



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 18, 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, October 18, 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 Red Ribbon Week
 - Proclamation Texas Chamber of Commerce Week
 - Proclamation Domestic Violence 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. Report by Inframark.

IV. PUBLIC HEARING

- A. To solicit input in compliance with the Consolidated Plan for Community Planning and Development (CDBG) Urban County Program Fiscal Year 36 (2023) Needs Assessment Plan. Attachment.
- B. To solicit input on behalf of Javier Duran to rezone 835 N Martinez, also being Lot 1&2, Block 5, Villa Vista Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 neighborhood business district.
- C. To solicit input on behalf of Tiki Land Company, LLC. to approve a Conditional Use Permit to operate an event center at 310 W IH 2 STE. 1&2, also being Lot 2, 400 West Expressway 83 Subdivision, Hidalgo County, Texas.

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 Special Meeting on October 3, 2022.
(Staffed by City Secretary Department.) Attachment.
- B. Approval to authorize the use of the Court Technology Fund to pay the yearly maintenance fee for Incode Court Annual Fees for Court Case Management, Police (non-Incode interface to Court), and the third-party system software AcuCorp Run Time not to exceed in the amount of \$12,937.40 and authorize the Mayor to sign and execute any related documents. (Staffed by Municipal Court.) Attachment.
- C. Approval to accept a Bullet-Proof Partnership Program Grant in the amount of \$4,174.50 with NO MATCH Required and NO RECURRING cost to purchase concealed body armour and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- D. Approval to accept BJA FY22 Edward Byrne Memorial Justice Assistance Grant Program #15PBJA-22-GG-02926-JAGX for the amount of \$11,811 with NO MATCH and NO RECURRING costs to purchase hardware and software that focuses on officer mental health and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- E. Approval on the renewal and payment to Rio Grande Valley Communications Group for the subscription term October 1, 2022 to September 30, 2023, total of \$58,540 and authorize the Mayor to execute any related documents. (Staffed by the Fire Department.) Attachment.

- F. Approval to apply for the FY23 Federal Aviation Administration's Building Better Airport Terminals grant in the amount of \$5,000,000 with a \$1,000,000 MATCH required for the planning and construction of a new General Aviation Terminal Building, with NO RECURRING FEES, and authorize the Mayor to execute any related documents. (Staffed by Grant Writer/Aviation Department.)
- G. Approval on the renewal of a Public Purposes Services Contract with the Boys and Girl Club of Weslaco in the amount not to exceed \$75,000 for the public purposes services and activities in this contract, effective October 1, 2022 through September 30, 2023 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- H. Approval of Special Services Agreement on Hotel/Motel Room Occupancy tax proceeds between City of Weslaco and the following:
1) Weslaco Chamber of Commerce for \$284,160;
2) Frontera Audubon Society for \$48,000; and
3) Lower Rio Grande Valley Nature Center for \$40,000
and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- I. Approval on the renewal of a Public Purposes Services Contract with Weslaco Bicultural Museum, d.b.a. Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$69,100 effective October 1, 2022 through September 30, 2023 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- J. Approval to accept LCRA Community Development Grant Program in the amount of \$4,825 with NO MATCH and NO RECURRING costs to purchase Forcible Entry Equipment to furnish the new firetruck and authorize the Mayor to execute any related documents. (Staffed by Fire Department/Grant Writer.) Attachment.
- K. Approval to solicit bids for construction of sidewalk and concrete work improvements for various locations throughout the city and authorize the Mayor to execute any related documents. (Staffed by the Engineering Department.)
- L. Approval on Resolution 2022-53 for closure of streets affecting state right-of-way on Texas Blvd from Pike to Sixth Street on December 10, 2022 for the annual Weslaco Lighted Christmas Parade, along with Santa Dash fun run hosted by RGV Theme Runs from 2:30 p.m. to 9 p.m.; approval of the use of City Hall parking lot to stage fun run participants for start and end of run, and provision of support from Weslaco PD, Public Works, Planning and Code Enforcement, Parks and Recreation Department and other related city departments; waive of appropriate fees from ordinances associated with event and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for a proposed street closure affecting state right of-way. (Staffed by Engineering Department.) Attachment.

- M. Approval of the request from Weslaco Museum to hold their annual PAN DE CAMPO Fundraiser on November 5, 2022 from 6:00 pm to 10:00 pm; approval to close 5th Street between Texas Blvd and Missouri Ave., and authorizing public consumption of alcoholic beverages; waive of appropriate fees from ordinances associated with the event; also approval of use of tower lights, and provision of support from Weslaco PD, Public Works, Planning and Code Enforcement and other related city departments, and authorize the Mayor to execute any related documents. (Staffed by Interim City Manager.)
- N. Approval for software maintenance and support renewal agreement for Tyler Technologies Incode system with Financial, Billing, Utility and Payroll software applications in the amount of \$57,615.15 and authorize the Mayor to execute any related documents. (Staffed by Information Technology Department). Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to approve Resolution No. 2022-54 for the Buyout of Service Agreement between the City of Weslaco and Military Highway Water Supply for Mid Valley Estates Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration after public hearing on behalf of Javier Duran on Ordinance 2022-40 to rezone 835 N Martinez. Also being Lot 1&2, Block 5, Villa Vista Subdivision, 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 2022-40. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Tiki Land Company, LLC. to approve a Conditional Use Permit to operate an event center at 310 W IH 2 STE. 1&2, also being Lot 2, 400 West Expressway 83 Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration to approve the Final Plat for Rock Ridge – being 15.092 acres out of Farm Tract 631 & 633, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 500 ft west of Bus. 83 and Westgate on the south side of Bus. 83 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration to approve the Final Plat for Pike Terrace - being a 36.092-acre out of Farm Tract 163, Block 178, The West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas Located on the southwest corner of W. Pike Blvd. and Milanos Rd and authorize the Mayor to execute any related documents.

Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

- F. Discussion and consideration to approve the Final Plat for Sayyed Commercial Development being a 2.960-acre out of Farm Tracts 1065, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas Located on the Southeast corner of Mile 11 North & FM 1015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- G. Discussion and consideration to approve the Final Plat for Mi Fortuna Estates being a 4.52-acre out of Farm Tract 790, West Tract Subdivision, Weslaco, Hidalgo County, Texas Located on the Southwest corner of Mile 5 North Road & S. Westgate Drive and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- H. Discussion and consideration to approve the Final Plat for Gilberto Estates being a 4.56-acre out of farm tract 101, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas Located on the Northeast corner of Mile 4 ½ W & Mile 10 N and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- I. Discussion and re-consideration for the Final Plat for Mid Valley International Industrial Park – being a 146.09c.00 acre tract of land out of acre tract of land out of farm tract 1056, 1057 and 1058, Block 116, West Tract Subdivision, Weslaco, Hidalgo County, Texas Located on the Northeast corner of intersection Mile 9 & FM 1015 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- J. Discussion and consideration to approve the variance request to section 26-34 for Chelsea Park Villas Subdivision – being 6.83 acres also being the West 6.83 Acres of Chelsea Park Subdivision, Weslaco, Hidalgo County, Texas located on the Southwest Corner of W 9th & S. Border Avenue and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.
- K. Discussion and consideration to approve a variance from Subdivision Ordinance 26-37, on behalf of Rancho Brito, LLC., to defer the park fees from The Coves Subdivision to be assessed at building stage at builder's expense. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- L. Discussion and consideration to approve Resolution No. 2022-55 in support of the Mid-Valley Marathon in their efforts to bring awareness to the Mid Valley of the importance of exercise and diabetes, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.
- M. Discussion and consideration of an Affiliation Agreement with Southern Careers

Institute for Externship Program at no cost to the City, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

- N. Discussion and consideration to approve Ordinance 2022-41 authorizing and allowing under the act governing the TMRS system "Updated Service Credit" and establishing an effective date for such actions and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2022-41 Possible action. (Staffed by Human Resources Department.) Attachment.
- O. Discussion and consideration to approve award of bid with sole bidder, FR Green Thumb Landscaping of Edinburg, Texas for RFB 2021-22-36 Judge Gilbert Garza Soccer Field Project in amount not to exceed \$271,065; and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.
- P. Discussion and consideration on first and final reading of Ordinance 2022-42 authorizing the installation of a four-way stop sign at Dallas Street and Anaqua and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2022-42. Possible action. (Staffed by Police Department.) Attachment.
- Q. Discussion and consideration of the purchase of a new Peterbilt 548-Dump Truck from Buyboard vendor 601-19 Rush Truck Center for \$182,663 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- R. Discussion and consideration to purchase 2 new John Deere Z970R ZTrak mowers from Buyboard vendor Deere & Company 611-20 (Tellus Equipment Solutions) for an amount not to exceed \$17,000 each and authorize the Mayor to execute any related documents. Possible action. (Staffed by Works Department.) Attachment.

VII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

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

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

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

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

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

(1) commits an offense; and

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

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

(B) reasonable attorney fees and court costs; and

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

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

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

(a)(2) that:

- (1) the defendant had good reason to believe the disclosure was lawful; or
- (2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

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

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the Interim City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.
- B. Contract Negotiations – Discussion with the Interim City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the 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 the Water and Wastewater System Operation and Maintenance Agreement between Inframark, LLC and the City of Weslaco, Texas as authorized by §551.071 of the Texas Government Code.
- D. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 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 14th day of October, 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”.