



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 15, 2022**

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, March 15, 2022 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 - Texas Onion Festival March 26, 2022
- 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 March 1, 2022 and Special Meeting(s) on March 8, 2022. (Staffed by City Secretary Department.) Attachment.

B. Approval on second and final reading of the following:

- 1) Approval on Ordinance 2022-08 to rezone 1719 W Business 83. also being 7.092 acres out of Farm Tract 633, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. (First reading held March 1, 2022; staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval for staff to solicit proposals from qualified insurance carriers for Property & Casualty and Worker's Compensation and authorize the Mayor to execute any related documents. (Staffed by Human Resources Department.)
- D. Approval to award Contract for Fireworks Display RFP No.: 2021-22-13 in the amount of \$30,000 to Pyro Shows of Texas, Inc. and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- E. Approval to solicit bids for street banner poles and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)
- F. Approval to solicit bids for manhole rehabilitation repairs and water and sewer line pipe bursting repairs and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.) Attachment.
- G. Approval to purchase a marked police unit with police emergency equipment for an amount not to exceed \$75,000 and an unmarked police unit with police equipment for an amount not to exceed \$50,000 out of the general fund budget and authorize the Mayor to execute any related documents (Staffed by Police Department.)
- H. Approval to accept Walmart's Community Grant Award, Request ID 73005279, in the amount of \$5,000 with NO MATCH and NO RECURRING FEES to purchase supplies and promotional items geared toward Community Policing and authorize the Mayor to execute any related documents (Staffed by Police Department.) Attachment.
- I. Approval of Resolution 2022- 21 authorizing the acceptance of FY21 Operation Stonegarden Grant #3173407 in the amount of \$270,000 with NO MATCH and No Recurring Fees required to pay for overtime and equipment in support of OPSG goals and objectives and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- J. Approval to purchase a 2022 Police Packaged SUV with police emergency equipment and lighting in the amount not to exceed \$70,000 with a reimbursement amount not to exceed \$62,694.01 from FY21 Operation Stonegarden grant funding and authorize the Mayor to execute any related documents. (Staffed by Police

Department.)

IV. APPOINTMENTS

- A. Discussion and consideration to accept the resignation of Patrick Gonzalez from the Weslaco Economic Development Corporation and approve Resolution 2022-20 to appoint a member to the unexpired term ending December 2, 2023 and authorize the Mayor to execute any related documents. Possible action. (There was no action on March 1, 2022; staffed by Weslaco Economic Development Corporation.) Attachment.

V. OLD BUSINESS

- A. Discussion and consideration to amend Employee Personnel Policy recommendations for the following: Employee Conduct, Direct Leave Donation, requirements for Employment, Vacation Leave, and authorize the Mayor to execute any related documents. Possible action. (There was no action on February 1, 2022; staffed by Human Resource Department.) Attachment.
- B. Discussion and consideration on a joint workshop between Weslaco Economic Development Corporation and the City on Tuesday, April 26, 2022 and authorize the Mayor to execute any related documents. Possible action. (There was no action on March 1, 2022; staffed by Interim City Manager.)

VI. NEW BUSINESS

- A. Discussion and review of a proposed ordinance consolidating all general provisions regarding standards of appointed boards, committees and ad hoc committees and authorize the Mayor to execute any related documents. Possible action (Staffed by Interim City Manager.) Attachment.
- B. Discussion and review of the amended Airport Rules and Regulations and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.) Attachment.
- C. Discussion and consideration to amend the On-Call Pay Policy in adherence to FLSA overtime provisions and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.
- D. Discussion and consideration on Ordinance 2022-10 amending the Code of Ordinances of the City of Weslaco Chapter 82 Offenses and Miscellaneous Provisions by adding a new article and section to be entitled Article XI Section 82.252 Sex Offenders and authorize the Mayor to execute any related documents. First reading of Ordinance 2022-10. Possible action. (Staffed by Police Department.) Attachment.

- E. Discussion and consideration to approve a Memorandum of Understanding (MOU) between the United States Department of Veterans Affairs (VA) Texas Valley Coastal Bend Healthcare System (VATVCBHCS) and Weslaco Police Department (WPD) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.
- F. Discussion and consideration to award the most advantages RFP No.: 2021-22-09 to a Collection Services for the municipal court delinquent accounts and authorize the Mayor to execute any related documents. Possible action. (Staffed by Municipal Court). Attachment.
- G. Discussion and consideration to approve the request on behalf of the Tierra Santa Property Owners Association, Inc to rededicate a portion of Tierra Santa St as public right-of-way and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- H. Discussion and consideration to purchase a John Deere 35G compact excavator from buyboard vendor Tellus Equipment Solutions for an amount not to exceed \$52,000 from Water Fund budget and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.

VII. REPORTS

- A. Presentation of the 2020 Racial Profiling Report submitted by the Weslaco Police Department to the State of Texas. (Staffed by Police Department.)
- B. Report on solid waste collection. (Staffed by Public Works Department.)

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 Interim City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.
- B. Contract Negotiations - Discussion with the Interim 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. Potential Litigation - Consultation with City Attorney regarding Tri-Gen Construction LLC and the City of Weslaco Airport and Hanger Infrastructure Improvements Project as authorized by Section §551.071 of the Texas Government Code.
- G. Economic Development - Consultation with the City Attorney regarding financial offer or other incentives for Project Good Times as authorized by section §551.087 of the Texas Local Government Code.
- H. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of city-owned real property described as Lot 1, Block 1, Weslaco Public Services Subdivision as authorized by section §551.072 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 11th day of March 2022, 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:



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2021-4929	
From:			
Subject: Certification of Public Notice.			
Background: Call to Order, includes the following: A. Certification of Public Notice. B. Invocation. C. Pledge of Allegiance. D. Mayoral Recognition. E. Roll Call.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
NORMA CANTU ADELAIDA VEGA ANDREW MUNOZ		Created	
City Manager Comments: Approve.			
Staff Recommendation: A. Mayor will Call to Order and certify Public Notice. B. Pastor David McCann from First Presbyterian Church will lead the invocation. C. Mayor will lead Pledge of Allegiance; Mayor Pro-Tem may lead Texas Flag. D. Mayoral Recognition. E. City Secretary will call roll. Four or more Commissioners present constitute a Quorum; otherwise, no action may be taken.			
Attachments, if any: PLEDGE - CURRENT as of February 02 2022			
Responsibilities upon Approval:			

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Josh Pedraza, Mayor Pro-Tem, District 1
Leo Muñoz, Commissioner, At-Large
Greg Kerr, Commissioner, At-Large
Letty Lopez, Commissioner, District 2
Jose "JP" Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4

Andrew Muñoz, Interim City Manager

The Pledge of Allegiance to the Flag

"I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL."

The Pledge of Allegiance to the State Flag

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

**The pledge was amended by House Bill 1034 during the 80th Legislature with the addition of "one state under God." The revised wording became effective on June 15, 2007.*

Preamble to the Constitution of the United States of America

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

STATEMENT OF VISION: AN INTERNATIONAL CENTER OF GROWTH

Friendly people with vision, courage and integrity

STATEMENT OF MISSION: COMMITMENT TO EXCELLENCE IN PUBLIC SERVICE

- *Positive Attitude of Courtesy & Concern
- *Doing it Right the First Time
- *Sensitive to the citizens' needs
- *Friendly Respect for All
- *Service without Hassle



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2021-4934
From:		
Subject: Approval of the Minutes of the Regular Meeting on March 1, 2022 and Special Meeting(s) on March 8, 2022. (Staffed by City Secretary Department.) Attachment.		
Background: Record of commission action for the Regular Meeting on March 1, 2022 and the Special Meeting(s) on March 8, 2022.		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted: Mayor's Signature		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
NORMA CANTU ADELAIDA VEGA ANDREW MUNOZ		Created
City Manager Comments: Approve.		
Staff Recommendation:		
Attachments, if any: 220301 minutes , 220308 minutes noon, 220308 minutes evening		
Responsibilities upon Approval:		



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
MARCH 1, 2022**

On Tuesday, March 1, 2022, at 5:30 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following member's present:

PRESENT:	Mayor	David Suarez
	Mayor Pro Tem	Josh Pedraza
	Commissioner	Greg Kerr
	Commissioner	J.P. Rodriguez
	Commissioner	Leo Muñoz
	Commissioner	Letty Lopez
	Commissioner	Adrian Farias

ABSENT: None

STAFF PRESENT:	Andrew Muñoz	Interim City Manager
	Norma A. Cantu	City Secretary
	Juan E. Gonzalez	City Attorney

Also present: Vidal Roman, Finance Director, Antonio "Tony" Lopez, Fire Chief, Omar Rodriguez, Parks & Recreation Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Joe Rivera, Police Chief, Martin Vela, IT Director, Arnold Becho, Library Director, Luz Galindo, HR Director, Rosa Badillo, Municipal Court, Albert Aldana, City Engineer, David Arce, Deputy Public Works Director, Pete Garcia, Public Works Director, Aida Vega, Deputy City Secretary, and other staff members.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor David Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, February 25, 2022.

B. Invocation.

Pastor Timothy Aguiar, Church led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the "Pledge of Allegiance and Texas Flag."

D. Mayoral Recognition.

None.

E. Roll Call.

Norma A. Cantu, City Secretary, called the roll noting the absence of Mayor Pro Tem Pedraza, Commissioners Rodriguez and Farias and a quorum present.

II. PUBLIC COMMENTS

Robert Thompson, 400 E 18th Street, voiced concerns on the need for striping of 18th Street from Border to Bridge and a turning lane would be an asset to the area.

Laura Casarez stated the city recorded her property at 1300 S Pleasantview under City ownership and requested the commission correct it; has spoken to City Attorney and Interim City Manager and the matter is still unresolved after 11 months.

III. PUBLIC HEARING

Commissioner Kerr seconded by Mayor Pro Tem Pedraza moved to open the public hearing at 5:43 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input on the Adoption and Designation of the Mid Valley International Industrial Park as Weslaco Reinvestment Zone No. 2 pursuant to the City's Guidelines and Criteria Under the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code. (Staffed by Interim City Manager.)

None.

B. To solicit input on the proposed demolition order for unoccupied buildings as dilapidated, substandard, unfit for human habitation and a hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225 located at:

1. 1502 Mile 5 North being West Tract N383.50'-E220'-W660'FT 795 1.94 AC GR 1.79AC NET, City of Weslaco, Hidalgo County, Texas. Owner: Rogelio & Maria Olvera.

None.

2. 101 N. Texas Ave being Gonzalez Addition Lots 1, 2, 3, and 4 Blk 1, City of Weslaco, Hidalgo County, Texas. Owner: Martha Nunez.

Martha Nunez, owner, requested favorable consideration for a 30–60-day extension stating she is trying to get an engineer to inspect and determine if home is structurally sound to bring it into code compliance.

Commissioner Kerr seconded by Commissioner Lopez moved to close the public hearing at 5:45 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

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 February 15, 2022. (Staffed by City Secretary Department.)

B. Approval on second and final reading of the following:

1) Ordinance 2022-06 to rezone 105 W Adelita St. Also being Lot 8, San Francisco Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. (First reading held February 15, 2022; staffed by Planning & Code Enforcement Department.)

2) Ordinance 2022-07 to rezone 108 W Adelita St. Also being Lot 25, San Francisco Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. (First reading held February 15, 2022; staffed by Planning & Code Enforcement Department.)

3) Approval on Ordinance 2022-09 to rezone 4027 E Expressway 83. Also being lot 4, Dellinger Subdivision, Weslaco, Hidalgo County, and Texas from 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 February 15, 2022) staffed by Planning & Code Enforcement Department.)

C. Approval on amendments and extension from March 7, 2022, to April 7, 2022 for Disaster Declaration (COVID-19) and any reports related to such executive orders and authorize the Mayor to execute any related documents. (Staffed by Interim City Manager.)

D. Approval on renewal of the agreement with the Texas Commission on Law Enforcement Contract Training Provider for Weslaco Police Department and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

E. Approval on renewal of the Advanced Education Consultant Agreement between the City of Weslaco and M-5 Texas Enterprises, LLC (Armando A. Martinez) to advance the EMS Training and Continuing Education services and authorize the Mayor to execute any related documents. (Staffed by Fire Department.)

F. Approval to authorize solicitation of bids for the following: 1) Street Sweeper for Public Works Streets Division; 2) 1-Sideload Garbage truck and 1-Frontload Garbage Truck for Solid Waste Division; and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.)

Commissioner Kerr seconded by Commissioner Lopez moved to approve consent agenda A through F as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record following is the caption of the ordinances.

ORDINANCE NO. 2022-06

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 105 W ADELITA ST. ALSO BEING LOT 8, SAN FRANCISCO SUBDIVISION, WESLACO HIDALGO COUNTY, R-1 ONE FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT DISTRICT BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

ORDINANCE NO. 2022-07

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 108 W ADELITA ST. ALSO BEING LOT 25, SAN FRANCISCO SUBDIVISION, WESLACO HIDALGO COUNTY, R-1 ONE FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT DISTRICT BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

ORDINANCE NO. 2022-09

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 4027 E EXPRESSWAY 83. ALSO BEING LOT 4, DELLINGER SUBDIVISION, WESLACO HIDALGO COUNTY, R-1 ONE FAMILY DWELLING DISTRICT TO B-2 SECONDARY AND HIGHWAY BUSINESS DISTRICT BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 15th day of February 2022.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 1st day of March 2022.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

Mayor Suarez changed the order of the day and introduced item VI. There was no objection.

V. APPOINTMENTS

A. Discussion and consideration to accept the resignation of Patrick Gonzalez from the Weslaco Economic Development Corporation and approve Resolution 2022-20 to appoint a member to the unexpired term ending December 2, 2023 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Weslaco Economic Development Corporation.)

No action.

VI. OLD BUSINESS

A. Discussion and consideration after public hearing on behalf of Oscar Zarate on Ordinance 2022-08 to rezone 1719 W Business 83. Also being 7.092 acres out of Farm Tract 633, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. First reading of Ordinance 2022-08. Possible action. (This item was tabled February 15, 2022; staffed by Planning & Code Enforcement Department.)

Commissioner Kerr seconded by Commissioner Muñoz moved to remove the item off the table. The motion carried unanimously; Mayor Suarez was present and voting.

Rebekah de la Fuente, Planning and Code Enforcement Director, stated the concerns raised of drain inlets not flowing were inspected by staff who found some debris obstructing and minimal water standing; ownership of the drain inlets was the Texas Department of Transportation. Staff contacted the agency and informed them of the issues and advised staff they would schedule inspection and maintenance.

Commissioner Kerr seconded by Commissioner Muñoz moved to approve Ordinance 2022-08 to rezone 1719 W Business 83. Also being 7.092 acres out of Farm Tract 633, West and Adams Tract Subdivision. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve an Interlocal Agreement between the City of Weslaco and the City of Mercedes regarding the housing of prisoners in the City of Weslaco's municipal jail and authorize the Mayor to execute any related documents. Possible action. (There was no action on February 15, 2022; staffed by Police Department.)

Joel Rivera, Police Chief, recommended approval stating the City of Mercedes had reviewed with some minor changes such as detention time of inmates. Staff had no objection to the changes and legal counsel will review.

Commissioner Kerr seconded by Commissioner Lopez moved to approve an Interlocal Agreement between the City of Weslaco and the City of Mercedes regarding the housing of prisoners in the City of Weslaco's municipal jail as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VII. NEW BUSINESS

A. Discussion and consideration after public hearing on the Adoption and Designation of the Mid Valley International Industrial Park as Weslaco Reinvestment Zone No. 2 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.)

Andrew Munoz, Interim City Manager, stated that Weslaco Economic Development Corporation (EDC) requested designation of a reinvestment zone for the Mid Valley International Industrial Park; public hearing held as required with no input received. Staff recommended approval.

Commissioner Kerr seconded by Commissioner Muñoz moved to approve the Adoption and Designation of the Mid Valley International Industrial Park as Weslaco Reinvestment Zone No. 2. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration on a joint workshop between Weslaco Economic Development Corporation and the City on April 9, 2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.)

Andrew Munoz stated EDC requested a joint workshop and proposed April 9, 2022.

A brief discussion on the date ensued with several members of the commission unavailable. Commissioner Muñoz suggested on an off Tuesday commission meeting recommending April 12. The consensus was staff get with EDC for another date and back to the commission for consideration.

Andrew Munoz requested no action and have staff follow up with EDC for another date and back to the commission for approval.

C. Discussion and consideration to authorize staff to solicit Statement of Qualifications for General Engineering Services for Planning, Environmental, Engineering Design, Architectural Design, Traffic Impact Studies, and Construction Administration phases for various city-wide projects and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.)

Andrew Munoz sought to create a rotation list of engineering firms for various city-wide projects and for General Engineering Services and requested approval to solicit Statement of Qualifications.

Commissioner Kerr seconded by Commissioner Lopez moved to approve staff solicit Statement of Qualifications for General Engineering Services for Planning, Environmental, Engineering Design, Architectural Design, Traffic Impact Studies, and Construction Administration phases for various city-wide projects as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to authorize staff to solicit Statement of Qualifications for General Engineering Contract for Planning, Environmental, Engineering Design, Architectural Design, and Construction Administration phases for the Weslaco Mid Valley Airport and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.)

Andrew Munoz recommended approval and stated the item is like the previous agenda item, but Statement of Qualification geared to experience in aviation.

Commissioner Lopez seconded by Commissioner Muñoz moved to approve staff to solicit Statement of Qualifications for General Engineering Services for Planning, Environmental, Engineering Design, Architectural Design, Traffic Impact Studies, and Construction Administration phases for the Weslaco Mid Valley Airport as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to ratify Contingency Allowance Expenditure Authorization No. 1 as approved by the Interim City Manager to provide raceway & pullwire with 12" trench at the New Police Department with Municipal Court for an amount not to exceed

\$14,479 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, stated the conduits for the telephone/communications/IT systems were not indicated in construction plans that would connect Police Department Building A with Evidence Building B; to correct the contractor provided a raceway and pull wire with a proposed 12" trench; cost of the work will be from the City's Contingency Allowance with no change to the contract. Staff recommended approval.

Commissioner Lopez seconded by Commissioner Kerr moved to approve and ratify Contingency Allowance Expenditure Authorization No. 1 to provide raceway & pull wire with 12" trench at the New Police Department with Municipal Court for an amount not to exceed \$14,479 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to authorize Amendment No. 3 to the Professional Services Agreement with ERO Architects for the Weslaco Police Station with Municipal/Judicial Court and New Downtown Fire Station in an amount not to exceed \$26,000 for additional MEP Engineering Services for backup power generators and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.)

Commissioner Lopez seconded by Commissioner Muñoz moved to discuss.

Omar Rodriguez stated the generators and automatic transfer switch (ATS) for the new buildings were not included in the scope of service; amendment will allow additional services to be provided by ERO for professional services, design and bid documents so city may solicit bids for equipment and installation. Staff recommended approval.

In response to Commissioner Muñoz, Andrew Munoz stated past projects the city's approach was done as a city owner provided line item utilizing other generators. Omar Rodriguez also stated staff has used BuyBoard vendors for proposal that would include the design. Commissioner Muñoz did not agree with this action and recommended to wait for project completion then competitively bid out the project all staff needs are the kilowatt measure for the buildings to order a generator.

Andrew Munoz recommended no action and allow staff time to get information from Buyboard on lead time for a generator and then prepare specifications for bidding documents.

No action.

G. Discussion and consideration to award the emergency rehabilitation manhole repair at Milano and Mile 5 (Near Lift Station 37) to Reya Construction, in the amount not to exceed \$179,500, and to authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

Commissioner Kerr seconded by Commissioner Lopez moved to discuss.

David Arce, Deputy Public Works Director, stated repair of a collapsed manhole located at the intersection of Mile 5 North and Milano's Road be awarded to Reya Construction in the amount

to exceed \$179,500; three bids via bidnet received; repairs necessary for Milano's Estates Subdivision to connect to city's system; manhole installed by Castle Construction in December of 2018 and no longer under any type of warranty and the responsibility falls on to the City of Weslaco to do the repairs. Staff recommended approval and noted a budget amendment will be needed to be presented by finance during the mid-year budget amendments.

In response to Commissioner Kerr, Marcelo Cosme, Superintendent of Wastewater, stated the manhole was installed after the rehabilitation of Lift Station 37, staff assessed manhole that was done in three sections and fiber glass kits not used to properly repair; excavation began by RDH contractor for developer of Milano's Estates and found force main leaking causing the manhole to collapse three feet now requiring a complete replacement.

Juan E. Gonzalez, City Attorney, stated the question is why the city would be obligated to repair. Marcelo Cosme stated the project is no longer under warranty and no additional bond performance requested. Commissioner Kerr voiced although no more warranty the city should see what other recourse available if the project was not done to specifications.

In response to Commissioner Muñoz, repairs to the force main were included and staff would need to determine if it was the fault of the original contractor, Castle Construction or RDH when they began excavations. David Arce stated no bond was submitted by Reya because it was not part of the bidding documents.

Discussion ensued on concerns on the absence of a bond and when required. Andrew Munoz stated projects over \$100,000 require a bond. The City Attorney stated he could meet with staff and get more details to determine if city must be responsible party and if the commission can award without a bond in place for the project.

Commissioner Kerr seconded by Commissioner Muñoz moved to table. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration to enter into a contract with Republic Services of Rio Grande Valley for Disposal Services effective March 1, 2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public W enter into a contract with Republic Services of Rio Grande Valley for Disposal Services effective March 1, 2022 Public Works Department.)

Commissioner Muñoz seconded by Mayor Pro Tem Pedraza moved to approve.

David Arce requested to enter a 5-year contract with Republic Services for disposal of solid waste for garbage collection and brush/bulky items; will be hauled to disposal site located in La Feria Landfill and La Gloria Landfill on an as needed basis; Edinburg Landfill will be our primary disposal site. Staff recommended approval as the contract presented benefits the operations on disposal options to these landfills daily.

Mayor Suarez recommended one-year.

Commissioner Muñoz seconded by Mayor Pro Tem Pedraza amended the original motion to approve a one-year agreement with Republic Services of Rio Grande Valley for Disposal Services as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to approve change order #1 with Alvarado Architects & Associates, Inc. in the amount of \$13,500 for a site plan of the Recycling Building Renovations project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce recommended approval stating that the site plan requested is in preparation for site improvements of those outside operations such as parking, access and new fuel station and wash station needed noting monies are budgeted.

Commissioner Muñoz seconded by Commissioner Lopez moved to approve change order #1 with Alvarado Architects & Associates, Inc. in the amount of \$13,500 for a site plan of the Recycling Building Renovations as presented. The motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration to purchase front end commercial bins from Sourcewell vendor Wastequip Manufacturing Company LLC. in an amount not to exceed \$50,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce recommended approval of 31 new commercial bins from Sourcewell Vendor Wastequip that would be 21-8-yard bins to be placed at multifamily complexes so they can lock the bin and control the bigger items from being dumped in the bins, as they will have a small side door to throw the household trash and 10-6-yard for ADA compliance; advised a budget amendment will be needed and will be presented during the mid-year budget amendments.

Mayor Pro Tem Pedraza seconded by Commissioner Lopez moved to approve Wastequip Manufacturing Company LLC in the amount of \$50,000 for the purchase of 31 new commercial bins as presented. The motion carried unanimously; Mayor Suarez was present and voting.

K. Discussion and consideration of the contract with Boultinghouse Simpson Gates for architectural services for the New Library/Library Renovation Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library Department.)

Arnold Becho, Library Director, stated several meetings with Boultinghouse Simpson Gates and staff concluded with agreed terms for services; project is a plan specification bid project over a 24-month period; compensation for architect's basic services at 8.75% of owners budget and further outlined in Article 3; Article 4 addressed supplemental and additional services is at cost plus 10% that would be civil engineering and facility survey. Staff recommended approval as terms of contract is acceptable.

The City Attorney recommended motion to include subject to review by legal counsel.

Commissioner Muñoz seconded by Mayor Pro Tem Pedraza moved to approve contract with Boultinghouse Simpson Gates for architectural services for the New Library/Library Renovation

Project subject to legal review as presented. The motion carried unanimously; Mayor Suarez was present and voting.

L. Discussion and consideration to renew the three-year contract for Microsoft Office365 licensing, Windows OS licensing and SQL licensing with vendor SHI Government Solutions with first year of contract in the amount of \$83,521.33 with budgeted funds from the FY2021-2022 line item COMPUTER VENDOR SUPPORT and authorize the Mayor to execute any related documents. Possible action. (Staffed by Information Technology Department.)

Martin Vela, IT Director, recommended renewal of software licenses with Microsoft and Office365; four proposals were received and evaluated. Staff recommended to renew a three-year contract with vendor SHI Government as the lowest respondent.

Commissioner Kerr seconded by Commissioner Lopez moved to renew the three-year contract for Microsoft Office365 licensing, Windows OS licensing and SQL licensing with vendor SHI Government Solutions with first year of contract in the amount of \$83,521.33 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

M. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building as dilapidated, substandard, unfit for human habitation and a hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225 for property located at:

Commissioner Kerr seconded by Commissioner Lopez moved to discuss.

1) 1502 Mile 5 North being West Tract N383.50'-E220'-W660'FT 795 1.94 AC GR 1.79AC NET, City of Weslaco, Hidalgo County, Texas. Owner: Rogelio & Maria Olvera;

Rolando Gonzales, Chief Building Inspector, stated notices were sent to owners with no response received, property in substandard conditions to the structural, electrical, and plumbing; property in complete disrepair and has been vacated for several years. The Board of Adjustment and Appeals to the Building Codes and staff recommended demolition.

Commissioner Kerr seconded by Commissioner Mayor Pro Tem Pedraza moved to authorize the demolition order for 1502 Mile 5 North being West Tract N383.50'-E220'-W660'FT 795 1.94 AC GR 1.79AC NET as presented. The motion carried unanimously; Mayor Suarez was present and voting.

2) 101 N. Texas Ave being Gonzalez Addition Lots 1, 2, 3, and 4 Blk 1, City of Weslaco, Hidalgo County, Texas. Owner: Martha Nunez and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Rolando Gonzales, Chief Building Inspector, stated notices were sent to owner; property involved several lots with structures in the front and back of the property; owner responded to notice and requested time to provide a Structural Engineer report to determine if buildings were feasible for rehabilitation. Board of Adjustments and Appeals to The Building Codes and staff recommended

demolition order be issued for all structures noting the building to the back repairs began without any permits and still uninhabitable.

In response to Commissioner Muñoz, Rebekah de la Fuente, stated applicant wished to know if the front concrete building is structurally sound and salvageable. The commission could grant an extension for that building and order demolition of all other structures.

Martha Nunez, owner, stated it has been difficult in finding an engineer to assess the property and provide a report; requested favorable consideration for more time to get an engineer report for the front structures viability to rehab and in agreement with demolition of the structure to the back.

Staff recommended full demolition for the buildings in the back but would abide by the wishes of the commission. Rebekah de la Fuente stated the commission action would be demolition except for the front buildings and allow the time for the engineers report and if unable to obtain full demolition to proceed.

In response to Commissioner Kerr, if building is sound the applicant will be given a timeline to bring the structures up to code.

Mayor Pro Tem Pedraza seconded by Commissioner Lopez moved to approve demolition except for the front buildings and approve a 30-day extension for the engineers report and if unable to obtain full demolition to proceed. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. REPORTS

No reports presented.

A. Presentation of the 2020 Racial Profiling Report submitted by the Weslaco Police Department to the State of Texas. (Staffed by Police Department.)

B. Report on solid waste collection. (Staffed by Public Works Department.)

IX. EXECUTIVE SESSION

At 6:53 p.m. Commissioner Kerr seconded by Commissioner Lopez moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:57 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

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.

No action.

B. Personnel - Discussion, evaluation and selection process for conducting interviews for the position of City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.

Commissioner Kerr seconded by Mayor Pro Tem Pedraza moved a special called meeting for March 8, 2022, at 12:00 p.m. and 5:30 p.m. for interviews for the position of City Manager. The motion carried unanimously; Mayor Suarez was present and voting.

C. Contract Negotiations - Discussion with the Interim 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.

No action.

D. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.

No action.

E. Legal Consultation - Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.

No action.

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.

Commissioner Kerr abstained from discussion and vote.

Mayor Pro Tem Pedraza seconded by Commissioner Lopez moved to authorize the Interim City Manager and City Attorney to proceed with demand letter to SDI Weslaco Holdings LLC as discussed in executive session. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

G. Potential Litigation - Consultation with City Attorney regarding Tri-Gen Construction LLC and the City of Weslaco Airport and Hanger Infrastructure Improvements Project as authorized by Section §551.071 of the Texas Government Code.

Commissioner Kerr seconded by Commissioner Lopez moved to authorize the City Attorney proceed with negotiations with Tri-Gen Construction LLC as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

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

No action.

XI. ADJOURNMENT

Mayor Pro Tem Pedraza seconded by Commissioner Muñoz moved to adjourn the meeting of March 1, 2022, at 8:00 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**



A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 8, 2022

On Tuesday, March 8, at 12:00 p.m. the City Commission of the City of Weslaco, Texas convened in a Special Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	Josh Pedraza
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Jose "J.P." Rodriguez
Commissioner	Letty Lopez
Commissioner	Adrian Farias
Interim City Manager	Andrew Munoz
City Secretary	Norma A. Cantu
City Attorney	Juan E. Gonzalez

Also present: Aida Vega, Deputy City Secretary, Martin J Vela, Information Technology Director; Rebekah de la Fuente, Planning and Code Enforcement Director, David Arce, Deputy Public Works Director, Pete Garcia, Public Works Director and Luz Galindo, Human Resources Director.

I. CALL TO ORDER

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, March 4, 2022.

The Mayor led the Pledge of Allegiance and Texas Flag.

Norma A. Cantu, City Secretary, called the roll noting a quorum present.

II. PUBLIC COMMENTS

None.

III. OLD BUSINESS

A. Discussion and consideration to award the emergency rehabilitation manhole repair at Milano and Mile 5 (Near Lift Station 37) to Reya Construction, in the amount not to exceed \$187,000 and to authorize the Mayor to execute any related documents. Possible action. (This item was tabled March 1, 2022; staffed by Public Works Department.)

Commissioner Muñoz seconded by Mayor Pro Tem Pedraza moved to remove the item from the table. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

Commissioner Muñoz seconded by Mayor Pro Tem Pedraza moved to approve.

David Arce, Deputy Public Works Director, stated staff recommended to award to Reya Construction at the regular meeting on March 1; a bid bond was not requested as part of the bidding documents and the commission had concerns on this. Reya Construction will proceed with getting a performance bond in the amount of \$7,359.50 for a total project cost of \$186,859.50 noting bid is still the lowest to the other bids of \$227,720 and \$233,000. Staff recommended to award Reya Construction in an amount not to exceed \$187,000 that includes the performance bond in place.

In response to Commissioner Muñoz, Juan E. Gonzalez, City Attorney, recommended to award as presented and discuss in executive session his opinion on the city's recourse of legal action against Castle Construction, contractor who originally installed the manhole.

Commissioner Muñoz rescinded his original motion.

Commissioner Muñoz seconded by Commissioner Lopez moved to award the emergency rehabilitation manhole repair at Milano and Mile 5 (Near Lift Station 37) to Reya Construction, in an amount not to exceed \$187,000 with performance bond as presented. The motion carried unanimously; Mayor Suarez was present and voting.

IV. NEW BUSINESS

A. Discussion and consideration on request from Weslaco Economic Development Corporation for a Utility Reimbursement Agreement for the Mid Valley International Industrial Park located on FM 1015 and Mile 9 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.)

Commissioner Kerr abstained from discussion and vote.

Rebekah de la Fuente, Planning and Code Enforcement Director, stated the request was from the Weslaco Economic Development Corporation who is developing the Mid-Valley International Industrial Park Subdivision; EDC extended improvements (sanitary sewer utilities) and to help off-set cost of the improvements requested a Utility Reimbursement Agreement. Staff recommended approval.

Mayor Pro Tem Pedraza seconded by Commissioner Lopez moved to approve a Utility Reimbursement Agreement for the Mid Valley International Industrial Park located on FM 1015 and Mile 9 as presented. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

V. EXECUTIVE SESSION

At 12:15 p.m. Mayor Pro Tem Pedraza seconded by Commissioner Muñoz, moved the special meeting to convene in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

At 1:10 p.m. Mayor Suarez announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VI. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Personnel - Discussion, interviews and possible selection of an applicant for the City Manager position as authorized by §551.074 of the Texas Government Code.

No action.

VII. ADJOURNMENT

Commissioner Muñoz seconded by Commissioner Lopez moved to adjourn at 1:10 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

David Suarez, MAYOR

ATTEST:

Norma A. Cantu, CITY SECRETARY



A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 8, 2022

On Tuesday, March 8, at 5:30 p.m. the City Commission of the City of Weslaco, Texas convened in a Special Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	Josh Pedraza
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Jose “J.P.” Rodriguez
Commissioner	Letty Lopez
Commissioner	Adrian Farias
Interim City Manager	Andrew Munoz
City Secretary	Norma A. Cantu
City Attorney	Juan E. Gonzalez

Also present: Aida Vega, Deputy City Secretary, Cristina M. Garcia, Public Information Officer and Luz Galindo, Human Resources Director.

I. CALL TO ORDER

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, March 4, 2022.

The Mayor led the Pledge of Allegiance and Texas Flag.

Norma A. Cantu, City Secretary, called the roll noting a quorum present.

II. PUBLIC COMMENTS

Edward Mejia stated he was confident the Mayor and Commission would have the City’s best interest in the selection of a City Manager and voiced his distaste, embarrassment and disrespect on an incident that occurred to him and wished to meet with the City Manager to discuss further.

III. EXECUTIVE SESSION

At 5:34 p.m. Mayor Pro Tem Pedraza seconded by Commissioner Rodriguez, moved the special meeting to convene in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:57 p.m. Mayor Suarez announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VI. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Personnel - Discussion, interviews and possible selection of an applicant for the City Manager position as authorized by §551.074 of the Texas Government Code.

Commissioner Kerr seconded by Mayor Pro Tem Pedraza moved final interviews at the next meeting for applicants Manuel de la Rosa and Daniel Serna. The motion carried unanimously; Mayor Suarez was present and voting.

VII. ADJOURNMENT

Commissioner Muñoz seconded by Mayor Pro Tem Pedraza moved to adjourn at 8:57 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

David Suarez, MAYOR

ATTEST:

Norma A. Cantu, CITY SECRETARY



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5253	
From:			
Subject: Approval on Ordinance 2022-08 to rezone 1719 W Business 83. also being 7.092 acres out of Farm Tract 633, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. (First reading held March 1, 2022; staffed by Planning & Code Enforcement Department.)			
Background: The applicant is requesting to rezone property from R-1 One Family Dwelling District to R-2 Duplex and Apartment District Twelve (12) property owners within 200 feet of the applicant's property were notified by letter on January 21, 2022.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature Ordinance - First Reading			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners: Notice of the application and the Public Hearing for the Planning and Zoning Commission and City Commission appeared in The Monitor on January 17, 2022.			
Advisory Review, if any (name of board/committee, date of action, recommendation): The Planning and Zoning Commission recommended approval of the rezone at their regular meeting of February 2, 2022			
ADELAIDA VEGA REBEKAH DE LA FUENTE ANDREW MUNOZ		Created	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval based on surrounding land use.			
Attachments, if any: Rezone-1719 W Business 83- Memo, 1719 W Business 83- Attachments, 1719 W Business 83- Aerial, O2022-08 1719 W Business 83- Ordinance			
Responsibilities upon Approval:			

Staff will advise the applicant

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Josh Pedraza, Mayor Pro-Tem, District 1
Leo Muñoz, Commissioner, At-Large
Greg Kerr, Commissioner, At-Large
Letty Lopez, Commissioner, District 2
Jose "JP" Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4

Andrew Muñoz, Interim City Manager

MEMO

TO: Mayor and City Commission

FROM: Rebekah de la Fuente, Planning & Code Enforcement Director

RE: Rezone- 1719 W Business 83

DATE: February 21, 2022

The property owner is proposing an apartment & duplex subdivision and will also include the seven- 7 acres tract immediately south of this site. The developer also intended to sale the front portion of the lot along Business 83 as a commercial pad site. The 2040 Land Use Map has identified this area as a future commercial lot however, the proposed use will conform to the surrounding neighborhood. One petition was received against this item, from Jose Medina, 1725 W Business 83 citing concerns over drainage problems within the area during the 2018 and 2019 storms.

The Planning & Zoning Commission recommended approval based on the existing surrounding land use.

As the request of the City Commission, Jeremy Anciso, Construction Inspector inspected the three (3) storm drains along Business Highway 83 and Walgreens heading west. After inspection it was noted that in two (2) of the drain did not have any water in them, and the drain furthest to the West in front of the gas station had approximately 4 to 5" of flowing water. Mr. Anciso did state that all three (3) boxes had accumulated quite of bit of debris and dirt which was restricting but not fully preventing the flow of water and would need maintenance.

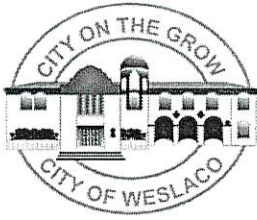
Contact was made with Martin Rodriguez of the TxDOT Elsa office, he was informed of the conditions of the three-storm drainage. He stated that he would be creating a work order and having an inspector go out there to take care of the issue.

Thank you,

Rebekah de la Fuente, CFM



"The City on the Grow"



APPLICATION FOR REZONING

The Planning & Zoning Commission meets every 1st Wednesday of each month at 5:30 pm.

The City Commission meets every 1st and 3rd Tuesday of each month at 5:30 pm

FILE NO. _____

PROPOSED PROJECT

Legal Description of Property to be rezoned:

Lot 7.092 Acres of Land Out of Farm Tract 633 Block _____

Subdivision Name The West And Adams Tract Subdivision

Street Address 1719 W Business 83, Weslaco, TX 78596

Existing Zoning _____ Existing Land Use Raw Land

Proposed Zoning Multi-Family/Commercial Proposed Land Use Multi-Family/Commercial

_____ \$305.00 non-refundable filing fee.

_____ Detailed dimensioned site plan/map must be submitted with this request.

_____ Survey and metes and bounds if the legal description is a portion of a lot.

_____ City and school tax receipts attached.

_____ I have received a copy of "The Intent of Zoning Application Instructions".

APPLICANT

Name Oscar Zarate Phone 956-561-9587

Address 1992 Date Palm Drive Fax: _____

City Mercedes State TX Zip Code 78570 E-Mail: Oscar@zaratehomedesigns.com

OWNER

Name E & O Ventures, FLP Phone 956-345-5917

Address 807 S. KANSAS Fax: _____

City WESLACO State TX Zip Code 78596 E-Mail: NEIGHBORSL@AOL.com

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Erasmo Alvarez Date 01-04-2022

Signature Oh Date 01/04/2022
Owner
Applicant

Signature _____ Date _____
Authorized Agent

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Josh Pedraza, Mayor Pro-Tem, District 6
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4
Letty Lopez, Commissioner, District 5

Andrew Muñoz, Interim City Manager

PLANNING DEPARTMENT

January 21, 20212

Legal Notice

Dear Occupant:

The Weslaco Planning and Zoning Commission will hold a public hearing on Wednesday, February 2, 2022, at 5:30pm and the City Commission will also hold a public hearing on February 15, 2022, at 5:30 p.m. at the City Hall Legislative Chambers located at 255 South Kansas Avenue

Members of the public who wish to participate in Public Hearing on an agenda item must send their name, address and phone number via email to karevalo@weslacotx.gov by 12:00 pm on February 2, 2022. A staff member will contact you with instructions via phone call to address your public comment.

REZONE REQUEST:

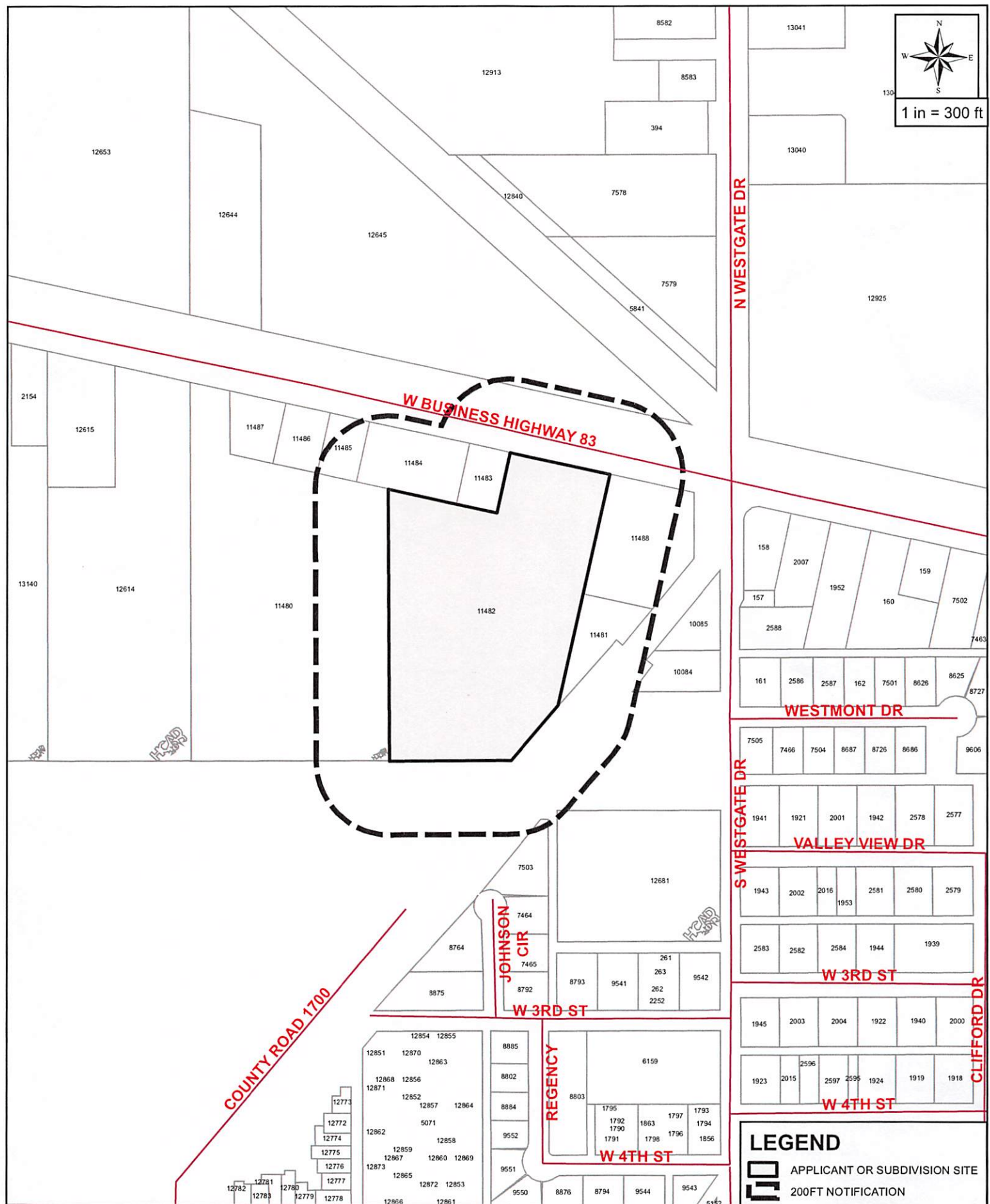
Oscar Zarate is requesting to rezone 1719 W Business 83. Also being 7.092 acres out of Farm Tract 633, West and Adams Tract Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One Family Dwelling District to R-2 Duplex and Apartment District.

The public is hereby invited to attend and express their support or opposition to the request. You may also file a written notice supporting or protesting this action. For more information please call the Planning Department at (956) 447-3403.

Si desea información en español, por favor llame al departamento de Planeación de la ciudad de Weslaco, (956) 447-3403.

Sincerely,

Rebekah de la Fuente, CFM
Planning Director



1719 W BUSINESS 83, WESLACO, TX, 78596, USA

JAN 21, 2022

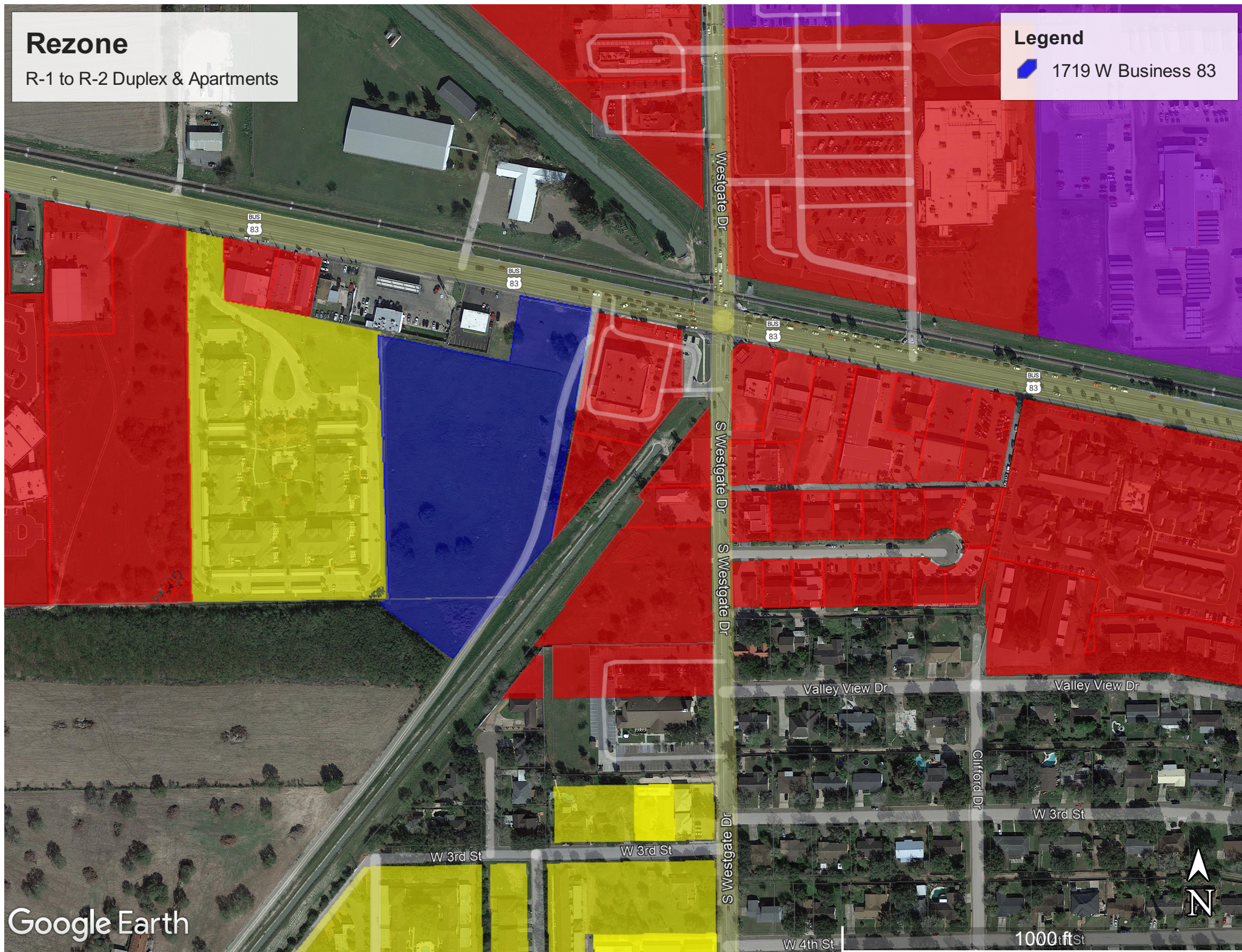
RAMOS YOLANDA LETICIA CANALES ROBERT 201 JOHNSON CIR WESLACO TX 78596	C5700-00-002-0009-00 CLIFFORD LOT 9 BLK 2 201 JOHNSON CIR	L: 30987 B: 106079
GALVAN REVIVAL CHURCH 2731 IRWIN DR SAN ANTONIO TX 78222	W3800-00-150-0000-00 WEST TRACT BLK FT 150 E9.79-11.79 AC 0 US BUS 83	L: 342650 B: 411601
HT GONG REAL ESTATE INVESTMENT 570 EL CAMINO REAL 150-429 REDWOOD CA 94063	W3800-00-633-0000-00 WEST TRACT BNG AN IRR TR 1.41 AC 1705 W EXPRWY 83	L: 552771 B: 1039517
E & O VENTURES FAMILY LP 807 S KANSAS AVE WESLACO TX 78596	W3800-00-633-0000-02 WEST TRACT AN IRR TR 33 7.11AC 1821 W BUS HWY 83	L: 391050 B: 0
VARGAS JUAN & ALICIA 197 LAS PALMAS DR MERCEDES TX 78570	W3800-00-633-0000-03 WEST TRACT 0.34AC 1729 W BUS HWY 83	L: 88860 B: 71283
CASTILLO JOHN L 1813 W BUS 83 WESLACO TX 78596	W3800-00-633-0000-05 WEST TRACT E100'-W450.81'-N150' FT 633 0 US HWY 83	L: 88860 B: 11140
CASTELLANOS JORGE & ANGEL 1604 RICARDO ST WESLACO TX 78599	W3800-00-633-0000-06 WEST TRACT 0.38AC FT 633 1901 W BUS HWY 83	L: 99318 B: 143718
MDC COAST 9 LLC ATTN PM #5987 3200 HACKBERRY RD IRVING TX 75063	W3800-00-633-0000-07 WEST TRACT 0 US HWY 83	L: 213533 B: 215300
MEDINA JUAN & JUANA R PO BOX 433 WESLACO TX 78599	W3800-00-633-0000-08 WEST TRACT S0.50 AC -NE 2AC FT 633 1725 W BUS HWY 83	L: 54450 B: 35368
CARRILLO GABRIEL PO BOX 598 WESLACO TX 78599	W3800-00-634-0000-02 WEST TRACT 0.48AC IRR T 634 197 S WESTGATE DR	L: 150545 B: 161835
WESLACO HILLS APARTMENTS LP 9907 MOORBERRY LN HOUSTON TX 77080	W2246-00-001-0001-00 WESLACO HILLS LOT 1 BLK 1 2101 W BUS HWY 83	L: 727452 B: 2616935
CHURCH OF JESUS CHRIST 50 E NORTH TEMPLE FL 22 SALT LAKE CITY UT 84150	C5700-00-00E-0000-00 CLIFFORD LOT E	L: 392040 B: 602082

Rezone

R-1 to R-2 Duplex & Apartments

Legend

 1719 W Business 83



ORDINANCE NO. 2022-08

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 1719 W BUSINESS 83. ALSO BEING 7.092 ACRES OUT OF FARM TRACT 633, WEST AND ADAMS TRACT SUBDIVISION, WESLACO HIDALGO COUNTY, R-1 ONE FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT DISTRICT BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: To rezone from an R-1 One Family Dwelling District to R-2 Duplex and Apartment District located at 1719 W Business 83. Also being 7.092 acres out of Farm Tract 633, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 1st day of March 2022.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 15th day of March 2022.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5269	
From:			
Subject: Approval for staff to solicit proposals from qualified insurance carriers for Property & Casualty and Worker's Compensation and authorize the Mayor to execute any related documents. (Staffed by Human Resources Department.)			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Luz Galindo Luz Galindo ANDREW MUNOZ		Created	
City Manager Comments: Approve.			
Staff Recommendation:			
Attachments, if any:			
Responsibilities upon Approval:			



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5268	
From:			
Subject: Approval to award Contract for Fireworks Display RFP No.: 2021-22-13 in the amount of \$30,000 to Pyro Shows of Texas, Inc. and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)			
Background: This item is to award a contract for the presentation of the annual Fourth of July Fireworks display. Only one proposal was received and accepted from Pyro Show of Texas. This company has presented the City's fireworks display for several years in the City. They also present many of the fireworks displays in the Valley.			
Funding Source (budget code, if applicable): 101-5404-527510			
Amount: \$30,000	Term of Impact: none	Identified in Current Budget: yes	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
OMAR RODRIGUEZ OMAR RODRIGUEZ ANDREW MUNOZ		Created/Initiated Approved New	
City Manager Comments: Approve.			
Staff Recommendation: Staff has reviewed the proposal and recommends approval.			
Attachments, if any: PROPOSAL - Weslaco - 7.4.2022			
Responsibilities upon Approval:			



Custom Fireworks Proposal for City of Weslaco

July 4, 2022



6601 Nine Mile Azle Road
Fort Worth, Texas 76135
Phone: (800) 488-7976
www.pyroshows.com

March 1, 2022

Homer Rhodes, Purchasing
City of Weslaco
255 S. Kansas Ave.
Weslaco, TX 78596

Re: RFP No.: 2021-22-13

Dear Sir,

Please accept this writing as a statement of the time to which this proposal is valid, July 15, 2022.

My signature to this statement is binding as an authorized person of Pyro Shows of Texas, Inc.

Regards,

Chad Stanley
General Manager
Pyro Shows of Texas, Inc.



Fireworks



Pyro Shows is pleased to submit the following customized firework proposal to The City of Weslaco for Monday, July 4, 2022.

At Pyro Shows, our mission is to provide an *EPIC* fireworks event to excite and delight your audience while attracting a larger number of spectators to your venue!

Pyro Shows places great emphasis on product value, quality, and performance. Our dedicated diligence behind the scenes ensures the outstanding results that we love to provide.

Enjoy reviewing this proposal and remember, “customization” is the key. We will be happy to make adjustments to the proposal to achieve your vision of the show.

Thank you for the opportunity to bid on this special event. We look forward to hearing from you.

About Us

Pyro Shows recently celebrated 50 golden years! Before our corporate office in Tennessee and our additional offices in Texas and Alabama, we had to start somewhere. That place in time was 1969 when Lansden Hill began a professional fireworks service. Rave reviews of the shows would prove that he appropriately named the company **Pyro Shows**. With each passing year of business, Pyro Shows maintained the momentum and achieved success both nationally and internationally.

2019 marks the 50th year in business that Pyro Shows has successfully performed fireworks. From Sweden, to Spain, and from Abu Dhabi in the UAE, to Taiwan, Pyro Shows has shared talent and expertise with millions of people around the world.

That is a legacy of happiness generated by fireworks!



A brief description of the Pyro Shows team of professionals is much like describing a fireworks show:



"It takes many layers of time and talent to result in a safely executed, spectacular show."

Time after time, we see the shock on faces who realize the behind-the-scenes time and effort that goes into (literally) every show.



Your Event

Event Date: July 4, 2022
Fireworks Duration: 25 Minutes

Fireworks Display Time: 9:00 PM
Music: Choreographed

Included Services

All permitting processing and fees required by the City and/or State.
All Pyrotechnician labor (trained in safety, licensed in pyrotechnics and insured by Pyro Shows).

Insurance Liability Coverages:

General Liability	\$5,000,000.00
Automobile Liability	\$5,000,000.00

Insurance Agency:

Britton-Gallagher and Associates
1375 E. 9th Street, 30th Floor
Cleveland, OH 44114

Workers Compensation:

Full coverage as required by State and Federal law, including United States Longshoreman and Harbormaster coverage.

Compliance:

Pyro Shows adheres to the following regulatory requirements:
BATFE – Bureau Alcohol, Tobacco, Firearms & Explosives
FAA – Federal Aviation Administration
NFPA 1123, 1124
U.S. Coast Guard

Pyro "Lingo"

Main Body



Patterns



Grand Finale



The **MAIN BODY** of the show will fill the sky with bursts of sparkling colors and shapes. The fireworks will layer at different heights adding several visual perspectives for the audience. We will feature a combination of premium

The world of fireworks would never be the same without happy **PATTERNS** in the sky! Smiley faces and hearts are among the most popular, but we don't stop there. Our pattern inventory includes wagon wheels, diamonds, butterflies, and more!

The **GRAND FINALE**....well, it pretty much speaks for itself. It's what wraps up the show with an **EPIC** ending and it's everyone's favorite part. If you're new to **GRAND FINALES**, imagine mountains and waves of color filling the sky, earthshaking salutes and majestic brocade gold chrysanthemums.

Opening

Your show will open with this variety of our premium shells.

Size	Ornamental Qty	Elaborate Qty	Extravagant Qty	Extraordinary Qty	Sub Total
3" Shell	19	19	5	5	48
4" Shell	14	14	4	4	36
5" Shell	10	10	4	4	28
6" Shell	10	10	3	2	25
8" Shell	1	1	1	1	4
				Total	141

Ornamental

Specially selected aerial shells are composed of cylindrical and ball shells to give you a combination of high quantity and quality in a wide variety of effects.

Elaborate

More intricate multiple effect and precision shells are composed of many of the very best imported shells made throughout the world.

Extravagant

Another variety of cylindrical and spherical shapes, these are made exclusively in the United States and are the brightest and most vivid colors available. They are powerful and often break with the size, pattern, and density of shells twice their size.

Extraordinary Effect/Multiple Break

This class includes the ultimate in the art and science of pyrotechnology. When we refer to "multiple break", that translates as: two or more shells of the same size stacked on top of each other to be fired at the same time.

Main Body

Your show will feature this variety of our premium shells.

Size	Ornamental Qty	Elaborate Qty	Extravagant Qty	Extraordinary Qty	Sub Total
3" Shell	77	77	19	19	192
4" Shell	58	58	14	14	144
5" Shell	45	45	11	11	112
6" Shell	40	40	11	10	101
8" Shell	1	1	1	1	4
				Total	553

Ornamental

Specially selected aerial shells are composed of cylindrical and ball shells to give you a combination of high quantity and quality in a wide variety of effects.

Elaborate

More intricate multiple effect and precision shells are composed of many of the very best imported shells made throughout the world.

Extravagant

Another variety of cylindrical and spherical shapes, these are made exclusively in the United States and are the brightest and most vivid colors available. They are powerful and often break with the size, pattern, and density of shells twice their size.

Extraordinary Effect/Multiple Break

This class includes the ultimate in the art and science of pyrotechnology. When we refer to "multiple break", that translates as: two or more shells of the same size stacked on top of each other to be fired at the same time.

Grand Finale

The moment you thought the show couldn't get any better,
then it DOES!

Size	Ornamental Qty	Elaborate Qty	Extravagant Qty	Extraordinary Qty	Sub Total
3" Shell	96	96	24	24	240
4" Shell	48	48	12	12	120
5" Shell	24	24	6	6	60
6" Shell	14	14	4	4	36
8" Shell			1	1	2
Total					458

Shell Summary

The sizes and quantities of fireworks we recommend for your show.

Weslaco, City of
Weslaco IDC 2022
Monday, July 04, 2022

\$30,000.00

MAIN BODY

SHELL SIZE	DEVICE	QUANTITY	TOTAL
3"	Aerial Shell	240	240
4"	Aerial Shell	180	180
5"	Aerial Shell	140	140
6"	Aerial Shell	126	126
8"	Aerial Shell	8	8
MAIN BODY DEVICE TOTAL			694

FINALE

SHELL SIZE	DEVICE	QUANTITY	TOTAL
3"	Aerial Shells	240	240
4"	Aerial Shells	120	120
5"	Aerial Shells	60	60
6"	Aerial Shells	36	36
8"	Aerial Shells	2	2
TOTAL FINALE DEVICES			458

TOTAL DEVICE COUNT - MAIN BODY AND FINALE	1,152
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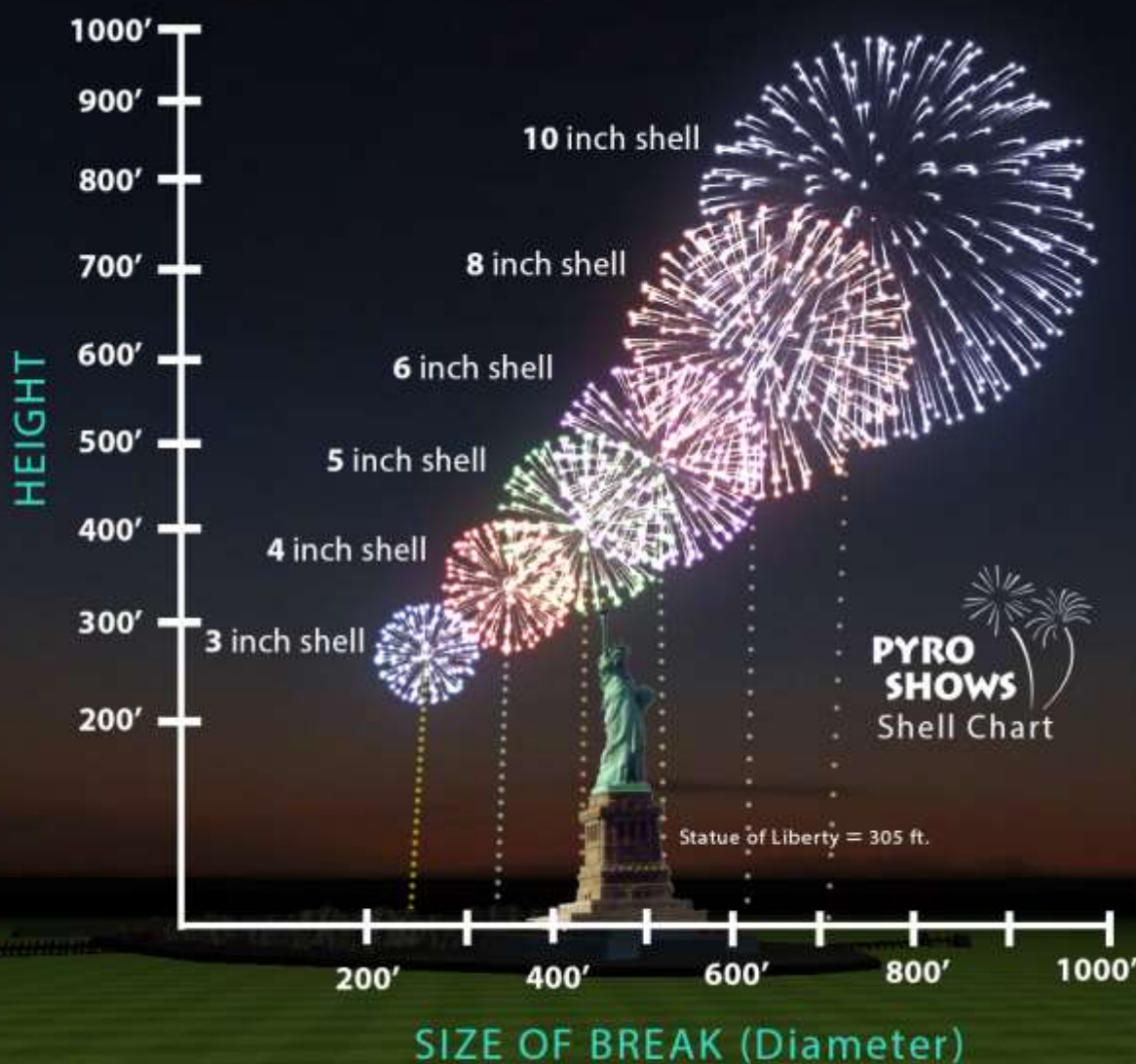
Fireworks 1.3 G Display

Largest Shell: 8

Safety Radius: 560'

Fireworks 101

The bigger the boom, the bigger the break.



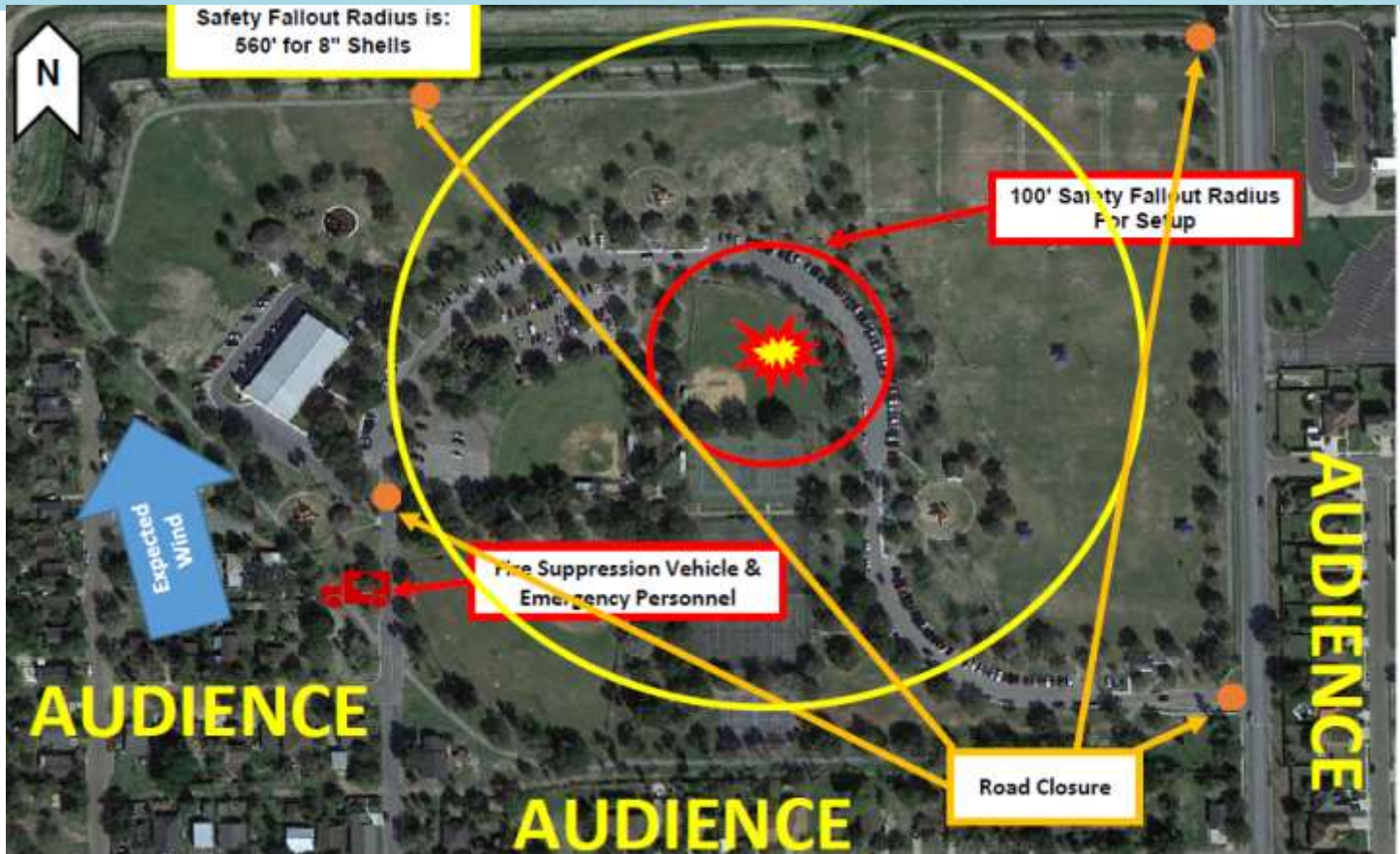
The higher a firework shell climbs in the sky and the bigger the burst is directly related to the shell diameter size. (That's pyrotech talk.)

Basically, a 10 inch shell goes 700 feet higher than a 3 inch shell which goes 300 feet high.

Size of shell = Climb Time and Size of "Break"

Site Diagram

This is a satellite image of where we will build your show.



Show Date: July 4, 2022

Show Address: 300N Airport Dr., Weslaco, TX 78596

Show Time: 9:00 PM

Rain Date: July 5, 2022

Max Shell Size: 8"

Safety Fallout Radius: 560'

Storage Required: Y/N? TBD

PYROfessionals

We're good at what we do because we do what we LOVE.

At Pyro Shows, we believe that the mark of a good fireworks company is not the absence of an occasional "dud", but what we **DO FOR YOU** if there is a "dud".

Satisfaction
Guaranteed



Superior
Customer
Service



Expertise



\$5M General
Liability
Coverage



Experience



Permits & Paperwork –
we will handle it!



Seriously Safe

Safety is first, EPIC is next.

As fun and festive as fireworks are, Pyro Shows is very **serious** about the **safety** of our spectators and our crews. In fact, safety is not just our job, its our **#1 mission**.



We get it. Business is business, but before hiring a fireworks company, do some fact-checking to verify their credentials. The answers to all of their safety and legal criteria must be YES.

(By the way, the ✓'s below signify that our answers are ALL YES.)

- ✓ Pyrotechnicians trained, licensed, and cleared by ATF
- ✓ Company ATF License
- ✓ State Display Exhibitor License
- ✓ USDOT Motor Carrier Policy for Public Liability
- ✓ Hazardous Materials Safety Permit
- ✓ \$5M Certificate of Liability Insurance Coverage
- ✓ \$1M Workers Compensation Insurance Coverage

Pyro Credentials

State Licensing

Registered Location(s):

6601 NINE MILE AZLE RD
FT WORTH TX 76135-9587

Registration Number

FWD-1838133

Expiration Date: 07-10-2022

EFFECTIVE DATE: 07-10-2013

FIREWORKS DISTRIBUTOR'S LICENSE

TEXAS DEPARTMENT OF INSURANCE
STATE FIRE MARSHAL'S OFFICE

Issued To:

Pyro Shows of Texas Inc



DATE ISSUED: July 7, 2021

Orlando P. Hernandez SF0811111

Orlando P. Hernandez, State Fire Marshal

To receive news and updates from the SFMO concerning Fire Industry Licensing, sign up for the SFMO Licensing eNews Update at <http://www.tdi.texas.gov/alert/esfmlicensing.html>



Pyro Shows of Texas Inc
6601 NINE MILE AZLE RD
FT WORTH TX 76135-9587

Pyro Credentials

BATFE Federal Explosives License

U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives		Federal Explosives License/Permit (18 U.S.C. Chapter 40)	
In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.55. See "WARNINGS" and "NOTICES" on reverse.			
Direct ATF Correspondence To:	ATF - Chief, FELC 244 Moody Road Martinsburg, WV 25405-9451	License/Permit Number:	5-TX-439-51-2K-01722
Chief, Federal Explosives Licensing Center (FELC)	<i>Christopher R. Keers</i>	Expiration Date:	October 1, 2022
Name: PYRO SHOWS OF TEXAS INC			
Premises Address (Change? Notify the FELC at least 30 days before the move): 6601 NINE MILE AZLE ROAD FORT WORTH, TX 76135-			
Type of License or Permit: 51-IMPORTER OF EXPLOSIVES			
Purchasing Certification Paragraph: The licensee or permittee retained above shall send a copy of this license or permit to each a transferee of explosives to verify the identity and the license status of the licensee or permittee as required by 27 CFR Part 555. The transferee shall sign and return this certification. A false, issued or unissued copy of this license or permit with a signature is invalid to be an original signature is acceptable. The signature of the holder of the Federal Explosives License (FEL) or a responsible person of the FEL, together with this is a true copy of a license or permit regarding the licensee or permittee marked above is acceptable for the business or operations specified above under "Type of License or Permit".		Mailing Address (Change? Notify the FELC of any changes): PYRO SHOWS OF TEXAS INC 6601 NINE MILE AZLE ROAD FORT WORTH, TX 76135-	
Licensee/Permittee Responsible Person Signature: <i>Chad Stanley</i> Printed Name: Chad Stanley		Signature: <i>General Manager</i> Position Title: General Manager Date: 11-25-19	

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Moody Road
Martinsburg, WV 25405-9451

Toll-free Telephone Number: (877) 281-3332
Fax Number: (804) 616-4481
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address: (27 CFR 555.34(a)(5)). Licensee or permittee may during the term of their current license or permit remove their business or operation to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. (The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)

Right of Succession: (27 CFR 555.38). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or estate, administrator, or other legal representative of a deceased licensee or permittee, and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

Out Box 25

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **PYRO SHOWS OF TEXAS INC**

Business Name:

License/Permit Number: **5-TX-439-51-2K-01722**

License/Permit Type: **51-IMPORTER OF EXPLOSIVES**

Expiration: **October 1, 2022**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

Insurance

\$10M General Liability

ACORD		CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY)			
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER. IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).							
PRODUCER Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114			CONTACT NAME: PHONE (A/C No.): 216-658-7100 FAX (A/C No.): E-MAIL: ADDRESS:				
INSURED Pyro Shows, Inc. PO Box 1776 115 North 1st Street La Follette TN 37766			INSURER(S) AFFORDING COVERAGE INSURER A: Maxum Indemnity Company INSURER B: Everest Indemnity Insurance Co. INSURER C: Everest National Insurance Co. INSURER D: INSURER E: INSURER F:				
			NAIC # 10851				
COVERAGES CERTIFICATE NUMBER: 461374976 EXPIRATION NUMBER:							
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED BY THE INSURER(S) LISTED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR ENDORSEMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAYMENTS.							
INSURER	TYPE OF INSURANCE	ADDL. POLICY NO.	POLICY NUMBER	START DATE (MM/DD/YYYY)	EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
B	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☐ GEN'L AGGREGATE LIMIT APPLIES TO: ☐ POLICY ☒ PRO-ECT ☐ LO	Y	Y	S18GL00230-171	10/1/2017	10/1/2018	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP-OP AGG \$2,000,000
C	AUTOMOBILE LIABILITY ☒ ANY ☐ ALL ☒ HIRING ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS			S18CA000000-1	10/1/2017	10/1/2018	COVERED SINGLE LIMIT (Per accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	UMBRELLA EXCESS LIABILITY ☒ EXCESS LIAB ☐ DED ☐ RETENT			EXC0020208	10/1/2017	10/1/2018	EACH OCCURRENCE \$9,000,000 AGGREGATE \$9,000,000 \$ WC STATL TOBY LIMITS BOTH \$ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? (Mandatory in NJ) If yes, describe under DESCRIPTION OF OPERATIONS below							
Y/N N/A							
DESCRIPTION OF OPERATIONS / LOCATION(S) / VEHICLE(S) (Attach ACORD 101, Additional Remarks Schedule, if more space is required)							
CERTIFICATE HOLDER				CANCELLATION			
				SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.			
				AUTHORIZED REPRESENTATIVE			

Experience

San Marcos Summerfest - Lisa Morris

630 East Hopkins, San Marcos, Texas 78666

512-393-8400

July 4, 2021

Town of Addison - Jasmine Lee

5350 Belt Line Road, Addison, Texas 75001

972-450-6221

July 3, 2021

Baytown - Scott Johnson

2407 Market Street, Baytown, Texas 77520

281-420-6599

July 4, 2021

City of The Colony - David Swain

5151 North Colony Blvd., The Colony, Texas 75056

972-624-3959

July 4, 2021

The Woodlands Township - Chris Nunes

2801 Technology Forest Blvd., The Woodlands, Texas 77381

281-210-3486

July 4, 2021



Experience

**Please enjoy the Town of Addison Kaboom
Town 2020**

<https://youtu.be/6WPE9TT4uBg>



We hope you've enjoyed reviewing our ideas for your show!

Thank you for the opportunity to bid on this special event.
We look forward to hearing from you.



800.488.7976
pyroshows.com



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5276	
From:			
Subject: Approval to solicit bids for street banner poles and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)			
Background: Two sets of poles will be located along Texas Boulevard. One set will be installed near Pike and another will be located near 5th. This will accommodate hanging lighted skyline banners during Christmas and banners announcing events such as onionfest. These will meet TXDOT standards. Estimated cost is \$20,000 per set. Funds are part of Parks Capital Improvement Project Fund - Christmas decorations.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
NORMA CANTU OMAR RODRIGUEZ ANDREW MUNOZ		Created/Initiated Approved New	
City Manager Comments: Approve.			
Staff Recommendation: Staff Recommends Approval.			
Attachments, if any:			
Responsibilities upon Approval:			



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5265	
From:			
Subject: Approval to solicit bids for manhole rehabilitation repairs and water and sewer line pipe bursting repairs and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.)			
Background: The sewer pipe busting will be between Missouri and Nebraska; from 5th Street to 7th Street, from Business 83 between Illinois and Kansas up to 5th Street and, if possible, the sewer line under expressway 83 on Pleasantview Drive. Water line pipe busting will be on South Texas Blvd. all water crossings from 4th Street going south to 10th Street. Manhole rehab continues around the area of Westgate east towards Texas Blvd and 4 manholes along a drain ditch next to the city park.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
LUCERITO ESPINOZA Pete Garcia ANDREW MUNOZ		Created/Initiated Approved New	
City Manager Comments: Approve.			
Staff Recommendation: Approval			
Attachments, if any: ARPA Funds Memo 2022			
Responsibilities upon Approval:			

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Josh Pedraza, Mayor Pro-Tem, District 1
Leo Muñoz, Commissioner, At-Large
Greg Kerr, Commissioner, At-Large
Letty Lopez, Commissioner, District 2
Jose "JP" Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4

Andrew Muñoz, Interim City Manager

INTERNAL MEMO PUBLIC WORKS DEPARTMENT

Date: March 15, 2022

To: City Commission

From: David Arce, Deputy Public Works Director

Subject: ARPA FUNDS WATER/WASTEWATER DIVISION

Cc: Andrew Muñoz, Interim City Manager
Vidal Roman, Finance Director

Public Works Department (Water/Wastewater Division) is requesting approval to solicit bids for manhole, water line pipe bursting and sewer line pipe bursting. Areas we recommend continuing to rehab are as followed:

The sewer pipe busting will be between Missouri and Nebraska from 5th street to 7th street
From business 83 between Illinois and Kansas up to 5th street
If possible, sewer line under expressway 83 on pleasant view dr.

Water line pipe busting
On south Texas Blvd. all water crossings from 4th going south to 10th street

Manhole rehab continues around the area of Westgate east towards Texas Blvd.
And 4 manholes along drain ditch next to city park

Staff Recommends Approval.



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5185
From:		
Subject: Approval to purchase a marked police unit with police emergency equipment for an amount not to exceed \$75,000 and an unmarked police unit with police equipment for an amount not to exceed \$50,000 out of the general fund budget and authorize the Mayor to execute any related documents (Staffed by Police Department.)		
Background:		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted:		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
ROBERT LOPEZ ROBERT LOPEZ ANDREW MUNOZ		Created/Initiated Approved New
City Manager Comments: Approve.		
Staff Recommendation:		
Attachments, if any:		
Responsibilities upon Approval:		



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5252	
From:			
Subject: Approval to accept Walmart's Community Grant Award, Request ID 73005279, in the amount of \$5,000 with NO MATCH and NO RECURRING FEES to purchase supplies and promotional items geared toward Community Policing and authorize the Mayor to execute any related documents (Staffed by Police Department.)			
Background: Wal-Mart offers police departments grant funding to purchase items that support community policing and community engagement.			
Funding Source (budget code, if applicable): Wal-Mart Community Grant			
Amount: \$5,000	Term of Impact: 12	Identified in Current Budget: No	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ROBERT LOPEZ ROBERT LOPEZ ANDREW MUNOZ		Created/Initiated Approved New	
City Manager Comments: Approve.			
Staff Recommendation: Recommend Approval			
Attachments, if any: Wal-Mart Community grant \$5,000.00			
Responsibilities upon Approval:			

FW: Walmart Facility# 1041 Community Grant Request Status: Request ID 73005279

Miguel Angel Martinez <mamartinez@weslacotx.gov>

Mon 2/28/2022 8:29 AM

To: Robert Lopez <rlopez@weslacotx.gov>; Joel Rivera <Joel.Rivera@weslacotx.gov>; Jerry Oliva <joliva@weslacotx.gov>; Armando Espinoza <aespinoza@weslacotx.gov>

Good morning,

An update on the Walmart Supercenter (Walmart-North) Community Grant.

I received a call from Walmart's General Manager Jeff, who informed me the grant was approved which was followed by the attached email.

Respectfully,

Miguel Martinez E-4

Public Information Officer

Ph: 956.968.8591 | Fx: 956.969-0762 | Cell 956.778-3417

901 North Airport | Weslaco, TX 78596



CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents which may accompany it, contains information from the City of Weslaco, which is intended only for the use of the individual or entity to which it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, any disclosure, dissemination, distribution, copying, or other use of this communication or its substances is **prohibited**.

From: cgadmin@cybergrants.com

Sent: Friday, February 25, 2022 7:25 PM

To: [Miguel Angel Martinez](mailto:mamartinez@weslacotx.gov)

Subject: Walmart Facility# 1041 Community Grant Request Status: Request ID 73005279

Dear Grantseeker,

Congratulations! Facility # 1041 has recommended your Community Grant application, Request ID 73005279, to receive a \$5,000.00 grant.

Please allow 4-6 weeks for delivery. If you do not receive your check in that time, please contact the facility manager to make further inquiries. For your reference we have provided the check information and address below:

Invoice # 74265109

Address:

255 S KANSAS AVE
Weslaco, TX 78596

You will also receive a final confirmation notice once the application has passed final review with the additional payment details, but we wanted to keep you informed on the status of your request.

We appreciate your efforts to help people live better and wish you success.

Sincerely,

The Walmart Community Grants Team

CG/JMAIL/233547919



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5277
From:		
Subject: Approval of Resolution 2022- 21 authorizing the acceptance of FY21 Operation Stonegarden Grant #3173407 in the amount of \$270,000 with NO MATCH and No Recurring Fees required to pay for overtime and equipment in support of OPSG goals and objectives and authorize the Mayor to execute any related documents. (Staffed by Police Department.)		
Background: The purpose of the Homeland Security Grant Program (HSGP) is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States.		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted: Resolution Mayor's Signature		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
NORMA CANTU ROBERT LOPEZ ANDREW MUNOZ		Created/Initiated Approved New
City Manager Comments: Approve.		
Staff Recommendation: Recommend Approval		
Attachments, if any: R2022-21 FY21 Operation Stonegarden Solicitatio RESOLUTION		
Responsibilities upon Approval:		

RESOLUTION NO. 2022-21

WHEREAS, The City of Weslaco finds it in the best interest of the citizens of Weslaco, Hidalgo County, Texas that FY21 Operation Stonegarden Solicitation be operated for 2022 through 2023; and

WHEREAS, The City of Weslaco agrees to provide matching funds for the said project as required by the Office of the Governor - FY21 Operation Stonegarden Solicitation application; and

WHEREAS, The City of Weslaco agrees that in the event of loss or misuse of the Office of the Governor funds, City of Weslaco assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, The City of Weslaco designates Mayor David Suarez as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that The City of Weslaco approves submission of the grant application for FY21 Operation Stonegarden Solicitation to the Office of the Governor.

Grant Number: 3173407

Passed and approved this 15th day of March 2022.

CITY OF WESLACO

David Suarez, MAYOR

ATTEST:

Norma A. Cantu, CITY SECRETARY

APPROVED AT TO FORM:

Juan E. Gonzalez, CITY ATTORNEY



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5278
From:		
Subject: Approval to purchase a 2022 Police Packaged SUV with police emergency equipment and lighting in the amount not to exceed \$70,000 with a reimbursement amount not to exceed \$62,694.01 from FY21 Operation Stonegarden grant funding and authorize the Mayor to execute any related documents. (Staffed by Police Department.)		
Background: The purpose of the Homeland Security Grant Program (HSGP) is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the nation for the threats and hazards that pose the greatest risk to the security of the United States.		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted: Mayor's Signature		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
NORMA CANTU ROBERT LOPEZ ANDREW MUNOZ		Created/Initiated Approved New
City Manager Comments: Approve.		
Staff Recommendation: Recommend Approval		
Attachments, if any:		
Responsibilities upon Approval:		



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5270	
From:			
Subject: Discussion and consideration to accept the resignation of Patrick Gonzalez from the Weslaco Economic Development Corporation and approve Resolution 2022-20 to appoint a member to the unexpired term ending December 2, 2023 and authorize the Mayor to execute any related documents. Possible action. (There was no action on March 1, 2022; staffed by Weslaco Economic Development Corporation.)			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Resolution Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ADELAIDA VEGA ANDREW MUNOZ		Created	
City Manager Comments: Approve.			
Staff Recommendation:			
Attachments, if any: EDC request for appointment of board member, resignation Patrick Gonzalez re WEDC, EDC Board of Directors as of 022222, EDC applicants as of 030722 mv, Board App - Jerry Don Wilson dated 02-07-22, Board App - Ramon Montalvo, III dated 02-09-22, Board App - Hector Solis dated 02-28-22, Board App - Joe Daniel Olivarez dated 03-07-22, R2022-20 EDC 1 unexpired term			
Responsibilities upon Approval: Execute, retain and notify appointee.			



THE ECONOMIC DEVELOPMENT CORPORATION
OF WESLACO

To: Andrew Muñoz, Interim City Manager
From: Steven M. Valdez
Date: February 21, 2022
Re: New EDC Board Member

In light of the recent resignation of EDC Board member Patrick Gonzalez, we are requesting the City to consider appointing another interested candidate to fill Mr. Gonzalez' unexpired term at the next City Commission Meeting, March 1, 2022.

We believe applications of interested candidates have been submitted to the City Secretary's Office and anticipate the City Commission to make their selection from that group.

Thank you for your consideration.

From: Patrick A Gonzalez <pagonzalez@woodmenlife.org>

Sent: Tuesday, February 1, 2022 2:45 PM

To: Steve Valdez; Benita R. Valadez

Subject: Formal Resignation

Weslaco EDC,

I am emailing to unfortunately advise the board of my resignation from the Weslaco EDC. It was a tough decision, but one that needed to be made. Thank you for the opportunity to serve my community.

Regards,

Patrick Gonzalez

ECONOMIC DEVELOPMENT CORPORATION OF WESLACO BOARD OF DIRECTORS

LAST NAME	FIRST NAME	APPOINTED	EXPIRATION	TERM
De la Fuente	Sonia	12/3/2019	12/2/2022	3 year
Perez	Fred	12/3/2019	12/2/2022	3 year
Valadez	Benita	12/2/2018	12/2/2021	3 year
Serrano	Juan Jose	03/05/2019	12/2/2022	3 year
Charlton	Sandra	12/01/2020	12/2/2023	3 year
*Gonzalez	Patrick	02/18/2020	12/2/2023	3 year
Gonzalez	Jerry	12/01/2020	12/2/2023	3 year

As of 012222 mv

*Patrick Gonzalez submitted a letter of resignation on February 01, 2022 via email.

WESLACO EDC APPLICANTS

FIRST NAME	LAST NAME	APPLICATION DATE
Jerry Don	Wilson	02/07/2022
Ramon	Montalvo III	02/09/2022
Hector	Solis	02/28/2022
Joe Daniel	Olivarez	03/07/2022

Updated as of 030722 mv



Application for Service

City of Weslaco Boards and Committees

Name of Applicant: Jerry Don Wilson Email Address: jdWilson159@yahoo.com

Phone Number: 956-373-7065 (H) Alternate Phone Number: 956-968-7088 (H)

Home Address: 1007 Bella Vista St City: Weslaco Inside City limits: ☒ Yes ☐ No

How many years have you lived at this residence? 11 yrs

Mailing Address, if different from home address: Same

What committee/board do you wish to serve on:

Economic Development Board of Weslaco (EDC)

Why do you want to be appointed to this board(s)? We need more Business to move into the area. We need to grow and be a mega force in the Rio Grande Valley. We have the hiring tools (people) we just need to sell our Brand Weslaco Texas.

What value do you believe you will be bringing to the board(s)?

I have past experience from AEP Texas (Retired) and worked and served on the Rio Grande EDB from 2001-2007

What civic involvement and Business Experience applicable to the position(s) to which you are applying: Involved in several civic clubs ~ Lions, Rotary, in several cities Chamber of Commerce

Have you been bonded or eligible to obtain one? ☒ Yes ☐ No

Are you currently suing or being sued by the City of Weslaco or any of its entities? ☐ Yes ☒ No

Are you related to any member of the Commission? ☐ Yes ☒ No.

If so, to who and how _____

Have you previously served on a City Board? ☐ Yes ☒ No

If so, which board and when _____

Have you ever been elected to public Office? ☐ Yes ☒ No.

If so, which office and when? _____

Do you consent to release the info on this application to the public ☒ Yes ☐ No.

Are you 25 years of age or older? ☒ Yes ☐ No

Timestamp of Receipt:

RECEIVED

FEB 07 2022

BY: [Signature]

The statements I have made on this Application for Service are truthful and I am not disqualified to serve due to nepotism, City of Weslaco Charter or Ordinances of State of Texas laws I understand that if I am appointed to a board I will be expected to participate actively and attend all meetings as necessary. If I am unable to service, I will notify my staff liaison.

Applicant's Signature: Jerry Don Wilson Date: 2-8-2022

RETURN TO: Office of the City Secretary: tel 956.968.3181. fax 956.968.6717 email: nacantu@weslacotx.gov.

Application will be kept on file until the end of the fiscal year. (Sept 30)



Application for Service

City of Weslaco Boards and Committees

Name of Applicant: Ramon Montalvo Email Address: RAMON@MontalvoInsurance.com

Phone Number: (956) 472-6021 Alternate Phone Number: (956) 968-5521

Home Address: 3205 Fern Dr. City: Weslaco Inside City limits: ☒ Yes ☐ No

How many years have you lived at this residence? 1 year - But have lived elsewhere for 40 years in Westlaco area

Mailing Address, if different from home address: P.O. Box 2
Weslaco, TX 78592

What committee/board do you wish to serve on:

Economic Development Corporation

Why do you want to be appointed to this board(s)? Feel that I can use my business experience in guiding the EDC in future endeavors

What value do you believe you will be bringing to the board(s)? Have over 43 years of being in business and have served on many boards including Weslaco Development Committee, President of Hospital, Chamber, School Board, etc

What civic involvement and Business Experience applicable to the position(s) to which you are applying: See Resume Attached

Have you been bonded or eligible to obtain one? ☒ Yes ☐ No.

Are you currently suing or being sued by the City of Weslaco or any of its entities? ☐ Yes ☒ No

Are you related to any member of the Commission? ☐ Yes ☒ No.

If so, to who and how N/A

Have you previously served on a City Board? ☒ Yes ☐ No

If so, which board and when Mid Valley Airport - Current
Weslaco Development Committee - past

Have you ever been elected to public Office? ☐ Yes ☒ No.

If so, which office and when? School Board - W167

Do you consent to release the info on this application to the public ☐ Yes ☒ No.

Are you 25 years of age or older? ☒ Yes ☐ No

Timestamp of Receipt:

RECEIVED

FEB 08 2022

BY: CSD-AV

The statements I have made on this Application for Service are truthful and I am not disqualified to serve due to nepotism, City of Weslaco Charter or Ordinances of State of Texas laws I understand that if I am appointed to a board I will be expected to participate actively and attend all meetings as necessary. If I am unable to service, I will notify my staff liaison.

Applicant's Signature: [Signature] Date: 2/8/22

* Would like to step down from Airport Board if selected for EDC position

RETURN TO: Office of the City Secretary: tel 956.968.3181. fax 956.968.6717 email: nacantu@weslacotx.gov.
Application will be kept on file until the end of the fiscal year. (Sept.30).

3205 Fern Drive
Weslaco, Texas 78596

Phone (956)968-5521
Fax (956)969-9198
E-mail
ramon@montalvoinsurance.com

Ramon Montalvo, III, C.I.C.

Educational Background

- Graduated Cum Laude from University of Texas-Austin with major in Insurance (1978).
- Certified Insurance Counselor (C.I.C.) designation for over 35 years.

Employment

- President and majority owner of Montalvo Insurance Agency, Inc., Weslaco, Texas completing over 40 years in this position.

Professional Affiliations

- Member-Independent Agents of Texas/America
- Member-Independent Agents of the Rio Grande Valley
- Member-Society of Certified Insurance Counselors

Professional/ Community Organizations Involvement

Current:

- Past Chairman and Member of Knapp Community Care Foundation
- Commissioner-Hidalgo County Emergency Services District #1
- Governing Committee-TAIPA
- Treasurer of Knights of Columbus-San Martin De Porres Church
- Advisory Board-Weslaco Airport
- Board Member-Freedom Bank

Past:

- School Board Member-South Texas ISD
- Served on the State Board of Independent Ins. Agents of Texas
- Advisory Board for South Texas Better Business Bureau
- Board Member of the Independent Ins. Agents of Texas
- President-Independent Agents of the Rio Grande Valley (2 Terms)
- President-Weslaco ISD Board (Served 2 Terms)
- President and Board Member-Knapp Medical Center Hospital (9 Yrs.)
- President-Girl Scouts of America Local Council
- President-Weslaco Development Committee
- President-Weslaco Chamber of Commerce
- President-Weslaco Rotary Club
- Chairman of the Board-Tropical Texas Mental Health/Retardation
- Chairman Harvest Night-Annual Hospital Fund Raiser
- Chairman of the IIAT Small & Rural Agencies Committee
- Member of National Task Force on Diversity-I.I.A.A.B.
- Member of IIAT Finance and Budget Committee

**Meritorious
Awards And
Other
Recognitions**

- Member of Diversity Task Force-Independent Agents of America
- SBA Business of the Year (2011)
- Recipient of Five Outstanding Young Texas Award (1987)
- Weslaco Chamber Man of the Year (1986)
- Notable Hispanic of the Valley Award (1996)
- Weslaco Outstanding Citizen for (1999)
- Weslaco Chamber Business of the Year for (2012)
- Weslaco Chamber Lifetime Achievement Award (2020)

**Special Skills
And Areas of
Interest**

General Insurance Knowledge-Concentration in Commercial Coverages.
Specializing in Public Entity and Non-Profit Corporations

Name of Applicant: Hector Solis Email Address: GGfreightLLC@gmail.com

Phone Number: (956) 678-0045 Alternate Phone Number: _____

Home Address: 6413 N. Mile 4 1/2 W City: Weslaco Inside City limits: ☐ Yes ☒ No

How many years have you lived at this residence? 1 Year

Mailing Address, if different from home address: _____

What committee/board do you wish to serve on:

EDC

Why do you want to be appointed to this board(s)? I believe Weslaco has been left behind to what it should be in the Valley

What value do you believe you will be bringing to the board(s)? _____

A business point of view

What civic involvement and Business Experience applicable to the position(s) to which you are applying: I have no civic involvement but have a trucking business in Weslaco from 1990 to 2010

Have you been bonded or eligible to obtain one? ☐ Yes ☐ No.

Are you currently suing or being sued by the City of Weslaco or any of its entities? ☐ Yes ☒ No

Are you related to any member of the Commission? ☐ Yes ☒ No.

If so, to who and how _____

Have you previously served on a City Board? ☐ Yes ☒ No

If so, which board and when _____

Have you ever been elected to public Office? ☐ Yes ☒ No.

If so, which office and when? _____

Do you consent to release the info on this application to the public ☒ Yes ☐ No.

Are you 25 years of age or older? ☒ Yes ☐ No

Timestamp of Receipt:
RECEIVED

FEB 28 2022

BY: QSD-AV

The statements I have made on this Application for Service are truthful and I am not disqualified to serve due to nepotism, City of Weslaco Charter or Ordinances of State of Texas laws I understand that if I am appointed to a board I will be expected to participate actively and attend all meetings as necessary. If I am unable to service, I will notify my staff liaison.

Applicant's Signature: [Signature] Date: 2-10-22



Application for Service

City of Weslaco Boards and Committees

Name of Applicant: JOE DANIEL OLIVARIZ Email Address: [REDACTED]

Phone Number [REDACTED] Alternate Phone Number: [REDACTED]

Home Address: [REDACTED] City: [REDACTED] Inside City limits: [REDACTED]

How many years have you lived at this residence? 8

Mailing Address, if different from home address: [REDACTED]

What committee/board do you wish to serve on:

WESLACO EDC

Why do you want to be appointed to this board(s)? I ENJOY SERVING ON CITY BOARDS, AS I HAVE A VESTED INTEREST IN THE CITY OF WESLACO

What value do you believe you will be bringing to the board(s)?

BOARD EXPERIENCE ON WESLACO EDC

BUSINESS EXPERIENCE ON DEVELOPMENTS THROUGHOUT WESLACO

What civic involvement and Business Experience applicable to the position(s) to which you are applying: REAL ESTATE DEVELOPMENT THROUGHOUT THE CITY OF WESLACO

Have you been bonded or eligible to obtain one? ☒ Yes ___ No.

Are you currently suing or being sued by the City of Weslaco or any of its entities? ___ Yes ☒ No

Are you related to any member of the Commission? ___ Yes ☒ No.

If so, to who and how _____

Have you previously served on a City Board? ☒ Yes ___ No

If so, which board and when WESLACO EDC SERVED WITH HERMAN GONZALEZ AND RECENTLY WITH JOE TRIVINO/MANUE McDERMONT

Have you ever been elected to public Office? ___ Yes ☒ No.

If so, which office and when? _____

Do you consent to release the info on this application to the public ___ Yes ☒ No.

Are you 25 years of age or older? ☒ Yes ___ No



The statements I have made on this Application for Service are truthful and I am not disqualified to serve due to nepotism, City of Weslaco Charter or Ordinances of State of Texas laws I understand that if I am appointed to a board I will be expected to participate actively and attend all meetings as necessary. If I am unable to service, I will notify my staff liaison.

Applicant's Signature: Joe Daniel Olivarez Date: 3/7/22

RETURN TO: Office of the City Secretary: tel 956.968.3181. fax 956.968.6717 email: nacantu@weslacotx.gov.
Application will be kept on file until the end of the fiscal year. (Sept.30).

RESOLUTION NO. 2022-20

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING
ONE MEMBER TO AN UNEXPIRED TERM TO THE BOARD OF
DIRECTORS OF THE ECONOMIC DEVELOPMENT
CORPORATION OF WESLACO**

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term for a member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS the following individual is appointed to serve an unexpired term on the Board of Directors of the Economic Development Corporation of Weslaco.

NAME

TERM ENDING

12/03/2023

PASSED AND APPROVED on this 15th day of March 2022.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5244
From:		
Subject: Discussion and consideration to amend Employee Personnel Policy recommendations for the following: Employee Conduct, Direct Leave Donation, requirements for Employment, Vacation Leave, and authorize the Mayor to execute any related documents. Possible action. (There was no action on February 1, 2022; staffed by Human Resource Department.)		
Background:		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted:		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
Luz Galindo Luz Galindo ANDREW MUNOZ		Created
City Manager Comments: Approve.		
Staff Recommendation:		
Attachments, if any: EMPLOYEE POLICY CHANGES		
Responsibilities upon Approval:		

EMPLOYEE PERSONNEL POLICY RECOMMENDATIONS

EMPLOYEE CONDUCT

Purpose: Insubordination – an employee’s intentional refusal to obey an employer’s lawful and reasonable orders; defiance of authority.

DIRECT LEAVE DONATION

Page 3 Reads: Normal pregnancy and delivery. Time off following the birth of a child is considered normal regardless of the method of delivery and will not be considered for this program unless medical documentation shows complications to the mother or the child after delivery.

Propose: **Remove**

REQUIREMENTS FOR EMPLOYMENT

Reads: A valid Social Security number and proof that the individual is legally authorized to work in the United States

Propose: Two forms of ID to verify the identity and employment authorization of individuals hired for employment in the United States. For purpose of payroll and reporting wages to IRS/Social Security Administration employee must provide a valid Social Security number.

Reads: Posses the mental and physical ability to perform the duties of the job classification with or without reasonable accommodation.

Propose: Must be able to perform the essential functions of the job with or without reasonable accommodation.

VACATION LEAVE

Page 2 Reads: Unused Vacation Leave: Employee hired after October 01, 2008 shall be refunded in full one hundred and twenty (120) hours upon separation of employment, from accumulated vacation leave. Unused vacation leave expendable in the current year shall be paid to the beneficiary or estate of an employee in the event of death.

Propose: Employee hired after October 01, 2008 shall be refunded up to one hundred and twenty (120) hours upon separation of employment, from accumulated vacation leave. Unused vacation leave expendable in the current year shall be paid to the beneficiary or estate of an employee in the event of death.



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5273
From:		
Subject: Discussion and consideration on a joint workshop between Weslaco Economic Development Corporation and the City on Tuesday, April 26, 2022 and authorize the Mayor to execute any related documents. Possible action. (There was no action on March 1, 2022; staffed by Interim City Manager.)		
Background:		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted:		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
ADELAIDA VEGA ANDREW MUNOZ		Created
City Manager Comments: Approve.		
Staff Recommendation:		
Attachments, if any:		
Responsibilities upon Approval:		



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5264
From:		
Subject: Discussion and review of a proposed ordinance consolidating all general provisions regarding standards of appointed boards, committees and ad hoc committees and authorize the Mayor to execute any related documents. Possible action (Staffed by Interim City Manager.)		
Background:		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted:		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
ADELAIDA VEGA ANDREW MUNOZ		Created
City Manager Comments: Discussion and review.		
Staff Recommendation:		
Attachments, if any: Boards and Committees Ordinance - DRAFT for agenda nc		
Responsibilities upon Approval:		

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY OF WESLACO, TEXAS, CONSOLIDATING ALL GENERAL PROVISIONS REGARDING PROCESSES AND STANDARDS FOR CITY COMMISSION APPOINTED BOARDS AND COMMITTEES, AND OTHER RELATED MATTERS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Weslaco, Texas (the “City”), is a home rule municipality authorized by State law and the City’s Charter; and

WHEREAS, it is in the City of Weslaco’s best interest to ensure that all provisions regarding processes and standards governing City boards and committees are consolidated;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

§ Sec. 1-100. Purpose.

The following shall govern the creation and operation of all boards and committees created by ordinance or resolution passed by the City Commission of the City of Weslaco. Unless specified otherwise in this Ordinance or by the City Commission in an ordinance or resolution, these rules are intended to govern those boards and commissions created pursuant to the authority granted by state law, federal law, to the extent not in conflict with state or federal law; City appointees to boards and committees jointly created with the County or any other governmental entity; boards and committees with special membership requirements set out elsewhere within City Ordinance or Resolution, such as but not limited to the Planning and Zoning Commission and the Board of Adjustments; but are not intended to govern those boards and committees created pursuant to the authority granted by the City Charter or those boards or committees whose members are comprised of City employees or to an individual City employee sitting on a board or committee as an ex officio member; or to Commission Committees or Subcommittees.

§ Sec. 2-100. Application.

- (a) All applications shall be submitted to the office of the City Secretary.
- (b) Applications may be submitted at any time to the office of the City Secretary for consideration for appointment.
- (c) Applications for all boards and committees shall be valid for two (2) years after submission. A completed application must be on file in order for an individual to be considered for appointment to a board or committee.

§ Sec. 3-100. Membership.

- (a) Each board or committee shall consist of no more than seven (7) members.

- (b) In order to be qualified to serve, all applicants for boards and committees must be residents of the city and continue such residency during the term of their appointment, if appointed.
- (c) When making appointments to boards and committees, the city shall not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, veteran status, age or disability.

§ Sec. 4-100. Meeting Procedures.

- (a) Boards and committees will conduct meetings in accordance with the latest edition of Robert's Rules of Order, or in accordance with meeting procedures adopted by the board or committee that ensure basic parliamentary procedures are followed.
- (b) Board and committee meetings shall be conducted in accordance with the Texas Open Meetings Act. A majority of the number of seats on the board or committee shall constitute a quorum to convene a meeting; in all other matters upon which the board or committee may vote, a majority of the members in office shall be necessary for adoption. Non-voting members do not count when determining a quorum.
- (c) The pertinent city department shall be responsible for posting the meeting notices seventy-two (72) hours prior to the meeting. The agenda should be posted on the city's website open meetings page.
- (d) Proxy votes are not allowed.
- (e) The pertinent city department shall prepare and maintain minutes of the board or committee meetings. Such minutes shall be maintained in accordance with the city's records retention schedule. All records are subject to the Texas Public Information Act.

§ Sec. 5-100. Attendance.

- (a) If a board or committee member's attendance at regularly scheduled meetings falls below fifty (50) percent on an annual basis from the appointment date, or a member miss three (3) regularly scheduled consecutive meetings, the respective department liaison shall notify the office of the City Secretary. The department liaison shall notify the member in writing that the member will be removed from the respective board or committee, without any further action by the City Commission.
- (b) Such removal shall act as direction to the pertinent department liaison to advertise for applications to the board or committee from which the member was removed. The new member shall serve out the remainder of the term of the removed member.
- (c) A member who is removed from a board or commission for failure to meet the attendance requirement is ineligible to seek appointment to any board or commission for a period of one (1) calendar year from the date of the member's automatic removal.

§ Sec. 6-100. Removal from office.

- (a) All board and committee members serve at the pleasure of the City Commission and may be removed from office at the discretion of the City Commission.
- (b) Requests for removal of a board or committee member must be recommended in writing to the City Commission from the respective Chairperson of the board or committee and directed

to the office of the City Secretary. The department liaison may advertise for applications to the board or committee from which the member was removed. Once appointed by the City Commission; the new member shall serve out the remainder of the term of the removed member.

§ Sec. 7-100. Resignations.

- (a) All resignations should be in writing, filed with the office of the City Secretary, and state the specific date of resignation and the name of the board or committee from which the member is resigning.
- (b) All resignations shall take effect upon receipt by the office of the City Secretary and without any further action by the City Commission, shall constitute an automatic removal from the board or committee. The new member shall serve out the remainder of the term of the resigned member.

§ Sec. 8-100. Information on boards and commissions.

- (a) Informational material, which includes current data about all boards and committees, will be available to prospective appointees in the office of the respective department.

§ Sec. 9-100. New member orientation.

- (a) Orientation will be provided to all newly appointed board and committee members by the pertinent city department. Specific information on policies and procedures for the respective board or committee will be provided at that time by the pertinent department.
- (b) Board and committee members must be kept abreast of all issues related to the board or committee and its responsibilities.

§ Sec. 10-100. City commission ad hoc committee on boards and committees.

- (a) The office of the City Secretary shall maintain a list of all city boards and committees. Periodically, the city secretary department may review all city boards and committees for sunset, consolidation, or other recommended change.

§ Sec. 10-100. SEVERABILITY CLAUSE.

- (a). It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

§ Sec. 11-100. EFFECTIVE.

- (a) This Ordinance shall take effect immediately from and after its date of final passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission on this the ____ day of _____, 2022.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission on this the ____ day of _____, 2022.

CITY OF WESLACO

BY: _____
David Suarez, **MAYOR**

ATTEST:

BY: _____

Norma A. Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:

BY: _____
Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2021-4998	
From:			
Subject: Discussion and review of the amended Airport Rules and Regulations and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.)			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Paloma Quintero ANDREW MUNOZ ANDREW MUNOZ		Created	
City Manager Comments: Discussion and review.			
Staff Recommendation: Staff recommends approval.			
Attachments, if any: Rules and Regulations_Draft 5.11.20			
Responsibilities upon Approval:			



**Rules and Regulations
Mid Valley Airport
Weslaco, Texas**

Weslaco Mid Valley Airport General Aviation Airport Operating Rules and Regulations Revision Log

[illegible]

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Abbreviations and Definitions

The words and phrases included within this section should be understood as defined below with respect to Rules and Regulations documentation, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 et seq. (previously known as the Federal Aviation Act of 1958, hereinafter cited as “FAA Act”) and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases.

Abandoned - as applied to property, other than Aircraft, left at the Airport, means that the object has been left on City property or the property of another without consent of the Airport Director for forty-eight (48) hours without the owner moving or claiming it. Such property may be impounded by the City in order to protect the safe operation of the Airport.

Abandoned Aircraft – A discarded, dismantled, wrecked, scrapped or ruined aircraft remaining on Airport property for more than thirty (30) days (unless in an enclosed building). This shall include aircraft that are not considered airworthy (unless at the Airport for the purposes of an annual inspection and/or repair) or do not hold a current registration.

Accident - a collision or other contact between any part of an Aircraft or a vehicle, person, stationary object or other thing which results in property damage, personal injury, or death; or an entry into or emerging from a moving Aircraft or vehicle by a person which results in personal injury or death to such person or some other person or which results in property damage.

Aeronautical Activity or Service - Any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations, such as air taxi, cargo and charter operations, scheduled or nonscheduled air carrier services, pilot training, aircraft rental, flying clubs, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and service, aircraft storage, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, avionics, parachute activities, ultralight activities, etc.

Aeronautical Service - Any service which involves or makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the airport by a person who has a lease, license or permit from the City to provide such service.

Air Traffic - Aircraft in operation anywhere in the airspace and an area of the Airport normally used for the movement of Aircraft.

Air Operations Area (AOA) - That area of the airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. The AOA includes the active runways, taxiways, taxi lanes, aprons, ramps and turf areas. Part of the AOA may be within restricted and/or secured areas.

Aircraft - (also Airplane, Balloon, Ultralight, Helicopter) any device or contrivance now known or hereinafter invented, that is used or intended to be used for flight in the air.

Aircraft Accident - Any occurrence associated with the operation of an aircraft, which takes place between the time any person boards the aircraft with the intent of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

Aircraft Emergency - A problem or condition involving an aircraft in flight or on the ground that could endanger lives or property.

Aircraft Incident - Any occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations.

Aircraft Maintenance - The repair, adjustment or inspection of an aircraft by a pilot, owner or mechanic other than the routine cleaning, upkeep and servicing of an aircraft in preparation for flight. Minor repairs are characterized as normal, routine annual inspection with attendant maintenance, repair, calibration or adjustment or repair of aircraft and their accessories. Major repairs are characterized as major alterations to the airframe, power plant, propeller and accessories as defined in Title 14 CFR Part 43.

Aircraft Operation - An aircraft takeoff, landing, touch and go, stop and go, low approach and/or missed approach.

Aircraft Ramp - See Apron

Aircraft Support and Service Vehicles - Those motor vehicles routinely used on the AOA for service, maintenance and aircraft support such as maintenance trucks, fuel trucks, and aircraft towing vehicles. Privately owned vehicles operated by persons with based aircraft are excluded.

Airplane - See Aircraft

Airport - All areas of the City-Owned airport facilities designed and used for aviation purposes.

Airport Director - The Director of the City-Owned airport or his/her designee. The term Airport Director as used herein, shall include airport personnel duly designated to represent the Airport Director and to act on behalf of the Airport Director for the enforcement of these regulations to ensure the efficient, proper and safe operation of the airports, but only to the extent authorized by law or properly delegated by the Airport Director.

Apron - An area of the airport designated for aircraft surface maneuvering, parking, fueling, servicing and enplaning/deplaning of passengers.

APU - Auxiliary Power Unit.

Airport Layout Plan (ALP) - The current layout plan of the airport property and facilities, indicating current and proposed usage for each identifiable segment, as approved and amended by the FAA, TXDOT and/or the City of Weslaco.

Air Traffic Control (ATC) - A service provided by the FAA to promote the safe, orderly and expeditious flow of air traffic.

Air Traffic Control Tower (ATCT) - The facility from which the FAA or FAA contract personnel provide air traffic control services.

Aviation Related Activity - Any activity conducted on airport property that provides service and support to airport users. The following examples are considered aviation related activities as opposed to aeronautical activities: they include but are not limited to ground transportation, rental cars, restaurants, auto parking lots, gift shops and concessions.

AVGAS - Any FAA approved aviation fuel for non-diesel reciprocating engine powered aircraft.

AVJET - Any FAA approved aviation fuel for turbine engine or diesel powered aircraft.

Balloon - See Aircraft

Based Aircraft - Any aircraft: (1) which the owner physically locates at the Airport with no present intention of definite and early removal and with the purpose to remain for an undetermined period; (2) which, whenever absent from the Airport, its owner intends to return to the Airport for permanent storage or parking; and (3) whose presence on the Airport is something other than merely transitory in nature.

Based Location - the location on the Airport that is listed as an Aircraft's hangar, shade or tie down location as registered with the Airport Director.

Based Commercial Activity - the conduct of any aspect of a business, concession or service in order to regularly provide goods or services to customers at the Airport for compensation. An activity is considered a commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt.

Business Aviation - Use of aircraft in the furtherance of corporate or business interests.

City – Herein refers to the City of Weslaco.

CFR - Code of Federal Regulations

Commercial Operator - Any person or entity engaged in the transfer of goods, operations, or services performed for compensation, monetarily or otherwise, excepting those activities specifically designated herein as noncommercial activities.

Corporate Aviation - Use of aircraft in the furtherance of corporate or business interests. Corporate aircraft are typically flown by a professional flight crew.

Commercial Operator Permit - The legal agreement between the City and a commercial aviation business provider that may or may not be a tenant of the airport that authorizes the commercial aviation firm to conduct business on the airport and identifies the parameters, conditions, rates and charges due to the City for that right.

DMV - State of Texas Department of Motor Vehicles

Emergency Vehicles - Vehicles that are painted, marked, lighted or escorted and used by law enforcement (police, highway patrol or sheriff) or security officers, fire department, ambulance, military or other airport officials to carry out their daily duties or used in response to an emergency situation.

Engine Run-up - The operation of an engine at power settings in excess of those needed for normal taxiing of the aircraft. Engine run-ups are usually conducted at relatively high power settings in order to determine the performance of an aircraft engine.

Engine Run-up Areas - Areas designated by the Airport Director where high power settings of an aircraft engine are approved.

FAA - Federal Aviation Administration

FAR - Federal Aviation Regulation(s) established by the Federal Aviation Administration.

Fixed Base Operator (FBO) - A commercial aviation business entity, which maintains facilities on the airport for the purpose of engaging in the retail sale of, or providing one or more of the following:

Aviation fuel, oil or lubricants; the sale, brokerage or storage of aircraft; rental of aircraft; flight instruction and training; aircraft charter; airframe and power plant (engine) repair; avionics sales and service, and/or aircraft line services.

Fundamentally, an FBO is also defined as an airport-based aircraft service organization which operates under a lease or use agreement with an airport sponsor or operator for the specific purpose of providing a full variety of aviation services. Mid Valley Airport, through its minimum standards, may define a range of FBO agreements from limited service to full service FBO. Typically, a full service FBO would offer aircraft retail fuel service, transient aircraft services, airframe and power plant repair, charter services, aircraft rental and pilot training.

Flying Club - A non-commercial organization established to promote flying, develop skills in aeronautics, including pilot training, navigation, and awareness and appreciation of aviation requirements and techniques.

F.O.D. - Foreign Object Debris or Damage: Foreign Object Debris includes trash, and any item on the ramp or airfield that is out of place and potentially hazardous to aircraft operation. Foreign Object Damage is any damage caused to an aircraft by foreign object debris.

Fuel Flowage Fee - A fee paid to the City for each gallon of fuel distributed on the airport as outlined in the Lease and Operating agreement.

Fueler Endorsement - A motor vehicle operator who has taken and successfully completed the necessary training to transport, dispense or otherwise handle aviation fuel products in accordance with all applicable federal, state and local rules and regulations, including the rules and regulations of the 14 CFR Part 139, if applicable.

Fuel Handling - The storage, transportation, delivery, dispensing, fueling, de-fueling, and draining of aviation or motor vehicle fuel or waste aviation or motor vehicle fuel products.

Fuel Storage Area - Those locations on the airport designated in writing by the Airport Director as areas in which aviation or motor vehicle fuels or any other type of fuel may be stored and used for the delivery of bulk fuels by a wholesaler or reseller of fuels.

Fueling Agent - A business licensed and authorized to dispense fuel into an aircraft storage facility or to accept delivery of fuel from a major oil company, fuel wholesaler or reseller at the fuel tank storage facility farm approved by the Airport Director. At the fuel storage facility, the fueling agent will further dispense fuel from the fuel storage tanks into mobile fuel servicing vehicles usually associated with an airport FBO's facility licensed by the Airport.

Full-Service Fixed Base Operator - A proprietor of a commercial operation offering a full-range of defined aeronautical activities and services to the general public. Only Full-Service Fixed Base Operators are permitted to commercially sell and dispense aviation fuel and petroleum products on the Airport.

General Aviation - all phases of aviation other than Aircraft manufacturing, military aviation, and scheduled or non-scheduled commercial operations.

GSE - Ground Support Equipment

Hangar - An enclosed storage space for one or more aircraft.

Hazardous Material - Any substance or material which has been determined to be capable of posing risk of injury to health, safety or property, including petroleum products, and including all of those materials and substances designated as hazardous or toxic, presently or in the future, by the U.S. Environmental Protection Agency, the Texas Commission on Environmental Equality, the U.S. Department of Labor, the U.S. Department of Transportation, the U.S. Department of Agriculture, the U.S. Consumer Product Safety Commission, the U.S. Department of Health, Education and Welfare, the U.S. Food and Drug Administration, and any other governmental agency authorized to regulate materials and substances in the environment.

Landside - All buildings and surfaces on the airport used by surface vehicular and pedestrian traffic that are located outside of the airport security fence.

License - An agreement granting occupation or use of property during a certain period in exchange for a specified rent.

Licensee - Any person, firm, general or limited partnership, corporation, company, organization, trust, or association leasing or using any land or facility at the Airport.

Movement Area - Those areas of the airport under the control of the air traffic control tower including runways, taxiways, and helipads designated and made available for the landing, takeoff, and taxiing of aircraft and which require a clearance from the air traffic control tower prior to entering those areas.

MPH - Miles per hour.

Noncommercial Operator - Any person or entity engaged in an activity which does not involve the providing of goods or services for compensation, monetarily or otherwise. This includes the lawful use

and maintenance of aircraft by its registered owner(s) or employees and the following activities specifically designated as noncommercial:

- Use of privately-owned aircraft for noncommercial transportation.
- Use of corporately-owned aircraft for noncommercial transportation.
- The use of aircraft from a noncommercial flying club by its registered owner/members.
- Flight instruction provided to a noncommercial flying club owner/member by another owner/member provided that the instructor shall not receive remuneration in any manner for such service.
- Maintenance performed on an aircraft owned by a noncommercial flying club by an owner/member of that flying club, provided that the mechanic shall not receive remuneration in any manner for such service.

Non-movement Area - Those areas of the airport where aircraft taxi, or are towed or pushed without radio contact with the air traffic control tower or with other aircraft.

NOTAM - Notice to Airmen as issued by a representative of the Airport Manager, FAA, Air Traffic Control Tower or other authorized official.

NTSB - National Transportation Safety Board

Open Hangar - A structure intended to provide shade for a parked aircraft but which is not a fully enclosed storage space.

Park or parking - the standing of an Aircraft or vehicle, whether occupied or not.

Permit - A written authorization issued by the Airport Director to engage in certain specific activities or the temporary use of certain areas or facilities at the airport.

Person - Shall mean an individual, firm, general or limited partnership, corporation, company, trust, limited liability corporation, association, or any trustee, receiver, assignee or similar representative thereof leasing, subleasing, making application for, or using any land or facility at the airports.

POV - Privately owned vehicle.

Public area - those areas normally used by the general public, including but not limited to roadways, sidewalks and parking facilities that are maintained at the Airport for use by the general public.

Ramp - See apron.

Restricted Area - Those portions of the airport closed to access by the general public.

Roadway - any street or road within the boundaries of the Airport and set aside or designated for use by vehicles.

Secured Area - That portion of the air carrier apron which is restricted to ticketed passengers who have been processed through security screening, and authorized airline, FBO and Airport personnel associated with air carrier operations.

Self-Fueling - Fueling of an aircraft on airport property, performed by the aircraft owner or operator in accordance with the airport's standards or requirements and using fuel obtained by the aircraft owner from the source of his/her preference.

Self-Service Fueling - Fueling of an aircraft by the pilot using fuel pumps installed for that purpose. The fueling facility may or may not be attended by the owner/operator of such a facility. The use of this type of facility is not considered to be Self-Fueling.

Substantial Damage - Damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage."

TSA - Transportation Security Administration

Taxilane - An area of the airport developed and improved for the purpose of maneuvering aircraft and used for access between taxiways, ramps, aprons, and aircraft parking positions.

Taxiway - a defined path established for the taxiing of Aircraft from one part of the Airport to another.

Terminal - The primary facility or facilities at an airport through which pilots and passengers transition between aircraft and local transportation modes.

TXDOT - Texas Department of Transportation

Traffic pattern - the traffic route that is prescribed for Aircraft landing at, taxiing on, or taking off from the Airport.

Transient Aircraft - Any aircraft not permanently based at the airport.

Tie-Down (or Open Tie-Down) - An open-air aircraft storage space.

Vehicle - means a device, except Aircraft, in, upon, or by which any person or property is or may be propelled or moved, except a device moved by human power.

Vehicle parking area - any portion of the Airport designated and made available temporarily or permanently by the City for the parking of Vehicles.

SECTION 1 – General Provisions

1.1 Authority

These rules are promulgated under the power granted to the City of Weslaco under Texas REV.CIVIL STATUTES ANN. ART. 46-7.

1.2 Rights Reserved

The City of Weslaco reserves the right to make additions, deletions, or corrections to these rules and regulations which may be deemed necessary for the safe operations of the Mid Valley Airport, Weslaco, Texas.

1.3 Validity

The voiding, suspension, or invalidation of any rule of regulation herein shall not affect the validity of the remainder of the rules and regulations.

1.4 Applicability

All individuals, pilots, operators, companies, business organizations and agencies using the airport property for any purpose are subject to these regulations.

1.5 Enforcement

The City of Weslaco and/or its authorized representative(s) are empowered to enforce these rules and regulations.

1.6 Exemptions, Modifications, Suspension of Rules

Any and all airport regulations may be exempted, modified or suspended by the City of Weslaco.

1.7 Preservation of Airport Property

No person shall:

- a. Destroy, cause injury, deface, or disturb, in any way, any building, sign, equipment, marker, structure, lawn, or public property on the airport;
- b. Trespass on airport property without prior approval of the city;
- c. Abandon personal property on the airport;
- d. Interfere with, tamper with, or cause injury to any part of the airport or any of its equipment;
- e. Interfere or tamper with any aircraft or equipment within the airport.

1.8 Liability

The City of Weslaco, its employees and representatives assume no responsibility for loss, injury, or damage to persons, property by reason of fire, theft, vandalism, wind, flood, earthquake, or collision

Damage, nor does the city assumes liability for injury to persons while on the airport, or while using its facilities.

1.9 Alcoholic Beverages/Narcotics/Controlled Substances

- A. All current local, state, and Federal laws regarding use of alcoholic beverages, narcotics and controlled substances shall apply on any airport property, as well as during the operation of any motor vehicle or aircraft.
- B. No person under the influence of liquor or narcotic drug(s) shall operate a motor vehicles or aircraft of any kind on the Airport.

1.10 Right of Entry

The City of Weslaco shall have the right to limit access to airport property to tenants, guest(s) and those conducting legitimate business with business located on airport property. To ensure security and control access, the City of Weslaco shall fence the airport property allowing access only through approved gates. ~~These gates can allow access to either vehicles or pedestrians. Electric gate codes or access cards shall be provided to tenants of the airport paying rent to the City of Weslaco. It is the responsibility of the tenant to maintain the security of the code or access card.~~

The City, the Director of Aviation or his/her representative may grant access to airport property to those, other than tenants, at their discretion. ~~The general public will have access to the airport through a pedestrian gate located at the terminal building.~~

The City of Weslaco shall have the right of entry, at reasonable times, for conducting inspections, repairs, maintenance and modifications of all rooms and hangars. Building and areas on airport property, as provided for in its lease agreements.

1.11 Construction or Alteration

Construction work, or alterations, other than minor repairs or maintenance, shall not be performed without written permission from the City and will comply with applicable codes and ordinances.

1.12 Restricted Access

No person shall enter any restricted area on the airport, posted as being closed to the public, except where entry is granted by written permission of the City.

1.13 Sanitation

- A. No person shall dispose of garbage, papers, refuse or other waste material on the airport, except as provided by City ordinance and these regulations;
- B. No trash or refuse will be burned on airport property at any time without the consent of the Aviation Director and the Fire Chief and/or Fire Marshall.

1.14 Solicitations

Solicitation on the airport for any purpose without a valid permit from the City is prohibited.

1.15 Conduct of Business or Commercial Activity

No person shall engage in any commercial business activity at the airport without first obtaining written authorization by the City of Weslaco.

1.16 Demonstrations, shows and other Exhibitions

No person shall engage in any show, demonstration or exhibition without prior written permission from the City of Weslaco. In the event injuries, damages or claims might result from such activities shall be submitted to the city prior to such event, and the City of Weslaco, the airport advisory committee and all officials thereof, shall be held harmless and indemnified from all claims by the sponsor of such event.

1.17 Lost Articles

Any person finding lost articles on the airport shall deposit them at the airport terminal building office. Articles unclaimed after 60 days by the owner may be returned to the finder, or otherwise legally disposed of by the City.

1.18 Signs

No signs shall be erected on airport property, placed on the exterior of any building or structure, or installed at any location on the airport without written authorization and approval by the City. Any noncomplying sign installed may be removed at the City's option. The sign owner will be given notice by the City to remove such sign within a specific time. In the event that the sign has not been removed at the expiration of such period, the City will take action to remove the sign, with any costs incurred for the removal process assessed to the sign owner.

1.19 Construction of Airport Improvements

All improvements constructed on the Mid Valley Airport must be approved and authorized by the City of Weslaco, and must comply with all applicable codes, ordinances, regulations and statutes. Approval must be obtained through normal construction, modification, rehabilitation, or alteration of any property, facility, feature or component of the airport shall be undertaken until the approval process has been completed.

1.20 Demolition or Removal of Property

No facilities, airport improvements, equipment or other features of the airport shall be demolished or removed from the airport premises without authorization and approval of the City of Weslaco. Examples include but is not limited to: hangars, building foundations, interior office space, fire extinguishers, furniture, tug, tow bars, etc.

1.21 Abandoned Property

Property abandoned on Mid Valley Airport, including aircraft, automobiles, equipment, structures or any other tangible possession shall be impounded by the City of Weslaco, and shall be appropriately removed or secured so as to protect the interest of the City and to ensure the proper disposition of the property. The property will be retained or disposed of in accordance with the applicable ordinances, statutes, and laws prevailing in such matters. Expenses incurred in the removal or securing of such abandoned properties shall accrue to the owner of the property if known.

1.22 International Flights Prohibited

No aircraft shall utilize the Mid Valley Airport for international arrivals unless special arrangements have been made to comply with US Customs and Border Protection.

1.23 Incapacitated and Damaged Aircraft

In the event that an aircraft is incapacitated or damaged at the Mid Valley Airport, the owner and/or operator of the aircraft shall promptly notify the City of Weslaco of the circumstances and will promptly remove the aircraft from the operational areas of the airport. The owner and/or operator shall also promptly notify FAA of the circumstances if the incapacitation or damage is the result of an accident, pursuant to applicable Federal Aviation Regulations.

1.24 Firearms on Airport

No person, except duly authorized law enforcement officials having jurisdiction, members of the US Armed Forces on official duty and/or licensed individuals, shall be authorized to carry firearms on the Airport. Discharge or firearms on the airport, for any purpose, is strictly prohibited.

1.25 Penalties

Penalties for violations of the airport rules and regulations as contained herein, or as amended, will be determined as appropriate by the Airport Director, unless such violations also include City Ordinances or state or federal laws and in which case, appropriate legal penalties will be sought. Appropriate penalties for violation of the airport rules and regulations may include, but are not limited to denial of use of the airport and its facilities, and/or revocation of privileges, permits or authorization to conduct business and/or termination of lease agreement(s).

SECTION 2 – AIRCRAFT OPERATIONS

2.1 Suspension of Airport Operations

The City of Weslaco, acting through its authorized representative(s), may suspend airport operations if such action is considered to be in the best interest of the City and using public. Such suspension of operations shall prevail until the suspension is lifted by the appropriate authority.

2.2 Compliance with Federal Aviation Regulations

All aircraft operations conducted on Mid Valley airport, or within its traffic pattern, including approaches and departures, will be in strict adherence to all applicable Federal Aviation Regulations. **All approaches and departures shall be announced via radio communication (Unicom Channel). Refer to Section 2.8 for Unicom.**

2.3 Operation Qualification

Aircraft operated on or flown to or from Mid Valley Airport shall be under the direct control of properly certified and appropriately rated pilots, and shall include student pilots with proper authorization. Aircraft that are to be operated for ground operations only, such as maintenance or other legitimate reasons may be operated by personnel properly qualified to run engines and taxi aircraft for such purposes.

2.4 Use of Runways Required

All aircraft landing of taking off from Mid Valley Airport shall use only the approved runway for such purpose. No landings on taxiways, aircraft parking aprons, or turf areas on the airport without special authorization by the City of Weslaco, acting through their designated representative(s). Helicopters shall utilize designated areas.

2.5 Touch and Go Landings

Touch and Go landings are authorized at Mid Valley Airport if such operations can be conducted safely and without hazard to others. The traffic pattern altitude shall be as defined in Paragraph 2.7 of these rules and regulations.

2.6 Aircraft Departure Procedures

All pilots departing Mid Valley Airport shall visually check the traffic pattern and final approach in use for arriving aircraft, as well as announce tail number and intentions on common air frequency, prior to taxing onto the runway for takeoff. All aircraft departing Mid Valley Airport shall maintain runway heading after take-off and climb to an altitude of 400' above ground level (AGL) and execute a 90 degree turn to the left. To depart the traffic patterns, the aircraft shall execute a 45 degree climbing turn to the right upon reaching an altitude of 500' AGL.

2.7 Traffic Pattern Altitude

The traffic pattern altitude for Mid Valley Airport has been established at 1,000' (one thousand feet) above ground level for propeller driven aircraft weighing less than 12,500 pounds, Traffic pattern altitude for all jet aircraft and aircraft weighing over 12,500 pounds is 1,200' AGL. Aircraft landing at Mid Valley Airport, including touch and go traffic, shall establish and maintain the appropriate traffic pattern altitude before entering the traffic pattern. Aircraft operating within three miles of the airport at an altitude of less than 1,500' AGL shall conform to the flow of traffic.

2.8 Use of Unicom for Traffic Advisors ~~Encouraged~~ Mandatory

The use of Unicom frequency 122.8 (MHZ) for arrival and departure traffic advisories is ~~encouraged~~ mandatory. The service is for advisory purposes only and does not constitute any form of air traffic control by the City of Weslaco.

2.9 Unicom Calls Suggested

Calls ~~should~~ shall be initiated immediately prior to take off for departing aircraft, and immediately prior to entering traffic for arriving aircraft. Announcement of position, altitude and pilot's intentions should be made.

2.10 Information Request

If information is requested from the Weslaco Unicom concerning airport traffic, wind information, or other data relative to aircraft operations, it is understood that such information is offered as a courtesy, is advisory in nature, and does not constitute any form of airport or air traffic control.

2.11 Use of Straight-In Approaches

Normal traffic patterns and approach procedures shall be used at all times, unless variations are authorized in writing by the City of Weslaco, acting through its designated representatives.

2.12 Flight Training Activities

All flight training activities conducted from Mid Valley Airport shall be in accordance with all applicable Federal Aviation Regulations and will comply with the rules and regulations herein.

2.13 Flight Instructor's Qualification

Flight instruction shall be given only by appropriately qualified and rated instructors.

2.14 Student Flights

No student or person receiving such instruction shall operate an aircraft from the airport unless the instructor is satisfied of individual's competence to do so, and has appropriately entered certification in the individual's pilot logbook. Student pilots must be thoroughly instructed in all aircraft procedures on the ground, approach and other basic operational procedures.

2.15 City Responsibility for Student Activity

The City of Weslaco assumes no responsibility for damages or injuries incurred during flight instruction or student pilot activities.

2.16 Use of Airport Restricted

Use of Mid Valley Airport shall be restricted to aircraft registered and certified airworthy by the Federal Aviation Administration or its foreign equivalent, and US Department of Defense and which are operated by certified or duly authorized student pilots, appropriately rated for the aircraft.

SECTION 3 – GROUND OPERATIONS

3.1 Taxing of Aircraft

Aircraft shall be taxied only on approved taxi surfaces authorized for aircraft use by the City of Weslaco.

3.2 Taxi Qualified

Aircraft will only be taxied by qualified personnel.

3.3 Taxi Speed

Aircraft will not be taxied at excessive speed.

3.4 Taxi Hazard

Prior to initiating the taxi, the individual operating the aircraft will ascertain that no hazard exists to other aircraft or facilities nearby and will ensure that prop or jet blast will not cause damage to aircraft or facilities behind the aircraft. **No parking shall be allowed in Taxi areas.**

3.5 Use of Wing Walkers Required

Aircraft not equipped with brakes will not be taxied near other aircraft or objects unless qualified individuals are assigned as wing walkers during such procedures.

3.6 Taxi onto Active Runway

No aircraft shall be taxied onto the active runway for takeoff until the pilot has **announced his position/location via radio and has** determined that the runway is clear and that no aircraft are on final approach to the landing.

3.7 Aircraft Parking

Aircraft will be parked only in designated and approved areas as specified by the City of Weslaco. ~~Authorization to park in locations other than the specified parking areas must be obtained, from the Aviation Director, in writing.~~

3.8 Adequacy of Parking Area

Aircraft will be parked only in areas that are equipped with adequate tie downs, appropriate to the type and size of aircraft to be parked.

3.9 Emergency Parking

Aircraft will not be parked or left unattended in any location that would be determined to be a hindrance to the normal movement of other aircraft unless an emergency condition exists. In such event, the pilot of the aircraft will immediately notify the City of Weslaco of the situation and will fully advise the City's representatives of all pertinent circumstances.

3.10 Aircraft Restrained

Aircraft will be parked with wheel chocks in place and properly tied down to ensure that the aircraft will not be moved by jet or prop blasts or wind.

3.11 Tie Down of Aircraft

All aircraft now hangered at Mid Valley Airport shall be securely tied down at night and during threatening weather, if not properly secured with hangars.

3.12 Transient Tie Down and Hanger Fees

Transient aircraft remaining overnight shall pay fees in accordance with the fee schedule approved by the City of Weslaco and posted in the Airport Operations office. Payment fees will be in accordance with paragraph 7.9 of the airport rules and regulations.

3.13 Aircraft Engine Runs

No aircraft shall be allowed to run in place for purpose of run-up or other maintenance function unless the aircraft is adequately restrained through the use of parking brakes, wheel chocks, or other suitable means.

3.14 Qualifications for Engine Run

No aircraft will be started or allowed to run without a qualified pilot, aircraft mechanic or other suitable qualified person inside the aircraft.

3.15 Starting Engines in Buildings Not Allowed

Aircraft engines shall not be started or allowed to run inside any building.

3.16 Prop or Jet Blast Hazard

No aircraft shall be started or run unless it has been determined, by the operator, that the propeller or jet blast will not create hazard to other aircraft or facilities nearby.

3.17 Time of Day for Engine Runs

All extended engine runs, for such purpose maintenance run-ups, engine trim, or other such purpose, will be conducted during the hours of 6 a.m. and 9 p.m. No extended engine runs, except those required before normal aircraft take-off, shall be permitted during the hours of 9 p.m. and 7 a.m. daily.

SECTION 4 – FIRE SAFETY

4.1 Fire Prevention

All users of the Mid Valley Airport, or of the facilities of the airport, in any way, shall exercise the utmost care to guard against fire and injury to persons or property and will comply with all city ordinances, codes and regulations relative to fire and safety and prevention, including NFPA and State Insurance Board requirements.

The following specific activities which may create fire hazards are prohibited:

- a. Storing or stocking materials or equipment in such a manner as to restrict ingress or egress from a building, restrict access to a fire extinguisher, or constitute a fire hazard.
- b. No person shall operate/use a propane or charcoal type barbeque inside an aircraft hangar, within 50 feet of any aircraft, fuel facility, or fuel truck and without written permission from the Airport Director.
- c. Keeping or storing flammable liquids, gases, fuels, oils, signal flares, or other similar materials in the hangars or in any building on the airport except that such materials may be kept in an aircraft in the proper receptacles installed in the aircraft for such purpose; or as may be kept in rooms, containers or receptacles specifically designed for storage of such materials. Oils, aviation fuels or unleaded gasoline may be stored in approved containers in quantities not to exceed five gallons provided such fuel is for the exclusive use of either the aircraft or ground support equipment assigned to the hangar in which it is stored.
- d. Excluding airport operations personnel repair of airport facilities, operating a flame or spark producing device on any part of the airport except in approved areas within FBO leased premises is prohibited, unless authorized in advance by the Airport Director. No open flame/fire shall be authorized within any aircraft hangar, any on-airport fuel storage area, or upon any components of the fuel distribution system, unless the work is required for the repair of such areas or hangars. Where such repair is required, written permission shall first be obtained from the Airport Director and shall be subject to conditions that may be imposed by the Airport Director.
- e. Hangar entrances must be clear in a manner such that emergency or fire/rescue personnel and equipment can immediately access the hangar without hindrance.

4.15 Fire Equipment

No person shall tamper with any fire extinguisher equipment or airport fire protection systems or use the same for any purpose other than firefighting or fire prevention.

4.2 Smoking and Use of Flammable Materials

No person shall smoke, set matches, lighters or other devices capable of causing fire, in any location of the airport in areas in which smoking or the devices are specially prohibited.

4.3 Obstruction of Doors

Aircraft shall not be parked in front of hanger doors, or in such a manner as to restrict evacuation in case of fire. This shall also apply to all motorized vehicles and materials which cause an obstruction.

4.4 Fueling and Defueling Aircraft

No aircraft shall be fueled or defueled on the airport while the engine is running or while in an enclosed place. Fueling shall be through a metal lined hose with continuous metallic contact established between the discharge nozzle, metal lining of hose, main fuel tank, or fuel lines, to ensure a proper ground.

4.5 Heating of Oil

The heating of oil on the airport shall be restricted to approved hot air, steam, hot water, or approved electrical heaters. No open flame may be used for this purpose.

4.6 Engine Preheating

Preheating of engines on the airport shall be restricted to commercially designed and approved engine heaters, operated in accordance with manufacturer's recommendations.

4.7 Cleaning Parts

The cleaning of engine components or the parts of aircraft shall be with non-flammable solvents unless the aircraft part or component being cleaned is located a safe distance from other aircraft or buildings. If volatile, flammable liquids are employed for this purpose, cleaning operations shall be carried on in the open air at a location designated by the Airport, or in a separate space located in a repair shop section, and separate from storage and operational areas.

4.8 Aircraft Painting/Refinishing

Aircraft painting or refinishing shall be accomplished in a separate, detached, incombustible building which may include a paint shop. Where such a building is not feasible, the process may take place in a space located in a repair shop section of a hanger, providing that building or space shall be constructed in accordance with the requirements of the National Board of Fire Underwriters and shall be protected with either a system employing a fire retardant chemical or gas.

4.9 Storage of Paint and Chemicals

Storage of paint, chemicals, volatile and inflammable materials shall be in strict compliance of city codes, ordinances and statutes. Paint and chemicals storage areas must be approved by the City prior to initiating such storage.

4.10 Hanger Floors

Floors shall be kept clean and free from oil. The use of volatile flammable solvents for cleaning floors is prohibited.

4.11 Empty Containers

All empty oil, paint and varnish cans, bottles or other containers, shall be removed immediately from premises, and not allowed to remain on floor, enclosed spaces, or overhead storage areas of hangers, shops, and other buildings.

4.12 Disposal of Trash and Refuse

No trash or refuse shall be permitted to be stored in or about hangers, except in proper receptacles provided for such purpose.

4.13 Disposal of Liquids

No fuels, oils, dopes, paints, solvents, toxic chemicals, or acids shall be disposed of, or elsewhere on the airport. Disposal must comply with all EPA/FAA requirements. Holding facilities must be approved by the City and waste removed to an approved disposal facility.

4.14 Flammable/Corrosive/Toxic Materials

Aircraft fuel, auto fuel, solvents, thinners, or other flammable liquids, explosives, toxic or highly corrosive substances shall not be stored in the hangers on the aircrafts fuel tanks. Storage of such materials must be in strict accordance with applicable fire and building codes of the City of Weslaco.

SECTION 5 – AIRCRAFT FUELING AND DEFUELING

5.1 Fueling Not Allowed with Engines Running

Aircraft shall not be fueled or defueled with engines running or while heated by application of exterior heat.

5.2 Fueling Operations during Storms

Aircraft shall not be fueled or defueled during an electrical storm.

5.3 Smoking while Fueling

Smoking is prohibited within 200' of an aircraft being fueled or defueled.

5.4 Operations of Electrical Equipment

No radio transmitter or other equipment in an aircraft shall be operated without being equipped with a proper grounding device.

5.5 Grounding of Dispensing Equipment

All hoses, funnels, and equipment used in fueling and defueling operations shall be equipped with proper grounding device.

5.6 Grounding of Aircraft

Before commencement of fueling and defueling, aircraft will be positively grounded. A grounding cable shall be used between the aircraft and the approved ground rod. The ground cable shall be of flexible, durable material. The grounding clip on the end of the grounding cable should be connected to bare, unpainted metal on the aircraft; however, the grounding clip should not be attached to the aircraft's propeller or radio antennas.

5.7 Fueling Hoses and Equipment

Fueling hoses and equipment shall be maintained in a safe, sound and non-leaking condition and shall be approved by the National Board of Fire Underwriters or Equivalent standards.

5.8 Fuel on Ground

No person shall start the engine of an aircraft when there is fuel other than pre-flight inspection drainage, on the ground under the aircraft.

5.9 Fire Extinguisher Required

Adequate fire extinguisher shall be immediately available during fueling or defueling aircraft. All extinguishers shall be inspected and recertified as required by the City and State Statues. Persons engaged in fueling or defueling shall be trained in the proper use of the fire extinguishers.

5.10 Refueling with Passengers Not Allowed

No aircraft shall be fueled or defueled while passengers are on board the aircraft unless a passenger unloading ramp is in place at the cabin door of the aircraft, and/or the aircraft door is in the open position.

5.11 Fueling Indoors Not Allowed

No aircraft shall be fueled while parked in a closed structure.

5.12 Use of Auto Gas

Public sale of automobile gas for use in aircraft will not be permitted on the airport.

SECTION 6 – OPERATION OF MOTOR VEHICLES

6.1 General

All vehicles shall be operated in a safe and careful manner, in accordance with all applicable city and state ordinances and statutes. All vehicle operators must be licensed or appropriately qualified to operate the type of vehicles in use, including special purpose vehicles used in airfield maintenance or airport operations.

6.2 Airport Speed Limits

Motor vehicles shall not be operated in excess of the posted speed limits. If no speed limit sign is posted, the following speed limits shall prevail:

- a. On all named airports streets – 15 miles per hour;
- b. On internal roadways and access driveways – 15 miles per hour; and
- c. On aircraft aprons – 15 miles per hour.

6.3 Automobile Parking

Automobile parking is restricted to those areas specifically established for public and tenant parking. Vehicles will not be parked so as to obstruct roadways, taxiways or in any way interfere with Airport Operations. Aircraft owners may temporarily park automobiles inside T-hangers at appropriate times.

6.4 Aircraft Loading from Vehicles

Automobiles may be temporarily parked on aprons for loading or unloading aircraft. **Such activity must be monitored by a RAMP Agent.**

6.5 Vehicles Left Unattended

Vehicles shall not be left unattended with engine running, unless required by a special purpose.

6.6 Abandoned Vehicles

Automobiles abandoned on the airport will be impounded and disposed of in accordance with applicable ordinances.

6.7 Removal of Vehicles

The City of Weslaco may tow, or otherwise remove, motor vehicles which are parked on the airport in violation of the rules. Vehicles will be towed at owner's expense and without liability for damage which may result from such act.

6.8 Vehicle or Storage of Vehicles

No person shall clean or make any repairs to motor vehicles on the airport, except minor repairs necessary to remove such vehicles on the airport. Vehicles will not be stored in any hanger, structure or

parking area, unless specifically authorized by the City. Airport support vehicles, such as fuel trucks, tugs, maintenance vehicles or such special purpose vehicles used by tenants are excluded from this requirement.

6.9 Vehicles on Runway

No motor vehicles except, as authorized by the city, shall be permitted on the runway or taxiways.

6.10 Vehicles around Airport

Operators of all motor vehicles shall exercise caution in the vicinity of aircraft. Vehicles shall pass clear of taxing aircraft and no vehicles shall pass closer than 100' to any aircraft with engines running.

SECTION 7 – COMMERCIAL OPERATIONS

7.1 Permits Required – Expand on Fees & Insurance Minimums for aircraft and Hangars

Persons, firms, associations, corporations, or entities conducting any commercial or business activity at Mid Valley Airport must obtain written authorization from the Aviation Director. Any changes in business character, activity, ownership, or location, will invalidate airport privileges.

7.2 Business Conduct Prohibited

No illegal or clandestine business activities will be permitted to operate at the Mid Valley airport. Any persons determined to be engaged in such activities shall be subject to revocation of all privileges at the airport.

7.3 Lease Agreement Required

All business or commercial activities on the airport must enter into a lease agreement with the City of Weslaco, the terms of which must contain at least the following:

- a. Compensation to be paid to the city;
- b. Length, terms, and conditions of the lease;
- c. Description of business activity to be conducted;
- d. Conditions or ownership, identity of principles, and type of business;
- e. Special conditions relative to uses of property;
- f. Insurance coverage, as required by the City.

7.4 Through the Fence Operations Permitted

Utilization of Mid Valley airport facilities by individuals or businesses located off the airport must be authorized and approved by the City of Weslaco. Compensation to be paid to the City for such privilege shall be based upon a fair and equitable assessment of such operating privileges to the operator. Such compensation is subject to approval by the FAA and must be included as an element of a lease agreement between the operator and the City. Such agreement must be executed and in-force prior to initiation of through the fence operations.

7.6 Activities Prohibited

No business or commercial activity will be permitted on airport property which results in any hazard to aviation such as smoke, noxious fumes, attraction of birds or wildlife, pilot distraction, or create any other problem which may adversely affect the airport.

7.7 Flying Schools

No commercial flight school shall be operated from the Mid Valley airport except as authorized by the City Weslaco. The operator(s) must place on record with the City at least the following:

- A. List of aircraft with proof of airworthiness;

- B. Evidence of minimum liability insurance coverage in the following amounts
 - a. Aircraft Liability: Bodily Injury and Property Damage
 - i. \$500,000.00 for each occurrence, combined single limit
 - b. Passenger Liability:
 - i. \$100,000.00 each passenger, each accident
- C. Statement of Qualifications of Key Staff;
- D. FAA approval, if required.

7.8 Flying Clubs

Flying clubs operating from Mid Valley Airport must meet the following criteria:

- a. Each club must be a non-profit organization;
- b. Each club must adopt, and adhere to, a set of flying regulations acceptable to the City;
- c. Aircraft owned or leased by the club will not be used by individuals other than bonafide members of the club, and will not be used for any commercial use;
- d. The club will maintain liability insurance coverage in the following amounts:
 - a. Aircraft Liability: Bodily Injury and Property Damage
 - i. \$500,000.00 for each occurrence, combined single limit
 - b. Passenger Liability:
 - i. \$100,000.00 each passenger, each accident
- e. Each flying club is to operate in strict compliance with applicable airport rules and all FAA regulations.
- f. Each club will provide the City of Weslaco with a list of club aircraft with proof of airworthiness.
- g. Each club will provide, and maintain, a current list of club officials, including officers, flight instructors, and individuals authorized to transact club business.

Authorization to conduct flying club operations from the airport shall be reviewed and renewed annually. Authorization to operate as a flying club from the Mid Valley airport is revocable, and may be withdrawn by the City, at any time, for just cause.

7.9 Aircraft Tie Down Fees

All aircraft tied down overnight at Mid Valley airport shall pay fees in accordance with the current fee posted at the airport operations office. Fees will be paid in accordance with the procedures described on the fee schedule. Payment of fee is required for all transient and based aircraft.

7.10 Right to Sell Fuel

The right to sell aviation fuel at the Mid Valley airport is reserved exclusively to the City of Weslaco, and retail deliveries of aviation fuel to the public shall be restricted to the City or those businesses or individuals having written authorization to do so. Such vendors will be required to supply aviation fuel from an approved fuel storage and delivery system. No other fuel sales on the airport are authorized.

SECTION 8 – HANGAR, OPEN HANGAR, AND OPEN TIE-DOWN WAITING LISTS

8.1 General

Mid Valley Airport shall maintain waiting lists to ensure the fair and orderly assignment of the various categories of City-owned aircraft storage spaces (hangars and tie-downs) unless the supply of a particular category of space exceeds demand. The Airport Director shall maintain the Master Waiting Lists and Applicants may contact the Airport Director to determine their current status on the waiting list.

8.2 Application Procedures

In order to be placed on a waiting list for a particular category of space, Applicants shall submit to the Airports Director a completed “Waiting List Sign-Up Sheet” and all fees required by the Schedule of Fees and Service Charges applicable to aircraft parking and storage waiting list charges. All applicable fees shall be paid with personal check or money order. It is the applicant’s responsibility to keep the personal information on the sign-up sheet up to date.

8.3 Assignment of Storage Spaces

- a. When a space becomes available for assignment, the Airport Director shall attempt to contact the first eligible applicant on the waiting list via telephone and/or email to make arrangements to examine the available space. In the event that the first eligible applicant cannot be reached, a phone message will be left and email sent if possible. If it is not possible to leave a phone message, the Airport Director will make a maximum of three calls over a five business day period in an effort to contact the applicant. If contact has not been established after five business days, the Airport Director will attempt to contact the next eligible applicant on the list. Therefore, applicants are highly encouraged to provide the Airport Director with a current phone number and email address.
- b. If an eligible applicant is unable to be contacted by any means, the Airport Director will note the date and space offered, and will then offer the space to the next eligible applicant on the list. An eligible applicant will retain their position on the wait list until the second space becomes available. If the applicant is unable to be contacted for the second consecutive space, they will be moved to the bottom of the wait list or their name will be removed.
- c. If an eligible applicant declines the space offered after being contacted, the Airport Director will note on the “Applicant’s Waiting List Sign-Up Sheet” the space offered and the date declined. The applicant’s current position on the list shall be retained after the first space is declined. The applicant shall be removed from the waiting list after the second space offered is declined.

8.4 Removal from the Waiting List

An applicant shall be removed from the waiting list upon:

- Written request by the applicant to be removed; or
- Acceptance by the applicant of an offered space; or

- Applicant's second decline of an offered space.

8.5 Remaining on the Waiting List for Upgrade of Space

- a. After accepting a space and signing a license agreement, a licensee may remain on the hangar waiting lists for a future upgrade of space. Remaining on the list requires coordination with Airport Director.
- b. Applicants electing to remain on the waiting list for a future upgrade of space shall designate the specific type of space desired. All policies and procedures contained in this section for assignment of spaces apply to applicants remaining on the waiting list for a future upgrade of space.

8.6 Aircraft Hangars

- a. Where no personnel exit is provided, the sliding hangar doors shall remain open thirty-six (36) inches, or such other distance which will allow easy egress, while the hangar is occupied by any person.
- b. Aircraft hangars shall be subject to periodic inspections by the Airport Manager and City Fire Department to ensure compliance with all laws, ordinances and these regulations.
- c. Hangars cannot be used as a place of residency.
- d. All aircraft hangars and eligible uses of aircraft hangars shall conform to all FAA and TXDOT rules and regulations.

SECTION 9 - CONFLICTING LAWS, ORDINANCES AND REGULATIONS

If and where there are conflicts in the Rules and Regulations prescribed herein and the FAA's Federal Aviation Regulations (FAR) the latter shall prevail. In any case where a provision of these regulations is found to be in conflict with any provision of any zoning, building, fire, safety, health or other ordinance, code, rule, or regulation of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

In cases where two (2) or more provisions of these regulations are in conflict, the most stringent or restrictive shall prevail.

SECTION 10 – IDENTIFICATION AND ACCESS CONTROL BADGE APPLICATION

As a User of the Weslaco Mid Valley Airport, each applicant must agree to the following:

- As required by Transportation Security Regulations Code of Federal Regulations (CFR) 49 PART 1542, the Department of Aviation will submit both a criminal history records check and a security threat Assessment.
- All security access and privileges requested herein are warranted by a work-related need.
- A specific need exists for providing the individual applicant with unescorted access authority; and the individual applicant acknowledges their security responsibilities under CFR 1540.105(A).

Privacy Act Notice of 1974 5 U.S.C.552a(e)(3)

Authority: 6 U.S.C. § 1140, 46 U.S.C. § 70105; 49 U.S.C. §§ 106, 114, 5103a, 40103(b)(3), 40113, 44903, 44935-44936, 44939, AND 46105; THE IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007, § 1520 (121 STAT. 444, PUBLIC LAW 110-53, AUGUST 3, 2007); FAA REAUTHORIZATION ACT OF 2018 § 1934(c) (132 Stat. 3186, Public Law 115-254, Oct 5, 2018), AND EXECUTIVE ORDER 9397 (NOVEMBER 22, 1943), AS AMENDED.

ANY TENANT OR EMPLOYEE HOLDING A CREDENTIAL GRANTING ACCESS TO A SECURITY IDENTIFICATION DISPLAY AREA, MAY BE SCREENED AT ANY TIME WHILE GAINING ACCESS TO, WORKING IN, OR LEAVING A SECURITY IDENTIFICATION DISPLAY AREA BY ACCEPTING A WESLACO MID VALLEY AIRPORT ID BADGE, GRANTING ACCESS TO RESTRICTED AREAS OF THE WESLACO MID VALLEY AIRPORT. EACH TENANT OR EMPLOYEE ACKNOWLEDGES AND AUTHORIZES DEPARTMENT OF AVIATION PERSONNEL TO CONDUCT RANDOM INSPECTIONS OF MY PERSON AND/OR PERSONAL PROPERTY, EITHER AT AN ACCESS PORTAL OR WHILE WITHIN THE AIRPORT OPERATING AREA (AOA), STERILE AREA, SECURED AREA OR SIDA AREA, IN ORDER TO COMPLY WITH FEDERAL TRANSPORTATION SECURITY REGULATIONS. I FURTHER UNDERSTAND MY REFUSAL TO SUBMIT TO SUCH A SEARCH MAY CAUSE SUSPENSION OR REVOCATION OF MY ID BADGE AND ACCESS PRIVILEGES.

BY COMPLETING AN ID BADGE APPLICATION FOR A BADGE (A CREDENTIAL) WHICH GRANTS ACCESS TO THE AOA, STERILE AREA, THE SECURED AREA AND/OR THE SIDA AREA, EACH TENANT OR EMPLOYEE AGREES TO REVIEW THE SECURITY PROCEDURES AND ABIDE BY ALL OF THE RULES AND REGULATIONS AS SET FORTH IN THE AIRPORT RULES AND REGULATIONS, LOCAL, STATE AND FEDERAL REGULATIONS, GUIDELINES, STATUTES AND PROCEDURES. SPECIFICALLY, EACH TENANT OR EMPLOYEE SHALL AGREE TO DISPLAY THEIR ID BADGE ON THEIR OUTERMOST GARMET WITHIN AIRPORT GROUNDS, TO CHALLENGE INDIVIDUALS FOUND WITHIN THE AIRPORT GROUNDS WITHOUT AN ID BADGE DISPLAYED, TO OBTAIN ESCORT AUTHORIZATION AS INDICATED ON THE ID BADGE PRIOR TO ESCORTING INDIVIDUALS, TO MAINTAIN A REASONABLE DISTANCE AND EFFECTIVE CONTROL OF INDIVIDUALS UNDER THEIR AUTHORIZED ESCORT, TO PREVENT PIGGYBACKING AND ACCESS VIOLATIONS BY CONFIRMING CLOSED AND LOCKED PORTALS BEFORE PROCEEDING THROUGH THE AREA, TO REPORT SECURITY VIOLATIONS AT 956-969-0291, AND TO RETURN THEIR ID BADGE UPON COMPLETION OF THEIR AUTHORIZED AIRPORT ACTIVITY OR EMPLOYMENT.

THE FOLLOWING IS A LIST, HOWEVER NOT EXHAUSTIVE, OF OFFENSES OF DISQUALIFYING CRIMINAL OFFENSES AS LISTED IN TRANSPORTATION SECURITY REGULATION (TSR) 1542.209 (D).

- 1) FORGERY OF CERTIFICATES, FALSE MARKING OF AIRCRAFT, AND OTHER AIRCRAFT REGISTRATION VIOLATIONS: 49 USC 46302
- 2) INTERFERENCE WITH AIR NAVIGATION: 49 USC 46308
- 3) IMPROPER TRANSPORTATION OF A HAZARDOUS MATERIAL: 49 USC 46312
- 4) AIRCRAFT PIRACY: 49 USC 46502
- 5) INTERFERENCE WITH FLIGHT CREW MEMBERS OR FLIGHT ATTENDANTS: 49 USC 46504
- 6) COMMISSION OF CERTAIN CRIMES ABOARD AIRCRAFT IN FLIGHT: 49 USC 46506
- 7) CARRYING A WEAPON OR EXPLOSIVE ABOARD AIRCRAFT: 49 USC 46505
- 8) CONVEYING FALSE INFORMATION AND THREATS: 49 USC 46507
- 9) AIRCRAFT PIRACY OUTSIDE THE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES: 49 USC 46502(B)
- 10) LIGHTING VIOLATIONS INVOLVING TRANSPORTING CONTROLLED SUBSTANCES: 49 USC 46315
- 11) UNLAWFUL ENTRY INTO AN AIRCRAFT OR AIRPORT AREA THAT SERVES AIR CARRIERS OR FOREIGN AIR CARRIERS CONTRARY TO ESTABLISHED SECURITY REQUIREMENTS: 49 USC 46314
- 12) DESTRUCTION OF AN AIRCRAFT OR AIRCRAFT FACILITY: 18 USC 32
- 13) MURDER
- 14) ASSAULT WITH INTENT TO MURDER
- 15) ESPIONAGE
- 16) SEDITION
- 17) KIDNAPPING OR HOSTAGE TAKING
- 18) TREASON
- 19) RAPE OR AGGRAVATED SEXUAL ABUSE
- 20) UNLAWFUL POSSESSION, USE, SALE, DISTRIBUTION, OR MANUFACTURE OF AN EXPLOSIVE OR WEAPON
- 21) EXTORTION
- 22) ARMED OR FELONY UNARMED ROBBERY
- 23) DISTRIBUTION OF, OR INTENT TO DISTRIBUTE, A CONTROLLED SUBSTANCE
- 24) FELONY ARSON
- 25) FELONY INVOLVING A THREAT
- 26) FELONY INVOLVING
- 27) WILLFUL DESTRUCTION OF PROPERTY
- 28) IMPORTATION, POSSESSION OR MANUFACTURE OF A CONTROLLED SUBSTANCE
- 29) BURGLARY
- 30) THEFT
- 31) DISHONESTY FRAUD, OR MISREPRESENTATION
- 32) POSSESSION OR DISTRIBUTION OF STOLEN PROPERTY
- 33) AGGRAVATED ASSAULT
- 34) BRIBERY
- 35) ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE PUNISHABLE BY A MAXIMUM TERM OF IMPRISONMENT OF MORE THAN ONE YEAR
- 36) VIOLENCE AT INTERNATIONAL AIRPORTS: 18 USC 37
- 37) CONSPIRACY OR ATTEMPT TO COMMIT ANY OF THE ACTS LISTED ABOVE
- 38) CRIMINAL TRESPASSING.

EACH TENANT OR EMPLOYEE MUST CERTIFY THEY HAVE NOT BEEN CONVICTED OF ANY OF THESE DISQUALIFYING CRIMINAL OFFENSES OR FOUND NOT GUILTY BY REASON OF INSANITY OF ANY OF THESE

DISQUALIFYING CRIMINAL OFFENSES AND MUST FURTHER ACKNOWLEDGE A PLEA OF NOLO CONTENDERE, OR GUILTY FOLLOWED BY DEFERRED ADJUDICATION, IS CONSIDERED A CONVICTION IN THE STATE OF TEXAS.

THE WESLACO MID VALLEY AIRPORT IDENTIFICATION BADGE IS THE PROPERTY OF THE DEPARTMENT OF AVIATION AND MUST BE SURRENDERED WHEN NO LONGER AUTHORIZED. A REPLACEMENT CHARGE MAY APPLY FOR A LOST OR NON-RETURNED BADGE. EACH TENANT OR EMPLOYEE MUST UNDERSTAND THE PROCEDURES AND RESPONSIBILITIES FOR USING AND PROTECTING THEIR AIRPORT ID. FAILURE TO DISCLOSE CONVICTIONS MAY RESULT IN INVESTIGATION AND A POSSIBLE CRIMINAL OR CIVIL PENALTY. EACH TENANT OR EMPLOYEE WILL IMMEDIATELY NOTIFY THE AVIATION MANAGER OR EMPLOYER IF THEIR ID BADGE IS LOST.



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5246	
From:			
Subject: Discussion and consideration to amend the On-Call Pay Policy in adherence to FLSA overtime provisions and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.)			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Luz Galindo Luz Galindo ANDREW MUNOZ		Created	
City Manager Comments: Approve.			
Staff Recommendation:			
Attachments, if any: ON-CALL			
Responsibilities upon Approval:			

ON CALL POLICY

Purpose: The City of Weslaco provides for after-hour service needs by allowing certain departments to designate certain employees to be "on-call". Non-exempt employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by each department.

Procedures:

1. Employees may be placed on call for a one (1) week period of time (i.e., Friday 5 PM to Friday 5 PM). Departments requiring employees to be on-call shall rotate the assignment throughout the department as determined by department director or supervisor.
2. Employees who are placed "on-call" will receive additional wages equivalent to 4 hours at their regular rate of pay. Additional wages from "on-call" will not be included in overtime computations unless employee works more than 40 hours in a work week.
3. Employees will be paid a minimum of 1 hour per call when responding to "on-call". If actual hours worked exceeds the one (1) hour minimum, the employee will be compensated for actual hours worked rounded to the nearest 15-minute interval.
4. Employees will receive overtime pay for hours worked over 40 hours per workweek at a rate not less than one and on-half times the regular rate of pay.
5. Any call received on a holiday will be paid at the rate of 1 ½ times their regular rate of pay (regardless of whether, or not the employee has worked over 40 hours during that work week) in addition to any holiday pay.
6. All employees designated to be on-call are expected to be fit (mentally and physically) to accomplish services needed within the time frame required. Refer to COW Personnel Policy Drug and Alcohol-Free Workplace.
7. Employees exempt from overtime are not eligible for compensation under the provisions of this policy.



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5247	
From:			
Subject: Discussion and consideration on Ordinance 2022-10 amending the Code of Ordinances of the City of Weslaco Chapter 82 Offenses and Miscellaneous Provisions by adding a new article and section to be entitled Article XI Section 82.252 Sex Offenders and authorize the Mayor to execute any related documents. First reading of Ordinance 2022-10. Possible action. (Staffed by Police Department.)			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Ordinance - First Reading Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ROXANNE SAAVEDRA ROBERT LOPEZ ANDREW MUNOZ		Created/Initiated New	
City Manager Comments: Approve.			
Staff Recommendation: Weslaco Police Department			
Attachments, if any: O2022-10 Sex Offender			
Responsibilities upon Approval:			

ORDINANCE NO. 2022-10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WESLACO AT CHAPTER 82 ("OFFENSES AND MISCELLANEOUS PROVISIONS") BY ADDING A NEW ARTICLE AND SECTION TO BE ENTITLED ARTICLE XI; ("SEX OFFENDERS"), SECTIONS 82-252 THROUGH 82-261 ESTABLISHING DEFINITIONS; PROHIBITING CHILD SEX OFFENDERS FROM ENTERING OR LOITERING IN CHILD SAFETY AREAS; HALLOWEEN RESTRICTIONS; PROVIDING FOR CRIMINAL PENALTIES; AND ORDAINING OTHER MATTERS INCIDENTAL THERETO, INCLUDING TO PROVIDE FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City Commission of the City of Weslaco finds and determines that this article serves the City's compelling interest to protect children against sex offenders by prohibiting child sex offenders from residing in areas near locations where children regularly congregate, and from entering areas where children regularly congregate as defined as a child safety area; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF WESLACO, TEXAS, THAT:

SECTION I: That from and after the effective date of this Ordinance, Chapter 82 ("Offenses and Miscellaneous Provisions") of the Code of Ordinances of the City of Weslaco shall be amended by adding a new Article, to be entitled Article III ("Sex Offenders") under which shall be a new Section, which shall be entitled Sections 82-252 thru 82-261, and the Code of Ordinances of the City of Weslaco, Texas is hereby amended to read as follows:

Sec. 82-252. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, and terms not defined here shall be construed as in ordinary and common usage:

Child safety area shall mean all improved and unimproved areas of a lot or tract of land that is used as a private or public elementary or secondary school, public or private school bus stop or school bus shelter, licensed day-care center, or facility, private or public playground, private or public youth center, public swimming pool, video arcade facility, amusement park, carnival, public park when the use is intended primarily for children or public library.

Child sex offender shall mean any person with a reportable conviction or adjudication for any of the following offenses:

- (1) Continuous sexual abuse of a young child or children (V.T.C.A., Penal Code § 21.02);
- (2) Indecency with a child (V.T.C.A., Penal Code § 21.11);
- (3) Sexual assault of a child (V.T.C.A., Penal Code § 22.011);

- (4) Aggravated sexual assault of a child (V.T.C.A., Penal Code § 22.021);
- (5) Online solicitation of a minor (V.T.C.A., Penal Code § 33.021);
- (6) Sexual performance by a child, (V.T.C.A., Penal Code § 43.25);
- (7) Possession or promotion of child pornography (V.T.C.A., Penal Code § 43.26);
- (8) A violation of the laws of another state, federal law, laws of a foreign country, or the Uniform Code of Military Justice, if the violation contained elements substantially similar to the elements of the violations described (1) through (7) of this paragraph.

Day-care center or facility shall mean a facility licensed by the State of Texas, which provides care, training, education, custody, treatment, or supervision of children for less than 24 hours a day.

Loiter shall mean being present in, standing or sitting idly, whether or not in a motor vehicle, in and around an area where one has no particular or legal purpose.

Minor shall mean any person **under** 18 years of age.

Permanent residence shall mean a place where the person abides, lodges, or resides for 14 or more consecutive days.

Person in authority shall mean the owner, a person authorized by the owner, or a person or business with apparent authority to act for the owner, including but not limited to, a manager or a property management business.

Public Park shall mean any land, including improvements to the land, designated for the use of the general public or any athletic field that is owned, leased, operated, managed, or maintained by the city or school district, including, but not limited to, swimming pools, soccer fields, baseball fields, softball fields, basketball courts, water parks, conservation areas, jogging trails, and hiking trails.

Where children commonly gather or child safety area shall, for purposes of this article, be a city park, private or public school, childcare facility or daycare center, amusement park, video arcade, church, or zoo.

Reportable conviction or adjudication shall have the meaning assigned by V.T.C.A., Texas Code of Criminal Procedure § 62.001(5).

Temporary residence shall mean a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent residence, or a place where a person abides, resides, or lodges for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

In this article, "**playground**," "**premises**," "**school**," "**video arcade facility**," and "**youth center**" shall have the meanings assigned by V.T.C.A., Health and Safety Code § 481.134.

Sec. 82-253. Offenses.

- (a) For each person required to register on the Texas Department of Public Safety's Sex Offender Database (the "database") because they are a "habitual offender" or a "child sex offender," **it is unlawful for that person to either:**

- (1) Establish a **permanent residence** or a **transitory** or **temporary residence within 1,000 feet** of any premise where children commonly gather; or
 - (2) Knowingly **loiter within 300 feet** of a public or private school, school bus stop or school bus shelter, day care center or facility, public park, video arcade facility, youth center or any premise where children commonly gather.
- (b) It is unlawful under this section to let or rent any place, structure or part thereof, manufactured home, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any individual prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this chapter, if such place, structure or part thereof, manufactured home, trailer, or other conveyance is located **within 1,000 feet** of any premises where children commonly gather, as defined by this article.
- (1) It shall be an affirmative defense to an offense committed under section if the lessor or landlord letting or renting said temporary or permanent residence researched the background of the prospective tenant in good faith by looking up the tenant's profile on the Texas Department of Public Safety Sex Offender Registry website and said website did not list the prospective tenant as a sex offender despite the prospective tenant's actual status as the same.
- (c) It is unlawful for any treatment, support or supervision groups, education classes, or similar gatherings of or for registered sex offenders to take place within **1,000 feet** of any premises where children commonly gather, as defined by this article.

Sec. 82-254. Evidentiary matters.

- (a) It shall be prima facie evidence that this section applies to such a person if that person's record appears on the database and the database indicates that the person is required to verify every ninety days in accordance with V.T.C.A., Criminal Procedure Code § 62.058. For purposes of this article, that person is classified as a "habitual offender."
- (b) It shall be prima facie evidence that this section applies to such a person if that person's record appears on "the database" and "the database" indicates that the person is subject to registration for an offense involving a minor. For purposes of this article, that person is classified as a "child sex offender."

Sec. 82-255. Measuring distance.

- (a) In situations involving temporary or permanent residences, or the gathering of treatment, support or supervision groups, education classes, or similar assemblages of or for registered sex offenders, the minimum distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence or gathering to the nearest property line of the premises where children commonly gather, as described above, or, in the case of multiple residences on one property, measuring from the nearest property line of the premises to the nearest property line of the premises where children commonly gather, as described above in section 82-253.
- (b) In situations involving loitering, the minimum distance shall be measured by **following a 300-foot straight line** from the location of the registered sex offender to:

- (1) In the case of premises where children commonly gather, the nearest property line of the premises; or
- (2) In the case of bus stops or shelters, to a point on a ten-foot radius around the bus stop or shelter.

Sec. 82-256. Applicability.

This article shall not apply to:

- (1) Tenancies or other occupancies which commenced prior to the effective date of the ordinance from which this article is derived.
- (2) Renewals of tenancies or other occupancies which commenced prior to the effective date of the ordinance from which this article is derived.
- (3) Offenders who currently are adults but who were minors, and were not convicted as adults, when he or she committed the offense requiring registration pursuant to all of the sex offender registration laws of the state.
- (4) Offenders who currently are minors.
- (5) Offenders who were required to register on the database and have complied with all of the sex offender registration laws of the state but established the permanent or temporary residence prior to the date of the adoption of this article.
- (6) The premises where children commonly gather, as specified herein, **within 1,000 feet** of the permanent or temporary residence of the individual required to register on the database was opened after the individual established the permanent or temporary residence and complied with all sex offender registration laws of the state; or
- (7) The information on the database is incorrect, and, if corrected, this section would not apply to the person who was erroneously listed on the database.

Sec. 82-257. Sex offender entry and loitering restriction.

- (a) It is an offense for a child sex offender to intentionally or knowingly enter a child safety area.
- (b) It is an offense for a child sex offender to intentionally or knowingly loiter within 300 feet of a child safety area.
- (c) For purposes of subsection (b), measurement is made in a straight line, without regard to intervening structures or objects, between the location and the nearest property line of the child safety area.
- (d) It is an affirmative defense to prosecution under this section if at the time a person prohibited from entering a child safety area is the parent or legal guardian of a child 18 years of age or younger who resides with the person and the child was on the premises of the child safety area.
- (e) A child sex offender who has a right to be present at an official meeting is exempted from this section and may approach and enter the child safety area for such time as is necessary to attend the official meeting. This exemption shall only apply to those areas of the child safety

or where children commonly gather area that are necessary for attendance at the official meeting, and any child sex offender found outside such areas shall be in violation of this article.

- (f) When a polling place for an election is located within a child safety area or where children commonly gather area, a child sex offender is exempted from this section and may approach and enter the child safety area for the limited purpose of voting if the child sex offender qualifies to vote at such place. This exemption shall only apply to those areas of the child safety area that are necessary for voting, and any child sex offender found outside such areas shall be in violation of this article.

Sec. 82-258. Sex offender Halloween restrictions.

- (a) A child sex offender **shall** on October 30th and 31st of each year or any other date set by the city for trick-or-treaters:
 - (1) Remain at their residence of registry between the hours of 4:00 p.m. and 11:59 p.m.
 - (2) Leave all exterior lights off; and,
 - (3) Refrain from inviting trick-or-treaters to solicit the premises at their residence of registry.
- (b) It is an offense for a child sex offender to fail to abide by any of the restrictions under this section.
- (c) It is an affirmative defense to prosecution under this section that the child sex offender was required to report and did report to a specified location on October 30 and 31 or any other date set by the city for trick-or-treaters as a condition of their probation or parole.
- (d) A culpable mental state is not required for the commission of an offense under this section and need not be alleged or proved.

Sec. 82-259. Penalties.

Any person who violates any provision of this article shall be guilty of a **Class C misdemeanor** and upon conviction, adjudication, or deferred disposition thereof shall be fined in an amount not to exceed \$500.00 for each and every offense. Each and every violation or day that such violation shall continue or exist shall be deemed a separate offense. The penal provisions imposed under this section shall not preclude the city from filing suit to enjoin a violation of this section. The city shall retain all legal rights and remedies available to it pursuant to local, state, and federal law.

Sec. 82-260. Enforcement.

The police department of the City of Weslaco is hereby authorized to issue citations and/or arrest any person(s) who violates any provision of this article.

Sec. 82-261. Savings clause.

If any section, part, or provision of this article is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention

of the city commission in passing this article that its parts shall be severable and all other parts of this article shall not be affected thereby, and they shall remain in full force and effect.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 15th day of March 2022.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this _____ day of _____ 2022.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5245	
From:			
Subject: Discussion and consideration to approve a Memorandum of Understanding (MOU) between the United States Department of Veterans Affairs (VA) Texas Valley Coastal Bend Healthcare System (VATVCBHCS) and Weslaco Police Department (WPD) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.)			
Background: The purpose of the MOU is to establish a general working relationship between the VA Texas Valley Coastal Bend Healthcare System Police Service and Weslaco Police Department.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission: N/A			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners: The provisions of this MOU are effective upon the date of signature and will be active for three (3) years or as required.			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ROXANNE SAAVEDRA ROBERT LOPEZ ANDREW MUNOZ		Created/Initiated New	
City Manager Comments: Approve.			
Staff Recommendation: Weslaco Police Department staff recommends approval.			
Attachments, if any: MOU US of Veterans Affairs VATVCBHCS and Weslaco Police Dept signed, Department of Veterans Affairs Memorandum 03.03.2022 signed			
Responsibilities upon Approval: Upon approval, Chief Joel Rivera will sign the document and the Police Department will forward the original document to the US Dept. Veterans Affairs.			

**MEMORANDUM OF UNDERSTANDING
BETWEEN
UNITED STATES DEPARTMENT OF VETERANS AFFAIRS,
VA TEXAS VALLEY COASTAL BEND HEALTH CARE SYSTEM (VATVCBHCS)
AND
WESLACO POLICE DEPARTMENT**

This Memorandum of Understanding (MOU) is entered into between the U.S. Department of Veterans Affairs (VA) Texas Valley Coastal Bend Healthcare System (VATVCBHCS) and the Weslaco Police Department, hereinafter referred to as "parties."

1. PURPOSE. To establish general working relationships between the VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS) Police Service and Weslaco Police Department as a means of reinforcing interagency coordination and responsibility concerning law enforcement, emergency response, requests for assistance, and physical security and access control operations at VA Texas Valley Coastal Bend Healthcare System (McAllen Outpatient Clinic) located at 901 East Hackberry Ave., McAllen, Texas 78501.

2. REFERENCES.

- a) VA Directive 0730, *Security and Law Enforcement*, 12 December 2012
- b) VA Handbook 0730, *Security and Law Enforcement*, 11 August 2000
- c) The VA Texas Valley Coastal Bend Health Care System (VATVCBHCS) shares concurrent jurisdiction with the State of Texas. Assistance in any life-threatening situations, (i.e., hostage situation, bomb threat, brandishing of firearm, murder, rape, etc.), can be requested from the local city Police Department.

3. GENERAL.

a. VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS), also known as McAllen Outpatient Clinic (MOPC), is located in the City of McAllen. VATVCBHCS provides primary, specialty, and extended care to Veterans throughout McAllen area. The mission of the VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS) is to provide timely, efficient, ethical, safe, compassionate, and quality health care to Veteran patients.

b. The Weslaco Police Department has concurrent jurisdiction with the Federal Government over VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS) properties. This jurisdiction grants local police agencies the authority to jointly enforce Federal, state and municipal laws, ordinances and regulations with VA Police on VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS) properties.

4. RESPONSIBILITIES.

a. VATVCBHCS Police Service will:

(1) Maintain law and order and enforce Federal, state and municipal laws, regulations, ordinances and VA regulations at the VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS), including the hospital building and designated parking lots, for the protection of property owned or occupied by the VA and persons on the property.

(2) Provide primary initial response to any and all incidents or emergency situations at the VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS).

b. Weslaco Police Department will:

(1) Respond to VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS) Police Service's requests for assistance. Such assistance may include, but not limited to, the following situations:

(A) Armed hostage taking situations that would require an armed response to assist VA Police in containing the situation until appropriate Federal agencies (such as the Federal Bureau of Investigation - FBI) can respond to assume control.

(B) Crimes involving armed robberies of funds, drugs or properties where the individuals committing the crimes leave VA police jurisdiction.

(C) Vehicle accident investigations, which may result in non-injuries, injuries, or death involving the VA Police patrol vehicles.

(2) Provide additional Officers when needed to assist with the physical arrest of a violent/disorderly person(s) who poses a serious threat to VA patients, visitors, medical staff or themselves.

(3) Provide assistance in the transportation of prisoner(s) who have been arrested at the VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS) on occasions when there are only two VA police officers on duty.

(4) Authorize access to and use of Weslaco Police Department central dispatch and patrol units in the field for VA Police. The parties agree that the access and use of such information is solely limited to official law enforcement purposes and that the process of reprogramming VA radios would be at no cost to the City of Weslaco.

(5) Should any VA Police Officer be involved in a shooting, the FBI will be notified immediately. If the FBI declines investigation, or if the FBI response is delayed, Weslaco Police Department may provide investigative assistance to VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS) Police. This assistance may range from establishing, preserving, and controlling the crime scene, to performing as the lead investigative agency.

(6) COMPACT ACT Section 205 Police Crisis Intervention Training for VA Police requires that each VA medical center police service develop a plan to enter into partnerships with local mental health organizations and experts, Veteran community organizations, as well as local police departments to share training resources on Crisis Intervention Teams (CIT). This assistance may range from collaborated training and sharing law enforcement to coordinated intervention tactics when there is an extreme crisis involving a veteran(s).

5. ACCEPTANCE & RATIFICATION

a. The provisions of this MOU are effective upon signature and date as indicated below and will be reviewed every 3 years, or as required.

b. This agreement may be unilaterally suspended or cancelled by either side upon giving at least 180 days written notice to the other party.

c. This MOU does not create additional jurisdiction or limit or modify existing jurisdiction vested in the parties. This MOU is intended exclusively to provide guidance and documents an agreement for general support between the parties. Nothing contained herein creates or extends any right, privilege, or benefit to any person or entity.

d. Other areas of mutual interest may arise where services and support from one party of this MOU is required by the other party of this MOU. This MOU is not meant to limit those instances nor prohibit cooperation outside the above listed situations set forth and agreed upon.

6. INDEMNIFICATION

To the extent allowed by law, VA and VATVCBHCS will and do agree to indemnify, protect, defend with counsel approved by the Weslaco Police Department, and hold harmless by Weslaco Police Department and their respective elected officials, employees, representatives, and agents from and against all damages, losses, liens, causes of action, suits, judgements, expenses, and other claims of any nature, kind or description, including reasonable attorney's fees incurred in investigating, defending,

settling any of the forgoing, by any person or entity, arising out of, caused by, or resulting from VA and VATVCBHCS's performance under or breach of this Agreement and that are caused in whole or in part by any negligent act, negligent omission, or willful misconduct of VA and VATVBHCS, anyone directly employed by them, or anyone else whose acts they may be liable for. The provisions of this section will not be construed to eliminate or reduce any other indemnification or right which any Weslaco Police Department indemnity has by law or equity. All Parties will be entitled to be represented by counsel at their own expense.

To the extent allowed by law, Weslaco Police Department will and does hereby agree to indemnify, protect, and defend with counsel approved by VA and VATVCBHCS, and hold harmless VA and VATVBHCS and their respective elected officials, officers, directors, attorneys, employees, representatives, and agents from and against all damages, losses, liens, causes of action, suits, judgements, expenses, and other claims of any nature, kind, or description, including responsible attorney's fees incurred in investigating, defending or settling any of the foregoing by any person or entity, arising out of, caused by, or resulting from Weslaco Police Department's performance under, or breach of this Agreement and that are caused in whole or in part by any negligent act, negligent omission, or willful misconduct of Weslaco Police Department's employees, anyone directly employed by them, or anyone for whose acts they may be liable. The provisions of this Section will not be construed to eliminate or reduce any other indemnification or right which any VA and VATVCBHCS indemnity has by law or equity. All Parties will be entitled to be represented by counsel at their own expense.

Abdour M. Omar

03/03/2022
Date

MARTINEZ, HOMERO
Director, VATVCBHCS

07 March 2022
Date

Date _____

Date _____

**Department of
Veterans Affairs**

Memorandum

Date: March 3, 2022

From: Chief Jassiem M. Omar

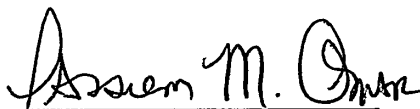
Subj: Memorandum of Understanding (MOU) for Mutual Assistance

To: Chief Joel Rivera

Thru: VHA Senior Security Officer

1. **PURPOSE:** To establish general working relationships between the VA Texas Valley Coastal Bend Healthcare System (VATVCBHCS) Police Service and Weslaco Police Department as a means of reinforcing interagency coordination and responsibility concerning law enforcement, emergency response, requests for assistance, and physical security and access control operations at VA Texas Valley Coastal Bend Healthcare System (Administration Building) located at 6710 W. Exp. 83 Suite A-200, Harlingen, Texas 78552, Harlingen Health Care Center located at 2601 Veterans Drive, Harlingen, Texas 78550, and Harlingen Outpatient Clinic located at 2106 Treasure Hills Blvd., Harlingen, Texas 78550.
2. **POLICY:** VA Handbook 0730, denotes that *"There are memoranda of understanding with local law enforcement agencies which ensure timely backup support for VA police officers" and "requires that each VA Police Service establish workable support agreements with law enforcement officials"*. The current Police Program Inspection guide requires that "The Chief, Police Service has current support agreements for responses to crimes (to include VA Police Officer involved shootings and CIT training and collaboration with Federal and local law enforcement entities)."
3. I have attached a Memorandum of Understanding between the Department of Veterans Affairs VATVCBHCS and the Weslaco Police Department for your review and concurrence.

Sincerely,



**Omar, Jassiem M.
Chief, Police Service**



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5261
From:		
Subject: Discussion and consideration to award the most advantages RFP No.: 2021-22-09 to a Collection Services for the municipal court delinquent accounts and authorize the Mayor to execute any related documents. Possible action. (Staffed by Municipal Court).		
Background: The contract with the current collection agency has expired.		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted: Mayor's Signature		
If item previously considered, provide date and action by Commission: First time to be placed on the agenda for selection.		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation): N/A		
ROSA HUERTA ROSA HUERTA ANDREW MUNOZ		Created/Initiated New
City Manager Comments: Approve.		
Staff Recommendation: The decision will be up to the Commission.		
Attachments, if any: Memo re Delinquent Services, Evaluation Summary		
Responsibilities upon Approval: Upon approval, we will proceed with logistics of the contract.		

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Josh Pedraza, Mayor Pro-Tem, District 1
Leo Muñoz, Commissioner, At-Large
Greg Kerr, Commissioner, At-Large
Letty Lopez, Commissioner, District 2
Jose "JP" Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4

Andrew Muñoz, Interim City Manager

INTERDEPARTMENTAL MEMO

WESLACO MUNICIPAL COURT

DATE: March 10, 2021

TO: Mayor, Commissioners, and Interim City Manager

FROM: Rosa Badillo, Court Administrator

SUBJECT: RFP for Collection Services

On January 4, 2022, the commission approved to go out for RFP for Collection Services of delinquent municipal court accounts. We were able to obtain four proposals submitted. You will see all four proposals attached so you can review. The review committee have evaluated all 4 proposals and I have attached the Evaluation Summary for you to review as well.

Should you have any questions or comments, please do not hesitate to contact me.



**CITY OF WESLACO - RFP 2021-22-09
MUNICIPAL ACCOUNT - COLLECTION SERVICES
EVALUATION SUMMARY**



EVALUATOR		AMERICAN FINANCIAL	MVBA	PERDUE & BRANDON	THE CMI GROUP
1	*	10	15	18	10
1	**	10	20	20	20
1	***	10	20	15	18
CRITERIA 1 AVERAGE		10.00	18.33	17.67	16.00
2	*	15	15	15	15
2	**	20	20	20	20
2	***	20	20	20	20
CRITERIA 2 AVERAGE		18.33	18.33	18.33	18.33
3	*	15	15	15	15
3	**	15	15	15	15
3	***	20	20	20	20
CRITERIA 3 AVERAGE		16.67	16.67	16.67	16.67
4	*	10	15	15	13
4	**	15	15	15	15
4	***	10	15	15	15
CRITERIA 4 AVERAGE		11.67	15.00	15.00	14.33
5	*	15	15	15	15
5	**	8	10	10	12
5	***	15	15	15	15
CRITERIA 5 AVERAGE		12.67	13.33	13.33	14.00
6	*	5	5	5	10
6	**	8	10	7	10
6	***	7	7	7	10
CRITERIA 6 AVERAGE		6.67	7.33	6.33	10.00
T/P	*	70	80	83	78
T/P	**	76	90	87	92
T/P	***	82	97	92	98
TOTAL POINTS AVERAGE		76.00	89.00	87.33	89.33
		AMERICAN FINANCIAL	MVBA	PERDUE & BRANDON	THE CMI GROUP



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5263	
From:			
Subject: Discussion and consideration to approve the request on behalf of the Tierra Santa Property Owners Association, Inc to rededicate a portion of Tierra Santa St as public right-of-way and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)			
Background: The Home Owners association of Tierra Santa is requesting to rededicate a portion of Tierra Santa St as a public right-of-way. The existing gates leading into the subdivision will be removed and new gates will be installed at all the entrances to the neighborhoods within Tierra Santa as referenced in the attached aerial. The portion of the right-of-way being rededicated will extend from the current entrance to the clubhouse. As part of the rededication, the islands currently located along Tierra Santa will remain the responsibility of the home owners association as well as the sidewalks and abutting green areas.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
REBEKAH DE LA FUENTE REBEKAH DE LA FUENTE ANDREW MUNOZ		Created/Initiated Approved New	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval of the rededication of Tierra Santa			
Attachments, if any: Rezone-Tierra santa- Memo, Request to dedicate Tierra santa, Proposed Gates			
Responsibilities upon Approval:			

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Josh Pedraza, Mayor Pro-Tem, District 1
Leo Muñoz, Commissioner, At-Large
Greg Kerr, Commissioner, At-Large
Letty Lopez, Commissioner, District 2
Jose "JP" Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4

Andrew Muñoz, Interim City Manager

MEMO

TO: Mayor and City Commission

FROM: Rebekah de la Fuente, Planning & Code Enforcement Director

RE: Rededication of Tierra Santa St

DATE: March 10, 2022

The Homeowners association of Tierra Santa is requesting to rededicate a portion of Tierra Santa St as a public right-of-way. The existing gates leading into the subdivision will be removed and new gates will be installed at all the entrances to the neighborhoods within Tierra Santa as referenced in the attached aerial. The portion of the right-of-way being rededicated will extend from the current entrance to the clubhouse. As part of the rededication, the islands currently located along Tierra Santa will remain the responsibility of the home owners association as well as the sidewalks and abutting green areas.

Thank you,

Rebekah de la Fuente, CFM

JONES, GALLIGAN, KEY & LOZANO, L.L.P.

F. L. Jones (1939-2007)
Robert L. Galligan
Terry D. Key (Retired)
Anita G. Lozano
Matthew L. Jones
Lance A. Kirby
Rudy Salinas, Jr.
Ivan F. Pérez

ATTORNEYS AT LAW

Town Center Tower
2300 West Pike Blvd., Suite 300, Weslaco, Texas 78596
P. O. Drawer 1247, Weslaco, Texas 78599-1247
Telephone: (956) 968-5402
General Fax: (956) 968-6089 - Litigation Fax: (956) 969-9402

*1400 E. Madison, Suite 4, Brownsville, Texas 78520
Telephone: (956) 621-0710

Eugene R. Vaughan, III
Paola R. Guerrero
Gregory P. Kerr
*Juan M. Pequeño, Jr.
Lauren K. Christy
David Lozano
Alexandro Benavides
Kristen N. Gutierrez

Writer's e-mail: jpequeno@jgkl.com
File No.: 34130

March 1, 2022

Mr. Andrew Munoz
Interim City Manager
Weslaco City Commission
255 S. Kansas Avenue
Weslaco, Texas 78596

Via Email: amunoz@weslacotx.gov
nacantu@weslacotx.gov
avega@weslacotx.com

Re: Request for City of Weslaco to adopt portion of Roadway of Tierra Santa St. and Club De Amistad and abandonment of section of Border Ave.

Mr. Munoz and the City Commission:

Our office represents the Property Owners Association of Tierra Santa ("Tierra Santa"). As you are probably aware, Z&L Enterprises, Inc. ("Z&L Enterprises"), is working with the Weslaco Economic Development Corporation regarding the development of an event center to be located at the current Tierra Santa Golf Club ("Event Center"). The roads leading to the Tierra Santa Golf Club are currently private roads, gated with limited access, and maintained by Tierra Santa.

Z & L Enterprises is working with Tierra Santa to change the gates and fencing to allow 24-hour access to the newly created Event Center. Since the Event Center will be a benefit to the public and the City, the parties ask that the City adopt the sections of road outlined in the map attached hereto as **Exhibit "B"** and identified by metes and bounds on **Exhibit "A."** Tierra Santa is in agreement to abandon these sections of road to the City of Weslaco to allow for 24-hour access to the Event Center, provided that the City of Weslaco maintain the roads moving forward. Tierra Santa agrees to continue to maintain the islands in the middle of the roadway and the landscaping associated with those areas. Both Z&L Enterprises and Tierra Santa are in agreement with this proposal and both respectfully ask for the City of Weslaco to consider this proposal.

Although the parties are asking for the City to adopt this new section of roadway, Tierra Santa is also seeking that the section of Border next to Tierra Santa, as outlined on **Exhibit "D"** and described by metes and bounds on **Exhibit "C,"** be abandoned by the City of Weslaco, to be made a private road to be maintained by Tierra Santa. The adoption of the entry roadway into Tierra Santa will not place and undue burden on the City of Weslaco, since Tierra Santa will be taking on the responsibility as to Border. The vast majority of owners along Border are in agreement to allow the section of Border to become private, and to allow Tierra Santa to maintain it. Tierra Santa's residents will benefit from a more secure area with limited access. Tierra Santa will not subject properties along Border and outside of the Tierra Santa subdivision to be subject to assessments but will maintain the road for the benefit of all homeowners along Border, along with residents of Tierra Santa.

We respectfully request that the City of Weslaco consider our proposal, and place our proposal on the agenda for the City of Weslaco Commission meeting scheduled for the **Tuesday, March 15, 2022** meeting so that we can present our proposal for the Commissioners consideration.

If you require any additional information to consider this proposal or if you would like to discuss, do not hesitate to contact the undersigned at (956)973-1105.

Very truly yours,

JONES, GALLIGAN, KEY & LOZANO L.L.P.

By: _____

JUAN M. PEQUENO JR.

In support of:

Tierra Santa Property Owners Association, Inc.

Raymond Givilancz

By: Raymond Givilancz

Its: President

EXHIBIT "A"

March 1, 2022

METES AND BOUNDS DESCRIPTION 3.250 ACRES BEING OUT OF TIERRA SANTA R.O.W. AND CLUB AMISTAD R.O.W., OUT OF 2ND AMENDED PLAT OF TIERRA SANTA GOLF CLUB & COMMUNITY PHASE I, CITY OF WESLACO, HIDALGO COUNTY, TEXAS

A tract of land containing 3.250 acres situated in the City of Weslaco, County of Hidalgo, Texas, being a part or portion out of Tierra Santa right-of-way and Club Amistad right-of-way, 2nd Amended plat of tierra Santa Golf Club & Community Phase I, according to the plat thereof recorded in Volume 32, Pages 175-177, Hidalgo County Map Records, said 3.250 acres also being more particularly described as follows:

COMMENCING at the Northwest corner of said Lot 37, Block III;

THENCE, N 89° 59' 21" W a distance of 46.27 feet, for the Northeast corner and POINT OF BEGINNING of this herein described tract;

1. THENCE, S 00° 00' 36" E a distance of 39.94 feet to an angle point of this tract;
2. THENCE, in a Southwesterly direction, along a curve to the right, with a central angle of 35° 20' 26", a radius of 603.50 feet, an arc length of 372.24 feet, a tangent of 192.26 feet, and a chord that bears S 17° 24' 01" W a distance of 366.37 feet to an angle point of this tract;
3. THENCE, S 25° 27' 39" W a distance of 50.05 feet to an angle point of this tract;
4. THENCE, in a Southwesterly direction, along a curve to the left with a central angle of 31° 10' 22", a radius of 672.32 feet, an arc length of 365.79 feet, a tangent of 187.54 feet, and a chord that bears S 10° 05' 42" W a distance of 361.29 feet to the Southeast corner of this tract;
5. THENCE, S 89° 59' 24" W a distance of 289.27 feet to an angle point of this tract;
6. THENCE, in a Southwesterly direction, along a curve to the left, with a central angle of 67° 39' 41", a radius of 870 feet, an arc length of 1027.40 feet, a tangent of 583.09 feet, and a chord that bears S 56° 09' 34" W a distance of 968.73 feet to the Southwest corner of this tract;
7. THENCE, N 07° 12' 51" E a distance of 172.48 feet to an outside corner of this tract;

8. THENCE, in a Northeasterly direction, along a curve to the right, with a central angle of $57^{\circ} 20' 51''$, a radius of 930.00 feet, an arc length of 930.84 feet, a tangent of 508.61 feet, and a chord that bears $N 61^{\circ} 18' 59'' E$ a distance of 892.47 feet to an angle point of this tract;
9. THENCE, $S 89^{\circ} 59' 24'' W$ a distance of 289.27 feet to an inside corner of this tract;
10. THENCE, in a Northeasterly direction, along a curve to the right, with a central angle of $33^{\circ} 06' 07''$, a radius of 753.50 feet, an arc length of 435.33 feet, a tangent of 223.93 feet, and a chord that bears $N 15^{\circ} 28' 10'' E$ a distance of 429.30 feet to an angle point of this tract;
11. THENCE, in a Northeasterly direction, along a curve to the left, with a central angle of $32^{\circ} 18' 40''$, a radius of 516.50 feet, an arc length of 291.27 feet, a tangent of 149.62 feet, and a chord that bears $N 15^{\circ} 51' 52'' E$ a distance of 287.43 feet to an angle point of this tract;
12. THENCE, $N 00^{\circ} 00' 36'' W$ a distance of 40.17 feet to the Northwest corner of this tract;
13. THENCE, $S 89^{\circ} 59' 21'' E$ a distance of 87.00 feet to the POINT OF BEGINNING and containing 3.250 acres of land, more or less.

I, ROBERTO N. TAMEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY AFFIRM THAT THIS METES AND BOUNDS DESCRIPTION REPRESENTS THE RESULTS OF AN IN OFFICE SURVEY MADE UNDER MY DIRECTION AND SUPERVISION.


ROBERTO N. TAMEZ, R.P.L.S. #6238 03/01/2022 DATE:



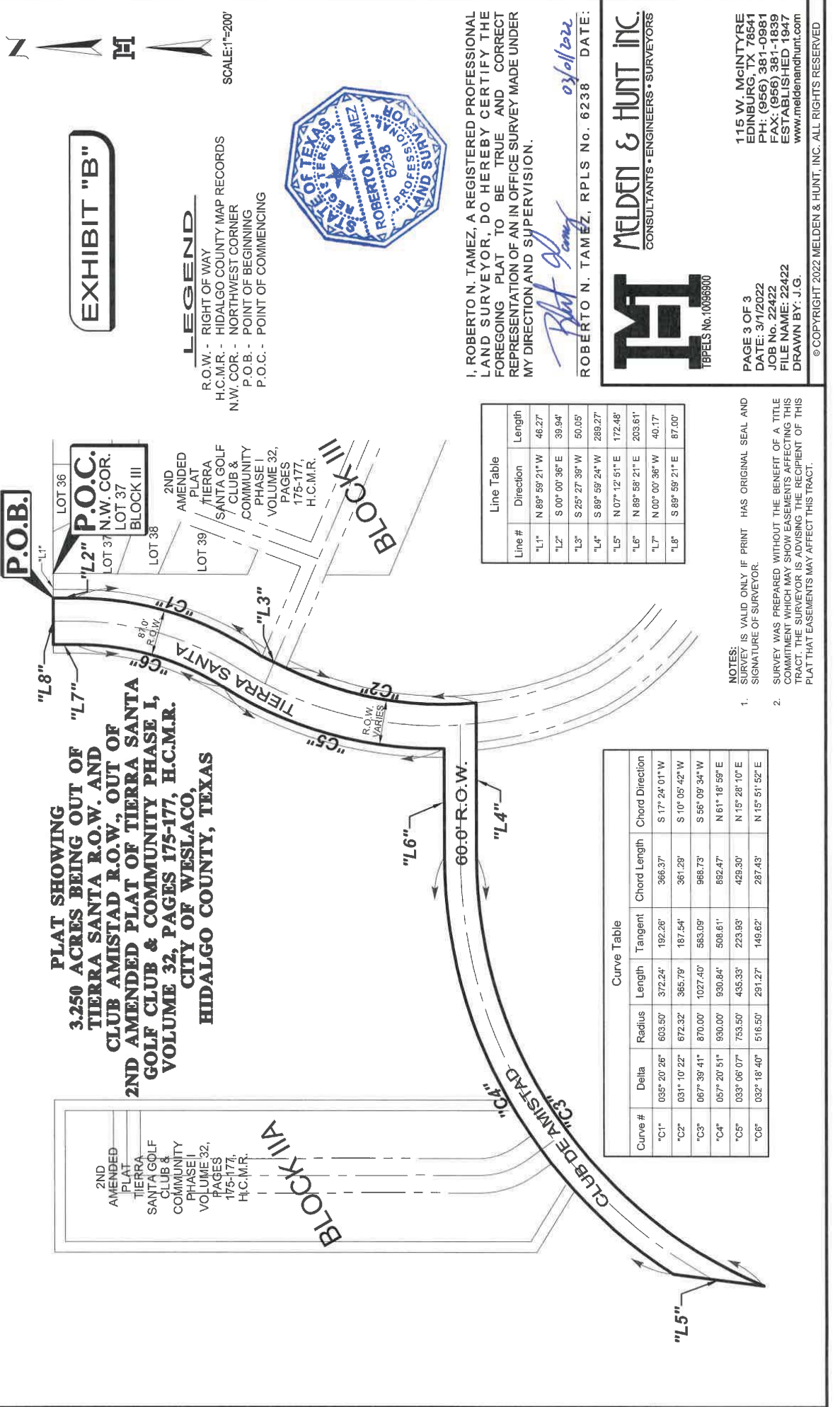


EXHIBIT "B"

LEGEND

R.O.W. - RIGHT OF WAY
H.C.M.R. - HIDALGO COUNTY MAP RECORDS
N.W. COR. - NORTHWEST CORNER
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCING



I, ROBERTO N. TAMEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE TRUE AND CORRECT REPRESENTATION OF AN IN OFFICE SURVEY MADE UNDER MY DIRECTION AND SUPERVISION.

Roberto N. Tamez
ROBERTO N. TAMEZ, RPLS No. 6238 DATE: 03/01/2022

MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS



115 W. MCINTYRE
EDINBURG, TX 78641
PH: (956) 381-0981
FAX: (956) 381-1839
ESTABLISHED 1947
www.meldenandhunt.com

PAGE 3 OF 3
DATE: 3/1/2022
JOB No. 22422
FILE NAME: 22422
DRAWN BY: J.G.

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Line Table		
Line #	Direction	Length
"L1"	N 89° 59' 21" W	46.27'
"L2"	S 00° 00' 36" E	39.94'
"L3"	S 25° 27' 39" W	50.05'
"L4"	S 69° 59' 24" W	289.27'
"L5"	N 07° 12' 51" E	172.48'
"L6"	N 89° 58' 21" E	203.61'
"L7"	N 00° 00' 36" W	40.17'
"L8"	S 89° 59' 21" E	87.00'

Curve Table					
Curve #	Delta	Radius	Length	Tangent	Chord Length
"C1"	035° 20' 26"	603.50'	372.24'	192.28'	366.37'
"C2"	031° 10' 22"	672.32'	365.79'	187.54'	361.29'
"C3"	067° 39' 41"	870.00'	1027.40'	583.09'	968.73'
"C4"	057° 20' 51"	930.00'	930.84'	508.61'	892.47'
"C5"	033° 08' 07"	753.50'	435.33'	223.93'	429.30'
"C6"	032° 18' 40"	516.50'	291.27'	148.62'	287.43'

- NOTES:
- SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
 - SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT WHICH MAY SHOW EASEMENTS AFFECTING THIS TRACT. THE SURVEYOR IS ADVISING THE RECIPIENT OF THIS PLAT THAT EASEMENTS MAY AFFECT THIS TRACT.

EXHIBIT "C"

March 1, 2022

METES AND BOUNDS DESCRIPTION 2.183 ACRES BEING OUT OF MILE 5 1/2 WEST, OUT OF FARM TRACT 801, THE WEST AND ADAMS TRACT, OUT OF 2ND AMENDED PLAT OF TIERRA SANTA GOLF CLUB & COMMUNITY PHASE I, OUT OF 2ND AMENDED PLAT OF TIERRA SANTA GOLF CLUB & COMMUNITY PHASE II, AND OUT OF HACIENDA ESTATES II CITY OF WESLACO, HIDALGO COUNTY, TEXAS

A tract of land containing 2.183 acres situated in the City of Weslaco, County of Hidalgo, Texas, being a part or portion out of Mile 5 ½ West, out of Farm Tract 801, The West and Adams Tract, according to the plat thereof recorded in Volume 2, Pages 34-37, out of 2nd Amended plat of Tierra Santa Golf Club & Community Phase I, according to the plat thereof recorded in Volume 32, Pages 175-177, out of 2nd Amended plat of Tierra Santa Golf Club & Community Phase II, according to the plat thereof recorded in Volume 32, Pages 178-179, and out of Hacienda Estates II, according to the plat thereof recorded in Volume 37, Pages 25, Hidalgo County Map Records, said 2.183 acres also being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 16, Block V, of said 2nd Amended plat of Tierra Santa Golf Club & Community Phase I, for an outside corner of this herein described tract;

1. THENCE, N 71° 32' 55" E a distance of 21.08 feet to an inside corner of this tract;
2. THENCE, N 00° 00' 12" W a distance of 102.29 feet to the Northwest corner of this tract;
3. THENCE, N 89° 59' 48" E a distance of 40.00 feet to the Northeast corner of this tract;
4. THENCE, S 00° 00' 12" E a distance of 1,841.00 feet to an inside corner of this tract;
5. THENCE, S 45° 00' 12" E a distance of 21.21 feet to the Southeast corner of this tract;
6. THENCE, S 89° 59' 48" W a distance of 35.00 feet to an outside corner of this tract;
7. THENCE, N 00° 00' 12" W a distance of 4.98 feet to an inside corner of this tract;

8. THENCE, S 89° 59' 48" W a distance of 45.00 feet to the Southwest corner of this tract;
9. THENCE, N 44° 58' 21" E a distance of 203.61 feet to an inside corner of this tract;
10. THENCE, N 00° 00' 12" W a distance of 1,459.90 feet to an inside corner of this tract;
11. THENCE, N 45° 00' 12" W a distance of 21.21 feet to an outside corner of this tract;
12. THENCE, N 11° 18' 48" W a distance of 50.99 feet to an outside corner of this tract;
13. THENCE, N 44° 59' 48" E a distance of 21.21 feet to an inside corner of this tract;
14. THENCE, N 00° 00' 12" W a distance of 187.16 feet to the POINT OF BEGINNING and containing 2.183 acres of land, more or less.

I, ROBERTO N. TAMEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY AFFIRM THAT THIS METES AND BOUNDS DESCRIPTION REPRESENTS THE RESULTS OF AN IN OFFICE SURVEY MADE UNDER MY DIRECTION AND SUPERVISION.



ROBERTO N. TAMEZ, R.P.L.S. #6238

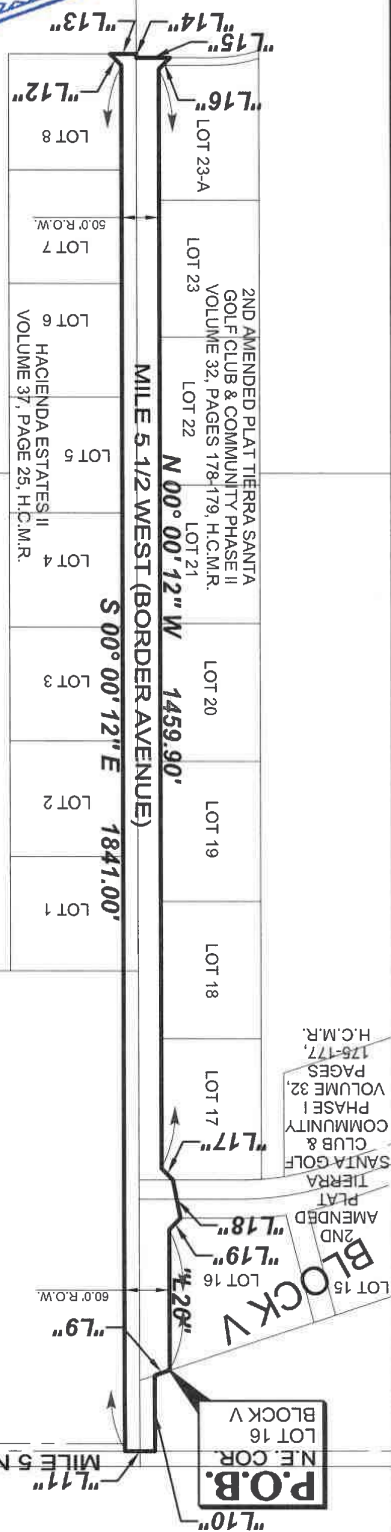
03/01/2022

DATE:



I, ROBERTO N. TAMEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE TRUE AND CORRECT REPRESENTATION OF AN IN OFFICE SURVEY MADE UNDER MY DIRECTION AND SUPERVISION.

ROBERTO N. TAMEZ, RPLS No. 6238 DATE: 03/01/2022



PLAT SHOWING
2.183 ACRES BEING OUT OF MILE 5 1/2 WEST AND
OUT OF FARM TRACT 801, THE WEST AND
ADAMS TRACT,
VOLUME 02, PAGES 34-37, H.C.M.R.
OUT OF 2ND AMENDED PLAT OF TIERRA
SANTA GOLF CLUB & COMMUNITY PHASE I,
VOLUME 32, PAGES 175-177, H.C.M.R.
OUT OF 2ND AMENDED PLAT OF TIERRA
SANTA GOLF CLUB & COMMUNITY PHASE II,
VOLUME 32, PAGES 178-179, H.C.M.R.
AND OUT OF HACIENDA ESTATES II
VOLUME 37, PAGE 25, H.C.M.R.
CITY OF WESTLACO,
HIDALGO COUNTY, TEXAS

Line #	Direction	Length
"L9"	N 71° 32' 55" E	21.08'
"L10"	N 00° 00' 12" W	102.29'
"L11"	N 89° 59' 48" E	40.00'
"L12"	S 45° 00' 12" E	21.21'
"L13"	S 89° 59' 48" W	35.00'
"L14"	N 00° 00' 12" W	4.98'
"L15"	S 89° 59' 48" W	45.00'
"L16"	N 44° 59' 48" E	21.21'
"L17"	N 45° 00' 12" W	21.21'
"L18"	N 11° 18' 48" W	50.99'
"L19"	N 44° 59' 48" E	21.21'
"L20"	N 00° 00' 12" W	187.16'

- NOTES:**
1. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
 2. SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT WHICH MAY SHOW EASEMENTS AFFECTING THIS TRACT. THE SURVEYOR IS ADVISING THE RECIPIENT OF THIS PLAT THAT EASEMENTS MAY AFFECT THIS TRACT.

LEGEND

R.O.W. - RIGHT OF WAY
H.C.M.R. - HIDALGO COUNTY MAP RECORDS
N.E. COR. - NORTHEAST CORNER
P.O.B. - POINT OF BEGINNING

SCALE: 1"=200'



EXHIBIT "D"

MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS



PAGE 3 OF 3
DATE: 3/1/2022
JOB No. 22422
FILE NAME: 22422
DRAWN BY: J.G.
115 W. MCINTYRE
EDINBURG, TX 78541
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FAX: (956) 381-1839
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www.meldenandhunt.com

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N
H
SCALE: 1" = 60'

LAS CRUCES

LA PAZ

LA LUZ

LAS VILLAS

CLUB DE AMISTAD

TIERRA SANTA

TIERRA BELLA

SANTO CIELO

87.0'
R.O.W.

70.0'
R.O.W.

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED GATES

PROPOSED GATES

PROPOSED GATES

10.0' GREEN SPACE

10.0' GREEN SPACE

10.0' GREEN SPACE

10.0' GREEN SPACE



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5250	
From:			
Subject: Discussion and consideration to purchase a John Deere 35G compact excavator from buyboard vendor Tellus Equipment Solutions for an amount not to exceed \$52,000 from Water Fund budget and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)			
Background: This will be purchased from account 501-5314-554131 budgeted from a 6" pump and the remaining funds from the 3" piercing tool.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
David Arce Pete Garcia ANDREW MUNOZ		Created/Initiated Approved New	
City Manager Comments: Approve.			
Staff Recommendation: Approval			
Attachments, if any: Excavator 35G Memo 2022, John Deere 35G \$51,896.42, 35G Compact Excavator, Bobcat Compact Excavator \$52,667, Dogget 35G Compact Excavator \$52,046 p1, Dogget 35G Compact Excavator \$52,046 p2			
Responsibilities upon Approval:			

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Josh Pedraza, Mayor Pro-Tem, District 1
Leo Muñoz, Commissioner, At-Large
Greg Kerr, Commissioner, At-Large
Letty Lopez, Commissioner, District 2
Jose "JP" Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4

Andrew Muñoz, Interim City Manager

INTERNAL MEMO PUBLIC WORKS DEPARTMENT

Date: March 15, 2022

To: City Commission

From: David Arce, Deputy Public Works Director

Subject: COMPACT EXCAVATOR – WATER DIVISION

Cc: Andrew Muñoz, Interim City Manager
Vidal Roman, Finance Director

We received 3 cooperative purchasing quotes for a compact excavator for water distribution division. Public works staff is recommending purchasing John Deere 35G compact excavator from Buyboard vendor Tellus Equipment Solutions in the amount not to exceed \$52,000, and they also have the excavator on the sales floor for a quick delivery.

Funds are within the Tools and Equipment budget line item.

Staff Recommends Approval.

**JOHN DEERE**

Selling Equipment

Quote Id: 26213779

JOHN DEERE 35G Compact Excavator				
Hours:		Suggested List		
Stock Number:		\$ 71,189.00		
		Selling Price		
		\$ 51,896.42		
Code	Description	Qty	Unit	Extended
0050FF	35G Compact Excavator	1	\$ 58,627.00	\$ 58,627.00
Standard Options - Per Unit				
3125	Rubber Track	1	\$ 0.00	\$ 0.00
4150	Suspension Seat - Cloth	1	\$ 29.00	\$ 29.00
7120	Long Arm and Extra Counterweight	1	\$ 1,503.00	\$ 1,503.00
8185	ROPS / FOPS Cab	1	\$ 6,243.00	\$ 6,243.00
9555	Angle Blade	1	\$ 3,191.00	\$ 3,191.00
Standard Options Total				\$ 10,966.00
Dealer Attachments				
BYT10966	18 in. (457 mm) Heavy Duty Bucket; 2.8 cu. ft. (0.080 cu. m) (4 Teeth Included)	1	\$ 906.00	\$ 906.00
AT305753	30/35 G/ZX Compact Excavator Quick Change Adapter	1	\$ 690.00	\$ 690.00
Dealer Attachments Total				\$ 1,596.00
Value Added Services Total				\$ 0.00
Suggested Price				\$ 71,189.00
Customer Discounts				
Customer Discounts Total			\$ -19,292.58	\$ -19,292.58
Total Selling Price				\$ 51,896.42



JOHN DEERE

Quote Summary

Prepared For:
City Of Weslaco
TX

Prepared By:
R.d. Machen
Tellus Equipment Solutions
2000 E Expressway 83
Weslaco, TX 78596
Phone: 956-968-7502
rmachen@tellusequip.com

**USED EQUIPMENT SOLD AS IS WHERE IS.
NO WARRANTY IS WRITTEN OR IMPLIED
UNLESS REMAINING FACTORY WARRANTY
IS TRANSFERABLE.
CONSULT YOUR SALES TEAM FOR
DETAILS.**

Quote Id: 26213779
Created On: 08 March 2022
Last Modified On: 09 March 2022
Expiration Date: 29 April 2022

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE 35G Compact Excavator	\$ 71,189.00	\$ 51,896.42 X	1 =	\$ 51,896.42
* BUY BOARD CONTRACT# 597-19				
Equipment Total				\$ 51,896.42

Quote Summary

Equipment Total	\$ 51,896.42
SubTotal	\$ 51,896.42
Est. Service Agreement Tax	\$ 0.00
Total	\$ 51,896.42
Balance Due	\$ 51,896.42

Salesperson : X _____

Accepted By : X _____





Bobcat

Product Quotation

Quotation Number: JLK-08335

Date: 2022-02-22 12:43:14

Customer Name/Address:	Bobcat Delivering Dealer	ORDERS TO BE PLACED WITH: Contract Holder/Manufacturer
CITY OF WESLACO 255 S KANSAS AVE WESLACO, TX 78596	Bobcat of the Rio Grande Valley, Alamo, TX 222 EAST FRONTAGE RD ALAMO TX 78516 Phone: 956-782-5580 Fax:	Clark Equipment Company dba Bobcat Company 250 E Beaton Dr West Fargo, ND 58078 Phone: 701-241-8719 Fax: 855-608-0681 Contact: Heather Messmer Heather.Messmer@doosan.com

Description	Part No	Qty	Price Ea.	Total
E35 33HP R2-Series Bobcat Compact Excavator 33 HP Tier 4 Auto Idle Auto-Shift, 2-Speed Travel Auxiliary Hydraulics, Selectable Flow with Arm Mounted Flush Face Quick Couplers Canopy - Includes: Cup Holder, Retractable Seat Belt, Vinyl Suspension Seat - Roll Over Protective Structure (ROPS)- Meets Requirements of ISO 12117-2: 2008 - Tip Over Protective Structure (TOPS) - Meets Requirements of ISO 12117: 2000 - Falling Object Protective Structure (FOPS) - Meets Requirements of ISO 10262:1998 Control Console Locks Control Pattern Selector Valve (ISO/STD)	M3411	1	\$41,685.70	\$41,685.70
	Dozer Blade with Float Engine/Hydraulic Monitor with Shutdown Fingertip Auxiliary Hydraulic Control Fingertip Boom Swing Control Horn Hydraulic Joystick Controls Keyed Ignition LED Work Lights Rubber Tracks Spark Arrestor Exhaust System Standard Instrument Panel Turbocharged Tier 4 Diesel Engine, Non DPF Vandalism Protection X-Change (Attachment Mounting System) Warranty: 2 years, or 2000 hours whichever occurs first Zero Tail Swing			
P10 Performance Package Standard Arm	M3411-P06-P10	1	\$0.00	\$0.00
C42 Comfort Package Enclosed Cab with HVAC Cloth Suspension Seat	M3411-P07-C42	1	\$5,016.90	\$5,016.90
	Travel Motion AlarmRadio			
24" MX3 XCHG TEETH	7323530	1	\$1,041.96	\$1,041.96
Total of Items Quoted				\$47,744.56
Freight Charges				\$1,187.00
Other Charges: Material and Logistics				\$3,735.00
Quote Total - US dollars				\$52,666.56

Notes:

***Prices per the Texas Buyboard Construction Equipment - 597-19**

***Terms Net 60 Days. Credit cards accepted.**

***FOB Destination**

***State Sales Taxes apply. IF Tax Exempt, please include Tax Exempt Certificate with order.**

***TID# 38-0425350**

***Orders Must Be Placed with Clark Equipment Company dba Bobcat Company, Govt Sales, 250 E Beaton Drive, West Fargo, ND 58078.**

***Quote valid for 30 days**

ORDER ACCEPTED BY:

SIGNATURE

DATE

PRINT NAME AND TITLE

PURCHASE ORDER NUMBER

DELIVERY ADDRESS: _____

BILLING ADDRESS (if different than Ship To): _____

TAX EXEMPT? _____ YES _____ NO

Exempt in the State of _____

Tax Exempt ID:

FEDERAL - _____

STATE - _____

Expiration Date: _____

35G Compact Excavator

23-Feb-2022
City of Weslaco
255 S. Kansas Rd
Weslaco, Texas

Sourcewell Sales Quote
Attn : David Arce



Doggett Heavy Machinery Services, LLC.

Code		Description		
0050FF		35G Compact Excavator	1	\$58,627.00
Option Codes				
3125		Rubber Track	1	No Added Cost
		300 mm (12 in.) Track		
7120		Long Arm and Extra Counterweight	1	\$1,503.00
		5 ft. 8 in. (1.72 m) and Extra Counterweight 507 lbs (230 kg).		
		Extra counterweight extends 5 in. (115 mm) beyond width of tracks when upper structure is rotated to the side.		
8185		ROPS / FOPS Cab	1	\$6,243.00
		With Heater & Air Conditioner.		
		Cab is Radio Ready with Speakers, Antenna, Wiring and Mounting.		
4150		Suspension Seat - Cloth	1	\$29.00
		Requires ROPS / FOPS Cab with Heater & Air Conditioner (8185).		
Field Installed Attachments				
BYT10973		18 in. (457 mm) Heavy Duty Bucket Bundle	1	\$2,782.00
		* Bundle includes a quantity of 4 of 18" Bucket BYT10966		
		* Price includes a 5% discount from individual buckets' price		

Total

\$69,184.00

Please see attached for Source well Sales Quote

Sales quote is valid for 90 days.

Manufacturer's Suggested List Price shown. Retail prices may vary by dealer. Unless stated otherwise, taxes, freight, setup, delivery and other dealer specific charges not included in the pricing. Options/items noted with anything other than price will have additional costs. Pricing, availability, and specifications subject to change without notice. Special program pricing may be available on certain models. See dealer for details. Prices shown are in U.S. dollars and valid only in the U.S.

Sales Price	\$ 69,184.00
Source Well Discount 29%	-\$ 20,063.36
Source Well Sales Price	\$ 49,120.64
Factory Freight	\$ 1,975.00
Pre-delivery Inspection	\$ 950.00
24 months or 2,000 hours of Full Warranty	No Charge
Final Sales Price	\$ 52,045.64

Thank you, for the opportunity to provide you a Source Well Sales Quote on a New John Deere 35G Closed Cab Excavator,

Sincerely,

Danny Jackson

Territory Sales Manager

(956)342-5228

Currently we have One 2022 John Deere 35g Excavator in our San Juan, Texas Location. If machine has to be ordered it can take on average of 5 to 6 Months from the Factory.

Sales Quote is Valid for 90 Days

Doggett Source well # 032119-JDC

02-23-2022

Page 2 of 2



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5271	
From:			
Subject: Presentation of the 2020 Racial Profiling Report submitted by the Weslaco Police Department to the State of Texas. (Staffed by Police Department.)			
Background: The Weslaco Police Department (WPD), in accordance with the Texas Racial Profiling Law (Article 2.132 Code of Criminal Procedure), has been collecting police contact data to comply with the law. The reader will find that the Weslaco Police Department (WPD) met all the requirements stated by Article 2.132 of the Texas Code of Criminal Procedures.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ADELAIDA VEGA ROBERT LOPEZ ANDREW MUNOZ		Created	
City Manager Comments: Presentation only.			
Staff Recommendation:			
Attachments, if any: WPD 2020 Racial Profiling Report 2020 for Commission, WPD 2020 Racial Profiling Report 2020 for Commission			
Responsibilities upon Approval: The Racial Profiling Report was submitted to the State of Texas by the Weslaco Police Department. It was submitted on Feb. 19, 2021. No further action is needed.			



Weslaco Police Department Racial Profiling Report 2020

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1. MISSION STATEMENT
2. TEXAS LAW ON RACIAL PROFILING
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5. WESLACO POLICE DEPARTMENT POLICY 401 BIASED-BASED POLICING
6. WESLACO POLICE DEPARTMENT POLICY 422 MOBILE AUDIO/VIDEO
7. WESLACO POLICE DEPARTMENT POLICY 1010 PERSONNEL COMPLAINTS
8. ARTICLE 29 OF THE CITY OF WESLACO/WESLACO MUNICIPAL POLICE UNION LABOR AGREEMENT
9. RACIAL PROFILING REPORT SUBMITTED TO THE STATE



1. Mission Statement:

At the Weslaco Police Department, it is our mission to enhance the quality of life in the City through a proactive and professional level of police service. We hold the preservation of life as our sacred duty. We aim to maintain a strong commitment to excellence. We accept nothing less than truth, honesty, and integrity in our profession. We recognize that our police powers derive from the people we serve, and we will not tolerate the abuse of our police authority. To the best of our ability, we treat all persons with respect, dignity, and equality. We view the people of this community as partners who deserve our concern, care, and attention. We recognize our responsibility to build partnerships with the community to meet current and future challenges. Additionally, crime reduction is our number one operational effort. We are committed to reducing the fear of crime, and we endeavor to do this by creating partnerships in our neighborhoods. Lastly, we recognize that our personal conduct, both on and off duty, is inseparable from the professional reputation of both the Officer and the Department.

Joel Rivera Ph.D.
Chief of Police

2. Texas Law on Racial Profiling

The Weslaco Police Department, in accordance with the Texas Racial Profiling Law (Article 2.132 Code of Criminal Procedure), has been collecting police contact data to comply with the law. Throughout the past year, the police department has striven to ensure that the numbers reported, via citations, field contact cards and arrests were as accurate as possible. The information reported herein only applies to what is referred to as "Tier 1" data (stops that resulted in citation or arrest).

A. Requirements

The following requirements must be met by all law enforcement agencies in the State of Texas:

By submitting, the chief administrator affirms that the agency has a policy in place in accordance with Texas Code of Criminal Procedure §2.132, and that the policy:

- (1) clearly defines acts constituting racial profiling.
- (2) strictly prohibits peace officers employed by the agency from engaging in racial profiling.
- (3) implements a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual.
- (4) provides public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and email address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.
- (5) requires appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article.
- (6) requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made because of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained.
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search.
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
 - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.
 - (E) the location of the stop; and
 - (F) the reason for the stop.

(7) Requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under subdivision to:

- (a) the Texas Commission on Law Enforcement; and
- (b) the governing body of each county or municipality served by the agency, if the agency is an agency of the county, municipality, or other political subdivision of the state.

B. Standards

Inside this report, the reader will find that the Weslaco Police Department met all the requirements stated by Article 2.132 of the Texas Code of Criminal Procedure.

The Department has Policy 313 Racial or Biased Based Profiling, which addresses the Racial Profiling issues.

The Department has a current Collective Bargaining Labor Agreement (term of contract; October 1, 2019 — October 1, 2021). CBA Article 29 governs the procedures for investigating a complaint filed against an officer.

The Department has Policy 422 Mobile Audio Video, which outlines the use of the mobile video equipment mounted in patrol vehicles.

The collection process used for this report was compromised of traffic citations, field contact cards, and traffic related arrest reports. The race, ethnicity or an individual that was stopped and whether a search was conducted. This information was gathered over the time of January 1, 2020 through December 31, 2020. This information is categorized as Tier 1 data report.

C. Education

1. Departmental Personnel

a. All members of the Weslaco Police Department have met the requirements set out by the Commission of Law Enforcement. Requirements stipulated that all officers must attend a Racial Profiling Class.

b. As part of the mandated training required by T.C.O.L.E; officers of the Weslaco Police Department are required to attend Cultural Diversity classes every two (2) years of a training cycle. This course of study includes sections on Racial Profiling.

2. Public Awareness

a. The Weslaco Police Department has access to the complaint filing process and forms available on its social media sight for public access.

3. Complaint History

a. The Weslaco Police Department did not receive any complaints regarding racial profiling this reporting period.

3. Weslaco Demographics

The City of Weslaco is located on the Eastern edge of Hidalgo County, centered between McAllen to the West, Harlingen to the East and is seven (7) miles North of the Mexican border city of Nuevo Progreso. The city compromises approximately 18.9 square miles of landmass.

A. Population

The information utilized in this section was obtained from the U.S Census Bureau, Census of 2018. This Census indicated a total population of 40,464. The current Census breakdown for the City of Weslaco is as follows:

	LABEL	ESTIMATE	% MARGIN OF ERROR
SEX AND AGE			
	Total population	40464	0
	Male	20474	1.8
	Female	19990	1.8
	Sex ratio (males per 100 females)	102.4	(X)
	Under 5 years	4333	1.9
	5 to 9 years	3852	1.5
	10 to 14 years	3415	1.3
	15 to 19 years	2870	1
	20 to 24 years	2701	1.1
	25 to 34 years	5665	1.5
	35 to 44 years	4218	1.3
	45 to 54 years	4052	1.1
	55 to 59 years	2128	0.9
	60 to 64 years	1687	0.7
	65 to 74 years	2850	1
	75 to 84 years	1847	0.9
	85 years and over	846	0.5
	Median age (years)	29.3	(X)
	Under 18 years	13640	1.7
	16 years and over	28104	2
	18 years and over	26824	1.7
	21 years and over	25360	1.8
	62 years and over	6507	1.6
	65 years and over	5543	1.5
	18 years and over	26824	(X)
	Male	12897	1.7
	Female	13927	1.7
	Sex ratio (males per 100 females)	92.6	(X)
	65 years and over	5543	(X)

Male	2319	3.2
Female	3224	3.2
Sex ratio (males per 100 females)	71.9	(X)
RACE		
Total population	40464	(X)
One race	39576	0.9
Two or more races	888	0.9
One race	39576	0.9
White	35046	2.2
Black or African American	315	0.7
American Indian and Alaska Native	287	0.5
Cherokee tribal grouping	0	0.1
Chippewa tribal grouping	3	0.1
Navajo tribal grouping	0	0.1
Sioux tribal grouping	0	0.1
Asian	364	0.6
Asian Indian	115	0.4
Chinese	0	0.1
Filipino	85	0.2
Japanese	0	0.1
Korean	0	0.1
Vietnamese	96	0.3
Other Asian	68	0.2
Native Hawaiian and Other Pacific Islander	0	0.1
Native Hawaiian	0	0.1
Guamanian or Chamorro	0	0.1
Samoan	0	0.1
Other Pacific Islander	0	0.1
Some other race	3564	1.8
Two or more races	888	0.9
White and Black or African American	68	0.3
White and American Indian and Alaska Native	55	0.1
White and Asian	0	0.1
Black or African American and American Indian and Alaska		
Native	0	0.1
RACE ALONE OR IN COMBINATION WITH ONE OR MORE OTHER RACES		
Total population	40464	(X)
White	35911	1.9
Black or African American	383	0.7
American Indian and Alaska Native	353	0.5
Asian	392	0.6
Native Hawaiian and Other Pacific Islander	9	0.1
Some other race	4329	2.1
HISPANIC OR LATINO AND RACE		
Total population	40464	(X)
Hispanic or Latino (of any race)	36022	1.6
Mexican	34085	2
Puerto Rican	165	0.2

Cuban	3	0.1
Other Hispanic or Latino	1769	1.5
Not Hispanic or Latino	4442	1.6
White alone	3714	1.4
Black or African American alone	264	0.7
American Indian and Alaska Native alone	77	0.2
Asian alone	364	0.6
Native Hawaiian and Other Pacific Islander alone	0	0.1
Some other race alone	0	0.1
Two or more races	23	0.1
Two races including Some other race	0	0.1
Two races excluding Some other race, and Three or more		
races	23	0.1
Total housing units	15750	(X)
CITIZEN, VOTING AGE POPULATION		
Citizen, 18 and over population	22703	(X)
Male	11226	2.1
Female	11477	2.1

4. Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Weslaco Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to report any known misconduct of a member promptly and fully to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such aviolation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Texas Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules, or regulations.

320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Weslaco Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts, or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel, or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or using one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, because of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained because of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police/City Marshal or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Weslaco Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment, and non-subpoenaed records.

320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact telephone numbers.
- (f) Failure to notify the Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, memorandum of understanding or contract, or the Chief of Police/ City Marshal.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, memorandum of understanding or contract, or the Chief of Police/City Marshal.
- (i) Any act on- or off-duty that brings discredit to this department.

320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement, memorandum of understanding or contract, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police/ City Marshal of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to perform law enforcement duties adequately and safely.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.

- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site.

5. Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Weslaco Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Tex. Code of Crim. Pro. art. 3.05).

401.2 POLICY

The Weslaco Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

The Patrol Division Commander should ensure that the Department has appropriate systems in place to collect information required by state racial profiling laws (Tex. Code of Crim. Pro. art. 2.132 (Tier One); Tex. Code of Crim. Pro. art. 2.133 (Tier Two)).

Each time an officer makes a traffic stop, the officer shall gather the required information using the system in place for racial profiling reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 STATE REPORTING

The Chief of Police/City Marshal shall annually submit a report of the information required in Tex. Code of Crim. Pro. art. 2.132 to the Texas Commission on Law Enforcement (TCOLE) and to each governing body served by the Department.

The Chief of Police/City Marshal shall also provide to TCOLE and each governing body served by the Department a report containing an analysis of the information required by Tex. Code of

Crim. Pro. art. 2.133. The report must be submitted by March 1 of each year (Tex. Code of Crim. Pro. art. 2.134).

The reports may not include identifying information about any officer who made the traffic stop or about any individual who was stopped or arrested (Tex. Code of Crim. Pro. art. 2.132; Tex. Code of Crim. Pro. art. 2.134).

401.7 ADMINISTRATION

The Patrol Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police/City Marshal. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police/City Marshal to identify any changes in training or operations that should be made to improve service (Tex. Code of Crim. Pro. art. 2.132).

Supervisors should review the report submitted to TCOLE and the governing body and the annual report and discuss the results with those they are assigned to supervise.

401.8 COMPLIMENTS AND COMPLAINTS

The Patrol Division Commander is responsible for educating the public on the Department's compliment and complaint process (see the Personnel Complaints Policy). This education may be achieved by information provided through the Department website. This information shall include the telephone number, mailing address and e-mail address to make a compliment or complaint regarding a ticket, citation or warning issued by an officer.

In the event that an investigation is initiated against an officer for a violation of this policy, the Patrol Division Commander should ensure that a copy of any related recording is provided as soon as practicable to the officer upon written request (Tex. Code of Crim. Pro. art. 2.132).

401.9 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Sergeant.

422.1 PURPOSE AND SCOPE

The Weslaco Police Department has equipped marked law enforcement vehicles with Mobile Audio/Video (MAV) recording systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and MAV system - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods and storage and retrieval methods and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio/video signals recorded or digitally stored on a storage device or portable media.

