STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, December 12, 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

RISK MANAGEMENT ACHIEVEMENT AWARD

Staff presented the Risk Management Achievement Award.

PROCLAMATION

CHRISTMAS FOR KIDS

Commissioner Jose R. "Pepe" Cabeza de Vaca read and presented a proclamation for Christmas for Kids.

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.

Mayor Pro Tem Joaquin Zamora announced that he had a conflict with Item 1A2 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

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 Rodolfo "Rudy" Castillo. The motion passed with 5 votes in the affirmative with Mayor Pro Tem Joaquin Zamora in abstention.

1. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-1 (OFFICE BUILDING) DISTRICT: LOT 33, PALM ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 1104 FREDDY GONZALEZ ROAD.

Approved the C-1 Zoning at 1104 Freddy Gonzalez Road, as per Planning and Zoning Commission.

2. REZONE FROM A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT TO C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT: 0.394 ACRES OUT OF LOT 1, BLOCK 6, STEELE & PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 5520 NORTH MCCOLL ROAD.

Approved the C-4 Zoning at 5520 North McColl Road, as per Planning and Zoning Commission.

B) REZONINGS:

1. REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO R-3A (MULTI-FAMILY RESIDENTIAL) DISTRICT: 12.51 ACRES OUT OF LOT 167, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2021 SOUTH TAYLOR ROAD.

Said item was withdrawn.

2. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 4.681 ACRES OUT OF LOT 241, SAVE AND EXCEPT 0.184 ACRES, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 5000 NORTH BENTSEN ROAD.

Staff recommended disapproval of the R-3A zoning at 5000 North Bentsen Road, as per Planning and Zoning Commission.

Mayor Pro Tem Joaquin Zamora moved to disapprove the R-3A zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

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

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

A) APPROVAL OF MINUTES OF THE SPECIAL JOINT MEETING AND REGULAR MEETING HELD NOVEMBER 28, 2022.

Approved the Minutes of the Special Joint Meeting and Regular Meeting held November 28, 2022.

B) AWARD OF CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE CITY HALL EXPANSION FEASIBILITY PROJECT.

Awarded a contract to Milnet Architectural Services, PLLC in the amount of $40,000.00 for Professional Architectural Services for the City Hall Expansion Feasibility Project.

C) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 1 FOR ADDITIONAL ENGINEERING SERVICES FOR THE MCALLEN LATERAL DRAINAGE IMPROVEMENTS.

Approved Contract Amendment No. 1 to Cruz Hogan Consultants in the amount of $87,356.80 for Additional Engineering Services for the McAllen Lateral Drainage Improvements.

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE 2018 BOND GROUP C1 AND C3 DRAINAGE IMPROVEMENT PROJECT.

Approved Change Order No. 1 in the amount of $17,465.40 for the Drainage Improvement Project.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE TRENTON ROAD AND AUBURN AVENUE INTERSECTION IMPROVEMENTS.

Approved Change Order No. 2 in the amount of $2,190.82 for the Trenton Road and Auburn Avenue Intersection Improvements Project.

F) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 5 FOR THE METRO TRANSFER STATION AND CHANGE ORDER NO. 4 FOR PARKS AND RECREATION ADMINISTRATION.

Approved Change Order No. 4 in the amount of $13,120.00 for the Parks and Recreation Administration and Change Order No. 5 in the amount of $5,916.00 for the Metro Transfer Station.

G) CONSIDERATION AND APPROVAL TO ACQUIRE DRAINAGE EASEMENT FROM SHARYLAND WATER SUPPLY CORPORATION.

Approved an agreement to acquire drainage easement from Sharyland Water Supply Corporation.

H) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR VARIOUS DEVELOPMENT CORPORATION PROJECTS.

Adopted an ordinance providing for a budget amendment in the amount of $1,483,590.00 for various Development Corporation Projects.

I) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE GENERAL DEPRECIATION FUND FOR THE PURCHASE OF POLICE PACKAGED VEHICLES AND A STREET MAINTENANCE WHEEL LOADER.

Adopted an ordinance providing for a budget amendment in the amount of $118,100.00 for the purchase of police packaged vehicles and a street maintenance wheel loader.

J) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE SANITATION DEPRECIATION FUND FOR THE PURCHASE OF A WHEEL LOADER FOR THE BRUSH DEPARTMENT.

Adopted an ordinance providing for a budget amendment in the amount of $70,000.00 for the purchase of a wheel loader for the Brush Department.

K) RESOLUTION PROVIDING FOR AN AMENDMENT TO THE ADVANCED FUNDING AGREEMENT (AFA) FOR THE JACKSON HIKE & BIKE TRAIL PHASE II PROJECT.

Approved a resolution providing for an amendment to the Advanced Funding Agreement (AFA) for the Jackson Hike & Bike Trail Phase II Project.

L) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR THE TEXAS DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2023 HIGHWAY SAFETY IMPROVEMENT PROGRAM.

Approved a resolution authorizing the submittal of a grant application for the Texas Department of Transportation Fiscal Year 2023 Highway Safety Improvement Program.

M) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF TEN (10) NEW CURRENT MODEL POLICE PACKAGED VEHICLES THROUGH COOPERATIVE PRICING.

Awarded a contract to Grapevine in the amount of $151,904.00 for the purchase of four (4) new current model police packaged intermediate size sedans and to Silsbee Ford in the amount of $350,030.22 for the purchase of six new current model AWD 4 Door Police packaged Sport Utility Vehicles.

2. AWARD OF CONTRACT FOR THE PURCHASE OF FOUR (4) OPEN TOP BRUSH TRUCKS AND ONE (1) FRONT END LOADER THROUGH COOPERATIVE PRICING.

Awarded a contract to Doggett Freightliner of South Texas LLC in the amount of $679,499.16 for the purchase of four (4) open-top brush trucks and t Doggett Heavy Machinery in the amount of $250,000 for the purchase of One (1) Front End Loader.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) TANDEM TRUCKS AND FRONT-END LOADER FOR THE STREET MAINTENANCE DEPARTMENT.

Staff recommended award of contract to Doggett Heavy Machinery for the purchase of one (1) new current John Deere Model 544P Front Wheel Loader utilizing Sourcewell Purchasing Cooperative pricing at a unit cost of $250,00.00 for a total purchase amount of $250,000.00, subject to a budget amendment; and award of contract to Doggett Freightliner of South Texas, LLC for the purchase of two (2) new current model Freightliner Tandem Trucks with 14cy dump bodies utilizing BuyBoard Purchasing Cooperative pricing at a unit cost of $151,870.00 for a total purchase amount of $303,740.00.

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

B) AWARD OF CONTRACT FOR THE QUINCE AVENUE AT NORTH 27TH STREET DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended award of contract to the lowest responsive bidder, Artillery, LLC in the amount of $ 1,516,935.00 with a contract time of 180-calendar days, subject to a budget amendment.

Commissioner Omar Quintanilla moved to award the contract as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

4. ORDINANCE

A) PROVIDING FOR AN AMENDMENT TO ORDINANCE 2021-46, AS AMENDED, FOR THE RECONCILIATION OF PROPOSED BENEFICIARIES IN THE FISCAL YEAR 2021-2022 CDBG ANNUAL ACTION PLAN.

Staff recommended adoption of an ordinance providing for an amendment to Ordinance 2021-46, as amended, for the reconciliation of proposed beneficiaries in the Fiscal Year 2021-2022 CDBG Annual Action Plan.

Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

5. VARIANCES

A) CONSIDERATION OF A VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT A 1.684-ACRE TRACT OF LAND BEING OUT OF LOT 213, PRIDE O' TEXAS SUBDIVISION, AS PER MAP RECORDED IN VOLUME 5, PAGE 58-59, MAP RECORDS, HIDALGO COUNTY, TEXAS; 7616 NORTH BENTSEN ROAD.

Staff recommended disapproval of the variance request to not require the subdivision process at 7616 North Bentsen Road.

Discussion ensued and after due consideration, Commissioner Omar Quintanilla moved to approve the variance and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

B) CONSIDERATION OF A VARIANCE REQUEST TO THE RIGHT-OF-WAY DEDICATION REQUIREMENT FOR DOVE AVENUE AT THE RESUBDIVISION OF PLAZA LAS FUENTES FORTIS SUBDIVISION, HIDALGO COUNTY, TEXAS; 5700 NORTH 10TH STREET.

Staff recommended approval of a variance request to the Right-of-Way dedication requirement at 5700 North 10th Street.

Commissioner Victor "Seby" Haddad announced that he had a conflict with Item 5B and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

After due consideration, the motion passed with 5 votes in the affirmative with Commissioner Victor "Seby" Haddad in abstention.

6. MANAGER'S REPORT

A) CONSIDERATION AND APPROVAL OF PLAQUE FOR THE MCALLEN POLICE DEPARTMENT BUILDING.

Staff recommended approval of plaque for the McAllen Police Department Building.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

B) ADVISORY BOARD APPOINTMENTS.

KEEP MCALLEN BEAUTIFUL

Commissioner Antonio "Tony" Aguirre Jr. nominated Carmen Pacheco to the Keep McAllen Beautiful Advisory Board.

MCALLEN HOUSING AUTHORITY

Mayor Javier Villalobos nominated Kristel Garcia as Resident Commissioner to the McAllen Housing Authority Board.

Commissioner Omar Quintanilla moved to accept nominations and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

C) IMMIGRATION AND RESPITE CENTER REPORT.

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

D) FUTURE AGENDA ITEMS.

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

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).

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 7B and 7C; Section 551.072 Deliberation Regarding Real Property on Item 7A; and Section 551.087 Economic Development on Item 7D.

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

7A1 – Commissioner Antonio "Tony" Aguirre moved to authorize City Attorney's Office to list the property discussed in executive session and negotiate a contract related to development agreement to be approved by the City Commission and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

7A2 - Commissioner Antonio "Tony" Aguirre moved to authorize City Attorney's Office to lease the parking spaces described in executive session on the terms described therein and seconded by City Commissioner and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL RIGHTS UNDER ECONOMIC DEVELOPMENT AGREEMENT. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora moved to authorize the City Manager and City Attorney to take those steps necessary and reasonable to re-acquire the real property on the terms described in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

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

Commissioner Antonio "Tony" Aguirre moved to authorize the City Manager and City Attorney to negotiate an amendment to the contract described in executive session and to make any payment required thereby and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

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

Mayor Pro Tem Joaquin Zamora moved to authorize the City Manager and City Attorney to negotiate the Economic Development incentives described in executive session and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously.

ADJOURNMENT

Without objection the meeting was adjourned at 5:30 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary