STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, September 13, 2021**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Omar Quintanilla, Commissioner Tania Ramirez, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Staff: City Manager Roy Rodriguez, City Attorney Isaac Tawil, Assistant City Manager Michelle Rivera, Assistant City Manager Jeff Johnston, Assistant City Manager Joe Vera, City Secretary Perla Lara, City Engineer Yvette Barrera, Planning Director Edgar Garcia, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

PRESENTATION

RECOGNITION OF THE CITY OF MCALLEN OFFICE OF COMMUNICATIONS

McAllen Office of Communications Staff was recognized.

PROCLAMATIONS

NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

Commissioner Omar Quintanilla read and presented a proclamation for National Day of Remembrance for Murder Victims.

DEAF AWARENESS MONTH

Commissioner Tania Ramirez read and presented a proclamation for Deaf Awareness Month.

AGENDA ITEM PUBLIC COMMENT (INDIVIDUALS WISHING TO SPEAK REGARDING AN AGENDA ITEM ON TODAY'S AGENDA, PLEASE CONTACT CITY SECRETARY BEFORE 5:00PM)

1. PUBLIC HEARING

Mayor Javier Villalobos called the Public Hearing to order.

A) ROUTINE ITEMS: (ALL REZONINGS AND CONDITIONAL USE PERMITS LISTED UNDER THIS SECTION COME WITH A FAVORABLE RECOMMENDATION FROM THE PLANNING & ZONING COMMISSION AND WILL BE ENACTED BY ONE MOTION. HOWEVER, IF THERE IS OPPOSITION AT THE MEETING OR A DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE ROUTINE ITEMS SECTION OF THE AGENDA AND WILL BE CONSIDERED SEPARATELY.)

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the items listed on the Routine Items section of the agenda and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

1. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 0.14 ACRES OUT OF LOT 6, BLOCK 4, HIDALGO CANAL COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 6416 SOUTH 10th STREET.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to table said item and seconded by Commissioner Antonio "Tony' Aguirre, Jr.

2. REQUEST OF MELDEN & HUNT, INC., ON BEHALF OF VAQUERO WARE PARTNERS, LP, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A GASOLINE SERVICE STATION AT THE 1.421 ACRES OUT OF THE LOT 1, WARE ROAD INVESTMENTS SUBDIVISION, AND LOT 76, R.E. HORN'S ADDITION TO MCALLEN FIRST SUBURBAN CITRUS GROVES SUBDIVISION, HIDALGO COUNTY, TEXAS; 1520 S. WARE ROAD.

Staff recommended approval of the Conditional Use Permit, for life of the use, for a gasoline service station at 1520 S. Ware Road, as per Planning and Zoning Commission.

The use must comply with Section 138-257 – 138-261 and 138-167 of the Zoning Ordinance and specific requirements as follows:

1) Activities are limited to sale of gasoline, oil, and minor accessories and incidental services;
2) Ingress or egress shall not be permitted at locations where it will tend to create traffic hazards. Entrances shall not be permitted within 25 ft. of a street intersection. Two curb cuts exist along U.S. Expressway 83 and S. Ware Road and another is prosed on the north along S. Ware Road;
3) Front yard building setbacks, not including gas pumps or driveway covers (canopy), shall be 60 feet. Proposed setbacks are approximately 53 feet to the rear, 148 feet facing U.S. Expressway 83, 54 feet facing S. Ware Road, and 114 feet on the north side;
4) All lighting shall be shielded from adjacent residential districts;
5) A 6 ft. opaque buffer shall be provided where abutting or adjacent to residential districts. However, section 110-49 (a) Vegetation Ordinance requires a masonry screen eight ft. in height where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone. The property does not about a residential district;
6) Gasoline service stations that have facilities for the repair or servicing of automobiles shall be a minimum of 13,000 square feet. Retail outlets for gasoline, oil, and minor accessories, without repair facilities, may be permitted on lots less than 13,000 square feet. The lot size is approximately 1.421 acres (218,990 square feet);
7) Gas pumps/islands shall be set back at least 13 ft. from the property line or 18 ft. from the curb, whichever is greater. Gas pumps will be approximately 53 ft. from the property line on U.S. Expressway 83 and 37 ft. from the property line on S. Ware Road.
8) Gas pump canopy shall be set back at least 9 ft. from the property line or 10 ft. from the curb, whichever is greater. Gas pump canopy is approximately 53 ft. from the property line on U.S. Expressway 83 and 37 ft. from the property line on S. Ware Road; and
9) Gas pumps shall not be located within 100 ft. of a residential district. Gas pumps are not located within 100 ft. of a residential district.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the Conditional Use Permit and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

B) REZONINGS:

1. INITIAL ZONING TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: LOTS 5 AND 6, RESUBDIVISION OF LOTS 46-11 & 46-12, WEST ADDITION TO SHARYLAND SUBDIVISION, HIDALGO COUNTY, TEXAS; 10100 NORTH BRYAN ROAD. (WITHDRAWN)

Said item was withdrawn.

2. INITIAL ZONING TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 17.043 ACRES OUT OF LOT 445, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 9000 NORTH SHARY ROAD. (TABLED) (WITHDRAWN)

Said item was withdrawn.

3. INITIAL ZONING TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 18.298 ACRES OUT OF LOT 445, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 9400 NORTH SHARY ROAD. (TABLED) (WITHDRAWN)

Said item was withdrawn.

C) CONDITIONAL USE PERMITS:

1. REQUEST OF MARIO A. REYNA, ON BEHALF OF RIVERSIDE DEVELOPMENT SERVICE, LLC, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PLANNED UNIT DEVELOPMENT AT THE 26.663 ACRE TRACT OF LAND OUT OF LOT 45 AND 52, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 8300 NORTH WARE ROAD. (TABLED)

Commissioner Victor "Seby" Haddad moved to remove said item from the table and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

Commissioner Antonio "Tony" Aguirre, Jr., announced that he had a conflict with item 1C1 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Staff recommended approval of the Conditional Use Permit, for life of the use, for a planned unit development at 8300 North Ware Road.

The request must comply with requirements set forth in the Zoning and Subdivision ordinance. Specific modifications required for approval are the following:

1) Request variance to allow a lot width less than 50 ft. for 71 proposed lots: 58-64, 66-68, 71, 74-79, 88, 91-95, 99-103, 107-118, 120-126, 128-137, 143-147, 151, 156-158, and 168-172.
2) Request variance to allow a driveway width less than 18 ft. for lots 90, 123 and 170
3) Request variance to allow maximum height to be 30 ft. instead of the 25 ft. required

Mayor Pro Tem Joaquin Zamora moved to approve the conditional use permit as recommended and seconded by Commissioner Victor "Seby" Hadadd. The motion passed with 5 votes in the affirmative with Commissioner Antonio "Tony" Aguirre Jr., in abstention.

D) AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN.

No action required.

E) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF 17.043 ACRES OUT OF LOT 445, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 9000 NORTH SHARY ROAD. (TABLED) (WITHDRAWN)

Said item was withdrawn.

F) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF 18.298 ACRES OUT OF LOT 445, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 9400 NORTH SHARY ROAD. (TABLED) (WITHDRAWN)

Said item was withdrawn.

G) PUBLIC HEARING ON THE CITY OF MCALLEN'S PROPOSED BUDGET FOR FISCAL YEAR 2021-2022.

Mayor Javier Villalobos called the Public Hearing to order.

Nedra Kinerk spoke in favor of the budget.

END OF PUBLIC HEARING

Mayor Javier Villalobos declared the Public Hearing closed.

2. CONSENT AGENDA (ALL MATTERS LISTED UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE GOVERNING BODY AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS; HOWEVER, IF DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda and Commissioner Tania Ramirez seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES OF BUDGET WORKSHOPS HELD AUGUST 10th, AUGUST 11th , AUGUST 17th, RETREAT HELD AUGUST 18th, WORKSHOP AND REGULAR MEETING HELD AUGUST 23, 2021.

Approved the Minutes of Budget Workshops held August 10th, August 11th, August 17th , Retreat held August 18th, Workshop and Regular Meeting held August 23, 2021, as submitted.

B) CONSIDERATION AND AUTHORIZATION TO REMOVE 1ST AND 2ND QUARTER OF FISCAL YEAR 2020-21 UNCOLLECTIBLE SANITATION & DRAINAGE FEE ACCOUNTS FROM THE GENERAL LEDGER AND BEGIN WRITE-OFF PROCEDURES.

Approved authorization to remove 1st and 2nd Quarter of Fiscal Year 2020-2021 Uncollectible Sanitation and Drainage Accounts from General Ledger and begin Write -Off procedures.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 AND FINAL FOR THE GARDENIA AVENUE AT 12th STREET DRAINAGE IMPROVEMENTS PROJECT.

Approved Change Order No. 2 and Final in the net amount of $(15,474) for the Gardenia Avenue at 12th Street Drainage Improvements Project.

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 9 FOR BICENTENNIAL BOULEVARD EXTENSION ROADWAY AND DRAINAGE IMPROVEMENTS FROM TRENTON ROAD TO SH107.

Approved Change Order No. 9 for the addition of 44 working days to the contract for the Bicentennial Extension Roadway and Drainage Improvements from Trenton Road to SH 107 Project.

E) AWARD OF CONTRACT FOR THE PURCHASE OF A CHILLER COMPRESSOR FOR THE CITY OF MCALLEN LIBRARY.

Awarded a contract to Daikin in the amount of $63,500.00 for the Purchase and Installation of a Chiller Compressor for the City of McAllen Library.

F) AWARD OF CONTRACT FOR THE 2021 PAVEMENT PRESERVATION PROJECT.

Awarded a contract to Pavement Restoration Inc. in the amount of $115,075.90 for the 2021 Pavement Preservation Project with a contract time of 12-working days.

G) RESOLUTION AUTHORIZING THE SUBMISSION OF ACCEPTING AN AMENDED GRANT APPLICATION TO THE SMALL BUSINESS ADMINISTRATION, UNDER THE FISCAL YEAR 2021 SHUTTER VENUE OPERATORS GRANT.

Approved a resolution authorizing the submittal of acceptance of an amended grant application to the Small Business Administration, under the Fiscal Year 2021 Shutter Venue Operators Grant.

H) RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FEDERAL AVIATION ADMINISTRATION (FAA) AIRPORT IMPROVEMENT PROGRAM (AIP) NO. 56 GRANT FOR THE RUNWAY 14-32 & TAXIWAY A SAFETY IMPROVEMENTS.

Approved a resolution authorizing the acceptance of the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) No. 56 Grant for the Runway 14-32 & Taxiway A Safety Improvements.

I) CONSIDERATION AND APPROVAL TO REMOVE UNCOLLECTIBLE TAX ACCOUNTS FROM DELINQUENT TAX ROLL.

Approved the removal of Uncollectible Tax Accounts from the Delinquent Tax Roll.

J) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1.FNA VI LLC

Approved a tax refund in the amount of $500.01.

2.MIDLAND LOAN SERVICES

Approved tax refunds in the amounts of $12,551.26 and $12,390.03.

3.SMV MCALLEN RETAMA LP

Approved tax refunds in the amounts of $762.39 and $1,651.94.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR INVESTMENT ADVISORY SERVICES.

Staff recommended Award of Contract to Patterson & Associates, for a flat fee of $48,000.00 per year, for 3 years commencing October 1, 2021, and providing for two additional one-year extension renewals, for Investment Advisory Services.

Discussion ensued. Comments and concerns were addressed by Council. Questions were asked relating to past relationship, 2nd firm and cost and resources available. Questions posed by council were answered.

After due consideration, Commissioner Antonio "Tony" Aguirre, Jr. moved to award the contract as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

B) AWARD OF CONTRACT FOR THE PURCHASE OF EIGHTY (80) NEW ELECTRIC GOLF CARTS FOR PALM VIEW GOLF COURSE.

Staff recommended award of contract to Yamaha Golf Car Company in the amount of $227,318.50, for the Purchase of eighty (80) New Electric Golf Carts for Palm View Golf Course.

Commissioner Tania Ramirez moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

C) AWARD OF CONTRACT FOR THIRD PARTY ADMINISTRATIVE SERVICES FOR WORKER'S COMPENSATION CLAIMS MANAGEMENT.

Staff recommended award of contract to TriStar Risk Management in the amount of $123,000 per fiscal year, for the Third Party Administrative Services for Worker's Compensation Claims Management.

A lengthy discussion ensued. Comments and concerns were addressed by Council. Questions were asked relating to TriStar, Claims Management and customer service, implementing satisfaction surveys, highest rank company, client vs. employees, workers compensation law and current administrator. Questions posed by council were answered.

After due consideration, Mayor Pro Term Zamora moved to award the contract as recommended by staff for a two year term, with an option to extend the contract for three additional years in one year increments, subject to the contract containing a provision that the City has an option to terminate the contract without cause on 30 days notice. The motion was seconded by Commissioner Victor "Seby " Haddad. The motion carried unanimously.

D) AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR NORTHEAST MCALLEN-EDINBURG LATERAL DRAINAGE UTILITY FEE PROJECT.

Staff recommended award of contract to Halff Associates Inc. in the amount of $541,890.00 for Professional Engineering Services for the Northeast McAllen-Edinburg Lateral Drainage Utility Fee Project. Questions posed by Council were answered.

Discussion ensued. Comments and concerns were addressed by Council. Questions were asked relating professional services, drainage utility fee projects and qualifications.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

E) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 1 AND FINAL RECONCILIATION FOR PROFESSIONAL SERVICES FOR THE MCALLEN PUBLIC WORKS AUTOMOTIVE WAREHOUSE EXPANSION AND ELEVATOR.

Staff recommended approval of Contract Amendment No. 1 and Final Reconciliation in the deduct amount of $5,005.00 for McAllen Public Works Automotive Warehouse Expansion and Elevator.

Commissioner Jose R. “Pepe” Cabeza de Vaca moved to approve the contract as recommended and seconded by Commissioner Tania Ramirez. The motion carried unanimously.

F) CONSIDERATION AND APPROVAL OF EXTENSION AND MODIFICATION OF CONTRACT FOR EMERGENCY MEDICAL SERVICES WITH MEDCARE EMS.

Staff recommended approval of the extension and modification of contract for Emergency Medical Services with MedCare EMS.

Mayor noted this item was covered in the earlier workshop. Comments and concerns were expressed by Council. Questions were asked related to amendment for an additional two year term and contract extension. Questions posed by Council were answered.

After due consideration, Commissioner Tania Ramirez moved to approve the extension and modification of contract as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

G) CONSIDERATION AND APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT WITH PALM VALLEY ANIMAL SOCIETY FOR THE OPERATION OF A REGIONAL ANIMAL SHELTER.

Staff recommended to table said item.

Mayor Pro Tem Joaquin Zamora moved to approve the intergovernmental agreement as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

H) CONSIDERATION AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN MCALLEN ISD AND CITY OF MCALLEN FOR QUINTA MAZATLAN CENTER FOR URBAN ECOLOGY.

Staff recommended approval of a Memorandum of Understanding between McAllen ISD and City of McAllen for Quinta Mazatlán Center for Urban Ecology.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the memorandum of understanding as recommended and seconded by Commissioner Tania Ramirez. The motion carried unanimously.

4. RESOLUTION

A) RESOLUTION NOMINATING A REPRESENTATIVE FOR THE HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS 2022-2023.

Staff recommended approval of a resolution nominating Albert Cardenas as representative for the Hidalgo County Appraisal District Board of Directors 2022-2023.

A lengthy discussion ensued. Comments and concerns were expressed by Council. Questions posed by Council were answered.

Commissioner Antonio “Tony” Aguirre nominated Albert Cardenas. Mayor Pro Tem Joaquin Zamora seconded the motion. The motion carried with 5 votes in the affirmative and Commissioner Tania Ramirez in abstention.

After due consideration, Mayor Pro Tem Joaquin Zamora motioned to recall the vote and seconded by Commissioner Tania Ramirez for discussion.

Discussion ensued. Additional comments and concerns were expressed by Council. After due consideration Commissioner Antonio "Tony" Aguirre Jr., moved to approve the resolution nominating Albert Cardenas with 80% and Eddie Betancourt 20% and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried with 5 votes in the affirmative and Commissioner Tania Ramirez voting against.

5. VARIANCE

A) REQUEST OF TOMAS GUTIERREZ, ON BEHALF OF MADIAM L.P., TO CONSIDER A SIGN VARIANCE REQUEST TO ALLOW AN OFF-PREMISE SIGNAGE AT LOT 1, HAMMOND DEVELOPMENT SUBDIVISION; 7801 SOUTH 23RD STREET BOULEVARD.

Staff recommends approval of a sign variance request to allow an off-premise signage at 78501 South 23rd Street Boulevard.

Mayor Pro Tem Joaquin Zamora moved to approve the variance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

6. MANAGER'S REPORT

A) REVIEW OF QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING JUNE 30, 2021.

Staff presented the Quarterly Investment Report for quarter ending June 30, 2021 and recommended acceptance of said report as per the Audit Investment Committee.

Mayor Pro Tem Joaquin Zamora moved to approve the report as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

B) CONSIDERATION AND APPROVAL OF MINUTE ORDER FOR NEW FEES AT PALM VIEW GOLF COURSE.

Staff recommended approval of a minute order for new fees at Palm View Golf Course.

Mayor Pro Tem Joaquin Zamora moved to approve the minute order as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

C) FORMING AN ADVISORY BOARD FOR SPECIAL NEEDS PERSONS.

Commissioner Antonio "Tony" Aguirre, Jr. moved to instruct staff to bring back formal parameters for the board to review issues brought up at the workshop and bring back bylaws for approval and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

D) ADVISORY BOARD APPOINTMENTS.

BUILDING BOARD OF ADJUSTMENT AND APPEALS

Mr. Jose Pena was nominated to the Building Board of Adjustments and Appeals.

Mayor Pro Tem Joaquin Zamora moved to accept the nomination as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

E) IMMIGRATION AND RESPITE CENTER REPORT.

Mr. Jeff Johnston presented immigration and respite center updates and answered questions.

F) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Downtown Solicitation Concerns

7. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

On behalf of the Presiding Officer, City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.071 Consultation with Attorney on Items 7A, 7B, 7D and 7E and Section 551.072 Deliberation Regarding Real Property on Item 7C.

At 6:23 p.m. the City Commission meeting was recessed to go into executive session. Mayor Javier Villalobos reconvened the meeting at 6:43 pm and noting the following city commission members present: Mayor Javier Villalobos, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Joaquin Zamora, Commissioner Omar Quintanilla, Commissioner Tania Ramirez, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO CAUSE NO. C-2995-21-I; DOLORES E VALDEZ V. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora moved to authorized City Attorney to defend City as discussed in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO CAUSE NO. CL-21-2976-B; ABIGAEL CARBAJAL V. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora moved to authorized City Attorney to defend City as discussed in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

C) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY; TRACT 1 AND TRACT 2 (SECTION 551.072, T.G.C.)

<u>C1</u> Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize the City Attorney and City Manager to take those acts that are appropriate to negotiate the acquisition of the property described in executive session and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

<u>C2</u> Commissioner Jose R. "Pepe" Cabeza de Vaca moved to adopt a resolution authorizing the city manager and city attorney to acquire the .39 acres described in executive session necessary for the north blueline drainage expansion project and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

D) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL REAL ESTATE LITIGATION RELATED TO NORTHEAST BLUELINE DRAINAGE IMPROVEMENTS ALONG FULLERTON AVE, TO WIT-: CONSIDER AND TAKE APPROPRIATE ACTION ON A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY MORE SPECIFICALLY DESCRIBED AS: A 0.39-ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE NORTHEAST CORNER OF LOT TWO HUNDRED FORTY-NINE (249), PRIDE-O-TEXAS SUBDIVISION, OUT OF LOT FIFTY (50), LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION OF PORCIONES61, 62 AND 63, SITUATED IN THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, MORE PARTICULARLY BY METES AND BOUNDS ON FILE WITH THE CITY SECRETARY. (SECTION 551.071, T.G.C.)

Legal Counsel announced that item 7D required a roll call vote.

"I move that the City of McAllen authorize the use of the power of eminent domain to acquire the following parcel of land: A 0.39-acre tract of land, more or less, out of the Northeast corner of Lot Two Hundred Forty-Nine (249), PRIDE-O-TEXAS SUBDIVISION, out of Lot Fifty (50), La Lomita Irrigation and Construction Company's Subdivision of Porciones 61, 62 and 63, situated in the City of McAllen, Hidalgo County Texas, said tract of land being more particularly described by metes and bounds on the presented Exhibit "A" attached to the resolution and incorporated herein for all purposes and presented to the City Commission, save and except all oil, gas, mineral and sulfur rights and made part hereof for all purposes for the Northeast Blueline drainage improvements along Fullerton Ave in McAllen, Texas, and other necessary and related public purpose."

CONSIDERED, PASSED and APPROVED this <u>13th</u> day of September 2021, at a regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with VTCA, Government Code §551.001 et seq by the following vote, to wit:

Ayes: Commissioner Jose R. "Pepe" Cabeza de Vaca, Commissioner Tania Ramirez, Commissioner Omar Quintanilla, Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Victor "Seby" Haddad and Commissioner Antonio "Tony" Aguirre, Jr.

E) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF CONTRACTUAL RELATIONSHIP WITH MEDCARE EMS. (SECTION 551.071, T.G.C.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager and City Attorney to negotiate with Medcare Emergency Medical Services for the provision of certain nonfunded services and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

ADJOURNMENT

Without objection the meeting was adjourned at 6:48 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary