



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, SEPTEMBER 7, 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, September 7, 2021 at 5:30 PM for the purpose of discussing the following items:

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

**I. CALL TO ORDER**

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral Recognition.  
Proclamation - Larissa Nicole Rodriguez "Jr Miss Regency International 2021"
- 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. Public Hearing to solicit input from the public regarding the City of Weslaco proposed ad valorem property tax rate of .6967 per \$100 valuation, pursuant to Texas Tax Code Section 26.05(d). (Staffed by Finance Department.) Attachment.
- B. Public Hearing to solicit input from the public regarding the City of Weslaco's Proposed Budget for Fiscal Year 2021-2022 commencing October 1, 2021 and ending on September 30, 2022, pursuant to Local Government Code 102.006. (Staffed by

Finance Department.) Attachment.

#### **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 17, 2021 and Special Meeting on August 31, 2021. (Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
  - 1) Approval 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 held August 17, 2021;staffed by Planning & Code Enforcement Department.) Attachment.
  - 2) Approval on Ordinance 2021-31 to rezone 3700 E. Sugarcane being a 137-acre tract of land out of farm tract 1056, 1057and 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 held August 17, 2021; staffed by Planning & Code Enforcement Department.) Attachment.
  - 3) Approval 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 held August 17, 2021; staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval on amendments and extension from September 7, 2021 to October 7, 2021 for Disaster Declaration (COVID-19) and any reports related to such executive orders and authorize the Mayor to execute any related documents. (Staffed by City Manager.)
- D. Approval on renewal of a Facilities Usage Agreement with South Texas College for use of Harlon Block Parks (Fields), 1020 W. 18th Street and Mayor Pablo G. Pena City Park (Fields), and/or Tennis Courts), 300 North Airport Drive, from August 23, 2021 - August 12, 2022 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.

- E. Approval to declare approximately 120 Christmas Wreaths surplus property, donate to the City of Edcouch and authorize the Mayor to execute any related documents. (Parks and Recreation Department.)
- F. Approval on renewal of Interlocal Agreement(s) with the following entities for Animal Care Services:
  - 1. City Of Alamo
  - 2. City Of Donna
  - 3. City Of Edcouch
  - 4. City Of Elsa
  - 5. City Of La Villa
  - 6. City Of Mercedes
  - 7. City Of Penitas
  - 8. City Of Pharr
  - 9. City Of San Juan
  - 10. Willacy Countyand authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.) Attachment.

**V. APPOINTMENTS**

- A. Discussion and consideration on Resolution 2021-44 appointing a member to the Board of Adjustments & Appeals to the Zoning Ordinance for a term set to expire October 4, 2021 and authorize the Mayor to execute any related documents to Possible action. (Staffed by Planning and Code Enforcement.) Attachment.

**VI. 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 and 17 2021; Staffed by Planning & Code Enforcement Department.) Attachment.

**VII. NEW BUSINESS**

- A. Discussion and consideration to approve Ordinance 2021-33, adopting the City of Weslaco's budget appropriations for Fiscal Year 2021-2022 commencing October 1, 2021 and ending September 30, 2022 and authorizing the Mayor to execute any related documents. **ROLL CALL VOTE REQUIRED.** First reading on Ordinance 2021-33. Possible action. (Staffed by the Finance Department.) Attachment.

- B. Discussion and consideration to approve Ordinance 2021-34 , adopting and levying ad valorem tax rate for Fiscal Year 2021-2022 and authorizing the Mayor to execute any related documents. **ROLL CALL VOTE REQUIRED.** First reading of Ordinance 2021-34. Possible action. (Staffed by the Finance Department). Attachment.
- C. Discussion and consideration on acceptance of the American Rescue Plan Act of 2021 funds in the amount of \$5,157,540, authorize expenditures and consider Ordinance 2021-35, a budget amendment and create a Special Projects Fund for appropriations and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-35. Possible action. (Staffed by City Manager.) Attachment.
- D. Discussion and consideration on Resolution 2021-45 to adopt the annual Investment Policy for the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- E. Discussion and consideration to select and award an EMS Billing and Collection contract for the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Finance Department.) Attachment.
- F. Discussion and consideration to approve Resolution 2021-46 nominating Joe Olivarez to the Hidalgo County Appraisal District Board of Directors for the 2022-2023 election and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- G. Discussion and consideration on face mask mandates for city facilities and authorize the Mayor to execute any related documents. (Staffed by City Manager.)
- H. Discussion and consideration on Resolution 2021-47 to support the adoption and approval of the Texas Term Sheet in its entirety regarding the Opioid Settlement in the approximate amount of \$90,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- I. Discussion and consideration to approve the Economic Development Corporation of Weslaco annual budget and work plan for fiscal year 2021-2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Weslaco EDC.) Attachment.
- J. Discussion and consideration on request from the Weslaco Area Chamber of Commerce to hold a monthly Mid-Valley Farmers Market Outdoor event on the last Saturday of each month on South Kansas Ave. from 10AM-2PM and consideration to waive appropriate fees from ordinances associated with the event and authorize the Mayor to execute any related document. Possible action. (Requested by Weslaco Area Chamber of Commerce.) Attachment.
- K. Discussion and consideration of advertisement for Request for Qualifications for Architectural/Engineering Design for the expansion and remodeling of the Mayor Joe

V Sanchez Public Library Complex. Possible action. (Staffed by the Library Department) Attachment.

- L. Discussion and consideration to approve a Memorandum of Agreement to Reimbursement Customs and Border Protection for costs related to providing information technology (IT) equipment and services for the Weslaco Mid Valley Airport in an amount not to exceed \$70,770.00 with annual reoccurring costs of \$14,763.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.
- M. Discussion and consideration on the purchase of a data network storage server with cloud data backup software licenses to protect the city's data for an amount of \$98,376.00 through vendor Insight Public Sector with Texas DIR contract # DIR-TSO-3763 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Information Technology Department). Attachment.
- N. Discussion and consideration on request from the Children's Advocacy Center of Hidalgo and Starr County to rent the first floor office suite located at 111 E. 5th Street and authorize the Mayor to execute any related documents. Possible action. (Parks and Recreation Department.) Attachment.
- O. Discussion and consideration to approve Ordinance 2021-36 repealing Ordinance 1969-09 the City of Weslaco Fire Limits Ordinance for downtown, Codified as Chapter 26, Article II of the Weslaco Code of Ordinances and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-36. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- P. Discussion and consideration to purchase an 8,000 gallon above-ground fuel tank from Buy Board vendor JF Petro Group in the amount not to exceed \$182,245 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- Q. Discussion and consideration to purchase routing software and hardware from HGAC vendor Routeware Inc. for 11 solid waste collection units, in the amount not to exceed \$51,315, plus travel, and a reoccurring monthly fee of \$5,400 a month and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- R. Discussion and consideration to purchase Simplicity Dual High Pressure Wash System equipment for an amount not exceed \$47,286 from HGAC vendor Washing Equipment of Texas Inc., for new solid waste trucks and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- S. Discussion and consideration to purchase Front End Commercial bins from Wastequip Manufacturing Company LLC. in the amount not to exceed \$1,135,877 and authorize

the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.

- T. Discussion and consideration to approve bid tabulation for RFB 2020-21-30 Traffic Signal Improvements and award a contract to TRAF-TEX in the amount of \$422,862 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Engineering Department.) Attachment.
- U. Discussion and consideration to approve bid tabulation for RFB 2020-21-31 Sidewalk Improvements and award a contract to La Frontera Special Projects, LLC in the amount of \$102,800 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Engineering Department). Attachment.

## **VIII. REPORTS**

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

## **IX. 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. 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.
- C. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.
- D. Legal Consultation - Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.
- E. 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.
- F. Legal Consultation - Consultation with City Attorney regarding redistricting for the City of Weslaco as authorized by section §551.071 of the Texas Government Code.
- G. Legal Consultation - Consultation with City Attorney regarding the Conditional Use Permit for Sr Mostacho located at 2307 W Interstate 2. Suite A, also being Lot 4, Town Center Subdivision Lots 2-9, Weslaco Original Townsite, Weslaco, Hidalgo County 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 Wadhwani, 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.

**X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

**XI. 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 3rd day of September 2021 on or before 4:00 pm and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Norma A. Cantu, City Secretary

**NOTE:** If any accommodation for a disability is required, please notify the City Secretary Department at (956) 968-3181, Ext. 1001 prior to the meeting date.

*Regular Meetings of the Weslaco City Commission stream live online at <http://www.weslacotx.gov/open-government/open-meetings>. Archived video of some meetings are also available.*

**Removed from Bulletin Board**

Date:

Initials:

PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN".

“DE ACUERDO CON LA SECCION 30.06 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA SEGUN EL SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA OCULTA”.

"PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY".

“DE ACUERDO CON LA SECCION 30.07 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA A LA VISTA), UNA PERSONA CON LICENCIA SEGUN EL SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA A LA VISTA”.