

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **January 9, 2023**, 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.

PROCLAMATION

NATIONAL HUMAN TRAFFICKING AWARENESS MONTH

Commissioner Jose R. "Pepe" Cabeza de Vaca read and presented a proclamation for National Human Trafficking Awareness Month.

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) REZONINGS

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTI-FAMILY RESIDENTIAL APARTMENT) DISTRICT: ALL OF LOT 1 AND NORTH ONE-HALF OF LOT 2, BLOCK 2, BRYAN'S ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 324 NORTH 4TH STREET.

Staff recommended disapproval of the R-1 zoning at 324 North 4th Street, as per Planning and Zoning Commission.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the item under this section of the agenda. One citizen spoke in opposition of the item citing issues on corner of 4th and Date Palm. Mr. Diego Arturo Leal spoke in favor of the request.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to disapprove the R-1 zoning as recommended and seconded by Commissioner Omar Quintanilla.

After due consideration, the motion passed with 5 votes in the affirmative and Mayor Pro Tem Joaquin Zamora voting against.

2. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 0.97 ACRES OUT OF LOT 11, SECTION 12, HIDALGO CANAL COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 1009 JAY AVENUE.

Staff recommended tabling said item.

Commissioner Victor "Seby" Haddad moved to table said item as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

3. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: LOT 1, TEXAN TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1421 NORTH 21ST STREET.

Staff recommended approval of the R-2 zoning at 1421 North 21st Street, as per Planning and Zoning Commission.

Commissioner Victor "Seby" Haddad moved to approve the R-1 zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

4. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 2.818 ACRES OUT OF LOT 150, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4117 HIGHWAY 83 (REAR).

Staff recommended approval of the R3-A zoning at 4117 Highway 83 (rear), as per Planning and Zoning Commission.

Commissioner Victor "Seby" Haddad announced that he had a conflict with Item 1A4 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to approve the R-3A zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with 5 votes in the affirmative with Commissioner Victor "Seby" Haddad in abstention.

B) 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 Commissioner Victor "Seby" Haddad. 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 Mayor Pro Tem Joaquin Zamora seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD DECEMBER 12, 2022.

Approved the Minutes of Workshop and Regular Meeting held December 12, 2022.

B) AWARD OF CONTRACT FOR THE PURCHASE OF PORTABLE RADIOS AND ACCESSORIES.

Awarded a contract to South Texas Communications in the amount of \$60,732.63 for the Purchase of Portable Radios and Accessories.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE RUNWAY 14-32 & TAXIWAY A SAFETY IMPROVEMENTS PHASE 3, 4A & 4C AT MCALLEN INTERNATIONAL AIRPORT.

Approved Change Order No. 2 in the credit amount of \$4.59 for the Runway 14-32 & Taxiway A Safety Improvements Phase 3, 4A & 4C at the McAllen International Airport.

D) CONSIDERATION AND APPROVAL OF DEDICATION ACCEPTANCE OF PUBLIC SPACES AT AQUALINA AT TRES LAGOS SUBDIVISION PHASE I.

Approved dedication acceptance of public spaces at Aqualina at Tres Lagos Subdivision Phase I.

E) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR A ONE-TIME ADDITIONAL PAYMENT TO PALM VALLEY ANIMAL SHELTER.

Adopted an ordinance providing for a budget amendment in the amount of \$250,000.00 for a one-time additional payment to Palm Valley Animal Shelter.

F) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION UNDER THE FISCAL YEAR 2024 STRATEGIC TRAFFIC ENFORCEMENT PROGRAM - COMPREHENSIVE (STEP-COMP) GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the Texas Department of Transportation under the Fiscal Year 2024 Strategic Traffic Enforcement Program - Comprehensive (STEP-COMP) Grant Program.

G) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR THE FISCAL YEAR 2022 SOLID WASTE INFRASTRUCTURE FOR RECYCLING (SWIFR) GRANT PROGRAM FOR POLITICAL SUBDIVISIONS OF STATES AND TERRITORIES.

Approved a resolution authorizing the submission of a grant application to the Environmental Protection Agency for the Fiscal Year 2022 Solid Waste Infrastructure for Recycling (SWIFR) Grant Program for Political Subdivisions of States and Territories.

H) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION UNDER THE FISCAL YEAR 2024 STRATEGIC TRAFFIC ENFORCEMENT PROGRAM - COMMERCIAL MOTOR VEHICLES (STEP-CMV) GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the Texas Department of Transportation under the Fiscal Year 2024 Strategic Traffic Enforcement Program - Commercial Motor Vehicles (STEP-CMV) Grant Program.

I) CONSIDERATION OF VARIANCE REQUESTS TO 1) THE PAVEMENT WIDENING AND CURB AND GUTTER REQUIREMENTS FOR NORTH 46TH STREET, AND 2) SIDEWALK REQUIREMENTS ALONG NORTH 46TH STREET AT THE PROPOSED AMIGO PARK SUBDIVISION UNIT NO. 3, LOTS 12A AND 12 B, HIDALGO COUNTY, TEXAS; 3113 N. 46TH STREET.

Approved variance requests to 1) the pavement widening and curb and gutter requirements for North 46th Street, and 2) sidewalk requirements along North 46th street at the proposed Amigo Park Subdivision Unit No. 3, Lots 12A and 12 B, Hidalgo County, Texas; 3113 N. 46th Street.

J) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF REFUSE DUMPSTERS.

Awarded a contract to Box Gang Manufacturing LLC in the amount of \$140,640 for the Purchase of Refuse Dumpsters.

2. AWARD OF CONTRACT FOR THE PURCHASE OF THREE (3) CURRENT MODEL YEAR FRONT-LOAD REFUSE TRUCKS AND ONE (1) CURRENT MODEL YEAR SIDE-LOAD RESIDENTIAL REFUSE TRUCK.

Awarded a contract to Chastang Enterprises, Inc. in the amount of \$1,560,636.00 for the Purchase of Three (3) Current Model Year Front-Load Refuse Trucks and One (1) Current Model Side-Load Residential Refuse Truck.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR TEMPORARY EMPLOYEE SERVICES FOR CONCERT STAGEHANDS.

Staff recommended award of contract to primary vendor Concert Arena Productions and secondary vendor Lone Star Events for Temporary Employee Services for Concert Stagehands.

Comments and concerns were shared by Mayor and City Commission. Staff answered questions posed by Council.

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

B) AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) LICENSE PLATE RECOGNITION SYSTEM (LRP) WITH SELECTED OPTIONS FOR THE TX RGV TAG PROJECT.

Staff recommended award of contract to Motorola Solutions in the amount of \$4,440,192.38 for One (1) License Plate Recognition System (LRP) with selected options for the TX RGV TAG Project.

Commissioner Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

4. ORDINANCES

A) PROVIDING FOR A BUDGET AMENDMENT IN THE SANITATION DEPRECIATION FUND FOR THE PURCHASE OF VARIOUS REFUSE VEHICLES FOR THE RESIDENTIAL AND COMMERCIAL BOX DEPARTMENTS.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$120,800 for the Purchase of Various Refuse Vehicles for the Residential and Commercial Box Departments.

Comments and concerns were shared by Mayor and City Commission. Staff answered questions posed by Council.

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

B) CONSIDERATION AND POSSIBLE ACTION CALLING A GENERAL ELECTION IN THE CITY OF MCALLEN ON MAY 6, 2023. CONSIDERACION PARA APROBACION DE UNA ORDENANZA CONVOCANDO UNA ELECCIÓN GENERAL EN LA CIUDAD DE MCALLEN EL 6 DE MAYO, 2023.

Agenda public comment was given by Ms. Laurel McLeaish.

Staff recommended adoption of an ordinance calling a General Election in the City of McAllen on May 6, 2023.

It was mentioned that the purpose of the election was to elect (3) Commissioners, one for each district (4, 5 & 6) and two Trustees for Place "B" and "C" to the McAllen Public Utility. Also mentioned were the early personal appearance polling places: Firemans Pump House, Palm View Community Center and Lark Community Center. Staff noted that early voting will begin April 24, 2023 and run through May 2, 2023 and that included Saturday, April 29, 2023.

It was noted that election day polling places are as follows:

1. Gonzalez Elementary
2. Lark Community Center
3. Achieve Early College High School
4. Palm View Community Center
5. McAllen High School
6. Fields Elementary School

It was mentioned that MISD would be having 7:00 am to 7:00 pm (12 hour) days to have same hours as Hidalgo County Elections.

Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Victor "Seby" Haddad. 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 follows: PID Audit Update; Tennis Court Update; Bicentennial Update; Walkable Drainage Ditches Update; Graffiti Arts Park

6. TABLED ITEM(S)

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

Mayor Pro Tem Joaquin Zamora moved to remove said item from the table and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously.

Comments and concerns were shared by Mayor and City Commission. Staff answered questions posed by Council. It was noted a conversation with Ms. Margaret "Marie" Longoria, and she was informed that the City Commission would make the final decision on said mater and that item was on Monday's agenda where it would be removed from table and placed for consideration.

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

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

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, 7C, 7D and 7E Section 551.072 Deliberation Regarding Real Property on Item 7A and Section 551.087 Economic Development on Item 7F.

Mayor Javier Villalobos recessed the meeting at 5:50 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:51 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) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL ESTATE PROPERTY, TRACT 1. (SECTION 551.072, T.G.C.)

7A-1 – Mayor Pro Tem Joaquin Zamora moved to authorized City Manager and City Attorney to take actions reasonably necessary to acquire the property as described in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

7A-2 – Mayor Pro Tem Joaquin Zamora authorized City Manager and City Attorney to negotiate sale of property as described in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

B) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL LITIGATION RELATED TO EMERGENCY CONTRACTS. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora moved to authorize City Attorney to take actions reasonably necessary up to filing a lawsuit with respect to the contracts described in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

C) CONSULTATION WITH CITY ATTORNEY REGARDING EMERGENCY MEDICAL SERVICES. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora moved to authorized City Manager and City Attorney to offer and negotiate the incentives described in executive session Jose R. "Pepe" Cabeza de Vaca seconded the motion. The motion carried unanimously.

D) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION. (SECTION 551.071, T.G.C.)

No action.

E) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES WITH MCALLEN CONVENTION CENTER MARQUIS. (SECTION 551.071, T.G.C.)

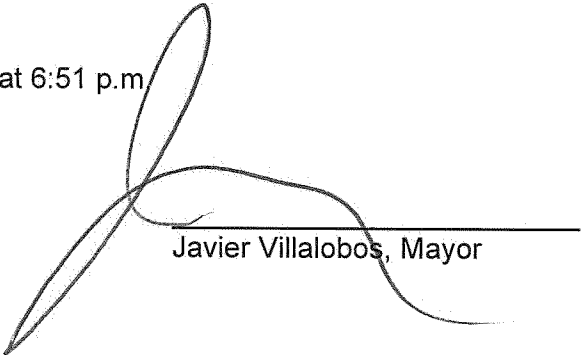
Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorized City Manager to continue those conversations necessary and negotiations with respect to item and bring back in future meeting and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

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

Mayor Pro Tem Joaquin Zamora moved to authorized City Manager and City Attorney to offer economic incentives as described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

ADJOURNMENT

Without objection the meeting was adjourned at 6:51 p.m.



Javier Villalobos, Mayor

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary