



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, FEBRUARY 7, 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, February 7, 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.
- 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 Economic Development Corporation
- B. Weslaco Area Chamber of Commerce & Visitor Center

IV. PUBLIC HEARING

- A. To solicit input on behalf of Jose Candanoza to rezone 208 S Kansas Ave. Also being

Lot 4 & 5, Blk 13, Weslaco Original Townsite Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and Apartment District.

- B. To solicit input on behalf of Dreamland Estates LLC. to rezone 925 E. Sugarcane Dr. Also being 1.07 acre tract of land out of Farm Tract 58, West Tract Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 neighborhood business district.
- C. To solicit input on behalf of Troyo Construction, LLC. to rezone 3024 W Pike Blvd. Also being 30.07 acre tract of land out of Farm Tracts 165 and 166, West Tract 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 Troyo Construction, LLC. to rezone 3227 W Interstate 2. Also being 12.11 acre tract of land out of Farm Tracts 165 and 166, West Tract Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary and Highway Business District.
- E. To solicit input on behalf of Carlo and Brooke Cantu to rezone 715 E Sugarcane Dr. Also being 2.349 acre tract of land out of Farm Tract 57, West Tract Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and Apartment District.
- F. To solicit input on behalf of Palacio de Destinee to approve a Conditional Use Permit to operate an Event Center and obtain a Wine and Malt Beverage Retail Dealer's On Premise Permit and Late Hours Permit, at 1502 N Border Ave, also being Lot 1, Ramos Subdivision, Weslaco, Hidalgo County, Texas.
- G. To solicit input on behalf of Miguel Gallegos to approve a Conditional Use Permit to obtain a Brew pub License and Retail Dealer's On- Premise Permit, at 419 S Texas Blvd, also being Lot 19, Block 33 Weslaco Original Townsite Subdivision, Weslaco, 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 Regular Meeting on January 17, 2023.
(Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) 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 held January 17, 2023; staffed by Planning & Code Enforcement Department.) Attachment.

- 2) 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 held January 17, 2023; staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval to ratify an application to the Firehouse Subs Public Safety Foundation FY 23 relating to firefighter high angle rescue equipment for an amount not to exceed \$29,000 with NO MATCH REQUIRED and NO RECURRING COSTS and authorize the Mayor to execute any related documents. (Staffed by Fire Department/Grant Writer.) Attachment.
- D. Approval of Resolution 2023-12 for 2023 State Homeland Security Program - Regular (SHSP-R) for the amount not to exceed \$120,000 with NO MATCH REQUIRED and NO RECURRING COSTS to purchase equipment for the Ambus and authorize the Mayor to execute any related documents. (Staffed by Fire Department/Grant Writer). Attachment.
- E. Approval to solicit proposals for the capital financing for two 2022 Ambulance Chassis in the amount of \$24,108.00 and authorize the Mayor to execute any related documents. (Staff by Fire Department.)
- F. Approval to ratify the application for FAA Airport Improvement Program Supplemental Discretionary Grant in an amount not to exceed \$280,000 with \$70,000 MATCH required and NO RECURRING COST and authorize the Mayor to execute any related documents. (Staffed by Airport/Grant Writer.) Attachment.
- G. Approval of Resolution 2023-13 for FY2024 Criminal Justice Grant Program #4740901 in the amount not to exceed \$150,000 with No Match Required and No Recurring Costs and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- H. Approval of Resolution 2023-14 for the FY24 First Responder Mental Health Program Grant #4740601 with No Match Required and No Recurring Costs to purchase first responder wellness application and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- I. Approval of Resolution 2023-15 for 2023 State Homeland Security Program - Competitive National Priority Area Projects (SHSP-NPA) Grant #4741101 for the amount of \$250,000 with No Match Required and No Recurring Fees to purchase surveillance cameras for the Mid-Valley Airport-KTXW and authorize the Mayor to

execute any related documents. (Staffed by Police Department.) Attachment.

- J. Approval to purchase (and issue to) Honorably Retired Peace Officer Lieutenant Sotero Sanchez's service weapon, a used Glock Gen 4 Model 22 handgun with a serial number WXN031 for the amount of \$271.50, as allowed under Texas Government Code Section 614.051 and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- K. Approval to purchase 30 bullet resistant shields for the amount of \$228,873.60 from BuyBoard Vendor, Galls, LLC Contract No.670-22, of which \$228,423.60 will be reimbursed by the FY23 Bullet-Resistant Shield Grant #4611001 and \$450 will be paid for shipping and handling from our department budget and NO OTHER MATCH Required and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- L. Approval on request from the Weslaco Area Chamber of Commerce to consider Resolution 2023-16 for closure of a state highway, Texas Blvd. and closures of side streets (3rd, 4th, 5th and 6th) on Friday, March 24, 2023 at 7:00 p.m. for an event on Saturday, March 25, 2023 (all day) to hold the Texas Onion Festival and authorizing the sale of wine and beer by a TABC licensed vendor and/or the Chamber of Commerce. Additionally, to allow the placement of banners and signs promoting the event on Texas Blvd. Westgate, South Kansas Street and around town, waiver of appropriate fees from ordinances associated with the event and authorize the Mayor to execute any related documents to include those as may be required by the Texas Department of Transportation. (Staffed by Engineering and Weslaco Area Chamber of Commerce.) Attachment.
- M. Approval on first and final reading of Ordinance 2023-06 amending voluntary annexation ordinance 2022-18 to correct metes and bounds for South Bridge Ranchette also being a 25.45 acre tract of land out of Farm Tract 575, West Tract Subdivision, Hidalgo County, Texas located on the northeast corner of Mile 5 North and South Bridge Ave and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- N. Approval of a six-month extension for the Final Plat for Punta Del Cielo Subdivision—being a 26.657 acre tract of land out of Farm Tract 104, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately on the west side of Mile 4 1/2 W 1320 feet South of Mile 10 North and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- O. Approval for a software support and maintenance renewal agreement for Tyler Technologies New World System used by Weslaco Police Department with CAD, Mobile Records and Reporting modules in the amount of \$72,842.39 from FY 22-23 Computer Vendor Support account and authorize the Mayor to execute any related documents. (Staffed by Information Technology Department.)

VI. APPOINTMENTS

- A. 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. (There was no action January 17, 2023; staffed by Weslaco EDC.) Attachment.
- B. Discussion and consideration on Resolution 2023-17 appointing a member to the Drainage Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering 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 on January 17, 2023; staffed by Planning and Code Enforcement Department.) Attachment.

VIII. NEW BUSINESS

- A. Discussion and consideration to approve staff to solicit Statements of Qualifications for Architectural & Engineering Services for a New Municipal Swimming Pool and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)
- B. Discussion and consideration on first and final reading of Ordinance 2023-07 authorizing the Issuance of City of Weslaco, Texas Certificates of Obligation, Series 2023 and approving and authorizing the execution of the Paying Agent/Registrar Agreement and a Bond Purchaser Agreement; and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2023-07. Possible action. (Staffed by Finance Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Jose Candanoza on Ordinance 2023-08 to rezone 208 S Kansas Ave. Also being Lot 4 & 5, Blk 13, Weslaco Original Townsite 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 2023-08. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration after public hearing on behalf of Dreamland Estates LLC on Ordinance 2023-09 to rezone 925 E. Sugarcane Dr. Also being 1.07 acre tract of land out of Farm Tract 58, West 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 2023-09.

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

- E. Discussion and consideration after public hearing on behalf of Troyo Construction, LLC on Ordinance 2023-10 to rezone 3024 W Pike Blvd. Also being 30.07 acre tract of land out of Farm Tracts 165 and 166, West 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 2023-10. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- F. Discussion and consideration after public hearing on behalf of Troyo Construction, LLC on Ordinance 2023-11 to rezone 3227 W Interstate 2. Also being 12.11 acre tract of land out of Farm Tracts 165 and 166, West Tract Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to B-2 Secondary and Highway Business district and authorize the Mayor to execute any related documents. First reading of Ordinance 2023-11. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- G. Discussion and consideration after public hearing on behalf of Carlo and Brooke Cantu on Ordinance 2023-12 to rezone 715 E Sugarcane Dr. Also being 2.349 acre tract of land out of Farm Tract 57, West 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 2023-12. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- H. Discussion and consideration after public hearing on behalf of Palacio de Destinee to operate an Event Center and obtain a Wine and Malt Beverage Retail Dealer's On Premise Permit and Late Hours Permit, at 1502 N Border Ave, also being Lot 1, Ramos Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- I. Discussion and consideration after public hearing on behalf of Miguel Gallegos to obtain a Brewpub License and Retail Dealer's On- Premise Permit, at 419 S Texas Blvd, also being Lot 19, Block 33 Weslaco Original Townsite Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- J. Discussion and consideration on Ordinance 2023-13 amending Ordinance 2013-08 City of Weslaco Landscaping and Buffering Ordinance and authorize the City Manager to execute any related documents and authorize the Mayor to execute any related documents. First reading of Ordinance 2023-13. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- K. Discussion and reconsideration of the variance request to permit OSSF for Gilberto

Estates also being a 4.56-acre tract of land out of Farm Tract 101, West and Adams Tract Subdivision, Hidalgo County, Texas located on the northwest corner of mile 10 N Rd & Mile 4 ½ West Rd and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- L. Discussion and consideration to approve the Final Plat for Camino De Verdad Subdivision being a 17.83 acres out of 16.76 acre tract of Farm Tract 1021 and 1.07 acre tract of land out of farm tract 1022, Block 113, Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 750 ft. east of FM 1015 on Camino De Verdad Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- M. Discussion and consideration on Resolution 2023-18 authorizing the City's application for the GLO's Resilient Communities Program reimbursement grant for the purpose of updating subdivision ordinances for an amount not to exceed \$150,000 and authorize the Mayor to execute any related documents as may be required for said project application. Possible action. (Staffed by Planning/Grant Writer.) Attachment.
- N. Discussion and consideration to reschedule or cancel the February 21, 2023 regular meeting. Possible action. (Staffed by City Manager.)
- O. Discussion and consideration on Resolution 2023-19 supporting legislation regarding solid waste disposal services by Hidalgo County and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- P. Discussion and consideration on Resolution 2023-20 on the legislative priorities for the City of Weslaco in the 88th State Legislative Session and authorize the Mayor to execute any related documents. Possible action. (Staffed by Asst. City Manager.) Attachment.
- Q. Discussion and consideration to approve an increase to Purchase Order No. 21-5483 from \$225,800.00 to \$249,908.00 for the ambulance remounts from HGAC Contract AM10-20 vendor Southwest Ambulance Sales under the Fire Department Apparatus Replacement Program and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.
- R. Discussion and consideration to approve Resolution 2023-21 adopting the 2023 Work Plan and Budget for the thirty-sixth (36th) Urban County Program in the amount of \$285,782 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- S. Discussion and consideration to purchase a 250 HP High Service pump station for the Water Treatment Plant from Lewis Electric Motors, Inc., for an amount not to exceed \$26,939.36 budgeted from ARPA funds and authorize the Mayor to execute any related documents. Possible action. (Staffed by Inframark.) Attachment.

- T. Discussion and consideration to purchase a transfer pump station for the WaterTreatment Plant from Lewis Electric Motors, Inc., in the amount not to exceed \$44,979.73 budgeted from ARPA funds and authorize the Mayor to execute any related documents. Possible action. (Staffed by Inframark.) Attachment.
- U. Discussion and consideration to purchase a backwash pump for the Water Treatment Plant from Lewis Electric Motors, Inc., for an amount not to exceed \$95,937.50 budgeted from ARPA funds 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 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.
- C. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM 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 regarding Economic Development Corporation of Weslaco versus Sunil Wadhvani, Nolana Self-Storage LLC, Harjinder Singh, Gerardo Tafolla, Ricardo Quintanilla and Leo Lopez Cause No. C-0295-20-L as authorized by section §551.071 of the Texas Government Code.
- F. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at 901 N. Airport Drive as authorized by §551.072 of the Texas Local Government Code.
- G. 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.
- H. Economic Development - Consultation with the City Attorney regarding financial offer or other incentives for Project Eagle 2.0 as authorized by section §551.087 of the Texas Local 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 3rd day of February 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”.