



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 21, 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 21, 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 - Armando Martinez, "Retired Firefighter 36 yrs of Service"
 - Proclamation - Violet Kerr, "Little Miss Weslaco"
 - Proclamation - "Childhood Cancer Awareness"
- 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. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 September 7, 2021
(Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
- 1) Approval of 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. (First reading held September 7, 2021; staffed by the Finance Department.) Attachment.
 - 2) Approval of Ordinance 2021-34 , adopting and levying ad valorem tax rate for Fiscal Year 2021-2022 and authorizing the Mayor to execute any related documents. (First reading held September 7, 201; staffed by the Finance Department.) Attachment.
 - 3) Approval of Ordinance 2021-35 acceptance of the American Rescue Plan Act of 2021 funds in the amount of \$5,157,540, authorizes expenditures, a budget amendment and creates a Special Projects Fund for appropriations and authorize the Mayor to execute any related documents. (First reading held on September 7, 2021; staffed by City Manager.) Attachment.
 - 4) Approval of 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 held September 7, 2021; staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval to use the Court Technology Fund to pay the annual maintenance fee for Incode Court Annual Fees for Court Case Management, Police (non-INCODE interface to Court), and the third-party system software AcuCorp Run Time not to exceed in the amount of \$12,321 and authorize the Mayor to execute any related documents. (Staffed by Municipal Court.) Attachment.
- D. Approval to purchase a 2021 or 2022 New SUV (Chevy Tahoe) with emergency lighting and other police equipment for an amount not to exceed \$60,000 of which \$55,128.92 will be reimbursed through HSGP Operation Stonegarden Grant #3173406 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- E. Approval of a six-month extension for the Final Plat for Airport Heights being 27.080-acre Tract of land out of Farm Tract 21 & 22, Block 135, West and Adams Tract Subdivision, Hidalgo County, Texas located approximately on the North corner of Airport and Business 83 and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.

- F. Approval of a six-month extension for the Final Plat for Verona Subdivision– being a 20 acres out of Farm Tract 1038, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 1800 ft. North of mile 8 on FM 1015 and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- G. Approval to accept donated monies and gift donations from local vendors and/or the public for library programing within Fiscal Year 2021-2022 and authorize the Mayor to execute any related documents. (Staffed by the Library Department.) Attachment.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2021-48 confirming an appointment by the Chief Executive Officer for a term set to expire October 19, 2021 on the Weslaco Civil Service Commission as per Local Government Code §143.006 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration to approve the Final Plat for Petra Garza Subdivision– being a 1.00-acre tract of land out of Farm Tract 131, Block 162, West Tract Subdivision, Weslaco, Hidalgo County, Texas Located on the NW Corner of the intersection of N Border Ave and Valley Trace Drive and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration to approve Ordinance 2021-37 for the Voluntary Annexation of Texas Road Subdivision – being West Tract E660’-N330’ Farm Tract 109 & E660’-S660’ Farm Tract 110 15.0 AC GR 13.63 AC net, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located 660’ south of Mile 10 North along East Side of FM 88 and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-37. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration on the renewal Agreement with Associate Municipal Court Judge Juan Alvarez and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- D. Discussion and consideration to approve Ordinance 2021-38 adopting a final budget amendment to the General fund and Water/Wastewater, Solid Waste, Airport and other funds presented and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2021-38. Possible action. (Staffed by Finance Department.)

- E. Discussion and consideration on Ordinance 2021-39 establishing Series 2021B Library Construction Fund and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2021-39. Possible action. (Staffed by the Finance Department.) Attachment.
- F. Discussion and consideration on Ordinance 2021-40 establishing an Interest & Sinking Debt Fund on Series 2021B Certificate of Obligation for Library renovation/construction and authorizing the Mayor to execute any related documents. First and final reading of Ordinance 2021-40. Possible action. (Staffed by Finance Department.) Attachment.
- G. Discussion and consideration of accepting a financing acquisition proposal from Government Capital for the Solid Waste (Residential Garbage) program. Capital Rolling Stock in the amount of \$3,260,277 and amending the budget and authorizing the Mayor to execute any related documents. (Staffed by the Finance Department.) Attachment.
- H. Discussion and consideration to reject proposals for RFP #2020-21-27 for Construction Management Services and authorize the Mayor to execute any related items. Possible action (staffed by Airport Department.)
- I. Discussion and consideration to award RFB #2020-21-25 for the Construction of the Fire and Police Station with Municipal Court and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)
- J. Discussion and consideration to approve listing of sidewalk locations proposed for RFB 2020-21-31 Sidewalk Improvements and authorize Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- K. Discussion and consideration to approve an amended contract award to TRAF-TEX, Inc in the amount of \$285,061.76 for RFB 2020-21-30 Traffic Signal Improvements and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.

VI. 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. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of various city-owned real property to Affordable Homes of South Texas, Inc., TuCasa Investments, Inc as authorized by section §551.072 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 the Performance Contracting Agreement between the City of Weslaco and Siemens Industry Inc. as authorized by section §551.071 of the Texas Government Code

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

VIII. 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 public during and after regular working hours. This notice was posted on this 17th day of September 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:

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