6. Mobile Audio/Video

422.2 POLICY

It is the policy of the Weslaco Police Department to use mobile audio/video recording technology to fulfill the mission of the Department more effectively and to ensure these systems are used securely and efficiently.

422.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Weslaco Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation to ensure that it is operational.

System documentation is accomplished by the officer recording his/her name, serial number, badge, or personal identification number (PIN) and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

422.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

422.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. Driving while intoxicated (DWI) investigations, including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Communications
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:
 - 1. Family violence
 - 2. Disturbance of the peace
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

Activation of the MAV system is not required when exchanging information with other officers, during breaks or lunch periods, or when not in service or not actively on patrol.

422.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. To this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

422.4.3 SURREPTITIOUS RECORDING

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police/ City Marshal or the authorized designee for the purpose of conducting a criminal or administrative investigation.

422.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Communications.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 - 1. The tracking number of the MAV system media.
 - 2. The date the media was issued.
 - 3. The name of the department member or the vehicle to which the media was issued.
 - 4. The date the media was submitted for retention.
 - 5. The name of the department member submitting the media.
 - 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new members is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved traffic accidents), a supervisor shall respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

422.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Department, MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) By officers for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with the permission of the Chief of Police/City Marshal or the authorized designee
- (i) By the media through proper process
- (j) To assess possible training value
- (k) For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the officer's objection
- (l) By a supervisor during periodic reviews for compliance with racial profiling laws (Tex. Code of Crim. Pro. art. 2.132)
- (m) As may be directed by the Chief of Police/City Marshal or the authorized designee

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

422.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

422.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in accordance with the established records retention schedule.

422.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police/City Marshal or the authorized designee. If an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

422.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the Weslaco Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

422.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAVs shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) Except for law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed or otherwise inserted into any device not approved by the Department MAV technician or forensic media staff.

422.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with the established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

422.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

7. Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Weslaco Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Weslaco Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law and municipal and county rules and the requirements of any collective bargaining agreements or memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal – A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal – A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs, depending on the seriousness and complexity of the investigation.

Incomplete – A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police/City Marshal or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police/City Marshal or the authorized designee may direct that another supervisor investigates any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police/City Marshal, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and Chief of Police/City Marshal are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources and the Watch Commander for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Weslaco Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garritty* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
 - (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of everyone's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - (j) All employees shall provide complete and truthful responses to questions posed during interviews.
 - (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction – Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis – Provide a summary of the facts giving rise to the investigation.

Summary – List the allegations separately, including applicable policy sections, with a summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence – Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion – A recommendation regarding further action or disposition should be provided.

Exhibits – A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded – When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated – When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained – When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action about any additional allegations.

1010.6.5 COMPLETION OF INVESTIGATIONS

In order to meet the 180-day limit under Tex. Local Gov't Code § 143.052, every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct should proceed with due diligence in an effort to complete the investigation within 150 days from the date of discovery by an individual authorized to initiate an investigation.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

8. Article 29. Personnel Files & Disciplinary Records

COLLECTIVE BARGAINING LABOR AGREEMENT Between the CITY OF WESLACO, TEXAS and the WESLACO MUNICIPAL POLICE UNION ("WMPU")

Term of Contract — 2 Years
October 1, 2019 through October 1, 2021

Section 1. The maintenance of police office personnel files shall be governed by the provisions of 143.089 TLGC, except as otherwise provided for in this article. This includes both the civil service personnel file, maintained under 143.089 (a), as well as the departmental file, maintained under 143.089 (g), TLGC (the "g" file).

Section 2. The city shall make reasonable efforts to maintain the confidentiality of each police officer's civil service personnel file, as per 143.089 (f), TLGC. Upon receiving a request for information under Chapter 552 of the Texas Government Code or for production under a subpoena duces tecum for information contained in an employee's personnel file, the Civil

Service Director shall cause notice of such request to be forwarded to the affected employee. The Civil Service Director shall also contact the CITY's legal counsel for the purpose of making reasonable efforts to maintain the confidentiality of the personnel file (the (a) file). Similarly, the Department Head shall make reasonable efforts to protect the confidentiality of any departmental personnel file (the (g) file).

Section 3. The Chief of Police retains sole and exclusive discretion regarding whether to file a written reprimand, counseling, or warning, in a police officer's personnel file, whether in the civil service personnel file (the (a) file) or the departmental personnel file (the (g) file), or both.

- A. A written reprimand filed with the civil service director shall be entitled to rebuttal in accordance with the provision of 143.089, TLGC.
- B. A written reprimand maintained only in the departmental (g) file may be rebutted within fifteen (15) days after notice or receipt of such a reprimand. Any such rebuttal shall be included in the department (g) file, but no further action by the Chief of Police or the City is required.
- C. A police officer may, upon reasonable request, inspect the departmental (g) file for the limited purpose of confirming the inclusion of any rebuttal letter tendered under subsection (B) above into the (g) file.

Section 4. Upon request by a police officer, the officer's disciplinary record in the civil service (a) file shall be purged into the departmental (g) file, in accordance with the following guidelines:

- A. Written evidence of counseling, warnings, and reprimands will be removed from the personnel file (the (a) file) following twelve (12) consecutive months of discipline-free service;
- B. Evidence of suspensions will be purged as follows:
 - 1) Suspension of 1 to 15 days after three (3) years of discipline-free service; and,
 - 2) Suspension of 16 to 30 days after five (5) years of discipline free service (suspensions of 16 to 30 days necessarily by agreement under 143.052 (g), TLGC).

WESLACO/WMPU Police Labor Agreement

Fiscal Years 2017-2019

Pages 24,25, and 26

Section 5. Provided, however, that up to two (2) written counseling, warnings, or reprimands, which occur within one (1) year from the three (3) or five (5) year expiration date of any suspension purging period shall not operate to prevent purging of an officers personnel file.

Section 6. Provided further that nothing in this Article is intended to be, nor shall be, in derogation of the statutory and common-law privileges that attach to the departmental file (the (g) file), which remains in the sole custody and control of the Chief of Police.

Article 30. DRUG TESTING

Section 1. Weslaco Police Officers will be subject to random drug tests at the discretion of City Management.

Section 2. Individual police officers shall be subject to a drug test on a for-cause basis, such as, but not necessarily limited to, an on-duty automobile accident or shooting incident.

Section 3. Officers testing positive for alcohol while on duty are subject to disciplinary action, including termination.

Section 4. Officers testing positive for any controlled substance are subject to disciplinary action, including termination.

Section 5. Drug tests shall be based on split samples by a certified lab. Any retests shall be at the officer's expense.

Section 6. A police officer who willfully refuses to submit to a drug test will be terminated from employment.

Article 31. PHYSICAL FITNESS FOR DUTY STANDARDS

Section 1. The CITY and UNION agree that they each have a mutual interest in assuring a set of physical fitness standards that are consistent with the legitimate needs of a law enforcement officer position in the Department.

Section 2. The CITY and UNION agree that the physical fitness standards adopted under this Article are derived from the Cooper Institute Standards related to law enforcement personnel.

Section 3. The City and Union agree that the testing for minimum physical fitness standards compliance is optional and compliance is not required for continued employment with the Department. The physical fitness standards adopted as part of this Labor Agreement shall be officially and formally tested at six (6) month intervals. Dry runs or training tests may be ordered by the Chief of Police at his discretion.

9. Racial Profiling Report Submitted to the State of Texas

Racial Profiling Report | Full

Agency Name: WESLACO POLICE DEPT.

Reporting Date: 02/19/2021

TCOLE Agency Number: 215215

Chief Administrator: JOEL RIVERA Agency Contact Information:

Phone: (956) 968-8591

Email: joel.rivera@weslacotx.gov

Mailing Address:

901 N. AIRPORT DR.

WESLACO, TX 78596

This Agency filed a full report

WESLACO POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling.
- 2) strictly prohibits peace officers employed by the WESLACO POLICE DEPT. from engaging in racial profiling.
- 3) implements a process by which an individual may file a complaint with the WESLACO POLICE DEPT. if the individual believes that a peace officer employed by the WESLACO POLICE DEPT. has engaged in racial profiling with respect to the individual.
- 4) provides public education relating to the agency's complaint process.
- 5) requires appropriate corrective action to be taken against a peace officer employed by the WESLACO POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the WESLACO POLICE DEPT. policy.

- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made because of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained.
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search.
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop.
 - e. the location of the stop.
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The WESLACO POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c),
Code of Criminal Procedure during the reporting period.

Executed
by: Brooks
Ditto
Training
Coordinator
or

Date: 02/19/2021

Total stops: 9963

Street address or approximate location of the stop

City street	8884
US highway	1078
County road	0
State highway	0
Private property or other	1

Was race or ethnicity known prior to stop?

Yes	2
No	9961

Race / Ethnicity

Alaska Native / American Indian	1
Asian / Pacific Islander	8
Black	30
White	221
Hispanic / Latino	9703

Gender**Female 4091**

Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	7
White	76
Hispanic / Latino	4006

Male 5872

Alaska Native / American Indian	0
Asian / Pacific Islander	7
Black	23
White	145
Hispanic / Latino	5697

Reason for stop.**Violation of law 277**

Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	3
White	8

Hispanic / Latino	265
Preexisting knowledge	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Moving traffic violation	6531
Alaska Native / American Indian	1
Asian / Pacific Islander	3
Black	19
White	141
Hispanic / Latino	6367
Vehicle traffic violation	3155
Alaska Native / American Indian	0
Asian / Pacific Islander	4
Black	8
White	72
Hispanic / Latino	3071
Was a search conducted?	
Yes	434
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	2
Hispanic / Latino	429
No	9529
Alaska Native / American Indian	1
Asian / Pacific Islander	8
Black	27
White	219
Hispanic / Latino	9274
Reason for Search?	
Consent	290
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	2

Hispanic / Latino	287		
Contraband	9		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	9		
Probable	123		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	2		
White	0		
Hispanic / Latino	121		
Inventory	4		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	4		
Incident to arrest	8		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	8		
Was Contraband discovered?			
Yes	90	Did the finding result in arrest. (total should equal previous column)	
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	1	Yes 0	No 1
White	1	Yes 0	No 1
Hispanic / Latino	88	Yes 56	No 32
No	9873		
Alaska Native / American Indian	1		
Asian / Pacific Islander	8		
Black	29		
White	220		
Hispanic / Latino	9615		

Description of contraband

Drugs	87
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	85
Weapons	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	3
Stolen property	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Result of the stop

Verbal warning	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Written warning	7713
Alaska Native / American Indian	1
Asian / Pacific Islander	6
Black	24
White	205
Hispanic / Latino	7477
Citation	2151
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	6
White	15
Hispanic / Latino	2128
Written warning and arrest	48
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	48
Citation and arrest	51
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	50
Arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Arrest based on

Violation of Penal Code	54
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	53
Violation of Traffic Law	23
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	23
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	22
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	22

Was physical force resulting in bodily injury used during stop?

Yes	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	2
No	9961
Alaska Native / American Indian	1
Asian / Pacific Islander	8
Black	30
White	221
Hispanic / Latino	9701

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Submitted electronically to the



The Texas Commission on Law Enforcement



Weslaco Police Department Racial Profiling Report 2020

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1. Mission Statement:

At the Weslaco Police Department, it is our mission to enhance the quality of life in the City through a proactive and professional level of police service. We hold the preservation of life as our sacred duty. We aim to maintain a strong commitment to excellence. We accept nothing less than truth, honesty, and integrity in our profession. We recognize that our police powers derive from the people we serve, and we will not tolerate the abuse of our police authority. To the best of our ability, we treat all persons with respect, dignity, and equality. We view the people of this community as partners who deserve our concern, care, and attention. We recognize our responsibility to build partnerships with the community to meet current and future challenges. Additionally, crime reduction is our number one operational effort. We are committed to reducing the fear of crime, and we endeavor to do this by creating partnerships in our neighborhoods. Lastly, we recognize that our personal conduct, both on and off duty, is inseparable from the professional reputation of both the Officer and the Department.

Joel Rivera Ph.D.
Chief of Police

2. Texas Law on Racial Profiling

The Weslaco Police Department, in accordance with the Texas Racial Profiling Law (Article 2.132 Code of Criminal Procedure), has been collecting police contact data to comply with the law. Throughout the past year, the police department has striven to ensure that the numbers reported, via citations, field contact cards and arrests were as accurate as possible. The information reported herein only applies to what is referred to as "Tier 1" data (stops that resulted in citation or arrest).

A. Requirements

The following requirements must be met by all law enforcement agencies in the State of Texas:

By submitting, the chief administrator affirms that the agency has a policy in place in accordance with Texas Code of Criminal Procedure §2.132, and that the policy:

- (1) clearly defines acts constituting racial profiling.
- (2) strictly prohibits peace officers employed by the agency from engaging in racial profiling.
- (3) implements a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual.
- (4) provides public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and email address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.
- (5) requires appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article.
- (6) requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made because of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained.
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search.
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
 - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.
 - (E) the location of the stop; and
 - (F) the reason for the stop.

(7) Requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under subdivision to:

- (a) the Texas Commission on Law Enforcement; and
- (b) the governing body of each county or municipality served by the agency, if the agency is an agency of the county, municipality, or other political subdivision of the state.

B. Standards

Inside this report, the reader will find that the Weslaco Police Department met all the requirements stated by Article 2.132 of the Texas Code of Criminal Procedure.

The Department has Policy 313 Racial or Biased Based Profiling, which addresses the Racial Profiling issues.

The Department has a current Collective Bargaining Labor Agreement (term of contract; October 1, 2019 — October 1, 2021). CBA Article 29 governs the procedures for investigating a complaint filed against an officer.

The Department has Policy 422 Mobile Audio Video, which outlines the use of the mobile video equipment mounted in patrol vehicles.

The collection process used for this report was compromised of traffic citations, field contact cards, and traffic related arrest reports. The race, ethnicity or an individual that was stopped and whether a search was conducted. This information was gathered over the time of January 1, 2020 through December 31, 2020. This information is categorized as Tier 1 data report.

C. Education

1. Departmental Personnel

a. All members of the Weslaco Police Department have met the requirements set out by the Commission of Law Enforcement. Requirements stipulated that all officers must attend a Racial Profiling Class.

b. As part of the mandated training required by T.C.O.L.E; officers of the Weslaco Police Department are required to attend Cultural Diversity classes every two (2) years of a training cycle. This course of study includes sections on Racial Profiling.

2. Public Awareness

a. The Weslaco Police Department has access to the complaint filing process and forms available on its social media sight for public access.

3. Complaint History

a. The Weslaco Police Department did not receive any complaints regarding racial profiling this reporting period.

3. Weslaco Demographics

The City of Weslaco is located on the Eastern edge of Hidalgo County, centered between McAllen to the West, Harlingen to the East and is seven (7) miles North of the Mexican border city of Nuevo Progreso. The city compromises approximately 18.9 square miles of landmass.

A. Population

The information utilized in this section was obtained from the U.S Census Bureau, Census of 2018. This Census indicated a total population of 40,464. The current Census breakdown for the City of Weslaco is as follows:

	LABEL	ESTIMATE	% MARGIN OF ERROR
SEX AND AGE			
	Total population	40464	0
	Male	20474	1.8
	Female	19990	1.8
	Sex ratio (males per 100 females)	102.4	(X)
	Under 5 years	4333	1.9
	5 to 9 years	3852	1.5
	10 to 14 years	3415	1.3
	15 to 19 years	2870	1
	20 to 24 years	2701	1.1
	25 to 34 years	5665	1.5
	35 to 44 years	4218	1.3
	45 to 54 years	4052	1.1
	55 to 59 years	2128	0.9
	60 to 64 years	1687	0.7
	65 to 74 years	2850	1
	75 to 84 years	1847	0.9
	85 years and over	846	0.5
	Median age (years)	29.3	(X)
	Under 18 years	13640	1.7
	16 years and over	28104	2
	18 years and over	26824	1.7
	21 years and over	25360	1.8
	62 years and over	6507	1.6
	65 years and over	5543	1.5
	18 years and over	26824	(X)
	Male	12897	1.7
	Female	13927	1.7
	Sex ratio (males per 100 females)	92.6	(X)
	65 years and over	5543	(X)

Male	2319	3.2
Female	3224	3.2
Sex ratio (males per 100 females)	71.9	(X)
RACE		
Total population	40464	(X)
One race	39576	0.9
Two or more races	888	0.9
One race	39576	0.9
White	35046	2.2
Black or African American	315	0.7
American Indian and Alaska Native	287	0.5
Cherokee tribal grouping	0	0.1
Chippewa tribal grouping	3	0.1
Navajo tribal grouping	0	0.1
Sioux tribal grouping	0	0.1
Asian	364	0.6
Asian Indian	115	0.4
Chinese	0	0.1
Filipino	85	0.2
Japanese	0	0.1
Korean	0	0.1
Vietnamese	96	0.3
Other Asian	68	0.2
Native Hawaiian and Other Pacific Islander	0	0.1
Native Hawaiian	0	0.1
Guamanian or Chamorro	0	0.1
Samoan	0	0.1
Other Pacific Islander	0	0.1
Some other race	3564	1.8
Two or more races	888	0.9
White and Black or African American	68	0.3
White and American Indian and Alaska Native	55	0.1
White and Asian	0	0.1
Black or African American and American Indian and Alaska		
Native	0	0.1
RACE ALONE OR IN COMBINATION WITH ONE OR MORE OTHER RACES		
Total population	40464	(X)
White	35911	1.9
Black or African American	383	0.7
American Indian and Alaska Native	353	0.5
Asian	392	0.6
Native Hawaiian and Other Pacific Islander	9	0.1
Some other race	4329	2.1
HISPANIC OR LATINO AND RACE		
Total population	40464	(X)
Hispanic or Latino (of any race)	36022	1.6
Mexican	34085	2
Puerto Rican	165	0.2

Cuban	3	0.1
Other Hispanic or Latino	1769	1.5
Not Hispanic or Latino	4442	1.6
White alone	3714	1.4
Black or African American alone	264	0.7
American Indian and Alaska Native alone	77	0.2
Asian alone	364	0.6
Native Hawaiian and Other Pacific Islander alone	0	0.1
Some other race alone	0	0.1
Two or more races	23	0.1
Two races including Some other race	0	0.1
Two races excluding Some other race, and Three or more		
races	23	0.1
Total housing units	15750	(X)
CITIZEN, VOTING AGE POPULATION		
Citizen, 18 and over population	22703	(X)
Male	11226	2.1
Female	11477	2.1

4. Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Weslaco Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to report any known misconduct of a member promptly and fully to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Texas Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules, or regulations.

320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Weslaco Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts, or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel, or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or using one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, because of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained because of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police/City Marshal or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Weslaco Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment, and non-subpoenaed records.

320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact telephone numbers.
- (f) Failure to notify the Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, memorandum of understanding or contract, or the Chief of Police/ City Marshal.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, memorandum of understanding or contract, or the Chief of Police/City Marshal.
- (i) Any act on- or off-duty that brings discredit to this department.

320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement, memorandum of understanding or contract, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police/ City Marshal of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.

320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to perform law enforcement duties adequately and safely.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.

- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site.

5. Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Weslaco Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Tex. Code of Crim. Pro. art. 3.05).

401.2 POLICY

The Weslaco Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

The Patrol Division Commander should ensure that the Department has appropriate systems in place to collect information required by state racial profiling laws (Tex. Code of Crim. Pro. art. 2.132 (Tier One); Tex. Code of Crim. Pro. art. 2.133 (Tier Two)).

Each time an officer makes a traffic stop, the officer shall gather the required information using the system in place for racial profiling reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 STATE REPORTING

The Chief of Police/City Marshal shall annually submit a report of the information required in Tex. Code of Crim. Pro. art. 2.132 to the Texas Commission on Law Enforcement (TCOLE) and to each governing body served by the Department.

The Chief of Police/City Marshal shall also provide to TCOLE and each governing body served by the Department a report containing an analysis of the information required by Tex. Code of

Crim. Pro. art. 2.133. The report must be submitted by March 1 of each year (Tex. Code of Crim. Pro. art. 2.134).

The reports may not include identifying information about any officer who made the traffic stop or about any individual who was stopped or arrested (Tex. Code of Crim. Pro. art. 2.132; Tex. Code of Crim. Pro. art. 2.134).

401.7 ADMINISTRATION

The Patrol Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police/City Marshal. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police/City Marshal to identify any changes in training or operations that should be made to improve service (Tex. Code of Crim. Pro. art. 2.132).

Supervisors should review the report submitted to TCOLE and the governing body and the annual report and discuss the results with those they are assigned to supervise.

401.8 COMPLIMENTS AND COMPLAINTS

The Patrol Division Commander is responsible for educating the public on the Department's compliment and complaint process (see the Personnel Complaints Policy). This education may be achieved by information provided through the Department website. This information shall include the telephone number, mailing address and e-mail address to make a compliment or complaint regarding a ticket, citation or warning issued by an officer.

In the event that an investigation is initiated against an officer for a violation of this policy, the Patrol Division Commander should ensure that a copy of any related recording is provided as soon as practicable to the officer upon written request (Tex. Code of Crim. Pro. art. 2.132).

401.9 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Sergeant.

422.1 PURPOSE AND SCOPE

The Weslaco Police Department has equipped marked law enforcement vehicles with Mobile Audio/Video (MAV) recording systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and MAV system - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods and storage and retrieval methods and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio/video signals recorded or digitally stored on a storage device or portable media.

6. Mobile Audio/Video

422.2 POLICY

It is the policy of the Weslaco Police Department to use mobile audio/video recording technology to fulfill the mission of the Department more effectively and to ensure these systems are used securely and efficiently.

422.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Weslaco Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation to ensure that it is operational.

System documentation is accomplished by the officer recording his/her name, serial number, badge, or personal identification number (PIN) and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

422.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

422.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. Driving while intoxicated (DWI) investigations, including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Communications
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:
 - 1. Family violence
 - 2. Disturbance of the peace
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

Activation of the MAV system is not required when exchanging information with other officers, during breaks or lunch periods, or when not in service or not actively on patrol.

422.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. To this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

422.4.3 SURREPTITIOUS RECORDING

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police/ City Marshal or the authorized designee for the purpose of conducting a criminal or administrative investigation.

422.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Communications.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 - 1. The tracking number of the MAV system media.
 - 2. The date the media was issued.
 - 3. The name of the department member or the vehicle to which the media was issued.
 - 4. The date the media was submitted for retention.
 - 5. The name of the department member submitting the media.
 - 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new members is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved traffic accidents), a supervisor shall respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

422.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Department, MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) By officers for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with the permission of the Chief of Police/City Marshal or the authorized designee
- (i) By the media through proper process
- (j) To assess possible training value
- (k) For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the officer's objection
- (l) By a supervisor during periodic reviews for compliance with racial profiling laws (Tex. Code of Crim. Pro. art. 2.132)
- (m) As may be directed by the Chief of Police/City Marshal or the authorized designee

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

422.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

422.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in accordance with the established records retention schedule.

422.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police/City Marshal or the authorized designee. If an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

422.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the Weslaco Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

422.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAVs shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) Except for law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed or otherwise inserted into any device not approved by the Department MAV technician or forensic media staff.

422.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with the established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

422.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

7. Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Weslaco Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Weslaco Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law and municipal and county rules and the requirements of any collective bargaining agreements or memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal – A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal – A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs, depending on the seriousness and complexity of the investigation.

Incomplete – A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police/City Marshal or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police/City Marshal or the authorized designee may direct that another supervisor investigates any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police/City Marshal, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and Chief of Police/City Marshal are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources and the Watch Commander for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Weslaco Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of everyone's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction – Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis – Provide a summary of the facts giving rise to the investigation.

Summary – List the allegations separately, including applicable policy sections, with a summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence – Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion – A recommendation regarding further action or disposition should be provided.

Exhibits – A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded – When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated – When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained – When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action about any additional allegations.

1010.6.5 COMPLETION OF INVESTIGATIONS

In order to meet the 180-day limit under Tex. Local Gov't Code § 143.052, every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct should proceed with due diligence in an effort to complete the investigation within 150 days from the date of discovery by an individual authorized to initiate an investigation.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

8. Article 29. Personnel Files & Disciplinary Records

COLLECTIVE BARGAINING LABOR AGREEMENT Between the CITY OF WESLACO, TEXAS and the WESLACO MUNICIPAL POLICE UNION ("WMPU")

Term of Contract — 2 Years
October 1, 2019 through October 1, 2021

Section 1. The maintenance of police office personnel files shall be governed by the provisions of 143.089 TLGC, except as otherwise provided for in this article. This includes both the civil service personnel file, maintained under 143.089 (a), as well as the departmental file, maintained under 143.089 (g), TLGC (the "g" file).

Section 2. The city shall make reasonable efforts to maintain the confidentiality of each police officer's civil service personnel file, as per 143.089 (f), TLGC. Upon receiving a request for information under Chapter 552 of the Texas Government Code or for production under a subpoena duces tecum for information contained in an employee's personnel file, the Civil

Service Director shall cause notice of such request to be forwarded to the affected employee. The Civil Service Director shall also contact the CITY's legal counsel for the purpose of making reasonable efforts to maintain the confidentiality of the personnel file (the (a) file). Similarly, the Department Head shall make reasonable efforts to protect the confidentiality of any departmental personnel file (the (g) file).

Section 3. The Chief of Police retains sole and exclusive discretion regarding whether to file a written reprimand, counseling, or warning, in a police officer's personnel file, whether in the civil service personnel file (the (a) file) or the departmental personnel file (the (g) file), or both.

- A. A written reprimand filed with the civil service director shall be entitled to rebuttal in accordance with the provision of 143.089, TLGC.
- B. A written reprimand maintained only in the departmental (g) file may be rebutted within fifteen (15) days after notice or receipt of such a reprimand. Any such rebuttal shall be included in the department (g) file, but no further action by the Chief of Police or the City is required.
- C. A police officer may, upon reasonable request, inspect the departmental (g) file for the limited purpose of confirming the inclusion of any rebuttal letter tendered under subsection (B) above into the (g) file.

Section 4. Upon request by a police officer, the officer's disciplinary record in the civil service (a) file shall be purged into the departmental (g) file, in accordance with the following guidelines:

- A. Written evidence of counseling, warnings, and reprimands will be removed from the personnel file (the (a) file) following twelve (12) consecutive months of discipline-free service;
- B. Evidence of suspensions will be purged as follows:
 - 1) Suspension of 1 to 15 days after three (3) years of discipline-free service; and,
 - 2) Suspension of 16 to 30 days after five (5) years of discipline free service (suspensions of 16 to 30 days necessarily by agreement under 143.052 (g), TLGC).

WESLACO/WMPU Police Labor Agreement

Fiscal Years 2017-2019

Pages 24,25, and 26

Section 5. Provided, however, that up to two (2) written counseling, warnings, or reprimands, which occur within one (1) year from the three (3) or five (5) year expiration date of any suspension purging period shall not operate to prevent purging of an officers personnel file.

Section 6. Provided further that nothing in this Article is intended to be, nor shall be, in derogation of the statutory and common-law privileges that attach to the departmental file (the (g) file), which remains in the sole custody and control of the Chief of Police.

Article 30. DRUG TESTING

Section 1. Weslaco Police Officers will be subject to random drug tests at the discretion of City Management.

Section 2. Individual police officers shall be subject to a drug test on a for-cause basis, such as, but not necessarily limited to, an on-duty automobile accident or shooting incident.

Section 3. Officers testing positive for alcohol while on duty are subject to disciplinary action, including termination.

Section 4. Officers testing positive for any controlled substance are subject to disciplinary action, including termination.

Section 5. Drug tests shall be based on split samples by a certified lab. Any retests shall be at the officer's expense.

Section 6. A police officer who willfully refuses to submit to a drug test will be terminated from employment.

Article 31. PHYSICAL FITNESS FOR DUTY STANDARDS

Section 1. The CITY and UNION agree that they each have a mutual interest in assuring a set of physical fitness standards that are consistent with the legitimate needs of a law enforcement officer position in the Department.

Section 2. The CITY and UNION agree that the physical fitness standards adopted under this Article are derived from the Cooper Institute Standards related to law enforcement personnel.

Section 3. The City and Union agree that the testing for minimum physical fitness standards compliance is optional and compliance is not required for continued employment with the Department. The physical fitness standards adopted as part of this Labor Agreement shall be officially and formally tested at six (6) month intervals. Dry runs or training tests may be ordered by the Chief of Police at his discretion.

9. Racial Profiling Report Submitted to the State of Texas

Racial Profiling Report | Full

Agency Name: WESLACO POLICE DEPT.

Reporting Date: 02/19/2021

TCOLE Agency Number: 215215

Chief Administrator: JOEL RIVERA Agency Contact Information:

Phone: (956) 968-8591

Email: joel.rivera@weslacotx.gov

Mailing Address:

901 N. AIRPORT DR.

WESLACO, TX 78596

This Agency filed a full report

WESLACO POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling.
- 2) strictly prohibits peace officers employed by the WESLACO POLICE DEPT. from engaging in racial profiling.
- 3) implements a process by which an individual may file a complaint with the WESLACO POLICE DEPT. if the individual believes that a peace officer employed by the WESLACO POLICE DEPT. has engaged in racial profiling with respect to the individual.
- 4) provides public education relating to the agency's complaint process.
- 5) requires appropriate corrective action to be taken against a peace officer employed by the WESLACO POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the WESLACO POLICE DEPT. policy.

- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made because of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained.
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search.
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop.
 - e. the location of the stop.
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The WESLACO POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c),

Code of Criminal Procedure during the reporting period.

Executed
by: Brooks
Ditto
Training
Coordinator
or

Date: 02/19/2021

Total stops: 9963

Street address or approximate location of the stop

City street	8884
US highway	1078
County road	0
State highway	0
Private property or other	1

Was race or ethnicity known prior to stop?

Yes	2
No	9961

Race / Ethnicity

Alaska Native / American Indian	1
Asian / Pacific Islander	8
Black	30
White	221
Hispanic / Latino	9703

Gender**Female 4091**

Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	7
White	76
Hispanic / Latino	4006

Male 5872

Alaska Native / American Indian	0
Asian / Pacific Islander	7
Black	23
White	145
Hispanic / Latino	5697

Reason for stop.**Violation of law 277**

Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	3
White	8

Hispanic / Latino	265
Preexisting knowledge	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Moving traffic violation	6531
Alaska Native / American Indian	1
Asian / Pacific Islander	3
Black	19
White	141
Hispanic / Latino	6367
Vehicle traffic violation	3155
Alaska Native / American Indian	0
Asian / Pacific Islander	4
Black	8
White	72
Hispanic / Latino	3071
Was a search conducted?	
Yes	434
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	2
Hispanic / Latino	429
No	9529
Alaska Native / American Indian	1
Asian / Pacific Islander	8
Black	27
White	219
Hispanic / Latino	9274
Reason for Search?	
Consent	290
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	2

Hispanic / Latino	287		
Contraband	9		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	9		
Probable	123		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	2		
White	0		
Hispanic / Latino	121		
Inventory	4		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	4		
Incident to arrest	8		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	8		
Was Contraband discovered?			
Yes	90	Did the finding result in arrest. (total should equal previous column)	
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	1	Yes 0	No 1
White	1	Yes 0	No 1
Hispanic / Latino	88	Yes 56	No 32
No	9873		
Alaska Native / American Indian	1		
Asian / Pacific Islander	8		
Black	29		
White	220		
Hispanic / Latino	9615		

Description of contraband**Drugs 87**

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	85

Weapons 0

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Currency 0

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Alcohol 3

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	3

Stolen property 0

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Other 0

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Result of the stop

Verbal warning	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Written warning	7713
Alaska Native / American Indian	1
Asian / Pacific Islander	6
Black	24
White	205
Hispanic / Latino	7477
Citation	2151
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	6
White	15
Hispanic / Latino	2128
Written warning and arrest	48
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	48
Citation and arrest	51
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	50
Arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Arrest based on**Violation of Penal Code 54****Alaska Native / American Indian 0****Asian / Pacific Islander 0****Black 0****White 1****Hispanic / Latino 53****Violation of Traffic Law 23****Alaska Native / American Indian 0****Asian / Pacific Islander 0****Black 0****White 0****Hispanic / Latino 23****Violation of City Ordinance 0****Alaska Native / American Indian 0****Asian / Pacific Islander 0****Black 0****White 0****Hispanic / Latino 0****Outstanding Warrant 22****Alaska Native / American Indian 0****Asian / Pacific Islander 0****Black 0****White 0****Hispanic / Latino 22**

Was physical force resulting in bodily injury used during stop?

Yes	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	2
No	9961
Alaska Native / American Indian	1
Asian / Pacific Islander	8
Black	30
White	221
Hispanic / Latino	9701

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Submitted electronically to the



The Texas Commission on Law Enforcement



Standardized Agenda Request Form

Date of Meeting: March 15, 2022		Agenda Item No. (to be assigned by CSO): 2022-5272	
From:			
Subject: Report on solid waste collection. (Staffed by Public Works Department.)			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ADELAIDA VEGA David Arce Pete Garcia ANDREW MUNOZ		Created	
City Manager Comments: Status report only.			
Staff Recommendation:			
Attachments, if any:			
Responsibilities upon Approval:			