MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
NOVEMBER 2, 2021

On Tuesday, November 2, 2021, 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	Greg Kerr
	Commissioner	Letty Lopez
	Commissioner	Josh Pedraza
	Commissioner	Adrian Farias
ABSENT:	Mayor Pro Tem	Leo Muñoz
	Commissioner	J.P. Rodriguez
STAFF PRESENT:	Andrew Muñoz	Interim City Manager
	Norma A. Cantu	City Secretary
	Juan E. Gonzalez	City Attorney

Also present: Vidal Roman, Finance Director, Antonio "Tony" Lopez, Fire Chief, Eddie Gil, IT Department, Omar Rodriguez, Parks & Recreation Director, Joe Pedraza, Asst. Director of Planning and Code Enforcement, Albert Aldana, City Engineer, Martin Vela, IT Director, Arnold Becho, Library Director, Pete Garcia, Public Works Director, David Arce, Deputy Public Works Director, Rosa Huerta, Municipal Court, and Aida Vega, Deputy City Secretary.

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, October 29, 2021.

B. Invocation.

Pastor Timothy Aguiar, Open Door Baptist Church led in the invocation.

C. Pledge of Allegiance.

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

D. Mayoral Recognition.

None.

E. Roll Call.

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

II. PUBLIC COMMENTS

Abigail Gonzalez, representative for Park Meadows Subdivision, submitted a petition that requested a separate entry and exit for the apartment development on Airport Drive; voiced over a 100 signatures collected and more forthcoming; stated the development of the apartments has one ingress and egress through their subdivision and voiced concerns of high volume of additional traffic, congestion and safety for the children and requested the commission resolve this by having the development provide their own entry and exit way.

Rojelio Melendrez, 501 San Carlos, voiced drainage improvements in his area, San Carlos and Republic Street, need to continue; concerned on the lack of response from public works to clean drain outlets; felt poor maintenance of the drain outlets is an issue; commented the drainage outlet of a veteran who lives on the corner of Lulac Street and Airport Drive needs to be cleaned noting a tree growing out of it and with Veterans Day approaching requested the commission honor him by seeing that the drainage is cleaned and high weeds and grass on property owned by the city needs attention.

III. PUBLIC HEARING

Commissioner Pedraza seconded by Commissioner Farias moved to open the public hearing at 6:02 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input in compliance with the Consolidated Plan for Community Planning and Development (CDBG) Urban County Program Fiscal Year 35 (2022) Needs Assessment Plan.

Marisol Gonzalez and Anita Jennings, Amigos Del Valle, requested funds in the amount of $15,000 to provide home delivered meals to seventeen homebound senior citizens in Weslaco and thanked the commission for their consideration and support.

Vidal Roman, Finance Director, stated proposed activity included general program administration $3,000; water/sewer improvements $292,037; senior services (Amigos Del Valle) $5,000 and noted for the record Nuestra Clinica Del Valle Inc submitted a request for funds in the amount of $15,000 to help provide medical, dental, and behavioral services to residents of the City.

Commissioner Kerr seconded by Commissioner Lopez moved to close the public hearing at 6:06 pm p.m. The motion carried unanimously; Mayor Suarez was present and voting.

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 of October 19, 2021 and Special Meeting of October 25, 2021. (Staffed by City Secretary Department.)

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

1) Approval on Ordinance 2021-41 reducing the size of an existing 15-foot utility easement along the northside of the property line and a 20-foot utility easement along the westside of Lot C-1 Re-Plat of Apostolic Assembly Church Subdivision to a 10-foot utility easement along the north and west side and authorize the Mayor to execute any related documents. (First reading held October 19, 2021 staffed by Planning & Code Enforcement Department.)

2) Approval on Ordinance 2021-42 for the Voluntary Annexation of Adams Tract Subdivision – being 1.166 AC out of North 210.10 ft. of the East 242.00 ft. of Farm Tract 1009, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on the Southwest corner of intersection FM 1015 and Mile 6 North and authorize the Mayor to execute any related documents. (First reading held October 19, 2021; staffed by Planning & Code Enforcement Department.)

3) Approval on Ordinance 2021-43 for the abandonment of a 50-foot right-of-way on West Esplanada Street and North Georgia Street and authorize the Mayor to execute any related documents. (First reading held October 19, 2021; staffed by Planning & Code Enforcement Department.)

4) Approval on Ordinance 2021-44 granting Freeport Tax Exemption in the City of Weslaco and authorize the Mayor to execute any related documents. (First reading held October 19, 2021; staffed by City Manager.)

C. Approval on amendments and extension from November 7, 2021 to December 7, 2021 for Disaster Declaration (COVID-19) and any reports related to such executive orders and authorize the Mayor to execute any related documents. (Staffed by City Manager.)

D. Approval to submit an application renewing the E-Rate 2022-2023 within the confines of the Schools and Libraries Program of the Universal Service Administrative Fund, accept funds upon award, accept to advertise and solicit prospective vendors to submit Request for Proposals (RFPs) for basic maintenance of internal connections, accept additional funding if awarded during the grant year, and authorize the Mayor to execute any related documents. (Staffed by Library Department.)

E. Approval of the purchase of nine (9) Tiati TP 9600 Portable Radios for an amount not to exceed $25,435.81 and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department).

F. Approval on renewal of an agreement with the Drug Enforcement Administration of State and Local HIDTA Task Force cooperation for Fiscal Year 2021-2022 and authorize Police Chief Joel Rivera to execute any related documents. (Staffed by Police Department.)

G. Approval to accept FY22 Juvenile Justice & Truancy Prevention Grant #4003402 in the amount of $69,640.89 with NO MATCH and RECURRING FEES to be used for salary, training and equipment for the First Offender Program and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

H. Approval to accept BJA FY21 Edward Byrne Memorial Justice Assistance Grant Program Award in the amount of $12,010 with NO MATCH AND RECURRING FEES to purchase policy-making software and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

I. Approval to accept FY2021 General Victim Assistance Grant #3814603 in the amount of $45,237.75 with a 20% match and no recurring fees and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

J. Approval to accept FY2022 Project Safe Neighborhoods Grant #4271601 in the amount of $23,257.05 with NO MATCH REQUIRED and no RECURRING FEES to pay for overtime and to purchase surveillance equipment and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

K. Approval to terminate a Weslaco Mid Valley Airport Ground Lease Agreement with tenant Don Ed Holmes for Hangar E-25 and approval of a Weslaco Mid Valley Airport Ground Lease Agreement with Tenant Nowell Willis Borders for Hangar E-25 and authorize the Mayor to execute any related documents. (Staffed by Airport Department.)

L. Approval of a Weslaco Mid Valley Airport Ground Lease Agreement with tenant Armando Martinez D/B/A M-5 Texas Enterprises, LLC. and authorize the Mayor to execute any related documents. (Staffed by Airport Department.)

M. 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 $54,084.05 and authorize the Mayor to execute any related documents. (Staffed by Information Technology Department.)

N. Approval of a request from the Valley Nature Center to close Gibson Park to the public on November 13th for the Brew in the Woods annual fund raiser and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

O. Approval on Resolution 2021-58 to place a Lighted Christmas Garland Skyline (Banner) affecting state right-of way on Texas Boulevard/FM 88 between Los Torritos Street and Agostadero Street on November 22, 2021 through January 11, 2022 and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Staffed by Parks and Recreation Department.)

P. Approval to renew the lease agreement for the building located at Mayor Pablo G. Pena Park with the Boys & Girls Club of Weslaco for a two-year term ending September 30, 2023 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

Q. Approval of the annual subscription renewal to Rio Grande Valley Communications Group for radio communication services to all city departments from October 1, 2021 - September 30, 2022 in the amount of $48,960 and authorize the Mayor to execute any related documents. (Staffed by Fire Department.)

R. 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 for an amount not to exceed $69,100 and Boys & Girls Club in the amount not to exceed $75,000 effective October 1, 2021 through September 30, 2022 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.)

Commissioner Pedraza seconded by Commissioner Lopez moved to approve consent agenda A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, and R as presented. The motion carried unanimously; Mayor Suarez was present and voting.

V. APPOINTMENTS

A. Discussion and consideration on Resolution 2021-59 appointing two members to the Planning and Zoning Commission for terms set to expire and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Joe Pedraza, Asst. Director of Planning & Code Enforcement stated current board members Juan Jose Trevino and Adrian Torres expressed interest in continuing to serve as members of the Planning & Zoning Commission and recommended approval.

Commissioner Pedraza seconded by Commissioner Lopez moved to re-appoint Juan Jose Trevino and Adrian Torres as members to the Planning and Zoning Commission as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration on Resolution 2021-60 appointing a member to The Economic Development Corporation of Weslaco for term set to expire and authorize the Mayor to execute any related documents. Possible action. (Staffed by The Weslaco Economic Development Corporation.)

Norma A. Cantu, City Secretary, stated Benita Valadez requested consideration for re-appointment and recommended approval.

Commissioner Farias seconded by Commissioner Lopez moved to re-appoint Benita Valadez as a member to The Economic Development Corporation of Weslaco as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

A. Discussion and consideration to authorize a one-time supplement for all full-time and permanent part-time active employees working during COVID from February 2020 to March 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

Andrew Munoz, Interim City Manager, stated previous commission action approved a one-time supplemental pay for police and fire from the CARES Act and for non-civil from the general fund for full-time and permanent part-time; presented cost breakdown and stated is based on active employment during COVID period of March 2020 through February 28, 2021. Staff recommended approval.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve a one-time supplement for full-time and permanent part-time active employees that worked during COVID as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve the Fiscal Year 2022 Interlocal Agreement with the County of Hidalgo under the Urban County Program setting the amount for the city at $300,037 and authorizing the Mayor to execute any related documents. Possible action. (Staffed by the Finance Department.)

Vidal Roman, Finance Director recommended approval stating the city allotment for FY 2022 CDBG funds is $300,037.00 that has allotted funds for general program administration $3,000, water/sewer improvements $293,060 and senior services $5,000.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve Fiscal Year 2022 Interlocal Agreement with County of Hidalgo under the Urban County Program as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Presentation and consideration to accept and file the Financial Reports (unaudited) as of September 30, 2021 for the General Fund, Water and Sewer Fund, Solid Waste Fund, and Airport Fund and authorize the Mayor to execute all related documents. (Staffed by the Finance department).

Vidal Roman, Finance Director stated the General Fund had a net surplus of $2.5million; sales tax continues to be strong; Water Fund has improved; working capital days strong; Solid Waste and

Airport shows deficit due to revenues and grants not recognized and will be reconciled; brush netted $81,000. Staff recommended approval to accept and file.

Commissioner Kerr seconded by Commissioner Lopez moved to accept and file the Financial Reports (unaudited) as of September 30, 2021as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Presentation and consideration to accept and file the Quarterly Investment Report for the period ending September 30, 2021 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Finance Department).

Vidal Roman presented the Quarterly Investment Report for the period ending September 30, 2021 stating cash on deposit less due to funds transferred to Tex-Pool Prime for a better interest rate and interest income increased slightly. Staff recommended approval.

Commissioner Pedraza seconded by Commissioner Lopez moved to accept and file the Quarterly Investment Report for period ending September 30, 2021 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to approve solicitation of bids for the construction of infrastructure improvements consisting of drainage, stormwater, sanitary sewer, railroad crossing, and traffic signal improvements for the new Public Safety Facilities to be located at 300 S. Bridge St and 711 E. Railroad St and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana, City Engineer, stated the request for bids were for infrastructure improvements for the new Public Safety buildings; included widening of Witmer Street to Bridge St. then continue to Business 83; extension of Saint Clair Ave, water, sewer, and drainage will also be done; railroad crossing improvements (replan king and widening) and relocation of a warning signal light. Staff will request the Emergency Vehicle Preemption System that allows emergency vehicles to quickly communicate to signal control and gain green light access when approaching the intersection at Bridge St; estimated cost for improvements is $780,000 and does not include the relocation of AEP poles.

In response to Mayor Suarez, Interim City Manager stated funds would come from the second round of funds from American Rescue Plan Act and the sale proceeds from the police-fire department building on Airport Drive.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve solicitation of bids for construction of infrastructure improvements as presented. Motion carried unanimously; Mayor Suarez was present and voting.

Mayor Suarez deviated to the Public Hearing item at 6:02 p.m.

F. Discussion and consideration to amend waste disposal agreement between the City of Edinburg and the City of Weslaco to include Waste Materials-Municipal Solid Waste at a rate of $17.75 per ton and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce, Deputy Public Works Director, recommended approval to amend the waste disposal agreement; amendment would include the disposal of waste materials-municipal solid waste to be effective January 2022.

Commissioner Pedraza seconded by Commissioner Lopez moved to amend waste disposal agreement between City of Edinburg and City of Weslaco to include Waste Materials-Municipal Solid Waste at rate of $17.75 per ton as presented. Motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and presentation on Solid Waste and Brush collection services. (Staffed by Public Works Department.)

Commissioner Pedraza seconded by Commissioner Kerr moved to discuss.

David Arce made a presentation to the commission for consideration of collection of garbage and brush be once a week instead of twice a week; proposed to designate quadrants into scheduled days; a benefit of once of week is life expectancy of equipment and having time for maintenance of the trucks; presented chart of cities overviewing the collection frequency noting once a week is being done by several cities that included Edinburg and requested direction if the commission was favorable for once a week staff will gather information on cost, resources and expenses.

Mayor Suarez suggested a workshop to further discuss once a week for garbage collection as there are answered questions; brush pick-up once a week he did not see objection.

Presentation and no action.

H. Discussion and consideration to award the purchase of three (3) Pickup Trucks with Goodbuy vendor Silsbee Ford.
1. Water Division, an F350 Crew Cab 4x4 in the amount of $45,549,
2. Streets Division, an F250 Extended Cab $32,873,
3. Drain Ditch Division, F250 Crew Cab $34,195,
and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce stated staff solicited proposals from several vendors: Goodbuy vendor Silsbee Ford only responsive submitting a quote for the super duty trucks. Staff recommended approval as Silsbee Ford can make delivery of 2022 vehicles if ordered by November and the bidding process and ordering can take 12months and more. Staff recommended approval to purchase trucks from Silsbee Ford a Goodbuy Board vendor.

Commissioner Farias seconded by Commissioner Lopez moved to approve award to purchase three (3) pick-up trucks with Goodbuy vendor Silsbee Ford as presented. Motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to approve the demolition of the Gibson Park Swimming Pool as discussed during budget workshops and approved in new budget and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation.)

Omar Rodriguez, Parks and Recreation Director, recommended approval to proceed with the demolition of Gibson Pool.

Commissioner Farias seconded by Commissioner Lopez moved to approve the demolition of the Gibson Park Swimming Pool as presented. Motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration to solicit bids for a New Splash Pad to be installed at Gibson Park as budgeted in the current Capital Improvement Budget for Parks and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez recommended approval to solicit bids for a new splash pad at Gibson Park stating funds are budgeted.

Commissioner Farias seconded by Commissioner Lopez moved to approve solicit bids for New Splash Pad to be installed at Gibson Park as presented. Motion carried unanimously; Mayor Suarez was present and voting.

K. Discussion and consideration of selected material colors for the Public Safety Complex with the Police Department, Municipal Court and Fire Administration. Possible action. (Staffed by Parks and Recreation.)

Omar Rodriguez presented a packet of colors selected for the public safety building; the selection of color for the police building was blue color scheme. Chief Rivera agreed with the color selection of blue.

Commissioner Farias seconded by Commissioner Kerr moved to approve selected material color scheme of blue for Public Safety Complex as presented. Motion carried unanimously; Mayor Suarez was present and voting.

L. Discussion and consideration of selected material colors for the New Downtown Fire Station #2 Project. Possible action. (Staffed by City Manager.)

Omar Rodriguez presented two packet of color schemes for the fire safety building; the suggested color was red scheme from the Architect. Fire Chief Antonio Lopez recommended the blue scheme to allow consistency for the entire complex be one color.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve the selected material color scheme of blue as presented. Motion carried unanimously; Mayor Suarez was present and voting.

VII. EXECUTIVE SESSION

At 6:23 p.m. Commissioner Pedraza seconded by Commissioner Kerr moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:51 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. Real Property - Consultation with City Attorney on the purchase, sale, exchange, lease or value of various city-owned real property to Affordable Homes of South Texas, Inc., TuCasa Investments, Inc as authorized by section §551.072 of the Texas Government Code.

No action.

C. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.

No action.

D. Legal Consultation -¬ Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.

No action.

E. 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.

F. Legal Consultation - Consultation with City Attorney regarding the Performance Contracting Agreement between the City of Weslaco and Siemens Industry Inc. as authorized by section §551.071 of the Texas Government Code.

No action.

G. Legal Consultation - Consultation with City Attorney regarding *Letter of Representation and Notice Pursuant to TEX.CIV.P. & REM. Code § 101, from the Law Office of Rogelio Solis, PLLC to on behalf of Laura de Socorro Zamora , Nathan Alexis Guerra and Jayden Isaiah Guerra* as authorized by section §551.071 of the Texas Government Code.

No action.

H. Legal Consultation - Consultation with the City Attorney regarding claim *in accordance with The Texas Tort Claims Act, Section 101.101 from the Law Office of Raul "Rudy" Rodriguez, P.C. on behalf of the estate, wife and minor children of Juan Pedro Guerra* as authorized by section §551.071 of the Texas Government Code.

No action.

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

No action.

IX. ADJOURNMENT

Commissioner Kerr seconded by Commissioner Pedraza moved to adjourn the meeting of November 2, 2021 at 7:52 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

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David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**