



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 2, 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, November 2, 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.
- E. Roll Call.

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

The Public may comment on anything on the agenda, however if you comment on something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. PUBLIC HEARING

- A. To solicit input in compliance with the Consolidated Plan for Community Planning and Development (CDBG) Urban County Program Fiscal Year 35 (2022) Needs Assessment Plan 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 for the Regular Meeting of October 19, 2021 and Special Meeting of October 25, 2021. (Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Approval on Ordinance 2021-41 reducing the size of an existing 15-foot utility easement along the northside of the property line and a 20-foot utility easement along the westside of Lot C-1 Re-Plat of Apostolic Assembly Church Subdivision to a 10-foot utility easement along the north and east side and authorize the Mayor to execute any related documents. (First reading held October 19, 2021 staffed by Planning & Code Enforcement Department.) Attachment.
 - 2) Approval on 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 held October 19, 2021; staffed by Planning & Code Enforcement Department.) Attachment.
 - 3) Approval on 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 held October 19, 2021; staffed by Planning & Code Enforcement Department.) Attachment.
 - 4) Approval on Ordinance 2021-44 granting Freeport Tax Exemption in the City of Weslaco and authorize the Mayor to execute any related documents. (First reading held October 19, 2021; staffed by City Manager.) Attachment.
- C. Approval on amendments and extension from November 7, 2021 to December 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 to submit an application renewing the E-Rate 2022-2023 within the confines of the Schools and Libraries Program of the Universal Service Administrative Fund, accept funds upon award, accept to advertise and solicit prospective vendors to submit Request for Proposals (RFPs) for basic maintenance of internal connections, accept additional funding if awarded during the grant year, and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment.
- E. Approval of the purchase of nine (9) Tiat TP 9600 Portable Radios for an amount not to exceed \$25,435.81 and authorize the Mayor to execute any related documents.

(Staffed by Planning & Code Enforcement Department). Attachment.

- F. Approval on renewal of an agreement with the Drug Enforcement Administration of State and Local HIDTA Task Force cooperation for Fiscal Year 2021-2022 and authorize Police Chief Joel Rivera to execute any related documents. (Staffed by Police Department.) Attachment.
- G. Approval to accept FY22 Juvenile Justice & Truancy Prevention Grant #4003402 in the amount of \$69,640.89 with NO MATCH and RECURRING FEES to be used for salary, training and equipment for the First Offender Program and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- H. Approval to accept BJA FY21 Edward Byrne Memorial Justice Assistance Grant Program Award in the amount of \$12,010 with NO MATCH AND RECURRING FEES to purchase policy-making software and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- I. Approval to accept FY2021 General Victim Assistance Grant #3814603 in the amount of \$45,237.75 with a **20% match and no recurring fees** and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- J. Approval to accept FY2022 Project Safe Neighborhoods Grant #4271601 in the amount of \$23,257.05 with **NO MATCH REQUIRED and no RECURRING FEES** to pay for overtime and to purchase surveillance equipment and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- K. Approval to terminate a Weslaco Mid Valley Airport Ground Lease Agreement with tenant Don Ed Holmes for Hangar E-25 and approval of a Weslaco Mid Valley Airport Ground Lease Agreement with Tenant Nowell Willis Borders for Hangar E-25, and authorize the Mayor to execute any related documents. (Staffed by Airport Department.) Attachment.
- L. Approval of a Weslaco Mid Valley Airport Ground Lease Agreement with tenant Armando Martinez D/B/A M-5 Texas Enterprises, LLC. and authorize the Mayor to execute any related documents. (Staffed by Airport Department.) Attachment.
- M. Approval for software maintenance and support renewal agreement for Tyler Technologies Incode system with Financial, Billing, Utility and Payroll software applications in the amount of \$54,084.05, and authorize the Mayor to execute any related documents. (Staffed by Information Technology Department.) Attachment.
- N. Approval of a request from the Valley Nature Center to close Gibson Park to the public on November 13th for the Brew in the Woods annual fund raiser and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.

- O. Approval on Resolution 2021-58 to place a Lighted Christmas Garland Skyline (Banner) affecting state right-of way on Texas Boulevard/FM 88 between Los Torritos Street and Agostadero Street on November 22, 2021 through January 11, 2022 and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Staffed by Parks and Recreation Department.) Attachment.
- P. Approval to renew the lease agreement for the building located at Mayor Pablo G. Pena Park with the Boys & Girls Club of Weslaco for a two-year term ending September 30, 2023 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- Q. Approval of the annual subscription renewal to Rio Grande Valley Communications Group for radio communication services to all city departments from October 1, 2021 - September 30, 2022 in the amount of \$48,960 and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- R. Approval on the renewal of a Public Purposes Services Contract with Weslaco Bicultural Museum, d.b.a. Weslaco Museum of Local History and Cultural Art for an amount not to exceed \$69,100 and Boys & Girls Club in the amount not to exceed \$75,000 effective October 1, 2021 through September 30, 2022 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.

V. APPOINTMENTS

- A. Discussion and consideration on Resolution 2021-59 appointing two members to the Planning and Zoning Commission for terms set to expire and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- B. Discussion and consideration on Resolution 2021-60 appointing a member to The Economic Development Corporation of Weslaco for term set to expire and authorize the Mayor to execute any related documents. Possible action. (Staffed by The Weslaco Economic Development Corporation.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to authorize a one-time supplement for all full-time and permanent part-time active employees working during COVID from February 2020 to March 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- B. Discussion and consideration to approve the Fiscal Year 2021 Interlocal Agreement with the County of Hidalgo under the Urban County Program setting the amount for the city at \$300,037 and authorizing the Mayor to execute any related documents.

Possible action. (Staffed by the Finance Department.) Attachment.

- C. Presentation and consideration to accept the Financial Reports (unaudited) as of September 30, 2021 for the General Fund, Water and Sewer Fund, Solid Waste Fund, and Airport Fund and authorize the Mayor to execute all related documents. (Staffed by the Finance department). Attachment.
- D. Presentation and consideration to accept and file the Quarterly Investment Report for the period ending September 30, 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Finance Department) Attachment.
- E. Discussion and consideration to approve solicitation of bids for the construction of infrastructure improvements consisting of drainage, stormwater, sanitary sewer, railroad crossing, and traffic signal improvements for the new Public Safety Facilities to be located at 300 S. Bridge St and 711 E. Railroad St and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- F. Discussion and consideration to amend waste disposal agreement between the City of Edinburg and the City of Weslaco to include Waste Materials-Municipal Solid Waste at a rate of \$17.75 per ton and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- G. Discussion and presentation on Solid Waste and Brush collection services. (Staffed by Public Works Department.) Attachment.
- H. Discussion and consideration to award the purchase of three (3) Pickup Trucks with Goodbuy vendor Silsbee Ford.
 - 1. Water Division, an F350 Crew Cab 4x4 in the amount of \$45,549,
 - 2. Streets Division, an F250 Extended Cab \$32,873,
 - 3. Drain Ditch Division, F250 Crew Cab \$34,195,and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- I. Discussion and consideration to approve the demolition of the Gibson Park Swimming Pool as discussed during budget workshops and approved in new budget and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation.)
- J. Discussion and consideration to solicit bids for a New Splash Pad to be installed at Gibson Park as budgeted in the current Capital Improvement Budget for Parks and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)
- K. Discussion and consideration of selected material colors for the Public Safety Complex with the Police Department, Municipal Court and Fire Administration.

Possible action. (Staffed by Parks and Recreation.)

- L. Discussion and consideration of selected material colors for the New Downtown Fire Station #2 Project. Possible action. (Staffed by City Manager.)

VII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a government body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the Interim City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.
- B. 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.
- 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 the Performance Contracting Agreement between the City of Weslaco and Siemens Industry Inc. as authorized by section §551.071 of the Texas Government Code.
- G. 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.

- H. 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.
- I. Economic Development - Consultation with City Attorney regarding financial offer or other incentives for Project Energy as authorized by section §551.087 of the Texas Local Government Code.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

IX. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 29th 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”.