



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JANUARY 16, 2024**

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, January 16, 2024 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 - DHR Health Oncology Institute
 - 2) Proclamation - Robert Gonzalez, Mid-Valley Youth Soccer Association
 - 3) Proclamation - Law Enforcement Day

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. Engineering Department - status on the North Wastewater Treatment Plant.
- C. Animal Care Services.

IV. PUBLIC HEARING

- A. To solicit input on behalf of Parma Ventures LLC. to rezone 3640 N Texas Blvd., also being 35.932-acre tract out of Farm Tract 109 and 110, West & Adams Tract 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 Parma Ventures LLC. to rezone 3702 N Texas Blvd., also being 2.817-acre tract out of Farm Tract 109, Block 144, West & Adams Tract 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 Tres Pinos Investment Group, LLC. to rezone 311 S Indiana, also being Lot 7, Block 23, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to R-2 Duplex and Apartment District.
- D. To solicit input on behalf of Javier Hinojosa P.E. to rezone 2827 Mile 6 ½ North Rd., also being 14.19 acres out of Farm Tract 648 and 649, West Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to R-2 Duplex and Apartment District.
- E. To solicit input on behalf of Cynthia Mae Gonzalez and Dominique Contreras to approve a Conditional Use Permit to operate an Event Center, at 205 E Business 83 Suite A, also being Lot 1 & 2, Block 27, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas.
- F. To solicit input on behalf of Mariscos El Muelle LLC. to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, at 2219 N Texas Blvd., also being Lots 1 & 2 Colonia San Francisco De Weslaco Subdivision, Weslaco, Hidalgo County, and Texas.
- G. To solicit input on behalf of City of Weslaco to approve the purpose of the temporary moratorium pertaining to recent applications for duplexes, triplexes, fourplexes and multifamily residential development.

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 January 2, 2024
(Staffed by City Secretary Department.) Attachment.
- B. Approval of the six-month extension for the Final Plat for Dominion Subdivision being a 20-acres out of Farm Tracts 164, Block 178, West Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 700 ft. east of Midway Rd on Pike Blvd. and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval of the Assistant City Manager as an authorized signatory on FEMA and FMA grant related documents and authorize the Mayor to execute any related documents. (Staffed by Assistant City Manager.)

VI. APPOINTMENTS

- A. Discussion and consideration on Resolution 2024-02 appointing one Civil Service Commission Member to fill a vacancy for an unexpired term ending July 19, 2025, as a result of a resignation and re-appointing one member for a term set to expire February 17, 2024, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Parma Ventures LLC. on Ordinance 2024-02 to rezone 3640 N Texas Blvd., also being 35.932-acre tract out of Farm Tract 109 and 110, West & Adams Tract 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 2024-02. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration after public hearing on behalf of Parma Ventures LLC. on Ordinance 2024-03 to rezone 3702 N Texas Blvd., also being 2.817-acre tract out of Farm Tract 109, Block 144, West & Adams Tract 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 2024-03. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Discussion and consideration after public hearing on behalf of Tres Pinos Investment Group, LLC. on Ordinance 2024-04 to rezone 311 S Indiana, also being Lot 7, Block 23, 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 2024-04. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

- D. Discussion and consideration after public hearing on behalf of Javier Hinojosa, P.E. on Ordinance 2024-05 to rezone 2827 Mile 6 ½ North Rd., also being 14.19 acres out of Farm Tract 648 and 649, West Tract 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 2024-05. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- E. Discussion and consideration after public hearing on behalf of Cynthia Mae Gonzalez and Dominique Contreras to approve a Conditional Use Permit to operate an Event Center, at 205 E Business 83 Suite A, also being Lot 1 & 2, Block 27, 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.
- F. Discussion and consideration after public hearing on behalf of Mariscos El Muelle LLC. to approve a Conditional Use Permit to obtain a Mixed Beverage Permit, at 2219 N Texas Blvd., also being Lots 1 & 2, Colonia San Francisco De Weslaco 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 City of Weslaco to approve the purpose of the temporary moratorium pertaining to recent applications for duplexes, triplexes, fourplexes and multifamily residential development and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- H. Discussion and consideration to approve the Final Plat for El Farito Estates Subdivision being 17.15 acre out of Farm Tract 299, Block 158, West Tract Subdivision, Weslaco, Hidalgo County, Texas located on the south side of Mile 13 North Road, ½ mile east of Mile 6 West and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- I. Discussion and consideration to approve the Final Plat for Milanos Estates Phase IV Subdivision being 20.00 acre out of Farm Tracts 716, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Located approximately 500 feet south from the intersection of Mile 5 ½ West Road and Mile 6 ½ West Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- J. Discussion and consideration to approve the Final Plat for Sierra Verde Estates Subdivision being 25.0 acre out of Lots 15, and 16, Block 147, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located on the northwest corner of Mile 4 West Road and Mile 12 North Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)

Attachment.

- K. Discussion and consideration to approve the variance request to Section 26-34(a) for Monte Cielo Subdivision Phase I being 33.97-acres out of Farm Tract 214, West Tract Subdivision out of Llano Grande Grant, Weslaco, Hidalgo County, Texas. Located approximately 2,500 ft. south of Mile 10 North on the east side of Mile 6 ½ West and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- L. Discussion and consideration on Ordinance 2024-06 to amend Ordinance 2013-22, to create water rights, the City of Weslaco Subdivision Ordinance; codified as Appendix B of the Weslaco Code of Ordinances, adopting new regulations; and ordaining other matters with respect to the subject hereof and authorize the Mayor to execute any related documents. First reading of Ordinance 2024-06. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- M. Discussion and consideration on the repair of Unit 564 Engine 3 with vendor French Ellison Truck Center, in the amount of \$33,218.63 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.
- N. Discussion and consideration on the request from the Texas International Produce Association for a letter of support for water delivery from Mexico under the 1944 Water Treaty and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.
- O. Discussion and consideration to amend the City of Weslaco's Water Conversation Plan and authorize the Mayor to execute any related documents. Possible action. (Staffed by Asst. City Manager.) Attachment.
- P. Discussion and consideration of purchasing a new model 2025 Freightliner XT Pro 56 Forestry Truck per sales quote QU17225 from vendor Custom Truck One Source under Southwell Contract 110421-TER, for an amount not to exceed \$172,839 as budgeted and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.
- Q. Discussion and consideration to purchase one new model 2024 GMC Sierra 2500HD 2 wheel drive double cab Truck with service body and Tommy gate lift from vendor Gunn Auto Group under TX Buy Board Contract 724-23 for an amount not to exceed \$64,114 as budgeted by the Building Maintenance Department and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.
- R. Discussion and consideration on presentation of the proposal from Boultinghouse Simpson Gates, and consideration of approval to move to the construction phase within the New Library/Library Renovation Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Library Department.) Attachment.

- S. Discussion and consideration to award the Employee Assistance Program (EAP) to the best qualified and most advantageous bidder and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.
- T. Discussion and consideration to approve a cost of living (COLA) increase for all non-civil service City employees and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.
- U. Discussion and consideration adopting the proclamation "It's Time Texas Community Challenge" by proclaiming "Weslaco Community Challenge Day" and community leaders pledging support for a healthy community and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Relations Officer.) 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 a 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 *suit styled C-0027-24-M, Weslaco Firefighters Association vs. The City of Weslaco, Texas and Martin*

Garza in his official capacity as Weslaco City Manager as authorized by Section §551.071 of the Texas Government Code.

- D. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by Section §551.071 of the Texas Government Code.
- E. Real Property - Consultation with City Attorney on the acquisition, sale, exchange, lease or value of real property being 25 acres out of 53.97 acres of land out of Farm Tracts 807 and 808, Block 139, West Tract Subdivision, Weslaco Hidalgo County, Texas as authorized by Section §551.072 of the Texas Local Government Code.
- F. Real Property - Consultation with City Attorney on the sale of real property located at Mid Valley Airport, 1909 Joe Stephens relating to Hanger B from Sky King Aviation Inc. as authorized by Section §551.072 of the Texas Government Code.
- G. Economic Development - Consultation with the City Attorney regarding financial offer or other incentives for Project Free Fall as authorized by Section §551.087 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 12th day of January 2024 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”.