



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
DECEMBER 20, 2022**

On Tuesday, December 20, 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
	Mayor Pro Tem	JP Rodriguez
	Commissioner	Greg Kerr
	Commissioner	Israel Gonzalez Jr.
	Commissioner	Josh Pedraza
	Commissioner	Adrian Farias
ABSENT:	Commissioner	Letty Lopez
STAFF PRESENT:	Martin Garza	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, Rebekah de la Fuente, Director of Planning and Code Enforcement, Joe Pedraza, Asst. Director Planning and Code Enforcement, Joel Rivera, Police Chief, Gus Ramirez, Asst. Fire Chief, David Arce, Deputy Public Works Director, Albert Aldana, City Engineer, Omar Rodriguez, Parks & Recreation Director, Martin Vela, IT Director, Rosa Badillo, Court Coordinator, 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, December 16, 2022.

B. Invocation.

Pastor Elias Garza from First Calvary Baptist Church led the invocation.

C. Pledge of Allegiance.

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

D. Mayoral Recognition.

Proclamation for Brandon Figueroa was postponed.

E. Roll Call.

Norma A. Cantu, City Secretary, called the roll noting the absence of Commissioner Lopez and the arrival of Commissioner Kerr at 5:36 p.m. A quorum was present.

II. PUBLIC COMMENTS

George Gonzales stated staff advised him they would be looking into his concern on the loose dogs in his neighborhood and appreciated it. Thanked the Commission and wished everyone a Merry Christmas.

Baldemar Loera, 619 W. 10th Street voiced objection to the change of zone to apartment use for property located at 808 & 812 W. 10th citing concerns of traffic, flooding, property devaluation, parking, and noise. Thanked the Commission and wished everyone a Merry Christmas.

Orfelinda Martinez, 804 W. 10th Street, objected to the change of zone for property located at 808 & 812 W. 10th; her home is next door to the proposed apartments; submitted an email against it voiced concerns of traffic, flooding, safety for herself and her neighbors and wished everyone a Merry Christmas.

III. REPORTS

A. Police Department.

Joel Rivera, Police Chief, reported the police department would be partnering with the school district in addressing continued mandates dealing with school security; programs to be implemented is the Handle with Care Initiative, allows law enforcement to notify the school staff the student has been through a traumatic event, such as family violence and should be handled with care; reported Campus Crime Stoppers Initiatives would allow joint efforts between the city, school and crime stoppers to investigate tips such as school threats. Lastly reported on a grant award in the amount \$228,423 to the city with no local match for shields for the officers thanks to Assistant Chief Robert Lopez.

B. Inframark.

George Quilantan, Inframark, presented the water flows for November 2022 for the Water Treatment Plant, North Wastewater Treatment Plant, and South Wastewater Treatment Plant stating all were slightly down from last year; basic repairs for sludge pump base at the Water Treatment Plant being done; North Wastewater Plant needs to replace check and gate valves for the influent pumps; South Wastewater Plant the clarifier gearbox needs fresh oil and thorough cleaning; UV Modules will need rehab and will see options available for disinfection that is cost efficient; the portable pump is inoperable and reached its life expectancy getting quotes to have it replaced; Lift Station 6 pump needs replacement; Lift Station 36 a 12-inch pull needs to be replaced due to leakage and Lift Station 10 submersible pump needs repairs and also getting quotes.

IV. PUBLIC HEARING

A. To solicit input on behalf of Willie Arratia to rezone 3920 E Pike. Also being 28.34 acres out of Farm Tract 1036, West and Adams Tract, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and Apartment District.

No comments.

B. To solicit input on behalf of Wilfredo & Cristela Aviles to rezone 808 & 812 W 10th St. Also being Lot 6 & 7, Laura Raquel Trejo Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and Apartment District.

No comments.

C. To solicit input on behalf of Dreamland Estates to approve a Conditional Use Permit to operate an event center Permit at 909 E James, also being Block 1, Lot 2A, Ro-Ellen Addition Ut. No. 3, Hidalgo County, Texas.

No comments.

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 December 6, 2022. (Staffed by City Secretary Department.)

B. Approval of six-month extension for the Final Plat for Bridge Crossing Ph II– being a re-subdivision of 16.273 acres being part or portion out of farm tract 744, The West And Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 1370 ft east of the intersection of 18th St. & Mile 5 ½. and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.)

C. Approval of six-month extension for the Final Plat for Vaquero Estates Phase V– being a re-subdivision of 86.961 acres being all of farm tract 1072 an out of Farm Tract 1065,1066 & 1071, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on FM 1015 & Mile 11 North and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.)

D. Approval of six-month extension for the Final Plat for Greener Pastures Mobile Home Subdivision PH II– being A 3.94 acre tract of land out of Lot 82,133,134,135 and 136, Greener Pastures Mobile Home Subdivision, Weslaco, Hidalgo County, Texas located approximately on Main Gate Drive and Corral Drive and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.)

E. Approval of the Memorandum of Understanding between the constituent agencies of the Texas Anti-Gang (TAG) Center - Rio Grande Valley and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

F. Approval to enter into an agreement with Tyler Technology to participate in the Early Adopter Program at no cost to the city and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

G. Approval of Resolution 2022-63 to accept the National Highway Traffic Safety Administration STEP-Impaired Driving Mobilization Grant (2023-WeslacoPD-IDM-00049) Award in the amount of \$29,986.76 with a \$6,021.76 match and no recurring fees and authorize the Assistant Chief Robert Lopez to electronically sign grant agreements and amendments as the Grant Administrator on TxDOT Traffic Safety eGrants portal and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

H. Approval to accept FY23 Project Safe Neighbors Grant Program Award #4271602 in the amount of \$32,731.99 with NO MATCH and NO RECURRING costs for overtime for all peace officers, to purchase equipment and project supplies and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

I. Approval of a District Office Lease Agreement beginning January 3, 2023 and ending January 2, 2025 with Congressman Vicente Gonzalez for office space located at 255 S. Kansas Avenue and authorize the Mayor to execute any related documents. (Staffed by Assistant City Manager.)

Commissioner Farias seconded by Commissioner Pedraza moved to approve consent agenda items as presented withholding item G. The motion carried unanimously; Mayor Suarez was present and voting.

G. Approval of Resolution 2022-63 to accept the National Highway Traffic Safety Administration STEP-Impaired Driving Mobilization Grant (2023-WeslacoPD-IDM-00049) Award in the amount of \$29,986.76 with a \$6,021.76 match and no recurring fees and authorize the Assistant Chief Robert Lopez to electronically sign grant agreements and amendments as the Grant Administrator on TxDOT Traffic Safety eGrants portal and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

Joel Rivera, Police Chief, stated TxDOT advised a resolution is not required and withdrew the request for the resolution. Recommended approval to accept the National Highway Traffic Safety Administration STEP-Impaired Driving Mobilization Grant and to approve the Assistant Chief Robert Lopez to electronically sign grant agreements and amendments as the Grant Administrator on TxDOT Traffic Safety eGrants portal.

Commissioner Pedraza seconded by Commissioner Kerr moved to accept the National Highway Traffic Safety Administration STEP-Impaired Driving Mobilization Grant and approve the Assistant Chief Robert Lopez to electronically sign grant agreements and amendments as the Grant Administrator on TxDOT Traffic Safety eGrants portal as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

A. Discussion and consideration on first and final reading of Ordinance 2022-44 amending Ordinance 2022-19 regarding the process and standards for all appointments to Advisory Boards, Committee and Commissions and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

Martin Garza, City Manager, stated at the workshop held discussion regarding the process of appointments; staff and himself reviewed the ordinance and revised it based on those discussions. Mr. Garza stated under the Section of Vacancy (b) a sentence was added “each elected official will have an appointment to each board” and added “(d) Any committee with less than seven members will have its members appointed by the Commission in the order set forth in Section 4(b)”. Staff recommended approval.

In response to Mayor Pro Tem Rodriguez, Mr. Garza stated an individual could serve on more than one board now stating currently there is a lack of volunteers applying to the boards. Mayor Suarez stated he would like to see a more recruitment marketing of volunteers done.

Commissioner Pedraza seconded by Mayor Pro Tem Rodriguez, moved to approve on first and final reading of Ordinance 2022-44 amending Ordinance 2022-19 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration after public hearing on behalf of Willie Arratia on Ordinance 2022-45 to rezone 3920 E Pike. Also being 28.34 acres out of Farm Tract 1036, West and Adams Tract, 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 of Ordinance 2022-45. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente, Planning & Code Enforcement Director, stated twenty-four property owners were notified and no objection received; owner is proposing apartments and compatible to surrounding area. The Planning and Zoning Commission and staff recommended approval as the proposed use follows the 2040 Land Use Map and the surrounding land use.

Mayor Pro Tem Rodriguez seconded by Commissioner Pedraza moved to approve Ordinance 2022-45 to rezone 3920 E Pike as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration after public hearing on behalf of Wilfredo & Cristela Aviles on Ordinance 2022-46 to rezone 808 & 812 W 10th St. Also being Lot 6 & 7, Laura Raquel Trejo 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 of Ordinance 2022-46. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated twenty-one property owners were notified and three (3) objections received; owner is proposing apartments and surrounding area is apartment use to the west and south. The Planning and Zoning Commission and staff recommended approval as the proposed use follows the surrounding land use.

In response to Commissioner Farias, staff stated that drainage requirements will be addressed during the building phase, noted drainage improvements are on-going in the area such as widening and better maintenance of a drainage ditch; a fence is not required under the ordinance the buffer is required when it is commercial zone abutting residential.

Commissioner Pedraza seconded by Commissioner Kerr moved to approve Ordinance 2022-46 to rezone 808 & 812 W 10th Street as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration after public hearing on behalf of Dreamland Estates to approve a Conditional Use Permit to operate an event center at 909 E James Ste E, also being block 1, Lot 2A, Ro-Ellen Addition Ut. No. 3, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated fourteen property owners were notified and no objection received; owner proposes to operate an event center that will host small events The Planning and Zoning Commission and staff recommended approval.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve a Conditional Use Permit at 909 E James Ste E as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to approve the Final Plat for Dominion Subdivision being 20-acres out of Farm Tracts 164, Block 178, West Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 700 ft. east of Midway Rd on Bus 83 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated this was a proposed sixty-five lot subdivision inside city limits; serviced with water by North Alamo Water Supply and sewer by the City; proposed use is a private subdivision with four plex apartments. The Planning and Zoning Commission and staff recommended approval.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve the Final Plat for Dominion Subdivision being 20-acres out of Farm Tracts 164, Block 178, West Tract Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration on Ordinance 2022-47 for dis-annexation request from the property owner of Angelita Estates Subdivision– being 8.35 acres, being part or portion of Farm Tracts 799, 800 and 804 West Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 805ft. South of Tierra Santa St along FM 88. and authorize the Mayor to execute any related documents. First reading on Ordinance 2022-47. Possible action. (Staffed by Planning and Code Enforcement Department.)

Commissioner Kerr seconded by Commissioner Pedraza moved to discuss.

Rebekah de la Fuente stated the property is part of Angelita Subdivision that is inside city limits; owner wants the entire property to be outside city limits and requested dis-annexation; area is serviced with water by the city and sewer is developer wants to propose on-site septic tank; a manhole is available on S. Border and Tierra Santa that is nine feet deep and can service the area. The Planning and Zoning Commission and staff recommended denial of the dis-annexation.

In response to Commissioner Kerr, staff stated the property was annexed in 2014 and developer wants entire property outside; water and sewer are available services that can be extended. Mayor Suarez questioned if denied what recourse the developer had if the city did not provide a service plan within the timeline for a forced annexation.

Juan E. Gonzalez, City Attorney, there are laws that govern for dis-annexation if services have not been provided such as the owner filing in District Courts.

Mayor Suarez suggested to table and let the City Attorney to research further.

Martin Garza recommended no action.

Mayor Suarez stated no action.

G. Discussion and re-consideration to adopt Ordinance 2022-48 amending ordinance 2021-41 to increase a 10- foot utility easement along the Westside of lot C-1 Re-Plat of Apostolic Church Subdivision to a 15-foot utility easement along the Westside of lot C-1 Re-Plat of Apostolic Church Subdivision and authorize the Mayor to execute any related documents. First reading of O2022-48. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated previous commission approved the reduction of a utility easement to 10-feet; recently the utility division discovered an existing 8" sanitary sewer line on the Westside property line not noted on the maps; applicant and staff requested that the easement be increased to 15 feet to maintain proper clearance should the line require maintenance. Staff recommended approval.

Commissioner Gonzalez seconded by Commissioner Kerr moved to approve Ordinance 2022-48 amending ordinance 2021-41 to increase a 10- foot utility easement along the Westside of lot C-1 Re-Plat of Apostolic Church Subdivision to a 15-foot utility easement along the Westside of lot C-1 Re-Plat of Apostolic Church Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration to award a negotiated contract with Norris Leal, LLC for RFB No. 2021-22-31 Mayor Pablo Pena City Park Sports Field Lighting and Isaac Rodriguez Skate Park Lighting project or to reject the contract and authorize staff to go out for bids and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, stated staff negotiated a contract with Norris Leal; vendor reduced their bid by \$63,885 for final contract price of \$1,333,115 and Norris Leal has confirmed their pricing with their suppliers and are ready to proceed with the project immediately. Staff recommended approval.

