB 1927 becomes effective September 1, 2021 that provides for a licensed or unlicensed carrier of firearms be prohibited from entering a room where a meeting subject to the Open Meeting Act is being held if the entity provides notice to carry is prohibited for any individual either licensed or unlicensed. Staff is seeking direction from the commission on how to proceed.

The City Manager recommended no one either licensed or unlicensed be permitted to enter a room where any meeting posted subject to the Open Meetings Act is conducted; recommended to properly post said signage to include required language on all agendas of the City. The City Attorney conferred with the recommendation of the City Manager.

In response to Commissioner Rodriguez, the City Attorney recommended notice be in Spanish as well.

Commissioner Rodriguez seconded by Mayor Pro Tem Muñoz moved to amend the original motion to prohibit licensed and unlicensed carrying of firearms, to properly post signage and provide said language on all agendas of the city that are subject to the Opens Meeting Act as presented. The motion carried unanimously; Mayor Suarez was present and voting.

The original motion carried unanimously.

F. Discussion and consideration to authorize staff solicit bids for a city-wide project for installation of pavement markings and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana, City Engineer, recommended approval for the solicitation of bids; past commission discussions raised the concern of needed roadway improvements and staff proposes a city-wide contract for pavement markings. The City Manager noted this was to be a supply contract.

Mayor Pro Tem Muñoz seconded by Commissioner Lopez moved to approve staff solicit bids for a city-wide project for installation of pavement markings as presented. Motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration on acceptance and dedication of Utility Easement(s) to the City of Weslaco from O.E. Investments Inc., Roberto C. and Elvia E Elissetche and E.M. Payne a/k/a Edwin M. Payne out of Farm Tract 719 and Farm Tract 719, Block 176, West Tract Subdivision located on Milanos Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana recommended approval to accept dedication of utility easement from said property owners; easements are needed for improvements being done that will extend a 12" sanitary sewer line from Milanos Estates Subdivision to Mile 5 N. Road; easements will allow for the construction of the sewer line from the middle of the road to the east and avoid tearing up the roadway.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve acceptance and dedication of Utility Easements from O.E. Investments, Robert C. and Elvia E. Ellisette and E.M. Payne a/k/a Edwin M. Payne as presented. Motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez introduced Item V. Old Business A.

V. OLD BUSINESS

A. 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. (There was no action on this item on July 6; Staffed by Engineering Department.)

Commissioner Lopez seconded by Mayor Pro Tem Muñoz moved to discuss.

Albert Aldana, City Engineer, stated the contractor provided a breakdown to the request of additional compensation in the amount of \$35,000 as requested from the last commission meeting and Mr. Armando Gutierrez, Total Commitment LLC was in attendance.

Mr. Gutierrez stated commencement of the project began in the area of the park (Estero Llano Grande) to immediately address problems that was keeping water from flowing north to south on FM1015; construction began and then halted as a result of right-of-entry needed that took the City seven months to obtain and this resulted in additional expenses for mobilization and de-mobilization of heavy equipment; inflation of fuel, labor and overhead costs; increased cost of supplies and cost of heavy equipment on standby. Mr. Gutierrez requested relief to the additional cost incurred.

Juan E. Gonzalez, City Attorney, recommended legal consultation in executive session.

VIII. EXECUTIVE SESSION

At 6:03 p.m. Mayor Pro Tem Muñoz seconded by Commissioner Rodriguez moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 6:41 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

V. OLD BUSINESS

A. 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. (There was no action on this item on July 6; Staffed by Engineering Department.)

The City Attorney recommended to approve additional funding as a contract amendment and not a change order for Item 1 mobilization of heavy equipment: Item 2 de-mobilization of heavy equipment and Item 7 heavy equipment on standby for delays for a total amount of \$19,600.

Commissioner Farias seconded by Mayor Pro Tem Muñoz moved to approve a contract amendment for a total amount of \$19,600 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. 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; Staffed by Planning & Code Enforcement Department.)

Mike Perez, City Manager, stated no action at this time and remained tabled.

IV. APPOINTMENTS

A. Discussion and consideration on Resolution 2021-40 appointing three members to expired terms on the Drainage Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

The City Manager recommended re-appointment of Sandra Reyna and Alex Livas stating Fred Perez did not seek reappointment. Staff will bring back to the commission consideration of an appointment for the vacancy of Fred Perez upon receipt of interest to the board.

Commissioner Farias seconded by Mayor Pro Tem Muñoz moved to approve Resolution 2021-40 appointing Sandra Reyna and Alex Rivas to the Drainage Advisory Board as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Following for the record is the resolution.

RESOLUTION NO. 2021-40

A RESOLUTION OF THE CITY OF WESLACO, TEXAS APPOINTING MEMBERS TO THE CITIZENS DRAINAGE ADVISORY BOARD

WHEREAS, the City Commission passed and approved Ordinance 2019-23 an ordinance amending Part II-Code of Ordinances, Chapter 2 Administration by providing a new article; establishing Article XI. Drainage; creating Section 2-280 through Section 2-284; creating a Citizens Drainage Advisory Board;

WHEREAS, Section 2-281 outlines the composition of the Citizens Drainage Advisory Board which shall be composed of nine (9) members appointed by the City Commission, with the advice of the City Manager; and,

WHEREAS, Section 2-282 states the terms of members shall be for no more than two (2) three (3) year staggered terms for a total of no more than six (6) years. The staggered terms shall be determined at the first regularly scheduled meeting of Citizens Drainage Advisory Board. The City Commission will have the ability to waive the term limit; and,

WHEREAS, Members of the board shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS that the following individuals are appointed to serve on the Citizens Drainage Advisory Board.

PASSED AND APPROVED on this 3rd day of August 2021.

<u>NAME</u>	<u>TERM ENDING</u>
Sandra Reyna	<u>7/25/2024</u>
Alex Livas	<u>7/25/2024</u>

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

H. Discussion and consideration on proposed budget for the American Rescue Plan Act of 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

The City Manager stated monies resulting from the American Rescue Plan Act to the City totaled \$5,157,540; reviewed the expenditures of the funds totaling \$4,925 as listed below:

Reimbursement G.F. for loses	\$700,000
Rolling Stock for Drainage	\$775,000
W/S CIP/Collection Distribution	\$1,200,000
36" Pumps	\$150,000
Two trailers with barricades (traffic control)	\$20,000
W/S Water Plant/Sewer Plants	\$1,165,000
\$1000 for each Police/Fire employees	\$150,000
Water Department Backhoe	\$107,000
Loss of Revenues for W/S	\$460,000
Parks WIFI	\$41,000
Design of Lift Station #12	\$180,000
Program to have people get COVID Shots	\$ 20,000

Staff recommended approval as presented unless there were any changes from the commission noting a balance of \$189,540 would be left.

Commissioner Pedraza seconded by Mayor Pro Tem Muñoz moved to approve proposed budget for the American Rescue Plan Act of 2021 as presented. Motion carried unanimously; Mayor Suarez was present and voting.

VII. REPORTS

None presented at this time.

- 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.

IX. 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 Police Union (Weslaco Municipal Police Association) 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 relating to 380 Agreement between City of Weslaco and SDI Weslaco Holdings, LLC. as authorized by section §551.071 of the Texas Government Code.

No action.

X. ADJOURNMENT

Mayor Pro Tem Muñoz seconded by Commissioner Rodriguez moved to adjourn the meeting of August 3, 2021 at 6:45 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

Norma A. Cantu, CITY SECRETARY