



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 19, 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, April 19, 2022 at 5:30 PM for the purpose of discussing the following items:

NOTE: If during 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.

Pursuant to Texas Government Code Section 551.127, on a regular, non-emergency basis, the Weslaco City Commission may attend and participate in the meeting remotely by telephonic conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral Recognition.
 - Recognition of Juanita Maldonado for the Presidential Volunteer Award.
 - Recognition of Larissa Nicole Rodriguez for the Presidential Volunteer Award
- E. Roll Call.

II. PUBLIC COMMENTS

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

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

III. PUBLIC HEARING

- A. To solicit input on behalf of Eric Cavazos is requesting to rezone 901 Hackberry also

being Lot 1-3, Block 2, Bouganvillea Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One Family Dwelling District to B-1 neighborhood business district.

- B. To solicit input on behalf of Eduardo Garcia is requesting to rezone 149 N. Pleasantview Dr. Also being N275' FT 20 8.333AC GR 8.15AC NET, WEST TRACT Subdivision, Weslaco, Hidalgo County, and Texas from R-1 One Family Dwelling District to B-2 secondary and highway business district.
- C. To solicit input on behalf of Oscar Zarate is requesting to rezone 211 S Milanos Rd. also being a 8.00 acre tract of land out of Farm Tract Six Hundred Thirty-One (631), West Tract Subdivision, Hidalgo County, Texas from R-1 One Family Dwelling District to R-2 Duplex and Apartment District.
- D. To solicit input on behalf of Leticia Acevedo is requesting a Conditional Use Permit to obtain a Wine and Malt Beverage retail Dealer's On Premise Permit and Late Hours Certificate at 4024 E Interstate 2, also being Lot 3, Royal Subdivision Weslaco, Hidalgo County, Texas.
- E. To solicit input on behalf of OL Beverage Holdings, LLC is requesting a Conditional Use Permit to obtain a On-premise mixed beverage, Food and Beverage and Late Hours Certificate at 1411 W. Interstate 2, also being Lot 2, Harbor Freight Subdivision Weslaco, Hidalgo County, Texas.

IV. CONSENT AGENDA

The following items are routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the Regular Meeting on April 5, 2022.
(Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Ordinance 2022-11 for the Voluntary Annexation of 211 S Milanos Road being a 8.00 acre tract of land out of Farm Tract Six Hundred Thirty-One (631), West Tract Subdivision, Hidalgo County, Texas, located on Milanos Road and authorize the Mayor to execute any related documents. (First reading held April 5, 2022; staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval to purchase (and issue to) Honorably Retired Peace Officer Lt. Billy Pemelton's service weapon, a (UG-GLOCK22G4) used Glock 22 Gen 4 .40 handgun with serial number #WXN010 for the amount of \$238.50, as allowed under Texas Government Code Section 614.051 and authorize the Mayor to execute any related documents (Staffed by Police Department).

- D. Approval of a six-month extension for the Final Plat for Pleasant View Estates Subdivision– being 10.984 acres out of Farm Tract 772, Block 137, West Tract Subdivision, Weslaco, Hidalgo County, Texas located on the westside of Pleasant View Drive, 1320' North Mile 5 North Road and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Approval of the request from Habitat for Humanity to move the date of the inaugural “Fiesta del Hogar” to June 16, 2022, amend the lease to reflect this change, and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment.

V. OLD BUSINESS

- A. Discussion and consideration to approve the Wholesale Wastewater Treatment Interlocal Agreement between the City of Weslaco and North Alamo Water Supply Corporation (NAWSC) and authorize the Mayor to execute any related documents. Possible action. (There was no action on January 4, January 18 and February 1, 2022; staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration of the amended Airport Rules and Regulations and authorize the Mayor to execute any related documents. Possible action. (There was no action March 15, 2022; staffed by Airport Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion to accept and file the City of Weslaco's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending September 30, 2021 as presented by Carr, Riggs & Ingram, LLC and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- B. Discussion and consideration after public hearing on behalf of Eric Cavazos on Ordinance 2022-12 to rezone 901 Hackberry also being Lot 1-3, Block 2, Bougainvillea Heights Subdivision, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling District to B-1 neighborhood business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2022-12. Three-fourths vote required. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Eduardo Garcia on Ordinance 2022-13 to rezone 149 N. Pleasantview Dr. Also being N275' FT 20 8.333AC GR 8.15AC NET, WEST TRACT Subdivision, Weslaco, Hidalgo County, 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 of Ordinance 2022-13. Three-fourths vote required. Possible action. (Staffed

by Planning & Code Enforcement Department.) Attachment.

- D. Discussion and consideration after public hearing on behalf of Oscar Zarate on Ordinance 2022-14 to rezone 211 S Milanos Road also being a 8.00 acre tract of land out of Farm Tract Six Hundred Thirty-One (631), West Tract Subdivision, 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 2022-14. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration after public hearing on behalf of Leticia Acevedo to approve a Conditional Use Permit to obtain a Wine and Malt Beverage retail Dealer's On Premise Permit and Late Hours Certificate at 4024 E Interstate 2, also being Lot 3, Royal Subdivision Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- F. Discussion and consideration after public hearing on behalf of OL Beverage Holding, LLC to approve a Conditional Use Permit to obtain an On-premise mixed beverage, Food and Beverage and Late Hours Certificate at 1411 W. Interstate 2, also being Lot 2, Harbor Freight Subdivision Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- G. Discussion and consideration to approve the Final Plat for San Gabriel Subdivision—being a 9.98-acre tract of Farm Tract 795, The West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas located approximately $\frac{1}{4}$ mile south of Mile 5 North on the east side of Westgate Drive and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- H. Discussion and consideration to approve the Final Plat for Villas San Miguel Subdivision—being a 20.00-acre tract of Farm Tract 180, West Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately on the East side of Mile 5 $\frac{1}{2}$ West, $\frac{1}{2}$ mile north of Mile 10 North and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- I. Discussion and consideration to approve Resolution 2022-26 finding that AEP Texas Central Company's application for a distribution cost recovery factor to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.) Attachment.
- J. Discussion and consideration to approve Contingency Allowance Expenditure

Authorization No. 2 for the New Police Department with Municipal Court and increase the Owner's Contingency Fund by \$8,310, leaving a balance of \$235,521 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Parks and Recreation Department.) Attachment.

- K. Discussion and consideration to approve Contingency Allowance Expenditure Authorization No. 01 for the New Downtown Fire Station No.2 decreasing the Owner's Contingency Fund by \$57,749, leaving a balance of \$22,251 and authorizing the Mayor to execute any related documents. Possible action. (Staffed by the Parks and Recreation Department.) Attachment.
- L. Discussion and consideration to purchase a 2023 Chevrolet 1500 Silverado 4x4 Crew Cab for the Engineering Department for the amount of \$38,175 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- M. Discussion and consideration for the City of Weslaco to assume financial responsibility for monthly streetlight costs (6-streetlights) for Border Trace Ph II Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Engineering Department.) Attachment.
- N. Discussion and consideration to approve final payment and release of retainage for Pleasantview & 11th Street Drainage Improvements by Total Commitment and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department) Attachment.
- O. Discussion and consideration to award water line pipe bursting to Southern Trenchless Solutions, buyboard vendor contract no. 635-21, in the amount not to exceed \$308,790 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- P. Discussion and consideration to award sewer line pipe bursting to Southern Trenchless Solutions, buyboard vendor contract no. 635-21, in the amount not to exceed \$308,500 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- Q. Discussion and consideration to award Manhole Rehabilitation Phase VI to Southern Trenchless Solutions, buyboard vendor contract no. 635-21, in the amount not to exceed \$299,962 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- R. Discussion and consideration to award Buyboard vendor Rush Truck Center for two (2) new 2024 Peterbilt garbage trucks in an amount not to exceed \$646,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.

- S. Discussion and consideration to award Kinloch Equipment & Supply, Inc as the most advantageous bid for the purchase of an Elgin Regen X street sweeper for an amount not to exceed \$254,810 and authorize a budget amendment as may be required, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- T. Discussion and consideration to award Phoenix Contracting as the most advantageous bid for the purchase of one (1) Texas Pride 20+5 Dovetail trailer for an amount not to exceed \$13,000 and one (1) Kaufman tandem axle utility 16' trailer for an amount not to exceed \$4,500 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- U. Discussion and consideration to award IPL for the purchase of 715 residential Omnicart trash bins for an amount not to exceed \$42,000, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- V. Discussion and consideration to accept FY22 Body-Worn Camera Program, Grant #4367801 in the amount of \$98,407.50 with a \$32,802.50 cash match requirement and an amount not to exceed \$20,000 in recurring fees and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.

VII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

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

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

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

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

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

(1) commits an offense; and

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

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

(B) reasonable attorney fees and court costs; and

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

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

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

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

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

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

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the Interim City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.

- B. 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. Legal Consultation - Consultation with City Attorney regarding Economic Development Corporation of Weslaco versus Sunil Wadhwani, Nolana Self-Storage LLC, Harjinder Singh, Gerardo Tafolla, Ricardo Quintanilla and Leo Lopez Cause No. C-0295-20-L as authorized by section §551.071 of the Texas Government Code.
- H. Economic Development - Consultation with the City Attorney regarding financial offer or other incentives for Project Cool Air as authorized by section §551.087 of the Texas Local Government Code.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

IX. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 14th day of April 2022, on or before 5:30 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Norma A. Cantu, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary Department at (956) 968-3181, Ext. 1001 prior to the meeting date.

Regular Meetings of the Weslaco City Commission stream live online at <http://www.weslacotx.gov/open-government/open-meetings>. Archived video of some meetings are also available.

PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN".

“DE ACUERDO CON LA SECCION 30.06 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA SEGUN EL SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA OCULTA”.

"PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY".

“DE ACUERDO CON LA SECCION 30.07 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA A LA VISTA), UNA PERSONA CON LICENCIA SEGUN EL SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA A LA VISTA”.