STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, September 27, 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

KEEP MCALLEN BEAUTIFUL PRESENTATION

Keep McAllen Beautiful made presentation.

PROCLAMATION

FIRE PREVENTION WEEK

Commissioner Victor "Seby" Haddad read and presented a proclamation for Fire Prevention Week.

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. No citizens came forward to speak to Council.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 5.47 ACRES OUT OF LOT 3, BLOCK 5, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS; 2209 AND 2217 NORTH JACKSON ROAD.

Approved the C-3 Zoning at 2209 & 2217 North Jackson Road, as per Planning and Zoning Commission.

2. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 5.303 ACRES OUT OF LOT 11, SECTION 13, HIDALGO CANAL COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7901 NORTH 10TH STREET (MID).

Approved the R-3A Zoning at 7901 North 10th Street (Mid), as per Planning and Zoning Commission.

3. REQUEST OF ERICK SANDOVAL, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (SCHOOL) AT THE WEST 80' OF LOT 7, BLOCK 59, MCALLEN ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 1521 GALVESTON AVENUE.

Approved a Conditional Use Permit, for life of the use, for an Institutional Use (School) at 1521 Galveston Avenue as per Planning and Zoning Commission.

The proposed use must also meet the requirements set forth in Section 138-118 of the Zoning Ordinance and specific requirements as follows:

1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas and shall be as close as possible to a major arterial. The property fronts South 16th Street and Galveston Avenue.
2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the number of offices and classrooms, 11 parking spaces are required; 2 parking spaces are provided on site. The applicant submitted a parking agreement for 10 parking spaces in order to comply with the parking; however, during inspection staff verified that only 6 spaces are available, which does not meet requirements. The parking agreement will expire on February 22, 2022;
3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
6) The number of persons within the building shall be restricted to the existing seating capacity for the building; and
7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by an 8 ft. masonry wall.

4. REQUEST OF EDUARDO VILLAGORDOA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOTS 8, 9 AND 10, 21ST PLACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2005 NOLANA AVENUE.

Approved a Conditional Use Permit, for life of the use, for one year, for a bar at 2005 Nolana Avenue, as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

1) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of publicly owned property, the International Museum of Arts & Science (IMAS), and R-3A District to the southwest of the property;
2) The abovementioned businesses must be as close as possible to a major arterial and shall not allow the traffic generated by such businesses onto residential streets or allow such traffic to exit into and disrupt residential areas. The location fronts Nolana Avenue and does not generate traffic into residential areas;
3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. The proposed bar requires 75 parking spaces, which are provided on the common parking area in the front of building. All 75 parking spaces must comply with Section 138-400 of the Ordinance and must be clearly striped and pavement surface shall be maintained free of litter, debris, loose gravel, cracks and potholes before CUP issuance.

4) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.;
5) The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street;
6) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
7) The abovementioned businesses shall restrict the number of persons within the building to those allowed by the planning and zoning commission at the time of permit issuance, after having taken into account the recommendations of the fire marshal, building official and director of planning. This number cannot exceed the number provided for in existing city ordinances.

5. REQUEST OF MARIA N. MARTINEZ, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN AUTOMOTIVE SERVICE AND REPAIR (AIR CONDITION SERVICE) AT LOTS 4 AND 5, BLOCK 3, ALTAMIRA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2613 U.S HIGHWAY 83.

Approved a Conditional Use Permit, for life of the use, for life of the use, for an automotive service and repair (air condition service) at 2613 US Highway 83, as per Planning and Zoning Commission.

The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

1) A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 20,000 sq. ft.;
2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. The work will be performed in the service area;
3) Outside storage of materials is prohibited;
4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is located approximately 127 ft. from an existing residence to the south;
5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required;
6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

B) REZONINGS:

1. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT: LOTS 1 AND 2, HIDALGO-STARR REHAB. SUBDIVISION, HIDALGO COUNTY, TEXAS; 1301 AND 1401 SOUTH 8TH STREET. (WITHDRAWN)

Said item was withdrawn.

2. 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. (TABLED)

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

Staff recommended approval of the R-1 zoning at 6416 South 10th Street as per Planning and Zoning Commission.

Commissioner Joaquin Zamora moved to approve the R-1 zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

C) CONDITIONAL USE PERMITS:

1. REQUEST OF NORMA S. PIMENTEL ON BEHALF OF CATHOLIC CHARITIES OF THE RIO GRANDE VALLEY FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, FOR AN INSTITUTIONAL USE (RESPITE CENTER) AT THE NORTHWEST 12.81 ACRES OUT OF LOT 10, SECTION 7, EXCLUDING 2.63 ACRES, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 1801 SOUTH 10TH STREET.

Staff recommended tabling said item.

Mayor Pro Tem Zamora Joaquin Zamora moved to table said item as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

2. REQUEST OF GERARDO MARTINEZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AND GRILL AT LOTS 6 THROUGH 12, NORTH EAST CROSSING SUBDIVISION, HIDALGO COUNTY, TEXAS; 137 NOLANA AVENUE SUITE #131.

Said item was withdrawn by applicant.

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

Commissioner Antonio "Tony" Aguirre, Jr. moved to amend the Zoning Ordinance and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

E) PUBLIC HEARING ON 2021 PROPOSED TAX RATE.

Mayor Javier Villalobos called the Public Hearing to order and asked if there was anyone to speak on the proposed tax rate.

F) CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS ON AND CONSIDER THE PROPOSED 2021-2022 SERVICE AND ASSESSMENT PLAN AND PROPOSED ASSESSMENTS CONTAINED IN THE 2021-2022 ASSESSMENT ROLL FOR THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT; CONSIDER, HEAR, AND PASS ON ANY OBJECTIONS TO THE PROPOSED ASSESSMENTS.

Mayor Javier Villalobos called the Public Hearing to order and asked if there was anyone to speak on the proposed 2021-2022 Service and Assessment Plan. Mr. Chris Fox spoke.

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. Mayor Pro Tem Joaquin Zamora seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES OF BUDGET WORKSHOP HELD AUGUST 25th, WORKSHOP AND REGULAR MEETING HELD SEPTEMBER 13, 2021.

Approved the minutes of Budget Workshop held August 25th Workshop and Regular Meeting held September 13, 2021, as submitted.

B) AWARD OF SUPPLY CONTRACT FOR THE PURCHASE OF FUEL.

Awarded a Contract to Oil Patch Fuel and Supply Inc., for a period of one year, for the purchase of Regular Unleaded, Mid-Grade Gasoline and Ultra-Low Sulfur Diesel.

C) CONSIDERATION AND AUTHORIZATION TO DECLARE VEHICLES AND EQUIPMENT AS SURPLUS.

Authorized declaration of certain city vehicles and property as surplus and begin auction efforts.

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR PUBLIC WORKS ADMINISTRATION OFFICE RENOVATIONS.

Approved Change Order No. 2 for a contract date extension of 45 calendar days and no increase to contract for the Public Works Administration Office Renovations Project.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 5 AND FINAL RECONCILIATION OF CONTRACT QUANTITIES FOR KENNEDY AVENUE ROADWAY AND DRAINAGE IMPROVEMENTS FROM BENTSEN ROAD TO WARE ROAD.

Approved Change Order No. 5 in the credit amount of $19,107.68 and twenty-five working days added to the contract for a final contract amount of $1,532,600.82 for the Kennedy Avenue Roadway and Drainage Improvements from Bentsen Road to Ware Road.

F) RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH ITS FISCAL YEAR 2022 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM'S IMPAIRED DRIVING MOBILIZATION (STEP-IDM) CAMPAIGN.

Approved a resolution authorizing the acceptance of grant funds from the Texas Department of Transportation through its Fiscal Year 2022 Selective Traffic Enforcement Program's Impaired Driving Mobilization (STEP-IDM) Campaign.

G) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR FUNDING UNDER THE FISCAL YEAR 2022 TEXAS TELEHEALTH GRANT PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the Texas State Library and Archives Commission for funding under the Fiscal Year 2022 Texas Telehealth Grant Program.

H) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE BUREAU OF RECLAMATION WATERSMART DROUGHT RESPONSE PROGRAM: DROUGHT RESILIENCY PROJECTS FOR FISCAL YEAR 2022.

Approved a resolution authorizing the submittal of a grant application to the Bureau of Reclamation WaterSMART Drought Response Program: Drought Resiliency Projects for Fiscal Year 2022.

I) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1.TI FLUID SYSTEMS

Approved a tax refund in the amount of $10,094.47.

2. WHATABURGER RESTAURANTS LP

Approved a tax refund in the amount of $2,731.40.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE 2018 BOND GROUP C DRAINAGE IMPROVEMENTS.

Staff recommended tabling said item.

Mayor Pro Tem Zamora moved to table said item as and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

B) CONSIDERATION FOR THE APPROVAL OF THE CONSTRUCTION CONTRACT FOR DRILLING AND BORING SERVICES FOR INSTALLATION OF FIBER, DATA, AND ELECTRICAL CONDUIT.

Staff recommended award of contract to G & E Escobedo Cont. Inc. for Drilling and Boring Services for Installation of Fiber, Data and Electrical Conduit.

Discussion ensued. Comments and concerns were expressed by Council. Questions were asked relating to fiber network, data and electrical, uses other than fiber, only bidder respondent and prices on items and increases. Staff answered questions posed by Council.

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

C) AWARD OF CONTRACT FOR MCALLEN YOUTH BASEBALL COMPLEX PARKING LOT IMPROVEMENTS.

Staff recommended award of contract to Longhorn Services, LLC in the amount of $346,345, for the McAllen Youth Baseball Complex Parking Lot Improvements.

Discussion ensued. Comments and concerns were expressed by Council. Questions were asked relating to prior work experience and any negative feedback. Staff answered questions posed by Council.

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

4. ORDINANCES

A) UPDATING THE AUTHORIZED STRENGTH OF THE MCALLEN POLICE DEPARTMENT.

Staff recommended adoption of an ordinance updating the authorized strength of the McAllen Police Department.

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

B) UPDATING THE AUTHORIZED STRENGTH OF THE MCALLEN FIRE DEPARTMENT.

Staff recommended adoption of an ordinance updating the authorized strength of the McAllen Fire Department.

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

C) ROLL CALL VOTE OF AN ORDINANCE ADOPTING THE CITY OF MCALLEN ANNUAL BUDGET FOR FISCAL YEAR 2021-2022.

Staff recommended adoption of an ordinance adopting the City of McAllen proposed budget for the fiscal year 2021-2022

Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca.

A Roll Call Vote was requested and all voted aye: 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

D) ROLL CALL VOTE OF AN ORDINANCE ADOPTING THE CITY OF MCALLEN 2021 PROPERTY TAX RATE.

Staff recommended adoption of an ordinance adopting the City of McAllen property tax rate for 2021.

Commissioner Victor "Seby" Haddad moved that the property tax rate be increased by the adoption of a tax rate of $0.495600, which is effectively a 4.64 percent increase in the tax rate. This year's proposed rate is $0.495600 per $100 of assessed valuation is allocated at the rate of

$0.447362/$100 for Maintenance & Operations and $0.048238/$100 for Debt Services and seconded by Mayor Pro Tem Joaquin Zamora.

Roll Call Vote was requested and all voted aye Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Omar Quintanilla, Commissioner Tania Ramirez, Commissioner Victor Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

E) CONSIDERATION AND ADOPTION OF AN ORDINANCE APPROVING AND ADOPTING THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT ("DISTRICT") 2021-2022 SERVICE AND ASSESSMENT PLAN AND 2021-2022 ASSESSMENT ROLL FOR THE DISTRICT; ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND METHODS OF ASSESSING FOR SPECIAL BENEFITS FOR IMPROVEMENTS, MAINTENANCE, AND SPECIAL SERVICES TO PROPERTY WITHIN THE DISTRICT; LEVYING DEBT SERVICE ASSESSMENTS FOR THE COST OF IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT, MAINTENANCE ASSESSMENTS FOR THE COST OF MAINTENANCE AND OPERATION OF THE DISTRICT, AND SUPPLEMENTAL SERVICE ASSESSMENTS FOR THE COSTS OF PROVISION OF SUPPLEMENTAL SERVICES WITHIN THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

Staff recommended adoption of an ordinance approving and adopting the Tres Lagos Public Improvement District ("District") 2021-2022 Service and Assessment Plan and 2021-2022 Assessment Roll for the District; Establishing classifications for the apportionment of costs and methods of assessing for special benefits for improvements, maintenance, and special services to property within the District; levying debt service assessments for the cost of improvements to be provided in the District, maintenance assessments for the cost of maintenance and operation of the District, and supplemental service assessments for the costs of provision of supplemental services within the District; fixing charges and liens against the Property in the District and against the owners thereof; providing for the collection of the assessments; and providing an effective date.

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

F) CONSIDERATION AND POSSIBLE APPROVAL OF AN ORDINANCE ESTABLISHING A DISABILITY ADVISORY COMMITTEE.

Staff recommended adoption of an ordinance establishing a Disability Advisory Committee.

Discussion ensued. Commissioner Tania Ramirez noted that when referring to individual with special needs to acknowledge or address the with their disability. She noted addressing the individual first then their disability as opposed to special needs which is a term they are trying to get away from.

Discussion ensued. Comments and concerns were addressed by Council. Questions were asked as to no regulatory of decision-making authority. Staff answered questions posed by Council.

After due consideration, Commissioner Victor "Seby" Haddad moved to adopt the ordinance as recommended and seconded by Commissioner Tania Ramirez. The motion carried unanimously.

G) CONSIDERATION AND POSSIBLE APPROVAL OF AN ORDINANCE CLARIFYING THAT PLATS AND CONDITIONAL USE PERMITS ARE NOT REQUIRED FOR MINOR CONSTRUCTION IN CITY PARKS AS DETERMINED BY THE PLANNING DIRECTOR.

Staff recommended adoption of an ordinance clarifying that plats and conditional use permits are not required for minor construction in city parks as determined by the Planning Director.

Discussion ensued. Comments and concerns were addressed by Council. Questions were asked as to playscapes and restrooms. Staff answered questions posed by Council.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to adopt the ordinance as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

5. RESOLUTION

A) RESOLUTION APPROVING THE CITY'S INVESTMENT POLICY AND STRATEGY AS PRESENTED.

Staff recommended approval of a resolution approving the City's Investment Policy Strategy as presented.

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

6. VARIANCES

A) CONSIDERATION OF A VARIANCE REQUEST TO THE ESCROW REQUIREMENTS FOR PAVING AND DRAINAGE IMPROVEMENTS AT THE PROPOSED DE LA TORRE SUBDIVISION, HIDALGO COUNTY, TEXAS; 612 NORTH 8TH STREET.

Staff recommended tabling said item.

Mayor Pro Tem Joaquin Zamora moved to table item and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

B) CONSIDERATION OF A VARIANCE REQUEST TO THE BLOCK LENGTH REQUIREMENT AT THE PROPOSED PARK TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 3601 NORTH JACKSON ROAD.

Staff recommended approval of the variance request allowing a block length greater than 800 ft. at 3601 North Jackson Road.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the variance as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

7. MANAGER'S REPORT

A) CONSIDERATION AND APPROVAL OF ASSISTING MCALLEN ECONOMIC DEVELOPMENT CORPORATION IN FUNDING A COMPREHENSIVE ECONOMIC DEVELOPMENT PLAN.

Staff recommended approval of assisting McAllen Economic Development Corporation in funding a Comprehensive Economic Development Plan.

Discussion ensued. Comments and concerns were shared by the Council. Questions were asked relating to identifying directions to consider, timing, industrial recruitment and growth taking place and target markets. Staff answered questions posed by Council.

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

B) RECEIVE AN ANNUAL UPDATE ON THE STATUS OF REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS (TRES LAGOS) AS REQUIRED BY SECTIONS 311.0101(C) AND 311.016 OF THE TEXAS TAX CODE AND THE INTERLOCAL AGREEMENT FOR THE ZONE.

Mr. David Earl presented the annual update on the status of reinvestment zone number one, City of McAllen, Texas (Tres Lagos) as required by sections 311.0101(c) and 311.016 of the Texas Tax Code and the Interlocal Agreement for the zone.

Presentation only. No action required.

C) DISCUSSION AND ACTION ON APPOINTMENT OF MIKE RHODES (POSITION 1) AS CHAIRMAN, TO THE REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS ZONE BOARD, FOR A ONE-YEAR TERM, PURSUANT TO

SECTION 311.009(F) OF THE TEXAS TAX CODE, BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022, AND RATIFICATION OF ALL PAST ACTIONS TAKEN BY MIKE RHODES WHEN ACTING IN THE CAPACITY AS THE CHAIRMAN FOR THE ZONE FROM JANUARY 1, 2021 TO DECEMBER 31, 2021.

Staff recommended the reappointment of Mike Rhodes to the board.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the reappointment as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

D) DISCUSSION AND ACTION ON APPROVAL OF BOARD MEMBER REAPPOINTMENT OF MEGAN J. EARL (POSITION 2) TO THE REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS ZONE BOARD, FOR A TWO-YEAR TERM BEGINNING MARCH 2, 2021 AND ENDING MARCH 2, 2023, AND RATIFICATION OF ALL PAST ACTIONS TAKEN BY THE SAID BOARD MEMBER WHEN ACTING IN HER RESPECTIVE CAPACITY AS A BOARD MEMBER FOR THE ZONE.

Staff recommended the reappointment of Megan J. Earl to the board.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the reappointment as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

E) DISCUSSION AND ACTION ON APPROVAL OF BOARD MEMBER REAPPOINTMENT OF MISTY MARTIN (POSITION 4) TO THE REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS ZONE BOARD, FOR A TWO-YEAR TERM BEGINNING MARCH 2, 2021 AND ENDING MARCH 2, 2023, AND RATIFICATION OF ALL PAST ACTIONS TAKEN BY THE SAID BOARD MEMBER WHEN ACTING IN HER RESPECTIVE CAPACITY AS A BOARD MEMBER FOR THE ZONE.

Staff recommended the reappointment of Misty Martin to the board.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the reappointment as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

F) DISCUSSION AND ACTION ON APPROVAL OF BOARD MEMBER REAPPOINTMENT OF NICK RHODES (POSITION 5) TO THE REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS ZONE BOARD, FOR A TWO-YEAR TERM BEGINNING MARCH 2, 2021 AND ENDING MARCH 2, 2023, AND RATIFICATION OF ALL PAST ACTIONS TAKEN BY THE SAID BOARD MEMBER WHEN ACTING IN HER RESPECTIVE CAPACITY AS A BOARD MEMBER FOR THE ZONE.

Staff recommended the reappointment of Nick Rhodes to the board.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the reappointment as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

G) SUBDIVISION MONTHLY REPORT.

Report only. No action required.

H) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Report only. No action required.

I) PROJECT STATUS REPORT THROUGH AUGUST 31, 2021.

Report only. No action required.

J) IMMIGRATION AND RESPITE CENTER REPORT.

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

K) FUTURE AGENDA ITEMS.

No future agenda items.

8. TABLED ITEM(S)

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

Mayor Pro Tem Joaquin Zamora moved to remove said item from the table and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

Staff recommended approval of an intergovernmental agreement with Palm Valley Animal Society for the operation of a Regional Animal Shelter.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the agreement as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

9. 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 Item 9C; Section 551.072 Deliberation Regarding Real Property on Item 9B, Section 551.074 Personnel Matters on Items 9D; and Section 551.087 Economic Development on Item 9A.

Mayor Javier Villalobos recessed the meeting at 5:50 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:51 pm and noting the following city commission members 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

A) CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)

<u>9A1</u> – Mayor Pro Tem Joaquin Zamora moved to authorize the City Manager and City Attorney to extend the feasibility of the contract for 60 days and seconded by Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

<u>9A2</u> – Mayor Pro Tem Joaquin Zamora moved to approve the development agreement as discussed in executive session and seconded by Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

<u>9A3</u> – No action

B) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY; TRACT 1, TRACT 2 AND TRACT 3. (SECTION 551.072, T.G.C.)

<u>9B1</u> – Mayor Pro Tem Joaquin Zamora moved to authorize City Attorney and City Manager to negotiate as discussed in executive session and seconded by Commissioner Jose "R" Pepe Cabeza de Vaca. The motion carried unanimously.

<u>9B2</u> – Mayor Pro Tem Joaquin Zamora move to authorize City Attorney and City Manager to obtain appraisal for the property and list it for sale prize and seconded by Commissioner Jose "R" Pepe Cabeza de Vaca. The motion carried unanimously.

<u>9B3</u> – Mayor Pro Tem Joaquin Zamora moved to approve a resolution authorizing the City Attorney to work with City Manager to obtain the property as discussed in executive session and seconded by Commissioner Jose "R" Pepe Cabeza de Vaca. The motion carried unanimously.

C) CONSULTATION WITH CITY ATTORNEY REGARDING LITIGATION MATTERS. (SECTION 551.071, T.G.C.)

9C1- Commissioner Jose. R. "Pepe" Cabeza de Vaca moved that the City of McAllen authorize the use of the power of eminent domain to acquire the following parcel of land: A 0.007-acre (312.50 Sq Ft) Gross, Tract of Land out of a 1.41 Acre Tract of Land being part of Lot 4, Bloc 5 A.J. McColl Subdivision, Porcion 68, as per Map or plat thereof recorded in map records, Hidalgo County, Texas, said tract situated in the City of McAllen, Hidalgo County, Texas for the East Tamarack Avenue Drainage Improvements Project, said tract of land being more particularly describe 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 East Tamarack Avenue Drainage Improvements project in McAllen, Texas, and other necessary and related public purpose."

CONSIDERED, PASSED and APPROVED this 27th 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. Seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

9C2 – Mayor Pro Tem Joaquin Zamora moved to resolve to approve the state wide opioid litigation settlement and seconded by Jose "R" Pepe Cabeza de Vaca. The motion carried unanimously.

D) EVALUATION OF THE CITY MANAGER. (SECTION 551.074, T.G.C.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the evaluation of city manager as discussed in executive session and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

ADJOURNMENT

Without objection the meeting was adjourned at 6:56 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary