STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, August 14, 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 Joaquin Zamora, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Mayor Pro Tem Omar Quintanilla

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 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 C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT TO R-3T (MULTI-FAMILY TOWNHOUSE RESIDENTIAL) DISTRICT: ALL OF LOTS 1 THROUGH 24, BLOCK 1, AND ALL OF LOTS 1 THROUGH 4 INCLUSIVE, AND THOSE EASTERLY PORTIONS OF LOTS 5 THROUGH 9 INCLUSIVE, BLOCK 2, GUERRA'S ADDITION, HIDALGO COUNTY, TEXAS; 900 SOUTH BICENTENNIAL BOULEVARD.

Approved the R-3T Zoning at 900 South Bicentennial Boulevard, as per Planning and Zoning Commission.

2. REZONE FROM R-2 (DUPLEX-FOURPLEX) DISTRICT TO R-3A (MULTI-FAMILY APARTMENT RESIDENTIAL) DISTRICT: 1.389 ACRES OF LAND OUT OF LOT 69, MCALLEN SECOND SUBURBAN CITRUS GROVES SUBDIVISION, HIDALGO COUNTY, TEXAS; 2342 JORDAN ROAD.

Approved the R-3A Zoning at 2342 Jordan Road, as per Planning and Zoning Commission.

3. REQUEST OF JESUS F. DAVILA FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR, AT LOT 1,

BLOCK 1, FAIRWAY NORTH SUBDIVISION, HIDALGO COUNTY, TEXAS; 2011 SOUTH 10TH STREET.

Approved a Conditional Use Permit and adopted an ordinance, for one year for a bar at 2011 South 10th Street, 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.
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 10th Street and it does not generate traffic into residential areas.
3. The abovementioned businesses 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 square footage of the establishment where the bar and grill are proposing to operate, 43 parking spaces are required; 46 parking spaces are provided on site;
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.

4. REQUEST OF GEORGE A. GARZA FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR AN EVENT CENTER (WINDSOR EVENT CENTER), AT LOT 6, CITRUS GROVE PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS; 4101 EXPRESSWAY 83.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an event center at 4101 Expressway 83, as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the above-mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from the nearest residential use or residentially zoned property.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has access to U.S Expressway 83.
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the establishment, a total of 196 parking spaces are required of which 6 would have to be accessible to persons with disabilities. The development is in compliance with parking requirement. Two hundred and eleven spaces are provided as shown on the provided site plan.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities.

6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned 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 taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

5. REQUEST OF ANTONIO E. DE LIZARDI FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR AN INSTITUTIONAL USE (WORSHIP CENTER), AT 4.87 ACRE TRACT OF LAND OUT OF 19.49 ACRES OUT OF LOT 317, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4124 NORTH TAYLOR ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an institutional use (worship center) at 4124 North Taylor Road, 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 North Taylor 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. Based on the proposed 250 seats, 63 parking spots are required; the applicant is proposing 65 parking spaces on site.
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.
7. Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence.

6. REQUEST OF GUGGENHEIM DEVELOPMENT SERVICES, LLC ON BEHALF OF 4801 WARE, LLC FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR AN AUTOMOTIVE SERVICE AND REPAIR SHOP (JIFFY LUBE AUTOMOTIVE SERVICE CENTER), AT LOT 2, WARE PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS; 4713 NORTH WARE ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an automotive service and repair shop (Jiffy Lube Automotive Service Center) at 4713 North Ware Road, as per Planning and Zoning Commission.

The automotive center must comply with the following special conditions set forth for automotive repair as a primary use in Section 138-281 of the Zoning Ordinance:

1. A minimum lot size of 10,000 square feet is required. According to the subdivision plat, the subject property's total lot size is 22,754.
2. All service, repair, maintenance, painting, and other work shall take place within an enclosed area. Work and services are proposed within enclosed bay areas.
3. Outside storage of materials is prohibited. No outside storage is proposed.
4. The building where the proposed work is to take place shall be at least 100 feet from the nearest residence. There are existing residential uses to the east and west; however, these uses are approximately 200 feet or more from the proposed work building.
5. A 6-foot opaque fence to buffer the proposed use from any residential use or residentially zoned area is required. No opaque fence would be required since the lot's property lines are not adjacent to any residential uses or zones.
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.

B) REZONINGS:

1. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTI-FAMILY APARTMENT RESIDENTIAL) DISTRICT: 26.88 ACRE TRACT OF LAND OUT OF LOTS 7, 8, 13, AND 14, SECTION 234, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 13202 NORTH 38TH STREET (REAR).

Staff recommended approval of the R-3A zoning at 13202 North 38th Street (rear), as per Planning and Zoning Commission.

Commissioner Victor "Seby" Haddad announced that he had a conflict with Item 1B1 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

Commissioner Joaquin Zamora moved to approve the R-3A zoning as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion passed with five 5 votes in the affirmative and Commissioner Victor "Seby" Haddad in abstention.

2. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTI-FAMILY APARTMENT RESIDENTIAL) DISTRICT: AN 8.11 ACRE TRACT OUT OF LOT 9, E.M. CARD SURVEY NO.1, HIDALGO COUNTY, TEXAS; 9228 NORTH BICENTENNIAL BOULEVARD. (TABLED)

Commissioner Antonio "Tony" Aguirre Jr. announced that he had a conflict with Item 1B2 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

Said Item remained tabled.

3. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL) DISTRICT: 2.025 ACRES, CONSISTING OF 1.493 ACRES OUT OF A PART OR PORTION OUT OF LOT 202, AND 0.532 ACRE OUT OF A PART OR PORTION OUT OF LOT 205, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 9212 NORTH 36TH STREET. (TABLED)

Said Item was withdrawn by the applicant.

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

Commissioner Joaquin Zamora moved to amend the Zoning Ordinance and seconded by Commissioner Victor "Seby" Haddad. 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 Joaquin Zamora moved to approve the items listed on the Consent Agenda and Commissioner Victor "Seby" Haddad seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD ON JULY 24, 2023.

Approved the Minutes of Workshop and Regular Meeting held on July 24, 2023, as submitted.

B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL FOR THE CHAMPION LAKES GOLF COURSE WEST BRIDGE REPAIRS.

Approved Change Order No. 1 in the deduct amount of $28,050.00 for a final contract amount of $121,950.00 for the Champion Lakes Golf Course West Bridge Repairs.

C) CONSIDERATION AND AUTHORIZATION TO REMOVE 1ST QUARTER OF FISCAL YEAR 2022-2023 UNCOLLECTIBLE SANITATION & DRAINAGE ACCOUNTS FROM THE GENERAL LEDGER AND BEGIN WRITE-OFF PROCEDURES.

Approved authorization to remove 1st Quarter of Fiscal Year 2022-2023 Uncollectible Sanitation and Drainage Accounts from General Ledger and begin Write -Off procedures.

D) CONSIDERATION AND APPROVAL FOR THE RENEWAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN REGION ONE EDUCATION SERVICE CENTER'S ADULT EDUCATION PROGRAM AND THE CITY OF MCALLEN.

Approved the renewal of the Memorandum of Understanding between Region One Education Service Center's Adult Education Program and the City of McAllen.

E) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NATIONAL ENDOWMENT FOR THE ARTS (NEA).

Approved a resolution authorizing the submission of a grant application to the National Endowment for the Arts (NEA).

F) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE GAME TIME FITNESS GRANT.

Approved a resolution authorizing the submission of a grant application for the Game Time Fitness Grant.

G) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE LEARY FOUNDATION FOR FUNDING UNDER THE FISCAL YEAR 2023 GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the Leary Foundation for funding under the Fiscal Year 2023 grant program.

H) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FRUIT TREE PLANTING FOUNDATION.

Approved a resolution authorizing the submission of a grant application to the Fruit Tree Planting Foundation.

I) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE APACHE CORPORATION FOR FUNDING UNDER THE FISCAL YEAR 2023-2024 APACHE TREE GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the Apache Corporation for funding under the Fiscal Year 2023-2024 Apache Tree Grant Program.

J) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE 2023 H-E-B TREES FOR TEXANS PROGRAM.

Approved a resolution authorizing the submission of a grant application to the 2023 H-E-B Trees for Texans Program.

K) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF LIGHTING MATERIALS FOR MORRIS PARK THROUGH BUYBOARD.

Awarded a contract to Musco Sports Lighting LLC in the amount of $357,123.00 for the purchase of Lighting Materials for Morris Park.

2. AWARD OF CONTRACT FOR THE PURCHASE MAINTENANCE SHOP EQUIPMENT. (BUYBOARD)

Awarded a contract to Reeder Distributors, Inc. in the amount of $248,500.00 for the purchase of Maintenance Shop Equipment.

L) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1. PETER ALAN HOLCOMBE

Approved tax refunds in the amounts of $428.65 and $218.60.

2. T-MOBILE WEST LLC

Approved tax refunds in the amounts of $1,190.19 and $119.02.

3. JOSE L. & ELIABETH YZAGUIRRE

Approved a tax refund in the amount of $1,221.36.

4. T-MOBILE US INC.

Approved a tax refund in the amount of $618.11.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR INVOLUNTARY DEMOLITION AT 701 SOUTH 12TH STREET.

Staff recommended award of contract to R.L. Abatement Inc. in the amount of $54,400.00 for the involuntary demolition at 701 S. 12th Street.

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

B) AWARD OF CONTRACT FOR THE PURCHASE OF A BUS WASHING SYSTEM. (BUYBOARD)

Staff recommended award of contract to InterClean Equipment Inc. in the amount of $253,796.00 for the purchase of a Bus Wash System.

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

C) AWARD OF CONTRACT FOR THE EMERGENCY PURCHASE & INSTALLATION OF ONE (1) LIEBERT AIR COOLED CONDENSING UNIT WITH SELECTED OPTIONS.

Staff recommended award of contract to TEXAIR Company Inc. in the amount of $54,776.92 for the emergency purchase and installation of One (1) Liebert Air Cooled Condensing Unit with selected options.

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

Commissioner Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion passed with five 5 votes in the affirmative and Commissioner Victor “Seby” Haddad in abstention.

D) AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES.

Staff recommended award of contract to Melden and Hunt, Inc. in the amount of $72,000.00 for Professional Engineering Services.

Commissioner Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Jose R. “Pepe” Cabeza de Vaca. The motion carried unanimously by those present.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE PEDESTRIAN IMPROVEMENTS.

Staff recommended approval of Change Order No. 3 in the amount of $8,025.00 for the McAllen-Hidalgo International Bridge Pedestrian Improvements.

Commissioner Joaquin Zamora moved to approve Change Order No. 3 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

F) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 4 AND FINAL FOR THE 2018 BOND GROUP C DRAINAGE IMPROVEMENTS PROJECT - MARTIN BYPASS / 11TH AND QUAMASIA.

Staff recommended approval of Change Order No. 4 in the amount of $54,977.41 with 63 additional calendar days for the 2018 Bond Group C Drainage Improvements Project - Martin bypass/11th and Quamasia.

Discussion ensued. Comments were shared by Council. Questions were raised relating to how many projects left, Martin project. Staff answered questions for Council.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve Change Order No. 4 as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

G) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 8 FOR THE METRO TRANSFER STATION.

Staff recommended approval of Change Order No. 8 in the amount of $10,697.00 for the Metro Transfer Station.

Discussion ensued. Comments were shared by Council. Questions were raised relating to requirements, schedule, money room, and irrigation system on parks side and metro side. Staff answered questions for Council.

After due consideration, Commissioner Joaquin Zamora moved to approve Change Order No. 8 as recommended and seconded by Commissioner Pepe Cabeza de Vaca. The motion carried unanimously by those present.

H) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR THE TERMINAL ROOF REPLACEMENT AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommended approval of Change Order No. 3 in the amount of $35,004.00 and 15 calendar days for a revised contract amount of $2,088,249.74 for the Terminal Roof International Airport.

Commissioner Joaquin Zamora moved to approve Change Order No. 3 as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

4. ORDINANCES

A) ORDINANCE GRANTING AUTHORITY TO THE HEALTH AND CODE COMPLIANCE DEPARTMENT TO REVOKE CERTAIN FOOD PERMITS.

Staff recommended adoption of an ordinance granting authority to the Health and Code Compliance Department to revoke certain food permits.

Commissioner Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

B) ORDINANCE PROVIDING FOR AN AMENDMENT TO THE PLANNING DEPARTMENT'S SUBDIVISION APPLICATION FEES.

Staff recommended adoption of an ordinance providing for an amendment to the Planning Department's subdivision application fees as outlined in Proposal 1.

Discussion ensued. Comments were shared by Council. Questions were raised relating to proposal 2, second option, $15.00 option and commercial industrial / acreage. Staff answered questions for Council.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to adopt the Ordinance Proposal 1 as recommended and seconded by Commissioner Joaquin Zamora. The motion passed with 5 votes in the affirmative with Commissioner Antonio "Tony" Aguirre, Jr. voting against.

C) CONSIDERATION AND POSSIBLE ACTION TO ADOPT AN ORDINANCE DECLARING EXPANSION OF THE BOUNDARIES OF THE CITY OF MCALLEN, TAX INCREMENT REINVESTMENT ZONE #1 UNDER ORDINANCE NO. 2015-79 TO INCLUDE CERTAIN TRACTS OF LAND ADDED INTO THE ZONE AT THAT TIME RATIFYING SUCH FORMER EXPANSION OF THE ZONE.

Staff recommended adoption of an ordinance declaring expansion of the boundaries of the City of McAllen, Tax Increment Reinvestment Zone #1 Under Ordinance No. 2015-79 to include certain tracts of land added into the zone at that time ratifying such former expansion of the Zone.

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

D) PROVIDING FOR A BUDGET AMENDMENT FOR ARPA, GENERAL FUND, INFRASTRUCTURE AND IMPROVEMENT FUNDS.

Staff recommended adoption of an ordinance providing for a budget amendment to fund emergency replacement of A/C units at Lark and Palm View Community Centers in the amount of $659,370.98.

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

5. RESOLUTIONS

A) CONSIDERATION AND POSSIBLE ACTION ON RESOLUTION APPOINTING MEMBERS TO THE CITY OF MCALLEN TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS BOARD OF DIRECTORS.

Staff recommended approval of a resolution appointing members to the City of McAllen Tax Increment Reinvestment Zone Number One, City of McAllen, Texas Board of Directors.

Staff mentioned the composition of the TIRZ Board noting it is governed by section 311.069 of the Texas Tax Code. Requirements were also reviewed noting to be eligible to be on the TIRZ Board the individual must own real property in the zone or be an employee or agent of a person that owns real property in the zone. TIRZ Board positions may also be subject to restrictions and covenants of records.

Staff noted the following member recommendations: Chairman, nick Rhodes, Position 1, Mike Rhodes, Position 2, Jon Rhodes, Position 3, Jaime Gonzalez, Position 4, Misty Martin, Position 5 Nick Rhodes, Position 6 Mayor Javier Villalobos, Position 7 Ellie Torres (Velinda Reyes, Alternate), Position 8, representative Terry Canales (District 40) or designee and Position 9, Senator Juan "Chuy" Hinojosa. It was noted that positions 3, 4,6 and 7 were holdover terms.

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

B) CONSIDERATION AND POSSIBLE ACTION ON RESOLUTION APPOINTING MEMBERS TO THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT BOARD OF DIRECTORS.

Approved a resolution appointing members to the Tres Lagos Public Improvement District Board of Directors.

Staff mentioned that Resolution 2015-22, however the new board positions are for two-year terms. Staff reviewed the following member recommendations Position 1, Mike Rhodes, Position 2, Misty Martin, Position 3, Jaime Gonzalez, Position 4, Nick Rhodes and Position 5 Jon Rhodes. It was noted that positions 2 and 4 were holdover terms.

Discussion ensued. Comments were shared by Council. Questions were raised as to residents and requirements. Staff answered questions posed by Council.

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

6. MANAGER'S REPORT

A) ADVISORY BOARD APPOINTMENTS.

BUILDING BOARD OF ADJUSTMENTS AND APPEALS

Commissioner Antonio "Tony" Aguirre Jr. nominated George Mendoza to the board to the Building Board of Adjustments and Appeals Board.

PLANNING AND ZONING BOARD

Commissioner Antonio "Tony" Aguirre Jr. nominated Jessie Ozuna to the Planning and Zoning Board.

ZONING BOARD OF ADJUSTMENTS AND APPEAL

Commissioner Rodolfo "Rudy" Castillo nominated Pablo D. Garcia as Alternate #2 to the Zoning Board of Adjustments and Appeals Board. Commissioner Jose R. "Pepe" Cabeza de Vaca nominated Alex Lamela as Alternate #3 to the Zoning Board of Adjustments and Appeals Board.

TRAFFIC COMMISSION

Commissioner Rodolfo "Rudy" Castillo nominated Danny Garcia to the Traffic Commission Board.

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

B) PRESENTATION OF YEAR-TO-DATE TAX COLLECTIONS FOR FISCAL YEAR 2022-2023.

Staff gave a presentation of Year-to-Date Tax Collection Report.

C) PRESENTATION OF 2ND QUARTER DELINQUENT TAX COLLECTION REPORT FOR FISCAL YEAR 2022-2023.

Kelly Salazar of Linebarger, Goggan Blair & Sampson gave a presentation of Year-to-Date Delinquent Tax Collection Report.

D) IMMIGRATION AND RESPITE CENTER REPORT.

Mr. Jeff Johnston presented immigration and respite center updates and answered questions. Comments were shared by Council. Questions were raised relating to number surge, communities along the border and other areas. Staff answered questions posed by Council.

E) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: None

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).

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

Commissioner Antonio "Tony Aguirre", Jr. moved to authorize the city manager and city attorney to sell the real property on the terms described in executive session to take those actions as described in executive session and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

B) **CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087 T.G.C)**

7B1 Commissioner Joaquin Zamora moved to authorize the City Manager and City Attorney to negotiate the economic development incentives on the terms described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

7B2 Commissioner Antonio “Tony” Aguirre Jr. announced that he had a conflict with Item 7B2 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary

Commissioner Jose R. “Pepe” Cabeza de Vaca moved to authorize the City Manager and City Attorney to offer an extension to the economic development incentives described in executive session and seconded by Commissioner Joaquin Zamora. The motion passed with five 5 votes in the affirmative and Commissioner Antonio “Tony” Aguirre Jr. in abstention.

C) **CONSULTATION WITH CITY ATTORNEY FOR A LITIGATION UPDATE REGARDING CAUSE NO. C-0074-19-D PENDING IN HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C)**

Commissioner Antonio “Tony” Aguirre Jr. moved to authorize the City Attorney to implement the litigation strategy described in executive session to take those actions as described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

D) **CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF DATA PRIVACY AND SECURITY. (SECTION 551.072, T.G.C)**

Commissioner Joaquin Zamora moved to authorize the City Attorney to take that action reasonable and necessary to protect the interest of the city as described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

E) **CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION: CIVIL ACTION NO. 7:23-CV-00027 IN THE UNITED STATES SOUTHERN DISTRICT OF TEXAS - MCALLEN DIVISION. (SECTION 551.072, T.G.C)**

Commissioner Joaquin Zamora moved to authorize the City Attorney to execute the litigation strategy described in executive session and seconded by Commissioner Jose R. “Pepe” Cabeza de Vaca the motion carried unanimously by those present.

F) **CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION: CAUSE NO. C-2815-23-D PENDING IN HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C)**

Commissioner Joaquin Zamora moved to authorize the City Attorney’s office to defend the city in connection with the litigation pursuant to strategy described in executive session and seconded by Jose R. “Pepe” Cabeza de Vaca. The motion carried unanimously by those present.

G) **CONSULTATION WITH CITY ATTORNEY FOR PENDING LITIGATION: CAUSE NO. SC23-0137-J42 PENDING IN HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C)**

Commissioner Joaquin Zamora moved to authorize the City Attorney’s office to defend the city in connection with the litigation pursuant to strategy described in executive session and seconded by Jose R. “Pepe” Cabeza de Vaca. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 5:35 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary