



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 19, 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, October 19, 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 - Weslaco Crime Stoppers Award
- 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. PRESENTATION

- A. Presentation by Hidalgo County Irrigation District No. 1 relating to drainage projects.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 September 21, 2021 and Special Meeting on September 28, 2021 (Staffed by City Secretary's Department.) Attachment. Attachment.
- B. Approval on second and final reading of the following:
 - 1) Approval on 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 held September 21, 2021; staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval to apply to the FY2022 Border Zone Fire Departments (BZFD) under the Office of the Governor, Public Safety Office Homeland Security Grants Division for Equipment, Supplies and or Direct Operating Expenses associated with border security activities. No match requirements and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- D. Approval of the extension of the Memorandum of Understanding (MOU) with the United States Customs and Border Patrol Protection, Rio Grande Valley Sector for Emergency Medical Services training at no cost to the City and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- E. Approval on renewal of the Professional Services Agreement with Dr. Andrew Levine for Emergency Medical Services, Medical Director for an amount not to exceed \$40,000 per year and appointment as Health Authority for the City of Weslaco with an annual salary of \$10,000 per year to run concurrently for a two-year term from February 2021-February 2023 and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- F. Approval on Resolution 2021-54 to apply to the FY22 Body-Worn Camera Program Grant #4367801 for an amount not to exceed \$155,010 with a 25% matching requirement to obtain body-worn cameras, digital video storage, and retrieval systems or cloud-based services and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- G. Approval on Resolution 2021-57 to accept Local Border Security Program Grant #3407205 Award in the amount of \$100,000 for overtime to enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.

- H. Approval on Resolution 2021-55 for the application to the FY2022 Operation Lone Star Grant Program (Grant #4377801) to enhance interagency border security operations supporting Operation Lone Star, including the facilitation of directed actions to deter and interdict criminal activity and detain non-citizen inmates and authorize the Mayor to execute any related documents (Staffed by Police Department.) Attachment.
- I. Approval to authorize staff to solicit bids for an Annual City Grounds Maintenance Contract for City Hall-UTRGV-EDC, Fire Station 2-Library-Flag Plaza-Bank, Fire Station 1, Fire Station 3, Police Department, Shooting Range, Mid-Valley Airport Terminal and Customs & Border Protection Building and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)
- J. Approval of six-month extension for the Final Plat for Milanos Estates 2 Subdivision—being a 26.43 acres being out of and forming a portion of Farm Tract 720 and 721, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on the Northeast corner of Mile 5 ½ West and Mile 6 ½ Road and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- K. Approval of six-month extension for the Final Plat for Tejas Cuatro Phase III Subdivision – being a 21.21 acre tract of land out of Farm Tract 172, West and Adams Tract Subdivision, , Weslaco, Hidalgo County, Texas located approximately 2000 ft North of the intersection of W. Sugar Cane Dr. along Mile 5 ½ West and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- L. Approval of six-month extension for the Final Plat for Freedom Storage– being a 2.409 acre being a part or portion out Farm Tract 710, Block 136, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 863’ east of Pleasantview Dr. south of business 83 and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- M. Approval of six-month extension for the Final Plat for Villa Event Center Subdivision being a 3.11 acre tract of land of Farm Tract 31, West and Adams Subdivision, Hidalgo County, and Texas located on the Northeast corner of Bridge and Dolores Huerta and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- N. Approval to purchase 500 water meters for the total cost of \$166,355 for the continuing development of subdivisions and replenishment of inventory and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- O. Approval to authorize solicitation of bids for the following: 1) Long Reach Excavator;

2) 3-six inch pumps; 3) Manhole Rehabilitation; 4) 2 backhoes (water/wastewater divisions); 5) 2 trailers with barricades; 6) Various city units for all departments; 7) Oil Distributor Trailer; 8) Mower for ditches; 9) tandem dual wheel pintle trailer; and 10) Utility Vehicle and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.) Attachment.

V. 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. (There was no action on October 21, 2021; staffed by Human Resources Department.) Attachment.
- B. Discussion and consideration on Resolution 2021-53 appointing two members to the Board of Adjustments & Appeals to the Zoning Ordinance for terms set to expire and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2021-41 reducing the size of an existing 15-foot utility easement along the northside of property line of Lot C-1 Re-Plat of Apostolic Assembly Church Subdivision to a 10-foot utility easement and authorize the Mayor to execute any related documents. First reading on Ordinance 2021-41. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and reconsideration to approve 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. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration to approve the Final Plat for White Rose Subdivision—being a 4.644 acre tract of land out of Farm Tract 31, West Tract Subdivision, Weslaco, Hidalgo County, Texas Located approximately 2000ft North of Intersection Frontage Road & Bridge Ave and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration to approve Ordinance 2021-42 for the Voluntary Annexation of Adams Tract Subdivision – being 1.166 AC out of North 210.10 FT of the East 242.00 FT. of Farm Tract 1009, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on the Southwest corner of intersection FM 1015 and Mile 6

North and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-42. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

