



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 15, 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, November 15, 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.
 - 1) Recognition of Cristina Garcia as the Public Information Officer for the City of Weslaco.
- E. Roll Call.

II. OTHER BUSINESS

- A. Discussion and consideration to convene as the local canvassing authority to canvass the election returns and approve Resolution 2022-59 certifying the results of the November 8, 2022 City of Weslaco General Election in accordance with Texas Election Code 67.004(a). Possible action. (Staffed by City Secretary Department.)
- B. Conduct Oaths of Office and file Statements of Elected Officers.
- C. Appointment of a Mayor Pro Tem in accordance with Resolution 2017-85 and authorizing the Mayor to execute any related documents. Possible action. (Staffed by the City Secretary Department.)

III. 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.

IV. REPORTS

- A. Inframark

V. PUBLIC HEARING

- A. To solicit input on behalf of Columbus Club of Weslaco to rezone 3030 N Texas Blvd., also being the West 2.5 acres of the North 5 acres of the South 20 acres of Farm Tract 108, West Tract, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 neighborhood business district.
- B. To solicit input on behalf of Viridiana Treviño to approve a Conditional Use Permit to obtain a Mixed Beverage Permit at 529 S. Texas Blvd., also being block 42, Lot 30-33, Weslaco Original Townsite, Hidalgo County, Texas.

VI. 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 November 1, 2022.
(Staffed by City Secretary Department.) Attachment.
- B. Approval to purchase Unitrends software/hardware for the amount not to exceed \$30,008.89 of which \$22,506.67 will be reimbursed through Weslaco's Body Worn Camera Program Grant #4367801 and a local match of \$7,502.22 (25% from ARPA funds) and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- C. Approval to terminate an Airport Ground Lease Agreement with Tenant Armando Martinez D/B/A M-5 Texas Enterprises, LLC. and approval of Mid Valley Airport Lease Agreement with Tenant Suleyman H. Baltaoglu D/B/A/ DCOMM, Inc and authorize the Mayor to execute any related documents. (Staffed by Airport Department.) Attachment.

- D. Approval on renewal of the Interlocal Governmental Agreement - Ambulance Service with the Hidalgo County Emergency Services District No. 1 for the period October 1, 2022 - September 30, 2025 and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- E. Approval to authorize Mayor Joe V. Sanchez Public Library to implement a Food for Fines program supporting local food drives and the RGV Food Bank during Holiday Season, implement a Toy Drive to support local toy drives, and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment.
- F. Approval to ratify dedication of the 10-foot Easement and Right-of-Way to AEP Texas Inc for electric distribution lines for the Weslaco North Fire Station Sudivision (Judge Gilbert Garza Park Lighted Soccer Field project) and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- G. Approval to accept FY23 Victim Assistance, General Victim Assistance Direct Services Program, Weslaco Crime Victim Coordinator Grant #3814604 for the amount of \$71,394.08 with NO MATCH and NO RECURRING COST required to pay for Crime Victim Coordinators salary, training, Offender Watch software and supplies and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- H. Approval to accept FY23 Violence Against Women Act (VAWA) Justice and Training Program, Grant #4507601 for the amount of \$21,754.71 with a \$9,323.46 (30%) match and no recurring fees to pay for violence against women training for sworn and non-sworn personnel and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- I. Approval to accept FY23 Justice Assistance Grant Program #4507801 for the amount of \$34,000 with NO MATCH and NO RECURRING cost to purchase a SmartScan/LiveScan kiosk and card printer plus accessories and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration to approve Resolution 2022- 60 authorizing publication of Notice of Intent to Issue Certificates of Obligation Series 2023 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- B. Discussion and consideration to approve Resolution 2022-61 declaring the intention to reimburse certain expenditures with Certificate of Obligation 2023 proceeds and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.

- C. Discussion and consideration after public hearing on behalf of Columbus Club of Weslaco on Ordinance 2022-43 to rezone 3030 N Texas Blvd., also being the West 2.5 acres of the North 5 acres of the South 20 acres of Farm Tract 108, West Tract, 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 2022-43. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration after public hearing on behalf of Viridiana Treviño to approve a Conditional Use Permit to obtain a Mixed Beverage Permit at 529 S. Texas Blvd., also being block 42, Lot 30-33, Weslaco Original Townsite, Hidalgo County, Texas 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 Chelsea Park Villas Subdivision being the west 6.83 acres tract of land out of Chelsea Park Subdivision, Weslaco, Hidalgo County, Texas Located on the SW corner of W 9th & S. Border Ave 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 Sienna Subdivision being a 31.06-acre out of Farm Tracts 216, West Tract Subdivision, Weslaco, Hidalgo County, Texas Located on West side of Mile 6 ½ West, 1015' South of Mile 10 North 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 Heron's Landing Subdivision being a 29.29-acre out of farm tracts 1036, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas Located on SW corner of Pike Blvd. and Mile 2 ½ West and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- H. Discussion and consideration to purchase a 2023 GMC Terrain SLE under BuyBoard contract #601-19 for the amount of \$29,258.75 and a 2022 GMC Sierra 1500 under BuyBoard Contract #601-19 for the amount of \$41,058.75 from Gunn Auto Group using our department's vehicle budget line and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.
- I. Discussion and consideration to approve Change Order No. 3 from Tri-Gen Construction for concrete improvements in an amount not to exceed \$8,500 for the Weslaco Mid Valley Airport Corporate Hangar Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.

- J. Discussion and consideration to approve Change Order No. 4 from Tri-Gen Construction for a decrease in the amount of \$84,234.59 for the Weslaco Mid Valley Airport Corporate Hangar Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.
- K. Discussion and consideration to approve final payment for the Weslaco Mid Valley Airport Corporate Hangar Project for an amount not to exceed \$36,344.36 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.
- L. Discussion and consideration to authorize an expenditure not to exceed \$47,000 for Corporate Hangar Door repairs and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.
- M. Discussion and consideration of utilizing the Routine Airport Maintenance Program (RAMP) grant funds for water and sewer improvements at the Weslaco Mid Valley Airport for an amount not to exceed \$42,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.
- N. Presentation and consideration to accept the Financial Reports (unaudited) as of September 30, 2022 for the General Fund, Water and Sewer Fund, Solid Waste Fund, and Airport Fund and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Finance Department.) Attachment.
- O. Discussion and consideration to accept and file the Quarterly Investment Report for the period ending September 30, 2022 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- P. Discussion and consideration of approving Change Order No. 1 to the New Downtown Fire Station No. 2 for the addition of an Emergency Back-up Generator in amount not to exceed \$200,705 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.
- Q. Discussion and consideration of approving Change Order No. 1 to the New Police Department with Municipal and Judicial Court for the addition of an Emergency Back-up Generator in amount not to exceed \$414,054 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.

VIII. 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 City Attorney regarding claims made against the City by Frankenmuth Surety and Castle Construction regarding the Police and Fire Station Project as authorized by Section §551.071 of the Texas Government Code.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

X. 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 11th day of November 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”.