STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **January 25, 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 and Commissioner Victor "Seby" Haddad

Absent: Commissioner Tania Ramirez

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 Yvette Barrera, Planning Director Edgar Garcia, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Jim Darling called the meeting to order.

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. No one spoke in opposition.

Mayor Pro Tem Veronica Whitacre moved to approve the items listed on the Routine Items section of the agenda. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously by those present.

1. REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 1.00 ACRES OUT OF LOT 2, RANCHO DE LA FRUTA SUBDIVISION NO. 2, HIDALGO COUNTY, TEXAS; 1009 EAST CEDAR AVENUE.

Approved the R-3A Zoning at 1009 East Cedar Avenue, as per Planning and Zoning Commission.

2. REZONE FROM R-4 (MOBILE HOME AND MODULAR HOME) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 3.811 ACRES OUT OF LOT 161, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 1312 SOUTH WARE ROAD (REAR).

Approved the C-3 Zoning at 1312 South Ware Road (rear), as per Planning and Zoning Commission.

B) CONDITIONAL USE PERMITS:

1. REQUEST OF HILDA G. SEWELL, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR (NIGHTCLUB) AT LOT 1, NOLANA WEST SUBDIVISION, HIDALGO COUNTY, TEXAS; 2200 NOLANA AVENUE, SUITES 2232 & 2234.

Staff recommended approval of the conditional use permit, for one year, for a bar (nightclub) at 2200 Nolana Avenue, Suites 2232 and 2234, as per Planning and Zoning Commission.

Commissioner Javier Villalobos moved to approve the conditional use permit as recommended. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously by those present.

The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

1) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from residential zones/uses, New Life Family Church and McAllen's Public Library;
2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment is located on two major arterials, Nolana Avenue and North 23rd Street, and does not generate traffic into residential areas;
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 3,000 sq. ft. bar would require 30 parking spaces. For every business to run simultaneously in the commercial plaza, 293 parking spaces would be required; there are 305 parking spaces provided on site;
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 in order 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 taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

C) 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 by those present.

D) PUBLIC HEARING FOR A VARIANCE FROM SECTION 6-2 (A) OF THE CITY OF MCALLEN CODE OF ORDINANCES OF THE ALCOHOLIC BEVERAGE CODE, REQUEST OF GILBERTO ROCHA, FOR A VARIANCE AT LOT 2, BICENTENNIAL CROSSING SUBDIVISION, HIDALGO COUNTY, TEXAS; 3701 NORTH BICENTENNIAL BOULEVARD, SUITE 130.

Mayor Jim Darling called the Public Hearing to order.

Staff recommended approval of the variance request from section 6-2(a) of the City of McAllen Code of Ordinances of the Alcoholic Beverage Code, at 3701 North Bicentennial Boulevard, Suite 130.

Commissioner Javier Villalobos moved to approve the variance request as recommended. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously by those present.

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 Joaquin Zamora moved to approve the items listed on the Consent Agenda with the exception of Item 2G to be addressed separately. Commissioner Javier Villalobos seconded the motion. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD JANUARY 11, 2021.

Approved the minutes of Workshop and Regular Meeting held January 11, 2021, as submitted.

B) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT TO THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) FISCAL YEAR 2022 COMMERCIAL MOTOR VEHICLE GRANT.

Approved a resolution authorizing the submission of a grant to the Texas Department of Transportation through the Selective Traffic Enforcement Program (STEP) Fiscal Year 2022 Commercial Motor Vehicle Grant.

C) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE FY 2020 ASSISTANCE TO FIREFIGHTERS GRANT.

Approved a resolution authorizing the submission of a grant to the Texas Department of Transportation through the Selective Traffic Enforcement Program (STEP) Fiscal Year 2022 Commercial Motor Vehicle Grant.

D) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) FISCAL YEAR 2022 COMPREHENSIVE GRANT.

Approved a resolution authorizing the submission of a grant application to the Texas Department of Transportation through the Selective Traffic Enforcement Program (STEP) Fiscal Year 2022 Comprehensive Grant.

E) AWARD OF CONTRACT FOR THE PURCHASE OF REPLACEMENT PCS TO DELL, INC. THROUGH TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR).

Awarded a contract for the purchase of replacement PCS in the amount of $149,226.24 to Dell, Inc.

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

Approved the submittal of the Certifications & Assurances in order to be eligible to receive Federal Transit Administration & TxDOT grant funds.

G) CONSIDERATION AND APPROVAL OF A TEMPORARY-LONG TERM FOOD PERMIT.

Mayor Pro Tem Veronica Whitacre moved to approve the six (6) month temporary-longer term food permit. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously by those present.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF AGREEMENT RENEWAL OF BLIZ INVESTMENTS, LLC, DBA SUBWAY.

Staff recommended approval of agreement renewal of Bliz Investments, LLC dba Subway.

Comments and concerns were shared by the Mayor and City Commission. Questions were asked relating to: 1) Minimum Dollar Amount, 2) Risks on not collecting and 3) Issues. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Omar Quintanilla moved to approve the agreement as recommended. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously by those present.

4. ORDINANCES

A) PROVIDING FOR SUBSTANTIAL AMENDMENT TO THE FY 2019-2020 CDBG/HOME ACTION PLAN FOR THE USE OF CDBG-CV ROUND III FUNDS.

Staff recommended adoption of an ordinance providing for substantial amendment to the FY 2019-2020 CDBG/HOME Action Plan for the use of CDBG-CV Round III Funds.

Comments and concerns were shared by the Mayor and City Commission. Questions were asked relating to: 1) Filtration System, 2) Services to Neighborhood Residents and 3) Community Centers. Staff answered questions posed by the Mayor and City Commission.

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

B) PROVIDING FOR A BUDGET AMENDMENT FOR CAPITAL ROLLOVER PROJECTS.

Staff recommended adoption of an ordinance providing for a budget amendment for Capital Rollover Projects.

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

5. VARIANCES

A) REQUEST FOR A VARIANCE TO THE SUBDIVISION IMPROVEMENTS REQUIRED FOR BELLA VISTA RANCH SUBDIVISION RELATED TO THE 56TH STREET PAVING, DRAINAGE AND SIDEWALK.

Staff recommended disapproval of the variance request to the subdivision improvements required for Bella Vista Ranch Subdivision related to the 56th Street Paving, Drainage and Sidewalk.

Commissioner Joaquin Zamora moved to table said request as recommended. Commissioner Javier Villalobos seconded the motion. The motion carried unanimously by those present.

6. MANAGER'S REPORT

A) DISCUSSION OF ABANDONED HOMES.

Said item will be brought back.

B) DISCUSSION OF CODE ENFORCEMENT PANDEMIC OPERATIONS: DOWNTOWN AREA 2020-2021.

Said item will be brought back.

C) MCALLEN HOLIDAY PARADE RECAP.

Report only. No action required.

D) REPORT ON CARES ACT FUNDING.

Said item will be brought back.

E) OVERVIEW OF SCOPE OF WORK FOR A COMPREHENSIVE PLAN.

Commissioner Joaquin Zamora moved to table said item. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously by those present.

F) SUBDIVISION MONTHLY REPORT.

Report only. No action required.

G) PROJECT STATUS REPORT THROUGH DECEMBER 31, 2020.

Report only. No action required.

H) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Report only. No action required.

I) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Schneider Project, McAllen Heritage Lease, Small Business Assistance Grant Program, Parks Reopening Playscapes

7. TABLED ITEM(S)

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

Commissioner Joaquin Zamora moved to remove said item from the table. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously.

Staff recommended adoption of an ordinance to call an election to amend the city charter.

Comments and concerns were addressed by the Mayor and City Commission. Questions were raised regarding: 1) Term Limits, 2) Consecutive Terms, 3) Three Four Year Terms/Unexpired Terms, 4) Identifying Other Candidates in Leadership, 5) Reinvest in Local Residents, 6) Continuity of Government and Balance in Government, 7) Veto / Super Majority and 8) Running in Tickets. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Javier Villalobos moved to adopt the ordinance as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously by those present.

8. MAYOR'S REPORT

A) REPORT ON COVID MATTERS.

Mayor Jim Darling gave a report on COVID Matters.

9. 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 9A, 9B and 9C; and Section 551.087 Economic Development on Item 9D.

Commissioner Javier Villalobos moved to accept the recommendation for the basis of the discussion in Executive Session under the section cited by the City Attorney. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously by those present.

Present: Mayor Jim Darling recessed the meeting at 6:22 pm to go into Executive Session. Mayor Jim Darling reconvened the meeting at 7:13 pm and noting the following city commission members present: Mayor Jim Darling, Mayor Pro Tem Veronica Whitacre, Commissioner Javier Villalobos, Commissioner Joaquin Zamora, Commissioner Omar Quintanilla and Commissioner Victor "Seby" Haddad.

Absent: Commissioner Tania Ramirez

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF POSSIBLE CHARTER AMENDMENTS. (SECTION 551.071, T.G.C.)

No action.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF ELECTION ADMINISTRATION. (SECTION 551.071, T.G.C.)

Commissioner Javier Villalobos authorized the City Attorney to take action as discussed in Executive Session. Commissioner Joaquin Zamora seconded the motion. The vote on the motion was as follows:

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

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF NAMING CITY PARKS. (SECTION 551.071, T.G.C.)

No action.

D) CONSULTATION WITH CITY ATTORNEY REGARDING ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)

Commissioner Javier Villalobos moved to instruct the City Manager and City Attorney to offer incentives authorized in Executive Session. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously by those present.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 7:15 p.m.

Jim Darling
Jim Darling, Mayor

Attest:
Perla Lara
Perla Lara, TRMC/CMC, CPM
City Secretary