



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
TUESDAY MAY 3, 2022**

On Tuesday, May 3, 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 29, 2022.

B. Invocation.

Pastor Bascilo 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

None.

III. PRESENTATION

A. Steve Valdez, Executive Director, Weslaco Economic Development Corporation.

Steve Valdez, Executive Director, stated summary leads had fourteen (14) new business creating four hundred (400) new jobs with a capital investment of \$16million for the city; went over ribbon cuttings held with the Chamber; groundbreaking along expressway scheduled for June with a tour of Clean Labels Food being scheduled.

B. Barbara Jean Garza, President/CEO, Weslaco Area Chamber of Commerce & Visitors Center.

Barbara Jean Garza, President/CEO, reported funds from Weslaco Hotel/Motel Tax used for advertising for the month was just over \$9,000; visitors for the month had 584 with 15 facility reservations; reported on upcoming events for Sabor de Weslaco on May 5, ribbon cuttings for Wake N Shake, Crumbl Cookies, Express Employment and Texas Farm Credit being scheduled and other events held was the Weslaco Job Fair had over 100 job seekers; La Cebollita Farmers Market had over 30 vendors and Mid-Valley Leadership Class coming to completion June 2022.

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 19, 2022. (Staffed by City Secretary Department.)

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

1) 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 held April 19, 2022; staffed by Planning & Code Enforcement Department.)

C. Approval of the inter-local contract with the Lower Rio Grande Valley Development Council to accept and appropriate grant award for the Regional Solid Waste Grant in the amount of \$24,375 approve a budget amendment as required and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.)

D. Approval of application to the South Texas Literacy Coalition free book distribution program; acceptance of books upon award and authorize the Mayor to execute any related documents. (Staffed by Library Department.)

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

Following for the record is the ordinance caption.

ORDINANCE NO. 2022-14

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 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, 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:

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 19th day of April 2022.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of May 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 went to New Business item H. There was no objection.

VI. NEW BUSINESS

H. Discussion and consideration authorizing the City of Weslaco to submit a joint application with Hidalgo County for Congressional Earmark/Community Project Funding and authorize the Mayor to execute any related documents. Possible action. (Staffed by Interim City Manager.)

Martin Garza, Interim City Manager, recommended approval to ratify the submittal of a joint application with Hidalgo County for Congressional Earmark/Community Project Funding that Congressman Vicente Gonzalez has announced are available and stated Hidalgo County Commissioner David Fuentes was in attendance.

David Fuentes, Hidalgo County Commissioner Precinct 1, went over the proposed 3-mile roadway project for Mile 10 from FM1015 to Westgate that would include sidewalks on both sides of the

roadway with a dedicated bike lane; project would require a five-million-dollar local match; the joint application request to Congressman Gonzalez would be for a four-million-dollar grant to help reduce the local match required from the County and the City.

In response to Commissioner Muñoz and Mayor Pro Tem Pedraza, Commissioner Fuentes stated right-of-way has not been acquired (land) the design layout has been finalized, public hearings will be held to begin land acquisition and timeline for the project is 2-3 years; grant notification could take a year and all major intersections will have some type of security features to include traffic lights based on TXDOT guidelines.

Mayor Pro Tem Pedraza seconded by Commissioner Muñoz moved to approve to a joint application with Hidalgo County for Congressional Earmark/Community Project Funding as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez changed the order of the day and went to Executive Session. There was no objection.

VIII. EXECUTIVE SESSION

At 5:53 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 6:26 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

IX. 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. 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 380 Agreement between City of Weslaco and SDI Weslaco Holdings, LLC. as authorized by section §551.071 of the Texas Government Code.

No action.

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

Mayor Pro Tem Pedraza seconded by Commissioner Muñoz moved to approve a financial offer or other incentives for Project Steele as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez introduced item I New Business.

VI. NEW BUSINESS

I. Discussion and consideration to authorize staff to solicit Requests for Qualifications for grant assistance, environmental study and engineering design services for the Texas General Land Office CDBG-DR 2018 and 2019 Infrastructure Competitions and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)

Martin Garza recommended approval to authorize staff solicit qualifications for grant application, environmental study and engineering design services for the proposed Kansas and Los Torritos drainage project.

Mayor Suarez stated three commissioners and staff are normally selected as the ranking committee. Nominations from the Commission selected Commissioners Muñoz, Rodriguez, and Mayor Suarez and Interim City Manager assigned Andrew Munoz, Vidal Roman and Albert Aldana.

Commissioner Rodriguez seconded by Commissioner Muñoz moved to authorize staff to solicit Requests for Qualifications and approve the ranking committee as presented. The motion carried unanimously; Mayor Suarez was present and voting.

V. OLD BUSINESS

A. Discussion and consideration to amend the Personnel Policies of the City of Weslaco for On-Call Pay in adherence to FLSA overtime provisions and authorize the Mayor to execute any related documents. Possible action. (There was no action on March 15, 2022; staffed by Human Resources Department.)

Luz Galindo, Human Resources Director, stated an audit by the Department of Labor (DOL) showed findings that the city was non-compliance as to how on-call pay was done; staffed reviewed city policy on overtime wages for on-call employees; presented a summary of changes previously presented and included the calculation method for overtime wages accepted by the DOL and will have the city in compliance. Staff recommended approval to amend the Personnel Policies of the City of Weslaco for On-Call Pay regarding overtime provisions.

Mayor Pro Tem Pedraza seconded by Commissioner Rodriguez moved to approve and amend the Personnel Policies of the City of Weslaco for On-Call Pay in adherence to FLSA overtime provisions as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

A. Discussion and consideration on request to amend the Weslaco Economic Development Corporation Articles of Incorporation and By-Laws regarding unexpired terms and authorize the Mayor to execute any related documents. Possible action. (Staffed by Weslaco Economic Development Corporation.)

Steve Valdez stated the Articles of Incorporation nor Bylaws of the EDC are clear or specific on when a member is appointed to fill a vacancy of an unexpired term if it is considered as serving a full term. The Weslaco Economic Development Corporation Board met and approved to amend the Articles of Incorporation and By-Laws to allow a board director the opportunity to serve for a full six (6) years from the date that he or she is appointed. Staff recommended approval.

Commissioner Kerr seconded by Commissioner Muñoz moved to approve and amend the Weslaco Economic Development Corporation Articles of Incorporation and By-Laws as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration on presentation of the financials for the General, Water/Wastewater, Solid Waste and Airport funds for the period ending March 31, 2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Vidal Roman, Finance Director, presented the financial positions for the General, Water/Wastewater, Solid Waste and Airport as follows; General fund had a net surplus of \$5.7M excess of revenues over expenditures and will go to the unassigned fund balance and attributed to the collection of property taxes and has a strong number of working capital days; Water fund had a change in fund equity in net position of a positive \$295,634; Wastewater fund had a deficit of \$1.1million as a result of bond payments but stated the water/wastewater combined funds had excess revenues of over \$1million and the number of working days decreased from -130 days to -70 days; Solid Waste fund net change in fund equity reflects a negative of \$377,000 as a result of payments for equipment due, brush collection for a 6 month period had a positive \$302,000 and a combined net deficit (residential/commercial) of \$75,000; Airport fund still reflects a negative net change of \$720,077 and remarked it should become a positive change by the end of the year due to hanger rentals and fuel sales. Staff recommended approval to accept and file the financials for the period ending March 30, 2022, as presented.

Commissioner Kerr seconded by Commissioner Lopez moved to accept and file the General, Water/Wastewater, Solid Waste and Airport funds financials for the period ending March 31, 2022, as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to approve the Quarterly Investment Report for the period ending March 31, 2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Vidal Roman reported total deposits and investment was \$48,900; cash on deposit went from \$16million to \$41million because of a better interest rate offered from the bank but advised the commission because of hidden activity fees from the bank staff will be transferring funds back to Tex-Pool and stated interest increased from \$12,000 to \$18,000. Staff recommended to accept and file the Quarterly Investment Report for the period ending March 31, 2022, as presented.

Commissioner Muñoz seconded by Mayor Pro Tem Pedraza moved to accept and file the Quarterly Investment Report for the period ending March 31, 2022, as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration on Ordinance 2022-15 adopting a mid-year budget amendment and authorize the Mayor to execute and related documents. First reading of Ordinance 2022-15. Possible action. (Staffed by Finance Department.)

Vidal Roman reported on the budget amendments for revenues and expenditures in the general fund advising the expenditures in the police department was the most significant change because grants awarded have not been received and reconciled; the water fund had a positive impact of \$2,000 and wastewater had a negative impact \$467,000 due to large expenditures of repairs for manholes; presented the Solid Waste fund noting the residential and commercial activity will become stand-alone line items to allow true reporting of numbers; stated adjustment was made to reflect a revised budget for residential to \$1.8million and commercial is \$2.6million; expenditures of large equipment for start-up operations were identified; Airport Fund had a positive impact of \$104,000 as a result of increased fuel sales and hangar rentals. Staff recommended approval adopting Ordinance 2022-15.

In response to Commissioner Farias, staff stated the negative adjustment in revenue for the ambulance fees was based on collections to date versus last year's collections that was much higher, and the original budgeted amount for revenues may not be met and being cautious for reporting purposes.

In response to Mayor Suarez, the Finance Director stated projected revenues budgeted was \$1.4million and if not met would have an impact on the apparatus replacement fund; a cause for the shortage could be attributed that only billing is occurring with QuickMed Claims. Chief Lopez stated discussions with QuickMed Claims found there was no language in the agreement for collections of private pay that makes up a large portion of the projected revenues and will be meeting with the Finance Department and City Manager to determine how to proceed further for private pay collections.

Commissioner Kerr seconded by Commissioner Lopez moved to approve Ordinance 2022-15 adopting a mid-year budget amendment as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez departed the meeting at this time and Mayor Pro Tem Pedraza chaired the meeting.

E. Discussion and consideration to award Buyboard vendor Precision Pump Systems for a new 8" Gorman Rupp pump for lift station 12 for an amount not to exceed \$24,188 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, Deputy Public Works Director, stated currently there are two 6" pumps and are undersized at Lift Station #12; requested to remove one pump and supplement with the purchase

an 8" Gorman Rupp T8A3S-B Pump that will increase flow to the North Wastewater Plant. Staff recommended the purchase from buyboard vendor Precision Pump. Staff will install the pump, along with upgrading some electrical services to accommodate the pump and monies were from the American Rescue Plan Act.

Commissioner Muñoz seconded by Commissioner Lopez moved to award Buyboard vendor Precision Pump Systems for a new 8" Gorman Rupp pump for an amount not to exceed \$24,188 as presented. The motion carried; Commissioner Farias abstained; Mayor Pro Tem Pedraza was present and voting.

F. Discussion and consideration to submit a Letter of Intent to the Knapp Community Care Foundation for an amount not to exceed \$750,000 for a new swimming pool and authorize the Mayor and Interim City Manager to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, stated staff was directed to pursue development and funding for a new city swimming pool; engaged PR&S Consulting (Sally Gavlik) to assist the City with grant submissions; Knapp Community Care Foundation (KCCF) is seeking "Letters of Intent" for projects to be considered for their 2022 funding cycle; a proposed swimming pool budget is \$1.5 to \$3.5 million and recommended a funding budget of \$ 500,000 - 1,500,000 from the city for FY 2022-23; request from Knapp Community Care Foundation Grant \$ 250,000 - 750,000; request from Valley Baptist Legacy Foundation \$ 250,000 - 500,000 and request from Texas Parks & Wildlife Non-urban Outdoor Grant \$500,000 - 750,000. Staff recommended approval to submit a Letter of Intent to the Knapp Community Care Foundation for an amount not to exceed \$750,000 that is due May 13, 2022, and will pursue the other grants mentioned by deadlines with the assistance of the consultant.

In response to the Commission, location site for grant purposes would be the corner of Bridge and Business 83 (former Public Works site) that is 6 to 8 acres; change in location would not jeopardize the grant request to Knapp Community Care Foundation but location and surrounding amenities such as walking trails and parks would have more favorable points with the other agencies. Mayor Pro Tem Pedraza recommended staff be vigilant for other locations that would increase points to a grant application and possibly have several grant awards because of the location.

Commissioner Kerr seconded by Commissioner Lopez moved to submit a Letter of Intent to the Knapp Community Care Foundation for an amount not to exceed \$750,000 for a new swimming pool as presented. The motion carried unanimously; Mayor Pro Tem Pedraza was present and voting.

G. Discussion and consideration to submit a Letter of Support to WISD- Weslaco High School for a grant submission to the Knapp Community Care Foundation for a Music Playscape at Gibson Park and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez stated Weslaco High School Family and Consumer Sciences Education Family, Career and Community Leaders of America adopted Gibson Park; raised over \$200,000 in funds to rehabilitate the park from fundraisers and grant awards throughout the year; submitting a grant

to Knapp Community Care Foundations of an amount up to \$25,000 for a Musicscape (procession instruments to offer a musical component to the park). The City would provide demolition of equipment, site preparation for the instruments and students would aid in design and installation. Staff recommended approval to submit a letter of support of the project.

In response to Commissioner Farias, no playscape equipment would be removed but may be relocated within the park closer to the nature center.

Commissioner Farias seconded by Commissioner Muñoz moved to submit a Letter of Support to WISD-Weslaco High School for a grant submission to the Knapp Community Care Foundation for a Music Playscape at Gibson Park as presented. The motion carried unanimously; Mayor Pro Tem Pedraza was present and voting.

J. Discussion and consideration to approve ERO Amendment #3 Professional Services Agreement AIA G808-2017 in an amount not to exceed \$16,349.92 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)

Martin Garza, Interim City Manager, recommended approval of the increase in the architecture and engineering fee due to acceptance of the final approved construction bids from the two general contractors for the police with municipal court and fire project advising previous commission action approved an amendment to the Professional Services Agreement with ERO that permitted this.

Commissioner Kerr seconded by Commissioner Lopez moved to approve ERO Amendment #3 Professional Services Agreement AIA G808-2017 in an amount not to exceed \$16,349.92 as presented. The motion carried unanimously; Mayor Pro Tem Pedraza was present and voting.

VII. REPORTS

A. Construction Report - New Police Department and Municipal Court

Omar Rodriguez stated notice to proceed was issued October 18, 2021, to Gerlach Builders; to date forty-five rain days reported; 27.2% complete with monies paid to date at \$2,557,138 and went over arials of activity for the police department.

B. Construction Report - New Downtown Fire Station No. 2.

Omar Rodriguez stated notice to proceed was issued October 18, 2021, to Tri-Gen Construction; 54.1% complete with monies paid to date at \$1,621,955 and went over activity for the project that included installation of apparatus bay insulation and metal roofing panels, brick work, plastering and texture of walls and concrete driveways.

IX. ADJOURNMENT

Commissioner Muñoz seconded by Commissioner Farias moved to adjourn the meeting of May 3, 2022, at 7:14 p.m. The motion carried unanimously; Mayor Pro Tem Pedraza was present and voting.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**