STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Workshop on **Monday, October 9, 2017** at 4:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Jim Darling, Commissioner Omar Quintanilla, Commissioner Joaquin Zamora, Commissioner Richard Cortez, Commissioner John Ingram and Commissioner Veronica Whitacre

Absent: Mayor Pro Tem Aida Ramirez

Staff: City Manager Roy Rodriguez, City Attorney Kevin Pagan, Assistant City Manager Jeff Johnston, Assistant City Manager Joe Vera, City Secretary Perla Lara, City Architect Yvette Barrera

CALL TO ORDER

Mayor Jim Darling called the meeting to order.

1. **PRESENT QUESTIONS TO STAFF RELATING TO THE OCTOBER 9, 2017 REGULAR MEETING AGENDA, TO BE DISCUSSED AT SUCH MEETING.**

Questions were asked on items 3D and 3G.

2. **PRESENTATION OF PARKS & RECREATION MASTER PLAN BY PR & S, LLC SALLY GAVLIK.**

Said item was not addressed.

3. **PRESENTATION ON DRAINAGE UTILITY FEE UPDATE.**

Staff gave a presentation on Drainage Utility Fee Update as follows:

Funding Mechanisms:

➢ CIP	$ 1,785,977
➢ CDBG	$ 1,534,369
➢ Grants – HMGP	$ 4,465,429
➢ TIRZ	$ 6,797,971
➢ BOND	$21,012,360
➢ Storm Water Utility Fee	$11,211,000

Also reviewed were the Single Family Residential Fees noting there were 33,644 properties (based on Appraisal District Data). Staff talked about a $2.00 / ERU / Month and referenced considering $1.00 minimum fee. Staff went over the following ranges:

# of Properties	Fee Range
➢ 1,217	$0 - $0.99
➢ 15,566	$1 - $1.99
➢ 13,951	$2 - $2.99
➢ 2,115	$3 - $3.99
➢ 646	$4 - $5.99
➢ 112	$6 - $7.99
➢ 31	$8 - $9.99
➢ 6	$10 and over

Non Residential Fees were also discussed and staff mentioned that there were 5,742 properties (based on Appraisal District Data). Staff talked about a $2.00 ERU / month and referenced considering a $1.00 minimum fee. Staff went over the following ranges:

# of Properties	Fee Range
➢ 178	$0 - $0.99
➢ 4,015	$1 - $11.99
➢ 725	$12 - $24.99
➢ 420	$25 - $49.99

➢ 151	$50 - $74.99
➢ 66	$75 - $99.99
➢ 116	$100 - $199.99
➢ 37	$200 - $299.99
➢ 17	$300 - $399.99
➢ 8	$400 - $499.99
➢ 8	$500 - $999.99
➢ 1	$1000 and over

Staff also went over the Municipal Drainage System Ordinance as follows:

- A Municipal Drainage Utility System is established
- Drainage Service will be provided
- City will levy a schedule of drainage fees
- Exemption are authorized
- A deposit shall not be required
- Appeals process established
- Penalties, enforcement authorized

It was noted a drainage fee was to be included within the monthly utility bill. Staff briefly went over the single family residential and nonresidential scenarios noting owner or tenant may be responsible for payment.

Staff reviewed exemptions noting that the following properties may be exempt under Texas Local Government Code Chapter 552:

- State
- County
- City
- School District
- Property Owned by a Religious Organization that is exempt from taxation

The storm water Utility Fee adoption schedule was reviewed October through December 2017.

A lengthy discussion ensued. Comments were shared by the Mayor and City Commission. Questions were raised with respect to: 1) how long was it going to take to construct, 2) fees on new property owner, 3) was amount of drainage adequate, 4) how was the breakdown done, 5) how much money was trying to be raised, 6) reduce 20% and 5 years, 7) revising ERU and recalculate. Staff answered questions posed by the Mayor and City Commission.

After due consideration, it was the consensus of the Mayor and City Commission to revise ERU and recalculate. Staff was directed to bring back the Municipal Drainage System Ordinance back at another City Commission Meeting.

4. CONSIDERATION OF SIDEWALK IMPROVEMENTS PROJECT – PHASE II.

Staff briefly reviewed the sidewalk improvements project noting the project included the construction of sidewalks, ramps, and driveways at various locations through the City. It was noted that the project is funded through a grant from the Federal Transit Authority and project went out to bid in June 2017 and was awarded by the City Commission at the July 24, 2017 meeting. Staff touched on the following:

- Orange at 12th Street, looking west
- Nyssa at 12th Street, looking west
- Maple at 12th Street, looking west

A discussion ensued and comments were shared by Mayor and City Commission. Questions were raised with respect to: 1) current roads requiring sidewalks, 2) were their partial sidewalks on those streets, 3) finishing the ones that had streets and 4) having an additional meeting to review this item.

After due consideration, it was the consensus of the Mayor and City Commission to have this item placed on another regular city commission meeting agenda.

CONSIDERATION OF AMENDMENTS TO SMOKING ORDINANCE.

Staff mentioned that on August 30, 2017 City Staff held a public hearing for those interested in the proposed changes to the smoking ordinance. Staff noted there were approximately 120

people in attendance with a majority supporting strengthening the ordinance to not allow smoking in any building. It was noted that there were a couple who proposed an exception be made for bingo establishments if they created an entirely separate air ventilation system and not allow employees to enter that portion of the building while open.

Staff gave a brief presentation of amendments to smoking ordinance and reviewed options as follows:

- Leave smoking ordinance as it currently exists and allow bars and outdoor patio smoking
- Amend the smoking ordinance to dele all public buildings from smoking (still allowing outdoor smoking a distance from the doors) and allow smoking in public parks.
- Amend the smoking ordinance to delete all public building from smoking but allow an exception for any establishment that can provide a separate ventilation system and prohibit employees from entering the smoking section and allow smoking in public parks.
- Amend the smoking ordinance to delete all public buildings from smoking but allow an exception for bingo establishments that provide a separate ventilation system and prohibit employees from entering the smoking section. It was noted that: The City of Arlington is currently facing a lawsuit based on their adoption of this type of ordinance.

A lengthy discussion ensued and comments were shared by Mayor and City Commission. Questions were raised as it related to: 1) Cigar Bar being an exemption, 2) Food Trucks, 3) Protecting Employees, 4) Tobacco and 5) Smoking at Parks. Staff answered questions posed by the Mayor and City Commission.

After due consideration, the Mayor and City Commission directed staff to make a recommendation and place said item on the next regular city commission agenda of October 23, 2017.

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

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Item 5C and Section 551.071 Deliberation Regarding Property for Item 5A and 5B.

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

Mayor Jim Darling recessed the meeting at 4:05 pm to go into Executive Session and announced that any action on Executive Session items would be taken during the Regular Meeting.

A) **CONSULTATION WITH CITY ATTORNEY REGARDING SETTLEMENT OF THE TEXAS GAS SERVICE COMPANY RATE CASE. (SECTION 551.071, T.G.C.)**
B) **CONSULTATION WITH CITY ATTORNEY REGARDING LITIGATION UPDATE RELATED TO CAUSE NO. C-6255-15-F; JACR, LLC, D/B/A GAMEHAUS GASTROPUB VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
C) **CONSULTATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 5:05 p.m.

Jim Darling, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary