

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **August 28, 2023**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Javier Villalobos, Mayor Pro Tem Omar Quintanilla, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Joaquin Zamora, 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

RECOGNITION OF THE TEAM RED, WHITE & BLUE PARTNERSHIP

There was a check presentation award.

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. No one spoke.

Commissioner Joaquin Zamora moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

- 1. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL) DISTRICT: THE NORTH 3.830 ACRE, MORE OR LESS, OF A 19.587 ACRE TRACT; BEING THE WEST ONE HALF OF LOT 12, SECTION 280, SAVE AND EXCEPT THAT PARTY LYING NORTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 107, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 2701 WEST STATE HIGHWAY 107.**

Approved the R-3A Zoning at 2701 West State Highway 107, as per Planning and Zoning Commission.

- 2. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL) DISTRICT: THE SOUTH 15.757 ACRE, MORE OR LESS, OF A 19.587 ACRE TRACT; BEING THE WEST ONE HALF OF LOT 12, SECTION 280, SAVE AND EXCEPT THAT PART LYING NORTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 107, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 2701 WEST STATE HIGHWAY 107.**

Approved the R-3A zoning at 2701 West State Highway 107, as per Planning and Zoning Commission.

3. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3T (TOWNHOUSES) DISTRICT: 5.170 ACRES OUT OF LOT 11, SECTION 13, HIDALGO CANAL COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7901 NORTH 10TH STREET (WEST).

Commissioner Victor "Seby" Haddad announced that he had a conflict with Item 1A3 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

Approved the 7901 North 10th Street (West), as per Planning and Zoning Commission.

4. REZONE FROM R-3A (APARTMENTS) DISTRICT TO R-3T (TOWNHOUSES) DISTRICT: 1.336 ACRES OUT OF LOT 11, SECTION 13, HIDALGO CANAL COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7901 NORTH 10TH STREET (EAST).

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

Approved the R-3T at 7901 North 10th Street (East) as per Planning and Zoning Commission.

5. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3T (MULTIFAMILY TOWNHOUSE RESIDENTIAL) DISTRICT: 6.84 ACRES, MORE OR LESS, BEING A PART OR PORTION OF LOT 80, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 6201 NORTH WARE ROAD.

Approved the R-3T zoning at 6201 North Ware Road, as per Planning and Zoning Commission.

6. REQUEST OF ALWIN VERLAGE ALVAREZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A VAPORIZER STORE, AT LOT 5, BLOCK 38, MCALLEN ADDITION, HIDALGO COUNTY, TEXAS; 404 SOUTH 15TH STREET.

Approved a Conditional Use Permit, for one year, and adoption of an ordinance for a vaporizer store, at Lot 5, Block 38, McAllen Addition, Hidalgo County, Texas; 404 South 15th Street.

The establishment must comply with 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 the above-mentioned business 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. of residential zone to the southwest corner.
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 property has direct access to South 15th Street.
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. The proposed 1,500 sq. ft. vape, and CBD shop is located within the DROD area and is subjected to the conditions of Sec. 138-336. Parking fees will apply during the building permit. As per section 138-400(a) of the Off-Street Parking and Loading requirements, all off-street parking must be clearly striped and free of potholes.
4. The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses 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 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. The occupancy load for this establishment will be established by the Building Inspection Department as part of the building permit review process.

7. REQUEST OF 956 REI, LLC, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A GUEST HOUSE, AT WEST 46 FEET OF LOT 12 AND EAST 14 FEET OF LOT 13 AND EAST 14 FEET OF LOT 14 AND EAST 14 FEET OF NORTH 27.75 FEET OF LOT 15, MATHIS ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 1109 MAPLE AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for the life of the use, for a guest house at 1109 Maple Avenue, as per Planning and Zoning Commission.

The guest house must comply with the Zoning Ordinance and specific requirements in Section 138-118(a)(5) of the Zoning Ordinance 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 as shown on the submitted site plan.
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 Hidalgo County Appraisal District, the Lot size is 8,610 square feet.
5. Separate driveways or garages for the proposed use shall not be permitted. The applicant is not proposing a separate driveway or garage for the proposed guest house.
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.

8. REQUEST OF SARA C. LOPEZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN AMENDMENT FOOD TRUCK PARK, AT LOT 1, LOPEZ-TORRES, HIDALGO COUNTY, TEXAS; 4300 SOUTH WARE ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an amendment Food Truck Park at 4300 South Ware Road, as per Planning and Zoning Commission.

The food truck park and its vendors must comply with the requirements set forth in Section 138-118 of the Zoning Ordinance and 54-52 of the Health and Sanitation Ordinance for mobile food vendors and the following Conditional Use Permit specific requirements:

1. The property line of the lot must be at least 200 feet from the nearest residence or residentially zoned property.
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.
3. Mobile food vendor courts shall not operate between the hours of 2:00 AM and 7:00 AM.
4. Each mobile food vendor court shall provide access to a restroom on or within 600 feet of the property lines of the 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.

B) REZONINGS:

1. INITIAL ZONING TO C-3 (GENERAL BUSINESS) DISTRICT: A 2.460-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 52, OUT OF LOTS 35-68, INCLUSIVE, SECTION 229, TEX-MEX SUBDIVISION, HIDALGO COUNTY, TEXAS; 13931 NORTH WARE ROAD (EAST).

Staff recommended approval of C-3 zoning for 13931 North Ware Road (East) as per the Planning and Zoning Commission.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the C-3 Zoning as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

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 Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Routing Items section of the agenda and seconded by Commissioner Joaquin Zamora. The motion passed with five 5 votes in the affirmative and Commissioner Victor "Seby" Haddad in abstention.

2. INITIAL ZONING TO R-2 (DUPLEX-FOURPLEX) DISTRICT: A 2.227-ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOTS 52 THRU 54, OUT OF LOTS 35-68, INCLUSIVE, SECTION 229, TEX-MEX SUBDIVISION, HIDALGO COUNTY, TEXAS; 13931 NORTH WARE ROAD (WEST).

Staff recommended approval of R-2 zoning for 13931 North Ware Road (West) as per Planning and Zoning Commission.

Commissioner Victor "Seby" Haddad 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.

Commissioner Joaquin Zamora moved to approve the R-2 Zoning as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

3. INITIAL ZONING TO A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT: 1,288.63 ACRES GROSS, COMPRISED OF A 3.422 ACRE TRACT OF SECTION 213, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, AND ALL OF SECTION 216 AND 217, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 18900 NORTH ABRAM ROAD.

Staff recommended approval of A-O zoning for 18900 North Abram Road, as per Planning and Zoning Commission.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the A-O Zoning as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

4. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: LOT 12, BLOCK 4, CATHAY COURTS ADDITION, HIDALGO COUNTY, TEXAS; 324 SOUTH CYNTHIA STREET.

Staff recommended disapproval of R-2 zoning for 324 South Cynthia Street, as per Planning and Zoning Commission.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. The following individuals spoke against the request: Patricia Longoria.

Commissioner Joaquin Zamora moved to table item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

5. 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 Joaquin Zamora moved to remove said item from table. Commissioner Jose R. "Pepe" Cabeza de Vaca seconded the motion.

Commissioner Victor "Seby" Haddad announced that he had a conflict with Item 1B5 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

Commissioner Antonio "Tony" Aguirre Jr. announced that he had a conflict with Item 1B5 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

Staff recommended disapproval of R-3A zoning for 9228 North Bicentennial Boulevard, as per Planning and Zoning Commission.

The following spoke in opposition of the request Ms. Laura Garcia, Mr Reynaldo Medina, Mrs. Patricia Medina Mr. Humberto Tijerina, Ms. Gene Reed, Mr. Patrick Wilcox, Ms. Martha Wilcox, Ms. Abdala Kalifa, Mr. Edward Pequeño.

Mr. Tim Wilkins spoke in favor of the request.

A lengthy discussed ensued. Comments and concerns were shared by Council.

After due consideration Commissioner Joaquin Zamora moved to approve the R-3A Zoning. The motion died due to lack of a second. Mayor Javier Villalobos called the question.

Mayor Pro Tem Omar Quintanilla move to deny the request and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with three votes in the affirmative, Commissioner Joaquin Zamora voting against, and Commissioners Victor "Seby" Haddad and Commissioner Antonio "Tony" Aguirre Jr. in abstention.

C) CONDITIONAL USE PERMIT:

1. REQUEST OF NORBERTO HERNANDEZ FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR A PORTABLE FOOD CONCESSION STAND, AT LOTS 1, 2, AND 3, BLOCK 2, YOUNG'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 2401 W HIGHWAY 83.

Approved a Conditional Use Permit and adopted an ordinance, for the life of the use, for a portable food concession stand, at 2401 W Highway 83, per the Planning and Zoning Commission.

The portable building must also meet the requirements set forth in Section 138-118(a)(9) of the Zoning Ordinance and specific requirements as follows:

1. The proposed use shall not be in a residentially zoned area. The portable food concession stand is in a I-1 District.
2. The proposed use shall be inspected by the Building Inspector and comply with applicable building codes.
3. The proposed use and adjacent business shall comply with the Off-street Parking and Loading Ordinance; Based on the food truck and number of seats provided, 8 parking spaces are required. There are 11 parking spaces in front of the commercial block building: out of those spaces, 7 are required for the retail lease spaces and 8 will be used by the applicant leaving a deficiency of 4 parking spaces.
4. A portable building or trailer for the proposed use shall be properly anchored to the ground.
5. The proposed use shall comply with the zoning district setback requirements.
6. Water and sewer facilities shall be required to the tract and may be required to the proposed use.

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

Commissioner Joaquin Zamora moved to amend the Zoning Ordinance and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

E) PUBLIC HEARING AND ADOPTION OF ORDINANCE PROVIDING FOR THE ANNEXATION OF 1,288.63 ACRES GROSS, COMPRISED OF A 3.422 ACRE TRACT OUT OF SECTION 213, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, AND ALL OF SECTION 216 AND 217, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, AND A 5.45 ACRE RIGHT-OF-WAY FOR NORTH

**ABRAHAM ROAD, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY,
HIDALGO COUNTY, TEXAS; 18900 NORTH ABRAM ROAD.**

Mayor Javier Villalobos called the public hearing to order. Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. No one spoke.

Staff recommended adoption of an ordinance providing for the annexation at 18900 North Abram Road.

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

- F) PUBLIC HEARING AND ADOPTION OF AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE 4.687 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOTS 52 THRU 54, OUT OF LOTS 35-68, INCLUSIVE, SECTION 229, TEX-MEX SUBDIVISION, HIDALGO COUNTY, TEXAS; 13931 NORTH WARE ROAD.**

Staff recommended adoption of an ordinance providing for the annexation at 13931 North Ware Road.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. No one spoke.

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

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

END OF PUBLIC HEARING

Mayor Villalobos called 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. Mayor Pro Tem Omar Quintanilla seconded. The motion carried unanimously.

- A) APPROVAL OF MINUTES FOR BUDGET WORKSHOPS HELD AUGUST 1ST, AUGUST 2ND, WORKSHOP AND REGULAR MEETING HELD AUGUST 14, 2023.**

Approved the minutes for Budget Workshops held August 1st, August 2nd, Workshop and Regular meetings held on August 14th, as submitted.

- B) CONSIDERATION AND POSSIBLE ACTION TO ACCEPT DONATION OF REGIONAL DETENTION FACILITY IN BELTERRA SUBDIVISION.**

Approved to accept donation of Regional Detention Facility in Belterra Subdivision.

- C) CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT TO EXPAND AND FUTURE MAINTENANCE OF A REGIONAL DETENTION POND ON UNDEVELOPED CITY PROPERTY LOCATED EAST OF WARE ROAD AND SOUTH OF MONTE CRISTO ROAD.**

Approved agreement to expand and future maintenance of a regional detention pond on undeveloped City property located East of Ware Road and South of Monte Cristo.

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

Approved Change Order No. 3 in the deduct amount of \$18,131.20 for a revised contract amount of \$20,183,107.18.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 AND FINAL FOR THE 23RD AND 10TH STREET INTERSECTION IMPROVEMENTS PROJECT.

Approved Change Order No. 2 and Final in the net amount of \$73,691.22 with 20 additional calendar days for a final contract amount of \$529,811.42 and final contract time of 202-calendar days.

F) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO RECORD THE SALE OF PROPERTIES AND TRANSFERS TO QUINTA MAZATLAN - CUE AND WASTEWATER FUND.

Adopted an ordinance providing for a Budget Amendment for Sale of Properties and Transfers Out.

G) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE AMERICAN LIBRARY ASSOCIATION FOR FUNDING UNDER THE FISCAL YEAR 2023 THINKING MONEY FOR KIDS PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the American Library Association for funding under the Fiscal Year 2023 Thinking Money for Kids Program.

H) RESOLUTION TO ENTER INTO AN ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL SAFETY IMPROVEMENTS.

Approved a resolution to enter into an Advanced Funding Agreement with the Texas Department of Transportation for Traffic Signal Safety Improvements.

I) SUBDIVISION MONTHLY REPORT.

Approved Subdivision Monthly Report.

J) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Approved report on Parks and Recreation Projects.

K) PROJECT STATUS REPORT THROUGH JULY 31, 2023.

Approved Project Status Report through July 31, 2023.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR LIBRARY CHILLER COMPRESSOR.

City Manager stated that items 3A and 3B would be addressed concurrently.

Staff recommended award of a contract to Daikin Allied in the amount of \$64,400.00 for the purchase of the Library Chiller Compressor.

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

B) AWARD OF CONTRACT FOR EMERGENCY HVAC REPAIRS AT THE INTERNATIONAL MUSEUM OF ARTS & SCIENCES.

Staff recommended award of a contract for Emergency HVAC repairs at the International Museum of Arts & Sciences to Trane U.U. Inc. of Progreso Lakes Texas for an amount not to exceed \$90,000.00. Additional funds are for payment and performance bonds required for the project.

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

C) CONSIDERATION AND APPROVAL FOR THE EMERGENCY REPAIR OF THE BICENTENNIAL BOULEVARD NOISE ATTENUATION BARRIER.

Staff recommended approval of funding for the emergency repair of the Bicentennial Boulevard Noise Barrier in the amount of \$191,079.01.

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

After due consideration, Commissioner Joaquin Zamora moved to approve as recommended and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously.

4. ORDINANCE

A) PROVIDING FOR A BUDGET AMENDMENT FOR INTERNATIONAL MUSEUM OF ARTS & SCIENCES HVAC AND BICENTENNIAL BOULEVARD NOISE WALL REPAIRS.

Staff recommended adoption of an ordinance providing for a Budget Amendment for International Museum of Arts & Sciences HVAC and Bicentennial Boulevard Noise Wall Repairs.

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

5. VARIANCE

A) CONSIDERATION OF VARIANCE REQUESTS 1) TO NOT DEDICATE ANY STREET ROW FOR AN EAST-WEST QUARTER MILE COLLECTOR ALONG THE SOUTH SIDE OF THE SUBDIVISION, AND 2) TO NOT PROVIDE ALLEY FOR SOLID WASTE COLLECTION AND ALLOW RESIDENTIAL BINS FOR A MULTIFAMILY DEVELOPMENT PROPOSED AS MCALLEN OAKS NORTH SUBDIVISION, HIDALGO COUNTY, TEXAS; 2701 STATE HIGHWAY 107.

Staff recommended approval of variance requests 1) to not dedicate any street ROW for an East-West quarter mile collector along the south side of the subdivision, and 2) to not provide alley for solid waste collection and allow residential bins for a multifamily development proposed as McAllen Oaks North Subdivision, Hidalgo County, Texas; 2701 State Highway 107.

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

6. MANAGER'S REPORT

A) DISCUSSION OF 2023 PROPOSED TAX RATE, TAKE A RECORD VOTE AND SCHEDULE PUBLIC HEARING AND MEETING TO ADOPT THE TAX RATE.

Staff briefly reviewed revenue tax rate and noted that by state law only one public hearing is required. Ms. Grimes noted that tax rate can be held and adopted after the public hearing scheduled for September 25th at 5 pm at City Commission Chambers.

A discussion ensued. Comments and concerns were expressed by Council. Mrs. Grimes answered questions asked by Council.

After discussion on item 6A, a Roll Call votes was requested.

ROLL CALL VOTE: Mayor Javier Villalobos, Commissioner Antonio "Tony" Aguirre Jr., Commissioner Joaquin Zamora, Mayor Pro Tem Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad, Commissioner Jose R. "Pepe" Cabeza De Vaca

B) IMMIGRATION AND RESPITE CENTER REPORT.

Mr. Delgado advised the immigration and respite center report is attached for review.

Council thanked staff for update.

C) FUTURE AGENDA ITEMS.

There were no future agenda items.

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, TRACT 2, AND TRACT 3. (SECTION 551.072, T.G.C.)

7A1 – Commissioner Joaquin Zamora moved to authorize the City Manager and City Attorney to take those steps reasonable and necessary to sell the real properties as described in executive session and seconded by Commissioner Victor “Seby” Haddad. The motion carried unanimously.

7A2 – Commissioner Jose R. “Pepe” Cabeza de Vaca authorized the City Manager to purchase the property on the terms described in executive session and seconded by Commissioner Rodolfo “Rudy” Castillo. The motion carried unanimously.

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

7B1 – Commissioner Jose R. “Pepe” Cabeza de Vaca moved to authorize not to accept the offer as described in executive session and seconded by Victor “Seby” Haddad. The motion carried unanimously.

C) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION: ROSA LILIA PICON V. CITY OF MCALLEN; CAUSE NO. CL-23-3135-A PENDING IN HIDALGO COUNTY, TEXAS. (SECTION 551.071, T.G.C.)

7C - Commissioner Jose R. “Pepe” Cabeza de Vaca moved to authorize the City Attorney’s Office to defend the city in connection with the litigation and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

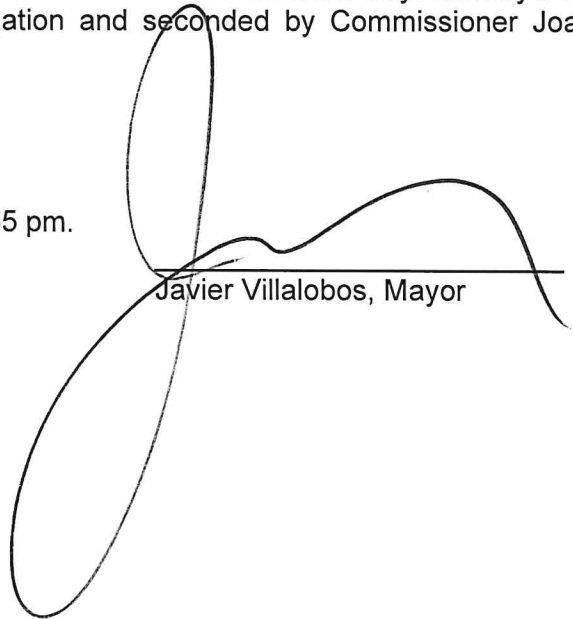
ADJOURNMENT

Without objection, the meeting adjourned at 5:35 pm.

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary



Javier Villalobos, Mayor