



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
MAY 2, 2023**

On Tuesday, May 2, 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	Greg Kerr
	Commissioner	Israel Gonzalez Jr.
	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 Jr.	City Attorney

Also present: Aida Vega, Deputy City Secretary, Rosie Cavazos, Finance Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Luz Galindo, HR Director, Antonio Lopez, Fire Chief, Joel Rivera, Police Chief, David Arce, 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, April 28, 2023.

B. Invocation.

Pastor Manuel Portillo, The Way of The Redeemed 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 perfect attendance and a quorum was present.

E. Mayoral Recognition.

1) Recognition and swearing in of Officer Shayne - Weslaco Police Department's Community Support Service Officer.

Mayor Suarez recognized the swearing in of Officer Shayne the newest member to the Police force as an animal support service dog that will offer emotional and therapeutic services to the community. Police Chief, Joel Rivera, swore in and pinned Officer Shayne.

2) Proclamation proclaiming National Small Business Week April 30 - May 6, 2023.

Mayor Suarez proclaimed the week as National Small Business Week.

3) Proclamation proclaiming Municipal Clerks Week April 30 - May 6, 2023.

Mayor Suarez proclaimed the week of April 30-May 6 as Municipal Clerks Week.

II. PUBLIC COMMENTS

Belinda Ibarra, President of the Weslaco Youth Football League (WYFL) thanked the commission and staff for the support given to the organization; they offer flag football in the summer, fall and winter and tackle football spring and fall; have 1,500 participants year round; compete valley and State wide; several participants recognized scholastically at the State level and in June will facilitate the Texas 7 on 7 State qualifier tournament held in Weslaco with all proceeds going to offer scholarships to selected participants graduating in 2024.

Rebecca Ramos voiced her concerns on animal shelters operation and welfare; stated they have a choice for making animal welfare better; thanked them for their efforts on the progress and continue the momentum in moving forward to save the animals.

III. REPORTS

A. Weslaco Area Chamber of Commerce & Visitor Center.

Barbara Jean Garza, President/CEO, reported for the month of April 2023 totaled \$16,641 that included advertising, membership & dues, promotional items and business center operations; 322 in and out of State visitors with 67 voters in the facility; 12 facility reservations; reported on the upcoming events that included ribbon cuttings and groundbreaking ceremony; invited the commission in the celebration on May 18th for the Knapp Community Care Foundation celebrating 10 years and to recognize the retirement of founding CEO, Bonnie Gonzalez Jr.; reported on activities held at the Business and Visitor Event Center.

B. Weslaco Economic Development Corporation.

Maria Cisneros, Weslaco EDC, reported the Mid Valley International Industrial Park is 63% complete, under contract with a quick service restaurant with formal announcement to follow; finalizing the logistics for ground breaking events for Glazers Beer and Beverages for May 18 and Dutch Brothers May 12; hosting a workshop on May 5 on how to start a business with 35 participants; façade signs up for James & Avery and Coldstone Creamery; Freddy's plan to open by the end of the month; finalizing travel to attend a retail conference; continue to monitor

compliance reports for the EDA grant, Hobby Lobby opening in July and Hot Yoga Studios coming to the Shops at North Bridge.

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 April 18, 2023. (Staffed by City Secretary Department.)

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

1) Approval on Ordinance 2023-21 adopting a mid-year budget amendment and authorize the Mayor to execute any related documents. (First reading held April 18, 2023; staffed by Finance Department.)

2) Approval on Ordinance 2023-22 to relocate an existing 15-foot utility easement located between Lots 17 through 20, Mid Valley Industrial Park #4 to a 10-foot utility easement located along the south property line of Lot 20, Mid Valley Industrial Park #4 and authorize the Mayor to execute any related documents. (First reading held April 18, 2023; staffed by Planning & Code Enforcement Department.)

C. Approval to renew the Summer Seamless Food Program, accepting meals at no charge from Weslaco Independent School District Food Services Department for distribution to school age children within the 2023 Summer Reading Program and authorize the Mayor to execute any related documents. (Staffed by Library Department.)

D. Approval to renew the Remote Birth Access contract with Department of State Health Services for the period of September 1, 2023 through August 31, 2027 and authorize the Mayor to execute any related documents. (Staffed by City Secretary Department.)

E. Approval of the Lease Agreement for the use of Mayor Pablo Pena City Park Baseball/Softball Fields 1, 2, & 3 for youth programs by the Boys & Girls Club of Weslaco from June 12, through July 21, 2023 and authorize the Mayor to execute any related documents. (Staffed by Parks & Recreation Department.)

F. Approval of Lease Agreement with the Weslaco Youth Football League to use Harlon Block Sports Complex East and West sports fields for youth 7 on 7 and Flag Football program from May 29th through July 15th 2023 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

G. Approval to solicit proposals from qualified insurance carriers for employer paid Group Life and AD&D Insurance and authorize the Mayor to execute any related documents. (Staffed by Human Resources Department.)

H. Approval to apply to the FY2023 COPS Hiring Program Grant to hire police officers to be assigned as School Resource Officers and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

I. Approval to apply to the FY2023 COPS School Violence Prevention Program to purchase communication equipment, a partnership with the Weslaco Police Department and the Weslaco Independent School District to improve security at schools and on school grounds through the implementation of evidence-based school safety programs and technology and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

Mayor Pro Tem Rodriguez seconded by Commissioner Lopez moved to approve consent agenda withholding item E as requested by staff for no action as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Following are the caption(s) of the ordinances.

ORDINANCE 2023-21

AN ORDINANCE AMENDING ORDINANCE NUMBER 2022-33, APPROVING AND ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023, FINDING NEED TO AMEND THE 2022-2023 MUNICIPAL BUDGET; TO WIT; GENERAL FUND, \$3,134,655 IN EXPENDITURES & \$3,724,722 IN REVENUE; WATER/WASTEWATER NET COMBINED, \$661,808 IN REVENUES OVER EXPENDITURES; SOLID WASTE FUND BY \$49,994 IN EXPENDITURES AND \$39,048 IN REVENUE; AIRPORT BY \$35,000 AND \$113,462 IN EXPENDITURES AND REVENUE RESPECTIVELY; FIRE DEPT REPLACEMENT FUND INCREASE REVENUE BY \$30,000; CIP FUND \$500,000 IN REVENUES, AND \$500,000 IN EXPENDITURES; ARPA FUND \$5,167,734 IN REVENUES AND \$5,177,321 IN EXPENDITURES; BUILDING DEPRECIATION FUND \$103,812 IN REVENUES AND \$42,240 IN EXPENDITURES PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

ORDINANCE NO. 2023-22

AN ORDINANCE RELOCATING A 15-FOOT UTILITY EASEMENT RUNNING NORTH AND LOCATED BETWEEN LOTS 17 THROUGH 20, MID VALLEY INDUSTRIAL PARK #4 TO A 10-FOOT UTILITY EASEMENT LOCATED ALONG THE SOUTH PROPERTY LINE OF LOT 20, MID VALLEY INDUSTRIAL PARK #4, WESLACO, HIDALGO COUNTY, TEXAS, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

V. APPOINTMENTS

A. Discussion and consideration on Resolution 2023-35 appointing a member to the Planning and Zoning Commission for an unexpired term ending December 17, 2023 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Norma A. Cantu, City Secretary, stated an appointment to fill a vacancy for an unexpired term was needed; nominee from Commissioner Lopez was to appoint Carolina Crockett.

Mayor Pro Tem Rodriguez seconded by Commissioner Gonzalez Jr. moved to approve Resolution 2023-35 appointing Carolina Crockett to the Planning and Zoning Commission as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

A. Discussion and consideration to approve final payment and release retainage in an amount not to exceed \$27,107 for Judge Gilbert Garza Soccer Fields project RFB No.: 2021-22-36 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, stated project was awarded October 18, 2022 to Green Thumb Landscaping in the amount of \$271,064; contractor completed the project and architect inspected the work and recommended final payment and release of the retainage. Staff recommended approval of final payment and retainage in the amount of \$27,107.

Mayor Pro Tem Rodriguez seconded by Commissioner Kerr moved to approve final payment and release retainage in an amount not to exceed \$27,107 for Judge Gilbert Garza Soccer Fields project as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration for staff to negotiate a contract with the top ranked firm in consideration of RFQ No.: 2022-23-07 Architectural/Engineering Design Services for a New Municipal Swimming Pool and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.)

Omar Rodriguez stated at the previous commission meeting interviews with the top three ranked firms for the Architectural / Engineering Design of the New Municipal Swimming Pool were done; final ranking had Sam Garcia Architect ranked number one followed by Gignac Architects second and Brandstetter Carroll third. Staff recommended approval to negotiate a contract with the top ranked firm Sam Garcia Architect LLC and back to the commission for approval of the contract.

In response to Mayor Suarez, staff would negotiate a percentage amount based on the construction estimate; first part of the project is approve a Master Plan and estimate followed with an operations and maintenance study; then negotiations begin based on the approved construction cost from the commission.

Mayor Pro Tem Rodriguez seconded by Commissioner Gonzalez Jr. moved to approve to negotiate with Sam Garcia for Architectural/Engineering Design Services for a New Municipal Swimming Pool presented. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration to grant a 10-foot AEP Electrical easement being a .048-acre tract of land out of Farm Tract 50, West Tract Subdivision, Hidalgo County, Texas to AEP Texas for Mayor Pablo Pena City Park and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.)

Omar Rodriguez stated the easement was necessary to be able to extend primary service to the new sports lighting system for the tennis courts, baseball fields, restrooms, and pavilions. Staff recommended approval.

Mayor Pro Tem Rodriguez seconded by Commissioner Pedraza moved to grant a 10-foot AEP Electrical easement being a .048-acre tract of land out of Farm Tract 50, West Tract Subdivision,

Hidalgo County, Texas to AEP Texas for Mayor Pablo Pena City Park as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to submit a letter of intent with the Knapp Community Care Foundation in regard to funding for a park project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation and Grant Writer.)

Omar Rodriguez stated Knapp Care Community Foundation requested letters of commitment for projects; staff recommended a project for consideration would be Miracle Field that is a baseball field for all athletes of all ages with physical and cognitive disabilities; park location for the project would be Isaac Rodriguez Park; commented other partners could also pursue grants such as the Little League and WISD for the project. Maggie Perez, Grant Writer, stated the deadline to submit letter of intent was May 16, notification of award announced Fall of 2023, if awarded funds received January 2024 with a completion date of the project December 2024; went over project details noting in-kind contributions would be lighting and maintenance. Staff recommended approval.

Commissioner Pedraza seconded by Commissioner Gonzalez Jr. moved to approve and submit a letter of intent with the Knapp Community Care Foundation regarding funding for a park project as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration on Resolution 2023-36 to adopt the annual Investment Policy for the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Rosie Cavazos, Finance Director, stated annually the Investment Policy must be reviewed; last policy was reviewed and adopted September 2021. Staff had no recommended changes and approved to accept and adopt as presented.

Mayor Pro Tem Rodriguez seconded by Commissioner Pedraza moved to approve Resolution 2023-36 to adopt the annual Investment Policy for the City of Weslaco as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration to accept and file the Quarterly Investment Report for the period ending March 31, 2023 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Rosie Cavazos presented the Quarterly Investment report for the period ending March 31, 2023; average rate of return was 3.68%; interest received was \$468,657 for a total to date of \$817,622 of which \$265,674 went to the general fund and remaining to other funds. Staff recommended approval to accept and file.

Mayor Suarez voiced concern on rate offered by PNC Bank and look into what could be done to move funds into those accounts offering better rates.

Mayor Pro Tem Rodriguez seconded by Commissioner Lopez moved to accept and file the Quarterly Investment Report for the period ending March 31, 2023 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

G. Discussion and consideration to accept and file the Financial Reports (unaudited) as of March 31, 2023 for the General Fund, Water and Sewer Fund, Solid Waste Fund, and Airport Fund and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Rosie Cavazos reported the General fund had a net surplus of \$7,197,508.; sales taxes received maintain a 5% increase from FY 2022; property taxes collection at 92.74% at the end of March; with a strong number of working capital days of 160 days; Water/Wastewater showed a \$625,273 deficit because debt payments made February 15th and have 33 days in working capital; Solid Waste fund net change in fund equity reflects a surplus of \$165,651 with 41 working capital days and Airport fund continues with a negative net change. Staff recommended approval to accept and file as submitted.

Mayor Pro Tem Rodriguez seconded by Commissioner Pedraza moved to accept and file the Financial Reports (unaudited) as of March 31, 2023 for the General Fund, Water and Sewer Fund, Solid Waste Fund, and Airport Fund as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration on the request from Inframark for the purchase of pumps for the Water Treatment Plant, Wastewater Treatment Plant and Lift Stations out of ARPA funds not to exceed \$70,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

George Quilantan, Inframark, stated previously commission action rescinded the purchase of three pumps that had a net total of \$165,000; requested consideration of the pumps that could be put into place in real-time that included a raw sludge pump, mud pump, replacement pumps for lift stations and a submersible pump. Staff recommended approval.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve the purchase of pumps for the Water Treatment Plant, Wastewater Treatment Plant and Lift Stations out of ARPA funds not to exceed \$70,000 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration to award Manhole Rehabilitation Phase VIII to Southern Trenchless Solutions, buyboard vendor contract no. 635-21, in the amount not to exceed \$306,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

Commissioner Farias abstained from discussion and vote.

David Arce, Public Works Director, recommended approval of buyboard vendor Southern Trenchless Solutions for the rehabilitation of forty-six (46) manholes; staff and vendor evaluated

manholes that are in need to extend life that included installation of new composite manhole covers, fix the base, add cement and an epoxy coating of the walls.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve Southern Trenchless Solutions, buyboard vendor contract no. 635-21, in the amount not to exceed \$306,000 for Phase VIII of the Manhole Rehabilitation project as presented. The motion carried unanimously; Mayor Suarez was present and voting.

J. Discussion and consideration to approve manhole and sewer line replacement at Chelsea Park Subdivision 2022-23-15, to OMT Services in the amount of \$29,916 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce stated staff advertised for bids for a manhole and sewer line replacement project at Chelsea Park subdivision; six (6) bids received and evaluated. Staff recommended OMT Utilities be awarded as the lowest respondent in the amount \$29,916.00 and estimated to take 30 days.

Commissioner Pedraza voiced concern on the discrepancies on bid amounts. David Arce stated he did reach out to OMT Utilities to confirm the bid with OMT indicating he did not want a large profit margin. In response to Commissioner Gonzalez Jr., OMT has been used by City and no issues.

Commissioner Farias seconded by Commissioner Lopez moved to approve manhole and sewer line replacement at Chelsea Park Subdivision to OMT Services in the amount of \$29,916 as presented. The motion carried; Commissioner Farias abstained; Mayor Suarez was present and voting.

K. Discussion and consideration to pay invoice #031872 in the amount of \$30,229.08 from Doggett Heavy Machinery Services for engine repair of a John Deere 310L EP backhoe and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce stated a backhoe that was on a rental to the city was damaged. Staff recommended approval of the invoice that would for pay for damages and monies would come out the general fund (drain ditch operations.)

In response to Commissioner Kerr, the equipment was a 2022. Staff did consider purchasing but the repair amount would be added, and staff opted not to do that.

Commissioner Pedraza seconded by Commissioner Gonzalez Jr. moved to approve payment in the amount of \$30,229.08 to Doggett Heavy Machinery Services for engine repair of a John Deere 310L EP backhoe as presented. The motion carried unanimously; Mayor Suarez was present and voting.

L. Discussion and consideration of RATES Invoice #957 in the amount of \$15,876.00 in accordance with MOU #R-RGV-TF-2019-0007 for aiding in maintaining compliance with

TCEQ Stormwater Management rules and regulations and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Engineering Department.)

Albert Aldana, City Engineer, stated previous commission approved an agreement with Research, Applied Technology, Education and Service (RATES) that allowed participation in a task force to assist the city to respond on stormwater management rules and regulations and compliance with the Texas Commission on Environmental Quality for stormwater rules. Staff recommended approval of the membership contribution of \$15,876 and is budgeted.

Commissioner Pedraza seconded by Commissioner Gonzalez Jr. moved to approve RATES invoice #957 in the amount of \$15,876.00 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

VII. EXECUTIVE SESSION

At 6:39 p.m. Commissioner Pedraza seconded by Gonzalez Jr., moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:24 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.

No action.

B. 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. 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 Lopez moved to authorize the auction of the various city-owned real property based on appraisals and state law as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

D. Real Property - Consultation with the City Attorney on the purchase of real property located at the corner of Witmer Street and South Bridge Avenue as authorized by section §551.072 of the Texas Government Code.

Commissioner Lopez seconded by Commissioner Pedraza moved to authorize the City Manager to negotiate with landowner for the purchase of real property located at the corner of Witmer Street and South Bridge Avenue as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

IX. ADJOURNMENT

Commissioner Farias seconded by Commissioner Pedraza moved to adjourn the meeting of May 2, 2023, at 7:25 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**