Commissioner Kerr seconded by Commissioner Gonzalez moved to approve a negotiated contract with Norris Leal, LLC for RFB No. 2021-22-31 Mayor Pablo Pena City Park Sports Field Lighting and Isaac Rodriguez Skate Park Lighting project as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration on first and final reading of Ordinance 2022-49 that revises speed limits on International Blvd. (FM 1015) between Western Rd and Mile 5 North Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Engineering Department).

Albert Aldana, City Engineer, stated a speed zone study on FM 1015 roadway between its northern and southern city limits was done by TXDOT; summarized the proposed speed limit segments effected as N. of Western Dr. (Weslaco N. City Limit) to Western Dr., 45 mph to 50 mph; S. of Western Dr. N. of Barbee Dr., speed limit will be changed from 55 mph to 50 mph; N. of Barbee Dr. to S. of Barbee Dr., speed limit will remain 45mph; S. of Barbee Dr. to BUS 83, speed limit will remain 35 mph; BUS 83 to N. of Camino Real Viejo speed limit will be changed from 45mph to 40mph; and N. of Camino Real Viejo to S. of Mile 5 N. Rd. (Weslaco S. City Limit) speed limit will remain 45mph. Staff recommended approval.

Mayor Pro Tem Rodriguez seconded by Commissioner Pedraza moved to approve first and final reading of Ordinance 2022-49 that revises speed limits on International Blvd. (FM 1015) between Western Rd and Mile 5 North Road as presented. The motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration of purchasing a SCBA Compressor under BuyBoard contract # 603-20 for an amount not to exceed \$53,823 from Metro Fire for the New Fire Station and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Commissioner Farias abstained from discussion and vote.

Gustavo Ramirez, Assistant Fire Chief, recommended approval stating the equipment is a self-contained breathing apparatus that supply clean breathable air in the tanks. Staff recommended approval.

Commissioner Pedraza seconded by Mayor Pro Tem Rodriguez moved to approve the purchase of a SCBA Compressor under BuyBoard contract # 603-20 for an amount not to exceed \$53,823 from Metro Fire as presented. The motion carried unanimously; Mayor Suarez was present and voting.

K. Discussion and consideration to award RFB No. 2022-23-04 Waterworks Collection and Distribution Materials to the sole bidder, Aguaworks Pipe & Supply, LLC., for a period of one year, for material to be purchased on an as-needed basis not to exceed \$500,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce, Deputy Public Works Director, stated materials are needed on demand for the water and sewer division; supplies/materials are kept on-hand and stocked. Staff recommended approval

to award to the sole bidder to Aguaworks Pipe & Supply for a period of one year and should vendor not be meeting supply demand within 6-month period and if necessary, back to the commission to utilize another vendor.

Commissioner Pedraza seconded by Commissioner Gonzalez moved to approve Waterworks Collection and Distribution Materials to the sole bidder, Aguaworks Pipe & Supply, LLC., for a period of one year, for material to be purchased on an as-needed basis not to exceed \$500,000 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VII. EXECUTIVE SESSION

At 6:32p.m. Commissioner Farias seconded by Commissioner Pedraza moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:43 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 City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.

No action.

B. Legal Consultation - Consultation with City Attorney regarding potential claims by the City against Castle Construction regarding the Police and Fire Station Project as authorized by Section §551.071 of the Texas Government Code.

Commissioner Pedraza seconded by Commissioner Farias moved to authorize the City Manager and City Attorney to proceed as discussed in executive session regarding potential claims by the City against Castle Construction regarding the Police and Fire Station Project. The motion carried unanimously; Mayor Suarez was present and voting.

C. 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.

No action.

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

Commissioner Pedraza seconded by Commissioner Farias moved to authorize the City Manager and City Attorney to proceed as discussed in executive session relating to the lawsuit with CDM. The motion carried unanimously; Mayor Suarez was present and voting.

IX. ADJOURNMENT

Commissioner Pedraza seconded by Commissioner Kerr moved to adjourn the meeting of December 20, 2022, at 7:44 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**