



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 16, 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 16, 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 on behalf of Maria Alanis to rezone 409 N Kansas Ave, also being Lot 16, block 4, Gonzalez Addition Subdivision, Weslaco, Hidalgo County, Texas from an R-1 Family Dwelling District to R-2 Duplex and Apartment District.
- B. To solicit input on behalf of Juan Gonzalez to rezone 110 W Adelita Street, also being Lot 26, San Francisco Subdivision, Weslaco, Hidalgo County, Texas from an R-1 Family Dwelling District to R-2 Duplex and Apartment District.
- C. To solicit input on behalf of Fuad Taja to rezone 202 N. Palmas. Also being Lot 10-13,

Block 12, Northside Subdivision, Weslaco, Hidalgo County, Texas from R-1 Family Dwelling District to R-2 Duplex and Apartment District.

- D. To solicit input on behalf of Weslaco New Hope LLC to approve a Conditional Use Permit to obtain a Conditional Use Permit for a Wine and Malt Beverage Retail Dealer's On-Premise permit at 2307 W Expressway 83 Ste. B. Also being Lot 4, Town Center Subdivision, Weslaco, Hidalgo County, Texas.
- E. To solicit input on behalf of Rene's Restaurant LLC to approve a Conditional Use Permit for an On-Premise Wine and Beer Retailer's Permit at 306 S Illinois Avenue also being Lot 1-6, Block 27, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas.
- F. To solicit input on behalf of The City of Weslaco to revoke Conditional Use Permit for a Mixed Beverage Permit, Mixed Beverage late hours permit and Beverage cartage Permit at 2307 W Interstate 2. Suite A, also being Lot 4, Town Center Subdivision Lots 2-9, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.

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 November 2, 2021 (Staffed by City Secretary Department.) Attachment.
- B. Approval to ratify the advertisement for the solicitation of sealed bids for the proposed 12" Interconnect Water Line Improvements RFB No.: 2021-22-01 and authorize the Mayor to execute any related items. (Staffed by Interim City Manager.) Attachment.
- C. Approval on amendments and extension from December 7, 2021 to January 7, 2022 for Disaster Declaration (COVID-19) and any reports to such executive orders and authorize the Mayor to execute any related documents. (Staffed Interim City Manager.)
- D. Approval to purchase 2 marked police packaged SUVs with police equipment for an amount not to exceed \$64,000 each and one admin police package SUV with police equipment for an amount not to exceed \$36,000 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- E. Approval to submit an application to the South Texas Literacy Coalition free book distribution programs; acceptance of books upon award and authorize the Mayor to execute any related documents. (Staffed by the Library Department.) Attachment.

- F. Approval to authorize the Mayor Joe V Sánchez Public Library to waive printing fees for school-age children for print outs related to their schoolwork at the discretion of library staff. (Staffed by Library Department.) Attachment.
- G. Approval to authorize Mayor Joe V. Sanchez Public Library to implement a Food for Fines program supporting local food drives and the RGV Food Bank during Holiday Season, implement a Toy Drive to support local toy drives, and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment.
- H. Approval to authorize the solicitation of bids for miscellaneous park equipment and supplies for various park projects as approved in the Capital Improvement Project budget for FY 2021-2022. (Staffed by Parks & Recreation.)
- I. Approval to submit an application for a Texas Recreational Trail Grant program for a non-motorized trail to be located at Mayor Pablo Pena City Park with a total project cost not to exceed \$250,000, which includes a 20% match and authorize the Mayor to execute any related documents. (Staffed by Parks & Recreation.)
- J. Approval on request to close Mayor Pablo Pena City Park for the Weslaco Police Department's Annual Christmas Toy Drive on December 20, 2021 from 3:00 p.m. - 6:00 p.m. and authorize the Mayor to execute any related documents. (Staffed by Parks & Recreation Department.)
- K. Approval to solicit a quote from Buyboard Vendor Musco Lighting for athletic field lighting and control equipment of the baseball/softball fields, tennis courts, and basketball courts at Mayor Pablo Pena City Park and authorize the Mayor to execute any related documents. (Staffed by Parks & Recreation.)
- L. Approval of the annual request to host the 2021 Weslaco Lighted Christmas Parade on Saturday, December 11, 2021 along with Santa Dash fun run hosted by RGV Theme Runs from 4 p.m. to 9 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, approval of the use of City Hall parking lot to stage 5k participants for start and end of run, request to waive any required fees and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right of-way. (Staffed by Parks & Recreation.)

V. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Maria Alanis on Ordinance 2021-45 to rezone 409 N Kansas Ave also being Lot 16, Block 4, Gonzalez Addition Subdivision, Weslaco, Hidalgo County, Texas from R-1 Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-45. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration after public hearing on behalf of Domingo Gonzalez on

Ordinance 2021-46 to rezone 110 W Adelita St. also being Lot 26, San Francisco Subdivision, Weslaco, Hidalgo County, Texas from R-1 Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-46. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

- C. Discussion and consideration after public hearing on behalf of Fuad Taja on Ordinance 2021-47 to rezone 202 N. Palmas also being Lot 10-13, Block 12, Northside Subdivision, Weslaco, Hidalgo County, Texas from R-1 Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-47. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration after public hearing on behalf of Weslaco New Hope LLC to approve a Conditional Use Permit for a Wine and Malt Beverage Retail Dealer's On-Premise permit at 2307 W Expressway 83 Ste. B also being Lot 4, Town Center Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration after public hearing on behalf of Rene's Restaurant LLC to approve a Conditional Use Permit for a On-Premise Wine and Beer Retailer's Permit at 306 S Illinois Avenue also being Lot 1-6, Block 27, Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- F. Discussion and consideration after a public hearing on behalf of The City of Weslaco to revoke Conditional Use Permit for a Mixed Beverage Permit, Mixed Beverage late hours permit and Beverage cartage Permit at 2307 W Interstate 2 Suite A also being lot 4, Town Center Subdivision Lots 2-9, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- G. Discussion and consideration to approve the Final Plat for Pastor Estates No. 2 Subdivision— being a 2.734 acre tract of land being all of lot 4 Pastor Estates No. 2, Weslaco, Hidalgo County, Texas Located approximately on Mile 4 ½ West Road 3,690 ft North of Mile 10 North Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- H. Discussion and consideration to approve the Final Plat for Pleasant View Village Subdivision— being 8.55 out of Farm Tract 709, Block 136, The West and Adams Tracts, Weslaco, Hidalgo County, Texas located approximately 1,300 feet South of Business 83 & Pleasantview Dr. to the East and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement

Department.) Attachment.

- I. Discussion and consideration to approve the Final Plat for North Park Place Ph II—being 10.589 acres out of Farm Tract 183 and Farm Tract 184, Block 161, The West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 800 ft E from the intersection of Mile 10 N and N mile 5 ½ and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- J. Discussion and consideration to approve Ordinance 2021-48 for the Voluntary Annexation of Texas Heights Subdivision— being 18.067 a part or portion out of Farm Tracts 108 &109, The West and Adams Tracts, Weslaco, Hidalgo County, Texas located on Texas Blvd & Northcross Avenue and authorize the Mayor to execute any related documents. First reading of Ordinance 2021-48. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- K. Discussion and consideration to approve the utility easement between Aztec Commercial, L.P. and the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning Code Enforcement Department.) Attachment.
- L. Discussion and consideration on request from Park Meadows Subdivision for separate entrance and exit for Airport Heights Subdivision. Possible action. (Staffed by Planning & Code Enforcement.)
- M. Discussion and consideration to review meeting dates for the Regular City Commission Meeting(s) for the month of December, 2021. Possible action. (Staffed by Interim City Manager.)
- N. Discussion and consideration on Resolution 2021-61 amending Resolution 2017-85 updating the rotation list of the Mayor Pro Tempore and, in accordance with the rotational list, appoint a Mayor Pro Tempore for 2021-2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.) Attachment.
- O. Discussion and consideration on request from Inframark for the annual Consumer Price Index adjustment not to exceed 3.036% for FY 2021-2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.) Attachment.
- P. Discussion and consideration to approve Ordinance 2021-49 authorizing and allowing under the act governing the TMRS system "Updated Service Credit" and establishing an effective date for such actions and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2021-49. Possible action. (Staffed by Human Resources Department.) Attachment.

- Q. Discussion and consideration to approve and accept the Architects ranking for the New Library/Library Renovation Project, selection of a date for a special meeting to interview the top 3 firms, and designation of an interview format and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library Department.) Attachment.
- R. Discussion and consideration to solicit bid proposals for the Fourth of July Public Fireworks display for 2022 with options for annual renewal and select single or multiple display locations. Possible action. (Staffed by Parks and Recreation Department.).
- S. Discussion and consideration to authorize use of available allowances and contingency fund balance in the North Side Park Project to Celso Gonzalez Construction to rough grade open fields at Judge Gilbert Garza Park not to exceed \$12,200 and add 40 calendar days to the contract and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department) Attachment.
- T. Discussion and consideration to award Manhole Rehabilitation Phase V to Southern Trenchless Solutions, buyboard vendor contract no. 635-21, in the amount not to exceed \$207,330 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- U. Discussion and consideration to purchase three Gorman Rupp Pumps from Precision Pump Systems, Buyboard Contract No. 589-19, for an amount not to exceed \$159,767.17 and authorize the Mayor to execute all related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- V. Discussion and consideration on request from The Eatery to authorize the street closure of Kansas Street between 4th Street and 5th Street for any special events at 400 S. Kansas Ave. from November 2021 to October 2022 from 5:00pm to 12:00am and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- W. Discussion and consideration to approve proposed Change Order #13 in the amount of \$17,000 for the Pleasantview & 11th Street Drainage Improvements Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- X. Discussion and consideration to approve proposed Change Order #14 in the amount of \$12,300 for the Pleasantview & 11th St. Drainage Improvements Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.

VI. REPORTS

- A. Report on Public Safety Complex Construction (Staffed by Parks & Recreation

Department.)

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. 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.
- J. 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.
- K. Economic Development - Consultation with City Attorney regarding financial offer or other incentives for Project Second Verse 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 11th day of November 2021, on or before 5:00 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”.