



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JANUARY 17, 2023**

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, January 17, 2023 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 Weslaco East student Estrella Carlos.
- 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. Weslaco High School Family, Career, and Community Leaders of America report on Gibson Park Musical Garden Project.
- B. Inframark.

IV. PUBLIC HEARING

- A. To solicit input on behalf of Willie Arratia to rezone 4020 E Pike, also being 1.16 acres out of Farm Tract 1036, West and Adams Tract Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 neighborhood business district.
- B. To solicit input on behalf of Gloria Garza to rezone 809 N. Pino, also being Lot 8-9, Block 18, Esplanada Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and Apartment District.
- C. To solicit input on behalf of Ramon Gonzalez III to rezone 1602 & 1604 Judi St., also being Lot 14-15, Block 5, Sun Country Estates Unit #2 Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and Apartment District.
- D. To solicit input on behalf of David M Chacon to rezone 3611 Camino De Verdad, also being 17.83 acres more or less, tract of land out of 16.76-acre tract land out of FT1021 and a 1.07-acre tract of land out of FT 1022, Blk 113, Adams Tract Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and Apartment District.
- E. To solicit input on behalf of Jesus Fabian Davila to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, Mixed Beverage Late Hours Permit, Beverage Cartage Permit at 303 S. Texas, also being the N ½ Lot 23 & all of Lot 24, Block 26, Weslaco Original Townsite, Weslaco, Hidalgo County, and 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 Regular Meeting on January 3, 2023 (Staffed by City Secretary Department.) Attachment.
- B. Approval of a request by Valley Nature Center to utilize Gibson Park parking lot on April 15, 2023 from 8 a.m. – 10 p.m. for the annual Spring Feast event, and authorize the Mayor to execute any related documents as may be required, and waive any fees that may be associated with the event. (Requested by Valley Nature Center.) Attachment.
- C. Approval to submit an application for a Texas Recreational Trail Grant program for a non-motorized trail to be located at Mayor Pablo Pena City Park with a total project cost not to exceed \$250,000, which includes a 20% match and authorize the Mayor to execute any related documents. (Staffed by Parks & Recreation.)
- D. Approval of a six-month extension for the Final Plat for Texas Heights Subdivision

being a 18.067 being a part or portion out of Farm Tracts 108 &109, The West and Adams Tracts, Weslaco, Hidalgo County, Texas located on Texas Blvd approximately 2000ft south of Mile 10 North Road and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.

- E. Approval on renewal of the Professional Services Agreement with Dr. Andrew Levine for Emergency Medical Services, Medical Director for an amount not to exceed \$40,000 per year and appointment as Health Authority for the City of Weslaco with the annual salary of \$10,000 per year to run concurrently for a two-year term from February 2023 - February 2025 and authorize the Mayor to execute any related documents. (Staffed by Fire Department.) Attachment.
- F. Approval of Resolution 2023-01 for FY2024 Juvenile Justice and Truancy Prevention Grant Program #4003404 for an amount not to exceed \$100,000 with No Match Required and No recurring Costs for the First Offender Coordinator's salary and to purchase equipment and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- G. Approval of Resolution 2023-02 for FY2024 General Victim Assistance Grant Program #3814605 for an amount not to exceed \$100,000 with NO MATCH and NO Recurring fees for the Crime Victim Coordinator's Salary and to purchase equipment and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- H. Approval of Resolution 2023-03 for FY2024 Project Safe Neighborhoods Program (South) Grant #4271603 for an amount not to exceed \$100,000 with No Match and No Recurring fees to pay for overtime for sworn officers and to purchase equipment and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- I. Approval of Resolution 2023-04 for FY24 Violence Against Women Justice and Training Program Grant #4507602 in the amount not to exceed \$50,000 with a 30% Match Required and No Recurring fees for pay for travel and training on violence against women and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- J. Approval of Resolution 2023-05 for 2023 State Homeland Security Program - Regular Projects Grant #4508002 in the amount not to exceed \$100,000 with No Match and No Recurring fees required for the purchase of cybersecurity software and hardware and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- K. Approval of Resolution 2023-06 for FY24 Internet Crimes Against Children Grant Program #4740701 for an amount not to exceed \$200,000 with No Match and No recurring Fees required to pay for overtime for investigators, training and travel, supplies and equipment and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.

- L. Approval of Resolution 2023-07 for FY2024 Body-Worn Camera Grant Program #4367802 for an amount not to exceed \$100,000 with a 25% match required and no recurring fee to purchase additional storage space for the body-camera data and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- M. Approval of Resolution 2023-08 for FY24 Rifle-Resistant Body Armor Grant Program #4740801 in an amount not to exceed \$50,000 with No Match Required and No Recurring fees to purchase rifle resistant body armor and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.

VI. APPOINTMENTS

- A. Discussion and consideration on Resolution 2023-09 appointing a member to the Board of Adjustments and Appeals to the Building Codes and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.
- B. Discussion and consideration on Resolution 2023-10 appointing members to the Weslaco Economic Development Corporation and authorize the Mayor to execute any related documents. Possible action. (Staffed by Weslaco EDC.) Attachment.
- C. Discussion and consideration on Resolution 2023-11 appointing members to the Animal Shelter Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

VII. OLD BUSINESS

- A. 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. (There was no action December 20, 2022; staffed by Planning and Code Enforcement Department.) Attachment.
- B. Discussion and consideration to approve a lease agreement with the Economic Development Corporation of Weslaco for building lease space located at 275 South Kansas Avenue and authorize the Mayor to execute any related documents. Possible action. (There was no action on January 3, 2023; staffed by Asst. City Manager.) Attachment.
- C. Discussion and consideration to approve a lease agreement with the Weslaco Area Chamber of Commerce & Visitor Center for building lease space located at 255 South Kansas Avenue and authorize the Mayor to execute any related documents. Possible

action. (There was no action on January 3, 2023; staffed by Asst. City Manager.) Attachment.

- D. Discussion and re-consideration on agreement with Ares Services Incorporated to assist in grant preparation and legislative assistance in the area of flooding, aviation and other matters determined by the commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by Asst. City Manager.) Attachment.

VIII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Willie Arratia on Ordinance 2023-01 to rezone 4020 E Pike, also being 1.16 acres out of Farm Tract 1036, West and Adams Tract 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 2023-01. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration after public hearing on behalf of Gloria Garza on Ordinance 2023-02 to rezone 809 N. Pino. Also being Lot 8-9, Block 18, Esplanada 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 2023-02. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Ramon Gonzalez III on Ordinance 2023-03 to rezone 1602 & 1604 Judi St. Also being Lot 14-15, Block 5, Sun Country Estates Unit #2 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 2023-03. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration after public hearing on behalf of David M Chacon on Ordinance 2023-04 to rezone 3611 Camino De Verdad also being 17.83 acres, more or less of land out of 16.76-acre tract of land out of FT1021 and a 1.07-acre tract of land out of FT 1022, Blk 113, Adams Tract 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 2023-04. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration after public hearing on behalf of Jesus Fabian Davila for a Mixed Beverage Permit, Mixed Beverage Late Hours Permit, Beverage Cartage Permit at 303 S. Texas, also being the N ½ Lot of 23 & all of Lot 24, Block 26, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas 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 Lucy Laffite Subdivision being a 10.415 acres out of Farm Tracts 56, West Tract Subdivision and Lots 8 through 20, Davenport Subdivision No.3, Weslaco, Hidalgo County, Texas Located on the Northwest corner of Airport Drive & Business 83 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 The Groves Subdivision being a 13.90 acres out of Acre Tract out of lot 236, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 1300 North of the intersection of Mile 11 N Road and 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 White Rose Subdivision—being a 4.644-acre tract of land out of Farm Tract 31, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Located North of the intersection of Dolores Huerta & Bridge and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- I. Discussion and consideration on Ordinance 2023-05 for dis-annexation request from the property owner of Gilberto Estates Subdivision— being a 4.56-acre tract of land out of Farm Tract 101, West and Adams Tract Subdivision, Hidalgo County, Texas located northwest corner of mile 10 N Rd & Mile 4 ½ West Rd and authorize the Mayor to execute any related documents. First reading on Ordinance 2023-05. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.
- J. Discussion and consideration to approve the purchase of 920 water meters from the sole source vendor, Core & Main in an amount not to exceed \$372,782 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- K. Discussion and consideration of the proposal from Insight for Basic Maintenance of Internal Connections in response to the library's request for proposals within the confines of the E-Rate Program Round 26, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.) Attachment.
- L. Discussion and consideration to accept the lowest bidder Insight as vendor for network equipment and internal connections within the New Library Facility through the confines of the E-Rate Program and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Library Department.) Attachment.
- M. Discussion and consideration to approve Contingency Allowance Expenditure Authorization No. 8 New Police Department and Judicial Court Change Proposal No.

016R Pedestrian gates at an amount not to exceed \$16,379 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.

- N. Discussion and consideration to approve Contingency Allowance Expenditure Authorization No. 8 New Police Department and Judicial Court Change Proposal No. 017 Restroom Exhaust Fans not in plans at an amount not to exceed \$2,332 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.
- O. Discussion and consideration to approve Contingency Allowance Expenditure Authorization No. 4 New Downtown Firestation No. 2 request for Change Order No. 17 AIRVAC911 Control Panel Setup in an amount not to exceed \$7,850 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.
- P. Discussion and consideration on the renewal of the lease agreement with Weslaco Little League for use of Isaac Rodriguez Park Multi-Purpose Field and Minor Field and Concession Stands and Harlon Block/Sports Complex Field #1, Field #2, Field #3, Field #4 and the Concession Stands effective February 1, 2023 through July 31, 2023 and authorize the Mayor to execute any related documents. Possible action. (Requested by Weslaco Little League.) Attachment.
- Q. Discussion and consideration to purchase headworks equipment for the South Wastewater Treatment Plant from sole source vendor, Huber Technology in the amount not to exceed \$153,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Inframark.) Attachment.
- R. Discussion and consideration to purchase a Return Activated Sludge (RAS) pump station for the North Wastewater Treatment Plant under BuyBoard contract #672-22 from Austin Armature Works in the amount not to exceed \$97,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Inframark.) Attachment.
- S. Discussion and consideration to purchase and replace a portable diesel pump utilized for emergencies at all facilities and all lift stations under BuyBoard contract #672-22 from Precision Pump System in the amount not to exceed \$64,926 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Inframark.) Attachment.

IX. 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 City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.
- B. 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.
- C. Legal Consultation - Consultation with City Attorney regarding claims by the City against Castle Enterprises regarding the Police and Fire Station Project as authorized by Section §551.071 of the Texas Government Code.
- D. Legal Consultation - Consultation with City Attorney regarding investigation of the Assistant Fire Chief as authorized by §Section 551.071 of the Texas Government Code.
- E. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

XI. 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 13th day of January 2023 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”.