

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, August 8, 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 Rodolfo "Rudy" Castillo, 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

UTRGV CANCER CENTER

Staff made a presentation to the UTRGV Cancer Center.

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 one spoke in opposition.

Commissioner Jose R. "Pepe" Cabeza de Vaca 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 R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-1 (OFFICE BUILDING) DISTRICT: 0.43 OF AN ACRE COMPRISED OF ALL OF LOT 9, AND THE EAST 67.5 FEET OF LOT 10, BLOCK 4, CLUB ADDITION, HIDALGO COUNTY, TEXAS; 108 PECAN BOULEVARD.**

Approved the C-1 zoning at 108 Pecan Boulevard, as per the Planning and Zoning Commission.

- 2. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 10 ACRES BEING OF LOT 4, RESUBDIVISION OF LOTS 164-171 INC. OF PRIDE O' TEXAS, HIDALGO COUNTY, TEXAS; 3300 LA LOMITA ROAD.**

Approved the R-3A Zoning at 3300 La Lomita Road, as per Planning and Zoning Commission.

- 3. REQUEST OF MELISSA ORTIZ, ON BEHALF OF MCALLEN INDEPENDENT SCHOOL DISTRICT, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR AN INSTITUTIONAL USE (PUBLIC SCHOOL), LOT 1, MCALLEN I.S.D. MIDDLE SCHOOL SUBDIVISION, HIDALGO COUNTY, TEXAS, 7800 NORTH WARE ROAD.**

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for institutional use at 7800 North Ware Road., as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements are as follows:

- 1) Portable buildings must not be used for living quarters. The portable building will be used as a classroom only.
- 2) Must be located in such a manner as to have access to a public right-of-way within 200 feet.
- 3) The proposed use and adjacent businesses shall comply with the off-street parking and loading ordinance. The parking lot has to be paved and striped according to Section 138-400 of the Zoning Ordinance.
- 4) Must provide garbage and trash collection and disposal.
- 5) No form of pollution shall emanate beyond the immediate property line of the permitted use; and
- 6) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

B) REZONINGS:

1. INITIAL ZONING TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL) DISTRICT: 19.953-ACRE TRACT (20.0 ACRES RECORDED) OF LAND, BEING OUT OF THE WEST HALF OF LOT 13 SECTION 280, TEXAS-MEXICAN RAILWAY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2700 SPRAGUE ROAD. (TABLED)

Said item remained tabled.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to amend the Zoning Ordinance and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

D) CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS ON AND CONSIDER A PETITION FOR ANNEXATION OF +/- 150 ACRES OF REAL PROPERTY IN THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT PURSUANT TO A PETITION REQUESTING SUCH ACTION, FILED BY THE LANDOWNER OF SUCH PROPERTY.

Mayor Javier Villalobos called the public hearing to order.

Mayor Javier Villalobos asked if there was anyone to speak in opposition of the item. No one spoke in opposition.

E) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF THE WEST 19.953 ACRES OF LOT THIRTEEN (13), SECTION TWO HUNDRED EIGHTY (280), TEXAS MEXICAN RAILWAY COMPANY'S SURVEY OF LANDS, HIDALGO COUNTY, TEXAS; 2700 SPRAGUE ROAD. (TABLED)

Said item remained tabled.

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

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETINGS HELD JULY 25, 2022, AND SPECIAL MEETING HELD AUGUST 1, 2022.

Approved the minutes of Workshop and Regular Meeting held July 25th and Special Meeting held August 1, 2022, as submitted.

B) CONSIDERATION AND AUTHORIZATION TO DECLARE CITY VEHICLES AND PROPERTY AS SURPLUS.

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

C) AWARD OF CONTRACT FOR THE HIGH-DENSITY MINERAL BOND PAVEMENT PRESERVATION PROJECT.

Awarded a contract to Andale Construction Inc, Valley Center, in the amount of \$222,926.58 for High-Density Mineral Bond Pavement Preservation.

D) RESOLUTION TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE APACHE FOUNDATION FOR FUNDING UNDER THE FISCAL YEAR 22-23 APACHE TREE GRANT PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the Apache Foundation for funding under the Fiscal Year 22-23 Apache Tree Grant Program.

E) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.00.

1. LOANCARE

Approved a tax refund in the amount of \$810.93.

2. NAVARRETE, SONIA

Approved a tax refund in the amount of \$753.39.

3. BIDS/CONTRACTS

A) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE SCOPE AND FEES WITH SELECTED FIRM FOR ENGINEERING SERVICES AT THE MCALLEN RECYCLING CENTER.

Staff recommended authorization to negotiate scope of services and related fee with Burns & McDonnell Engineering Company, Inc. for engineering services. Additionally, if negotiations are not successful with the recommended firm, staff recommends that with City Manager approval, negotiations cease and reissue Request Statement of Qualifications.

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

B) AWARD OF CONTRACT FOR THE ANZALDUAS BRIDGE INFRASTRUCTURE IMPROVEMENTS PROJECT. (RE-BID)

Staff recommended award of contract to D. Wilson Construction Company, of McAllen, Texas, in the amount of \$81,861,364.52 for the Anzaldua's Bridge Infrastructure Improvements Project.

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

4 RESOLUTION

A) CONSIDERATION AND ACTION ON A RESOLUTION EXPANDING THE BOUNDARIES OF THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT ("DISTRICT") PURSUANT TO CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE, TO INCLUDE +/- 150 ACRES DESCRIBED IN A PETITION FILED BY THE LANDOWNER OF SUCH PROPERTY REQUESTING

THAT THE PROPERTY BE ANNEXED INTO AND INCLUDED AS PART OF THE SAID DISTRICT.

Staff recommended approval of a resolution expanding the boundaries of the Tres Lagos Public Improvement District pursuant to Chapter 372 of the Texas Local Government Code, to include +/- 150 acres described in a petition filed by the landowner of such property requesting that the property be annexed into and include as part of the said district.

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

5. MANAGER'S REPORT

A) IMMIGRATION AND RESPITE CENTER REPORT.

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

B) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follow:

- Landscaping requirements
- Fiber Optics Update

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).

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

Mayor Pro Tem Joaquin Zamora moved to authorize City Manager and City Attorney to negotiate the purchase of tract one the terms described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES REGARDING USE OF PUBLIC FUNDS OR CREDIT FOR PRIVATE PURPOSES. (SECTION 551.071, T.G.C.)

No action.

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGISLATIVE PROCESS. (SECTION 551.071, T.G.C.)

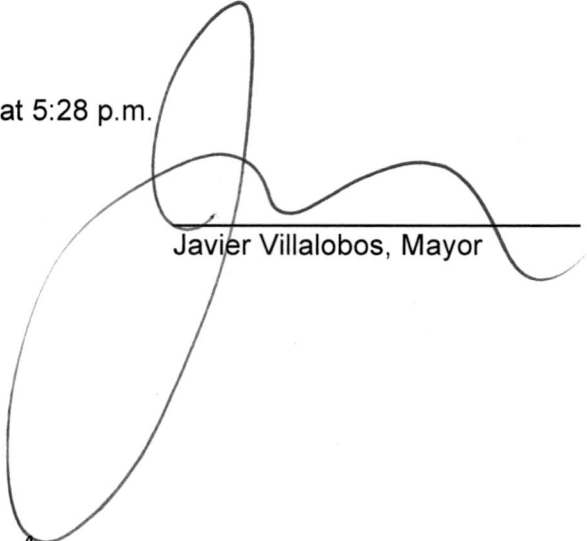
Mayor Pro Tem Joaquin Zamora moved to authorize the City Attorney to proceed as described in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously.

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

Mayor Pro Tem Joaquin Zamora moved to authorize City Manager and City Attorney to offer economic development incentives as described in executive session and seconded by Commission Antonio "Tony" Aguirre Jr. The motion carried unanimously.

ADJOURNMENT

Without objection the meeting was adjourned at 5:28 p.m.


Javier Villalobos, Mayor

Attest:


Perla Lara, TRMO/CMC, CPM
City Secretary