MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
APRIL 2, 2024

On Tuesday, April 2, 2024, at 5:30 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular 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	JP Rodriguez
	Commissioner	Letty Lopez
	Commissioner	Israel Gonzalez Jr.
	Commissioner	Greg Kerr
ABSENT:	Commissioner	Josh Pedraza
STAFF PRESENT:	Martin Garza	City Manager
	Norma A. Cantu	City Secretary
	Juan E. Gonzalez	City Attorney

Also present: Aida Vega, Deputy City Secretary, Rosie Cavazos, Finance Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, MariCarmen Garcia, Asst. Library Director, Luz Galindo, HR Director, Albert Aldana, City Engineer, Antonio Lopez, Fire Chief, Joel Rivera, Police Chief, David Arce, Public Works Director, Rick Mendoza, IT Director, Rosa Badillo, Court Coordinator, 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 Thursday, March 28, 2024.

B. Invocation.

Pastor Elias Garza from Calvary Christian Center Church led the invocation.

C. Pledge of Allegiance.

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

D. Roll Call.

Norma A. Cantu, City Secretary, called the roll noting the absence of Commissioner Pedraza and a quorum present.

E. Mayoral recognition.

1) Proclamation/Recognition - Elizabeth M. Walker

Mayor Gonzalez honored the memory, legacy and dedication of former Assistant City Manager and City Secretary Elizabeth M. Walker.

2) Proclamation/Recognition - Richard Stubbs, retirement

Mayor Gonzalez recognized and congratulated Captain Richard Stubbs on his retirement after the twenty-seven years of service to the City of Weslaco Fire Department.

3) Recognition of Weslaco High School Dreamettes.

Mayor Gonzalez recognized the accomplishment of the Weslaco High School Dreamettes attaining National Grand Champion status at the Showtime International Regional Competition on March 9, 2024.

II. PUBLIC COMMENTS

None.

III. REPORTS

A. Weslaco Economic Development Corporation.

Steve Valdez, EDC Executive Director, reported on the RGV Partnership Weslaco Commercial and Investment Tour that had 80 attendees; Texas Roadhouse to open in May; McDonalds broke ground in March (on FM1015) and hoped to open by June; a third Starbucks near the Neighborhood Walmart coming soon; staff continues to work with downtown merchants on matters of concerns; working with Workforce Solutions to host a "Second Chance Job Fair" target audience is to help those individuals that have been through the criminal justice as well as open to all the community; working with Governors Office in having an event known as Governors Small Business Summit in Weslaco with 180 registered for the event.

B. Weslaco Chamber of Commerce & Visitor Center.

Barbara Jean Garza, President/CEO, stated the Texas Onion Fest was one of the biggest event held this year; presented the destination marketing report expenditures for March 2024 totaled $16,069; visitors for the month was 1,825 that included voters; went over upcoming events and ribbon cuttings; Glazers Ribbon cutting is tentatively scheduled for April 24 at 10am; presented community events noting their Annual Weslaco Awards had Teddy's Barbecue, Business of the Year; Cynthia Benavides, Woman of the Year; Daniel Montez, Man of Year and Randy Summers Lifetime Achievement; Weslaco Royal Pageant had six new Royals named; an upcoming event was the Weslaco Job Fair and promoting the solar eclipse viewing by passing out goody bags to the community that has solar glasses and other items to enjoy.

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 and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item(s) will be removed from the consent agenda by the Mayor, a Commission member or the City Manager and will be considered separately.

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

1) Ordinance 2024-10 repealing Ordinance 86-11 and adopting the Mid-Valley Rules and Standards for the Weslaco Mid-Valley Airport and authorize the Mayor to execute any related documents. (First reading held March 19, 2024; staffed by Airport Department.)

B. Approval on Resolution 2024-43 to apply for the Wal-mart Foundation Community Grant from Wal-mart 1041 in the amount of $5,000 to support police community programs and authorize the Mayor to execute any related items. (Staffed by the Police Department.)

C. Approval on Resolution 2024-44 to apply for the Wal-mart Foundation Community Grant from Wal-Mart 6159 in the amount of $2,000 to support police community programs and authorize the Mayor to execute any related items. (Staffed by the Police Department.)

D. Approval on Resolution 2024-45 to submit an application for funding assistance made available through FY2023 Staffing for Adequate Fire and Emergency Response (SAFER) from the Department of Homeland Security and FEMA and authorize the Mayor to execute any related documents. (Staffed by City Grant Writer and Fire Chief.)

Mayor Gonzalez requested item D be withheld for discussion.

Commissioner Kerr seconded by Commissioner Rodriguez moved to approve consent agenda withholding item D as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

D. Approval on Resolution 2024-45 to submit an application for funding assistance made available through FY2023 Staffing for Adequate Fire and Emergency Response (SAFER) from the Department of Homeland Security and FEMA and authorize the Mayor to execute any related documents. (Staffed by City Grant Writer and Fire Chief.)

Antonio Lopez, Fire Chief, stated with assistance from the grant writer’s office, staff requested approval to apply for the SAFER Grant; is a federal grant and very competitive throughout the united states that fire departments seeking funding sources for staffing. Staff recommended approval and the request is for six positions that is a cost share over a three period if awarded.

Commissioner Lopez seconded by Commissioner Gonzalez Jr. moved to approve Resolution 2024-45 to apply for funding assistance made available through FY2023 Staffing for Adequate Fire and Emergency Response (SAFER) from the Department of Homeland Security and FEMA. The motion carried unanimously; Mayor Gonzalez was present and voting.

For the record following is the caption of Ordinance 2024-10.

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY OF WESLACO ADOPTING RULES AND STANDARDS FOR THE MID VALLEY AIRPORT, PROVIDING FOR AMENDMENTS TO THE RULES AND STANDARDS, PROVIDING A SEVERABILITY CLAUSE; TO PROVIDE FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTIES 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. NEW BUSINESS

A. Discussion and consideration to approve an Interlocal Agreement between the City of Weslaco and City of Mercedes for Sanitary Sewer and Water services for Camino de Verdad Phase II and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department.)

Rebekah de la Fuente, Planning and Code Enforcement Director, stated the proposed subdivision is outside city limits and in the ETJ of Weslaco as well as some areas are outside the city's CCN's for water and sanitary sewer; the development is within Mercedes city limits and CCN's for utilities, but they do not currently have any utilities in the area. The proposed agreement will allow Weslaco to provide utilities for the development until Mercedes is able to extend their services to this area. The City Attorney has reviewed and approved the verbiage within the agreement.

Commissioner Lopez seconded by Commissioner Rodriguez moved to approve an Interlocal Agreement between the City of Weslaco and City of Mercedes for Sanitary Sewer and Water services for Camino de Verdad Phase II as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

B. Discussion and consideration on the petition from Garvic Properties, LP for the release of Milanos Estates Phase II, III and IV real property located in the City's Extraterritorial Jurisdiction and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

Rebekah de la Fuente stated the proposed subdivisions are located outside the city limits of Weslaco but are currently located in the City's ETJ; final plat approval for Phase II and III was received in prior commission action and Phase IV is under construction; City provides water and sanitary sewer for all three phases of the subdivision; owner requested removal from the city's ETJ pursuant to Senate Bill 2038 which came into effect on September 1, 2023. Staff recommended approval based on Senate Bill 2038.

In response to Mayor Gonzalez and Commissioner Kerr, the bill removes all authority from the city, but the city has authority over water and sewer lines that belong to the city. The City Attorney stated this is a new law and the bill does not allow for any discretion, so long as the owner files a petition with the city from removal of a city's ETJ. Staff also reached out to TML who opined the same and noted the city can control the construction of water and sewer lines and if the city was to issue building permits it would be under the authority of a Development Agreement that would be between the City and the Developer.

Commissioner Kerr seconded by Commissioner Lopez moved to approve the petition from Garvic Properties, LP for the release of Milanos Estates Phase II, III and IV real property located in the City's Extraterritorial Jurisdiction as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

<u>C. Discussion and consideration on the petition from DASC Investments LLC for the release of Highland Manor Phase III real property located in the City's Extraterritorial Jurisdiction and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)</u>

Rebekah de la Fuente stated the proposed subdivision is located outside city limits and currently located in the City's ETJ; final plat approval was received in prior commission action and under construction under Hidalgo County jurisdiction; no utilities are provided from the city and supplied with water from North Alamo Water Supply Corp. (NAWSC) and sanitary sewer through on-site sewage facility (OSSF). The owner requested removal from the city's ETJ pursuant to Senate Bill 2038. Staff recommended approval based on Senate Bill 2038.

Commissioner Lopez seconded by Commissioner Kerr moved to approve the petition from DASC Investments LLC for the release of Highland Manor Phase III real property located in the City's Extraterritorial Jurisdiction as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

Mayor Pro Tem Farias entered the meeting.

<u>D. Discussion and consideration on Ordinance 2024-11 adopting a 50% property tax exemption for qualifying child-care facilities in accordance with Senate Bill 1145 and authorize the Mayor to execute any related documents. First reading of Ordinance 2024-11. Possible action. (Staffed by City Manager.)</u>

Martin Garza, City Manager, stated the ordinance was in response to previous commission approval to allow an exemption of property tax for child-care facilities in accordance with the voter's approval of Proposition 2 from an election held November 7, 2023. Staff recommended approval to adopt the ordinance allowing a 50% property tax exemption for qualifying child-care facilities.

Commissioner Kerr seconded by Commissioner Lopez moved to approve Ordinance 2024-11 adopting a 50% property tax exemption for qualifying child-care facilities as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

E. Discussion and consideration on renewal of the agreement with Armando Martinez dba M-5 Texas Enterprises LLC Consulting Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Asst. City Manager.)

Andrew Munoz, Assistant City Manager, requested no action as components of the agreement are being negotiated.

In response to Mayor Pro Tem Farias, Andrew Munoz stated performance measures were being looked at such as a schedule of when trainings are being done (dates) in the calendar year; fire personnel are mandated to attend because it is part of their certification requirements and moving forward contracts/agreements will have this standard language.

No action.

F. Discussion and consideration accepting, replacing and using the following Weslaco Mid-Valley Airport Lease Agreements:

A) Third Party Development and Ground Lease.
B) Third Party Lease of City Owned Facilities - Non-Aeronautical.
C) Third Party Lease of City Owned Facilities - Aeronautical.
and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)

Andrew Munoz stated when revisions to the templates of lease agreements are done staff presents them for approval to the Airport Advisory Board and City Commission for review and consensus of the lease templates that become a part of the negotiating process with any tenant; currently there are only ground and facility use agreements and nothing in place for the use of airport and have integrated non-aeronautical and aeronautical use of the facility and improvements of the airport; consultants assisted in the changes to the lease agreements that are in compliance with FAA and TxDOT regulations. The Airport Advisory Board and staff recommended approval.

Commissioner Kerr seconded by Mayor Pro Tem Farias moved to approve, accept and replace the Third-Party Development and Ground Lease, Third Party Lease of City Owned Facilities - Non-Aeronautical and Third-Party Lease of City Owned Facilities - Aeronautical airport lease agreements as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

G. Discussion and consideration to solicit Request for Bids (RFB) for security services at the Weslaco Mid-Valley Airport and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)

Andrew Munoz stated with the growth of the airport, there has been an increase in airport operations especially after hours; currently Weslaco PD provides patrol that has increased around the airport because of activity; spoke with Police Chief and acknowledged the need for security is becoming a necessity. Staff requested to solicit bids for these services and to allow for the remainder of the year part-time security services. Staff during the budget process will request for monies for security services personnel (24/7) for airport operations because of growth and afterhours activity. Staff recommended approval.

Commissioner Lopez seconded by Commissioner Rodriguez moved to approve and solicit Request for Bids (RFB) for security services at the Weslaco Mid-Valley Airport as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

H. Discussion and consideration to solicit Statement of Qualifications (SOQ) for Engineering Services to conduct a Feasibility Study, Environmental Determination, Design Services, Grant Administration and Construction Bid Documents for the proposed Runway and Parallel Taxiway expansion for the Weslaco Mid-Valley Airport and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)

Andrew Munoz stated in discussions with TXDOT-Aviation regarding improvements at the airport specifically the proposed runway and parallel taxiway expansion, staff was advised and recommended to use the city's years 3, 4 and 5 of the BIL/IIJA (ARPA funds for airports) for the engineering services to conduct a feasibility study, environmental determinations, grant administration, engineering design services, and the development of construction/bid documents. Staff recommended approval as it will expedite process and is a cost savings to the city time in moving forward for these improvements and noted TXDOT will reimburse cost at a 90/10 ratio.

Commissioner Kerr seconded by Commissioner Lopez moved to approve and solicit Statement of Qualifications (SOQ) for Engineering Services to conduct a Feasibility Study, Environmental Determination, Design Services, Grant Administration and Construction Bid Documents for the proposed Runway and Parallel Taxiway expansion for the Weslaco Mid-Valley Airport as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

For the record a committee is composed of Homer Rhodes, Andrew Munoz, Randy Summers, Chairperson for the Airport Advisory Board, Albert Aldana and representative from the commission. Mayor Gonzalez stated he would get back with staff on the commissioner.

I. Discussion and consideration to declare old and expired fire equipment as surplus, such as end of life bunker gear, helmet, pants, boots, coats and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Antonio Lopez, Fire Chief, stated an inventory of had been done of fire equipment that had reached end of life use for bunker gear, helmet, pants, boots and coats. Staff recommended approval to declare the fire equipment as surplus.

Commissioner Kerr seconded by Commissioner Lopez moved to approve and declare old and expired fire equipment as surplus, such as end of life bunker gear, helmet, pants, boots, coats as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

J. Discussion and consideration to donate old fire equipment declared as surplus (bunker gear, coats, helmets, pants, boots) to sister city Rio Bravo Fire Department and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Antonio Lopez recommended to donate the fire equipment declared as surplus in the previous item that consisted of 10 helmets, 10 pants, 10 boots, and 10 coats. Staff recommended to donate the item's to our Sister City Rio Bravo Fire Department that is much needed. Staff recommended approval.

Commissioner Kerr seconded by Commissioner Lopez moved to approve and donate old fire equipment declared as surplus (bunker gear, coats, helmets, pants, boots) to sister city Rio Bravo Fire Department as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

Mayor Gonzalez changed the order of day and introduced items L and M. There was no objection.

<u>L. Discussion and consideration to award HGAC Buy Contract Number RC01-21 to vendor IPL North America Inc. for the purchase of 715 residential Omnicart trash bins for an amount not to exceed $36,443 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Solid Waste Division.)</u>

David Arce, Public Works Director, stated more residential containers were needed; currently there was about 120 bins in back stock; delivery is 6-7 weeks to arrive; is the third order of replenishment from the initial order of all new bins. Staff recommended approval to order 715 to maximize the freight charges and a budget will be required.

Commissioner Kerr seconded by Commissioner Lopez moved to approve and award HGAC Buy Contract Number RC01-21 to vendor IPL North America Inc. for the purchase of 715 residential Omnicart trash bins for an amount not to exceed $36,443as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

<u>M. Discussion and consideration to increase the original purchase order 22-2432 for the residential garbage truck from April 2022 from Rush Enterprises to an amount not to exceed $7,900 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Solid Waste Division.)</u>

Mayor Pro Tem Farias and Commissioner Rodriguez abstained from discussion and vote.

David Arce stated that notice was sent because of an increase in materials, the Automatic Side Loader originally ordered at a cost $336,291 was now $343,963.89 for a difference of $7,672.89; truck has been on order since approved April 2022. Staff recommended approval to increase the original purchase order 22-2432 for the residential garbage truck from Rush Enterprises.

Commissioner Kerr seconded by Commissioner Lopez moved to approve to increase the original purchase order 22-2432 for Rush Enterprises for an amount not to exceed $7,900 as presented. The motion carried; Mayor Pro Tem Farias and Commissioner Rodriguez abstained; Mayor Gonzalez was present and voting.

<u>K. Discussion and possible action after interviews with the firms that submitted for consideration of the City of Weslaco Alton Landfill Post-Closure Care Monitoring (RFQ No. 2023-24-15) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)</u>

David Arce stated on March 7, 2024 statements of qualifications from three firms were submitted being Raba Kistner, Terracon Consultants and Weaver Consultants Group; all firms were in attendance to make a 10-minute interview with each firm followed by a question and answer; order of interviews was determined with Terracon, Raba-Kistner and Weaver with no objection from the firms and would wait in lobby until they were up to present. Staff provided a ranking to determine the firms ranking from the commission. The recommendation from staff would be selection of a firm and approval to negotiate an agreement.

Each firm presented their qualifications all reviewing their team players roles and expectations, project experience, office locations, working relationships with regulatory agencies, knowledge of field activities for landfills and other support services offered.

After a brief question and answer with each firm rankings were submitted and calculated by staff. David Arce stated rankings showed Weaver Consultants as 3, Terracon Consultants 2, and Raba Kistner 1.

Commissioner Kerr seconded by Commissioner Lopez moved to approve staff negotiate an agreement with Raba Kistner for the City of Weslaco Alton Landfill Post-Closure Care Monitoring and back to the commission for approval as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

VI. EXECUTIVE SESSION

At 7:15 p.m. Mayor Pro Tem Farias seconded by Commissioner Lopez moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Gonzalez was present and voting.

At 8:40 p.m. Mayor Gonzalez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

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. Real Property - Consultation with City Attorney on the acquisition, sale, exchange, lease or value of real property located on 18th St, west of Pleasantview Drive described as being 12.16 acres of land out of a gross 14.82-acre tract of land out of Farm Tract 706, West Tract Subdivision, Weslaco, Hidalgo County, Texas as authorized by Section §551.072 of the Texas Local Government Code.

No action.

C. Real Property - Consultation with the City Attorney regarding the purchase, exchange, lease or value of real property legally described as the South 12.50' of Lot 3 and Lots

4-9, Block 26, Weslaco Original Townsite, Subdivision, Weslaco, Hidalgo County, Texas as authorized by Section §551.072 of the Texas Government Code.

No action.

D. Real Property - Consultation with the City Attorney regarding the purchase, exchange, lease or value of real property legally described as the West Tract being an irregular tract of land out the N 416'-S435.45'-E671.78' FT 53 3.84 AC, Weslaco, Hidalgo County, Texas as authorized by Section §551.072 of the Texas Government Code.

No action.

E. Legal Consultation - Consultation with City Attorney relating to potential litigation regarding the claim against PNC Bank as authorized by Section §551.071 of the Texas Government Code.

No action.

F. Legal Consultation - Consultation with City Attorney relating to potential claim(s) on Villa de Cortez Parking Structure as authorized by Section §551.071 of the Texas Government Code.

Commissioner Lopez seconded by Commissioner Kerr moved to authorize staff and City Attorney to settle claim against TML regarding Villa de Cortez Parking Structure as discussed in executive session. The motion carried unanimously; Mayor Gonzalez was present and voting.

G. Legal Consultation - Consultation with City Attorney on personnel matters relating to the fire department as authorized by Section §551.071 of the Texas Government Code.

Commissioner Kerr seconded by Commissioner Lopez moved to authorize staff and City Attorney to proceed on personnel matters as discussed in executive session. The motion carried unanimously; Mayor Gonzalez was present and voting.

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

Commissioner Kerr abstained from discussion and vote.

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

VIII. ADJOURNMENT

Commissioner Kerr seconded by Commissioner Rodriguez moved to adjourn the regular meeting of April 2, 2024 at 8:44 p.m. The motion carried unanimously; Mayor Gonzalez was present and voting.

CITY OF WESLACO

Adrian Gonzalez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**