

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, June 10, 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 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, followed by Pledge of Allegiance and invocation.

PRESENTATION

RECOGNITION OF THE OFFICE OF COMMUNICATIONS FOR TAMIO AWARDS

The Office of Communications was presented with TAMIO Awards.

PROCLAMATIONS

AGE-FRIENDLY RGV INITIATIVE MONTH

Mayor Javier Villalobos presented a proclamation for Age Friendly Initiative Month.

NATIONAL SAFETY MONTH

Commissioner Jose R. "Pepe" Cabeza de Vaca presented a proclamation for National Safety Month.

WASTE AND RECYCLING WORKERS WEEK

Commissioner Antonio "Tony" Aguirre, Jr. presented a proclamation for Waste and Recycling Workers Week.

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 comments were provided during the public hearing under routine items.

Commissioner Victor "Seby" Haddad 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.

1. REZONE FROM C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: A 2.16 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT A, LA CANTERA ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 3900 BUDDY OWENS BOULEVARD (TRACT I).

Approved the C-3 Zoning at 3900 Buddy Owens Boulevard (Tract 1), as per Planning and Zoning Commission.

2. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-3L (LIGHT COMMERCIAL) DISTRICT: A 1.80 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 6, BLOCK 2, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 4300 PECAN BOULEVARD.

Approved the C-3L Zoning at 4300 Pecan Boulevard, as per Planning and Zoning Commission.

3. REQUEST OF JOSEPH M. CAPORUSSO, ON BEHALF OF CARCAP ENTERPRISES, LTD., FOR A CONDITIONAL USE PERMIT, AND ADOPTION OF AN ORDINANCE, FOR A PARKING FACILITY, FOR LIFE OF USE, AT LOT 4, 5 & 6, BLOCK 7, FAIRFIELD PLACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 813 KENNEDY AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for a parking facility at 813 Kennedy Avenue, as per Planning and Zoning Commission.

The parking facility must comply with landscaping, buffer, parking, and right of way requirements. It must also meet the requirements set forth in Section 138-118(6) of the Zoning Ordinance and specific requirements as follows:

1. The sides adjacent to residentially zoned property are to be screened by a six-foot opaque fence. A 6 ft. opaque fence exists on the east, south and west side of the subject property.
2. The parking area shall be landscaped in compliance with the Landscape Ordinance. The required landscaping for this parking lot is 1,350 sq. ft. with trees required as follows: 7 – 2 1/2" caliper, or 4 – 4" caliper, 2 – 6" caliper. Each parking space must also be within 100 ft. of a landscape area with a tree. A landscape strip area with a minimum width of ten feet shall be provided along and within the property lines along Kennedy Avenue, excluding driveway entrances and exits. Since the subject property has a lot of depth of less than 200 feet, the landscaped strip may be reduced to a minimum width of five feet with a landscape hedge not exceeding three feet in height.
3. Residential areas shall be protected as far as possible against heavy traffic and against through traffic of all kinds, including traffic generated by commercial, industrial, or other incompatible land uses.
4. Parking should not encroach into side yard setbacks when residential uses are adjacent. A 6 ft. landscape buffer is provided on the west side yard setback and 83 feet on the west side yard setback.
5. The parking area shall be adjacent to the primary use. The proposed parking area is adjacent to the primary use property on the south side.
6. The parking area shall provide sufficient lighting to eliminate dark areas to provide maximum visibility from a public street to discourage vandalism and criminal activities. Lighting shall be shielded from residential areas.
7. No form of pollution shall emanate beyond the immediate property line of the permitted use.
8. The Planning and Zoning Commission may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this section and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, and additional improvements such as curbing and sidewalks.

4. REQUEST OF MARK ALLEN GRAY, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A GUEST HOUSE, AT LOT 1, RED LEAF ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 1701 WISTERIA AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for a guest house at 1701 Wisteria Avenue, as per Planning and Zoning Commission.

The guest house development must comply with requirements for guest houses set forth in Section 138-118(a)(5) of the Zoning Ordinance and specific requirements 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.
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 where the guest house will be built is 40,296 square feet.
5. Separate driveways or garages for the proposed use shall not be permitted. The applicant is not proposing an independent driveway for the proposed guesthouse.
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.

5. REQUEST OF CHRISTIAN C. AVILA, ON BEHALF OF VIMAENT, LLC, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR AND GRILL (THE DUCHESS) AT LOT 1, NOLANA WEST SUBDIVISION, HIDALGO COUNTY, TEXAS; 2200 NOLANA AVENUE SUITES 2210 & 2212.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar and grill at 2200 Nolana Avenue, Suites 2210 & 2212, as per Planning and Zoning Commission.

As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. 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 feet. 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 4,300 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.

6. REQUEST OF NANCY E. GARZA, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A HOME OCCUPATION (DAYCARE), AT LOT 224, IDELA PARK UNIT NO. 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2748 MELBA AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for a home occupation (daycare) at 2748 Melba Avenue, as per Planning and Zoning Commission.

The home occupation (daycare) must meet the requirements set forth in Section 138-118(a)(8) of the Zoning Ordinance and specific requirements as follows:

1. The proposed use shall meet the requirements of the Department of Human Resources.
2. Fenced area for outside play yards shall be provided.
3. A paved area adjacent to the street for pickup and delivery of children off the street shall be provided.
4. The daycare facility shall be clearly secondary to the residential use. The daycare is secondary to the residential use.
5. The applicant must reside at the location of the permit.

6. No more than 2-day care facility shall be located within 600 feet of each other as measured over the shortest distance of street right-of-way.
7. No more than 1-day care facility shall be located on a dead-end street or cul-de-sac. Daycare facilities located on a dead-end street or cul-de-sac shall be limited to the number of children permitted in a registered family home as defined by the Department of Human Resources.
8. Day care facilities shall not be located on a ½ street or a street that is accessed by a ½ street.
9. Day care facilities located in a residential and agriculture zoning districts shall not contain more than 12 children. The applicant proposes to care for 12 children.
10. Signs shall not be permitted except a nameplate not exceeding 1 square foot bearing the person's name or occupation; and attached against the wall of the main building in A-O, R-2 TO C-2 districts.
11. No more than one additional employee that does not reside on the premises shall be employed at the day care facility.
12. The property owner shall sign the applicant, or the applicant shall provide a letter of authorization from the property owner.

B) REZONINGS:

1. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 2.49 ACRES OUT OF LOT 58, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 3201 TRENTON ROAD.

Staff noted that the board voted unanimously to disapprove the C-3 but alternatively voting to recommend approval of C-3L rezoning.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. The following citizens spoke in opposition of the request: Mr. Charles Dennis, Mr. Joe Cabrera, Ms. Lean Mendes, Ms. Katrina Dennis. Applicant Mr. Rene Pena spoke in favor of the request.

A lengthy discussion ensued. Comments and concerns were shared by councilmembers. Questions were asked about buffers, character of neighborhood, noise, and mitigation efforts. Staff answered questions posed.

After due consideration, Commissioner Joaquin Zamora moved to deny the C-3L zoning as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

2. REZONE FROM C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO C-4 (COMMERCIAL INDUSTRIAL) DISTRICT: A 1.56 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT A, LA CANTERA ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 3900 BUDDY OWENS BOULEVARD (TRACT II).

Staff recommended approval of the alternate request to C3 zoning at 3900 Buddy Owens Boulevard (Tract II) as per Planning and Zoning Commission.

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

C) CONDITIONAL USE PERMIT:

1. REQUEST OF JUAN RAMON ALONSO, FOR A CONDITIONAL USE PERMIT, FOR A PARKING FACILITY, FOR LIFE OF USE, AND ADOPTION OF AN ORDINANCE, AT LOT 20, BLOCK 11, COLONIA HERMOSA NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2216 EL RANCHO AVENUE.

Staff recommended approval for two years of a Conditional Use Permit and adoption of an ordinance, for a parking facility at 2216 El Rancho Road, as per Planning and Zoning Commission.

The parking facility must comply with landscaping, buffer, parking, and right of way requirements. It must also meet the requirements set forth in Section 138-118(6) of the Zoning Ordinance and specific requirements as follows:

1. The sides adjacent to residentially zoned property are to be screened by a six-foot opaque fence. A 6 ft. opaque fence exists on the north and east side of the subject property.
2. The parking area shall be landscaped in compliance with the Landscape Ordinance. The required landscaping for this parking lot is 500 sq. ft. with trees required as follows: 3 – 2 1/2"

caliper, or 2 – 4" caliper, 1 – 6" caliper. Each parking space must also be within 100 ft. of a landscape area with a tree. landscape strip area with a minimum width of ten feet shall be provided along and within the property lines along El Rancho Avenue, excluding driveway entrances and exits. Since the subject property has a lot of depth of less than 200 feet, the landscaped strip may be reduced to a minimum width of five feet with a landscape hedge not exceeding three feet in height.

3. Residential areas shall be protected as far as possible against heavy traffic and against through traffic of all kinds, including traffic generated by commercial, industrial, or other incompatible land uses.
4. Parking should not encroach into side yard setbacks when residential uses are adjacent. A 4 ft. landscape buffer is provided on the east and west side yard setback.
5. The parking area shall be adjacent to the primary use. The proposed parking area is adjacent to the primary use property on the west.
6. The parking area shall provide sufficient lighting to eliminate dark areas to provide maximum visibility from a public street to discourage vandalism and criminal activities. Lighting shall be shielded from residential areas.
7. No form of pollution shall emanate beyond the immediate property line of the permitted use.
8. The Planning and Zoning Commission may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this section and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, and additional improvements such as curbing and sidewalks.

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

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.

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 except for Item 2G to be addressed separately and Commissioner Jose R. "Pepe" Cabeza de Vaca seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD MAY 28TH AND SPECIAL MEETING HELD MAY 30, 2024.

Approved the minutes of Workshop and Regular Meeting held May 28th and Special Meeting held May 30, 2024, as submitted.

B) CONSIDERATION AND APPROVAL OF A CARGO FACILITY LEASE AT MCALLEN INTERNATIONAL AIRPORT.

Approved a Cargo Facility Lease agreement with AGI Ground, Inc. at the McAllen International Airport.

C) CONSIDERATION AND APPROVAL OF AN AMENDMENT TO THE ADVANCED FUNDING AGREEMENT AND RESOLUTION FOR THE ANZALDUAS INTERNATIONAL BRIDGE NORTHBOUND INSPECTION FACILITY.

Approved an amendment to the Advanced Funding Agreement and a resolution for the Anzalduas International Bridge Northbound Inspection Facility.

D) CONSIDERATION AND APPROVAL OF AN AMENDMENT TO THE ADVANCED FUNDING AGREEMENT AND RESOLUTION FOR THE ANZALDUAS INTERNATIONAL BRIDGE SOUTHBOUND INSPECTION FACILITY.

Approved an amendment to the Advanced Funding Agreement and a resolution for the Anzalduas International Bridge Southbound Inspection Facility.

E) CONSIDERATION AND AUTHORIZATION TO DECLARE CITY VEHICLES AND PROPERTY AS SURPLUS.

Authorized declaration of certain city vehicles and property as surplus and begin auction efforts.

F) CONSIDERATION AND APPROVAL OF A LICENSE AGREEMENT FOR A SIGN WITHIN CITY RIGHT OF WAY AT DONNA WERNECKE ELEMENTARY, HIDALGO COUNTY, TEXAS; 4500 DOVE AVENUE.

Approved a license agreement for a sign within City Right of Way at Donna Wernecke Elementary, 4500 Dove Avenue.

G) APPROVAL OF A RESOLUTION BETWEEN HIDALGO COUNTY AND THE CITY OF MCALLEN FOR THE IMPROVEMENTS TO SHARY ROAD FROM SH107 TO MILE 9 ROAD.

Staff recommended approval of a resolution between Hidalgo County and the City of McAllen for the improvements to Shary Road from SH107 to Mile 9 Road.

Discussion ensued. Questions were raised regarding total participation and right of way. Staff answered questions posed by councilmembers.

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

H) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE INSTALLATION OF BOLLARDS AT THE HEART OF THE CITY CROSSING. (PROJECT NO. 05-24-C18-01)

Awarded a contract to Rio United Builders, LLC in the amount of \$191,800.00 for the installation of bollards at the Heart of the City Crossing.

I) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1. BNAJ PROPERTIES LLC

Approved a tax refund in the amount of \$595.13.

2. ELVIA CANTU

Approved a tax refund in the amount of \$839.30.

3. MARIA SUSANNA & ANTHONY R. CAUBA

Approved a tax refund in the amount of \$673.53.

4. CORELOGIC INC. FOR DOVENMUEHLE MTG.

Approved a tax refund in the amount of \$2,314.40.

5. CORELOGIC INC. FOR NATIONSTAR MTG.

Approved a tax refund in the amount of \$1,824.34.

6. CORELGOGIC INC. FOR PHH MORTGAGE

Approved a tax refund in the amount of \$514.37.

7. DDS DISCOUNT STORE #5112/ROSSS DRESS FOR LESS INC.

Approved a tax refund in the amount of \$1,335.31.

8. GLORIA SALDIVAR & AUSTIN B. GARZA

Approved a tax refund in the amount of \$1,190.72.

9. JAMES M. & PAGE F. MOORE

Approved a tax refund in the amount of \$1,262.10.

10. SHIN FOUNDATION I LTD

Approved a tax refund in the amount of \$1,633.40.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR APEX CONTROL CONSOLE INSTALLATION WORK AND EQUIPMENT FOR MCALLEN PERFORMING ARTS CENTER.

Staff recommended award of contract to Texas Scenic Company in the amount of \$84,982.00 or the Apex Control Console installation at the McAllen Performing Arts Center.

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 THE PURCHASE OF ONE (1) CRACK SEALING MACHINE AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommended award of contract to Crafcro, Inc. in the amount of \$68,552.40 with a contract delivery time of eight (8) weeks for the purchase of one (1) crack sealing machine at McAllen International Airport.

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

C) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MCALLEN AND MCALLEN INDEPENDENT SCHOOL DISTRICT FOR THE MCFUN ZONE SUMMER PROGRAM.

Staff recommended approval of a Memorandum of Understanding between the City of McAllen and McAllen Independent School District for the McFun Zone Summer Program.

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

D) AWARD OF CONTRACT FOR THE PURCHASE OF FURNITURE FOR THE NEW ANZALDUAS CARGO FACILITY. (PROJECT NO. 06-24-P60-01)

Staff recommended award of contract to SKG in the amount not to exceed \$838,771.49 for the purchase of furniture for the new Anzalduas Cargo Facility

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

E) AWARD OF CONTRACT OF PROFESSIONAL SERVICES FOR DESIGN OF THE NEW MCALLEN CITY HALL.

Staff recommended award of contract to Milnet Architectural Services PLLC in the amount of \$2,010,000 and with City manager's approval recommend award of work authorization no. 2 in the amount of \$1,328,000.00 upon availability of funds programmed through subsequent fiscal years, for professional design services of the New McAllen City Hall.

Discussion ensued. Comments were shared by councilmembers. Questions were raised as to size, cost, estimate for 5 story structure, renovation to current city hall vs. new building. Staff answered questions posed by councilmembers.

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

F) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 5 FOR THE ANZALDUAS BRIDGE INFRASTRUCTURE IMPROVEMENTS.

Staff recommended approval of Change Order No. 5 in the amount of \$7,59,998.49 for the Anzalduas Bridge Infrastructure Project.

Discussion ensued. Comments were shared by councilmembers. Questions were raised as to cost of equipment, deduct and change order. Staff answered questions posed by councilmembers.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 5 as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

4. RESOLUTION

A) APPROVAL OF RESOLUTION AND ADVANCE FUNDING AGREEMENT (AFA) WITH TXDOT FOR THE FM2220 (WARE ROAD) UNDERGROUND TRAIL CROSSING AT HOUSTON AVENUE.

Staff recommended approval of the Resolution for advanced funding agreement (AFA) with the Texas Department of Transportation (TxDOT) for the FM2220 (Ware Road) Underground Trail Passing.

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

5. VARIANCE

A) CONSIDERATION OF A VARIANCE REQUEST TO NORTH BICENTENNIAL RIGHT OF WAY DEDICATION REQUIREMENT, FOR PROPOSED BARTON SUBDIVISION, HIDALGO COUNTY, TEXAS; 8501 NORTH MAIN STREET.

Staff recommended Option 2, disapproval of the request and alternatively approve 60ft. minimum right of way dedication from centerline requiring 60 ft. from centerline for north Bicentennial Boulevard.

Commissioner Joaquin Zamora moved to approve option 2 as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion passed with 4 votes in favor, Commissioner Jose R. "Pepe" Cabeza de Vaca and Commissioner Victor "Seby" Haddad voting against.

6. MANAGER'S REPORT

A) IMMIGRATION AND RESPITE CENTER REPORT.

Item not addressed.

B) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Hotel-Motel Tax

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 551.071 Consultation with Attorney on Item 7A and Section 551.072 Deliberation Regarding Real Property on 7B

Mayor Javier Villalobos recessed the meeting at 6:10 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:39 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) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO ECONOMIC DEVELOPMENT CONTRACTS. (SECTION 551.071, T.G.C.)

Commissioner Antonio "Tony" Aguirre Jr. moved to authorize the city manager and city attorney to take those actions with respect to the economic development contracts as described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

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

Commissioner Joaquin Zamora moved to authorize the city manager and city attorney to negotiate the sales of real property in the terms described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

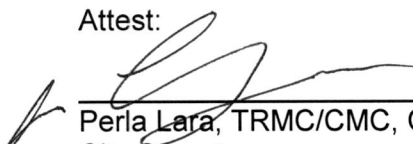
C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO MUNICIPAL EMPLOYMENT CONTRACTS. (SECTION 551.071, T.G.C.)

Commissioner Joaquin Zamora moved to authorize the city manager and city attorney to take those actions described in executive session with respect to municipal employment contracts and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

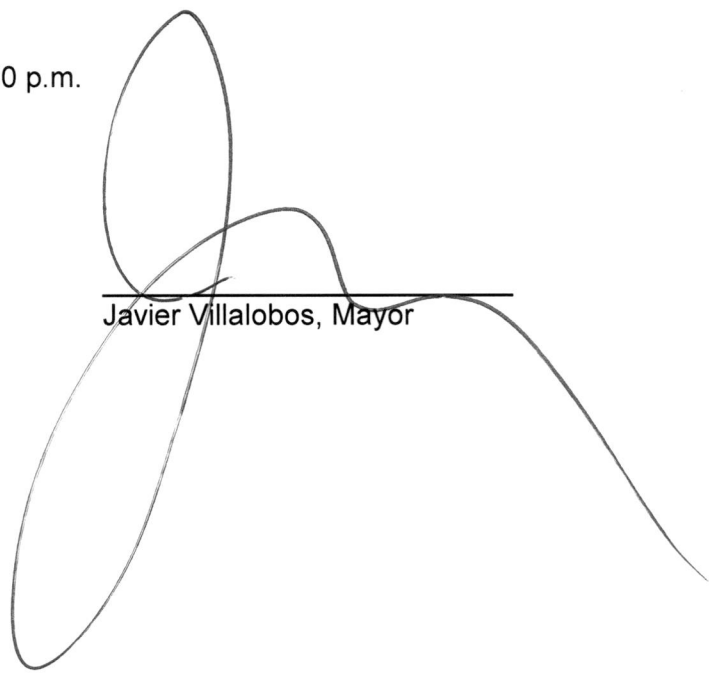
ADJOURNMENT

Without objection the meeting was adjourned at 6:40 p.m.

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary



Javier Villalobos, Mayor