MINUTES OF A SPECIAL MEETING
WESLACO CITY COMMISSION
NOVEMBER 28, 2023

On Tuesday, November 28, 2023, at 5:30 p.m. the City Commission of the City of Weslaco, Texas convened in a Special Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following member's present:

PRESENT:	Mayor	Adrian Gonzalez
	Mayor Pro Tem	Adrian Farias
	Commissioner	Israel Gonzalez Jr.
	Commissioner	Letty Lopez
	Commissioner	Greg Kerr
	Commissioner	JP Rodriguez
	Commissioner	Josh Pedraza
ABSENT:	None	
STAFF PRESENT:	Martin Garza	City Manager
	Aida Vega	Deputy City Secretary
	Juan E. Gonzalez	City Attorney

Also present: Molly Vallejo, Administrative Assistant, Rosie Cavazos, Finance Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Arnold Becho. Library Director, Luz Galindo, HR Director, Antonio Lopez, Fire Chief, Joel Rivera, Police Chief, David Arce, Public Works Director, Rosa Badillo, Court Coordinator, and George Quilantan, Inframark and other staff members.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Gonzalez called the meeting to order and certified the public notice of the meeting as properly posted Wednesday, November 22, 2023.

B. Invocation.

Father Francisco J. Solis, St. Joan of Arc Catholic Church, led the invocation.

C. Pledge of Allegiance.

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

D. Roll Call.

Aida Vega, Deputy City Secretary, called the roll noting perfect attendance and a quorum present.

E. Mayoral Recognition.

1) Recognition of Central Middle School Honor Band.

Mayor Gonzalez recognized Central Middle School Honor Band for their accomplishment as a 2023 National Wind Band Honors outstanding achievement and excellence performance in the field of music.

II. PUBLIC COMMENTS

None.

III. REPORTS

A. Inframark/Engineering Department.

George Quilantan, Inframark, presented the water flow comparison for the month of October 2023 the Water Treatment Plant was 5.7mgd; North Wastewater Treatment Plant was 2.2mgd and South Wastewater Treatment Plant was 1.6mgd and noted all plant flows were steady to that of 2022; North WWTP received the temporary blower for the aeration basin; preventative maintenance work orders for all facilities to include lift stations was 457 opened and closed were 458; cleaning of lift station pumps (de-ragging) and float signal continues for various lift stations; presented the lift station call out log for October that are done by staff who respond after 5pm.

Albert Aldana, City Engineer, reported the purchase of the soft start equipment approved will be from Sweats Mechtech Solutions because the manufacturer of the blower is unable to provide in a timely manner; reported the existing traffic signals at various locations should be completed by the end of the month and will confirm with the contractor and get back to them; Andrew Munoz, Asst. City Manager/Airport Director reported on the regional detention facility projects for Mayor Pablo Pena Park (Kansas Los Torritos) that received approval for construction and will be advertising in January 2024; Cleckler-Heald project is being reviewed by TWDB; Harlon Block Park staff will be requesting to submit an application to Flood Mitigation Assistance with the TWDB and compiling updated information for the application.

B. Animal Care Services.

Joe Pedraza, Asst. Planning and Code Enforcement Director, passed out the expenditures and revenues report and available to answer any questions.

Milva Orellana, Animal Control Officer, went over the monthly live release rates for October 2023 monthly live release rate increased to 86%; noted since June 2023 live release for cats has been at 100%; reported 2021-2022 rescued was 1,655, adopted 63 and reclaimed 115 for a total intake of animals of 7,010; 2022-23 had 1,742 rescued, adopted 715, reclaimed 104 for a total intake of 7,007; reported on the various partnerships formed that helps in vaccinations, adoptions and medical, reported on shelter updates that included a play area and installation of doors to help minimize the weather elements going into the shelters; reported on donations to date was $1,972 as a result of Shelter Luv; continue to promote animal welfare in schools; Clear the Shelters has resulted in the adoptions of 72 pets; and went over the pet of week success stories that are done every Thursday with several news media stations; highlighted on special cases of those pets that required surgical and special care and shared praises from the community that are very appreciative of all the work done by staff.

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 Special Meeting on November 6, 2023. (Staffed by City Secretary Department.)

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

1) Ordinance 2023-48 amending ordinance 2013-22 Subdivision Ordinance Section 26-67 Inspection fees and authorize the Mayor to execute any related documents. (First reading held November 6, 2023; staffed by Planning & Code Enforcement Department.)

C. Approval on ratification to accept FY24 Violence Against Women Act (VAWA) Justice and Training Program - Law Enforcement Grant #4507602 for the amount of $21,408.20 with a 30% match ($9,352.87) for a total project cost of $30,761.07 to send sworn and non-sworn personnel to training that promotes a coordinated, multi-disciplinary approach to improve the justice system's response to violent crimes against women, including domestic violence, sexual assault, dating violence, and stalking and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

D. Approval of the cooperative that was initially approved with HGACBuy Contract No. AM-10-20 to HGACBuy Contract No. AM 10-23 for the purchase of a 2023 ambulance remount from vendor Southwest Ambulance Sales for an amount not to exceed $162,980 under General Fund and authorize the Mayor to execute any related documents. (Staffed by Fire Department.)

E. Approval of Resolution 2023-61 authorizing the Mayor and City Commission, and other City Staff to exercise certain powers identified with Lonestar National Bank, including opening of accounts, certificates of deposit, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and Commission to execute any related documents. (Staffed by Finance Department.)

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

Following for the record is the caption of Ordinance 2023-48.

ORDINANCE 2023-48

AN ORDINANCE AMENDING ORDINANCE NUMBER 2013-22, THE CITY OF WESLACO SUBDIVISION ORDINANCE; CODIFIED AS APPENDIX B, ARTICLE I, OF THE WESLACO CODE OF ORDINANCES, ADOPTING NEW REGULATIONS; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

CITY OF WESLACO
/s/Adrian Gonzalez, MAYOR

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

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

V. APPOINTMENTS

A. Discussion and consideration on Resolution 2023-62 appointing a member to the Board of Adjustments and Appeals-Zoning Ordinance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Aida Vega, Deputy City Secretary, stated the term of Mark McCaleb is set to expire and has expressed favorable consideration for reappointment. The nomination for reappointment was from Commissioner Gonzalez Jr.

Commissioner Rodriguez seconded by Mayor Pro Tem Farias moved to approve Resolution 2023-62 reappointing Mark McCaleb to the Board of Adjustments and Appeals-Zoning Ordinance as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

B. Discussion and consideration on Resolution 2023-63 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 Department.)

Aida Vega stated Carolina Crockett term is set to expire and expressed favorable consideration for reappointment. The nomination for reappointment was from Commissioner Lopez.

Commissioner Kerr seconded by Commissioner Rodriguez moved to approve Resolution 2023-63 reappointing Carolina Crockett to the Planning and Zoning Commission as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

VI. OLD BUSINESS

A. Discussion and consideration to approve the selection of a Graphic Designer from RFQ No. 2022-23-30 for Graphic Design Services for a logo refresh and negotiate a contract with top ranked firm and authorize the Mayor to execute any related documents. Possible action. (There was no action on October 17, 2023; staffed by Jasmine Rico-Joens, Public Relations Officer.)

Martin Garza, City Manager, requested no action until January and allow time to present at a workshop and then back to the commission for approval.

No action.

VII. NEW BUSINESS

A. Discussion and consideration to purchase two (2) Rapid Intervention Team Paks (RIT Paks) with two bottles at a cost of $10,038 and the purchase of two (2) Self Contained Breathing Apparatus (SCBA) with eight (8) SCBA bottles to replace end of life equipment at a cost of $25,626 from vendor Metro Fire Apparatus Specialist under BuyBoard Contract #698-23 as budgeted and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Mayor Pro Tem Farias abstained from discussion and vote.

Antonio Lopez, Fire Chief, stated the purchase was a budgeted item; the equipment is used to allow a second source of air to fire personnel that enter fire structures and respond to those circumstances of individuals who may become trapped and need more time to exit; not limited to fire structures also used in hazmat situations or any incident that requires breathing apparatus to be used. Staff recommended approval.

Commissioner Pedraza seconded by Commissioner Kerr moved to approve the purchase two (2) Rapid Intervention Team Paks (RIT Paks) with two bottles at a cost of $10,038 and the purchase of two (2) Self Contained Breathing Apparatus (SCBA) with eight (8) SCBA bottles to replace end of life equipment at a cost of $25,626 from vendor Metro Fire Apparatus Specialist under BuyBoard Contract #698-23 as presented. The motion carried; Mayor Pro Tem Farias; Mayor Gonzalez was present and voting.

B. Discussion and consideration to accept FY23 COPS Hiring Program Grant #15JCOPS-23-GG-04628 for an amount of $621,681 with a 25% local match to hire police officers for the greater goal of reducing crime and building trust between the Weslaco Police Department and the community we serve and authorize Chief Rivera to execute any related documents. Possible action. (Staffed by Police Department.)

Joel Rivera, Police Chief, stated a grant application to the Community Policing Oriented Hiring Grant through the Department of Justice; grant will assist in the hiring of police officers at a reduced rate because over a four-year period the city's salary contribution is a local match of 25%. Staff recommended approval.

In response to Mayor Gonzalez and Commissioner Kerr, under the grant award three officers can be hired and the 25% local match is over a 4-year period with the city's obligation of contribution to be at the city's discretion so long as by the end of the grant award all funds due are paid.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve and accept FY23 COPS Hiring Program Grant #15JCOPS-23-GG-04628 for an amount of $621,681 with a 25% local match to hire police officers as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

C. Discussion and consideration of Allowance Expenditure Authorization #1 in the amount of $99,500 to Norris Leal Contractors for RFB No.: 2021-22-31 Mayor Pablo Pena City Park Sports Field Lighting Project and Isaac Rodriguez Skate Park Lighting Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.)

Omar Rodriguez, Parks and Recreation Director, the original contract allowed an owners contingency fund of $100,000; project is mostly completed and can use available funds to replace the old score boards with new ones and add connections to have in place for when the concession and restroom are added in the future. Staff recommended approval and stated net balance left is $500 and no cost increase to the contract.

Commissioner Rodriguez seconded by Commissioner Lopez moved to approve Allowance Expenditure Authorization #1 in the amount of $99,500 to NorrisLeal LLC Contractors as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

D. Discussion and consideration to authorize staff to negotiate a contract with the highest ranked respondent, Heffner Design Team for RFQ No. 2022-23-12 Architectural/Engineering Design Services for various parks and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.)

Omar Rodriguez stated the consultant scope of work would be a new lighting system in Isaac Rodriguez Park for the replacement of all existing poles to steel poles, replace to LED lighting, ability to control lighting remotely as done in other parks and other work would be to update the concession restrooms (new building) for Isaac Rodriguez and Mayor Pablo Pena City Park; stated four respondents received and evaluated and the highest ranked was Heffer Design. Staff recommended approval to negotiate a contract with Heffner Design Team.

Martin Garza also noted this would include an irrigation system update, backstop updates for the parks.

Commissioner Pedraza seconded by Mayor Pro Tem Farias moved to approve and negotiate a contract Heffner Design Team for RFQ No. 2022-23-12 Architectural/Engineering Design Services for various parks anas presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

E. Discussion and consideration to approve Ordinance 2023-49 authorizing and allowing under the act governing the TMRS system "Updated Service Credit" and establishing an effective date for such action and authorize the Mayor to execute any related documents. First reading of Ordinance 2023-49 Possible action. (Staffed by Human Resources Department.)

Luz Galindo, Human Resources Director, stated this is the annual update for Updated Service Credit and cost of living for retirees; these are optional benefits the city may provide; if approved the contribution rate for these benefits would increase from 8.55% to 9.16% for the 2024 year.

Commissioner Lopez seconded by Commissioner Kerr moved to approve Ordinance 2023-49 authorizing and allowing under the act governing the TMRS system "Updated Service Credit" and establishing an effective date for such action as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

F. Discussion and consideration on Resolution 2023-64 to approve a TxDOT Advanced Funding Agreement for Voluntary Maintenance for the proposed railroad markings on Bridge Street at Business 83 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana, City Engineee, stated the agreement would allow TxDOT to upgrade pavement markings and signage identified that do not meet Federal Highway Administration (FHWA) and TxDOT standards; the existing railroad crossing on Bridge St, north of US Business 83 would have new crossing markings upgraded at no cost to the city and would be done by a TxDOT contractor. Staff recommended approval of the Resolution and agreement.

Commissioner Pedraza questioned if any rehabilitation of other crossings would be done and voiced in the past monies were budgeted for these types of improvements. Mr. Aldana stated the rehab of railroad crossings could be done by the City or request it be funded through TxDOT that involves a lengthy process; this particular crossing was identified through the annual inspection done by TxDOT as not meeting their standards. Mr. Garza advised staff would look at complying a list of priority for railroad crossing improvements along Business 83, as done for street improvements, for consideration during the budget process.

Commissioner Kerr seconded by Commissioner Lopez moved to approve Resolution 2023-64 and the TxDOT Advanced Funding Agreement for Voluntary Maintenance for the proposed railroad markings on Bridge Street at Business 83 as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

G. Discussion and consideration of a proposed Memorandum of Agreement (MOA) with The Lower Rio Grande Valley TPDES Stormwater STFP Partnership for a five-year term to assist the city with maintaining compliance with the Texas Commission on Environmental Quality Phase II Stormwater Rules and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana stated The Lower Rio Grande Valley TPDES Stormwater STFP Partnership is an organization that assists local entities to be in compliance of state rules and guidelines set by the Texas Commission on Environmental Quality for municipal discharge into the waterways. The agreement is a five-year partnership ending August 31, 2028 at an annual cost of $18,166.00. Staff recommended approval.

Commissioner Kerr seconded by Commissioner Lopez moved to approve a Memorandum of Agreement (MOA) with The Lower Rio Grande Valley TPDES Stormwater STFP Partnership for a five-year term to assist the city with maintaining compliance with the Texas Commission on Environmental Quality Phase II Stormwater Rules as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

H. Discussion and consideration of approval to purchase a Disc Fine Bubble Aeration System from sole source vendor Sanitaire in the amount of $200,000 and Headworks Equipment from sole source vendor Vulcan in the amount of $104,000 for the proposed equipment replacement for the North Wastewater Treatment Plant and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana stated improvements at the North Wastewater Treatment Plant has been discussed and approved for work for the aeration basin; staff recommended the sole source vendor Sanitaire as the existing diffusers in place are supplied from Sanitaire and have already designed a system that allows the aeration basin to function in concurrence with equipment and design system in place; the sole source vendor Vulcan specializes for the headworks equipment and recommended approval.

In response to Mayor Pro Tem Farias, staff contacted the vendor and confirmed the quote is valid since it is dated June 21, 2023, delivery date for the equipment from Sanitaire is 22-weeks and headworks was 44-weeks and will present at a workshop about bringing water and sewer operations in-house as well as an evaluation of all facilities. In response to Mayor Gonzalez staff stated the process in moving forward was delayed because the consultant hired also wanted to submit a bid for construction of improvements and the City Attorney was concerned and needed to ensure and verify if it could be permitted.

Commissioner Rodriguez seconded by Commissioner Kerr moved to approve to purchase a Disc Fine Bubble Aeration System from sole source vendor Sanitaire in the amount of $200,000 and Headworks Equipment from sole source vendor Vulcan in the amount of $104,000 for the proposed equipment replacement for the North Wastewater Treatment Plant as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

I. Discussion and consideration to authorize staff to solicit Request for Bids (RFB) for parking garage (Villa de Cortez) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Asst. City Manager.)

Andrew Munoz, Asst. City Manager, stated damages were done to the east side of the parking garage by a rental unit; staff procured the site against the threat of falling debris and services of a structural engineer for an analysis of the structure, damages, and cost of repairs; plans were developed, and the cost estimate was $145,000. Staff stated an insurance claim was filed and the carrier requires three quotes. Staff recommended approval to solicit for bids and does not impact the general fund as the city is working with the insurance company of the individual who caused the damages.

Mayor Pro Tem Farias seconded by Commissioner Pedraza moved to approve and solicit Request for Bids (RFB) for parking garage (Villa de Cortez) as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

J. Discussion and consideration on placing a moratorium on the development of duplexes, tri-plexes, four-plexes and apartment complex subdivisions for a period of one year and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Gonzalez and Commissioner Pedraza.)

Juan E. Gonzalez, City Attorney, requested legal consultation in executive session for the item to brief them on case law and statues regarding a moratorium that is a complicated process and any action to be taken in open session.

VIII. EXECUTIVE SESSION

At 6:48 p.m. Commissioner Pedraza seconded by Commissioner Gonzalez Jr. moved to convene the special meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:13 p.m. Mayor Gonzalez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

J. Discussion and consideration on placing a moratorium on the development of duplexes, tri-plexes, four-plexes and apartment complex subdivisions for a period of one year and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Gonzalez and Commissioner Pedraza.)

Commissioner Kerr seconded by Commissioner Lopez moved to table. The motion carried unanimously; Mayor Gonzalez was present and voting.

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. Personnel - Discussion regarding the administrative investigation of the complaint filed by a firefighter as authorized by Section §551.074 of the Texas Government Code.

No action.

C. 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.

D. Real property - Consultation with the City Attorney on the sale, purchase, exchange, lease or value of real property legally described as Lots 9-10, Block 6, Weslaco Original Townsite, located at 118 S. Liberty Street; Lot 14, Block 9, Weslaco Original Townsite, located at 407 Hidalgo Street; Lot 15, Block 9, Weslaco Original Townsite, located at l409 Hidalgo Street; and Lot 13, Block 9, Weslaco Original Townsite, located at TBD Palmas Street, Weslaco, Hidalgo County, Texas as authorized by Section §551.072 of the Texas Local Government Code.

Commissioner Kerr seconded by Mayor Pro Tem Farias moved to approve the sale of real property of Lots 9-10, Block 6, Weslaco Original Townsite (item 2) Lot 14, Block 9, Weslaco Original Townsite, (item 3) and Lot 15, Block 9, Weslaco Original Townsite, (item 4) to R. Cantu Painting for a total amount of $82,000 and the sale of Lot 13, Block 9, Weslaco Original Townsite (item 5) to Zachary Sunderland for $19,000 as discussed in executive session. The motion carried unanimously; Mayor Gonzalez was present and voting.

E. Economic Development - Consultation with the City Attorney regarding financial offer or other incentives for Project Seattle as authorized by Section §551.087 of the Texas Local Government Code.

Commissioner Kerr abstained from discussion and vote.

Mayor Pro Tem Farias seconded by Commissioner Lopez moved to approve the financial offer or other incentives for Project Seattle as discussed in executive session. The motion carried; Commissioner Kerr abstained; Mayor Gonzalez was present and voting.

X. ADJOURNMENT

Commissioner Kerr seconded by Mayor Pro Tem Farias moved to adjourn the special meeting of November 28, 2023, at 8:16 p.m. The motion carried unanimously; Mayor Gonzalez was present and voting.

CITY OF WESLACO

____

Adrian Gonzalez, **MAYOR**

ATTEST:

____

Norma A. Cantu, **CITY SECRETARY**