



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 19, 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, September 19, 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.

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. Inframark
- B. Police Department report on the Anti-vaping Campaign.
- C. Animal Care Services.

IV. PUBLIC HEARING

- A. To solicit input on behalf of Crystal Benitez to rezone 309 and 313 W 5th St. also being Lot 14-16, Block 39, Weslaco Original Townsite, 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 Spoor Engineering Consultants, Inc. to rezone 1611 N Westgate Dr. also being N100.10'-S142.60', 0.414 acre Blk B, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to B-2 Secondary Highway Business District.
- C. To solicit input on behalf of Yesenia Ramirez to approve a Conditional Use Permit to operate a Bed and Breakfast Business, at 1401 W 18th St., also being Lot 4, Key West Subdivision, Weslaco, Hidalgo County, Texas.
- D. To solicit input on behalf of Murphy USA to approve a Conditional Use Permit to obtain a Wine and Malt Beverage retail Dealer's Off Premise Permit, at 601 N Westgate Dr. also being West Tract E280'-N362'.32'-S457.6' & N55.28'-S95.28'-W74.64'-E280', FT 148 2.42AC GR 2.17Net, Weslaco, Hidalgo County, Texas.
- E. To solicit input on behalf of Don Birria Tacos Y Mas LLC. to approve a Conditional Use Permit to obtain a Wine and Malt Beverage retail Dealer's On Premise Permit at 1400 E Business 83, also being West Tract AN IRR TR W165'-E901.4'-N170.88' FT 641 0.52AC NET, 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 September 5, 2023 and the Special Meeting on September 12, 2023. (Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Ordinance 2023-39 amending Ordinance 2022-05 the Master Fee Schedule and authorize the Mayor to execute any related documents. (First reading held September 5, 2023; staffed by Finance Department.) Attachment.
- C. Approval of a six-month extension for the Final Plat for Mid Valley Estates— being a 40.00-acre tract of Farm Tract 715, The West Tract Subdivision, Weslaco, Hidalgo County, Texas is located on the Southwest corner of Mile 6 North and Mile 6 ½ West and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.

- D. Approval of a six-month extension for the Final Plat for South Point Subdivision—being a resubdivision of 12.889 acres being all of lot 2 VBMH Subdivision, and out of Farm Tract 133, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located between N Westgate Dr. and Border Ave. East Expressway 83 and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Approval of a request from the Valley Nature Center to close Gibson Park to the public on November 11, 2023 for the Brew in the Woods annual fundraiser and allow to serve alcohol during the event and authorize City Manager to execute any related documents. (Requested by Valley Nature Center.) Attachment.
- F. Approval of an agreement with Texas Workforce Solutions and the Mayor Sanchez Public Library for placement of program participants at the Library, and authorize the Mayor to execute any related documents. (Staffed by the Library Department.) Attachment.
- G. Approval to accept donated funds and gifts from local vendors and/or the public for library programming within Fiscal Year 2023 – 2024 and authorize the Mayor to execute any related documents. (Staffed by Library Department.) Attachment.
- H. Approval on request from the Children's Advocacy Center of Hidalgo and Starr County to renew their lease of the first floor office suite located at 111 E. 5th Street and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)
- I. Approval of the Interlocal Agreement between the City of Weslaco and Weslaco ISD for a joint election for the sharing of polling places on the General Election of November 7, 2023 and authorize the Mayor to execute any related documents. (Staffed by City Secretary Department.) Attachment.
- J. Approval of the Memorandum of Understanding ("MOU") between Weslaco Police Department and South Texas College for Continuing Education Units ("CEU") to participants in Law Enforcement related trainings and authorize the Mayor to execute any related documents. (Staffed by the Police Department.) Attachment.

VI. APPOINTMENTS

- A. Discussion and consideration on Resolution 2023-54 appointing a member to the Board of Adjustments and Appeals to the Zoning-Ordinance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department) Attachment.

VII. OLD BUSINESS

- A. Discussion and consideration to use 3SixtyIntegrated, the most advantageous quote, for the purchase and installation of hardware/software to be used for the

interview/interrogation rooms in the new police department for an amount of \$15,026.92 and an annual recurring cost of under \$350.00, and authorize the Mayor to execute any related documents. Possible action. (There was no action September 5, 2023; staffed by Police Department.) Attachment.

VIII. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2023-42, adopting the City of Weslaco's budget appropriations for Fiscal Year 2023-2024 commencing October 1, 2023 and ending September 30, 2024 and authorize the Mayor to execute any related documents. **ROLL CALL VOTE REQUIRED.** First and final reading of Ordinance 2023-42. Possible action. (staffed by Finance Department.) Attachment.
- B. Discussion and consideration on Ordinance 2023-43 adopting and levying the ad valorem tax rate for Fiscal Year 2023-2024 and authorize the Mayor to execute any related documents. **ROLL CALL VOTE REQUIRED.** First and final reading of Ordinance 2023-43. Possible action. (Staffed by Finance Department.) Attachment.
- C. Discussion and consideration of an extension to the current Depository Services Contract and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)
- D. Discussion and consideration after public hearing on behalf of Crystal Benitez on Ordinance 2023-44 to rezone 309 and 313 W 5th St. also being Lot 14-16, Block 39, Weslaco Original Townsite, 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 2023-44. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration after public hearing on behalf of Spoor Engineering Consultants Inc. on Ordinance 2023-45 to rezone 1611 N Westgate Dr. also being N100.10'-S142.60', 0.414 acre Blk B, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to B-2 Secondary Highway Business District and authorize the Mayor to execute any related documents. First reading of Ordinance 2023-45. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- F. Discussion and consideration after public hearing on behalf of Yesenia Ramirez to approve a Conditional Use Permit to operate a Bed and Breakfast Business, at 1401 W 18th St., also being Lot 4, Key West Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- G. Discussion and consideration after public hearing on behalf of Murphy USA to approve a Conditional Use Permit to obtain a Wine and Malt Beverage retail Dealer's Off Premise Permit, at 601 N Westgate Dr. also being West Tract E280'-N362'.32'-S457.6' & N55.28'-S95.28'-W74.64'-E280', FT 148 2.42AC GR 2.17Net, Weslaco,

Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

- H. Discussion and consideration after public hearing on behalf of Don Birria Tacos Y Mas LLC to approve a Conditional Use Permit to obtain a Wine and Malt Beverage retail Dealer's On Premise Permit at 1400 E Business 83, also being West Tract AN IRR TR W165'-E901,4'-N170.88' FT 641 0.52AC NET, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- I. Discussion and consideration to approve Ordinance 2023-46 for the Voluntary Annexation of Monte Cielo Subdivision– being a 46.41-acre tract of land out of Farm Tract 214, West Tract Subdivision, Hidalgo County, Texas located approximately 1,700 ft South of Mile 10N on the east side of Mile 6 ½ West Road and authorize the Mayor to execute any related documents. First reading of Ordinance 2023-46. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- J. Discussion and consideration to reschedule or cancel the regular meeting of October 3, 2023. Possible action. (Staffed by City Manager.)
- K. Discussion and consideration to award contract RFB #2022-23-25 Pavement Marking Improvements to Pavement Markings, Inc out of Donna, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Engineering Department.) Attachment.
- L. Discussion and consideration of proposed change order #4 to contract with Castle Construction for the Fire and Police Stations Offsite Improvements project to extend contract time by 292 days changing date of substantial completion and remove the pavement markings line item in the amount of \$33,539.23 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Engineering Department) Attachment.
- M. Discussion and consideration of the Digital Office Systems proposal as prepared for the City of Weslaco's Police Department to update the lease of digital copiers and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.
- N. Discussion and consideration to award RFQ #2022-23-19 Airport Master Planning Services to KSA for the Weslaco Mid Valley Airport Master Plan update and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.
- O. Discussion and consideration amending the scope of services with KSA for the Weslaco Airport Master Plan and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.) Attachment.

- P. Discussion and consideration of awarding a contract to KSA for the architectural and engineering design services for the new hangars at the Weslaco Mid Valley Airport and authorize the Mayor to execute any related. Possible action. (Staffed by Airport Department.) Attachment.

IX. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

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

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

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

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

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

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

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

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by Section §551.074 of the Texas Government Code.
- B. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by Section §551.071 of the Texas Government Code.
- C. Legal Consultation - Discussion regarding potential litigation regarding the construction of a driveway in adjoining commercial developments as authorized by Section §551.071 of the Texas Government Code.
- D. Real property - Consultation with City Attorney on the sale, purchase, exchange, lease or value of real property located on E Mile 5 North legally described WEST TRACT 9.688AC BEING AN IRR TR-E407.92'-W663.22'-N1210.73' EXC N209.42'-E208' FT 828 7.09AC NET Weslaco, Hidalgo County, Texas as authorized by Section §551.072 of the Texas Local Government Code.
- E. Real Property - Consultation with City Attorney on the sale, purchase, exchange, lease or value of real property legally described as Lot 10, Block 2, Canal Heights Subdivision, Weslaco, Hidalgo County, Texas as authorized by Section §551.072 of

the Texas Local Government Code.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

XI. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 15th day of September 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”.