



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
APRIL 19, 2022**

On Tuesday, April 19, 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:	Martin Garza	Interim City Manager
	Norma A. Cantu	City Secretary
	Juan E. Gonzalez	City Attorney

Also present: Andrew Munoz, Asst. City Manager/Airport Director, Aida Vega, Deputy City Secretary, Vidal Roman, Finance Director, Omar Rodriguez, Parks & Recreation Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Joel Rivera, Police Chief, Luz Galindo, HR Director, Rosa Badillo, Municipal Court, Albert Aldana, City Engineer, David Arce, Deputy Public Works Director, Pete Garcia, Public Works Director, Arnold Becho, Library Director, Martin Vela, IT Director, George Quilantan, Inframark, Cristina Garcia, PIO 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 Thursday, April 14, 2022

B. Invocation.

Pastor Basculo Castillo, Pave the Way Church led the invocation.

C. Pledge of Allegiance.

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

D. Mayoral Recognition.

Mayor Suarez recognized Juanita Maldonado on her accomplishments and award recipient of the Presidential Volunteer Award.

E. Roll Call.

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

II. PUBLIC COMMENTS

Casey Fischbeck, Industrial Disposal Supply Company, spoke on their product Tymco Street Sweeper; is a Texas product manufactured out of Waco with offices in San Antonio, Houston and Dallas and serve thirteen cities in the Rio Grande Valley.

III. PUBLIC HEARING

Commissioner Kerr seconded by Commissioner Rodriguez moved to open the public hearing at 5:42 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

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, Texas from R-1 One Family Dwelling District to B-1 neighborhood business district.

Jaime Vasquez, 611 Border Avenue, voiced objection to the rezone; petition submitted by the residents against that had concerns of traffic, adequate parking for a business and requested denial of the request.

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.

Josh Pedraza, 2110 Largo Street, voiced objection to the rezone citing the quality of life for the residents will be interrupted with additional 18-wheelers in the area; an expansion on the property disrupts the area with noise and activity on-going into late hours and requested denial of the rezone and signatures were collected against the rezone.

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.

No comments.

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.

No comments.

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.

Commissioner Kerr seconded by Commissioner Lopez moved to close the public hearing at 5:46 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 April 5, 2022. (Staffed by City Secretary Department.)

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.)

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.)

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.)

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

Following for the record is the caption of Ordinance 2022-11.

ORDINANCE NO. 2022-11

AN ORDINANCE ANNEXING ADDITIONAL TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS ON VOLUNTARY PETITION OF AREA LAND OWNER SUCH LAND BEING 8.00 ACRES OF LAND, LOCATED IN HIDALGO COUNTY, TEXAS, WHICH IS CONTIGUOUS TO THE CITY LIMITS AND HEREINAFTER DESCRIBED; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

CITY OF WESLACO
/s/David Suarez, MAYOR

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

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

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.)

Juan E. Gonzalez, City Attorney, requested consultation in executive session advising there were legal implications that the commission needed to be advised.

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.)

Andrew Munoz, Aviation Director/Asst. City Manager, stated this was previously presented for review and comments; the City Attorney and Airport Advisory reviewed and approved; went over four amendments that included right-of-entry restricted, rules, violations, and penalties more disciplinary; commercial activity will require a lease agreement and added TSA control access requirements for background checks. Staff, City Attorney and Airport Advisory Board recommended approval.

Commissioner Farias seconded by Mayor Pro Tem Pedraza moved to approve the amended Airport Rules and Regulations as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Vidal Roman, Finance Director, stated the Annual Comprehensive Financial Report for fiscal year ending September 30, 2021, was completed, and introduced Matthew Montemayor,

Engagement Partner with Carr, Riggs & Ingram, LLC.

Matthew Montemayor, CPA Engagement Partner with Carr, Riggs & Ingram, LLC; overviewed the contents of the reports such as the transmittal letter provides a profile of the city, management discussion and analysis, financial statements, statistical information and compliance section; noted the Finance Department awarded certificate of excellence for financial reporting; presented two components of the audit; Financial Statement Audit (governmental activities and business activities) and Federal Awards (grants); noted the Economic Development Corporation audit is done separately; three reports issued 1) Independent Auditors provides an unmodified opinion on the financial statements, 2) control over financial reporting and 3) compliance on federal awards stating two grants audited was the Coronavirus Relief Fund \$629k and Coronavirus state and local recovery funds (ARPA) \$700k ; went over assets, liabilities and net position for the city; reviewed statements of revenues and expenditures for governmental activities and business activities; stated sales tax and property taxes increased from last year and stated all reporting similar to last year with no major concerns; reported the general fund revenues at \$31,694,483 and expenditures \$34,316,709 and despite a decrease in the fund balance the city has 90 days of operating expenditures and is on target. There were no disagreements with management as well as no significant difficulties from the audit results to communicate as required.

Mayor Pro Tem Pedraza seconded by Commissioner Muñoz moved to accept and file City of Weslaco's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending September 30, 2021, as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente, Planning and Code Enforcement Director, stated twenty-nine property owners notified; petition received with fifteen property owners against that will require a super majority vote (three-fourths). The Planning & Zoning Commission and staff recommended denial based on the existing surrounding land use and 2040 Land Use Map identifies as single family residential.

Commissioner Kerr seconded by Commissioner Muñoz moved to approve the item as presented. The motion failed with all opposed (0-7); Mayor Suarez was present and voting.

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.)

Mayor Pro Tem Pedraza abstained from discussion and vote.

Rebekah de la Fuente stated sixty-three property owners notified; petition received with twenty-nine property owners against that will require a super majority vote (three-fourths). The Planning & Zoning Commission and staff recommended denial based on the existing surrounding land use and 2040 Land Use Map.

In response to Commissioner Muñoz, Rebekah de la Fuente stated a B-2 District would allow almost any type of commercial use; owner is currently using the property as a truck-tractor mechanic shop that is considered legal-nonconforming use and wants to expand the business by constructing new canopies and clean out areas that is not permitted under the City's Zoning Ordinance unless property is rezoned, and noise complaints have been received.

Commissioner Rodriguez seconded by Commissioner Muñoz moved to approve. The motion failed with six opposed (0-6); Mayor Pro Tem Pedraza abstained; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente stated thirty-three property owners notified with no objection received; the property was recently annexed and will be a continuation to the property west of Walgreens. The Planning and Zoning Commission and staff recommended approval based on the existing surrounding land use.

Commissioner Kerr seconded by Commissioner Muñoz moved to approve Ordinance 2022-14 to rezone 211 S Milanos Road also being an 8.00-acre tract of land out of Farm Tract Six Hundred Thirty-One (631), West Tract Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente stated six property owners notified with no objection received; applicant is proposing to obtain a permit for a Wine and Malt Beverage retail Dealer's On-Premise Permit and Late Hours Certificate at the existing Jungle Inn. The Planning and Zoning Commission recommended approval with the condition that two licensed security guards be on duty during late hours of operations. Staff recommended approval.

Commissioner Kerr seconded by Mayor Pro Tem Pedraza moved 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 with condition that two licensed security guards be on duty during late hours of operations as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente stated sixteen property owners notified with no objection received; applicant is proposing to obtain a permit for an On-premise mixed beverage, Food and Beverage and Late Hours Certificate. The Planning and Zoning Commission recommended approval with the condition that two licensed security guards be on duty during late hours of operations. Staff recommended approval.

Commissioner Farias seconded by Commissioner Muñoz moved 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 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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 ¼ 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.)

Rebekah de la Fuente stated this was a proposed thirty-one lot subdivision inside city limits; serviced with water and sewer by the city; developer requested variance to allow for off-site drainage. The Planning and Zoning Commission moved to approve with variance; staff recommended approval and compliance on the ordinance on the variance.

Commissioner Kerr seconded by Commissioner Lopez moved 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 with variance as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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 ½ West, ½ mile north of Mile 10 North and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated this was a proposed thirty lot subdivision outside city limits; serviced with water from North Alamo Water Supply and sewer by on-site sewage facility (OSSF); developer requested variance to allow for off-site drainage. The Planning and Zoning

Commission moved to approve with variance; staff recommended approval and compliance on the ordinance on the variance.

Commissioner Kerr seconded by Commissioner Lopez moved to approve the Final Plat for Villas San Miguel Subdivision– being a 20.00-acre tract of Farm Tract 180, West Tract Subdivision with variance as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Commissioner Kerr abstained from discussion and vote.

Martin Garza, Interim City Manager, stated AEP filed for a rate distribution cost increase; he recommended approval of the resolution to allow the city to participate with other cities to deny the rate and negotiate for a reasonable rate increase for all.

Commissioner Muñoz seconded by Mayor Pro Tem Pedraza moved to approve Resolution 2022-26 as presented. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

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 \$243,521 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Parks and Recreation Department.)

Commissioner Muñoz abstained from discussion and vote.

Omar Rodriguez, Parks and Recreation Director, stated the item reconciles credits and debits to the project as follows; credit of \$1,883 for HVAC Permit; debit of \$2,920 relocation of sign in ROW; \$7,700 credit for reduction of fire lines and credit of \$1,647 for the automatic transfer switch for a total credit of \$8,310 increase to the contingency fund. Staff recommended approval.

In response to Mayor Suarez, Omar Rodriguez confirmed the new contingency balance is \$243,831 noting the \$243,521 was the prior ending balance.

