

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **October 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 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.

PROCLAMATIONS

NATIONAL COMMUNITY PLANNING MONTH

Commissioner Antonio "Tony" Aguirre, Jr. read and presented a proclamation for National Community Planning Month.

MUNICIPAL COURT WEEK

Mayor Pro Tem Joaquin Zamora read and presented a proclamation for Municipal Court 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. ORDINANCE

A) PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE TO REGULATE BYOB ESTABLISHMENTS.

Staff recommended adoption of an ordinance providing for the amendment of the zoning ordinance to regular BYOB establishments. It was noted that the proposed ordinance creates a CUP category for BYOB establishments and places conditions on permits.

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

Comments and concerns were expressed by Council. Questions were posed regarding timeframe and BYOB category. Staff answered questions posed by Council.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner . The motion carried unanimously.

2. 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 of the requests.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Routine Items section of the agenda except for item 2A2 to be addressed separately and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

1. REQUEST OF CITY OF MCALLEN FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR AN INSTITUTIONAL USE (MORRIS PARK IMPROVEMENTS) AT 8.50 ACRES OUT OF LOT 1, MCALLEN INDEPENDENT SCHOOL DISTRICT #6 (MIDDLE SCHOOL) SUBDIVISION, HIDALGO COUNTY, TEXAS; 1400 TRENTON ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an institutional use at 1400 Trenton Road, as per Planning and Zoning Commission.

The proposed use must also comply with 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 has access to Trenton Road via North 15th and North 16th Street.
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. There is a shared parking agreement between the City of McAllen and McAllen Independent School District.
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 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 determined by the Building Inspections Department and shall maintain the existing capacity; and
7. Sides adjacent to commercially and residentially zoned or use property shall be screened by a 6 ft. opaque fence.

2. REQUEST OF RGV PADEL CLUB LLC, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR PADEL COURTS WITH BEER AND WINE SALES AT LOT N-1, BECK INDUSTRIAL AREA SUBDIVISION, HIDALGO COUNTY, TEXAS, 1920 NORTH 23RD STREET.

Staff recommended approval of a Conditional Use Permit and adopted an ordinance, for one year, for padel courts with beer and wine sales at 1920 North 23rd Street, 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 the above-mentioned land uses, the subject property will require a TABC variance.
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 establishment has direct access to North 23rd Street and Tamarack Avenue.
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. Based on the area utilized, the proposed facility complies with parking.
4. The abovementioned 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 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 of 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 considered the recommendations of the Fire Marshal, Building Official and Director of Planning. This number cannot exceed the number provided for in existing city ordinances.

Comments and concerns were expressed by Council. Questions were posed regarding alcohol sales, proximity, adjacent to a school, memberships and TABC requirements. Staff answered questions posed by Council.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve a two-year extension of the agreement and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 5 votes in the affirmative with Commissioner Omar Quintanilla voting against.

3. REQUEST OF YOLANDA A. FLORES, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER AT THE WEST 143.14 FEET OF THE EAST 777.64 FEET OF THE SOUTH 845.28 FEET AT 2.77 ACRES OUT OF LOT 11, LA LOMITA (HOIT) SUBDIVISION, HIDALGO COUNTY, TEXAS, 3501 STATE HIGHWAY 107.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an event center at 3501 Highway 107, 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 property is within 400 ft. of residential zones or uses.
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 property fronts State Highway 107 and it 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; Based on the 2,035 square feet suite where the event center is proposing to operate, 21 parking spaces are required; 27 parking spaces are provided on site. The proposed operation hours of the event center do not interfere with the operation hours of the car lot. For the whole building to operate at the same time, 35 parking spaces would be required.
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 considered the recommendations of the fire marshal, building official and director of planning. This number cannot exceed the number provided for in existing city ordinances.

B) REZONINGS:

1. INITIAL ZONING TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 8.92 ACRES OUT OF LOT 452, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7000 MILE 6 ROAD.

Staff recommended approval of the initial zoning to R-3A at 7000 Mile 6 Road.

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

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

2. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT C-3 (GENERAL BUSINESS) DISTRICT: LOTS 7 AND 8, SAVE AND EXCEPT THE NORTH 15 FEET OF LOT 8, BLOCK 1, RENKEN'S ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 601 NORTH 9TH STREET. (TABLED)

Said item remained tabled.

C) CONDITIONAL USE PERMITS:

1. REQUEST OF JEANETTE GUTIERREZ ON BEHALF OF MDM REAL ESTATE GROUP, APPEALING THE PLANNING AND ZONING COMMISSION'S DECISION ON OCTOBER 4, 2022, DISAPPROVING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (HOME OFFICE), AND ADOPTION OF AN ORDINANCE, AT 0.82 ACRES OUT OF LOT 4, J. P. KING SUBDIVISION, AND A 25 FT. STREET EASEMENT, HIDALGO COUNTY, TEXAS, 329 SOUTH MCCOLL ROAD.

Said item was withdrawn by applicant.

2. REQUEST OF JORGE E. GUAJARDO, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER AT LOTS 7 AND 8, CITRUS GROVE PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS, 4037 EXPRESSWAY 83, SUITES 100, 105, AND 110.

Said item was withdrawn by applicant.

3. REQUEST OF CALTIA CONSTRUCTION LLC, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A PLANNED UNIT DEVELOPMENT, AT THE SOUTH 10 ACRES OF THE NORTH 15 ACRES OF LOT 52, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY'S SUBDIVISION (PROPOSED ANDARA APARTMENTS AT WARE SUBDIVISION), HIDALGO COUNTY, TEXAS, 8200 NORTH WARE ROAD. (TABLED)

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

Staff recommends approval of the Conditional Use Permit, for life of the use, for a Planned Unit Development at 8200 North Ware Road.

Specific requirements for approval are specified in the Ordinance creating a Planned Unit Development for the subject property and summarized as the following:

1. **CONCEPTUAL SITE PLAN:** Development and use of the property must comply with the conditional use permit conceptual site plan.
2. **PERMITTED USES:** The applicant is proposing multifamily residences. Apartments are not permitted in the A-O District.
3. **OFF-STREET PARKING AND LOADING:** Parking in compliance with Chapter 134 Article VI, which requires two parking spaces per unit, with one being located beyond the front yard setback.
4. **LANDSCAPING:** Each lot requires 10% landscaping and a minimum of 50% of the area within the required front yard of any residential lot shall be devoted to landscape material including the portion of the front yard located between the property line and the extension of the side yard setback line. Tree requirement is based on the square footage of the lot.

5. **STREETS AND SETBACKS:** A minimum of 60 ft. right-of-way with 40 ft. of pavement width is required on all internal streets. The applicant is proposing 50 ft. of ROW and 40 ft. of paving and 10 ft. Utility and Sidewalk easement inside the lots. The front setback is proposed to be 20 ft. for the buildings and 10 ft. for the unenclosed carports. The interior side setback is to be a 5 ft. side yard setback as shown on the site plan. No overhangs will be allowed over the easements. The side setback for corner lots is 10 ft. or greater for easements. Rear side setback is proposed to be 10 ft. or greater for easements. A 4 ft. wide minimum sidewalk required on North Ware Road and both sides of all interior streets. Engineering Department may require a wider sidewalk. Sidewalk must comply with subdivision requirement.
6. **DRAINAGE:** The drainage report must be approved.
7. **ADDITIONAL PROVISIONS:** The Conditional Use Permit site plan controls if there is a conflict with other City ordinances. A decision by the Planning Director may be reviewed by Planning and Zoning Commission for recommendation to Board of Commissioners for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development has 10 acres and is proposing apartments, which include duplexes, a sixplex, and an eightplex. The Engineering, Fire, and Traffic Departments approved the latest submittal. The Utilities Department is pending more details. The site plan and the utility layout must comply with City ordinances and the Utilities Department requirements including providing individual water meters for each dwelling unit. They prefer 60 ft. of right-of-way and 40 ft. of pavement for multifamily developments instead of 50 ft. of right-of-way and 40 ft. of pavement proposed. A recorded agreement for paving and parking over the gas easement is required prior to building permit issuance. An 8 ft. masonry wall is required adjacent to single-family residential use and zone on the north side unless a variance is approved by the Zoning Board of Adjustment for the buffer requirement.
8. The owner's name and the engineer and surveyor's certification and signature needs to be shown on the PUD site plan.
9. The subdivision plat and the Planned Unit Development site plan are required to be recorded prior to issuance of building permits.

Commissioner Omar Quintanilla moved to approve the conditional use permit as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

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

Commissioner Antonio "Tony" Aguirre Jr. moved to amend the Zoning Ordinance and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

E) PUBLIC HEARING FOR A VARIANCE REQUEST FROM SECTION 6-2 OF THE ALCOHOLIC BEVERAGE CODE, REQUEST OF HECTOR RONQUILLO, RGV PADEL CLUB LLC, AT LOT N-1, BECK INDUSTRIAL AREA SUBDIVISION, HIDALGO COUNTY, TEXAS, 1920 NORTH 23RD STREET.

Mayor Javier Villalobos called the Public Hearing to order.

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

Staff recommended approval of the variance from Section 6-2 of the City of McAllen Code of Ordinances of the Alcoholic Beverage Code at 1920 North 23rd Street.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve two-year extension of the agreement and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 5 votes in the affirmative with Commissioner Omar Quintanilla voting against.

F) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF 8.92 ACRES OUT OF LOT 452, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7000 MILE 6 ROAD.

Mayor Javier Villalobos called the public hearing to order.

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

Staff recommended adoption of an ordinance providing for the annexation at 7000 Mile 6 Road.

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

END OF PUBLIC HEARING

Mayor Javier Villalobos declared the Public Hearing closed.

- 3. 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 Victor "Seby" Haddad moved to approve the items listed on the Consent Agenda and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

- A) APPROVAL OF MINUTES OF BUDGET WORKSHOP HELD AUGUST 10TH, WORKSHOP AND REGULAR MEETING HELD OCTOBER 10, 2022.**

Approved the minutes of Budget Workshop held August 10th, Workshop and Regular Meeting held October 10, 2022, as submitted.

- B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL RECONCILIATION OF QUANTITIES FOR 2022 SINGLE MACHINE REPAVING.**

Approved Change Order No. 1 in the deduct amount of \$92,382.90 for a final contract amount of \$1,441,159.47 for the 2022 Single Machine Repaving Project.

- C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL RECONCILIATION OF QUANTITIES FOR PURCHASE & DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE.**

Approved Change Order No. 1 in the deduct amount of \$456,768.32 for a final contract amount of \$1,403,400.21 for the purchase and delivery of Type "D" Hot Mix Asphaltic Concrete.

- D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL FOR THE MAIN STREET AT CEDAR AVENUE DRAINAGE IMPROVEMENTS PROJECT.**

Approved Change Order No. 1 in the amount of \$10,000.00 for a final contract amount of 4261,813.00 for the Main Street at Cedar Avenue Drainage Improvements Project.

- E) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FUNDING UNDER THE FISCAL YEAR 2023 COMMUNITY OUTDOOR OUTREACH (CO-OP) GRANT PROGRAM.**

Approved a resolution authorizing the submittal of a grant application to the Texas Parks and Wildlife Department for funding under the Fiscal Year 2023 Community Outdoor Outreach (CO-OP) Grant Program.

- F) RESOLUTION ADOPTING THE 2022 CITY OF MCALLEN TAX ROLL.**

Approved a resolution adopting the 2022 City of McAllen Tax Roll.

- G) CONSENT COOP PURCHASES**

- 1. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) CURRENT MODEL 750L CRAWLER DOZER EQUIPMENT THROUGH COOPERATIVE PRICING.**

Awarded a contract to Doggett Heavy Machinery in the amount of \$360,163.75 for the purchase of one (1) current model 750L Crawler Dozer Equipment.

- 2. AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) CURRENT MODEL VACTOR TRUCKS THROUGH COOPERATIVE PRICING.**

Awarded a contract to Doggett Freightliner-South Texas in the amount of \$970,212.00 for the purchase of two (2) current model Vactor Trucks.

H) SUBDIVISION MONTHLY REPORT.

Approved the subdivision monthly report.

I) PROJECT STATUS REPORT THROUGH SEPTEMBER 30, 2022.

Approved the project status report through September 30, 2022.

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. HUNTER KELSEY OF TEXAS

Approved a tax refund in the amounts of \$1,953.70 and \$2,049.70.

4. BIDS/CONTRACTS

A) CONSIDERATION AND AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF BROWNSVILLE TO PARTICIPATE IN THE FISCAL YEAR 2022 SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE.

Staff recommended approval to enter an Interlocal Agreement with the City of Brownsville to participate in the Fiscal Year 2022 South Texas Auto Theft Enforcement Task Force.

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

B) AWARD OF CONTRACT FOR SS115 (23RD STREET) AND JACKSON AVENUE AND SH336 (10TH STREET) AND U.S. BUSINESS 83 INTERSECTION IMPROVEMENTS.

Staff recommended award of contract to RBC Contractors LLC in the amount of \$423,885.40 for the SS115 (23rd Street) and Jackson Avenue and SH336 (10th Street) and U.S. Business 83 Intersection Improvements.

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

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE FM 1926 (23RD STREET) INTERSECTION IMPROVEMENTS.

Staff recommended approval of Change Order No. 1 in the amount of \$9,914.00 for the FM 1926 (23rd Street) Intersection Improvements 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.

D) CONSIDERATION AND APPROVAL OF CMAR PROPOSAL QUALIFICATION FOR THE QUINTA MAZATLAN CENTER OF URBAN ECOLOGY AND QUINTA PARK AND RIDE.

Staff recommended approval of both CMAR proposals and move forward to step two for Urban Ecology and Quinta Park and Ride.

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

5. MANAGER'S REPORT

A) CONSIDERATION AND ACTION ON A REQUEST FROM THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT BOARD OF DIRECTORS REQUESTING

THE CITY COMMISSION OF THE CITY OF MCALLEN TO INCLUDE THE PID IN THE CITY'S SELF-INSURANCE PROGRAM AND PROVIDE INSURANCE COVERAGE THEREUNDER FOR THE PROPERTY, CASUALTY, AND LIABILITY EXPOSURE RELATED TO THE PROPERTY AND OBLIGATIONS OF THE PID IN RETURN FOR AN APPROPRIATE ANNUAL CONTRIBUTION BY THE PID TO THE CITY'S SELF-INSURANCE PROGRAM.

Staff recommended approval to include the PID in the City's self-insurance program and provide insurance coverage thereunder for the property, casualty, and liability exposure related to the property and obligations of the PID in return for an appropriate annual contribution by the PID to the City's self-insurance program.

Comments and concerns were shared by Council. Questions were asked regarding maintaining a letter of credit, TML and PID and property coverage. Staff answered questions posed by Council.

Mayor Pro Tem Joaquin Zamora moved to approve the request 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) FUTURE AGENDA ITEMS.

No future agenda items.

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 Items 6A, 6B, 6C, 6E and 6F and Section 551.087 Economic Development on Item 6D.

Mayor Javier Villalobos recessed the meeting at 5:50 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:11 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 Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

A) CONSULTATION WITH CITY ATTORNEY REGARDING CMAR PROCESSES. (SECTION 551.071, T.G.C.)

No action.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO THIRD-PARTY CONSULTANTS. (SECTION 551.071, T.G.C.)

No action.

C) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY, TRACT 1. (SECTION 551.071, T.G.C.)

No action.

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

D1 – No action.

D2 - Mayor Pro Tem Joaquin Zamora moved to authorize the economic development incentives as discussed in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

E) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO CONTRACTUAL AGREEMENT. (SECTION 551.071, T.G.C.)

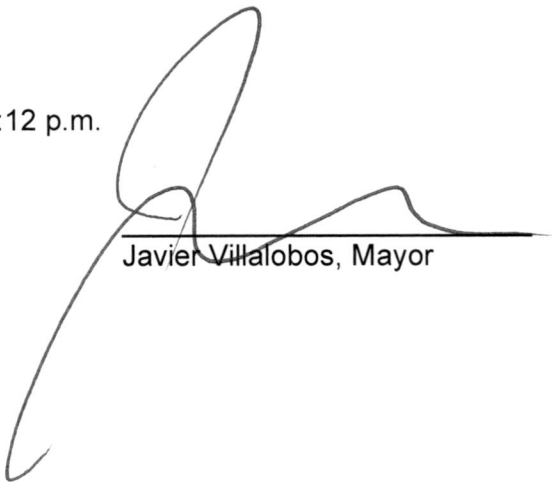
Mayor Pro Tem Joaquin Zamora move to instruct the City Manager and City Attorney to enforce city policies as adopted and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

F) **CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES
RELATED EB-5 PROGRAM. (SECTION 551.071, T.G.C.)**

No action.

ADJOURNMENT

Without objection the meeting was adjourned at 6:12 p.m.



Javier Villalobos, Mayor

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary