

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, August 22, 2022, at 5:00 PM**, at McAllen City Hall Third Floor (3<sup>rd</sup>) Commission Chambers, with the following present:

Mayor Javier Villalobos, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Mayor Pro Tem Joaquin Zamora

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, Public Works Director Elvira Alonzo

**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) 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 Commissioner Omar Quintanilla. The motion carried unanimously by those present.

**1. REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOT 3, QUINCY SUBDIVISION, HIDALGO COUNTY, TEXAS; 1609 QUEBEC AVENUE.**

Approved the C-3 Zoning at 1609 Quebec Avenue, as per Planning and Zoning Commission.

**2. REZONE FROM C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 2.34 ACRES OUT OF LOT 348, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 5517 NORTH BENTSEN ROAD.**

Approved the R-1 Zoning at 5517 North Bentsen Road, as per Planning and Zoning Commission.

**3. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 96.258 ACRES BEING ALL OF LOTS 1, 2, 3, 4 AND 5, BLOCK 1 ALL OF LOT 7, BLOCK 5, AND OUT OF LOTS 6, 8, 9, AND 10, BLOCK 5, M AND M SUBDIVISION, HIDALGO COUNTY, TEXAS; 15401 NORTH 29<sup>th</sup> STREET.**

Approved the R-1 Zoning at 15401 North 29<sup>th</sup> Street, as per Planning and Zoning Commission.

**4. REQUEST OF ROBERT WILSON, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE G.**

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 400 Nolana Avenue Suite G, 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 the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses, and a water tower.
- 2) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4<sup>th</sup> Street need to be closed as required by other Conditional Use Permits issued in this commercial plaza.
- 3) The abovementioned business 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. Currently there is a multi-tenant commercial building on the property. The shopping center consists of various uses including office, retail, vacant suites, restaurants, a children's event center, and bars. The proposed 11,875 sq. ft. bar/pool hall requires 149 parking spaces; 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site, as per section 138-400(a) of the Off-Street Parking and Loading requirements, all off-street parking must be clearly striped and free of potholes;
- 4) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- 5) The abovementioned business 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 as much as possible of the site from a public street.
- 6) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
- 7) The abovementioned business 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. The occupancy load for this establishment will be established by the Building Inspection Department as part of the building permit review process.

**5. REQUEST OF ERIC R. PENA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR AT N98.5' LOT 1 BLK 1, FAIRWAY NORTH SUBDIVISION, HIDALGO COUNTY, TEXAS; 2001 SOUTH 10<sup>th</sup> STREET.**

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 2001 South 10<sup>th</sup> Street, as per Planning and Zoning Commission.

The Planning Department has received no complaints regarding this use. The establishment must also meet the requirements set forth in Section 138-118(a)(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 the residential zone/use to the northeast.
- 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 establishment has direct access to South 10th Street.

- 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. 61 parking spaces are required and 54 are provided as per site plan.
- 4) The business 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.

**6. REQUEST OF MAYELA X. RAMIREZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION AN ORDINANCE FOR A BAR (NIGHTCLUB) AT LOT 1, NOLANA WEST SUBDIVISION, HIDALGO COUNTY, TEXAS; 2200 NOLANA AVENUE, SUITES 2232 & 2234.**

Approved a Conditional Use Permit and adopted an ordinance, for one year, for bar at 2200 Nolana Avenue, Suites 2232 & 2234, as per Planning and Zoning Commission.

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

- 1) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from residential zones/uses, New Life Family Church and McAllen's Public Library;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment is located on two major arterials, Nolana Avenue and North 23rd Street, and does not generate traffic into residential areas.
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The proposed 3,000 sq. ft. bar would require 30 parking spaces. For every business to run simultaneously in the commercial plaza, 293 parking spaces would be required; there are 305 parking spaces provided on site.
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street to discourage vandalism and criminal activities.
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above-mentioned business 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 considered the recommendations of the Fire Marshal, Building Official and Planning Director.

**7. REQUEST OF ANDRE SUTIONO, FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR AN AUTOMOTIVE SERVICE AND REPAIR SHOP (OIL CHANGE SHOP) AT LOT A, 29TH PLACE SUBDIVISION AND LOT 1, ASIAN VALLEY SUBDIVISION (PROPOSED VACATING AND REPLAT OF ASIAN VALLEY SUBDIVISION LOT 1 AND 29TH PLACE SUBDIVISION LOT A AND ASIAN VALLEY LOTS 1A & 1B), HIDALGO COUNTY, TEXAS; 2813 NOLANA AVENUE.**

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an automotive and repair shop (oil change shop) at 2813 Nolana Avenue, 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 proposed subject property (Lot 1-B) is 33,524 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 workshop 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.
- 5) A 6 ft. opaque fence to buffer the proposed use from any residential use or residentially zoned area is required (if applicable).
- 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.

**8. REQUEST OF TERESA FLORES, FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR AN INSTITUTIONAL USE (OUTDOOR LEARNING CENTER) AT 9.885 ACRES (MORE OR LESS) (DEED RECORD 10 ACRES) OF LOT 10, SECTION 280, TEXAS-MEXICAN RAILWAY COMPANY'S SUBDIVISION (PROPOSED HIDALGO COUNTY HEAD START OUTDOOR LEARNING ENVIRONMENTS AND DISCOVERY CLASSROOMS SUBDIVISION), HIDALGO COUNTY, TEXAS; 1901 STATE HIGHWAY 107.**

Approved a Conditional Use Permit and adopted an ordinance, for the life of the use, for an institutional use (outdoor learning center) at 1901 State Highway 107, as per Planning and Zoning Commission.

The proposed use must 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.
- 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; 35 parking spaces are required, 42 spaces will be provided on site after the completion of the proposed project.
- 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 those allowed by the Fire Marshal and Building Official at the time of permit issuance.

**B) REZONINGS:**

**1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL COMMERCIAL) DISTRICT: 6.713 ACRES OUT OF LOT 7, E.M. CARD SURVEY NO. 1 AND OUT OF LOT 14, SECTION 279, TEX-MEX RAILWAY COMPANY SURVEY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2300 OXFORD AVENUE.**

Staff recommended approval of the C-3 zoning at 2300 Oxford Avenue, as per Planning and Zoning Commission.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. Shawn Jackson President of HOA spoke in opposition of the rezoning. Joey Holland spoke in favor of the request.

Discussion ensued. Comments and concerns were addressed. Staff answered questions posed by Council.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the C-3 zoning as recommended and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

**2. REZONE FROM R-4 (MOBILE HOME AND MODULAR HOME) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: LOT 17, JENNINGS SUBDIVISION UNIT NO. 2, HIDALGO COUNTY, TEXAS; 5801 NORTH MAIN STREET.**

Staff recommended approval of the R-2 zoning at 5801 North Main Street, as per Planning and Zoning Commission.

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

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the R-2 zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

**3. 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 Omar Quintanilla moved to amend the Zoning Ordinance and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

**D) 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 Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

**A) APPROVAL OF MINUTES FOR WORKSHOP AND REGULAR MEETING HELD AUGUST 8, 2022.**

Approved the minutes of Workshop and Regular Meeting held August 8, 2022, as submitted.

**B) CONSIDERATION AND AUTHORIZATION TO REMOVE 1<sup>st</sup> QUARTER OF FISCAL YEAR 2021-22 UNCOLLECTIBLE SANITATION AND DRAINAGE ACCOUNTS FROM THE GENERAL LEDGER AND BEGIN WRITE-OFF PROCEDURES.**

Approved authorization to remove 1<sup>st</sup> Quarter of Fiscal Year 2021-2022 Uncollectible Sanitation and Drainage Accounts from General Ledger and begin Write -Off procedures.

**C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL FOR THE CHICAGO AVENUE AT SOUTH 23<sup>rd</sup> STREET DRAINAGE IMPROVEMENTS PROJECT.**

Approved Change Order No. 1 in the deduct amount of \$4,476.00 for the Chicago Avenue at South 23<sup>rd</sup> Street Drainage Improvements Project.

**D) CONSIDERATION AND AUTHORIZATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH HIDALGO COUNTY - URBAN COUNTY PROGRAM FOR THE DEVELOPMENT OF THE FISCAL YEAR 2023-2027 CONSOLIDATED PLAN AND STRATEGY FOR FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD/CDBG).**

Approved a Memorandum of Understanding with Hidalgo County - Urban County Program for the development of the Fiscal Year 2023-2027 Consolidated Plan and Strategy for funds from the U.S. Department of Housing and Urban Development (HUD/CDBG).

**E) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE LEARY FOUNDATION FOR FUNDING UNDER THE FISCAL YEAR 2022 GRANT PROGRAM.**

Approved a resolution authorizing the submittal of a grant application to the Leary Foundation for funding under the Fiscal Year 2022 Grant Program.

**F) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE FISCAL YEAR 2022 BRIDGE INVESTMENT PROGRAM.**

Approved a resolution authorizing the submittal of a grant application to the U.S. Department of Transportation for funding under the Fiscal Year 2022 Bridge Investment Program.

**G) CONSENT COOP PURCHASES**

**1. AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) MOWERS.**

Awarded a contract to Professional Turf Products in the amount of \$78,000 for the Purchase of Two (2) Mowers through Buyboard.

**2. AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF WIFI EQUIPMENT AT MEMORIAL WATER TOWER.**

Awarded a contract to Frontera Consulting through TIPS in the amount of \$58,008.25 for the Purchase and Installation of Wi-Fi Equipment at Memorial Water Tower.

**H) PROJECT STATUS REPORT THROUGH JULY 31, 2022.**

Approved the Project Status Report through July 31, 2022.

**I) SUBDIVISION MONTHLY REPORT.**

Approved the Subdivision Monthly Report.

**J) STATUS REPORT ON PARKS & RECREATION PROJECTS.**

Approved the Status Report on Parks & Recreation Projects.

**K) APPROVAL OF TAX REFUND OVER \$500.00.**

Approved tax refunds of over \$500.

**1. CHARLES LEROY & SONYA IRENE MILLER**

Approved a tax refund in the amount of \$1,014.69.

**2. GLORIA ORTIZ, MD**

Approved a tax refund in the amount of \$2,152.25.

### **3. BIDS/CONTRACTS**

#### **A) AWARD OF CONTRACT FOR THE PURCHASE OF FIRE ENGINE NO. 8 AND RELATED FIREFIGHTING EQUIPMENT.**

Staff recommended award of contract to Metro Fire Apparatus Specialists, Inc. in the amount of \$779,802.00 for the purchase of Fire Engine No. 8 and related firefighting equipment.

Commissioner Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

#### **B) AWARD OF CONTRACT FOR THE BENTSEN ROAD ROADWAY WIDENING FROM FM676 (AUBURN AVENUE) TO FM1924 (3 MILE ROAD) PROJECT.**

Staff recommended award of contract to Perez Consulting Engineers LLC in the amount of \$950,318.00 for the Bentsen Road Roadway Widening from Buddy Owens Boulevard to Auburn Avenue (FM 676) Project.

A discussion ensued. Comments and concerns were expressed by Council. Staff answered questions posed by Council.

Commissioner Antonio "Tony" Aguirre, Jr. moved to award the contract as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

#### **C) AWARD OF CONTRACT FOR THE TAYLOR ROAD ROADWAY WIDENING FROM 4 MILE ROAD (LARK AVENUE) TO DAFFODIL AVENUE PROJECT.**

Staff recommended award of contract to TEDSI Infrastructure Group in the amount of \$950,400.00 for the widening of Taylor Road from Lark Avenue to Daffodil Avenue.

Commissioner Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

#### **D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR THE MCALLEN YOUTH BASEBALL COMPLEX PARKING LOT.**

Staff recommended approval of Change Order No. 3 in the amount of \$6,569.00 for the McAllen Youth Baseball Complex Project.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 3 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

#### **E) AWARD OF CONTRACT FOR THE 2022 PAVEMENT PRESERVATION PROJECT.**

Staff recommended award of contract to the lowest bidder, Pavement Restoration, Inc. in the amount of \$132,263.75 with a contract time of 12-working days for the 2022 Pavement Preservation Project.

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

#### **F) AWARD OF CONTRACT FOR HELENA AVENUE SIDEWALK IMPROVEMENTS.**

Staff recommended award of contract to the lowest responsive bidder, Mata G. Construction in the amount of \$683,294.88 with a contract time of 150-calendar days for the Helena Avenue Sidewalk Improvement (CDBG) Project.

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

**G) CONSIDERATION AND APPROVAL OF A DEVELOPER'S REIMBURSEMENT AGREEMENT FOR THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS FOR WORLD OF 4 SUBDIVISION.**

Staff recommended approval of a Developer's Reimbursement Agreement for the Construction of Drainage Improvements for World of 4 Subdivision.

Commissioner Omar Quintanilla moved to approve the developer's reimbursement agreement as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

**H) AWARD OF CONTRACT FOR THE PURCHASE OF A WEB-CENTRIC VOD AND LIVE STREAMING PROGRAMMING COMPUTER WITH CABLECAST AUTOMATION FOR THE OFFICE OF COMMUNICATIONS FOR USE IN PROGRAMMING CONTENT FOR MCN 1300, THE CITY OF MCALLEN PUBLIC, EDUCATION, GOVERNMENT (P.E.G.) CHANNEL.**

Staff recommended award of contract to Digital Resources, Inc. in the amount of \$30,528.00 for the purchase of a web-centric VOD and Live Streaming Programming Computer with Cablecast Automation for the Office of Communications for use in programming content for MCN 1300, the City of McAllen Public, Education, Government (P.E.G.) Channel.

A discussion ensued. Comments and concerns were expressed by Council. Staff answered questions posed by Council.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

**I) CONSIDERATION AND AUTHORIZATION TO DECLARE CERTAIN VEHICLES, EQUIPMENT AND PROPERTY AS SURPLUS.**

Staff recommended approval to declare certain city vehicles and property as surplus and begin auction efforts.

A discussion ensued. Comments and concerns were expressed by Council. Staff answered questions posed by Council.

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

**4. ORDINANCES**

**A) PROVIDING FOR THE CREATION OF THE CITY OF MCALLEN MUNICIPAL COURT OF RECORD.**

Staff recommended adoption of an ordinance providing for the creation of the City of McAllen Municipal Court of Record.

A discussion ensued. Comments and concerns were expressed by Council. Staff answered questions posed by Council.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to adopt the ordinance and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

**B) PROVIDING FOR THE ABANDONMENT OF A 5.10 ACRE-TRACT OF LAND BEING A ROAD RIGHT OF WAY OUT OF LOTS 7, 8, 13, 14, 16, 17 AND 18, TEXAS-MEXICAN RAILWAY COMPANY SURVEY, HIDALGO COUNTY, TEXAS; 12500 NORTH WARE ROAD.**

Staff recommended adoption of an ordinance providing for the abandonment of a 5.10 acre-tract of land at 12500 North Ware Road.

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 4B and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

A discussion ensued. Comments and concerns were expressed by Council. Staff answered questions posed by Council.

After due consideration, Commissioner Antonio "Tony" Aguirre, Jr. moved to adopt the ordinance as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion passed with 4 votes in the affirmative with Commissioner Victor "Seby" Haddad in abstention.

**C) PROVIDING FOR A BUDGET AMENDMENT FOR THE PURCHASE OF A FIRE ENGINE AND FIREFIGHTING EQUIPMENT.**

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$104,802.00 for the purchase of a Fire Engine and Firefighting Equipment.

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

**D) DISCUSS AND TAKE ACTION ON AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF MCALLEN, TEXAS JUNIOR LIEN INTERNATIONAL TOLL BRIDGE SYSTEM REVENUE BONDS, TAXABLE SERIES 2022A" AND "CITY OF MCALLEN, TEXAS JUNIOR LIEN INTERNATIONAL TOLL BRIDGE SYSTEM REVENUE BONDS, TAXABLE SERIES 2022B".**

Staff recommended adoption of an ordinance authorizing the issuance of "City of McAllen, Texas Junior Lien International Toll Bridge System Revenue Bonds, Taxable Series 2022A" and "City of McAllen, Texas Junior Lien International Toll Bridge System Revenue Bonds, Taxable Series 2022B".

Ms. Ann Burger Entrekin with Hilltop Securities gave a brief presentation on the International Toll Bridge Revenue Bonds, Subordinate Lien Series 2022 A and B. Additionally, the following key points were discussed:

- Bond Buyer's Revenue Index of 25 Municipal Bonds
- Historical Interest Rates
- MMD Yield Curve
- NAD Bank Terms and Conditions
- Summary Analysis of Impact to Starting Principal on 3/1/2024 or 3/1/2025
- Key Statistics Related to Principal Start Date of 2024 and 2025

Ms. Burger Entrekin added that it was recommended that the city approve the proposed bond issues to be placed with NAD Bank.

A discussion ensued. Comments and concerns were expressed by Council. Staff answered questions posed by Council.

After due consideration, Commissioner Antonio "Tony" Aguirre, Jr. moved to adopt the ordinance subject to deferring until 2025 and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

**5. RESOLUTION**

**A) RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TO CONTRIBUTE RIGHT-OF-WAY FUNDS (FIXED PRICE) FOR FM2220 (WARE ROAD) FROM FM1925 (MONTE CRISTO ROAD) TO SH107.**

Staff recommended approval of a resolution providing for an agreement with the Texas Department of Transportation (TxDOT) to contribute Right-of-Way funds (Fixed Price) for FM2220 (Ware Road) from FM1925 (Monte Cristo Road) to SH107.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the resolution as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

**6. MANAGER'S REPORT**

**A) DISCUSSION OF 2022 PROPOSED TAX RATE, TAKE A RECORD VOTE AND SCHEDULE PUBLIC HEARING.**

Staff briefly reviewed revenue tax rate and noted that by state law only one public hearing is required. It was also noted that tax rate can be held and adopted after the public hearing scheduled for Monday, September 26, 2022, at 5 pm at City Commission Chambers.

A lengthy discussion ensued. Comments and concerns were expressed by Mayor and City Commission. Mrs. Rebecca Grimes answered questions posed by Council.

After discussion on item 6A, a Roll Call was requested:

ROLL CALL VOTE: Commissioner Rodolfo "Rudy" Castillo, Commissioner Jose R. "Pepe" Cabeza de Vaca, Commissioner Omar Quintanilla, Mayor Javier Villalobos, Commissioner Victor "Seby" Haddad, and Commissioner Antonio "Tony" Aguirre, Jr.

Absent: Mayor Pro Tem Joaquin Zamora

**B) IMMIGRATION AND RESPITE CENTER REPORT.**

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

**C) FUTURE AGENDA ITEMS.**

Items of upcoming workshops were reviewed as follows: Downtown Mix Use | Redevelopment

**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).**

**A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES WITH RESTRICTIVE COVENANTS IN REAL ESTATE CONVEYANCE DOCUMENTS. (SECTION 551.071, T.G.C.)**

No action.

**B) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL LITIGATION TO ENFORCE CITY CODES. (SECTION 551.071, T.G.C.)**

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize the City Attorney to enforce city ordinance and codes as described in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

**C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES WITH CONTRACTUAL AGREEMENTS. (SECTION 551.071, T.G.C.)**

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize the City Manager and City Attorney to negotiate the contractual terms as described in Executive Session and seconded by Commissioner Antonio "Tony" Aguirre. The motion carried unanimously by those present.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize the City Manager and City Attorney to negotiate documents necessary to obtain the economic development incentives as described in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

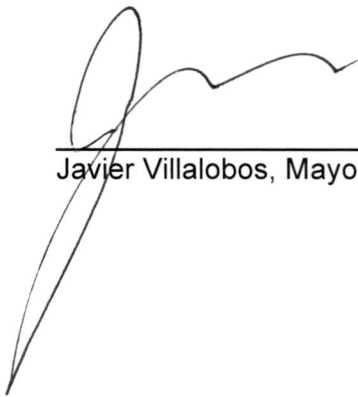
**ADJOURNMENT**

Without objection the meeting was adjourned at 6:00 p.m.

Attest:



Perla Lara, TRMC/CMC, CPM  
City Secretary

  
Javier Villalobos, Mayor