



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 6, 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, September 6, 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.

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.
 - Proclamation proclaiming the month of September as "Childhood Cancer Awareness Month."
 - Proclamation proclaiming Suicide Awareness Month
- 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. REPORTS

- A. Weslaco Economic Development Corporation.

- B. Weslaco Area Chamber of Commerce & Visitors Center.

IV. PUBLIC HEARING

- A. Public Hearing to solicit input from the public regarding the City of Weslaco proposed ad valorem property tax rate of .6967 per \$100 valuation, pursuant to Texas Tax Code Section 26.05(d). (Staffed by Finance Department.) Attachment.
- B. Public Hearing to solicit input from the public regarding the City of Weslaco's Proposed Budget for Fiscal Year 2022-2023 commencing October 1, 2022 and ending on September 30, 2023, pursuant to Local Government Code 102.006. (Staffed by Finance Department.) Attachment.

V. CONSENT AGENDA

All items listed under the Consent Agenda are considered to be routine and the Governing Body has been furnished with background and support material on each item and will be acted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and voting on the Consent Agenda.

- A. Approval of the Minutes of the Regular Meeting on August 16, 2022.
(Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Approval on Ordinance 2022-29 to rezone 510 W 4th being Lot 3, Block 8A, Canal 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 August 16, 2022; staffed by Planning & Code Enforcement Department.) Attachment.
 - 2) Approval on Ordinance 2022-30 for the Voluntary Annexation of Mi Linda Subdivision Ph I & II – being a 37.24-acre tract of land out of Farm Tract 648 & 649, West Tract Subdivision, Hidalgo County, Texas located approximately 340 ft south of mile 6 ½ north along the west side of Milano Road and authorize the Mayor to execute any related documents. (First reading held August 16, 2022; staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval of Interlocal Agreement between Weslaco ISD and City of Weslaco to share election polling locations for the upcoming November 8, 2022 General Election and authorize the Mayor to execute any related documents. (Staffed by City Secretary Department.) Attachment.
- D. Approval of an expenditure in an amount not to exceed \$2,500 from the Preservation Fund for the purchase of death and birth record binders and secure acid free life

ledger paper for the permanent retention of vital records as prescribed by the Texas Health & Safety Code §191.0045 (h) and authorize the Mayor to execute any related documents. (Staffed by City Secretary Department.) Attachment.

- E. Approval to submit an application to the Texas Mutual Workers' Compensation Insurance Workforce Development and Safety Training Grant relating to training of Public Work staff and authorize the Mayor to execute any related documents. (Staffed by Interim City Manager.)
- F. Approval of the renewal of the Host Agency Agreement with AARP Foundation for the Senior Community Service Employment Program at no cost to the City and authorize the Mayor to execute any related documents. (Staffed by Human Resources Department.) Attachment.
- G. Approval to solicit Statement of Qualifications for Architectural/Engineering Design Services for a new Corporate Hangar Project and authorize the Mayor to execute any related documents. (Staffed by Airport Department.)
- H. Approval for an Interlocal Agreement between the City of Weslaco and the Weslaco Independant School District to provide terms and conditions for the use, maintenance and operation of communications equipment under the COPS Office School Violence Prevention Program (SVPP) and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- I. Approval to allow Honorably Retired Peace Officer Xenia Miramontes to purchase her previously issued duty weapon, a Glock 22 Gen 4 engraved "Weslaco PD" Caliber .40 with serial #WXN050 for the market price of \$271.50 as allowed under Texas Government Code Section 614.051 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- J. Approval to surplus and donate to the Weslaco ISD Criminal Justice Program a white 2012 Chevy Tahoe SUV with VIN #1GNLC2E06CR255901 (Unit # 693) with current mileage of 233,324 with some emergency lighting and equipment with a Kelly Blue Book trade-in range value of \$2,130 - \$4,177 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- K. Approval to apply to the FY2023 Bullet-Resistant Shield Grant Program for an amount not to exceed \$250,000 to purchase and equip peace officers with bullet-resistant shields with NO MATCH required and NO RECURRING FEES and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- L. Approval to apply for the FY2023 ALERRT Travel Assistance Grant for peace officer overtime, travel expenditure and training stipends associated with ALERRT training for an amount not to exceed \$250,000 with NO MATCH REQUIRED and NO RECURRING COSTS and authorize the Mayor to execute any related

documents. (Staffed by Police Department.) Attachment.

- M. Approval on Interlocal Agreement with the Weslaco Independent School District for the use of various softball fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- N. Approval on renewal of a lease agreement with the Mid-Valley Soccer Association for the Harlon Block Sports complex as requested from September 2022 through April 2023 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- O. Approval on renewal of the Inter-local Agreement with Hidalgo County to provide and receive pickup and disposal service of commercial waste for the Sheriffs East Substation, also known as the Benito Bravo Substation, and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to approve Contingency Allowance Expenditure Authorization No.5 for the Police and Municipal Court Project decreasing the Owner's Contingency Fund by \$29,172, leaving a balance of \$189,766 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.
- B. Discussion and consideration of approval to solicit Statements of Qualifications for professional engineering services for the study and design of proposed Improvements to Lift Station #12 using ARPA Funds and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- C. Discussion and consideration to approve Ordinance 2022-33, adopting the City of Weslaco's budget appropriations for Fiscal Year 2022-2023 commencing October 1, 2022 and ending September 30, 2023 and authorize the Mayor to execute any related documents. **ROLL CALL VOTE REQUIRED.** First reading of Ordinance 2022-33. Possible action. (Staffed by Finance Department.) Attachment.
- D. Discussion and consideration on Ordinance 2022-34, adopting and levying the ad valorem tax rate for Fiscal Year 2022-2023 and authorize the Mayor to execute any related documents. **ROLL CALL VOTE REQUIRED.** First reading of Ordinance 2022-34. Possible action. (Staffed by Finance Department.) Attachment.
- E. Discussion and consideration to accept and file the Quarterly Investment Report for the period ending June 30, 2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.

- F. Discussion and consideration to accept and file the financials as presented for the General, Water/Wastewater, Solid Waste and Airport funds for the period ending June 30, 2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- G. Discussion and consideration on first and final reading of the Ordinance 2022-35 designating 6th Street from South Illinois Ave through South Michigan Ave as a "NO STANDING/NO PARKING ZONE" and authorizing the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.
- H. Discussion and consideration on the Weslaco Economic Development Corporation's recommendation and approve contract for construction of improvements at the Mid Valley International Industrial Park and authorize the Mayor to execute any related documents. Possible action. (Staffed by Weslaco Economic Development Corporation.) 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 Fire Union (IAFF-WFFA Local 3207) as authorized by section §551.071 of the Texas Government

Code.

- C. Legal Consultation - Consultation with the City Attorney regarding requirements and factors used in consideration of awarding bids, contracts and economic development projects as authorized by section §551.071 of the Texas Government Code.
- D. Legal Consultation - Consultation with City Attorney regarding *lawsuit styled C-1678-22-A Christopher De Leon DBA De Leon Aircraft Maintenance Professional vs City of Weslaco and Andrew Munoz, Individually* as authorized by section §551.071 of the Texas Government Code.
- E. Legal Consultation - Consultation with the City Attorney regarding *Samuel Russell v Linebarger, Goggan, Blair & Sampson et al., Cause No. DC-21-10621 TMLIRP Claim # LB175968* as authorized by section §551.071 of the Texas Government Code.
- F. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of city-owned real property legally described as Lot 2, Mid-Valley Airport Subdivision, Weslaco, Texas as authorized by section §551.072 of the Texas 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 2nd day of September 2022, on or before 5:00 pm and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Norma A. Cantu, City Secretary

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

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

Removed from Bulletin Board

Date:

Initials:

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

"DE ACUERDO CON LA SECCION 30.06 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA SEGUN EL

SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA OCULTA”.

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

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