STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, February 28, 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, City Engineer Eduardo Mendoza, Planning Director Edgar Garcia, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

PRESENTATION

2021 TEXAS ACHIEVEMENT IN LIBRARIES EXCELLENCE AWARD

PROCLAMATION

WOMEN'S HISTORY MONTH & WOMEN'S INTERNATIONAL DAY

Commissioner Tania Ramirez read and presented a proclamation for Women's History Month & Women's International Day.

TANIA RAMIREZ DAY

Mayor Javier Villalobos read and presented a proclamation for Tania Ramirez Day.

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) CONDITIONAL USE PERMIT:

1. REQUEST OF AGAPITO TORRES FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR AN AUTOMOTIVE SERVICE AND REPAIR (MECHANIC SHOP), AT THE EAST 25 FT. OF LOT 19 AND LOT 20 & 21, BLOCK 7, WEST ADDITION TO MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 2224 HOUSTON AVENUE.

Staff recommended approval of the Conditional Use Permit, and adoption of an ordinance, for an automotive service and repair (mechanic shop) at 2224 Houston Avenue.

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 17,000 sq. ft;
2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. The applicant is proposing to work inside the two existing garages
3) Outside storage of materials is prohibited. The applicant indicated that there would be no outside storage.
4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is located just west of a residential use and approximately 47 ft. from the nearest building.

5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required. There is an existing 6 ft. opaque fence east of the property.
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.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the Conditional Use Permit and adopt the ordinance and seconded by Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

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

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 2O4 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD FEBRUARY 14, 2022.

Approved the minutes of Workshop and Regular Meeting held February 14, 2022, as submitted.

B) CONSIDERATION AND RENEWAL OF THE CITY OF MCALLEN EMPLOYEE LEGAL AND ID PROTECTION BENEFITS.

Approved the renewal of the City of McAllen Employee Legal and ID Protection Benefits.

C) CONSIDERATION AND RENEWAL OF THE CITY OF MCALLEN EMPLOYEE VISION PLAN FOR THE 2022-2023 FISCAL YEAR.

Approved the renewal of the City of McAllen Employee Vision Plan for the 2022-2023 Fiscal Year.

D) CONSIDERATION AND APPROVAL OF AN AGREEMENT BETWEEN SOUTH TEXAS VO-TECH FEDERAL WORK STUDY PROGRAM AND THE CITY OF MCALLEN.

Approved an Agreement between South Texas Vo-Tech Federal Work Study Program and the City of McAllen.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 4 AND FINAL FOR THE 2018 BOND GROUP E DRAINAGE IMPROVEMENTS -E1 NW BLUELINE IMPROVEMENTS.

Approved Change Order No. 4 in the deduct amount of $82,188 and 25 additional calendar days for the 2018 Bond Group E Drainage Improvements - E1 NW Blueline Improvements.

F) ORDINANCE PROVIDING FOR THE INSTALLATION OF A "NO PARKING" ZONE ON SOUTH BENTSEN ROAD 600FT SOUTH OF MILITARY ROAD FOR 1900FT.

Adopted an ordinance providing for the installation of a "No Parking" Zone on South Bentsen Road 600ft south of Military Road for 1900ft.

G) ORDINANCE PROVIDING FOR A BUDGET ROLL-OVER AMENDMENT FOR THE MCALLEN COMMISSION CHAMBER PROJECT UPDATE.

Adopted an ordinance providing for a budget amendment in the amount of $75,000 for the McAllen Commission Chamber Project Update.

H) ORDINANCE PROVIDING A BUDGET AMENDMENT FOR AN ADAPTIVE PLAYGROUND PROJECT AT LOS ENCINOS PARK.

Adopted an ordinance providing for a budget amendment in the amount of $250,000 for an adaptive playground project at Los Encinos Park.

I) ORDINANCE PROVIDING FOR THE ABANDONMENT OF AN EXISTING 15-FOOT UTILITY EASEMENT, BEING A 0.114-ACRE TRACT OUT OF THE NORTH 7.36 ACRES OF THE SOUTH 9.81 ACRES OF THE NORTH 22.42 ACRES OF LOT 267, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, 1920 NORTH TAYLOR ROAD.

Adopted an ordinance providing for the abandonment of an existing 15-foot utility easement at 1920 North Taylor Road.

J) ORDINANCE PROVIDING A BUDGET AMENDMENT TO FUND THE DOVE AVENUE EXTENSION FROM BENTSEN ROAD TO N. 41ST STREET.

Adopted an ordinance providing for a budget amendment in the amount of $1,661,537.00 for the Dove Avenue Extension from Bentsen Road to 41st Street.

K) ORDINANCE PROVIDING FOR AMENDMENT OF SECTION 74-106 OF THE CODE OF ORDINANCES TO OFFICIALLY RENAME THE GOLF COURSE TO CHAMPION LAKES GOLF COURSE.

Adopted an ordinance providing for amendment of section 74-106 of the Code of Ordinances to officially rename the Golf Course to Champion Lakes Golf Course.

L) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE - CRIMINAL JUSTICE DIVISION FOR THE TEXAS ANTI-GANG PROGRAM, FISCAL YEAR 2023.

Approved a resolution authorizing the submission of a grant application to the Office of the Governor, Public Safety office - Criminal Justice Division for the Texas Anti-Gang Program, Fiscal Year 2023.

M) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE REEVES FOUNDATION FOR FUNDING UNDER THE FISCAL YEAR 2022 QUALITY OF LIFE GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the Reeves Foundation for funding under the Fiscal Year 2022 Quality of Life Grant Program.

N) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR'S PUBLIC SAFETY OFFICE - HOMELAND SECURITY GRANT DIVISION UNDER THE FISCAL YEAR 2023 LOCAL BORDER SECURITY PROGRAM.

Approved a resolution authorizing the submission of a grant application to the Office of the Governor's Public Safety Office - Homeland Security Grant Division under the Fiscal Year 2023 Local Border Security Program.

O) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1. LANDON RAY & TAMARA BRETHOUWER

Approved a tax refund in the amount of $2,647.12.

2. CORELOGIC FOR NATIONSTAR MTG.

Approved a tax refund in the amount of $663.60.

3.CORELOGIC FOR SUPREME LENDING

Approved a tax refund in the amount of $862.22.

4. LONE STAR NATIONAL BANK

Approved a tax refund in the amount of $799.21.

5. RESPONSIVE EDUCATION SOLUTIONS

Approved a tax refund in the amount of $2,125.61.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF A MAINTENANCE RENEWAL AGREEMENT FOR PURCHASING SOFTWARE WITH LBMC TECHNOLOGY SOLUTIONS.

Staff recommended approval of the 3-year maintenance renewal with LBMC Technology Solutions for PairSoft products at a total cost of $82,412.00.

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

B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE DOVE AVENUE WIDENING.

Staff recommended approval of Change Order No. 1 in the amount of $1,690.74 for the Dove Avenue Widening Project.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve Change Order No. 1 as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

C) AWARD OF CONTRACT FOR THE 2022 SINGLE MACHINE REPAVING PROJECT.

Staff recommended award of contract for the base bid, Alternate #2, and Alternate #3 to Cutler Repaving, Inc. from Lawrence, KS, for the base bid Item Nos. (101-108, 301, 401) in the respective amounts of $1,108,542.37, $240,000.00 and $185,000.00, for a total project cost of $1,533,542.37 for the 2022 Single Machine Repaving Project.

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

D) AWARD OF CONTRACT FOR THE PURCHASE OF HOTMIX FOR SINGLE MACHINE REPAVING PROJECT.

Staff recommended award of contract to the low bidder, Frontera Materials Inc., for Item 1 - Delivered to various job sites Type "D" Limestone HMAC, for their unit cost of $83.27/Ton. Staff recommended rejection of Item 2.

Commissioner Antonio "Tony" Aguirre, Jr. moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

E) AWARD OF CONTRACT TO HALFF ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 INTERLOCAL AGREEMENT.

Staff recommended award of contract to Halff Associates in the amount of $150,000.00 for the professional engineering services.

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

F) AWARD OF CONTRACT FOR SECURITY GUARD SERVICES FOR VARIOUS CITY DEPARTMENTS.

Staff recommended approval of award of service contract to MLG Protection Services, Valley Wide Security and Flores Investments-American Investigations for a period of one (1) year. If awarded, staff is requesting authorization, with City Manager's approval to exercise the option to extend the service contract for two (2) additional years, in one (1) year increments subject to the performance of the successful vendor being satisfactory and the unit price(s) remaining firm. In addition, we respectfully request authorization to terminate such contract (s) with City Manager approval and re-award affected item (s) to the next highest ranked service provider if an awarded vendor fails to meet or perform under the terms and conditions of the service contract.

Comments and concerns were shared by Council. Questions were asked relating to additional firm and retaining security. Staff answered questions posed by Council.

Commissioner Antonio "Tony" Aguirre, Jr. moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

4. MANAGER'S REPORT

A) PRESENTATION OF YEAR-TO-DATE TAX COLLECTION REPORT.

Staff gave a presentation of Year-to-Date Tax Collection Report.

B) PRESENTATION OF YEAR-TO-DATE DELINQUENT TAX COLLECTION REPORT BY LINEBARGER GOGGAN BLAIR & SAMPSON FIRM.

Kelly Salazar of Linebarger, Goggan Blair & Sampson gave a presentation of Year-to-Date Delinquent Tax Collection Report.

C) SUBDIVISION MONTHLY REPORT.

Report only. No action required.

D) PROJECT STATUS REPORT THROUGH JANUARY 31, 2022.

Report only. No action required.

E) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Report only. No action required.

F) IMMIGRATION AND RESPITE CENTER REPORT.

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

G) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: No future agenda items

5. 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 5B and 5C and Section 551.087 Economic Development on Item 5A.

Mayor Javier Villalobos recessed the meeting at 5:43 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:33 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. The motion carried unanimously.

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

A1 - Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the economic development incentives described by MEDC in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

A2 – Commissioner Victor "Seby" Haddad moved to authorize City Manager to negotiate those contracts that are deemed necessary and appropriate to move forward with development as described in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously.

A3 – Mayor Pro Tem Joaquin Zamora moved to authorize City Manager to move forward to negotiate those agreements necessary and appropriate to move forward with the economic development experiences described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

B) CONSULTATION WITH CITY ATTORNEY REGARDING ANNUAL DRUG & ALCOHOL SUMMARY REPORT FOR 2021. (SECTION 551.071, T.G.C.)

No action.

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF FUNDING OUTSIDE AGENCIES. (SECTION 551.071, T.G.C.)

No action.

ADJOURNMENT

Without objection the meeting was adjourned at 6:36 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary