

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **January 11, 2021**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Jim Darling, Mayor Pro Tem Veronica Whitacre, Commissioner Javier Villalobos, Commissioner Joaquin Zamora, Commissioner Omar Quintanilla, Commissioner Tania Ramirez and Commissioner Victor "Seby" Haddad

Staff: City Manager Roy Rodriguez, City Attorney Kevin Pagan, Assistant City Manager Michelle Rivera, Assistant City Manager Jeff Johnston, Assistant City Manager Joe Vera, City Secretary Perla Lara, City Engineer Yvette Barrera, Planning Director Edgar Garcia, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Jim Darling called the meeting to order.

SWEARING IN OF CITY ATTORNEY – Official swearing in ceremony was conducted for Isaac Tawil, City Attorney.

SWEARING IN OF MUNICIPAL COURT JUDGE - Official swearing in ceremony was conducted for Lauren Sepulveda, Municipal Judge.

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 Jim Darling 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 Jim Darling asked if there was anyone to speak in opposition to the items under this section of the agenda. Mr. Manuel Pescador spoke on item 1A1.

Commissioner Javier Villalobos moved to approve the items listed on the Routine Items section of the agenda. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

- 1. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT: 1.68 ACRES OUT OF LOT 5, BLOCK 15, STEELE & PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 501 EAST YUMA AVENUE.**

Approved the R-1 zoning at 501 East Yuma Avenue, as per Planning and Zoning Commission.

- 2. REZONE FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: 3.61 ACRES OUT OF LOT 197, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 701 SOUTH TAYLOR ROAD (MID).**

Approved the R-3T Zoning at 701 South Taylor Road (MID), as per Planning and Zoning Commission.

- 3. REZONE FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 3.87 ACRES**

OUT OF LOT 197, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 701 SOUTH TAYLOR ROAD.

Approved the R-1 Zoning at 701 South Taylor Road, as per Planning and Zoning Commission.

4. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 24.95 ACRES OUT OF LOTS 27 AND 28, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 3421 LA LOMITA ROAD.

Approved the R3A Zoning at 3421 La Lomita Road, as per Planning and Zoning Commission.

5. REZONE FROM A-O (AGRICULTURAL & OPEN SPACE) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 0.68 ACRES OUT OF LOT 377, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 5001 SELINDA DRIVE.

Approved the R-1 Zoning at 5001 Selinda Drive, as per Planning and Zoning Commission.

6. REQUEST OF ESAUL PADILLA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN AUTOMOTIVE SERVICE AND REPAIR (TRUCK ACCESSORIES), AT LOTS 11 & 12, BLOCK 2, WEST ADDITION TO MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS, 2241 DALLAS AVENUE, STE A.

Approved a Conditional Use Permit, for one year, for an automotive service and repair at 2241 Dallas Avenue, Ste. A, as per Planning and Zoning Commission.

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

Commissioner Javier Villalobos moved to amend the Zoning Ordinance. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

C) PUBLIC HEARING FOR A VARIANCE FROM SECTION 6-2(B) OF THE CITY OF MCALLEN CODE OF ORDINANCES OF THE ALCOHOLIC BEVERAGE CODE, REQUEST OF ROLANDO BOCANEGRA, AT LOT 18, LAZY-A- RANCH SUBDIVISION, HIDALGO COUNTY, TEXAS; 1301 NORTH 23RD STREET, SUITE 6.

Mayor Jim Darling called the Public Hearing to order.

Staff recommended approval of variance request from Section 6-2(b) of the City of McAllen Code of Ordinances of the Alcoholic Beverage Code, request of Rolando Bocanegra, at 1301 North 23rd Street, Suite 6.

After due consideration, Commissioner Javier Villalobos moved to approve the variance as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The vote on the motion was as follows:

AYES: Mayor Jim Darling, Mayor Pro Tem Veronica Whitacre, Commissioner Javier Villalobos, Commissioner Omar Quintanilla, Commissioner Tania Ramirez, Commissioner Victor "Seby" Haddad
NAYS: Commissioner Joaquin Zamora
ABSENT: None
ABSTAINED: None

END OF PUBLIC HEARING

Mayor Jim Darling 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 Javier Villalobos moved to approve the items listed on the Consent Agenda with the exception of Items 2B, 2D and 2E to be addressed separately. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES OF SPECIAL MEETING HELD DECEMBER 10TH, WORKSHOP AND REGULAR MEETING HELD DECEMBER 14TH AND SPECIAL MEETING HELD DECEMBER 15, 2020.

Approved the Minutes of Special Meeting held December 10th, Workshop and Regular Meeting held December 14th and Special Meeting held December 15, 2020, as submitted.

B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 6 FOR BICENTENNIAL BOULEVARD EXTENSION PROJECT FROM STATE HIGHWAY 107 TO TRENTON ROAD.

Staff recommended approval of Change Order No. 6 for Bicentennial Boulevard Extension Project from State Highway 107 to Trenton Road.

A discussion ensued. Comments and concerns were expressed. Questions were asked relating to: 1) Completion Date, 2) 29th Street, 3) Underground Irrigation and 4) Frontera. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Omar Quintanilla moved to approve Change Order No. 6 as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER FOR EIGHT (8) GILLIG 35-FOOT LOW FLOOR BUSES.

Approved Change Order for Eight (8) Gillig 35-Foot Low Floor Buses.

D) AWARD OF CONTRACT FOR THE PURCHASE OF FIFTEEN (15) NEW 2021 VEHICLES.

Staff recommended award of contract for the purchase of Fifteen (15) New 2021 Vehicles.

A discussion ensued. Comments and concerns were expressed. Questions were asked relating to: 1) Bids 2020 Vehicles, 2) Bidding Process and 3) Vendors/Units. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Omar Quintanilla moved to award the contract as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

E) AWARD OF CONTRACT FOR THE PURCHASE OF ELEVEN (11) NEW 2021 REFUSE TRUCKS.

Staff recommended award of contract for the Purchase of Eleven (11) New 2021 Refuse Trucks.

Commissioner Omar Quintanilla moved to award the contract as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

F) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR EMERGENCY REPAIR SERVICES FOR RECYCLING CENTER BAILING SYSTEM.

Adopted an ordinance provided for a budget amendment for the Emergency Repair Services for Recycling Center Bailing System.

G) RESOLUTION AUTHORIZING THE CREATION OF THE RIO GRANDE VALLEY REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT.

Approved a resolution authorizing the creation of the Rio Grande Valley Regional 9-1-1 Emergency Communications District.

H) TAX REFUNDS OVER \$500.00.

Approved the tax refunds.

1. FORTIS LAND COMPANY LLC

Approved a tax refund of \$596.84.

2. MR. COOPER C/O LERETA LLC

Approved a tax refund in the amount of \$4,395.68.

3. RONEY, RITA KATHRYN & GLENDON EDWARD

Approved a tax refund of \$2,323.57.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN COUNTY OF HIDALGO AND THE CITY OF MCALLEN, TEXAS FOR TRAFFIC SIGNALS AT DICKER & MCCOLL AND DICKER & 10TH STREET.

Staff recommended approval of Interlocal Cooperative Agreement with County of Hidalgo for the maintenance of signals at Dicker & McColl Rd. and Dicker & 10th Street intersections.

A discussion ensued. Comments and concerns were expressed. Questions were asked relating to: 1) South of Dicker / City Limits, 2) North Side Dicker Road, 3) Voluntary Annexing and 4) Revert to State. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Joaquin Zamora moved to approve the interlocal agreement as recommended. Commissioner Victor "Haddad" seconded the motion. The motion carried unanimously.

4. ORDINANCES

A) CONSIDERATION AND POSSIBLE ACTION CALLING A GENERAL ELECTION IN THE CITY OF MCALLEN ON MAY 1, 2021. CONSIDERACION PARA APROBACION DE UNA ORDENANZA CONVOCANDO UNA ELECCIÓN GENERAL EN LA CIUDAD DE MCALLEN EL 1 DE MAYO, 2021.

Staff recommended adoption of an ordinance calling a general election in the City of McAllen on May 1, 2021.

Commissioner Javier Villalobos moved to adopt the ordinance as recommended. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

B) CONSIDERATION AND POSSIBLE ACTION DECLARING A VACANCY AND ORDINANCE CALLING A SPECIAL ELECTION FOR MAY 1, 2021 TO FILL AN UNEXPIRED TERM FOR CITY COMMISSIONER DISTRICT 6. CONSIDERACIÓN Y POSIBLE ACCIÓN PARA DECLARAR UNA VACANTE Y UNA ORDENANZA CONVOCANDO UNA ELECCIÓN ESPECIAL PARA EL 1 DE MAYO DE 2021 PARA DISTRITO UNÍ-MIEMBRO 6, TÉRMINO INCONCLUSO, PARA COMISIONADO DE LA MESA DIRECTIVA DE LA CIUDAD.

Staff recommended adoption of an ordinance declaring a vacancy and ordinance calling a Special Election for May 1, 2021 to fill an Unexpired Term for City Commissioner District 6. Consideración y posible acción para declarar una vacante y una ordenanza convocando una elección especial para el 1 de mayo de 2021 para distrito uní-miembro 6, término inconcluso, para comisionado de la mesa directiva de la ciudad.

Commissioner Javier Villalobos moved to adopt the ordinance as recommended. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

C) CONSIDERATION AND POSSIBLE APPROVAL OF AN ORDINANCE TO CALL AN ELECTION TO AMEND THE CITY CHARTER.

Staff recommended to table said item.

Commissioner Joaquin Zamora moved to adopt the ordinance as recommended. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously.

5. VARIANCES

- A) VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE 8.93-ACRE TRACT OF LAND OUT OF LOT 53-1, WEST ADDITION TO SHARYLAND SUBDIVISION, HIDALGO COUNTY, TEXAS; 12818 NORTH INSPIRATION ROAD.**

Staff recommended disapproval of the variance request to not require the subdivision process at 12818 North Inspiration Road.

Mr. Raul Garcia and Karina Perez spoke in favor of said request.

A lengthy discussion ensued. Comments and concerns were expressed. Questions were asked relating to: 1) Permit Issues, 2) 5 Acre Tracts, 3) Escrow/Drainage, 4) Fire Hydrant Issues and 5) Dedication/Fire Protection and 6) Easement on driveway. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve option 2 with the understanding that the contractual agreement allows to collect owner's share of infrastructure improvement. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

- B) VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT A 0.87 ACRE TRACT OF LAND BEING THE WEST 150 FEET OF THE EAST 1329 FEET OF THE NORTH 10.00 ACRES OF COMBINES LOT 11, BLOCK 4 AND BLOCK 2, M & M SUBDIVISION, HIDALGO COUNTY, TEXAS; 3117 VALCOSTA SR.**

Staff recommended disapproval of the variance request to not require the subdivision process at 3117 Valcosta Sr.

A discussion ensued. Comments and concerns were expressed. Questions were asked relating to: 1) Participation, 2) Requirements, 3) Home sizes, 4) Cost and 5) Previous Lots / History. Staff answered questions posed by the Mayor and City Commission.

Commissioner Javier Villalobos moved to disapprove the variance as recommended. Commissioner Omar Quintanilla seconded the motion. The motion carried unanimously.

6. MANAGER'S REPORT

- A) REPORT ON CARES ACT FUNDING.**

No action required. Report only.

- B) REVIEW OF QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING SEPTEMBER 30, 2020.**

Staff presented the Quarterly Investment Report for quarter ending September 30, 2020 and recommended acceptance of said report as per the Audit Investment Committee.

Commissioner Javier Villalobos moved to approve the report as recommended. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

- C) FUTURE AGENDA ITEMS.**

Items of upcoming workshops were reviewed as follows: Downtown Night Activity

7. MAYOR'S REPORT

- A) REPORT ON COVID MATTERS/VACCINATIONS.**

Mayor Jim Darling gave a report on COVID Matters/Vaccinations.

- B) REPORT ON LEGISLATIVE SESSION.**

Mayor Jim Darling gave a report on Legislative Session.

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).**

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

Commissioner Javier Villalobos moved to authorize City Attorney and City Manager Office to respond to the offer to purchase the real estate as discussed in executive session. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

- B) **DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL ESTATE PROPERTY: TRACT 2. (SECTION 551.072, T.G.C.)**

Commissioner Joaquin Zamora moved to authorize City Attorney and City Manager to offer to negotiate a lease with the entity on terms discussed in executive session. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

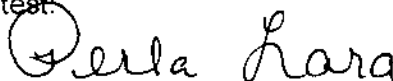
- C) **CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)**

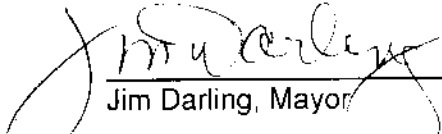
Commissioner Javier Villalobos moved to authorize City Attorney and City Manager office to respond to the offer to purchase the real estate as discussed in executive session. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:07 p.m.

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary


Jim Darling, Mayor