



**A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 10, 2023**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Special Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, October 10, 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) Proclamation - South Texas Vocational Technical Institute Day.
 - 2) Proclamation - Breast Cancer 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. PRESENTATION

- A. Presentation by Weslaco ISD.

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 September 19, 2023
(Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) 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 held September 19, 2023; staffed by Planning & Code Enforcement Department.) Attachment.
 - 2) 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 held September 19, 2023; staffed by Planning & Code Enforcement Department.) Attachment.
 - 3) 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 held September 19, 2023; staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval on the renewal of a Public Purposes Services Contract with the Boys and Girl Club of Weslaco in the amount not to exceed \$75,000 for the public purposes services and activities in this contract, effective October 1, 2023 through September 30, 2024 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- D. Approval of Special Services Agreement on Hotel/Motel Room Occupancy tax proceeds between City of Weslaco and the following:
 - 1) Weslaco Chamber of Commerce for \$276,510;
 - 2) Frontera Audubon Society for \$44,000; and
 - 3) Lower Rio Grande Valley Nature Center for \$72,322and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- E. Approval on the renewal of a Public Purposes Services Contract with Weslaco

Bicultural Museum, d.b.a. Weslaco Museum of Local History and Cultural Art in an amount not to exceed \$90,000 effective October 1, 2023 through September 30, 2024 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.

- F. Approval of the request from Weslaco Museum to hold their annual PAN DE CAMPO Fundraiser on November 4 from 6:30 pm to 10:00 pm; approval to close 5th Street between Texas Blvd and Missouri Ave.; authorizing public consumption of alcoholic beverages; waive of appropriate fees from ordinances associated with the event; also approval of use of tower lights, and provision of support from Weslaco PD, Public Works, Planning and Code Enforcement and other related city departments, and authorize the Mayor to execute any related documents. (Staffed by City Manager.) Attachment.
- G. Approval to allow Honorably Retired Peace Officer Felix Salinas to purchase his service weapon, a Glock Gen 4 with engraving "WESLACO PD" Model 22, caliber .40 with serial #WXN021 for an amount of \$255 as allowed under Texas Government Code Section 614.051 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- H. Approval to ratify acceptance of the Victims of Crime Act Formula Grant #3814605 for the amount of \$126,965.23 to pay for the Crime Victim's Coordinator salary, training, software, shelter, and business cards/flyers and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- I. Approval to ratify acceptance of the FY2024 Truancy Prevention and Intervention Program Grant #4003404 for the amount of \$100,575.93 for the First Offender Program Coordinator's salary, overtime for peace officers, training and project supplies and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- J. Approval to accept SHPS-R grant 4736001 for the amount of \$19,642.27 with NO MATCH and NO RECURRING COST for the purpose of AMBUS Communication Equipment and authorize the Mayor to execute any related documents. (Staffed by Fire Department/Grant Writer.) Attachment.

V. NEW BUSINESS

- A. Discussion and consideration to approve Resolution 2023-55 nominating Joe Olivarez to the Hidalgo County Appraisal District Board of Directors for the 2024-2025 election and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- B. Discussion and consideration on the City of Weslaco Water Conservation and Drought Contingency Study Phase II Water Conservation Plan and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.

- C. Discussion and consideration on the Election Services Contract with Hidalgo County Elections Department to conduct the General Election of November 7, 2023 pursuant to Texas Election Code Chapter 271 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Secretary Department.) Attachment.
- D. Discussion and consideration to purchase from Silsbee Toyota, Buyboard Vendor Contract 601-19 a 2023 Sienna LE Van for an amount not to exceed \$40,000 and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Secretary Department.) Attachment.
- E. Discussion and consideration on Resolution 2023-56 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.) Attachment.
- F. Discussion and consideration to approve Ordinance 2023-47 adopting a final budget amendment to the General fund and Water/Wastewater, Solid Waste, Airport and other funds presented and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2023-47 Possible action. (Staffed by Finance Department.) Attachment.
- G. Discussion and consideration of the request from TRI-GEN Construction for Change Order No. 3 for the New Downtown Fire Station No. 2 project to extend their contract 90 days and establish September 21, 2023 as their substantial completion date and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.
- H. Discussion and consideration of the request from Gerlach Builders for Change Order No. 3 for the New Police Department with Municipal Court and Judicial Court project to extend their contract 90 days and establish September 30, 2023 as their substantial completion and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.
- I. Discussion and consideration on the Interlocal Agreement between Hidalgo County and the City of Weslaco for the development of the Precinct 1 Hike and Bike Trail and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment.
- J. Discussion and consideration to approve the purchase of a 2023 ambulance remount from vendor Southwest Ambulance Sales HGAC Contract No. AM 10-20 for an amount not to exceed \$162,980 under General Fund and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.
- K. Discussion and consideration to approve the purchase of a Spartan Rescue Pumper through Metro Fire Apparatus Specialist BuyBoard Contract # 651-21 at a cost not to exceed the amount of \$1,582,819.00 out of the Fire Department Apparatus

Replacement Program and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

- L. Discussion and consideration of approval of Castle Enterprises, LLC pay application #8 in the amount of \$95,528.66 and final payment application in the amount of \$74,058.05 for the New Fire and Police Stations Off-Site Improvements project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.
- M. Discussion and consideration to authorize the purchase of a 2025 Freightliner 180SD Plus Roll Off Truck from Doggett Freightliner of South Texas, LLC., Buyboard Vendor Contract No. 601-19, in the amount not to exceed \$197,686 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- N. Discussion and consideration to purchase a New 544 P wheel loader from Sourcewell contract # 032119-JDC Co-op vendor Doggett Heavy Machinery Services for an amount not to exceed \$214,908, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- O. Discussion and consideration to purchase a new 2023 GMC 1500 Sierra from Buyboard 601-19 vendor Gunn Buick-GMC, LTD for an amount not to exceed \$52,322.25, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- P. Discussion and consideration to purchase a new Kubota MX5400HSTC utility cab tractor from Buyboard vendor Kubota Tractor Corporation (Eliff Motors) for an amount not to exceed \$46,497.15, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment.
- Q. Discussion and consideration to accept the Jurisdictional and Interagency support Memorandum of Understanding with South Texas College Police Department (STC PD) and Weslaco Police Department (WPD) and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Police Department.) Attachment.
- R. Discussion and consideration to accept the Addendum to Fugitive Task Force Memorandum of Understanding (MOU), regarding Body-Worn Camera use by Task Force Officers and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Police Department.) Attachment.

VI. 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. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by Section §551.071 of the Texas Government Code.
- D. 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.
- E. 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.

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

VIII. ADJOURNMENT

I hereby certify this **Notice of a Special 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 6th day of October 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 Office at (956) 968-3181, Ext. 1001 prior to the meeting date.

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”.