

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **January 23, 2023**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) 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

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.

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 Victor "Seby" Haddad. The motion carried unanimously by those present.

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

Approved the R-2 Zoning at 3300 La Lomita Road, as per Planning and Zoning Commission.

- 2. REZONE FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: 10 ACRES BEING ALL OF LOT 3, RESUBDIVISION OF LOTS 164-171 INC. OF PRIDE O' TEXAS, HIDALGO COUNTY, TEXAS; 3420 LA LOMITA ROAD.**

Approved the R-2 Zoning at 3420 La Lomita Road, as per Planning and Zoning Commission.

- 3. REQUEST OF JESUS DASAEEL GONZALEZ FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR AN AUTOMOTIVE SERVICE AND REPAIR (EUROSTAR AUTO WERKS AUTO REPAIR) AT LOT 9, BLOCK 2, POORBAUGH'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 304 NORTH 3RD STREET.**

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an automotive service and repair at 304 North 3rd Street, 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. According to the submitted site plan and Hidalgo County Appraisal District records, the subject property's total lot size is 5,000 square feet.
- 2) All service, repair, maintenance, painting, and other work shall take place within an enclosed area. The work will be performed in an enclosed workshop area.
- 3) Outside storage of materials is prohibited. Storage area is proposed to be inside workshop as per the floor plan
- 4) The building where the proposed work is to take place shall be at least 100 feet from the nearest residence. There are at least two single-family residential uses within 100 feet. There are other single-family residential uses along North 3rd Street.
- 5) A 6-foot opaque fence to buffer the proposed use from any residential use or residentially zoned area is required (if applicable).
- 6) New buildings and all conversions of existing buildings to such uses shall meet current building code and fire code requirements in terms of separation of high hazard uses from other occupancy use classifications, etc.

4. REQUEST OF LEONEL PEDRAZA FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A GUEST HOUSE AT LOT 1, BLOCK 4, ALTAMIRA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2601 AUSTIN AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for a guest house at 2601 Austin Avenue, as per Planning and Zoning Commission.

The guest house development must comply with requirements for guest houses set forth in Section 138-118(a)(5) of the Zoning Ordinance and specific requirements as follows:

- 1) Only one guest house shall be permitted on the property.
- 2) The proposed use shall comply with setback requirements. The proposed structure's setbacks comply.
- 3) The proposed use shall be connected to the same utilities as the primary residence.
- 4) Lot size must be a minimum 8,000 square feet. According to the subdivision plat, the Lot size where the guest house will be built is 8,618 square feet.
- 5) Separate driveways or garages for the proposed use shall not be permitted. Applicant is not proposing an independent driveway for the proposed guesthouse.
- 6) The proposed use shall not be rented.
- 7) The permit shall be revoked if money is ever paid for rent or utility expenses are shared with the proposed use.

5. REQUEST OF EUGENE T. HAGUE III ON BEHALF OF VCCMA, LLC FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (COSMETOLOGY ACADEMY) AT LOT 1, PLAZA DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS; 3420 NORTH 10TH STREET, SUITE 200.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an Institutional Use (Cosmetology Academy) at 3420 North 10th Street, Suite 200, 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; 17 parking spaces are required. Based on (5) parking spaces per classroom area and (1.5) parking spaces for space use as an administration office, 17 parking spaces are required. The parking spaces are provided as part of the existing commercial development. The parking spaces for the proposed business complies based on the staggered hours of operation for the majority of the businesses.

- 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.

6. REQUEST OF DAISY GONZALEZ AND KARINA GONZALEZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN EVENT CENTER AT LOT 1, PLAZA DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS; 3420 NORTH 10TH STREET, SUITES 240, 245, AND 250.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an event center at 3420 North 10th Street, Suite 240, 245 and 250, 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.
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 access to North 10th Street and shall not generate traffic into residential areas.
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 floor area, 34 parking spaces are required, based on the submitted site plan 429 parking spaces are provided. As per the submitted site plan, the property owner will be providing additional parking spaces to the north.
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.

7. REQUEST OF ANTONIA CARDONA FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A FOOD TRUCK PARK AT LOT 1, COMMUNITY CENTER AT TRES LAGOS SUBDIVISION, HIDALGO COUNTY, TEXAS; 4900 TRES LAGOS BOULEVARD.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a food truck park at 4900 Tres Lagos Boulevard, as per Planning and Zoning Commission.

The Food Truck Park and its vendors must comply with the requirements set forth in Section 54-51 of the Zoning Ordinance for mobile food vendors and the following specific requirements:

- 1) The property line of the lot must be at least 200 feet from the nearest residence or residentially zoned property; the location of the Food Truck Park is proposed to be within the R-1 District portion of the Lot and adjacent to other residentially zoned properties.
- 2) The name, address, phone number and email address of a contact person who shall be available 24 hours per day, 7 days per week for the purposes of responding to complaints

regarding the operation of the mobile food vendor court; applicant has provided their contact information

- 3) Mobile food vendor courts shall not operate between the hours of 2:00 AM and 7:00 AM; proposed hours of operation are between 3:00 PM and 10:00 PM
- 4) Each mobile food vendor court shall provide access to a restroom on or within 600 feet of the property lines of the track of land on which it is situated.
- 5) Mobile food vendor courts must provide one (1) garbage receptacle, to hold a minimum of thirteen (13) gallons, per each vendor located on premises for public use. This requirement is in addition to the receptacles required of each individual vendor.
- 6) Mobile food vendors may not be placed or parking on unimproved surfaces.
- 7) Adequate lighting, as determined by the health Director, to enable clear and unobstructed visibility of mobile food vendors and patrons shall be provided at all entrances and exits of the mobile food vendor court.
- 8) Mobile food vendor courts shall provide on-premises parking areas sufficient to accommodate staffing needs and seating areas.

8. REQUEST OF THE CITY OF MCALLEN FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR AN INSTITUTIONAL USE (FIRE FIGHTER TRAINING FACILITY) AT THE SOUTH 15 ACRES OUT OF LOT 19, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY'S SUBDIVISION (PROPOSED FIRE FIGHTER TRAINING FACILITY SUBDIVISION), HIDALGO COUNTY, TEXAS; 10700 NORTH LA LOMITA ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an Institutional Use (Fire Fighter Training Facility) at 10700 North La Lomita Road, as per Planning and Zoning Commission.

The proposed use must comply with the following requirements:

- 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 direct access through La Lomita Road.
- 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. A paved parking area is proposed within the Fire Fighter Training Facility with 57 total parking spaces proposed.
- 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 restricted to the existing seating capacity for the building; and
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

9. REQUEST OF CITY OF MCALLEN FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR AN INSTITUTIONAL USE (FIRE STATION) AT THE 2.290 ACRES OUT OF SECTION 227 AND 232, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY (PROPOSED FIRE STATION NO. 8 SUBDIVISION), HIDALGO COUNTY, TEXAS; 14300 NORTH SHARY ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for for an Institutional Use (Fire Station) at 14300 North Shary Road, as per Planning and Zoning Commission.

The proposed use must comply with requirements set forth in Section 138-118 of the Zoning Ordinance and specific requirements as follow:

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 fronts and has access to North Shary Road, a principal arterial.

2. The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of parking along street, especially in residential areas. According to the provided site plan, 19 parking spaces (not including the Fire Station's Bay area) will be provided along the south side of the proposed Fire Station.
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 main building shall be determined by the Building Inspections Department and shall maintain the existing seating capacity for the main sanctuary; and
7. Sides adjacent to residential zones or uses shall be screened by a 6-foot opaque fence. An 8-foot-high masonry wall is proposed along the south side property line, which is adjacent to an R-1 District and single-family residential uses.

B) REZONINGS:

1. REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 0.75 ACRES BEING ALL OF LOT 1A AND 2A, LA VILLITA SUBDIVISION, AND THE EAST 31 FEET OF THE ABANDONED 6TH STREET RIGHT-OF-WAY, HIDALGO COUNTY, TEXAS; 520 JACKSON AVENUE.

Staff recommended approval of the R-3A zoning at 520 Jackson Avenue, 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 residential nature of the block and value of the homes. Mr. Ruben de Jesus spoke in favor of the request.

Commissioner Omar Quintanilla moved to approve the R-3A zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

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. (TABLED)

Commissioner Omar Quintanilla moved to remove said item from the table and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

Staff recommended approval of the C-3 zoning at 1009 Jay Avenue, per Planning and Zoning Commission.

Commissioner Victor "Seby" Haddad moved to approve the C-3 zoning and seconded by Antonio "Tony" Aguirre, Jr. The motion passed with four votes in the affirmative with Commissioner Omar Quintanilla voting against.

C) CONDITIONAL USE PERMIT:

1. REQUEST OF DAVID J. RAYMOND, JR. FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A HOME OCCUPATION (GUNSMITH SHOP) AT LOT 112, FALCON'S CROSSING SUBDIVISION PHASE II, HIDALGO COUNTY, TEXAS; 10604 NORTH 25TH STREET.

Staff recommended disapproval of a Conditional Use Permit and adoption of an ordinance, for one year, for a home occupation (gunsmith shop) at 10604 North 25th Street, as per Planning and Zoning Commission.

The business must comply with requirements set forth in Section 138-118(a)(1) of the Zoning Ordinance and other specific requirements as follows:

- 1) The home occupation must be clearly secondary to the residential use. As per the applicant, the applicant lives at the residence.
- 2) One nameplate attached to the building not larger than two square feet is permitted in all districts except R-1 single-family residential district.
- 3) There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling. The applicant does not propose any alteration.
- 4) There shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises.
- 5) There shall be no outside storage of materials or products.
- 6) The permitted use shall not create frequent or heavy traffic, not greater than ten percent (10%) of the average load per hour as determined by the city traffic engineer. The applicant stated that classes are by appointment only.
- 7) No retail sales (items can be delivered). The proposed use does not involve retail sales.
- 8) No additions to the residence or accessory building specifically to accommodate the business. The applicant proposes no additions or accessory building to accommodate the business.
- 9) The business must take place in the primary residential structure on the property rather than in a detached garage or separate accessory building. The occupation is proposed to take place within the residence's built in three-car garage; and
- 10) The activity must take place at the location of which the permit was issued.

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 objection of any business in area. Mr. David Raymond spoke in favor of the request.

Commissioner Victor "Seby" Haddad moved to disapprove the Conditional Use Permit as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

D) 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 Omar Quintanilla. The motion carried unanimously by those present.

E) REQUEST OF OMAR AND MARI LIZA VAN WAGONER FOR A DESIGNATION OF A MCALLEN CITY LANDMARK OUT OF A 0.73-ACRE TRACT OF LAND OUT OF THE SOUTH 3.15 ACRES OF OUT OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 1206 NORTH MAIN STREET.

Staff recommended approval for designation of a McAllen City Landmark at 1206 North Main Street.

Commissioner Victor "Seby" Haddad moved to approve the designation as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

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 Omar Quintanilla moved to approve the items listed on the Consent Agenda except for Item 2H to be addressed separately and Commissioner Jose R. "Pepe" Cabeza de Vaca seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD JANUARY 9, 2023.

Approved the Minutes of Workshop and Regular Meeting held January 9, 2023, as submitted.

B) CONSIDERATION AND APPROVAL OF FINAL CHANGE ORDER NO. 3 FOR TERMINAL RESTROOM RENOVATIONS AT MCALLEN INTERNATIONAL AIRPORT.

Approved Change Order No. 3 with no change to the contract amount and with an addition of 100 calendar days for the Terminal Restroom Renovations at McAllen International Airport.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR THE TRENTON AVENUE AND AUBURN AVENUE INTERSECTION IMPROVEMENTS.

Approved Change Order No. 3 in the amount of \$14,025.32 and an additional fifteen (15) calendar days for the Trenton Avenue and Auburn Avenue Intersection Improvements.

D) CONSIDERATION AND APPROVAL OF ESRI (GIS) ANNUAL MAINTENANCE AGREEMENT.

Approved an enterprise agreement with ESRI for 3 years for GIS System Licenses.

E) CONSIDERATION AND AUTHORIZATION TO REMOVE 3RD QUARTER OF FISCAL YEAR 2021-2022 UNCOLLECTIBLE SANITATION & DRAINAGE ACCOUNTS FROM THE GENERAL LEDGER AND BEGIN WRITE-OFF PROCEDURES.

Approved authorization to remove 3rd Quarter of Fiscal Year 2021-2022 Uncollectible Sanitation and Drainage Accounts from General Ledger and begin Write -Off procedures.

F) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE PURCHASE OF 80 GOLF CARTS FOR CHAMPION LAKES GOLF COURSE.

Adopted an ordinance providing for a budget amendment in the amount of \$41,000.00 for the purchase of 80 golf carts for Champion Lakes Golf Course.

G) ORDINANCE PROVIDING FOR AN ABANDONMENT OF A 15.0-FOOT UTILITY EASEMENT MEASURING 121.19 FT. BY 15.00 FT. OUT OF LOT 7, J.H. BEATTY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 4801 NORTH WARE ROAD.

Adopted an ordinance providing for the abandonment of a 15 ft. utility easement at 4801 North Ware Road.

H) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR LAND ACQUISITION - SOCCER FIELD ON WARE ROAD PROJECT.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$1,165,000.00 for the land acquisition for soccer field on Ware Road Project.

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

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

I) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION UNDER THE FISCAL YEAR 2024 RIFLE RESISTANT BODY ARMOR GRANT.

Approved a resolution authorizing the submission of a grant application to the Office of the Governor - Criminal Justice Division under the Fiscal Year 2024 Rifle Resistant Body Armor Grant.

J) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE FISCAL YEAR 2022 ASSISTANCE TO FIREFIGHTERS GRANT.

Approved a resolution authorizing the submission of a grant application to the U.S. Department of Homeland Security - Federal Emergency Management Agency (FEMA) for the Fiscal Year 2022 Assistance to Firefighters Grant.

K) SUBDIVISION MONTHLY REPORT.

Approved the subdivision monthly report.

L) PROJECT STATUS REPORT THROUGH DECEMBER 31, 2022.

Approved the project status report through December 31, 2022.

M) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Approved the status report on Parks & Recreation Projects.

N) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF NETWORK EQUIPMENT FOR LIBRARY PATRON PC USAGE.

Awarded a contract to Free IT Data Solutions in the amount of \$67,947.56 for the purchase of Network Equipment for Library Patron PC Usage.

2. AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF A PLAYSYSTEM THROUGH BUYBOARD.

Awarded a contract to Park Place Recreation Designs in the amount of \$96,821 for the purchase and installation of a play system through Buy Board.

O) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

Commissioner Victor "Seby" Haddad announced that he had a conflict with Item 201 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

1.CRA PROFESSIONAL PLAZA LLC

Approved a tax refund in the amount of \$2,307.55.

2.ROBERT GRAHAM

Approved a tax refund in the amount of \$686.17.

3.MCALLEN HOSPITALITY GROUP LLC

Approved a tax refund in the amount of \$1,656.03.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF IT EQUIPMENT AT THE MCALLEN PARKS ADMINISTRATION AND METRO TRANSFER STATION.

Staff recommended award of contract to Insight Public Sector in the amount of \$137,080.35 for the purchase and installation of IT Equipment at the McAllen Parks Administration and Metro Transfer Station.

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.

B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 4 FOR THE FM 1926 (23RD STREET) INTERSECTION IMPROVEMENTS.

Staff recommended approval of Change Order No. 4 in the amount of \$56,561.48 for the FM 1926 (23rd Street) Intersection Improvements Project.

Commissioner Victor "Seby" Haddad moved to approve Change Order No. 4 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 6 FOR THE METRO TRANSFER STATION AND CHANGE ORDER NO. 5 FOR PARKS AND RECREATION ADMINISTRATION.

Staff recommended approval of Change Order No. 6 in the amount of \$62,894.30 for the Metro Transfer Station and Change Order No. 5 in the amount of \$29,729.05 for the Parks and Recreation Administration.

Commissioner Omar Quintanilla moved to approve Change Order No. 6 and Change Order No. 5 as recommended and seconded by Commissioner Antonio "Tony" Aguirre. The motion carried unanimously by those present.

D) CONSIDERATION AND APPROVAL TO NEGOTIATE SCOPE OF SERVICES AND FEE SCHEDULE WITH TOP RANKED FIRMS FOR GENERAL SURVEYING SERVICES 2023.

Staff recommended selection of top 8 ranked firms and authorization to negotiate scope of services and fee schedules for General Surveying Services 2023.

Commissioner Omar Quintanilla moved to approve the selection of top ranked firms as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE 2018 BOND GROUP C1 AND C3 DRAINAGE IMPROVEMENT PROJECT.

Staff recommended approval of Change Order No. 2 in the amount of \$74,828.49 and an addition of twenty-eight (28) for the 2018 Bond Group C1 and C3 Drainage Improvement Project.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 2 as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

F) CONSIDERATION AND APPROVAL OF PRE-CONSTRUCTION SERVICES FOR THE QUINTA MAZATLAN CENTER FOR URBAN ECOLOGY.

Staff recommended award of contract to SpawGlass in an amount not to exceed \$20,000.00 for pre-construction services for the Quinta Mazatlán Center for Urban Ecology.

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

G) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE PURCHASE AND INSTALLATION OF AN INCLUSIVE PLAYGROUND AT LOS ENCINOS PARK.

Staff recommended approval of Change Order No. 1 in the amount of \$4,017.00 for the purchase and installation of an inclusive playground at Los Encino's Park

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 1 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

H) AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) TROMMEL SCREEN.

Staff recommended award of contract to Power screen Texas, Inc. in the amount of \$325,000.00 for the purchase of One (1) Trommel Screen.

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.

I) AWARD OF MASTER CONTRACT FOR AVIATION BUSINESS CONSULTANT SERVICES.

Staff recommended award of contract to Decomm Aviation Consulting for Aviation Business Consultant Services.

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.

J) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE PURCHASE OF 80 NEW GOLF CARTS FOR CHAMPION LAKES GOLF COURSE.

Staff recommended approval of Change Order No. 1 in the amount of \$69,081.50 for the purchase of 80 new golf carts for Champions Lake Golf Course.

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

After due consideration, Commissioner Omar Quintanilla moved to approve Change Order No. 1 as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

4. ORDINANCES

A) PROVIDING FOR A BUDGET AMENDMENT FOR FISCAL YEAR 2022-2023 CAPITAL PROJECTS ROLLOVERS.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$1,536,080.00 for Fiscal Year 2022-2023 Capital Projects Rollovers.

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

B) PROVIDING FOR A BUDGET AMENDMENT FOR THE CITY HALL EXPANSION PROJECT.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$21,000,000.00 for the City Hall Expansion Project.

Comments and concerns were shared by Council. Questions were asked relating to working capital, policies, \$21 million, design and feasibility, magnitude of project, reserve account to operate in budget, future projects and options, market, fund balance, having monies on hand and having a workshop. Staff answered questions posed by Council.

After due consideration, Commissioner Victor "Seby" Haddad moved to adopt the ordinance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

5. VARIANCES

A) CONSIDERATION OF A VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT A 4.32-ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE NORTH 5.0 ACRES OF THE SOUTH 20.0 ACRES OF LOT 80, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 6117 NORTH WARE ROAD.

Staff recommended disapproval of a variance request to not require the subdivision process at 6117 North Ware Road.

Commissioner Antonio "Tony" Aguirre Jr. announced that he had a conflict with Item 5A and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve option 2 and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. After due consideration, the motion passed with 4 votes in the affirmative with Commissioner Antonio "Tony" Aguirre Jr., in abstention.

B) CONSIDERATION OF A VARIANCE REQUEST TO THE RIGHT-OF-WAY DEDICATION REQUIREMENTS FOR DOVE AVENUE AT THE PROPOSED DOVE MEADOWS SUBDIVISION, HIDALGO COUNTY, TEXAS; 5517 NORTH BENTSEN ROAD.

Staff recommended approval of a variance request to the right-of-way dedication requirements for Dove Avenue at 5517 North Bentsen Road.

Commissioner Antonio "Tony" Aguirre Jr. 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.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approval of Option 2 and seconded by Commissioner Omar Quintanilla. The motion passed with 4 votes in the affirmative with Commissioner Antonio "Tony" Aguirre, Jr. in abstention.

C) CONSIDERATION OF A VARIANCE REQUEST TO THE ESCROW REQUIREMENTS FOR THE PAVING, CURB AND GUTTER AND SIDEWALK IMPROVEMENTS NEEDED FOR N. GLASSCOCK ROAD, MILE 7 ROAD, AND COLORADO AVENUE AT THE PROPOSED STEC TRES LAGOS SUBDIVISION, HIDALGO COUNTY, TEXAS: 6801 7 MILE LINE.

Staff recommended disapproval of a variance request to the escrow requirements for the paving, curb and gutter and sidewalk improvements needed for N. Glasscock Road, Mile 7 Road, and Colorado Avenue at the proposed STEC Tres Lagos Subdivision at 6801 7 Mile Line.

Discussion ensued. Comments and concerns were shared by Council. Questions were asked about options, limit on number of years and 10-year extension. Staff answered questions posed by Council.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve option 2 with a contractual agreement as recommended and seconded by Commissioner Omar Quintanilla. The motion passed unanimously by those present.

6. MANAGER'S REPORT

A) REVIEW OF THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2022.

Staff presented the Quarterly Investment Report for quarter ending September 30, 2022, and recommended acceptance of said report as per the Audit Investment Committee.

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

B) APPOINTMENT TO THE HIDALGO COUNTY REGIONAL MOBILITY AUTHORITY.

Staff recommended the appointment of Forrest Runnels to the Hidalgo County Regional Mobility Authority.

Commissioner Victor "Seby" Haddad moved to reappoint of Mr. Forrest Runnels as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

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: Mobile Home Park north of Convention Center

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 Item 7C; Section 551.072 Deliberation Regarding Real Property on Item 7B; Section 551.074 (Personnel Matters) for items 7D and 7E and Section 551.087 Economic Development on Item 7A.

Mayor Javier Villalobos recessed the meeting at 5:30 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:10 pm and noting the following city commission members 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

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to offer the economic development incentives described in executive session and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

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

No action.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to accept the 30-day notice of termination of its contract with the City of McAllen by Medcare EMS and include pursuant to Local Government Code 252 the City Manager and City Attorney are authorized to immediately procure EMS Services necessary to preserve or protect the public health and safety and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

D) EVALUATION OF THE CITY ATTORNEY. (SECTION 551.074, T.G.C.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorized administration to proceed as discussed in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

E) CONSIDERATION OF PERSONNEL ACTION REGARDING THE FIRE CHIEF. (SECTION 551.074, T.G.C.)

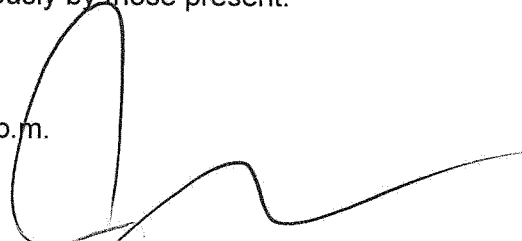
Commissioner Antonio "Tony" Aguirre moved to accept letter of resignation/retirement and authorize City Manager to appoint an Interim Fire Chief and seconded Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 6:11 p.m.

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary


Javier Villalobos, Mayor