



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JUNE 20, 2023**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, June 20, 2023 at 5:30 PM for the purpose of discussing the following items:

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

Pursuant to Texas Government Code Section 551.127, on a regular, non-emergency basis, the Weslaco City Commission may attend and participate in the meeting remotely by telephonic conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Roll Call.
- E. Mayoral Recognition.
 - 1) Elder Abuse Awareness Month.

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

The Public may comment on anything on the agenda, however if you comment on something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. REPORTS

- A. Animal Care Services.
- B. Inframark.

IV. PUBLIC HEARING

- A. To solicit input on behalf of George Garza to rezone 804 S Kansas Ave. Also being Lot 3, Block 2, Hollywood Addition Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to R-2 Duplex and Apartment District.
- B. To solicit input on behalf of Cortez Cantina to approve a Conditional Use Permit to obtain a Wine and Malt Beverage Retailer's On- Premise Permit at 260 S. Texas Blvd. Suite 200, also being a 98'x90' Tract, Block 18, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.
- C. To solicit input on behalf of Tacos El Plebe LLC. Luis A Peña to approve a Conditional Use Permit to obtain a Wine and Malt Beverage Retailer's On- Premise Permit at 2307 W Interstate 2 Suite A, also being Lot 4, Town Center Subdivision Lot 2-9, Weslaco, Hidalgo County, Texas.

V. CONSENT AGENDA

All items listed under the Consent Agenda are considered to be routine and the Governing Body has been furnished with background and support material on each item and will be acted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and voting on the Consent Agenda.

- A. Approval of the Minutes of the Regular Meeting on June 6, 2023 (Staffed by City Secretary's Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Ordinance 2023-23 to rezone 622 N Tio. Also being Lot 23, Block 8, El Texano Subdivision, Weslaco, 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 on May 16, 2023; staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval of the six-month extension for the Final Plat for Moonlight Subdivision—being a 4.00 acres out of Farm Tract 175, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 330' north of Mile 10N along the Westside of F.M. 88 and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Approval of Resolution 2023-38 for the Tax Abatement Agreement of Glazer Beer and Beverage of Texas LLC and authorize the Mayor to execute any related documents. (Staffed by City Manager.) Attachment.
- E. Approval to apply to the FM Global Fire Prevention Grant Program for an amount not to exceed \$1,200 with no match required for the purchase of an arson prevention/fire investigation camcorder and related equipment and authorize the Mayor to execute any related documents. (Staffed by Fire Department and Grant Writer).

- F. Approval of Resolution 2023-39 regarding a grant application to the National Fitness Campaign Grant Committee and authorize the Mayor to execute any related document. (Staffed by Grant Writer/Parks and Recreation Department.) Attachment.
- G. Approval on the renewal of the Cooperation Agreement between Hidalgo County and City for continued participation in the FY2024-2026 Urban County Program and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- H. Approval on Resolution 2023-40 to enter into an agreement with TxDOT for a public event in the city limits of Weslaco requiring the closure of streets affecting state right-of-way on Texas Blvd/FM 88 between U.S. Business Highway 83 and Sixth Street from 2pm -11pm on the third (3) Thursday, of the month from August 2023 to February 2024 for Alfresco Weslaco Music & Art. The event will run from 6 PM – 9:30 PM on the following dates: August 17, 2023, September 21, 2023, October 19, 2023; November 16, 2023; December 21, 2023; January 18, 2024; and February 15, 2024.; waiving fees and ordinances associated with the event; provision of support by City of Weslaco, Weslaco Parks and Recreation, Public Works, Building Maintenance, Police, Fire, and EMS Department and authorize the Mayor to execute any related documents. (Staffed by Engineering.) Attachment.
- I. Approval on the request by Weslaco Economic Development Corporation to approve Resolution 2023-41 to allow the sale of wine and beer by a TABC licensed vendor; allowing public consumption of alcohol on the street from U.S. Business Highway 83 to Sixth Street during Alfresco Weslaco Music & Art on the Street, on the following dates: August 17, 2023, September 21, 2023, October 19, 2023; November 16, 2023; December 21, 2023; January 18, 2024; and February 15, 2024.; waiving fees and ordinances associated with the event; provision of support by City of Weslaco, Weslaco Parks and Recreation, Public Works, Police, Fire, and EMS Department and authorize the Mayor to execute any related documents. (Staffed by Weslaco Economic Development Corporation of Weslaco.) Attachment.

VI. APPOINTMENTS

- A. Discussion and consideration on Resolution 2023-42 appointing a member to the Planning and Zoning Commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of George Garza on Ordinance 2023-29 to rezone 804 S Kansas Ave. Also being Lot 3, Block 2, Hollywood Addition Subdivision, Weslaco, 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 2023-29. Possible action. (Staffed by Planning & Code Enforcement Department.)

Attachment.

- B. Discussion and consideration after public hearing on behalf of Cortez Cantina to approve a Conditional Use Permit to obtain a Wine and Malt Beverage Retailer's On-Premise Permit at 260 S. Texas Blvd. Suite 200, also being a 98'x90' Tract, Block 18, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Tacos El Plebe LLC, Luis A Peña to approve a Conditional Use Permit to obtain a Wine and Malt Beverage Retailer's On- Premise Permit at 2307 W Interstate 2 Suite A, also being Lot 4, Town Center Subdivision Lot 2-9, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- D. Discussion and consideration to approve the Final Plat for Vittoria Subdivision being 42.18-acre out of Farm Tract 165 and 166, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Located on the southeast corner of Midway and Interstate 2 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration to approve the Final Plat for Cross Development Weslaco being 1.8554-acre out of Farm Tract 40, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas. Located on the northeast corner of Interstate 2 and Paseo Del Norte and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- F. Discussion and consideration to approve the Final Plat for Lemon Blossom Estates being 1.303-acre out of Farm Tract 815, Block 139, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas. Located approximately 1,300ft south of the intersection of S Bridge and Mile 5 1/2 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- G. Discussion and consideration to approve the Final Plat for Ranchettes on 18th St. being 12.16-acres out of Farm Tract 706, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Located approximately 500 ft West from the intersection of 18th St. and Pleasantview and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- H. Discussion and consideration to re-schedule or cancel the regular meeting of July 4, 2023 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- I. Discussion and consideration to purchase liftstation pumps and control panels from Zone Industries, Buyboard Vendor No. 672-22, in the amount not to exceed \$460,000

for the following liftstations, #2, #20, #21, #23 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.

- J. Discussion and consideration to award wetwell cover rehabilitation at the North Wastewater Treatment Plant, and water/sewer pipe bursting and pumps, to Southern Trenchless Solutions, LLC., Buyboard vendor contract #635-21, the combined cost not to exceed \$594,891, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- K. Discussion and consideration to select consultants for Construction Materials Testing Rotation List and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- L. Discussion and consideration on the selection of a consultant for the design of the proposed improvements to Lift Station 12 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering.) Attachment.
- M. Discussion and consideration to purchase Livescan hardware/software from HID Global for the amount of \$36,761.97 (GSA Contract GS-35F-0199R), of which \$34,000 will be reimbursed by DJ-Edward Byrne Memorial Justice Assistance Grant Program #4507801 with NO MATCH required and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.
- N. Discussion and consideration to purchase a white 2023 Chevy Tahoe SUV from Caldwell Country Chevrolet BuyBoard Contract #601-19 for the amount of \$45,415, which will be fully reimbursed through FY22 Operation Stonegarden Program #3173408 with NO MATCH required and NO RECURRING fees and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.
- O. Discussion and consideration on the Interlocal Agreement between the City of Weslaco and the City of Mercedes to provide the terms and conditions for the use, maintenance, and operation of Tyler Technologies New World Records Management System (RMS) and New World Mobile and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.

VIII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a government body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

- (2) is liable to a person injured or damaged by the disclosure for:
 - (A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;
 - (B) reasonable attorney fees and court costs; and
 - (C) at the discretion of the trier of fact, exemplary damages.
- (b) An offense under Subsection (a)(1) is a Class B misdemeanor.
- (c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:
 - (1) the defendant had good reason to believe the disclosure was lawful; or
 - (2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.
- B. Personnel - Discussion regarding the administrative investigation of the complaint filed by a firefighter as authorized by section §551.074 of the Texas Government Code.
- C. 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.
- 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.
- E. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.
- F. Legal Consultation - Consultation with City Attorney regarding Economic Development Corporation of Weslaco versus Sunil Wadhwani, 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.
- G. Legal Consultation - Consultation with the City Attorney regarding real property legally described as Lots 1, 2, and 3, Block 4, James M. Black Subdivision, Weslaco, Hidalgo County, Texas as authorized by Section 551.071 of the Texas Government Code.
- H. Real Property - Consultation with City Attorney on the sale, exchange, lease or value of real property located at Pike and Vo-Tech as authorized by §551.072 of the Texas Local Government Code.

- I. Real Property – Consultation with City Attorney on the purchase, exchange, lease or value of real property located on the Northeast corner of Interstate 2 and North Airport Drive intersection as authorized by §551.072 of the Texas Local Government Code.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

X. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 16th day of June 2023 on or before 5:00 pm and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Norma A. Cantu, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary Department at (956) 968-3181, Ext. 1001 prior to the meeting date.

Regular Meetings of the Weslaco City Commission stream live online at <http://www.weslacotx.gov/open-government/open-meetings>. Archived video of some meetings are also available.

Removed from Bulletin Board

Date:

Initials:

PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN".

“DE ACUERDO CON LA SECCION 30.06 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA SEGUN EL SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA OCULTA”.

"PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY".

“DE ACUERDO CON LA SECCION 30.07 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA A LA VISTA), UNA PERSONA CON LICENCIA SEGUN EL SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA A LA VISTA”.