STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **May 22, 2023**, at 4:45 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 Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Commissioner Rodolfo "Rudy" Castillo

Staff: City Manager Roy Rodriguez, City Attorney Isaac Tawil, Assistant City Manager Jeff Johnston, Assistant City Manager Joe Vera, City Secretary Perla Lara, City Engineer Eduardo Mendoza, Planning Director Edgar Garcia, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

PROCLAMATIONS

NATIONAL HOMEOWNERSHIP MONTH - Commissioner Antonio "Tony" Aguirre Jr. read and presented a proclamation for National Homeownership Month.

MENTAL HEALTH MONTH – Commissioner Omar Quintanilla read and presented a proclamation for Mental Health Month.

MOTORCYCLE AWARENESS MONTH – Mayor Pro Tem Joaquin Zamora read and presented a proclamation for Motorcycle Awareness Month.

SWEARING IN CEREMONY OF NEWLY ELECTED OFFICIALS

AGENDA ITEM PUBLIC COMMENT (Individuals wishing to speak regarding an agenda item on today's agenda, please contact City Secretary before 5:00 pm.

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.

Commission Antonio "Tony" Aguirre Jr. 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.

Mayor Pro Tem Joaquin Zamora 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-4 (MOBILE HOME AND MODULAR HOME) DISTRICT TO C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT: 1.23 ACRES BEING THE SOUTH 510 FEET OF THE WEST 105 FEET OF LOT 2, RANCHO DE LA FRUTA SUBDIVISION NO.2, HIDALGO COUNTY, TEXAS; 901 EAST FIR AVENUE.

Approved the C-4 Zoning at 901 East Fir Avenue, as per Planning and Zoning Commission.

2. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: LOT 5, RIO GRANDE SECURITIES INC., SUBDIVISION NO 2, HIDALGO COUNTY, TEXAS; 905 B-C AVENUE.

Approved the R-1 Zoning at 905 B-C Avenue, as per Planning and Zoning Commission.

3. REQUEST OF TOMAS GUTIERREZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A FOOD TRUCK PARK AT LOT 12, BLOCK 39, MCALLEN ADDITION, HIDALGO COUNTY, TEXAS; 421 SOUTH 17th STREET.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a food truck park at 421 South 17th Street, 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 adjacent to residentially zoned properties to the east.
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 8:00 AM and 2:00 AM
4) Each mobile food vendor court shall provide access to a restroom on or within 600 feet of the property lines of the tract of land on which it is situated; The applicant is proposing restroom accessibility on the property.
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-premise parking areas sufficient to accommodate staffing needs and seating areas. Special Use Permit will be required for the food truck park and parking fees will apply.

4. REQUEST OF MARIO A. REYNA ON BEHALF OF RIVERSIDE DEVELOPMENT SERVICES LLC AND ESPERANZA HOMES MCALLEN LLC, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PLANNED UNIT DEVELOPMENT (PUD) AT A 23.663 ACRES OUT OF LOTS 45 AND 52, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 8300 NORTH WARE ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for a Planned Unit Development at 8300 North Ware Road, as per Planning and Zoning Commission.

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

1. CONCEPTUAL SITE PLAN: Development and use of the property must comply with the conditional use permit conceptual site plan.
2. PERMITTED USES: Permitted uses are uses permitted in the R-1 District for buildings designated as residential. The applicant is proposing single family residences and common areas.
3. OFF-STREET PARKING AND LOADING: Parking in compliance with Chapter 134 Article VI, which requires two parking spaces per unit, with one being located beyond the front yard setback. Must provide floor plan with garage to determine if in compliance.
4. LANDSCAPING: Each lot requires 10% landscaping in an R-1 zone. Based on the lot area of 1,030,760.28 sq. ft., 103,076 sq. ft. of landscaping is required. Also, 50% of the required front yard must be landscape, including the side yard setback areas. A minimum of one tree is required. Must provide front landscaping area and trees to determine if in compliance. Some lots show driveway on one side of the side yard setback, it is not in compliance.

5. STREETS AND SETBACKS: Additional 35 ft. right-of-way dedication required along Ware Road. Provide minimum of 50 ft. right-of-way and 40 ft. of pavement width for Duke Avenue. Provide minimum of 50 ft. right-of-way and 32 ft. of pavement for N. 33rd Lane. Setbacks are Front: Duke Avenue – 25 ft. or greater for easements, whichever is greater; Front: 20 ft. or greater for easements, Front: 25 ft. for Lots 84-85, 93-103, & 143-147 or greater for easement; Rear: 10 ft. or greater or easements; Sides: 5 ft. or greater for easements; Corner: 10 ft. or greater for easements; and Garage: 18 ft. except where greater setback is required. An R-1 zone requires a front yard setback of 25 ft. on interior streets. The development is proposing less than 25 ft. of front yard setback along Duke Avenue 20 ft. of front setback along N. 33rd Lane. The development is proposing 25 ft. of front yard setback for certain lots (Lots 84-85, 93-103, & 143-147). Provide setback lines with building envelope on site plan A 5 ft. wide minimum sidewalk required on Ware Road and a 4 ft. wide minimum sidewalk required on N. 33rd Street and both sides of all interior street. Must provide sidewalk width dimension on site plan.
6. DRAINAGE: During the Campo de Sueños Phase II Subdivision and Campo de Sueños Phase III Subdivision process final drainage detention and design and drainage plan must be submitted and in accordance with City of McAllen Standard Design Guide.
7. ADDITIONAL PROVISIONS: Conditional Use Permit site plan controls if there is conflict with other City ordinances. A decision by the Planning Director may be reviewed by Planning and Zoning Commission for recommendation to Board of Commissioners for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development has 23.663 acres and is providing mixed uses, which include single family residences and common area.
8. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. The site plan does not show the required acknowledgements.
9. A recorded subdivision plat and Planned Unit Development site plan is required prior to issuance of building permits. Therefore, Campo de Sueños Phase II Subdivision and Campo de Sueños Phase III Subdivision process must be completed, and recorded together with the site plan.

B) CONDITIONAL USE PERMITS:

1. REQUEST OF EVA A. ARECHIGA ON BEHALF OF CASA LIDIA MATERNITY HOUSE FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR AN INSTITUTIONAL USE (MATERNITY HOME) AT LOT 1 AND THE EAST HALF OF LOT 2, BLOCK 7, FAIRFIELD PLACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 801 KENNEDY AVENUE.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for life of the use for an Institutional Use (maternity home) at 801 Kennedy Avenue, as per Planning and Zoning Commission.

The proposed use must also comply with the zoning ordinance and specific requirements as follows:

1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts Kennedy Avenue and has access through South 8th Street.
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.
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 commercially and residentially zoned or use property shall be screened by a 6-foot opaque fence.

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

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 Omar Quintanilla. The motion carried unanimously by those present.

D) PUBLIC HEARING FOR CONSIDERATION AND ADOPTION OF ENVISION MCALLEN COMPREHENSIVE PLAN.

Mayor Javier Villalobos called the Public Hearing to Order. Ms. Nedra Kinerk spoke.

Staff recommended adoption of the Envision McAllen Comprehensive Plan.

Discussion ensued. After due consideration, Commissioner Jose R. "Pepe" Cabeza de Cabeza moved to approve the Envision McAllen Comprehensive Plan as recommended and seconded by Mayor Pro Tem Joaquin Zamora. 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.)

Mayor Pro Tem Joaquin Zamora moved to approve the items listed on the Consent Agenda and Commissioner Jose R. Pepe Cabeza de Vaca seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES FOR MAY 8, 2023 WORKSHOP MEETING AND SPECIAL MEETINGS HELD MAY 11, 2023.

Approved the Minutes for May 8, 2023 Workshop meeting and Special Meetings held May 11, 2023, as submitted.

B) AWARD OF SUPPLY CONTRACT FOR PURCHASE AND DELIVERY OF LAWN AND LEAF BAGS.

Staff recommended award of contract to Dano Enterprises, Inc. at a unit price of $0.522 for the Purchase and Delivery of Lawn and Leaf Bags.

C) CONSIDERATION AND AUTHORIZATION TO REMOVE 4th QUARTER OF FISCAL YEAR 2021-22 UNCOLLECTIBLE SANITATION AND DRAINAGE ACCOUNTS FROM THE GENERAL LEDGER AND BEGIN WRITE-OFF PROCEDURES.

Approved authorization to remove 4th Quarter of Fiscal Year 2021-2022 Uncollectible Sanitation and Drainage Accounts from General Ledger and begin write -off procedures.

D) CONSIDERATION AND AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT FOR THE DONATION OF SURPLUS VEHICLES TO THE CITY OF PARAS, NUEVO LEON, MEXICO.

Approved an Interlocal Agreement for the donation of surplus vehicles to the City of Paras, Nuevo Leon, Mexico.

E) CONSIDERATION AND AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT FOR THE DONATION OF SURPLUS VEHICLES TO THE CITY OF MIER Y NORIEGA, NUEVO LEON, MEXICO.

Approved an Interlocal Agreement for the donation of surplus vehicles to the City of Mier y Noriega, Nuevo Leon, Mexico.

F) CONSIDERATION AND AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT FOR THE DONATION OF SURPLUS VEHICLES TO THE CITY OF DIAZ ORDAZ, TAMAULIPAS, MEXICO.

Approved an Interlocal Agreement for the donation of surplus vehicles to the City of Diaz Ordaz, Tamaulipas, Mexico.

G) CONSIDERATION AND APPROVAL FOR A MEMORANDUM OF UNDERSTANDING WITH MCALLEN I.S.D. FOR MCFUN ZONE SUMMER PROGRAMS.

Approved a Memorandum of Understanding with McAllen I.S.D. for McFun Zone Summer Programs.

Clarification made by staff relating to item 2G noting the following: 1) the city will provide equipment and materials required for program participants, 2) the school district will provide break and lunch in accordance with MISD summer feeding program and 3) the school district will be responsible for opening facilities in the morning and after all children have been picked up.

H) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FISCAL YEAR 2023 HERO AMERICA FUND GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the Fiscal Year 2023 Hero America Fund Grant Program.

I) RESOLUTION APPROVING THE PUBLIC TRANSIT AGENCY SAFETY PLAN UPDATE.

Approved a resolution approving the Public Transit Agency Safety Plan Update.

J) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT THROUGH BUYBOARD FOR THE PURCHASE AND INSTALLATION OF SHADE STRUCTURES ON 2ND STREET TRAIL.

Awarded a contract to Tenzo McAllen LLC in the amount of $83,150.00 for the Purchase and Installation of Shade Structures on 2nd Street Trail.

K) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Approved the Parks and Recreation status report.

L) SUBDIVISION MONTHLY REPORT.

Approved the subdivision monthly report.

M) PROJECT STATUS REPORT THROUGH APRIL 30, 2023.

Approved the Project Status report through April 30, 2023.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR TEMPORARY EMPLOYMENT SERVICES.

Staff recommended award of contract to Abacus Corporation, LHM Employment Group and Tryfacta Inc. for the Temporary Employment Services.

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

B) AWARD OF CONTRACT FOR THE DEVELOPMENT OF MORRIS PARK.

Staff recommended award of contract to RG Enterprises in the amount of $1,348,935 for the Development of Morris Park.

Discussion ensued. Comments were shared by Council. Questions were asked relating to in house, lighting, and construction material costs. Staff answered questions posed by Council.

After due consideration, Commissioner Victor "Seby" Haddad moved to award the contract as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

C) AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) CURRENT MODEL COMBINATION SEWER AND CATCH BASIN CLEANING TRUCKS.

Staff recommended award of contract to Doggett Freightliner of South Texas LLC in the amount of $929,905.29 for the purchase of two (2) current model combination sewer and catch basin cleaning trucks.

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

D) CONSIDERATION AND APPROVAL OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AN ARTIST STIPEND FOR A PUBLIC MURAL IN COORDINATION WITH KEEP MCALLEN BEAUTIFUL, INC.

Staff recommended approval of an agreement with the Texas Department of Transportation for an artist stipend for a public mural in coordination with Keep McAllen Beautiful, Inc.

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

E) AWARD OF CONTRACT FOR MCALLEN FIRE STATION 8.

Staff recommended award of contract to NM Contracting LLC in the amount not to exceed of $4,745,300.00 with a contract time not to exceed 480 calendar days for the McAllen Fire Station No. 8 Project.

Commissioner Omar Quintanilla announced that he had a conflict with Item 3E and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

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 passed with four votes in the affirmative with Commissioner Omar Quintanilla abstaining.

F) AWARD OF CONTRACT FOR THE PURCHASE OF FURNITURE TO GATEWAY FOR THE NEW PARKS AND RECREATION FACILITY.

Staff recommended award of contract to Gateway in the amount not to exceed $160,276.57 for the purchase of furniture for the new Parks and Recreation Facility.

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

G) AWARD OF CONTRACT FOR THE 2023 SINGLE MACHINE REPAVING AT LA PALOMA SUBDIVISION (CDBG).

Staff recommended award of contract to Cutler Repaving in the amount of $115,953.20 for the 2023 Single Machine Repaving at La Paloma Subdivision (CDBG).

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

H) AWARD OF CONTRACT FOR THE 2023 TYPE D HOT MIX AT LA PALOMA SUBDIVISION (CDBG).

Staff recommended award of contract to Terra Firma Materials LLC in the amount of $97,339.00 for the 2023 Type D Hot Mix at La Paloma Subdivision (CDBG).

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

I) AWARD OF CONTRACT TO MARCIA APPIA CIVIL INFRASTRUCTURE CONSULTANT ENGINEERS, LLC., FOR PROFESSIONAL ENGINEERING

SERVICES FOR VARIOUS DRAINAGE PROJECTS. (PROJECT NO. 09-22-S72-441).

Staff recommended award of contract to Marcia Appia Civil Infrastructure Consultant Engineering, LLC in the amount of $35,250.00 for the Professional Engineering Services for various drainage projects.

Discussion ensued. Comments were shared by Council. 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 by those present.

J) AWARD OF CONTRACT TO RIO DELTA ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES FOR VARIOUS DRAINAGE IMPROVEMENT PROJECTS.

Staff recommended award of contract to Rio Delta Engineering in the amount of $27,265.00 for the professional engineering services for various drainage projects.

Mayor Pro Tem Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

K) CONSIDERATION AND APPROVAL OF LICENSE AGREEMENT ALLOWING PRIVATE LANDSCAPE FEATURES AND FIRE DEPARTMENT CONNECTION TO REMAIN ON CITY RIGHT-OF-WAY.

Staff recommends approval of license agreement allowing private landscape features and fire department connection to remain on City Right-of-Way.

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

L) CONSIDERATION AND AUTHORIZATION TO EXECUTE PAYMENT TO RIO VALLEY SWITCHING COMPANY AND UNION PACIFIC RAILROAD FOR THE FUTURE JACKSON HIKE & BIKE RAILROAD PEDESTRIAN CROSSING.

Staff recommended approval to execute payment to Rio Valley Switching Company and Union Pacific Railroad in the net amount of $192,124.94 for the future Jackson Hike & Bike Railroad Pedestrian Crossing.

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

After due consideration, Mayor Pro Tem Joaquin Zamora moved to approve the payment as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

M) CONSIDERATION AND POSSIBLE APPROVAL OF AN INTERLOCAL AGREEMENT WITH MISD FOR ENVIRONMENTAL AND AQUATIC SCIENCE EDUCATION AT QUINTA MAZATLAN.

Staff recommended approval of an interlocal agreement with MISD for Environmental and Aquatic Science Education at Quinta Mazatlán.

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

4. ORDINANCES

A) CONSIDERATION AND APPROVAL OF LONGEVITY PAY FOR FULL TIME, NON-CIVIL SERVICE EMPLOYEES.

Staff recommends approval of longevity pay for full time, non-civil service employees.

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

B) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR MORRIS PARK IMPROVEMENTS.

Staff recommended adoption of an ordinance providing for a budget amendment providing for an increase in the amount of $877,000.00 to fund the Morris Park Improvements Project.

Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

5. VARIANCES

A) CONSIDERATION OF VARIANCE REQUESTS TO THE R.O.W DEDICATION REQUIREMENTS FOR HOBBS DRIVE AND NORTH BICENTENNIAL BOULEVARD AT THE PROPOSED SILVER OAK SUBDIVISION, HIDALGO COUNTY, TEXAS; 9229 NORTH BICENTENNIAL BOULEVARD.

Staff recommended approval of the variance request to the Right of Way dedication requirements, Option 1, 9229 North Bicentennial Boulevard as recommended by Planning and Zoning Commission.

Discussion ensued. Comments were shared by Council. Questions were asked relating to location, public safety, and subdivision to the north. Staff answered questions posed by Council.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve option 1 as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

6. MANAGER'S REPORT

A) ADVISORY BOARD APPOINTMENTS.

COMMUNITY DEVELOPMNT BOARD

Mayor Javier Villalobos nominated Francisco Meza to the Community Development Advisory Board.

MCALLEN PUBLIC LIBRARY

Mayor Javier Villalobos nominated Lauren McLeish to the McAllen Public Library Board.

PARKS AND RECREATION BOARD

Mayor Javier Villalobos nominated Ruben Anthony Favela to the Parks and Recreation Board. Commissioner Omar Quintanilla nominated Alfredo Montanaro to the Parks and Recreation Board.

TRAFFIC COMMISSION

Mayor Javier Villalobos nominated Fernando Salinas to the Traffic Advisory Board.

ZONING BOARD OF ADJUSTMENTS AND APPEALS BOARD

Mayor Javier Villalobos nominated Hiram Gutierrez to the Zoning Board of Adjustments and Appeals Board.

Mayor Pro Tem Joaquin Zamora motioned to approve nominations and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

B) IMMIGRATION AND RESPITE CENTER REPORT.

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

C) CONSIDERATION AND POSSIBLE ACTION REGARDING POSITION OF FIRE CHIEF AT MCALLEN FIRE DEPARTMENT.

Mayor Pro Tem Joaquin Zamora motioned to approve the appointment of Juan Gloria as the newly appointed Fire Chief and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

D) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Eliminating Zoom, Election of Mayor Pro Tem, Policies regard TBC and TAC Boards.

7. TABLED ITEM(S)

A) CONSIDERATION OF EXTENSION OF NUISANCE ABATEMENT AGREEMENT.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to remove said item from the table and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

Discussion ensued. Mayor Javier Villalobos allowed Mr. Eddie Lucio to speak on agenda item 7A.

Comments were shared by Council. Questions were asked relating to development, options, extending and revisiting, warehouses, and fireworks in city limits. Staff answered questions posed by Council.

Staff recommended approval of the extension of the nuisance abatement agreement.

Mayor Pro Tem Joaquin Zamora moved to approve option 2 of extension of nuisance abatement agreement and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

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 Item 8B; Section 551.074 Personnel Matters on Item 8C; and Section 551.087 Economic Development on Item 8A.

Mayor Javier Villalobos recessed the meeting at 5:52 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:05 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 Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca. Absent: Commissioner Rodolfo "Rudy" Castillo

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

Commissioner Victor "Seby" Haddad announced that he had a conflict with Item 8A and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

Discussion ensued. Comments were shared by Council. Questions were asked relating to location, public safety, and subdivision to the north. Staff answered questions posed by Council.

<u>8A1</u> Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize the McAllen Foreign Trade Zone, Inc to incur indebtedness more than $1,000,000.00 in connection with its acquisition of real property described in executive session and seconded by Mayor Pro Tem Joaquin Zamora. The motion was passed by unanimous vote.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF PERSONNEL PROCESS. (SECTION 551.071, T.G.C.)

No action.

C) DISCUSSION REGARDING PERSONNEL MATTERS RELATED TO POSITION OF FIRE CHIEF. (SECTION 551.074, T.G.C.)

No action.

ADJOURNMENT

Without objection the meeting was adjourned at 6:06 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary