



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
SEPTEMBER 6, 2022**

On Tuesday, September 6, 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
	Commissioner	Leo Muñoz
	Commissioner	Letty Lopez
	Commissioner	Greg Kerr
	Commissioner	JP Rodriguez
	Commissioner	Adrian Farias

ABSENT:	Mayor Pro Tem	Josh Pedraza
----------------	---------------	--------------

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, Rosie Cavazos, Interim Finance Director, Omar Rodriguez, Parks & Recreation Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Joel Rivera, Police Chief, Antonio Lopez, Fire Chief, Rosa Badillo, Municipal Court, Albert Aldana, City Engineer, David Arce, Deputy Public Works Director, Pete Garcia, Public Works Director, Martin Vela, IT Director, Cristina Garcia, PIO, Luz Galindo, HR Director and other staff members.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor David Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, September 2, 2022.

B. Invocation.

Pastor Luis Rodriguez, First Baptist Church led the invocation.

C. Pledge of Allegiance.

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

D. Mayoral Recognition.

Proclamation proclaiming the month of September as Childhood Cancer Awareness Month and Suicide Awareness Month.

Mayor Suarez proclaimed the month of September as Childhood Cancer Awareness Month and Suicide Awareness Month.

E. Roll Call.

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

II. PUBLIC COMMENTS

None.

III. REPORTS

A. Weslaco Economic Development Corporation.

April Castaneda, Director of Business Development for WEDC, reported Clever Foods and Supplement Facility tour was held and thanked those commissioners in attendance; October 6 a tour of the manufacturing businesses will be done for the WISD counselors for middle and high school to showcase the different trade opportunities that are available that they can share with students; Alfresco began August and will be monthly through February 2023 extending an invitation to the public and the commission; EDC staff attended a prayer service for the Colimex facility that is the second location here in Weslaco; staff traveled to Austin and attended ICSC Retail Light conference bringing back 20 leads to be followed up with and ready to move forward in the selection of a general contractor for the International Industrial Park project that is a 35-acre development.

B. Weslaco Area Chamber of Commerce & Visitors Center.

Barbara Jean Garza, President/CEO, reported staff attended the Texas Association Convention held at South Padre Island, National Night Out scheduled October 1 and preparing for Texas Chamber of Commerce Week; went over save the dates for the Christmas Lighting display on December 1, Christmas Parade on December 10 and Onion Fest March 2023; advertising for the month was \$8,172 and billboard locations will be changed to target the coastal bend areas; visitors for the month had 920 and 13 facility reservations; upcoming events included a Networking Lunch Mob on September 7; milestone ribbon cutting for Peter Piper Pizza who did a full remodeling; Weslaco Job Fair scheduled for September 15 and ribbon cuttings for A. Alaniz September 27 and Just Move Dance Studio September 30.

IV. PUBLIC HEARING

Commissioner Muñoz seconded by Commissioner Lopez moved to open the public hearings at 5:53 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

None.

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.)

None.

Commissioner Muñoz seconded by Commissioner Lopez moved to close the public hearings at 5:54 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

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.)

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.)

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.)

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.)

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.)

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 Independent 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.)

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.)

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.)

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.)

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.)

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

For the record following are the caption for the ordinance(s).

ORDINANCE NO. 2022-29

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 510 W 4TH. ALSO BEING LOT 3, BLOCK 8A, CANAL SUBDIVISION, WESLACO, HIDALGO COUNTY, R-1 ONE FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT DISTRICT BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

ORDINANCE NO. 2022-30

AN ORDINANCE ANNEXING ADDITIONAL TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS ON VOLUNTARY PETITION OF AREA LANDOWNER SUCH LAND BEING 37.24 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.

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.)

Commissioner Muñoz abstained from discussion and vote.

Omar Rodriguez, Parks and Recreation Director, stated the request addressed two proposals from the contractor; plans for the dehumidifier located in the evidence room of the police department lacked a circuit needed and the cost was \$668; also, the conduits necessary for the jail area posed a problem as the walls are made of concrete blocks from floor to roof making it difficult to run the necessary cables; originally the design had to run the cables to a network switch in another part of the building going through gypsum types of walls and recommended the contractor (Gerlach) coordinate this change and have raceways extended to a hub and the cost was \$28,504. Staff recommended approval decreasing the owners contingency fund by \$29,172 to allow these changes.

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

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.)

Albert Aldana, City Engineer, stated the statement of qualifications would be for professional engineering services for the study and design to improve Lift Station #12 that was already in need of improvement; the development of the new Mid Valley Industrial Park will have additional influent wastewater to this lift station that will not be able to accommodate without the improvements to the existing pumps and wet well; staff would abandon Lift Station #26 and went over how the flow would be redirected to Lift Station 12 that would expand the coverage in the area and the influent wastewater flow to Lift Station #2 as well. Staff recommended approval.

In response to Commissioner Muñoz, Albert Aldana stated two concerns merited the request; the development of the proposed industrial park and a major concern is the existing force main leading to the north wastewater treatment plant is severely undersized (2-4inch force main lines) and has been undersized for some time. Commissioner Muñoz voiced concern this should have been discussed for resolution when the design of the new industrial park was being proposed.

In response to Mayor Suarez, the proposed industrial park will have its own lift station but the additional influent from this lift station would be directed to Lift Station #12 and in response to Commissioner Farias the new lift station will allow more capacity.

Martin Garza, Interim City Manager, recommended Andrew Munoz, David Arce and Albert Aldana be part of the evaluating committee and if any member of the commission wished to participate in the process. Mayor Suarez would like to review the SOQ before issued. Mayor Suarez noted Commissioner Farias and Muñoz wished to participate and would be part of the review committee along with staff.

Commissioner Rodriguez seconded by Commissioner Lopez moved to approve to solicit Statements of Qualifications for professional engineering services for the study and design of proposed Improvements to Lift Station #12 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rosie Cavazos, Interim Finance Director, stated the budget for FYE September 30, 2023, as presented showed revenues over expenditures for the varies funds of the city; a public hearing was held in agenda item recorded earlier as required and staff recommended approval to adopt the

budget ending FYE 2023 noting the budget was available on the city's website and required roll call vote.

Commissioner Lopez seconded by Commissioner Muñoz moved to approve Ordinance 2022-33, adopting the City of Weslaco's budget appropriations for Fiscal Year 2022-2023 as presented. By roll call vote the motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rosie Cavazos stated the proposed tax rate of \$.6967 was discussed and public hearing held; two components of the tax rate, maintenance, and operations \$0.4643 per \$100 valuation and debt service rate of \$0.2324 per \$100 valuation to be approved separately. Staff recommended approval on Ordinance 2022-34 adopting and levying tax rate for FY 2022-2023 and required roll call vote.

Mayor Suarez called the question on the adoption of tax rate for Maintenance and Operation rate of \$0.4643 per \$100 valuation. By roll call vote the motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez called the question on the adoption of a tax rate for Debt Service rate of \$0.2324 per \$100. By roll call vote the motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez called the question on Ordinance 2022-34 adoption of a tax rate of \$0.6967 per \$100 by said adoption of a tax rate effectively a 2.97 % increase in the tax rate. By roll call vote the motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rosie Cavazos presented the Quarterly Investment Report ending June 30, 2022; stated

Cash on Deposit decreased by \$31M due to the transfer of funds from PNC Bank back into TexPool; interest rate collection increased from the last quarter for a total interest earned to date at \$109,647.46. Staff recommended approval to accept and file as presented.

Commissioner Rodriguez seconded by Commissioner Lopez moved to accept and file the Quarterly Investment Report for the period ending June 30, 2022, as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rosie Cavazos presented the financials as follows; General Fund had a net surplus of \$3,698,448; sales tax increased by 12%; number of working capital days is 122 days; Water/Wastewater had a

surplus of \$753,346 noting debt payments were paid in August with 69 days in working capital; Solid Waste fund net change in fund equity reflected a surplus of \$203,910 and working capital days increased and Airport fund still reflected a negative net change. Staff recommended approval to accept and file the financials as presented.

Commissioner Muñoz seconded by Commissioner Lopez moved to accept and file the financials for the General, Water/Wastewater, Solid Waste and Airport funds for the period ending June 30, 2022, as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Joel Rivera, Police Chief, stated traffic related issues has been ongoing at the campus of Central Middle School; aggressive traffic enforcement has been done but the lack of “No standing/No Parking” signage in front of the schools has made it difficult to enforce a safe manner on the drop-off and pick-up of students; currently parents drop off students on the North side of 6th Street who then walk across to the campus. Staff recommended approval as the ordinance will allow staff to take appropriate action of where drop off points are permitted.

Commissioner Muñoz seconded by Commissioner Lopez moved to approve first and final reading of Ordinance 2022-35 designating 6th Street from South Illinois Ave through South Michigan Ave as a "NO STANDING/NO PARKING ZONE" as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record following is the caption of the ordinance.

ORDINANCE NO. 2022-35

AN ORDINANCE AMENDING SECTION 106 OF ORDINANCE 20, THE CITY OF WESLACO STOPPING, STANDING AND PARKING ORDINANCE AND CODIFIED AS ARTICLE III SECTION 134-133 OF THE WESLACO CODE OF ORDINANCES TO DESIGNATE A NO STANDING/NO PARKING ZONE ON CERTAIN PORTIONS OF EAST 6TH STREET, FROM SOUTH ILLINOIS AVE. TO SOUTH MICHIGAN AVE., AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

CITY OF WESLACO
/s/David Suarez, MAYOR

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

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

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.)

Juan E. Gonzalez, City Attorney, recommended consultation in executive session.

No action until after executive session.

VII. EXECUTIVE SESSION

At 6:27 p.m. Commissioner Farias seconded by Commissioner Rodriguez moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:01 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

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 Fire Union (IAFF-WFFA Local 3207) as authorized by section §551.071 of the Texas Government Code.

No action.

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.

No action.

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.

Commissioner Farias seconded by Comm Muñoz moved to authorize the City Attorney proceed with litigation as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

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.

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

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.

Commissioner Kerr seconded by Commissioner Lopez move to authorize the Interim City Manager to proceed in utilizing an appraiser from the Texas Department of Transportation list as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez re-introduced New Business item H.

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.)

Commissioner Kerr and Commissioner Lopez abstained in discussion and vote.

Commissioner Farias seconded by Commissioner Muñoz moved to discuss.

Steve Valdez, Executive Director Weslaco Economic Development Corporation, stated two bid proposals were provided for their consideration; the Weslaco Economic Development Board of Directors and staff evaluated and ranked both and recommended L&G Construction.

In response to Commissioner Farias, Steve Valdez stated a ranking on the two respondents was done by staff and the WEDC Board; positive factors included L&G Construction ranked higher in experience and quality of work doing industrial work; a reduction in price of \$1.1million; the Economic Development Administration (EDA) preference in not dealing with a company who may have a criminal history was considered and lastly the engineering firm representing the project agreed on the selection of L&G Construction and noted they were not the lowest respondent the recommendation was based in the experience and believed would be the most beneficial contractor for the project.

In response to the City Attorney, Steve Valdez stated EDA stated federal funds would not be jeopardized for this project or future projects so long as state bidding requirements are followed, a city should be conscientious when choosing a contractor with criminal history and would not prevent the project from moving forward if a company/contractor had a criminal history so long as they were satisfied in their selection.

Commissioner Muñoz seconded by Commissioner Rodriguez, moved to approve and accept the recommendation of the WEDC Board and EDC staff on the highest ranked respondent, L&G Construction for improvements at the Mid Valley International Industrial Park as presented. The motion carried; Commissioner Kerr and Lopez abstained; Mayor Suarez was present and voting.

IX. ADJOURNMENT

Commissioner Muñoz seconded by Commissioner Rodriguez moved to adjourn the meeting of September 6, 2022, at 8:06 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**