STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **September 11, 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.

MOMENT OF SILENCE

PROCLAMATIONS

CONSTITUTION WEEK - Mayor Pro Tem Omar Quintanilla read and presented a proclamation for Constitution Week.

PASSPORT DAY IN THE USA - Commissioner Jose R. "Pepe" Cabeza de Vaca read and presented a proclamation for McAllen Raptor's F.C. Day.

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 Victor "Seby" Haddad announced that he had a conflict with item 1A1 and 1C2 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: 0.878 ACRES OUT OF LOT 308, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3925 NORTH BENTSEN ROAD.

Approved the R-3A Zoning at 3925 North Bentsen Road, as per Planning and Zoning Commission.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the rezoning as recommended and seconded by Commissioner Joaquin Zamora. The motion passed with five votes in the affirmative and Commissioner Victor "Seby" Haddad in abstention.

2.REQUEST OF ORALIA DAVILA ON BEHALF OF IGLESIA CASA DE REFUGIO Y RESTAURACION PENTECOSTES INC. FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR AN INSTITUTIONAL USE (CHURCH) AT LOTS 7, 8, AND 9, BLOCK 1, YOUNG'S SUBDIVISION. HIDALGO COUNTY, TEXAS; 21 SOUTH 24th STREET.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an institutional use (Church) at 21 South 24th Street, as per Planning and Zoning Commission.

The church must 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 Austin Avenue and has access from South 24th Street.
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 100 seats, 25 parking spots are required; the applicant is proposing 30 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 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.

3. REQUEST OF DIONICIO D. LONGORIA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A SMOKE SHOP AND ART GALLERY AT LOT 4, BLOCK 4, ORANGE TERRACE SUBDIVISION, NO.3 HIDALGO COUNTY, TEXAS; 1013 PECAN AVENUE SUITE B.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a smoke shop and art gallery at 1013 Pecan Avenue Suite B, 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 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 zones and uses.
2. The abovementioned business must be as close as possible to a major arterial and shall not allow the traffic generated by such business onto residential streets or allow such traffic to exit into and disrupt residential areas. The property has direct access to Pecan Boulevard.
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. Currently there is a multi-tenant commercial/residential building on the property. The plaza consists of beauty shop next door and some apartments on the second story. The proposed smoke shop shall require 9 parking spaces; parking spaces are proposed to be provided on the front and side of the building. For the parking spaces of the common parking area, 1 accessible parking space is required and provided on site, 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.

4. REQUEST OF SAMUEL AVILA ON BEHALF OF CIGAR BAR, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR AT LOT 1, NOLANA WEST SUBDIVISION, HIDALGO COUNTY, TEXAS; 2200 NOLANA AVENUE, SUITES 2212 & 2214.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 2200 Nolana Avenue, Suites 2212 bad 2214, as per Planning and Zoning Commission.

The establishment must comply with 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 residence and residentially zoned property to the southeast, a church across the street on the south side of Nolana Avenue, and publicly owned property (McAllen's Public Library) to the west.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access from North 23rd Street and Nolana Avenue.
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. The proposed 4,650 sq. ft. bar would require 47 parking spaces; there are 305 parking spaces provided on site. In a site visit conducted by staff, staff noticed that the parking lot was repaved, restriped and re-configured.
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 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 considered the recommendations of the Fire Marshal, Building Official and Planning Director.

B) REZONINGS:

1. 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. (TABLED)

Commissioner Antonio "Tony" Aguirre, Jr. moved to remove said item from the table and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca.

Staff recommended approval of the R-2 zoning at 324 South Cynthia Street, as per Planning and Zoning Commission.

Commissioner Victor "Seby" Haddad moved to disapprove the R-2 zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

2. **REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL) DISTRICT: 76.461 ACRES (77.76 ACRES DEED CALL), BEING ALL OF LOT 11, 19, AND 20, SECTION 234, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, SAID 77.76 ACRE TRACT ALSO BEING ALL OF LOTS 17, 18, 19, 20, 21, 22, 23, AND 24, PALMLAND GROVES, HIDALGO COUNTY, TEXAS; 12501 NORTH ROOTH ROAD.**

Staff recommended approval of the R-3A zoning at 12501 North Rooth Road, as per Planning and Zoning Commission.

The following citizens spoke in opposition to the request: Mr. Kenneth Johnson, Ms. Morrison, Ms. Jane Cross.

Mr. Mario Reyna spoke in favor of the request.

A lengthy discussion ensued. Comments were shared by Council. Questions were asked relating to rezoning, development, controlling density, fourplex, infrastructure concern, expansion of Rooth Road, residents' concerns, major arterial, rooftops, new code and R2 concerns. Staff answered questions posed by Council.

After due consideration, Commissioner Joaquin Zamora moved to deny the request and Mayor Pro Tem Omar Quintanilla seconded the motion. The motion failed.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve R-2 zoning and seconded by Victor "Seby" Haddad. The motion passed with 3 votes in the affirmative, Commissioner Joaquing Zamora and Mayor Pro Tem Omar Quintanilla voting against and Commissioner Antonio "Tony" Aguirre Jr. voting in abstention.

C) CONDITIONAL USE PERMITS:

1. **REQUEST OF RICARDO VEGA AND MELINDA V. VEGA ON BEHALF OF MADDIE'S PUMPKIN PATCH, FOR A CONDITIONAL USE PERMIT, FOR THREE YEARS, AND ADOPTION OF AN ORDINANCE FOR AN EVENT CENTER (PICTURE VENUE) AT 4.983 ACRES OUT OF LOT 78, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6712 NORTH BENTSEN ROAD.**

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for two years for an event center at 6712 North Bentsen Road, 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 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. of residential properties; however, the proposed hours are operation is from 8:00 A.M. to 8:00 P.M.
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 direct access to North Bentsen Road.
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 and use of the picture venue and event area, 1,525 parking spaces are required and no paved parking spaces are provided. A 3 ½ acre of unpaved tract is being used for the parking area. On-site parking will need to be paved and striped and be clear of potholes to comply with City standards.
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 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 considered the recommendations of the Fire Marshal, Building Official and Planning Director.

The following citizens spoke against the request: Mr. & Mrs. Chow. Mr. Ricardo Vega and Mr. Jaime Morales spoke in favor of the request.

A lengthy discussion ensued. Comments were shared by Council. Questions were asked relating to an HOA, wooden fence, venue, livestock, compliance, and traffic management.

Commissioner Joaquin Zamora moved to deny the request and Mayor Pro Tem Omar Quintanilla seconded the motion. The motion died for lack of a second.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve a six-month subject to compliance with conditions and seconded by Victor "Seby" Haddad. The motion passed with four votes in the affirmative and Mayor Pro Tem Omar Quintanilla and Commissioner Joaquin Zamora voting against.

2. REQUEST OF EZIQUEL ORTIZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR (EUTOPIA) AT LOT 3, NORTH PARK VILLAGE SUBDIVISION PHASE 2, HIDALGO COUNTY, TEXAS; 1200 AUBURN AVENUE SUITE 320.

Staff recommended a of a Conditional Use Permit and adoption of an ordinance, for one year, for a bar at 1200 Auburn Avenue Suite 320, 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 abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of the residential zone/use to the north and south.
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 establishment has direct access to Auburn Avenue.
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. 18 parking spaces are required and more than 250 are provided as per site plan with shared parking within the plaza.
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 business shall restrict the number of persons within the building to those allowed by the Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections Department as part of the building permit review process.

Commissioner Joaquin Zamora moved to table the item as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion passed with five votes in the affirmative and Commissioner Victor “Seby” Haddad in abstention.

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

Commissioner Joaquin Zamora moved to amend the Zoning Ordinance and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

E) PUBLIC HEARING ON THE CITY OF MCALLEN'S PROPOSED BUDGET FOR FISCAL YEAR 2023-2024.

Mayor Javier Villalobos called the Public Hearing to order and asked if there was anyone to speak on the proposed budget.

Ms. Nedra Kinerk spoke on City of McAllen Proposed Budget for Fiscal Year 2023-2024.

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 Commissioner Rodolfo "Rudy" Castillo seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES OF BUDGET WORKSHOP HELD ON AUGUST 8TH AND WORKSHOP AND REGULAR MEETING HELD AUGUST 28, 2023.

Approved the minutes of Budget Workshop held August 8th, Workshop and Regular Meeting held August 28, 2023, as submitted.

B) AWARD OF CONTRACT FOR RENTAL OF PORTABLE TOILETS AND HANDWASHING STATIONS.

Awarded a contract to LJH Services Inc. in the amount of $3,800.00 for Portable Toilets and Handwashing Stations.

C) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT WITH HIDALGO COUNTY FOR CHARLES E. CURTIS PARK.

Approved an Interlocal Agreement with Hidalgo County for Charles E. Curtis Park.

D) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MCALLEN POLICE DEPARTMENT AND SOUTH TEXAS COLLEGE (STC) FOR LAW ENFORCEMENT COOPERATION.

Approved a Memorandum of Understanding (MOU) between the City of McAllen Police Department and South Texas College (STC) for Law Enforcement Cooperation.

E) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT WITH DALLAS AREA RAPID TRANSIT (DART) FOR GOPASS MOBILE APP.

Approved an Interlocal Agreement with Dallas Area Rapid Transit (DART) for GoPass Mobile App.

F) CONSIDERATION AND APPROVAL OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HIDALGO COUNTY AND THE CITY OF MCALLEN FOR TRAFFIC SIGNAL INSTALLATION.

Approved an Interlocal Cooperation Agreement between Hidalgo County and the City of McAllen for Traffic Signal Installation.

G) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL FOR THE TORONTO AVENUE DRAINAGE IMPROVEMENTS PROJECT (CDBG FUNDED).

Approved Change Order No. 1 in the deduct amount of $17,695.00 and final contract amount of $175,572.00 for the Toronto Avenue Drainage Improvements Project (CDBG Funded).

H) RESOLUTION AUTHORIZING THE SUBMITTAL OF THE SCENIC CITY OF THE YEAR APPLICATION TO THE SCENIC TEXAS PROGRAM.

Approved a resolution authorizing the submittal of the Scenic City of the Year Application to the Scenic Texas Program.

I) CONSIDERATION AND AUTHORIZATION TO AMEND RESOLUTION 2022-30 TO ACCEPT GRANT FUNDS IN THE AMOUNT OF $370,000.00 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE FISCAL YEAR 2022 OPERATION STONEGARDEN PROGRAM, ADMINISTERED BY THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS PROGRAM.

Approved a resolution amending Resolution 2022-30 to accept grant funds in the amount of $370,000.00 from the U.S. Department of Homeland Security, Federal Emergency Management Agency under the Fiscal Year 2022 Operation Stonegarden Program, administered by the Office of the Governor, Homeland Security Grants Program.

J) RESOLUTION TO ACCEPT FEDERAL AVIATION ADMINISTRATION (FAA) AIRPORT IMPROVEMENT PROGRAM (AIP) NO. 59 GRANT FOR AIRPORT IMPROVEMENTS.

Approved resolution to accept Federal Aviation Administration (FAA) Airport Improvement Program (AIP) No. 59 Grant for Airport Improvements.

K) CONSIDERATION AND APPROVAL TO REMOVE UNCOLLECTIBLE TAX ACCOUNTS FROM THE DELINQUENT TAX ROLL.

Approved the removal of uncollectible tax accounts from the Delinquent Tax Roll.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE VERDIN AVENUE DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended award of contract to Artillery LLC in the amount of $107,780.00 with a contract time not to exceed 45 calendar days for the Verdin Avenue Drainage Improvements Project.

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

B) AWARD OF CONTRACT FOR THE MONA AVENUE DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended award of contract to M.J.A. Construction, LLC in the amount of $325,112.83 for the Mona Avenue Drainage Improvements Project.

Comments were shared by Council. Questions were asked relating to inlets and outlets. Staff answered questions posed by Council.

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

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE NORTHGATE LANE DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended approval of Change Order No. 2 in the amount of $74,970.83 with 10 additional calendar days for the Northgate Lane Drainage Improvements Project.

Commissioner Joaquin Zamora moved to approve Change Order No. 2 as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously.

D) CONSIDERATION AND APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT WITH PALM VALLEY ANIMAL SOCIETY FOR THE OPERATION OF A REGIONAL ANIMAL SHELTER.

Staff recommended approval of an Intergovernmental Agreement with Palm Valley Animal Society for the operation of a Regional Animal Shelter.

Discussion ensued. Comments were shared by Council. Questions were raised regarding community and interest for pets, fostering animal care, volume, options, support, cases, trends, and welfare concern.

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

E) CONSIDERATION AND APPROVAL TO NEGOTIATE WITH TOP RANKED NON-EXCLUSIVE FOOD AND BEVERAGE CONCESSIONAIRE AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommended authorization to negotiate with the top-ranked concessionaire, Oakwells Commuter Rail, LLC for non-excluding food and beverage concessionaire at McAllen International Airport.

Commissioner Antonio "Tony" Aguirre, Jr. moved to authorization negotiations as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

F) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 7-2020 FOR THE RUNWAY INCURSION MITIGATION AND HOT SPOT ANALYSIS AND DESIGN AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommend approval of Contract Amendment No. 7-2020 with KSA Engineers, Inc. in the amount of $93,485.00 for alternative analysis and design of the Runway Incursion Mitigation and Hot Spot Analysis at McAllen International Airport.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve Contract Amendment No. 7-2020 as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

G) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 8-2020 FOR THE PAVEMENT MANAGEMENT PLAN AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommend approval of Contract Amendment No. 8-2020 with KSA Engineers, Inc. in the amount of $161,265.00 for the pavement management plan at McAllen International Airport.

Commissioner Antonio “Tony” Aguirre Jr. moved to approve Contract Amendment No. 8-2020 as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

H) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT 36 FOR AVIATION MARKETING AND CONSULTANT SERVICES AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommend approval of Contract Amendment 36 with Reagal Studios, LLC dba Polluxcastor, Inc. for Aviation Marketing and Consultant Services at McAllen International Airport. The proposed cost for services total $345,000.00 and have been incorporated into the FY 23-24 budget.

Commissioner Joaquin Zamora moved to approve Contract Amendment 36 as recommended and seconded by Commissioner Jose R. “Pepe” Cabeza de Vaca. The motion carried unanimously.

4. ORDINANCES

A) PROVIDING FOR A BUDGET AMENDMENT FOR THE ANZALDUAS BRIDGE INFRASTRUCTURE IMPROVEMENTS.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of $1,008,760.75 for the Anzaldua’s Bridge Infrastructure Improvements.

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

B) PROVIDING FOR A BUDGET AMENDMENT FOR ANZALDUAS BRIDGE DEBT SERVICE B REIMBURSEMENT TO CITY OF MCALLEN.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of $2,311,056.00 for the Anzaldua's Bridge Debt Service B Reimbursement to City of McAllen.

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

C) PROVIDING FOR THE AMENDMENT OF THE MOBILE FOOD VENDORS ORDINANCE FIRE SUPPRESSION SYSTEMS.

Staff recommended adoption of an ordinance providing for the amendment of the mobile food vendors ordinance fire suppression system.

Comments were shared by Council. Questions were raised related to new systems and new fire code. Staff answered questions posed by Council.

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

D) PROVIDING FOR A BUDGET AMENDMENT FOR HIDALGO COUNTY PRECINCT 2 RECREATIONAL TRAILS CONNECTIVITY PROJECT.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of $3,120,000.00 for Hidalgo County Precinct 2 Recreational Trails Connectivity Project.

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

5. RESOLUTIONS

A) CONSIDERATION AND APPROVAL OF A RESOLUTION REGARDING THE TEXAS GAS SERVICE RATE CASE.

Staff recommended approval of a resolution regarding the Texas Gas Service Rate Case.

Mayor Pro Tem Omar Quintanilla moved to approve the resolution as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

B) RESOLUTION APPOINTING A CHAIRMAN OF THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS FOR THE YEAR 2024.

Staff recommended approval of a resolution appointing Mr. Nick Rhodes as Chairman of the Board of Directors of Reinvestment Zone Number One.

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

6. MANAGER'S REPORT

A) ADVISORY BOARD APPOINTMENTS.

FRIENDS OF QUINTA MAZATLAN ADVISORY BOARD

Commissioner Omar Quintanilla nominated Julian Alvarez and Commissioner Rodolfo "Rudy" Castillo nominated Matthew Wolthoff to the Friends of Quinta Mazatlán Board.

PLANNING AND ZONNING COMMISSION

Commissioner Victor "Seby" Haddad nominated Reza Badiozzamani to the Planning and Zoning Commission Board.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve advisory board appointments and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

B) REVIEW OF QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING JUNE 30, 2023.

Staff presented the Quarterly Investment Report for quarter ending June 30, 2023, and recommended acceptance of said report as per the Audit Investment Committee.

Commissioner Joaquin Zamora moved to approve the report as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously.

C) CONSIDERATION AND APPROVAL OF ENGAGEMENT LETTER FROM WEAVER & TIDWELL, LLP FOR THE ANNUAL AUDIT ENDING SEPTEMBER 30, 2023.

Staff recommended approval of the engagement letter from Weaver & Tidwell, LLP for the annual audit ending September 30, 2023.

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

D) IMMIGRATION AND RESPITE CENTER REPORT.

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

E) FUTURE AGENDA ITEMS.

No future agenda items were discussed.

7. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

On behalf of the Presiding Officer, City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development on Item 7A.

Mayor Javier Villalobos recessed the meeting at 6:43 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:51 pm and noting the following city commission members 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

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

7A1 Commissioner Joaquin Zamora moved to authorize City Manager and City Attorney to negotiate the economic development incentives as described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

ADJOURNMENT

Without objection the meeting was adjourned at 6:52 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary