

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, April 10, 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.

PRESENTATION

IT'S TIME TEXAS COMMUNITY CHALLENGE AWARD

Staff was presented with the It's Time Texas Community Challenge Award.

PROCLAMATION

CDBG WEEK AND FAIR HOUSING MONTH

Commissioner Omar Quintanilla read and presented a proclamation for CDBG Week and Fair Housing 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) 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 with exception of Item 1A1 to be addressed separately and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

- 1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3T (MULTI-FAMILY TOWNHOUSE RESIDENTIAL) DISTRICT: 3.96 ACRES OUT OF THE WEST ONE-HALF (1/2) OF THE NORTH 20 ACRES OF LOT 3, BLOCK 8, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS; 1200 EAST YUMA AVENUE.**

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the item. Mr. Charles Miles spoke in opposition to the request.

Discussion ensued. Comments were shared by Council. Questions were asked relating to residential zones, height, two-story and size of property, maximum number of town houses and green area. Staff answered questions posed.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to approve the R-3T Zoning at 1200 East Yuma Avenue and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

2. REZONE FROM R-3-T (MULTI-FAMILY TOWNHOUSE RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 1.96 ACRES OUT OF BLOCK 1, WHITEWING ADDITION UNIT NO. 1, HIDALGO COUNTY, TEXAS; 2600 NORTH 24TH STREET.

Approved the C-3 Zoning at 2600 North 24th Street, as per Planning and Zoning Commission.

3. REQUEST OF TURBO LUBE, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, AND ADOPTION OF AN ORDINANCE, FOR AN AUTOMOTIVE SERVICE AND REPAIR, AT LOT 1, COPPERFIELD ESTATES PHASE 1A, HIDALGO COUNTY, TEXAS; 4201 PECAN BOULEVARD.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an automotive service and repair at 4201 Pecan Boulevard, as per Planning and Zoning Commission.

The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

- 1) A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 52,698 sq. ft.
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. The applicant is proposing to work inside the commercial structure.
- 3) Outside storage of materials is prohibited. The applicant indicated that there would be no outside storage.
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The subject property is less than 100 feet from single-family residential uses to the south.
- 5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required.
- 6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

B) REZONINGS:

1. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 33.894 ACRES CONSISTING OF 2.214 ACRES OF LOT 8, MCALLEN FIRST CITRUS GROVES SUBDIVISION AND 31.68 ACRES OUT OF LOTS 185 AND 188, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2800 SOUTH WARE ROAD. (WITHDRAWN)

Said item was withdrawn.

2. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO I-1 (LIGHT INDUSTRIAL) DISTRICT: 63.86 ACRES CONSISTING OF 23.86 ACRES OUT OF LOT 5, BLOCK 1 AND ALL OF LOT 6, BLOCK 1, RIO BRAVO PLANTATION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3500 SOUTH WARE ROAD. (WITHDRAWN)

Said item was withdrawn.

C) CONDITIONAL USE PERMITS:

1. REQUEST OF LA TAMBORA SINALOENSE LLC, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR, AT LOT 12, MEJIA SUBDIVISION UNIT NO. 1, HIDALGO COUNTY, TEXAS; 2022 NOLANA AVENUE.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for one year, for a bar at 2022 Nolana Avenue, 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; The establishment is within 400 feet of the International Museum of Arts & Science (IMAS)
- 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 Nolana Avenue which is a principal arterial and does not generate traffic into residential areas;
- 3) The abovementioned businesses must provide parking in accordance with the city offstreet 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 square footage of the establishment where the bar is proposing to operate, 35 parking spaces are required and are provided as part of the common parking area.
- 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 taken into account the recommendations of the fire marshal, building official and director of planning. This number cannot exceed the number provided for in existing city ordinances.

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

2. REQUEST OF MELISSA BURTON, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A DOG KENNEL AT A1.00 ACRE TRACT OF LAND OUT OF THE SOUTH 19.39 ACRES OF LOT 387, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6820 NORTH TAYLOR ROAD. (TABLED)

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

Mayor Pro Tem Joaquin Zamora moved to amend the Zoning Ordinance and seconded by Commissioner Omar Quintanilla. 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 FOR WORKSHOP AND REGULAR JOINT MEETINGS HELD MARCH 27, 2023.**

Approved the Minutes of Workshop and Regular Joint Meeting held March 27, 2023, as submitted.

- B) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO ADD A NEW POSITION AT CHAMPION LAKES GOLF COURSE.**

Adopted an ordinance providing for a budget amendment in the amount of \$73,128.00 to add a new position at Champion Lakes Golf Course.

- C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 4 & FINAL FOR MYBC PARKING LOT PROJECT.**

Approved Change Order No. 4 and Final in the deduct amount of \$54,750.00 for the MYBC Parking Lot Project.

- D) CONSIDERATION AND AUTHORIZATION OF A CONTRACT AMENDMENT TO SUNSET THE CONTRACT WITH THE MCALLEN CHAMBER OF COMMERCE FOR THE AMERICAN RESCUE PLAN ACT (ARPA) SMALL BUSINESS PROGRAM.**

Approved a contract amendment to sunset the contract with the McAllen Chamber of Commerce for the American Rescue Plan Act (ARPA) Small Business Program.

- E) RESOLUTION TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS, CRIME VICTIM SERVICES DIVISION, FOR FUNDING UNDER THE FISCAL YEARS 2024-2025 VICTIM COORDINATOR AND LIAISON GRANT PROGRAM.**

Approved a resolution authorizing the submittal of a grant application to the Office of the Attorney General of Texas, Crime Victim Services Division, for funding under the Fiscal Years 2024-2025 Victim Coordinator and Liaison Grant Program.

- F) CONSIDERATION AND APPROVAL OF TRANSFER OF EQUIPMENT PURCHASED WITH GRANT FUNDS MEMORANDUM OF UNDERSTANDING AND POLICY BETWEEN THE CONSTITUENT AGENCIES OF THE TEXAS ANTI-GANG CENTER RIO GRANDE VALLEY.**

Approved transfer of equipment purchased with Grant Funds Memorandum of Understanding and Policy between the Constituent Agencies of the Texas Anti-Gang Center Rio Grande Valley.

- G) CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION FOR THE CONTINUED OPERATION OF THE TEXAS TRANSNATIONAL INTELLIGENCE CENTER (TTIC).**

Approved an Interlocal Cooperation for the continued operation of the Texas Transnational Intelligence Center (TTIC).

- H) AWARD OF CONTRACT FOR CITY OF MCALLEN EMPLOYEE BASIC LIFE, VOLUNTARY LIFE AND DISABILITY PLANS.**

Awarded a contract to Lincoln Financial for a three-year term effective October 1, 2023 for Employee Basic Life, Voluntary Life and Disability Plans.

- I) AWARD OF CONTRACT FOR CITY OF MCALLEN EMPLOYEE DENTAL PLAN.**

Awarded a contract to Delta Dental for a three-year term effective October 1, 2023 for Employee Dental Plan.

- J) AWARD OF CONTRACT FOR CITY OF MCALLEN EMPLOYEE VISION PLAN.**

Awarded a contract to Davis Vision for a three-year term effective October 1, 2023 for Employee Vision Plan.

- K) DISCUSSION AND POSSIBLE ACTION TO APPROVE DELINQUENT TAX SERVICE AGREEMENT WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP.**

Approved the Delinquent Tax Service Agreement with Linebarger Goggan Blair & Sampson, LLP.

- L) DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION REGARDING LINEBARGER GOGGAN BLAIR & SAMPSON, LLP DELINQUENT TAX SERVICE AGREEMENT PURSUANT TO TEX. GOV'T CODE SECTION 2254.1036 AND NOTICE PROVIDED TO THE PUBLIC FOR LEGAL SERVICES NECESSARY TO COLLECT DELINQUENT PROPERTY TAXES.**

Approved a resolution regarding Linebarger Goggan Blair & Sampson, LLP Delinquent Tax Service Agreement to collect delinquent property taxes.

M) CONSENT COOP PURCHASES

- 1. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) CURRENT YEAR MODEL ROLL-OFF REFUSE TRUCK THROUGH COOPERATIVE PRICING.**

Awarded a contract to Chastang E., Inc. in the amount of \$232,950.00 for one (1) current year model Roll-Off Refuse Truck through cooperative pricing.

- 2. AWARD OF CONTRACT FOR LIBRARY A/V UPGRADES THROUGH BUYBOARD.**

Awarded a contract to AiSYS Consulting LLC in the amount of \$229,379.36 for the McAllen Public Library A/V Upgrades.

N) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1. ADRYCA PROPERTIES LLC

Approved tax refunds in the amounts of \$732.14 and \$928.47

2. AUTOZONE PARTS INC.

Approved tax refunds in the amounts of \$220.64, \$189.43 and \$246.15.

3. BAM RIVER VALLEY LP

Approved a tax refund in the amount of \$1,810.20.

4. CHIC-FIL-A

Approved tax refunds in the amounts of \$172.87; \$216.02 and \$245.68.

5. COSTCO WHOLESALE LOGISTICS #4087

Approved a tax refund in the amount of \$1,203.79.

6. KARE LANDHOLDINGS LLC

Approved a tax refund in the amount of \$2,007.44.

7. LKQ CENTRAL INC.

Approved a tax refund in the amount of \$7,797.43.

8. MCALLEN GSA LLC

Approved a tax refund in the amount of \$1,691.06.

9. MCALLEN TX MG LLC

Approved a tax refund in the amount of \$5,432.22.

10. NORTH VILLA CANTERA LLC

Approved a tax refund in the amount of \$1,998.84.

11. JON H. GILLESPIE

Approved tax refunds in the amounts of \$690.97 and \$100.78.

12. ROBERT W. & GUADALUPE MAHLER

Approved tax refunds in the amounts of \$538.38; \$538.38; \$538.38 and \$538.38

13. DAVID A JR & MARIA J. MARTINEZ

Approved tax refunds in the amounts of \$600.96 and \$100.78

14. HUNTINGTON NATIONAL BANK

Approved a tax refund in the amount of \$9,401.07.

15. LERETA LLC

Approved a tax refund in the amount of \$5,498.16.

16. WONDERFUL CITRUS PACKING LLC

Approved a tax refund in the amount of \$984.34.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF LICENSE AGREEMENT FOR THE INSTALLATION OF A PRIVATE STORM LINE ACROSS CITY RIGHT-OF-WAY.

Staff recommended approval of a license agreement for the installation of a Private Storm Line across City Right-of-Way.

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 3A and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Mayor Pro Tem Joaquin Zamora moved to approve the license agreement as recommended and seconded by Commissioner Omar Quintanilla. The motion carried with 5 votes in favor and Commissioner Victor "Seby" Haddad in abstention.

B) CONSIDERATION AND APPROVAL OF DEVELOPER'S CONTRACT FOR PARTICIPATION IN THE ROADWAY EXPANSION OF FREDDY GONZALEZ ROAD BETWEEN 23rd STREET AND 25th STREET.

Staff recommended approval of a developer's contract for participation in the Roadway Expansion of Freddy Gonzalez Road between 23rd Street and 25th Street.

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

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE QUINCE AVENUE & 27TH STREET DRAINAGE IMPROVEMENTS.

Staff recommended approval of Change Order No. 2 in the amount of \$87,500.00 with additional 40 calendar days for the Quince Avenue & 27th Street Drainage Improvement Project.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 2 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE PEDESTRIAN IMPROVEMENTS.

Staff recommended approval of Change Order No. 2 in the amount of \$18,100.00 and 40 additional working days for the McAllen-Hidalgo International Bridge Pedestrian Improvements Project.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 2 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 6 FOR PARKS AND RECREATION ADMINISTRATION.

Staff recommended approval of Change Order No. 6 in the amount of \$16,456.00 for the Parks and Recreation Administration Project.

Mayor Pro Tem Joaquin Zamora moved to approve Change Order No. 6 as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

F) AWARD OF CONTRACT FOR THE MCALLEN CONVENTION CENTER HVAC UPGRADES.

Staff recommended award of contract to the lowest responsive, responsible bidder, Climatec Merging Buildings and Technology in the amount of \$319,300.00 for the McAllen Convention Center HVAC Upgrades.

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

G) AWARD OF CONTRACT FOR THE CHAMPION LAKES GOLF COURSE EROSION CONTROL PROJECT.

Staff recommended award of contract to the single responsive bidder, 4MA Construction LLC in the amount of \$340,344.57 with a contract time not to exceed 60 calendar days for the Champions Lakes Golf Course Erosion Control Project.

Discussion ensued. Comments were shared by Council. Staff answered questions posed by Council.

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

H) AWARD OF CONTRACT FOR CHAMPIONS LAKE WEST BRIDGE REPAIRS.

Staff recommended award of contract to the lowest responsive bidder; JJ Builds in the amount of \$150,000.00 with a contract time not to exceed 60 calendar days for the Champions Lake West Bridge Repairs.

Discussion ensued. Comments were shared by Council. Staff answered questions posed by Council.

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

I) AWARD OF CONTRACT FOR THE HIGH DENSITY MINERAL BOND PAVEMENT PRESERVATION PROJECT.

Staff recommended award of contract to Andale Construction Inc. in the amount of \$256,566.38 with a contract time of 12 working days for the High Density Mineral Bond Pavement Preservation Project.

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

J) AWARD OF CONTRACT FOR RAISED MEDIAN PAVERS AND LANDSCAPING FM 2220 FROM SH 107 TO MONTE CRISTO ROAD.

Staff recommended to table said item.

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

K) AWARD OF CONTRACT FOR THE PURCHASE AND DELIVERY OF THREE (3) NEW 2023 POLICE MOTORCYCLES.

Staff recommended award of contract to Jimenez Motorshops, LLC dba RGV Cycles in the amount of \$81,846.66 for the purchase and delivery of Three (3) New 2023 Police Motorcycles.

Discussion ensued. Comments were shared by Council. Questions were raised as to delivery, vendor, and service. Staff answered questions posed by Council.

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

4. ORDINANCES

A) CONSIDERATION AND APPROVAL OF AN ORDINANCE UPDATING THE CITY'S FIREWORKS REGULATIONS.

Staff recommended adoption of an ordinance updating the City's fireworks regulations.

Discussion ensued. Comments were shared by Council. Questions were asked relating to restaurants, certifications, sparklers, process, minor displays, MISD and City Functions, and safety. Staff answered questions posed by Council.

Commissioner Antonio "Tony" Aguirre, Jr. moved to adopt the ordinance as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried with 5 votes in favor and Commissioner Omar Quintanilla voting against.

B) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT IN THE GENERAL DEPRECIATION FUND FOR THE PURCHASE OF THREE (3) POLICE MOTORCYCLES (EC2315).

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$6,846.66 for the purchase of Three (3) Police Motorcycles.

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

5. RESOLUTIONS

A) RESOLUTION TO AUTHORIZE LAND ACQUISITION OF DOVE AVENUE IMPROVEMENTS -BENTSEN ROAD TO 41ST STREET -PRIDE O' TEXAS, LOT 238.

Staff recommended approval of a resolution authorizing land acquisition of Dove Avenue Improvements at Bentsen Road to 41st Street, Pride O' Texas Lot 238.

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 form with the City Secretary.

Mayor Pro Tem Joaquin Zamora moved to approve the resolution and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with 5 votes in the affirmative with Commissioner Antonio "Tony" Aguirre, Jr. in abstention.

B) RESOLUTION TO AUTHORIZE LAND ACQUISITION FOR DOVE AVENUE IMPROVEMENTS -BENTSEN ROAD TO 41ST STREET -BLOSSOM RIDGE, LOT 47.

Staff recommended approval of a resolution authorizing land acquisition of Dove Avenue Improvements at Bentsen Road to 41st Street, Blossom Ridge, Lot 47.

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 form with the City Secretary.

Mayor Pro Tem Joaquin Zamora moved to approve the resolution and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with 5 votes in the affirmative with Commissioner Antonio "Tony" Aguirre, Jr. in abstention.

6. MANAGER'S REPORT

A) CONSIDERATION OF A ROUNDABOUT AT 33RD STREET AND OXFORD AVENUE.

Staff recommended the installation of the roundabout at the intersection of future 33rd Street and Oxford Avenue.

Discussion ensued. Comments were shared by Council. Questions were asked relating to sculpture, design, art and accidents on Auburn. Staff answered questions posed by Council.

Commissioner Victor "Seby" Haddad moved to approve the installation as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. 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.

Items of upcoming workshops were reviewed as follows: Rancho Rd. RDF Park, June 12th Date Palm Valley Animal Shelter

7. TABLED ITEM(S)

A) CONSIDERATION AND APPROVAL OF A LICENSE AGREEMENT TO ALLOW A FENCE AND EXISTING PALM TREES ON CITY RIGHT-OF-WAY AT THE PROPOSED OLIVE GROVE ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 3900 LARK AVENUE.

Said item was withdrawn.

8. 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 8A, 8B, 8C and 8E; and Section 551.087 Economic Development on Item 8D.

Mayor Javier Villalobos recessed the meeting at 6:01 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:16 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 APPEAL OF ATTORNEY GENERAL RULING. (SECTION 551.071, TGC)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Attorney to file the lawsuit described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

B) CONSULTATION WITH CITY ATTORNEY REGARDING POSSIBLE CONDEMNATION OF A 313 SQ. FT. TRACT OUT OF LOT 47, BLOSSOM RIDGE SUBDIVISION. (SECTION 551.071, TGC)

"I move that the City of McAllen authorize the use of the power of eminent domain to acquire the following parcel of land: **A 313 square foot tract of land, more or less, situated in the City of**

McAllen, Hidalgo County, Texas being a part or portion of LOT 47, BLOSSOM RIDGE SUBDIVISION, map reference: Volume 42, Page 174, Hidalgo County Map Records, said tract of land being more particularly described by metes and bounds on the presented Exhibit "A" attached to the resolution and incorporated herein for all purposes and presented to the City Commission, save and except all oil, gas, mineral and sulfur rights and made part hereof for all purposes for the utility connections in McAllen, Texas, and other necessary and related public purpose."

CONSIDERED, PASSED and APPROVED this 10th day of April 2023, at a regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with VTCA, Government Code §551.001 et seq by the following vote, to wit:

Ayes: Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Nay: Commissioner Antonio "Tony" Aguirre Jr.

C) CONSULTATION WITH CITY ATTORNEY REGARDING POSSIBLE CONDEMNATION OF A 313 SQ. FT. TRACT OUT OF LOT 238, PRIDE O' TEXAS SUBDIVISION. (SECTION 551.071, TGC)

"I move that the City of McAllen authorize the use of the power of eminent domain to acquire the following parcel of land: **A 313 square foot tract of land, more or less, situated in the City of McAllen, Hidalgo County, Texas being a part or portion of LOT 238, PRIDE O'TEXAS SUBDIVISION, map reference: Volume 5, Pages 58-59, Hidalgo County Map Records**, said tract of land being more particularly described by metes and bounds on the presented Exhibit "A" attached to the resolution and incorporated herein for all purposes and presented to the City Commission, save and except all oil, gas, mineral and sulfur rights and made part hereof for all purposes for the utility connections in McAllen, Texas, and other necessary and related public purpose."

CONSIDERED, PASSED and APPROVED this 10th day of April 2023, at a regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with VTCA, Government Code §551.001 et seq by the following vote, to wit:

Ayes: Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Nay: Commissioner Antonio "Tony" Aguirre Jr.

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 as described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

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

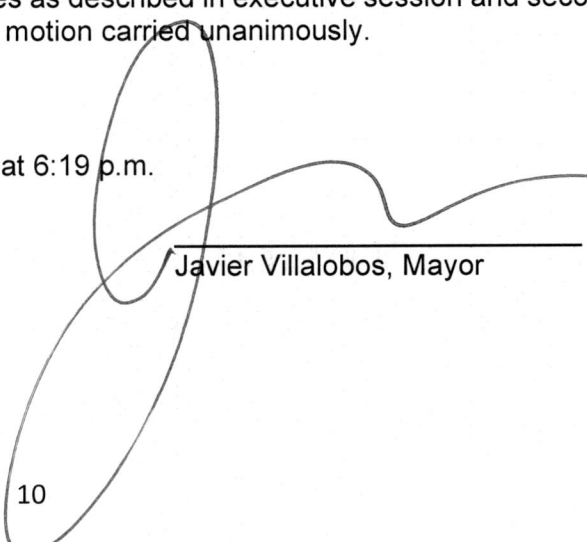
Mayor Pro Tem Joaquin Zamora moved to authorize the City Manager and City Attorney to negotiate the economic development incentives as described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

ADJOURNMENT

Without objection the meeting was adjourned at 6:19 p.m.

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary


Javier Villalobos, Mayor