

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **January 24, 2022**, 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, Interim City Engineer Eduardo Mendoza, Planning Director Edgar Garcia

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

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) REZONING:

1. INITIAL ZONING TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: 9 ACRES (7.73 ACRES NET) OUT OF LOT 452, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7000 MILE 6 ROAD. (TABLED)

Said item was withdrawn.

B) CONDITIONAL USE PERMIT:

1. REQUEST OF ROBERTO GARZA ON BEHALF OF GARMAN INVESTMENTS, LP, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PLANNED UNIT DEVELOPMENT AT 13.116 ACRES OUT OF LOTS 234 AND 235, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 6100 NORTH BENTSEN ROAD. (TABLED)

Said item was withdrawn.

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

No action.

D) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF 9 ACRES (7.73 ACRES NET) OUT OF LOT 452, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7000 MILE 6 ROAD. (TABLED)

Said item was withdrawn.

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.)

Mayor Pro Tem Joaquin Zamora moved to approve the items listed on the Consent Agenda and Commissioner Jose R. "Pepe" Cabeza de Vaca seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES OF WORKSHOP HELD DECEMBER 13, 2021, JANUARY 10, 2022 WORKSHOP AND REGULAR MEETING.

Approved the Minutes of Workshop held December 13, 2021, January 10, 2022 Workshop and Regular Meeting.

B) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, UNDER THE FISCAL YEAR 2021 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the U.S. Department of Homeland Security, Federal Emergency Management Agency, under the Fiscal Year 2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program.

C) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, HOMELAND SECURITY GRANTS DIVISION FOR FUNDING UNDER THE STATE HOMELAND SECURITY PROGRAM FOR FISCAL YEAR 2022-2023 REGULAR PROJECTS.

Approved a resolution authorizing the submission of a grant application to the Office of the Governor, Public Safety Office, Homeland Security Grants Division for funding under the State Homeland Security Program for Fiscal Year 2022-2023 Regular Projects.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL FOR THE DOVE AVENUE DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended approval of Change Order No. 1 in the amount of \$41,274.10 with an additional 189 calendar days for the Dove Avenue Drainage Improvements Project and final contract time of 369 calendar days.

Discussion ensued. Question was asked regarding any legal aspects because of delays. Staff answered question posed by Council.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to approve Change Order No. 1 as recommended and seconded by Commissioner Tania Ramirez. The motion carried unanimously.

B) CONSIDERATION AND SELECTION OF TOP RANKED FIRMS FOR TRAFFIC OPERATIONS RENOVATIONS AND AUTHORIZE TO NEGOTIATE SCOPE OF SERVICES AND FEE SCHEDULE.

Staff recommended selection of the top ranked firm and seeks authorization to negotiate scope and fee for these services. Additionally, if negotiations are not successful with the recommended firm, staff recommends that, with the city managers approval, negotiations cease and commence with the next ranked firm on the list.

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

C) CONSIDERATION AND AUTHORIZATION TO ENTER INTO A CONTRACT WITH MCALLEN CHAMBER OF COMMERCE FOR THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDED SMALL BUSINESS PROGRAM BASED ON PROGRAM GUIDELINES.

Staff recommended entering into an agreement with McAllen Chamber of Commerce for the American Rescue Plan Act (ARPA) funded Small Business Program based on program guidelines.

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

D) CONSIDERATION AND AUTHORIZATION TO RESCIND AWARD OF BID FOR THE MCALLEN YOUTH BASEBALL COMPLEX PARKING LOT IMPROVEMENTS.

Staff recommended rescinding the previously awarded bid to Longhorn Services Inc., in the total amount of \$ 346,345.00 and re-award bid to the next lowest responsive bidder to Foremost Paving Inc. in the total amount of \$ 529,865.00 with a total contract time of 150-calendar days for the McAllen Youth Baseball Complex Parking Lot Improvements.

Comments and concerns were shared by Mayor and Council. Staff answered questions posed by Council.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to approve the rescind the awarded bid and re-award the bid as recommended and seconded by Commissioner Tania Ramirez. The motion carried unanimously.

4. ORDINANCE

A) PROVIDING A BUDGET AMENDMENT FOR FISCAL YEAR 21-22 CAPITAL PROJECTS ROLLOVERS.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$4,475,316.00 for Fiscal Year 2021-2022 Capital Projects Rollover.

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

5. MANAGER'S REPORT

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

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

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

B) IMMIGRATION AND RESPITE CENTER REPORT.

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

C) ADVISORY BOARD APPOINTMENTS.

Nominations were made as follow:

AIRPORT BOARD

Commissioner Jose R. "Pepe" Cabeza de Vaca nominated Joe Brown, Commissioner Ramirez reappointed Lucia Regalado and appointed Norma Guevarra and Commissioner Victor "Seby" Haddad appointed Margaret Rose Guerra and reappointed Anita Moon.

AMBULANCE BOARD

Commissioner Tania Ramirez reappointed Hitesh Chugani and Commissioner Victor "Seby" Haddad reappointed Ben Smith.

BUILDING BOARD OF ADJUSTMENTS AND APPEALS

Commissioner Jose R. "Pepe" Cabeza de Vaca reappointed Michael D. Hovar and Commissioner Victor "Seby" Haddad reappointed Marc Millis.

COMMUNITY DEVELOPMENT

Commissioner Victor "Seby" Haddad appointed Leonel Guerrero and reappointed Karen Valdez, Commissioner Ramirez reappointed Alejandro Aguirre and Commissioner Antonio "Tony" Aguirre Jr. reappointed Steve Muenich (term extended).

CONVENTION CENTER

Commissioner Jose R. "Pepe" Cabeza de Vaca reappointed Carlos (Chuck) Gomez, and Annie Holland Miller, Commissioner Victor "Seby" Haddad reappointed Heriberto "Bob" Hinojosa, Commissioner Tania Ramirez reappointed Roberto Haddad and Regina Richardson and Commissioner Antonio "Tony" Aguirre Jr. reappointed Debbie Crane Aliseda (term extended).

HISTORIC PRESERVATION COUNCIL

Commissioner Jose R. "Pepe" Cabeza de Vaca nominated Odette McDonald.

KEEP MCALLEN BEAUTIFUL

Commissioner Victor "Seby" Haddad reappointed Rogelio Aleman and Commissioner Jose. R. "Pepe" Cabeza de Vaca appointed Thelma Karam Scoggins.

McALLEN LIBRARY

Commissioner Jose R. "Pepe" Cabeza de Vaca reappointed Andrew Perez and Mayor Villalobos appointed Ben Plantan.

MCALLEN HOUSING FINANCE CORPORATION

Commissioner Jose R. "Pepe" Cabeza de Vaca reappointed Robbie Valadez, Commissioner Victor "Seby" Haddad reappointed Mark Murray, Commissioner Ramirez reappointed Jose Gilberto Maldonado, Commissioner Antonio "Tony" Aguirre reappointed Brad Benter (term extended) and Mayor Pro Tem Zamora appointed Myssie Cardenas-Barajas.

PARKS AND RECREATION

Commissioner Jose R. "Pepe" Cabeza de Vaca reappointed Debbie Crane Aliseda and appointed Rod Santana, Commissioner Victor "Seby" Haddad appointed Richard Sanchez and reappointed Miles Mullin, Commissioner Tania Ramirez reappointed Annette Villalobos and Mayor Pro Tem Zamora appointed Veronica Whitacre.

PLANNING AND ZONING COMMISSION

Mayor Javier Villalobos appointed Gabriel Kamel, Commissioner Antonio "Tony" Aguirre Jr. appointed Rudy Elizondo and Commissioner Victor "Seby" Haddad appointed Erika de la Garza.

SENIOR CITIZENS

Commissioner Jose R. "Pepe" Cabeza de Vaca appointed Desiree Trevino and Jamison Merrick, Commissioner Victor "Seby" Haddad reappointed Don Medina and Lila A. Fuentes, Commissioner Antonio "Tony" Aguirre Jr. appointed Andrea Rodriguez and Hari Namboodiri (term extended).

TRAFFIC COMMISSION

Commissioner Jose R. "Pepe" Cabeza de Vaca appointed Courtney Carlisle Thompson and Yliana Esparza and Commissioner Victor "Seby" Haddad reappointed Nick Prado.

ZONING BOARD OF ADJUSTMENTS AND APPEALS

Commissioner Antonio "Tony" Aguirre appointed Rogelio Rodriguez and Mayor Pro Tem Zamora appointed Hugo Avila and Commissioner Jose R. "Pepe" Cabeza de Vaca appointed Sam Saldivar Jr. as Alternate Member.

It was noted that nominations made by Commissioner Tania Ramirez, Commissioner Pepe Cabeza de Vaca and Mayor Javier Villalobos to the Disability Board would be brought back at the February 14th regular meeting.

Mayor Pro Tem Joaquin Zamora moved to accept all the nominations and Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

D) SUBDIVISION MONTHLY REPORT.

Report only. No action required.

E) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Report only. No action required.

F) PROJECT STATUS REPORT THROUGH DECEMBER 31, 2021.

Report only. No action required.

G) FUTURE AGENDA ITEMS.

No future agenda items were reviewed at this time.

6. 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 6B; Section 551.072 Deliberation Regarding Real Property on Item 6C and Section 551.087 Economic Development on Item 6A.

Mayor Javier Villalobos recessed the meeting at 5:37 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:18 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.)

6A1 - Commissioner Jose R. "Pepe" Cabeza de Vaca move to authorize City Manager and City Attorney to offer the economic development incentives as described in ex session and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

6A2 – No action.

6A3 – Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager and City Attorney to negotiate and execute the agreement described in executive session to further the economic development project and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

6A4 – Mayor Pro Tem Joaquin Zamora moved to authorize the economic development incentive conditioned upon the developer agreeing to close the sale and seconded by Victor "Seby" Haddad. The motion carried unanimously.

B) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION - CIVIL ACTION NO. 7:20-CV-00264; RICARDO VILLALON V. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Attorney and his office to defend the city in connection with the lawsuit and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

C) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY; TRACT 1, TRACT 2, TRACT 3 & TRACT 4. (SECTION 551.072, T.G.C.)

6C1 – Jose R. "Pepe" Cabeza de Vaca moved that conditioned upon approval from MPU to authorize City Attorney's office to list the property for sale and sell it to the prospective purchaser offering the best value to the city and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously.

6C2 – Mayor Pro Tem Joaquin Zamora instructed City Attorney and City Manager to reject the offer and take the property off the market for sale and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously.

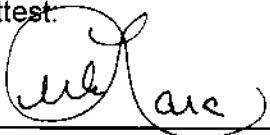
6C3 – Commissioner Antonio “Tony” Aguirre Jr. instructed city management to further conversation and negotiation with perspective developer and bring the item back for further approval and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

6C4 – Mayor Pro Tem Joaquin Zamora moved to authorize City Manager and City Attorney to obtain an appraisal for the property and list it for sale in accordance with TLG Code and seconded by Commissioner Antonio “Tony” Aguirre Jr. The motion carried unanimously.

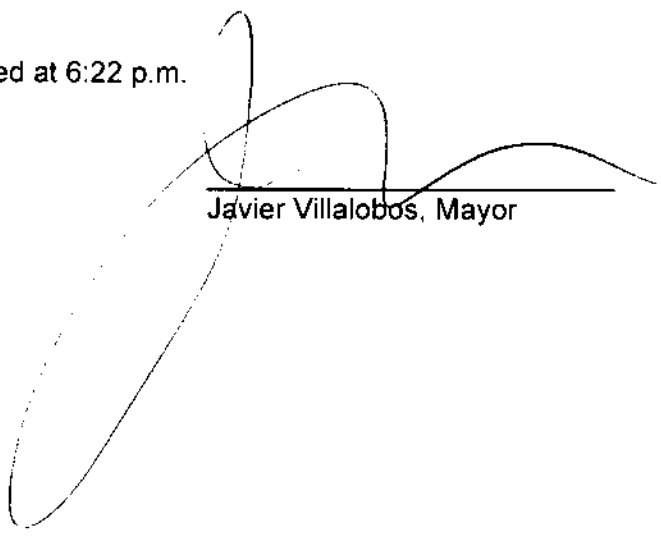
ADJOURNMENT

Without objection the meeting was adjourned at 6:22 p.m.

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary



Javier Villalobos, Mayor