



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
FEBRUARY 7, 2023**

On Tuesday, February 7, 2023, 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	Israel Gonzalez Jr.
	Commissioner	Greg Kerr
	Commissioner	Josh Pedraza
	Commissioner	Letty Lopez
	Commissioner	Adrian Farias

ABSENT: None

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, Rosie Cavazos, Finance Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Arnold Becho, Library Director, Luz Galindo, HR Director, Antonio Lopez, Fire Chief, Joel Rivera, Police 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, February 3, 2023.

B. Invocation.

Pastor Raja Masilamony, Seventh Day Adventists Church led the invocation.

C. Pledge of Allegiance.

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

D. Mayoral Recognition.

E. Roll Call.

Norma A. Cantu, City Secretary, called the roll noting the absence of Commissioner Kerr and a quorum was present.

II. PUBLIC COMMENTS

Myriam Velez voiced objection to the rezone of 925 E. Sugarcane Drive and requested favorable consideration to deny the change of zone that will allow storage units to be built; will disrupt the peacefulness of the neighborhood that has elderly and children and concerned with traffic.

Elizabeth Gomez stated she works for Best Friends Animal Society, is a resident and voter of the city voiced her disappointment and concern with the Weslaco Animal Shelter being known as the highest kill rate shelter in Texas; changes need to be made by partnering with groups to offer cost effective services, programs, and policy to save the animals.

Melissa Krink, resident, also voiced her dismay on the high kill rate and did not believe the city wants to be known for this; stated mission statement on website is to foster and adopt out animals; establish relationships to safely adopt animals out; Best Friends Animal Society is a great resource and are a nationwide rescue organization that assisted Palm Valley Humane to increase adoptions; community awareness a key factor in the care needed in having a pet and strongly voiced the city needs to work with Best Friends Animal Society that could help bring funds for Weslaco.

Sandra Reyna, 217 S. Pat Cannon Street, commented on the borrowing of money that is being considered and how it is proposed to be spent; a new library nor addition is needed as technology has taken over; pet population is a problem for the city and the city should spend resources in having low cost spay/neuter clinics and touched on the homeless people growing that they should begin to look into.

Randy Hall voiced comments against the bond issue item B, New Business; borrowing \$12.5 million will cost the citizens \$20 million to repay; commented this should have gone to voter approval and requested them to vote against the issuance of debt.

III. REPORTS

A. Weslaco Economic Development Corporation

Mitchell Garcia, Digital Communications Director, reported Mid-Valley International Industrial Park was 40% completed with a completion of summer 2023; social media has increased 14% and Alfresco coming to an end with the last one being in February and invited the public and commission to attend.

B. Weslaco Area Chamber of Commerce & Visitor Center

Barbara Jean Garza, President/CEO, reported advertising for the month of January 2023 was \$6,491.47; visitors for the month totaled 1,473 that included event guests and in and out of State visitors, 16 facility reservations; reported on upcoming ribbon cutting for Hope Family Health Center February 24th and ground breaking today for South Heart Clinic; highlighted on Sabor de

Weslaco scheduled on March 2nd and Texas Onion Festival on March 25th; Weslaco Annual Awards February 8th and the Weslaco Royal Pageant February 11.

III.A PRESENTATION

Presentation by Hidalgo County on a proposed grant application to the Department of Transportation under the RAISE FY 2023 Program for the Nolana Loop Corridor Project. (Presented by Hidalgo County Precinct 1.)

David Fuentes, County Commissioner Precinct 1, gave a brief presentation on the proposed Nolana Loop Corridor Project that consisted of expansion from Nolana corridor to FM88 (Texas Blvd.) an expansion of 8 miles; seeking a grant application through RAISE in the amount of \$5.92-million; the proposed expansion is an alternative east-west route to McAllen-Mission area; would be a 5-lane corridor with a continues left lane as well as curbed bike lane and sidewalks; alternative grants will be pursued with TXDOT and INFRA grants; requested favorable support of the project with no funding involved; encouraged the community to fill out a short survey as part of a local hearing that is a vital component of project for federal monies and noted the \$5.92-million grant would be specifically for plans and specifications required to begin the project.

IV. PUBLIC HEARING

Mayor Pro Tem Rodriguez seconded by Commissioner Kerr moved to open the public hearing at 6:12 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

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.

No comments.

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.

No comments.

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.

No comments.

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.

No comments.

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.

No comments.

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.

No comments.

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.

No comments.

Mayor Pro Tem Rodriguez seconded by Commissioner Lopez moved to close the public hearing at 6:14 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

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.)

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.)

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.) .

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).

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.)

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.)

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.)

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.)

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.)

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.)

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.)

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.)

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.)

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.)

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

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.)

Antonio Lopez, Fire Chief, stated a correction for the record was the amount of capital financing total was \$249,908 and recommended approval to solicit capital financing proposals.

Commissioner Kerr seconded by Commissioner Lopez moved to approve capital financing for two 2022 Ambulance Chassis in the amount of \$249,908.00 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Commissioner Farias abstained from discussion and vote.

Commissioner Kerr, seconded by Commissioner Gonzalez moved to approve the purchase of 30 bullet resistant shields for \$228,873.60 from BuyBoard Vendor, Galls, LLC Contract No.670-22 as presented. The motion carried; Commissioner Farias abstained; Mayor Suarez was present and voting.

Following for the record is the caption of the ordinance(s).

ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 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. BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

ORDINANCE NO. 2023-04

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 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. BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

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.)

Norma A. Cantu, City Secretary, introduced for consideration nominations for reappointment of Fred Perez by Commissioner Kerr, reappointment of Juan Jose Serrano Jr. by Commissioner Pedraza and appointment of Kristopher M. Garcia by Commissioner Gonzalez Jr.

Commissioner Kerr seconded by Commissioner Gonzalez Jr. moved to approve Resolution 2023-10 appointing Fred Perez, Juan Jose Serrano Jr. and Kristopher M. Garcia to the Weslaco Economic Development Corporation as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Norma A. Cantu introduced for consideration the nomination for appointment of Roy Hernandez Jr. by Mayor Suarez to Drainage Advisory Board.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve Resolution 2023-17 appointing Roy Hernandez Jr. to the Drainage Advisory Board as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Commissioner Kerr seconded by Commissioner Lopez moved to approve.

Rebekah de la Fuente, Planning and Code Enforcement Director, went over the site that was de-annexed in 2020; stated the request to de-annex three properties that is inside city limits borders a development know as Angelita Estates and developer wishes to make it one big subdivision by having six lots (9-14) become part of Angelita Estates.

In response to Commissioner Farias, his recommendation and that of staff would be to approve contingent that developer connects to nearest city water and sanitary sewer line.

Commissioner Kerr withdrew his original motion.

Commissioner Kerr seconded by Commissioner Lopez moved to approve Ordinance 2022-47 for dis-annexation subject to the recommendations by the City Manager and staff that developer connects to nearest city water and sanitary sewer line. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Omar Rodriguez, Parks and Recreation Director, discussions have been for a proposed municipal swimming pool; the item will authorize staff to solicit qualifications for architectural and engineering services the process as well as other consulting services and back to the commission in April or May to review the rankings. Staff recommended approval.

In response to Commissioner Kerr, the City Manager recommended Omar Rodriguez, Andrew Munoz, Homer Rhodes, extend an invite to Parks Board President and the Mayor designate two commissioners.

Mayor Suarez asked for volunteers, Commissioner Gonzalez Jr. and Commissioner Farias wished to participate in the evaluation. Mayor Suarez requested the commission be able to review the statements of qualifications to ensure the proposals are clear as to what the city is seeking in the municipal pool project.

Commissioner Kerr seconded by Commissioner Lopez moved to approve staff to solicit Statements of Qualifications for Architectural & Engineering Services for a New Municipal Swimming Pool and the review committee named as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Anne Burger Entrekin, Hill Top Securities, stated discussions for the issuance of debt began as early as August during budget workshops; revisited in November to go over the projects; Notice of Intent to issue debt was approved and advertised two consecutive weeks and on the city website; highlighted on the credit rating received as AA- attributed to strong management; presented historical interest rates; stated the pricing would be \$11,810 par amount, premium of \$865,675, total deposit to project fund \$12,500, projected interest presented earlier was 5.09% rate and the consideration for tonight was 3.73%; negotiated a call back for 2032 (one earlier) with no penalty to city; projected bond issuance was \$20-million but as a result of the lower interest rate actual total debt cost \$17,627,089 ; no increase to debt service tax and the projected 2024 tax rate is one-cent less than in November. Ms. Entrekin recommended to approve the bid from Estrada Hinojosa as the Senior Manager. Thanked the finance staff for providing all the information needed also thanking the City Manager, Assistant City Manager and Finance Director.

Commissioner Kerr seconded by Commissioner Gonzalez Jr. moved to approve first and final reading of Ordinance 2023-07 authorizing the Issuance of City of Weslaco, Texas Certificates of Obligation, Series 2023 and authorized the execution of the Paying Agent/Registrar Agreement and a Bond Purchaser Agreement as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Following for the record is the ordinance caption.

ORDINANCE 2023-07

ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF WESLACO, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2023”; ENTERING INTO A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AGREEMENT; AND OTHER MATTERS RELATED THERETO

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

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.)

Rebekah de la Fuente stated twenty-seven property owners were notified with no objection received noting owner is proposing a three-unit apartment building. The Planning and Zoning Commission and staff recommended approval based on the surrounding land use.

Mayor Pro Tem Rodriguez seconded by Commissioner Kerr moved to approve Ordinance 2023-08 to rezone 208 S Kansas Ave as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente stated twenty-six (26) property owners were notified; received six replies against the rezone of which four are within the 200-foot radius of the property; owner proposed self-storage units and the property abuts commercial zone to the west and surrounded by R-2 zone. The Planning and Zoning Commission recommended denial; staff recommended approval based on the surrounding land use.

In response to Commissioner Kerr and Pedraza, the Planning and Zoning Commission denied because they felt the use does not conform to the surrounding area and there is a home south and east of the site.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve Ordinance 2023-09 to rezone 925 E. Sugarcane Drive as presented. The motion failed (2-5) with Mayor Suarez, Mayor Pro Tem Rodriguez Commissioners Farias, Lopez, and Pedraza opposed.

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.)

Rebekah de la Fuente stated twelve (12) property owners were notified and no objection received; developer proposing an eighty (80) lot development for apartment use (four-plex). The Planning and Zoning Commission and staff recommended approval based on the surrounding land use and the 2040 Land Use Map.

Commissioner Kerr seconded by Commissioner Lopez moved to approve Ordinance 2023-10 to rezone 3024 W Pike Blvd as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente stated five (5) property owners were notified and no objection received; this development ties to the previous item approved as developer proposes five commercial lots along Interstate 2. The Planning and Zoning Commission and staff recommended approval based on the surrounding land use and the 2040 Land Use Map.

Commissioner Kerr seconded by Commissioner Lopez moved to approve Ordinance 2023-11 to rezone 3227 W Interstate 2 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente stated nineteen (19) property owners were notified with no objection received and proposed use is townhomes. The Planning and Zoning Commission and staff recommended approval based on the surrounding land use and the 2040 Land Use Map.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve Ordinance 2023-12 to rezone 715 E Sugarcane Dr. as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente stated fifteen (15) property owners were notified and no objection received; applicant currently has an event center and requested the conditional use permit to serve alcoholic beverages for wine and malt beverage on-premise. The Planning and Zoning Commission recommended approval with the condition that two licensed security guards are on duty between the hours of 10:00pm and 2:00am. Staff recommended approval.

Commissioner Kerr seconded by Commissioner Lopez moved to approve 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. as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente stated twenty-two (22) property owners were notified with no objection received; applicant is proposing to obtain a permit for a Brewpub License and Retail Dealer's On-premise Permit at the proposed location. The Planning and Zoning Commission and staff recommended approval.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve a Brewpub License and Retail Dealer's On-Premise Permit, at 419 S Texas Blvd as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente stated the landscaping and buffering ordinance was adopted August 20, 2013 and since then has not been updated; current ordinance does not require buffering between the different residential uses, only for commercial; amendments proposed would require a six-foot buffer fence in-between properties of a different zoning designation or use (this would allow staff to require buffering in between R-1 and R-2) and remove section 26-354 the Tree Preservation that is deemed an illegal taking under case study.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve Ordinance 2023-13 amending Ordinance 2013-08 City of Weslaco Landscaping and Buffering Ordinance as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rebekah de la Fuente stated previous commission action considered and denied a variance request to allow on-site sanitary sewage facility (OSSF); the developer requested reconsideration of the variance stating the nearest sanitary sewer line is located approximately 660' east of this development. The Planning and Zoning Commission recommended approval of the variance.

In response to Commissioner Farias, staff stated the city would not be responsible for any fees resulting from the variance.

Commissioner Pedraza seconded by Mayor Pro Tem Rodriguez moved to approve the variance request to permit OSSF for Gilberto Estates as presented. The motion carried unanimously; Mayor Suarez was present and voting.

L. Discussion and consideration to approve the Final Plat for Camino De Verdad Subdivision being 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.)

Rebekah de la Fuente stated this was a proposed fifty-eight (58) lot subdivision; inside city limits and serviced water and sewer the city; proposed use will be for apartments (four-plex); developer requested a variance to all for off-site drainage and has obtained letters of support from the drainage and irrigation districts. The Planning and Zoning Commission recommended approval with variance; staff recommended approval and compliance with the ordinance for the variance.

In response to Commissioner Pedraza, drainage would flow to an adjacent ditch to the north and would be widened.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve the Final Plat for Camino De Verdad Subdivision with variance as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Maggie Perez, Grant Writer, stated this grant was under the GLO's Resilient Communities Program that was CDBG mitigation funds to use for the adoption implementation addressing hazardous mitigation such as building codes and flood damage prevention ordinances; planning department wishes to update subdivision ordinance that was last updated in 2018 and noted this is a reimbursement program. Staff recommended approval to submit an application for grant funds.

In response to Mayor Suarez, staff stated the project would need to be done first before reimbursement would be done. Andrew Munoz, Asst. City Manager, stated the application is the first step, if awarded, as monies are spent reimbursement can be done, there is no guarantee on award but would address any funds in next year's budget. In response to Commissioner Farias award notification can take 4-6 months.

Mayor Pro Tem Rodriguez seconded by Commissioner Lopez moved to approve 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 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

N. Discussion and consideration to reschedule or cancel the February 21, 2023 regular meeting. Possible action. (Staffed by City Manager.)

Martin Garza, City Manager, recommended to re-schedule the meeting of Tuesday February 21 to Monday, February 20 due to RGV day at the capitol.

Commissioner Kerr seconded by Commissioner Lopez moved to approve to reschedule the regular meeting of February 21 to Monday, February 20, 2023 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Commissioner Kerr abstained from discussion and vote.

Martin Garza stated Hidalgo County requested support in their efforts of passing legislation to create mandatory sanitation services in rural, unincorporated, and extraterritorial jurisdiction of the county municipalities, the resolution would support these efforts; allow the collection of fees and penalties. Staff recommended approval stating this could help curb illegal dumping activity.

Commissioner Pedraza seconded by Commissioner Gonzalez Jr. moved to approve Resolution 2023-19 supporting legislation regarding solid waste disposal services by Hidalgo County as presented. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

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.)

Andrew Munoz presented the legislative agenda that outlined the city's interest and priorities for consideration that has been previously presented at workshop held; will be the agenda for next legislative session (88th) in Austin that has already started; will be presented to the valley delegation during RGV Day at the Capitol and members of the Senate and House Committees. Staff recommended approval.

Mayor Pro Tem Rodriguez seconded by Commissioner Lopez moved to approve Resolution 2023-20 on the legislative priorities for the City of Weslaco in the 88th State Legislative Session as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Antonio Lopez stated a purchase order was approved and issued in 2021 and due to the delivery time of about 18-months an increase had resulted and recommended approval of increase to the purchase order.

Mayor Pro Tem Rodriguez seconded by Commissioner Pedraza moved 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 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

Rosie Cavazos, Finance Director, presented the 36th CDBG work plan as follows: water/sewer line improvements \$272,782 stating these improvements is a continuation of improvements located on Pike Street, between Kansas Ave and Bridge Ave from the 35-year work plan; Senior Services (Amigos Del Valle) \$5,000, Health Services (Nuestra Clinica) \$5,000 and \$3,000 for general administration. Staff recommended approval of the Resolution adopting the 2023 Work Plan and Budget program activities.

Mayor Pro Tem Rodriguez seconded by Commissioner Pedraza moved 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 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

George Quilantan, Inframark, stated the pump is a high service pump that provides flow to the distribution system; pump would serve as a back-up in the event any of the other pumps become inoperative and prevent disruption of providing flow.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve the purchase of 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 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

T. Discussion and consideration to purchase a transfer pump station for the Water Treatment 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.)

George Quilantan stated the transfer pump allows the moving of sludge from the water plant to the centerfudge. Recommended approval stating the purchase allows equipment on hand and available should either of two transfer pumps in place go down.

Mayor Pro Tem Rodriguez seconded by Commissioner Gonzalez Jr. moved to approve the purchase of a transfer pump station for the Water Treatment Plant from Lewis Electric Motors, Inc., in the amount not to exceed \$44,979.73 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

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.)

George Quilantan stated the backwash pump is used when the filters of the water plants are being cleaned the pump sends the flowback of water back to the reservoir and would serve as a backup as well and recommended approval.

Mayor Pro Tem Rodriguez seconded by Commissioner Lopez moved to approve the purchase of a backwash pump for the Water Treatment Plant from Lewis Electric Motors, Inc., for an amount not to exceed \$95,937.50 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

IX. EXECUTIVE SESSION

At 7:11 p.m. Commissioner Pedraza seconded by Mayor Pro Tem Rodriguez moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:37 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

X. 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 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.

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 investigation of the Assistant Fire Chief as authorized by section §551.071 of the Texas Government Code.

Mayor Pro Tem Rodriguez abstained from discussion and vote.

Commissioner Pedraza seconded Commissioner Lopez moved to accept the City Attorney findings regarding investigation of the Assistant Fire Chief as discussed in executive session. The motion carried; Mayor Pro Tem Rodriguez abstained; Mayor Suarez was present and voting.

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.

No action.

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.

Commissioner Pedraza seconded by Commissioner Lopez moved to authorize the auction of 901 N. Airport Drive at fair market value as applicable to law as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

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.

Commissioner Pedraza seconded by Commissioner Gonzalez Jr. moved to allow Affordable Homes of South Texas Inc. right of entry for city owned real properties for inspection as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

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.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve the financial offer or other incentives for Project Eagle 2.0 as discussed with the Weslaco Economic Development

Corporation in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

X. ADJOURNMENT

Commissioner Farias seconded by Commissioner Pedraza moved to adjourn the meeting of February 7, 2023, at 8:39 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**