STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **March 11, 2024**, 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 Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Commissioner Joaquin Zamora

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.

PROCLAMATION

INTERNATIONAL GRANT PROFESSIONAL'S DAY

Commissioner Rodolfo "Rudy" Castillo read and presented a proclamation for *International Grant Professional's 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.

Mayor Pro Tem Omar Quintanilla moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

1. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: 1.515 ACRES OUT OF LOT 2, HAMILTON PLACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 100 EAST PECAN BOULEVARD (REAR).

Approved the R-3T Zoning at 100 East Pecan Boulevard (rear), as per Planning and Zoning Commission.

2. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT: 2.152 ACRES OUT OF LOT 1, T-REY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3612 STATE HIGHWAY 107 (REAR).

Approved the C-4 Zoning at 3612 State Highway 107 (rear), as per Planning and Zoning Commission.

3. REQUEST OF MARIA N. VALDEZ, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE AND ADOPTION OF AN ORDINANCE FOR AN AUTOMOTIVE SERVICE AND REPAIR (AUTO-AIR CONDITIONING SERVICE) AT LOTS 4 AND 5, BLOCK 3, ALTAMIRA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2613 U.S. HIGHWAY 83.

Approved a Conditional Use Permit and adopted an ordinance, for life of use, for automotive service and repair at 2613 U.S. Highway 83, as per Planning and Zoning Commission.

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

1. A minimum lot size of 10,000 square feet is required. The subject property is approximately 20,000 square feet;
2. All service, repair, maintenance, painting and other work shall take place within an enclosed area. The work will be performed in the service area;
3. Outside storage of materials is prohibited;
4. The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is located approximately 127 ft. from an existing residence to the south;
5. A 6 ft. opaque fence may be required to buffer residential uses or districts.
6. New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

B) REZONINGS:

1. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOT 20, BLOCK 11, COLONIA HERMOSA NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2216 EL RANCHO AVENUE.

Staff recommended disapproval of the C-3 zoning at 2216 El Rancho Avenue, as per Planning and Zoning Commission. Mayor Javier Villalobos asked if there was anyone to speak in opposition to the request. Mr. Juan Ramon Alonzo spoke in favor of the request.

Comments and concerns were shared. Questions were raised regarding CUP guidelines, zoning issue, parking permit.

After due consideration, Commissioner Victor "Seby" Haddad moved to disapprove the C-3 zoning as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

2. REZONE FROM C-3L (LIGHT COMMERCIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOT 1, LOS ARCOS SUBDIVISION, HIDALGO COUNTY, TEXAS; 4400 SOUTH WARE ROAD.

Mayor Pro Tem Omar Quintanilla moved to remove said item from the table and seconded by Commissioner Antonio "Tony" Aguirre Jr.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the request. Mr. Juan Hernandez and other neighbors spoke in opposition of the request. Mr. Rafael Cantu spoke in favor of the request.

Comments were expressed by Council. Questions were asked regarding to food trucks, super majority, verified petition presented to Planning Department, C3 property, conditional use permit, and food truck.

Staff recommended approval of the C-3 zoning at 4400 South Ware Road, as per Planning and Zoning Commission.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve the C-3 zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

3. INITIAL ZONING TO A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT: 202.788 ACRES, MORE OR LESS, OUT OF A 212.788 ACRE (DEED: 211.18

ACRES) TRACT OF LAND, MORE OR LESS, OUT OF SURVEY 215 AND SURVEY 218. TEXAS MEXICAN RAILWAY COMPANY SURVEY, SAID 202.788 ACRES BEING A PART OF THE FORMER MOORE FIELD SUBDIVISION, SAVE AND EXCEPT A 1.60- ACRE TRACT (WATER TOWER TRACT), HILDAGO COUNTY, TEXAS; 23415 NORTH MOOREFIELD ROAD.

Staff recommended approval of the initial zoning to A-O at 23415 North Moorefield Road.

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

C) CONDITIONAL USE PERMITS:

1. REQUEST OF OL BEVERAGE HOLDINGS, LLC FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR AT LOT A2, LOTS A2 & A3, WICHITA COMMERCIAL PARK SUBDIVISION, HIDALGO COUNTY, TEXAS; 2121 SOUTH 10th STREET.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for one year, for a bar at 2121 South 10th Street, 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;
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 establishment has direct access to South 10th 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. Sixty-five parking spaces are required and are provided as per site plan.
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 of 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 taken into account the recommendations of the Fire Marshal, Building Official and Director of Planning. This number cannot exceed the number provided for in existing city ordinances.

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

2. REQUEST OF MELDEN AND HUNT, INC. FOR (PROPOSED) HARVEST COVE PHASE II, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A PLANNED UNIT DEVELOPMENT (PUD), AT 17.438 ACRES, OUT OF LOTS 138 AND 137, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2601 NORTH WARE ROAD.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for life of the use, for a Planned Unit Development at 2601 North Ware Road, as per Planning and Zoning Commission.

The proposed PUD for Harvest Cove Phase I and II is requesting the following:

• Lots 58-145 are not meeting the 50 ft. frontage minimum requirement.
• Lots 56-181 are not meeting the minimum lot area of 5,000 ft.
• Elevations: Maximum home height proposed at 33 ft.
• 36 lots total not meeting the minimum 18 ft. driveway width, the minimum proposed is 12 feet – Engineering Department approved.
• Some lots such as lots 48, 50-52, 186 may not meet the 50% landscape requirement.

PUDs allow a variety of land uses that complement each other within the development and with existing land uses in the vicinity. Specific requirements for the approval of PUDs are set forth on Article IV for Planned Developments of the Subdivision Ordinance, and are summarized as the following:

1. CONCEPTUAL SITE PLAN: Development and use of the property must comply with the conditional use permit conceptual site plan.
2. PERMITTED USES: Permitted uses are uses permitted in the R-1 District for buildings designated as residential. The applicant is proposing single family residences and a common area.
3. OFF-STREET PARKING AND LOADING: Parking should be in compliance with Chapter 134, Article VI, which requires two parking spaces per unit, with one being located beyond the front yard setback. Must provide floor plan with garage to determine if in compliance.
4. LANDSCAPING: Each lot requires 10% landscaping in an R-1 zone. Based on the lot area of 813,570.12 sq. ft., 81,357.012 sq. ft. of landscaping is required. Also, 50% of the required front yard must be landscape, including the side yard setback areas. Some lots such as lots 48, 50-52, 186 may not meet the 50% landscape requirement. A minimum of one tree is required. Must provide front landscaping area and trees to determine if in compliance. Some lots show driveway proposed to be located over a side yard setback, being not in compliance.
5. STREETS AND SETBACKS: Providing a of 60 ft. right-of-way for North 43rd Street. Provide minimum of 50 ft. right-of-way and 32 ft. of pavement for each interior street within the subdivision. Setbacks are Front: 20 ft. or greater for easements, whichever is greater; Rear: 10 ft. or greater or easements; Sides: 6 ft. or greater for easements; Corner: 10 ft. or greater for easements; and Garage: 18 ft. except where greater setback is required. An R-1 zone requires a front yard setback of 25 ft. on interior streets. The development is proposing less than 25 ft. of front yard setback and instead is proposing 20 ft. of front setback for each lot. Provide setback lines with building envelope on site plan with a 5 ft. wide minimum sidewalk required on Ware Road and a 5 ft. wide minimum sidewalk required on all interior street. Must provide sidewalk width dimension on site plan. An access variance on Ware Road were approved by the Traffic Department.
6. DRAINAGE: During the Harvest Cove Subdivision Phase I and II process final drainage detention and design and drainage plan must be submitted and in accordance with City of McAllen Standard Design Guide.
7. ADDITIONAL PROVISIONS: Conditional Use Permit site plan controls if there is conflict with other City ordinances. A decision by the Planning Director may be reviewed by Planning and Zoning Commission for recommendation to Board of Commissioners for final determination. The Conditional Use Permit calls for mixed use and a minimum area for development of five (5) acres. The development has 18.677 acres, which includes single family residences.
8. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. Submitted site plan meets requirements.
9. A recorded subdivision plat and approved PUD site plan is required prior to issuance of building permits. Therefore, Harvest Cove Phase I and II subdivision process must be completed and recorded together with the site plan.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the item. Mr. Chuck Hvass spoke and thanked the Council for recommendations.

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

3. REQUEST OF LASCO DEVELOPMENT CORPORATION, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR A GASOLINE SERVICE STATION, AT 4.055 ACRES OUT OF LOT 248, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4401 PECAN BOULEVARD.

Staff recommended to table said item as per applicant's request.

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

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to amend the Zoning Ordinance and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

E) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF A 212.788 ACRE (DEED: 211.18 ACRES) TRACT OF LAND, MORE OR LESS, OUT OF SURVEY 215 AND SURVEY 218, TEXAS MEXICAN RAILWAY COMPANY SURVEY, SAID 202.788 ACRES BEING A PART OF MOORE FIELD SUBDIVISION, HIDALGO COUNTY, TEXAS; 23415 NORTH MOOREFIELD ROAD.

Mayor Javier Villalobos called the public hearing to order.

Staff recommended adoption of an ordinance providing for the annexation at 23415 North Moorefield Road.

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

END OF PUBLIC HEARING

Mayor Javier Villalobos declared the Public Hearing closed.

2. CONSENT AGENDA (ALL MATTERS LISTED UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE GOVERNING BODY AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS; HOWEVER, IF DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.)

Mayor Pro Tem Omar Quintanilla moved to approve the items listed on the Consent Agenda with the exception of Item 2J1 as it was previously removed with no action needed and Commissioner Jose R. "Pepe" Cabeza de Vaca seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES FOR WORKSHOP AND REGULAR MEETING HELD ON FEBRUARY 26, 2024.

Approved the minutes of Workshop and Regular Meeting held February 26, 2024, as submitted.

B) CONSIDERATION AND APPROVAL OF FEDERAL TRANSIT ADMINISTRATION AND TXDOT CERTIFICATIONS AND ASSURANCES 2024.

Approved the Federal Transit Administration and TxDOT Certifications and Assurances 2024.

C) AWARD OF CONTRACT FOR SAFETY LEATHER BOOTS. PROJECT NO. 01-24-SP08-130

Awarded a contract to Redwing Brands of America, Inc. in the amount of $120,851.00 for Safety Leather Boots.

D) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR FOR FUNDING UNDER THE FISCAL YEAR 2025 BORDER ZONE FIRE DEPARTMENTS (BZFD) GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the Office of the Governor for funding under the Fiscal Year 2025 Border Zone Fire Departments (BZFD) Grant Program.

E) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR FOR FUNDING UNDER THE FISCAL YEAR 2025 TEXAS ANTI-GANG (TAG) PROGRAM.

Approved a resolution authorizing the submission of a grant application to the Office of the Governor for funding under the Fiscal Year 2025 Texas Anti-Gang (TAG) Program.

F) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS HISTORICAL FOUNDATION IN THE AMOUNT OF $5,000.00 WITH NO LOCAL MATCH REQUIRED.

Approved a resolution authorizing the submission of a grant application to the Texas Historical Foundation in the amount of $5,000.00 with no local match required.

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

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

H) RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION NO. 2024-07 TO INCLUDE VERBIAGE REQUESTED BY THE OFFICE OF THE GOVERNOR.

Approved a resolution authorizing an amendment to Resolution No. 2024-07 to include verbiage requested by the Office of the Governor.

I) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1. CORELOGIC COMMERCIAL REAL ESTATE TAX SVC.

Approved tax refunds in the amounts of $30,314.11, $15,823.64, and $6,753.68.

2. RICARDO & ANA CORTEZ

Approved a tax refund in the amount of $792.63.

3. DLFY, LLC

Approved a tax refund in the amount of $994.92.

4. E R 1980 LLC

Approved a tax refund in the amount of $767.96.

5. ESPERANZA HOMES, INC.

Approved tax refunds in the amounts of $345.71 and $355.25.

6. GERALD ERVIN TRUSTEE GABBERT

Approved a tax refund in the amount of $1,137.34.

7. INTERNATIONAL PAPER CO.

Approved a tax refund in the amount of $1,811.77.

8. RENE OCTAVIO & REGINA REYNA

Approved tax refunds in the amounts of $1,042.91 and $460.63.

9. STEPHEN SIEDOW

Approved a tax refund in the amount of $926.74.

10. ARCELIA & SONNY VASQUEZ

Approved tax refunds in the amounts of $555.33 and $322.38.

J) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF ATP FIREWALLS THROUGH TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR).

Said item was removed from the agenda.

2. AWARD OF CONTRACT FOR THE PURCHASE OF A PRECISION SPRAYER THROUGH SOURCEWELL.

Awarded a contract to United Ag & Turf in the amount of $64,588.04 for Purchase of a Precision Sprayer.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 1 WITH HALFF ASSOCIATES, INC., FOR THE NORTHEAST MCALLEN-EDINBURG LATERAL DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended approval of Contract Amendment No.1 with Halff Associates, Inc., in the net amount of $40,978.20 for a revised contract amount of $582,868.20, subject to a budget reclass for the Northeast McAllen-Edinburg Lateral Drainage Improvements.

Mayor Pro Tem Omar Quintanilla moved to approve the Contract Amendment No. 1 as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

B) AWARD OF PROFESSIONAL ENGINEERING SERVICES CONTRACT FOR THE FM 2220 (WARE RD.) PEDESTRIAN CROSSING AT HOUSTON AVENUE. PROJECT NO. 03-24-S35-01

Staff recommended award of contract to RRP Consulting Engineers, LLC. in the amount of $496,669.45, for the FM 2220 (Ware Rd.) Pedestrian Crossing at Houston Avenue.

Comments were shared by Council. Questions were raised regarding budgeted amount, engineering fees, services, construction, and transportation amount.

After due consideration, Mayor Pro Tem Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

C) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 1 FOR ADDITIONAL SERVICES TO HALFF ASSOCIATES, INC. FOR THE 33RD STREET ROADWAY IMPROVEMENTS.

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

Staff recommended approval of Contract Amendment No.1 to Halff Associates Inc. in the amount of $118,320.00 for additional professional services for the 33rd Street Roadway Improvements.

Mayor Pro Tem Omar Quintanilla moved to approve the Contract Amendment No. 1 as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried with 5 votes in favor and Commissioner Antonio "Tony" Aguirre Jr. in abstention.

D) AWARD OF CONTRACT FOR THE NORTHWEST BLUELINE REGIONAL STORMWATER DETENTION FACILITY.

Staff recommended award of contract to E-CON Group, LLC. in the amount of $ 1,391,424.77, for the Northwest Blueline Regional Stormwater Detention Facility.

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

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE MCALLEN SOUTH INDUSTRIAL PARK PROJECT. (EDA 08-79-05610).

Staff recommended approval of Change Order No. 2 for an additional 26 calendar days for the McAllen South Industrial Park Project.

Commissioner Victor "Seby" Haddad moved to approve Change Order No. 2 as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

F) AWARD OF CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE QUINTA MAZATLAN CENTER FOR URBAN ECOLOGY.

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

Staff recommended award of contract to B2Z Engineering, LLC. in the amount not to exceed of $14,096.00 per month, for the Construction Management Services at Quinta Mazatlán Center for the Urban Ecology.

Mayor Pro Tem Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried with 5 votes in favor and Commissioner Antonio "Tony" Aguirre, Jr. in abstention.

G) AWARD OF CONTRACT FOR THE 2024 SINGLE MACHINE REPAVING. PROJECT NO. 01-24-C06-416

Staff recommended award of contract to Cutler Repaving, Inc. in the amount of $1,534,011.85 for the 2024 Single Machine Repaving Project.

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

H) AWARD OF CONTRACT FOR THE PURCHASE & DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE MATERIAL. PROJECT NO. 01-24-P34-108

Staff recommended award of contract to Terra Firma Materials, LLC. in the amount of $1,377,190.00, for the Purchase & Delivery of Type "D" Hot Mix Asphaltic Concrete Material.

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

I) CONSIDERATION AND APPROVAL OF AN AIRLINE OPERATING AGREEMENT AND TERMINAL BUILDING LEASE WITH DELTA AIRLINES AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommended approval of the Master Airline Operating Agreement and Terminal Building Lease with Delta Airlines at McAllen International Airport.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the Master Airline Operating Agreement as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

4. ORDINANCE

A) PROVIDING A BUDGET AMENDMENT FOR QUINTA MAZATLAN.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of $104,411.00 for Quinta Mazatlán.

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 by those present.

5. **RESOLUTION**

A) CONSIDER APPROVAL OF THE RESOLUTION SUSPENDING THE EFFECTIVE DATE OF AEP'S PROPOSED RATE INCREASE.

Staff recommended approval of the resolution suspending the effective date of AEP's proposed rate increase.

Mayor Pro Tem Omar Quintanilla moved to approve the resolution as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

6. **VARIANCE**

A) CONSIDERATION OF A VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE 0.516 GROSS ACRE TRACT OF LAND OUT OF LOT 368, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6201 WELL SPRINGS ROAD.

Staff recommended Option 3, disapproval of variance and compliance with State law and local ordinance requiring subdivision at 6201 Well Springs Road. If approval is considered, variance is recommended to be approved (Option 2) subject to a recorded access easement, ROW dedication for a total 25 ft. ROW from centerline on Well Spring Road, contractual agreement as applicable, compliance with Traffic, Engineering, McAllen Public Utilities and Fire requirements.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve option #2 as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

7. **MANAGER'S REPORT**

A) ADVISORY BOARD APPOINTMENTS.

Commissioner Antonio "Tony" Aguirre Jr. nominations

Barry Patel – Airport Advisory Board
Jeffrey Schmatz – Airport Advisory Board
Joe Califa – Community Development Council
Maria Carmen Pacheco – Keep McAllen Beautiful
Brad Benter – McAllen Housing Finance Corporation
Nicole Aguirre – Traffic Commission Board
Hollie Johnston – Convention Center Board

Mayor Pro Tem Omar Quintanilla nominations:

Armando Salinas – Airport Advisory Board
Eric Luebanos – Disability Board
Dr. Nathaniel De La Cruz - Library Advisory Board
Johnny Arguelles – McAllen Housing Finance Corporation
Jaime Enriquez – Traffic Commission Board
Hiram Gutierrez – Senior Citizens

Commissioner Jose R. "Pepe" Cabeza de Vaca nominations:

Jared A. Leadbetter – Golf Course Advisory Board

Entire Council nominations:

Juan Mujica - Zoning Board of Adjustments & Appeals

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

B) IMMIGRATION AND RESPITE CENTER REPORT.

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

C) FUTURE AGENDA ITEMS.

No upcoming items were discussed.

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

On behalf of the Presiding Officer, City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.071 Consultation with Attorney on Items 8A and 8B; and Section 551.087 Economic Development on Item 8C.

Mayor Javier Villalobos recessed the meeting at 6:01 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:10 pm and noting the following city commission members present: Mayor Javier Villalobos, Mayor Pro Tem Omar Quintanilla, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca.

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES WITH PROFESSIONAL CONTRACTS. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Omar Quintanilla moved to authorize the city manager and city attorney to proceed as described in executive session and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

B) CONULTATION WITH THE CITY ATTORNEY REGARDING LEGAL ISSUES WITH CONTRACT BETWEEN MCALLEN INDEPENDENT SCHOOL DISTRICT AND CITY OF MCALLEN RELATED TO QUINTA MAZATLÁN. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Omar Quintanilla moved to authorized city manager and city attorney to proceed as discussed in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

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

C1 Mayor Pro Tem Omar Quintanilla moved to authorize city manager and city attorney to negotiate the economic incentives as discussed in executive session and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

C2 Mayor Pro Tem Omar Quintanilla moved to authorize city manager and city attorney to negotiate the economic incentives as discussed in executive session and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 6:11 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary