



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
MARCH 21, 2023**

On Tuesday, March 21, 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
	Commissioner	Israel Gonzalez Jr.
	Commissioner	Greg Kerr
	Commissioner	Letty Lopez
	Commissioner	Josh Pedraza
	Commissioner	Adrian Farias

ABSENT:	Mayor Pro Tem	JP Rodriguez
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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, 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, Molly Vallejo, Executive Secretary and other staff members.

1. 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, March 17, 2023.

B. Invocation.

Pastor Elias Garza Jr. Calvary Christian Center Church led the invocation.

C. Pledge of Allegiance.

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

D. Roll Call.

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

E. Mayoral Recognition.

Mayor Suarez proclaimed March 25, 2023, as “Texas Onion Fest Day throughout Weslaco, Texas”.

II. PUBLIC COMMENTS

Lisa Kay Adam, resident, voter and volunteer with Best Friends Animal Society, voiced it takes team efforts in saving animals; should not be left only to the animal care service employees nor community members; should be efforts by the elected officials, pet owners and the rescue organizations that are experts and have resources. Stated Best Friends Animal Society could be that partner that could leverage better support with rescue organizations, provide information to pet animals and create a better life support for all animals wherever they may come from and strongly requested the city ask for help and work with this organization or any organization that wished to help.

Melisse Krink also voiced how well Best Friends Animal Society has helped in rescue efforts and hopeful the city is making progress in partnering with Best Friends Animal Society in bringing up the rescue rate in Weslaco; agreed it is a team effort by all to include those individuals that go unrecognized that help a stray animal and thanked the employees of the animal shelter who are working very hard in their efforts of animal rescue.

III. REPORTS

A. Animal Care Services

Joe Pedraza, Assistant Planning and Code Enforcement Director, went over the budget for animal care services for revenues, personal services, other charges, supplies and capital outlay. Milva Orellana, Animal Control Officer, reported the city currently partners with over 20 rescue organizations, have support from two veterinarians for the spay/neuter program, offer coupons for grooming services and doing adoption clinics in three locations; Moreno’s Feed and Pet Store, PetSmart charities and the Eatery; continuously working to educate the community on being a responsible pet owner and reported on how they attend to those aggressive dogs (fear biting) and work with them to find a home, reported on medical cases and what they do and they follow the adoption of the pet to ensure they are doing well and reported on the long term program whereby an animal is kept until adopted.

B. Parks - Baseball Fields

Omar Rodriguez, Parks and Recreation Director, reported Saturday was the kick-off for baseball activities; entire Little League program will now be at Harlon Block Sports Complex and not at Isaac Rodriguez Park; made improvements in lighting and reinvestment in the irrigation district; over seeded with Bermuda grass and fertilized the outfields; infields began working on

improvements such as temporary fencing and equipment updated; soccer activities beginning as well and striping of parking lot and filling of potholes being done.

C. Inframark

George Quilantan, Inframark, presented the water flows for February 2023 for the Water Treatment Plant, North Wastewater Treatment Plant, and South Wastewater Treatment Plant stating higher flows compared to last year; stated work orders done for preventive maintenance was 377 and corrective maintenance was 9 for a monthly total of 386; preventive maintenance at the Water Treatment Plant had scum box and filters cleaned; South WWTP also had maintenance done and replacement of UV lamps; cleanings done for Lift Stations 11, 38, 41 and 46 and pump cleanings done for Lift Stations 2, 11, 12, 18, 19, 20 and 23.

IV. 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 March 7, 2023. (Staffed by City Secretary Department.)

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

1) Ordinance 2023-14 to rezone 320 S Pleasantview Drive. Also being 27.498 acres out of the following tracts: North 100 feet of the South, 280 feet of the South 15 acres of Farm Tract 20, West and 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 March 07, 2023; staffed by Planning & Code Enforcement Department.)

2) Ordinance 2023-15 to rezone 409 N Kansas also being Lot 16, Block 4, Gonzalez Addition Subdivision, Hidalgo County, Texas from R-2 Duplex and Apartment District to B-1 Neighborhood Business District and authorize the Mayor to execute any related documents. (First reading held March 07, 2023; staffed by Planning & Code Enforcement Department.)

3) Ordinance 2023-16 for the Voluntary Annexation of Ranchettes on 18th St Subdivision being 12.16 acres of land out of a 14.82 acre tract of land out of Farm Tract 706, West Tract Subdivision, Hidalgo County, Texas located approximately 500 ft. West from the intersection of 18th Street and Pleasantview Dr. and authorize the Mayor to execute any related documents. (First reading held March 07, 2023; staffed by Planning & Code Enforcement Department.)

C. Approval to purchase (and issue to) Honorably Retired Peace Officer Captain Jose A Coronado's service weapon, a Glock Gen 4 Model 22 (.40) used handgun with serial number WXN040 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.)

D. Approval to purchase Fortinet software from IK Network Solutions for an amount not to exceed \$52,223 which will be fully reimbursed by the FY23 State Homeland Security Program (SHSP) - Regular Projects Grant #4508001 with no match and no recurring costs required and authorize the Mayor to execute any related documents. (Police Department and IT Department.)

E. Approval to accept donation of materials, and services to stripe and paint the Baseball/Softball Complex parking lot at Harlon Block Park as solicited by the Weslaco Little League. (Staffed by Parks and Recreation Department.)

F. Approval to solicit Requests for Proposals (RFP) for Fireworks Display for the 4th of July Celebration and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

G. Approval to apply to The Department of Homeland Security Fire Prevention and Safety Grant Program for the amount not to exceed \$32,033.72 with 5% match required and no recurring fees to purchase a Digital Fire Extinguisher Training System and authorize the Mayor to execute any related documents. (Staffed by Fire Department/Grant Writer.)

H. Approval of Resolution 2023-26 amending Resolution 2023-20 State Legislative Agenda to include funding in the amount of \$5 Million for hangar expansion at the Weslaco Mid-Valley Airport and authorize the Mayor to execute any related documents. (Staffed by Asst. City Manager.)

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

For the record following are the ordinance caption(s).

ORDINANCE NO. 2023-14

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 320 S PLEASANTVIEW DRIVE. ALSO BEING 27.498 ACRE OUT OF THE FOLLOWING TRACTS: NORTH 100 FEET OF THE SOUTH 280 FEET OF THE SOUTH 15 ACRES OF FARM TRACT 20, WEST AND ADAMS TRACT SUBDIVISION, WESLACO 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:

ORDINANCE NO. 2023-15

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 409 N KANSAS. ALSO BEING LOT 16, BLOCK 4, GONZALEZ ADDITION SUBDIVISION, WESLACO 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. 2023-16

AN ORDINANCE ANNEXING ADDITIONAL TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS ON VOLUNTARY PETITION OF AREA LAND OWNER SUCH LAND BEING 13.92 ACRES OF LAND, LOCATED IN HIDALGO COUNTY, TEXAS,

WHICH IS CONTIGUOUS TO THE CITY LIMITS AND HEREINAFTER DESCRIBED; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

ORDINANCE NO. 2023-17

AN ORDINANCE ESTABLISHING 2023 C.O. CONSTRUCTION FUND FOR THE SERIES 2023 CERTIFICATE OF OBLIGATION ISSUE; PROMULGATING RULES AND REGULATIONS CONCERNING THE BUILDING AND MAINTAINING OF SUCH FUND, AND THE PERMITTED WITHDRAWALS AND PROHIBITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2023-18

AN ORDINANCE GRANTING TO ONE GAS, INC., ACTING BY AND THROUGH ITS TEXAS GAS SERVICE COMPANY DIVISION, AND ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM APPROVAL AND ACCEPTANCE OF THIS ORDINANCE, A NON-EXCLUSIVE FRANCHISE AND RIGHT TO ENTER THE PUBLIC WAYS TO INSTALL, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM WITHIN, ALONG, ACROSS, OVER AND UNDER THE PUBLIC WAYS OF THE CITY OF WESLACO, TEXAS FOR THE TRANSPORTATION, DISTRIBUTION AND/OR SALE OF GAS TO CUSTOMERS AND THE PUBLIC GENERALLY IN THE CITY; DEFINING THE WORDS AND PHRASES THEREIN; PROVIDING FOR ASSIGNMENT, SALE, TRANSFEROR LEASE OF THE FRANCHISE; PROVIDING THAT THE CITY MAY ENACT AN ORDINANCE CHARGING PERSONS TRANSPORTING GAS THROUGH GRANTEE'S DISTRIBUTION SYSTEM A FEE ON THE CALCULATED VALUE OF SUCH TRANSPORTED GAS; PROVIDING FOR USE AND REPAIR OF THE PUBLIC WAYS; PROVIDING FOR REGULATION OF SERVICE; ESTABLISHING DEPTH OF PIPELINES; ESTABLISHING RIGHTS AND DUTIES IN THE MOVEMENT AND ALTERATION OF PIPELINES; PROVIDING FOR INDEMNIFICATION OF THE CITY OF WESLACO; PROVIDING FOR GRANTEE'S RULES AND REGULATIONS; PROVIDING FOR INSPECTION OF GRANTEE'S RECORDS; REQUIRING GRANTEE TO PAY A FRANCHISE FEE; PROVIDING FOR CONDITIONS OF THE FRANCHISE; PROVIDING FOR CONSTRUCTION OF THIS ORDINANCE UPON THE INVALIDITY OF ANY PART THEREOF; PROVIDING FOR ACCEPTANCE OF THIS FRANCHISE BY GRANTEE AND BOTH AN EFFECTIVE AND AN OPERATIVE DATE THEREOF; REPEALING ALL OTHER ORDINANCES DIRECTLY IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; AND PROVIDING FOR SEVERABILITY.

CITY OF WESLACO
/s/David Suarez, MAYOR

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

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

V.NEW BUSINESS

A. Discussion and consideration on Ordinance 2023-17 establishing Series 2023 Construction Fund and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2023-17. Possible action. (Staffed by the Finance Department.)

Rosie Cavazos, Finance Director, stated the ordinance creates and establish a construction fund for the 2023 Series that provides transparency and accountability in tracking expenditures of the approved projects listed in the official transaction statement. Staff recommended approval.

Commissioner Pedraza seconded by Commissioner Farias moved to approve first and final reading of Ordinance 2023-17 establishing Series 2023 Construction Fund reading as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration on Ordinance 2023-18 approving the franchise agreement with Texas Gas Service and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2023-18. Possible action. (Staffed by Asst. City Manager.)

Andrew Munoz, Asst. City Manager/Airport Director, stated the franchise agreement with Texas Gas Service allows use of city right-of-way for the installation and service of existing gas lines throughout the city; agreement is a standard 25-year agreement with the city collecting franchise fee of 5% of gross receipts. Staff recommended approval stating legal reviewed with no recommended changes.

Commissioner Pedraza seconded by Commissioner Farias moved to approve first and final reading of Ordinance 2023-18 approving the franchise agreement with Texas Gas Service as presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to amend the agreement for Buyout of Service Agreement between the City of Weslaco and North Alamo Water Supply Company (NAWSC) for Mid Valley Estates Subdivision and authorize the Mayor to execute any related documents. Possible action. (Staffed by Asst. City Manager.)

Andrew Munoz stated previous commission approved a buyout of service area from North Alamo Water Supply CCN to provide water for Mid-Valley Estates development that is inside our city limits; the agreement amended the purchase cost to the city was \$62,928.00. Staff recommended approval.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve and amend the agreement for Buyout of Service Agreement between the City of Weslaco and North Alamo Water Supply Company (NAWSC) for Mid Valley Estates Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration of approval to request statement of qualifications (RFQ) for construction materials testing services from qualified consultants and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana, City Engineer, stated the item to solicit the statement of qualification would be for two-years and on a rotation basis that would provide construction materials testing and Geotech services for new proposed subdivisions and internal city projects; currently three consultants are in place being B2Z Engineering, MEG Engineers, and PSI that were approved in 2020 and granted a one-year extension in 2022 that will expire May 11, 2023. Staff recommended approval to solicit statement of qualifications for construction materials testing services.

Commissioner Farias seconded by Commissioner Kerr moved to approve staff request statement of qualifications (RFQ) for construction materials testing services from qualified consultants as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and presentation regarding a new Vac Truck for wastewater in 2024, to continue the mile-by-mile lease program and authorize the Mayor to execute any related document. Possible action. (Staffed by Public Works Department.)

Commissioner Pedraza seconded by Commissioner Lopez moved to discuss.

David Arce, Deputy Public Works Director, stated currently the city is on a lease purchase of a 2018 Vac Truck; presented options for direction for the possibility of a 2024 Vac Truck; option 1) would be to purchase the 2018 Vac Truck for a final payment in the amount of \$210,000 and noted within the last four years maintenance was about \$100,000 (covered under the lease monthly cost), 2) continue with the lease purchase mile to mile program and lease a 2024/2025 Vac Truck that would have a five year bumper to bumper warranty, maintenance and repair at a lease cost of \$97,700 (5-annual payments) or 3) request bids and purchase through TIPS Cooperative estimating the cost to be \$558,569. Staff requested direction and would bring back to the commission for approval.

The consensus from the commission is a newer model would be most advantageous and either option 2 or 3 could be considered. Directed staff to bring back with their recommendation.

Presentation only.

F. Discussion and consideration to exercise the one-year extension option with Frontera Materials for Street Materials and Asphalt Oil Express for MC30 oil and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce stated bids were received and awarded on March 18, 2022; staff is satisfied with quality and response time of the vendors, Frontera Materials and Asphalt Oil Express; bid proposal had the option to exercise a one-year extension and they have agreed noting a slight cost increase only for the caliche material, cost remained the same for the MC30 oil and the hot mix was lower. Staff recommended approval.

Commissioner Pedraza seconded by Commissioner Kerr moved to approve a one-year extension option with Frontera Materials for Street Materials and Asphalt Oil Express for MC30 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration for staff to solicit Statements of Qualifications for Architectural/Engineering Design services for the renovation and remodeling of the Weslaco Service Center and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation.)

Omar Rodriguez, Parks and Recreation Director, stated monies budgeted were \$150,000; renovations and remodeling for the Service Center would be to repair and replacement of roof to include roof deck; update HVAC system; painting of building (interior and exterior); update

restroom fixtures, cabinets and privacy dividers and reinstall and level brick pavers located around the building. Staff recommended approval.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve staff solicit Statements of Qualifications for Architectural/Engineering Design services for the renovation and remodeling of the Weslaco Service Center as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration to approve an agreement with Digitech to administer the Charity Policy and process the Cost Report - ASSPP on behalf of the City of Weslaco at a fee of 6.5% of received collections and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Antonio Lopez, Fire Chief, recommended approval; stated the agreement would allow submittal of data (EMS services) to be compiled into a report to the State for reimbursement from the Ambulance Supplemental Program for costs that are written off as uncollected to be evaluated for reimbursement. Staff recommended approval stating there is no cost to the city unless monies are received and a fee of 6.5% is paid of the total reimbursement received.

In response to Commissioner Farias, staff stated Digitech is a national vendor, staff researched their services and is used by other entities; legal reviewed and advised their type of services qualify as professional services; an agreement in place for EMS services is for billing and collections but do not pursue those amounts that become uncollectible that remain on the books as they do not meet the qualifications under State and CMS guidelines to request reimbursement.

Juan E. Gonzalez, City Attorney, stated reviewed and recommended the arbitration clause 10.C be removed.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve agreement with Digitech to administer the Charity Policy and process the Cost Report - ASSPP on behalf of the City of Weslaco at a fee of 6.5% of received collections removing the arbitration clause as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration on a proposed project by the Weslaco Economic Development Corporation for street widening improvements on Mile 9 North Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Weslaco Economic Development Corporation.)

Commissioner Lopez abstained from discussion and vote.

Steve Valdez, Executive Director, stated part of the expansion of the industrial park was widening Mile 9 North Road; proposed project included the widening of the street by having an additional lane. Staff recommended approval stating any project that has expenditures over \$100,000 requires city commission approval.

Commissioner Pedraza seconded by Commissioner Farias moved to approve the project by the Weslaco Economic Development Corporation for street widening improvements on Mile 9 North Road. The motion carried; Commissioner Lopez abstained; Mayor Suarez was present and voting.

VI. EXECUTIVE SESSION

At 6:43 p.m. Commissioner Pedraza seconded by Commissioner Farias moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:50 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VII. 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. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) FY October 1, 2022 – September 30, 2025 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 lawsuit styled C-1678-22-A Christopher De Leon Aircraft Maintenance Professional vs. City of Weslaco and Andrew Muñoz, individually as authorized by section §551.071 of the Texas Government Code.

No action.

E. Legal Consultation - Consultation with City Attorney regarding Drainage Easement matters located at Border and 18th Street as authorized by section §551.071 of the Texas Government Code.

No action.

VIII. ADJOURNMENT

Commissioner Farias seconded by Commissioner Pedraza moved to adjourn the meeting of March 21, 2023, at 7:50 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**