Commissioner Lopez seconded by Commissioner Kerr moved to approve Contingency Allowance Expenditure Authorization No. 2 for the New Police Department with Municipal Court with new contingency balance of \$243,831 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Commissioner Muñoz abstained from discussion and vote.

Omar Rodriguez, Parks and Recreation Director, stated the item reconciles credits and debits to the project as follows; credit of \$1,653 reduction of the 4” fire line; credit \$525 of permit fees; debit \$7,820 for the addition of hollow metal frame, door and hardware for sleeping quarters; \$1,495 credit for waterline connection; \$54,322.13 debit for concrete instead of asphalt for driveways and \$719 credit for less labor as a result of reduction of 47’ linear feet for waterline. Staff recommended approval of decrease to the contingency fund in the amount of \$57,749.

Mayor Pro Tem Pedraza seconded by Commissioner Kerr moved to approve Contingency Allowance Expenditure Authorization No. 01 for the New Downtown Fire Station No.2 as presented. The motion carried; Commissioner Muñoz abstained; Mayor Suarez was present and voting.

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.)

Commissioner Farias abstained from discussion and vote.

Albert Aldana, City Engineer, stated this is a budgeted expense for a new truck for the engineering department that will provide much needed space to accommodate expensive equipment as well as more personnel for field projects and the monies allocated will be carried over into FY2022-2023 budget. Staff recommended approval.

Commissioner Muñoz seconded by Commissioner Lopez moved to approve the purchase a 2023 Chevrolet 1500 Silverado 4x4 Crew Cab in the amount of \$38,175 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Albert Aldana stated complaints were received on several streetlights on Border Trace Ph II Subdivision not functioning; city unable to provide maintenance on six streetlights as records showed they were not transferred to the city. Staff recommended to assume responsibility for maintenance and operations cost that would be \$15-20 per streetlight and noted the area is serviced by Magic Valley Electric Cooperative.

Commissioner Muñoz seconded by Mayor Pro Tem Pedraza moved to assume financial responsibility for streetlights (6) in Border Trace Ph II Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Albert Aldana stated this project began October 2020 that included the area from 10th Street to 12th Street; project incurred delays because of COVID, material delivery and weather; initial project cost was \$2,917,832; change orders totaled \$351,694 for a total project cost of \$3,165,479. Staff recommended approval of project completion and approved final payment of \$85,159.90 and retainage in the amount of \$158,274.

Jose Reyes, Project Engineer Sigler, Winston Greenwood (SWG) stated staff, contractor and himself walked the project as of today as was in final completion and recommended acceptance of the project.

In response to Commissioner Muñoz and Rodriguez; SWG stated the site was walked and no deficiencies found to be addressed; project delays were included in the closeout documents of the project, change orders justified and commission approval received; brush removal (along drain ditch) was not in the contract but the contractor would be removing the debris once the regional detention facility was completed (from 12th to 18th Street) since he is also the contractor for that project; vegetation along the banks (behind the golf course) will not be removed as the vegetation is very heavy and removal may cause issues. The city will be maintaining the crossing on a regular basis.

Commissioner Kerr seconded by Commissioner Muñoz moved to approve final payment and release of retainage for Pleasantview & 11th Street Drainage Improvements as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Commissioner Farias abstained from discussion and vote.

Pete Garcia, Public Works Director, recommended approval to award Southern Trenchless Solutions to do water line pipe bursting in three locations along Texas Blvd and intersections of 5th, 7th, and 10th Street due to aging infrastructure. Monies were from the American Rescue Plan Act (ARPA).

Commissioner Muñoz seconded by Commissioner Lopez moved to award water line pipe bursting to Southern Trenchless Solutions, buy board vendor contract no. 635-21, in the amount not to exceed \$308,790 as presented. The motion carried; Commissioner Farias abstained; Mayor Suarez was present and voting.

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.)

Commissioner Farias abstained from discussion and vote.

Pete Garcia, Public Works Director, recommended approval to award Southern Trenchless Solutions to do sewer line pipe bursting of 1560 linear feet with required monies were from the American Rescue Plan Act (ARPA).

In response to Mayor Suarez, replacement would consist of PVC durable materials.

Commissioner Mayor Pro Tem Pedraza seconded by Commissioner Lopez moved to award sewer line pipe bursting to Southern Trenchless Solutions, buyboard vendor contract no. 635-21, in the amount not to exceed \$308,500 as presented. The motion carried; Commissioner Farias abstained; Mayor Suarez was present and voting.

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.)

Commissioner Farias abstained from discussion and vote.

David Arce, Deputy Public Works Director, stated an evaluation of eighty manholes was done; presented an inspection report with the location of forty-five manholes that necessitate immediate attention for rehab to extend the use of the manhole. Staff recommended approval to award Southern Trenchless Solutions in the amount not to exceed \$299,962 and expenditure is from the American Rescue Plan Act (ARPA).

Commissioner Rodriguez seconded by Commissioner Muñoz moved to award Manhole Rehabilitation Phase VI to Southern Trenchless Solutions, buyboard vendor contract no. 635-21, in the amount not to exceed \$299,962 as presented. The motion carried; Commissioner Farias abstained; Mayor Suarez was present and voting.

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.)

Commissioner Farias abstained from vote and discussion.

David Arce stated the city is experiencing growth in residential and commercial areas and to ensure there is no disruption in providing services that could result in delivery delays of equipment, staff requested approval to order two trucks: one for residential services in the amount of \$336,291 and one commercial truck in the amount of \$309,464 from Rush Truck Center. Staff recommended to maintain the same fleet as the initial order in 2020 of white Peterbilt's, and the same NeWay body to be mounted. Staff recommended approval and noted a budget amendment will be presented during the mid-year budget amendments by Finance.

In response to Mayor Suarez, Vidal Roman, Finance Director, stated the payment process had not been determined staff is wanting to secure the purchase and order the equipment and upon receipt of equipment the financing recommended would be a lease purchase with no penalty for early payment.

Commissioner Rodriguez seconded by Commissioner Kerr moved to award Buyboard vendor Rush Truck Center for two (2) new 2024 Peterbilt garbage trucks in an amount not to exceed \$646,000 as presented. The motion carried; Commissioner Farias abstained; Mayor Suarez was present and voting.

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.)

David Arce stated the city has a 2014 Elgin Pelican 3.5 cubic yards with 20mph travel time and is mechanical unit; bids were solicited with specification for a regenerative air street sweeper instead of mechanical unit; five bids received and evaluated, and all met specifications. Staff recommended the Elgin Regen X in the amount of \$254,810 based on price, service, delivery time of 10 days and included a one-year warranty for parts, labor, and maintenance at 100%. Staff stated the recommendation is not the lowest bid as delivery time of equipment of the low bidder is 120-150 days and the difference in bid was \$5,000; city was considering outsourcing to a vendor for a one-time street sweep of 60 curb miles at cost of \$4,800 and will forego this and use these monies towards the purchase and have equipment on site within ten days.

The City Attorney stated the second lowest respondent can be awarded based on the recommendation from staff upon a record made as to why the lowest respondent was not awarded. Staff's recommendation based on the evaluation of specs and delivery time is sufficient should the commission choose to award as recommended.

Mayor Pro Tem Pedraza seconded by Commissioner Kerr moved 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 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

David Arce stated two bids were received for utility trailers and evaluated; Phoenix Contracting was the lowest bid; the dovetail trailer is for the water division and the 16' utility trailer is for traffic division. Staff recommended approval to award Phoenix Contracting and ARPA funds will be used.

Commissioner Rodriguez seconded by Commissioner Muñoz moved 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 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

David Arce recommended approval to purchase additional residential containers; inventory on hand is about 300 bins and with the growth of the 4-plex complexes will depilate quickly. If approved the bins will take 6-7 weeks to arrive and are the same containers currently being used and stated a budget amendment will be needed.

Commissioner Farias seconded by Commissioner Lopez moved to award IPL for the purchase of 715 residential Omnicart trash bins for an amount not to exceed \$42,000 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Joel Rivera, Chief of Police, recommended approval stating two grants were applied for and notification of the state grant award received and waiting for notice of award federal grant; total project cost is \$131,210 and grant award is \$98,407.50 and the city match would be \$32,802.50 and recurring fees of \$20,000 for a server system for retention purposes. Staff recommended to accept the grant and recurring cost to be budgeted.

In response to Commissioner Muñoz, Chief Rivera stated the grant will cover fifty plus cameras and will be in partial implementation with all patrol and investigation will have and the department will be creating policy on the use of body-worn camera.

Commissioner Lopez seconded by Commissioner Muñoz moved to accept FY22 Body-Worn Camera Program, Grant #4367801 in the amount of \$98,407.50 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VII. EXECUTIVE SESSION

At 7:09 p.m. Commissioner Muñoz seconded by Commissioner Rodriguez moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:25 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

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.)

Commissioner Rodriguez seconded by Commissioner Lopez moved to authorize the City Attorney proceed as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

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. 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.

C. 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.

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

No action.

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.

Commissioner Kerr abstained from discussion and vote.

Commissioner Farias seconded by Commissioner Muñoz moved to authorize the Interim City Manager proceed with negotiations as discussed in executive session. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

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.

No action.

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.

No action.

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.

Commissioner Rodriguez seconded by Commissioner Lopez moved to approve financial offer or other incentives for Project Cool Air as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

IX. ADJOURNMENT

Mayor Pro Tem Pedraza seconded by Commissioner Muñoz moved to adjourn the meeting of April 19, 2022, at 8:27 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**