- E. Discussion and consideration to approve Ordinance 2021-43 for the abandonment of a 50-foot right-of-way on West Esplanada Street and North Georgia Street and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-43. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- F. Discussion and consideration for approval to purchase a 2022 - 2023 FORD F-250 Animal Control Unit from Caldwell Country Ford at a cost of \$68,695 under Buy Board Contract # 601-19 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- G. Discussion and consideration on Ordinance 2021-44 granting Freeport Tax Exemption in the City of Weslaco and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-44. Possible action. (Staffed by City Manager.) Attachment.
- H. Discussion and consideration to approve Resolution 2021-56 to allocate votes in the election for the 2022-2023 Board of Directors of the Hidalgo County Appraisal District pursuant to §6.03(e) of the Texas Property Tax Code and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)
- I. Discussion and consideration to reject all bids for Sanitation Building Renovations RFB#2020-21-23 and allow staff to rebid, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- J. Discussion and consideration to approve the purchase of 2-way radios from Tri County Communications through Buyboard Contract #603-20/604-20 in the amount not to exceed \$56,273 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- K. Discussion and consideration to approve purchase of survey equipment through DIR Contract #DIR-CPO-4504 in the amount of \$32,256.37 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- L. Discussion and consideration for planning, program development and to solicit funds through grants, partners, agencies and foundations for the purchase of a Mobile Communications/Command Unit (Regional) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.
- M. Discussion and consideration for approval to purchase a 107 ft Ladder Truck under the 2021-2022 WFD Apparatus Replacement Fund at a cost of \$1,230,000 under Buy

Board Contract # 651-21 replacing Downtown Fire Station 2004 Engine Company/ 2003 Ladder 1 and authorized the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

- N. Discussion and consideration to purchase Fire Rescue Tools and Equipment from Metro Fire Apparatus Specialist in the total amount of \$42,864.00 through Buy Board Contract # 603-20 which was approved for FY 2021-2022 under Capital Outlay expenditures and authorized the Mayor to execute any related documents. Possible action. (Staff by Fire Department.) Attachment.
- O. Discussion and consideration accepting a financing proposal from Frost Bank for the purchase of commercial bins and Ordinance 2021-44 for a Budget Amendment on the Solid Waste program and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-44. Possible action. (Staffed by Finance Department.) Attachment.
- P. Discussion and consideration awarding a contract to the most advantageous respondent in Retail Energy Services and authorize the Mayor to execute all related documents. Possible action. (Staffed by Finance Department.)
- Q. Discussion and consideration on the Special Services Agreement for the Hotel/Motel Room Occupancy tax proceeds between City of Weslaco and the following:
 - 1.) Chamber of Commerce for \$275,185
 - 2.) Frontera Audubon Society for \$51,500; and
 - 3.) Lower Rio Grande Valley Nature Center for \$80,000and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Finance Department.) Attachment.
- R. Discussion and consideration of Statement of Qualifications provided in response to the New Library/Library Renovation Project and designation of an evaluation team to assist in selection and interview of respondents. Possible action. (Staffed by the Library Department) Attachment.
- S. Discussion and consideration to approve Change Order #1 in the amount of \$43,401.00 for the Airport hanger project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.

VII. REPORTS

- A. Report by Engineering Interns on the work completed for the City of Weslaco and experience gained.
- B. Report by Parks & Recreation Department - New Police and Fire Station project.

VIII. 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 terms of the Agreement with MRP Consultant for consulting services for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.
- C. Personnel - Discussion regarding the appointment of an Interim City Manager and discuss Resolutions 2021-50, 2021-51 and 2021-52 for signatories on legal financial documents identified with the PNC, Navy Army, and Tex-Pool for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.
- D. Contract Negotiations - Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Police Union (Weslaco Municipal Police Association) as authorized by section §551.071 of the Texas Government Code.
- E. 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.
- F. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.
- G. Legal Consultation - Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.
- H. 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.

- I. Legal Consultation - Consultation with City Attorney regarding redistricting for the City of Weslaco as authorized by section §551.071 of the Texas Government Code.
- J. 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
- K. 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.
- L. Legal Consultation - Consultation with City Attorney regarding *Letter of Representation and Notice Pursuant to TEX.CIV.P. & REM. Code § 101, from the Law Office of Rogelio Solis, PLLC to on behalf of Laura de Socorro Zamora , Nathan Alexis Guerra and Jayden Isaiah Guerra* as authorized by section §551.071 of the Texas Government Code.
- M. Legal Consultation - Consultation with the City Attorney regarding *claim in accordance with The Texas Tort Claims Act, Section 101.101 from the Law Office of Raul "Rudy" Rodriguez, P.C. on behalf of the estate, wife and minor children of Juan Pedro Guerra* as authorized by section §551.071 of the Texas Government Code.
- N. Legal Consultation - Consultation with City Attorney regarding the Conditional Use Permit for Tipsey Monkey located at 3700 E. Expressway also being Lot 5, Replat Red Bird No. 2 Subdivision, Weslaco, Hidalgo County, Texas as authorized by section §551.071 of the Texas Government Code.
- O. Economic Development - Consultation with City Attorney regarding ongoing and pending economic development projects as authorized by section §551.087 of the Texas Government Code.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

X. 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 15th day of October 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”.