STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **September 23, 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 Isaac Tawil, Interim City Attorney Austin Stevenson, 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 David Vasquez

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

PRESENTATION OF 3CMA AND NATOA AWARDS - OFFICE OF COMMUNICATIONS

Staff recognized the Office of Communications for the 3CMA and NATOA Awards.

PROCLAMATIONS

MCALLEN HOUSING COMMISSION DAY

Mayor Pro Tem Omar Quintanilla presented a proclamation for McAllen Housing Commission Day.

FIRE PREVENTION WEEK

Commissioner Victor "Seby" Haddad presented a proclamation for Fire Prevention 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) CONDITIONAL USE PERMIT

1. REQUEST OF EFRAIM T. VELA ON BEHALF OF DEV HARVEY, LLC., FOR A CONDITIONAL USE PERMIT, FOR A LIFE OF USE, AND ADOPTION OF AN ORDINANCE, FOR A PARKING FACILITY AT LOT 2, ROSA LINDA SUBDIVISION, HIDALGO COUNTY, TEXAS; 3616 HARVEY DRIVE. (TABLED)

Said item remained tabled.

B) PUBLIC HEARING ON 2024 PROPOSED TAX RATE.

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

No one spoke on the 2024 proposed tax rate.

C) PUBLIC HEARING REGARDING THE 2024-2025 PROPOSED ASSESSMENTS WITHIN THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT, THE 2024-2025 SERVICE AND ASSESSMENT PLAN, AND THE 2024-2025 ASSESSMENT ROLL

Mr. Jeff Earl presented on the proposed Service and Assessment Plan and mentioned it was a requirement to present the plan and there were no changes or increases to the assessment.

Mayor Javier Villalobos called the Public Hearing to order and asked if there was anyone to speak on the proposed 2024-2025 Service and Assessment Plan.

No one spoke on the 2024-2025 proposed Service and Assessment Plan.

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 Joaquin Zamora seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES OF BUDGET WORKSHOPS HELD AUGUST 13TH, AUGUST 14TH, AUGUST 20TH, WORKSHOP AND REGULAR MEETING HELD SEPTEMBER 9, 2024.

Approved the minutes of Budget Workshops held August 13th, August 14th, August 20th, Workshop and Regular Meeting held September 9, 2024, as submitted.

B) CONSIDERATION AND POSSIBLE APPROVAL OF AN INTERLOCAL AGREEMENT WITH MCALLEN ISD FOR FIELD TRIPS AT QUINTA MAZATLAN.

Approved an interlocal agreement with McAllen ISD for field trips at Quinta Mazatlán.

C) CONSIDERATION AND AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC) FOR 5310 FUNDING.

Approved an interlocal agreement with Lower Rio Grande Valley Development Council (LRGVDC) for 5310 funding.

D) CONSIDERATION OF APPROVAL TO ACCEPT FEDERAL TRANSIT ADMINISTRATION (FTA) FUNDING FOR OPERATING ASSISTANCE AND CAPITAL PROJECTS.

Approved Federal Transit Administration (FTA) funding for operating assistance and capital projects.

E) CONSIDERATION AND AUTHORIZATION TO REMOVE 1ST QUARTER OF FISCAL YEAR 2023-24 UNCOLLECTIBLE SANITATION & DRAINAGE ACCOUNTS FROM THE GENERAL LEDGER AND BEGIN WRITE-OFF PROCEDURES.

Approved authorization to remove 1st Quarter of Fiscal Year 2023-2024 Uncollectible Sanitation and Drainage Accounts from General Ledger and begin Write-Off procedures.

F) CONSIDERATION AND APPROVAL TO ACCEPT THE TEXAS DEPARTMENT OF TRANSPORTATION'S FISCAL YEAR 2025 ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT.

Approved the Texas Department of Transportation Fiscal Year 2025 Routine Airport Maintenance Program (RAMP) grant.

G) CONSIDERATION AND APPROVAL OF A SECOND AMENDED MEMORANDUM OF UNDERSTANDING FOR ASSIGNMENT PAY.

Approved a second amended Memorandum of Understanding for assignment pay.

H) SUBDIVISION MONTHLY REPORT.

Approved subdivision monthly report.

I) STATUS REPORT PARKS & RECREATION PROJECTS.

Approved status report Parks & Recreation projects.

J) PROJECT STATUS MONTHLY REPORT THROUGH AUGUST 31, 2024.

Approved project status monthly report through August 31, 2024.

K) APPROVAL OF TAX REFUND OVER $500.00.

Approved tax refunds of over $500.

1. VICTOR ANTHONY & KRYSTAL LEE FLORES

Approved a tax refund in the amount of $549.10.

3. BIDS/CONTRACTS

A) CONSIDERATION AND POSSIBLE APPROVAL OF LANDSCAPE ARCHITECT FOR GREEN SCHOOLYARDS (GRANT FROM TEXAS A&M FOREST).

Staff recommended authorization to negotiate the scope of services and fee schedule with the top-ranked firm, Heffner Design Team, for Green Schoolyards.

Commissioner Victor "Seby" Haddad moved to approve the top-ranked firm as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

B) CONSIDERATION OF ARCHITECTURAL FIRMS AND AUTHORIZATION TO NEGOTIATE SCOPE AND FEE SCHEDULE WITH TOP-RANKED FIRM FOR THE DESIGN OF THE NEW PALM VALLEY ANIMAL SOCIETY ANIMAL SHELTER PROJECT.

Staff recommended authorization to negotiate the scope of services and fee schedule with the top-ranked firm, Shelter Planners of America, for the design of the new Palm Valley Animal Society Shelter project.

Discussion ensued. Comments were shared by Mayor and City Commission. Questions were asked regarding design services, facility, financial obligations, interview process, workshop and evaluation process.

After due consideration, Commissioner Joaquin Zamora moved to approve negotiations with the top ranked firmed and seconded by Mayor Pro Tem Omar Quintanilla. The motion passed with 4 votes in the affirmative with Commissioner Victor “Seby” Haddad, Commissioner Jose R. “Pepe” Cabeza de Vaca, and Commissioner Rodolfo “Rudy” Castillo voting against.

C) AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) 2024 POLICE MOTORHOME FLEETWOOD FLAIR MODEL 29M WITH SELECTED OPTIONS.

Staff recommended award of contract to Ancira Motorhomes Inc. in the amount of $122,566.08, for the purchase of one (1) 2024 Police Motorhome Fleetwood Flair Model 29M with selected options.

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

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 5 AND FINAL RECONCILIATION FOR DOVE AVENUE ROADWAY AND DRAINAGE IMPROVEMENTS.

Staff recommended the approval of Change Order No. 5, which reflects a deduction of $73,470.00 and adds 131 calendar days to the contract. Resulting in a final contract amount of $3,247,063.74 and a revised contract time of 527 calendar days for the Dove Avenue roadway and drainage improvements.

Mayor Pro Tem Omar Quintanilla moved to approve the Change Order No. 5 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

E) AWARD OF ARCHITECTURAL DESIGN SERVICES CONTRACT FOR MCALLEN PUBLIC SAFETY BUILDING EVIDENCE STORAGE ROOM.

Staff recommended award of contract to Negrete & Kolar Architects, LLP in the amount of $32,846.04, for the McAllen Public Safety Building Evidence Storage Room.

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

F) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 7 AND FINAL FOR THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE PEDESTRIAN IMPROVEMENTS.

Staff recommended approval of Change Order No. 7 in the deduct amount of $3,875.00 with no additional calendar days for a final contract amount of $1,262,936.09 and final contract time of 437-calendar days for the McAllen-Hidalgo International Bridge pedestrian improvements.

Discussion ensued. Comments and concerns were raised regarding numbers of days. Staff answered questions posed by City Commission.

After due consideration, Commissioner Joaquin Zamora moved to approve the Change Order No. 7 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

G) CONSIDERATION AND APPROVAL TO REIMBURSE THE DEVELOPER OF EL DORADO AT THOUSAND OAKS, I, II, III PH. I SUBDIVISION FOR DRAINAGE IMPROVEMENTS AND POND EXCAVATION.

Staff recommended approval to reimburse the developer of El Dorado at Thousand Oaks, I, II, III Ph. 1 Subdivision for drainage improvements and pond excavation.

Discussion ensued. Comments and concerns were raised regarding amount that was escrowed. Staff answered questions posed by City Commission.

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

H) CONSIDERATION AND POSSIBLE APPROVAL OF ELECTION ADMINISTRATION CONTRACT WITH HIDALGO COUNTY.

Staff recommended approval of the election administration contract with Hidalgo County.

Commissioner Victor "Seby" Haddad moved to tabled item for executive session and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve the contract subject to direction given in executive session and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

4. ORDINANCES

A) ROLL CALL VOTE ON ADOPTION OF AN ORDINANCE APPROVING AND ADOPTING THE CITY OF MCALLEN ANNUAL BUDGET FOR FISCAL YEAR 2024-2025.

Staff recommended adoption of an ordinance adopting the City of McAllen proposed budget for the fiscal year 2024-2025.

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

A Roll Call Vote was requested, and all voted aye: Mayor Villalobos, Mayor Pro Tem Omar Quintanilla, Commissioner Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Jose R. "Pepe" Cabeza de Vaca, Commissioner Rodolfo "Rudy" Castillo, and Commissioner Victor "Seby" Haddad.

B) **ROLL CALL VOTE ON AN ORDINANCE ADOPTING THE CITY OF MCALLEN PROPERTY TAX RATE FOR FISCAL YEAR 2024-2025.**

Ms. Rebeca Grimes, Tax Accessor presented and recommended adoption of an ordinance adopting the City of McAllen property tax rate for Fiscal Year 2024-2025.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved that the property tax rate be increased by the adoption of a tax rate of $0.449989, which is effectively a 1.25 percent increase in the tax rate. This year's proposed rate of $0.449989 per $100 of assessed valuation is allocated at the rate of $0.412235/$100 for Maintenance & Operations and $0.037754 for Debt Services and seconded by Commissioner Joaquin Zamora.

After discussion on item 4B, a Roll Call Vote was requested, and all voted aye: Mayor Javier Villalobos, Mayor Pro Tem Omar Quintanilla, Commissioner Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Jose R. "Pepe" Cabeza de Vaca, Commissioner Rodolfo "Rudy" Castillo, and Commissioner Victor "Seby" Haddad.

C) **PROVIDING FOR THE ABANDONMENT OF A PORTION OF A UTILITY EASEMENT BEING 0.061 OF AN ACRE OUT OF "TRACT A" UTILITY EASEMENT, OUT OF SHARYLAND BUSINESS PARK LOT 12 SUBDIVISION, HIDALGO COUNTY, TEXAS, 5201 MILITARY HIGHWAY.**

Staff recommended adoption of an ordinance providing for the abandonment of 0.061 of an acre of land at 5201 Military Highway.

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

D) **DISCUSSION AND POSSIBLE ACTION ON AN ORDINANCE APPROVING AND ADOPTING THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT 2024-2025 SERVICE AND ASSESSMENT PLAN AND 2024-2025 ASSESSMENT ROLL; ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSMENT OF SPECIAL BENEFITS FOR IMPROVEMENTS, MAINTENANCE, AND SPECIAL SERVICES TO PROPERTY WITHIN THE DISTRICT; CLOSING THE HEARING AND LEVYING DEBT SERVICE ASSESSMENTS FOR THE COST OF IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT, ORDINARY MAINTENANCE ASSESSMENT AND LIMITED-BENEFIT MAINTENANCE ASSESSMENT FOR THE COST OF MAINTENANCE AND OPERATION OF THE DISTRICT, AND SPECIAL SERVICE ASSESSMENTS FOR THE COSTS OF PROVISION OF SUPPLEMENTAL SERVICES WITHIN THE DISTRICT AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENTS; MAKING CERTAIN FINDINGS RELATED TO THE NATURE OF THE PROPERTY WITHIN THE PUBLIC IMPROVEMENT DISTRICT; AND PROVIDING AN EFFECTIVE DATE.**

Staff recommended adoption of an ordinance approving and adopting the Tres Lagos Public Improvement District ("District") 2024-2025 Service and Assessment Plan and 2024-2025 Assessment Roll for the District.

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

5. RESOLUTIONS

A) **CONSIDER AND POSSIBLE ACTION TO ADOPT A RESOLUTION PROVIDING FOR THE APPOINTMENT AND CONFIRMATION OF MEMBERS OF THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT BOARD OF DIRECTORS AND RATIFICATION OF ACTIONS TAKE BY HOLDOVERS.**

Staff recommended approval of a resolution providing for the appointment and confirmation of members of the Tres Lagos Public Improvement District Board of Directors and Ratification of Actions Take by Holdovers.

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

B) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE BUREAU OF RECLAMATION WATERSMART DESALINATION CONSTRUCTION PROJECTS UNDER THE WIIN ACT FOR FISCAL YEAR 2024.

Staff recommended approval of a resolution authorizing the submission of a grant application to the Bureau of Reclamation WaterSMART Desalination Construction Projects Grants Program under the Water Infrastructure Improvements (WIIN) Act for Fiscal Year 2024.

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

C) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE PUBLIC LIBRARY ASSOCIATION UNDER THE 2024-2025 PLA DIGITAL LITERACY WORKSHOP INCENTIVE GRANT (SUPPORTED BY AT&T).

Staff recommended approval of the resolution authorizing the submission of a grant application to the Public Library Association under the 2024-2025 PLA Digital Literacy Workshop Incentive Grant.

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

D) RESOLUTION APPROVING THE CITY'S INVESTMENT POLICY AND STRATEGY AS PRESENTED.

Staff recommended approval of a resolution approving the City's Annual Investment Policy and Strategy as revised. It was noted that current policy was reviewed by the Audit an Investment Committee.

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

6. MANAGER'S REPORT

A) ADVISORY BOARD APPOINTMENTS.

DEVELOPMENT CORPORATION BOARD

Commissioner Rodolfo "Rudy" Castillo nominated Mr. Nirvick Mohinta to the Development Corporation Board.

KEEP MCALLEN BEAUTIFUL

Commissioner Joaquin Zamora nominated William McPherson to the Keep McAllen Beautiful Advisory Board.

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

B) BOARDS AND COMMITTEES SERVED BY ELECTED OFFICIALS.

Staff recommended the appointment of City Manager Isaac Tawil to the positions that former City Manager was appointed too.

Mayor Pro Tem Omar Quintanilla moved to approve the nominations as recommended and seconded by Antonio "Tony" Aguirre, Jr.

C) ANNUAL UPDATE ON TAX INCREMENT REINVESTMENT ZONE #1 AND TRES LAGOS PUBLIC IMPROVEMENT DISTRICT.

Jefferey Earl gave the annual update on Tax Increment Reinvestment Zone #1 and Tres Lagos Public Improvement District as required by Chapter 311 of the Texas Tax Code that requires said annual update.

Report only. No action required.

D) ANNUAL UPDATE ON TAX INCREMENT REINVESTMENT ZONE #2A.

The annual update was presented on Tax Increment Reinvestment Zone #2A.

Report only. No action required.

E) NOMINATING A CANDIDATE TO THE HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS.

Commissioner Jose R. "Pepe Cabeza de Vaca nominated Albert Cardenas to the Hidalgo County Appraisal District Board of Directors and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

F) IMMIGRATION AND RESPITE CENTER REPORT.

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

G) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows:

- Boys and Girls Club of McAllen Update
- Update on EB5
- McAllen Heritage Center Update
- Museum Update

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 Items 7A and 7C, Section 551.072 Deliberation Regarding Real Property on Item 7D; and Section 551.087 Economic Development on Item 7B.

Mayor Javier Villalobos recessed the meeting at 5:50 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:21 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 EMPLOYEE BENEFIT OPTIONS. (SECTION 551.071, T.G.C.)

No action.

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

No action.

C) CONSULTATION WITH CITY ATTORNEY REGARDING CONTRACTUAL AGREEMENTS. (SECTION 551.071, T.G.C.)

Commissioner Joaquin Zamora moved to authorize the City Attorney to proceed as discussed in executive session and seconded by Commissioner Antonio “Tony” Aguirre. The motion carried unanimously.

D) 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 proceed as discussed in executive session and seconded by Jose R. “Pepe” Cabeza de Vaca. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 6:23 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary