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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **February 8, 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 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.

**PRESENTATION**

**PRESENTATION TO MAYOR JIM DARLING**

Dr. Ray Howard presented a plaque to Mayor Jim Darling.

**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. Raul Cortina spoke in opposition of item 1A4.

Commissioner Javier Villalobos moved to approve the items listed on the Routine Items section of the agenda. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

**1. REZONE FROM A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 14.664 ACRES OUT OF LOT 2, SHARYLAND I.S.D. JUNIOR HIGH SCHOOL SUBDIVISION, HIDALGO COUNTY, TEXAS; 4500 DOVE AVENUE.**

Approved the R-1 Zoning at 4500 Dove Avenue, as per Planning and Zoning Commission.

**2. REQUEST OF JESSICA AGUILAR FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE Q.**

Approved the Conditional Use Permit, for a bar, at 400 Nolana Avenue, Suite Q, as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138-118(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 ft. of residential zones and uses, and a water tower;
2) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required from other Conditional Use Permits in this commercial plaza;
3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a children's event center, and bars. The proposed bar is required 20 parking spaces; 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site, as per section 138-400(a) of the Off-Street Parking and Loading requirements, all off-street parking must be clearly striped and free of potholes.
4) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
5) The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;
6) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
7) The abovementioned businesses 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 director of planning. The occupancy load for this establishment will be established by the Building department as part of the building permit review.

**3. REQUEST OF JORGE A. GONZALEZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT 2A, VALRAM HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2801 EXPRESSWAY 83, BUILDING 200, SUITES 280 & 290.**

Approved a Conditional Use Permit, for one year, for a bar, at 2801 Expressway 83, Building 200, Suites 280 & 290, as per Planning and Zoning Commission.

The bar must also 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 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 bar is within 400 ft. of the adjacent residential zone and use to the south.

2) The business must be as close as possible to a major arterial and shall not allow traffic generated by such businesses onto residential streets or allow such traffic to exit into a disrupt residential areas. The bar has access to U.S. Expressway 83 and South 29th Street, and does not generate traffic into residential areas;
3) The business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The 2950 sq. ft. combined retail and lounge area would require a total of 16 parking spaces. The above mentioned business meets zoning ordinance parking requirements;
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.

**4. REQUEST OF HIDALGO COUNTY ON BEHALF OF MCALLEN ISD, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, FOR A PERSONAL WIRELESS SERVICE FACILITY AT LOT 1 & 2, MCALLEN ISD NORTHWEST ELEMENTARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2901 INCARNATE WORD AVENUE.**

Approved a Conditional Use Permit, for life of use, at 2901 Incarnate Word Avenue, as per Planning and Zoning Commission.

In addition, the request must comply with requirements set forth in Section 138-118(11) of the zoning ordinance as follows:

1) Maximum height of pole or tower structure of 80 feet within commercial zones or within 200 feet of an existing residential structure; The applicant is proposing to construct a 70 ft. in height three leg steel tower.
2) Maximum height of pole or tower structure of 120 feet within industrial zones for measuring distance purposes, the leasehold interest area boundary or compound area boundary, whichever is greater shall be utilized; The applicant is not locating within an industrial zone;
3) Only one pole or tower structure-allowed per lot or tract within a commercial or industrial zone; There is no other pole structure on property;
4) The applicant shall attempt to locate the proposed facility on an existing structure, or base station, as per subsections k—m of this section. If collocation of the proposed wireless facility is not possible (as per subsections k—m of this section) then the applicant for a personal wireless service facility must submit at least two alternatives designs for antenna and supporting structure, pole or tower design (including the equipment shelter, as per subsection h, below) that is treated with an architectural material (e.g., "stealth" design) so as to conform to the predominant architectural environment in the area of the facility. Such "stealth" personal wireless service facility shall blend into its proposed surroundings such as a tree, flag pole or other feature, to be approved. When a tree-type stealth design is used, one live and growing tree of the same variety or species one-half the height of the proposed tower shall be planted at the time of installation; Collocation for proposal is not possible.
5) Minimum spacing between poles and tower structures within commercial or industrial zones of 1,000 feet measured in a direct line of another tower; There are no co-locatable towers within 1,000 feet;

6) Minimum setback of one-half the street right-of-way from front property line, ten feet from side yard and ten feet from rear, unless greater requirements as noted on subdivision plat; The monopole is meeting minimum setbacks;
7) A masonry wall shall be required as a buffer if pole or tower structure is located within the front or side yard, or adjacent to a residential use or zone;
8) The transmission equipment structure installed at the base of the proposed tower shall be not greater than 180 square feet and constructed to conform to the predominant architectural environment;
9) A landscaped buffer area to soften the visual impact shall commence along the perimeter of the lease area or the property line. At least one row of shrubs shall be installed as well as trees as appropriate shall be included. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least six feet in height within two years of planting;
10) The pole or tower structure will be constructed or installed with the capabilities of locating thereon additional personal wireless service facilities when tower or pole is greater than 80 feet in height. The applicant agrees to cooperate with other personal wireless service facility providers in collocating additional facilities on permitted support structures;
11) A permittee shall exercise good faith in collocating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodation other users, the city may require a third party technical study at the expense of either or both the applicant and permittee;
12) All conditional use applicants shall demonstrate good-faith, reasonable efforts in developing a collocation alternative for their proposed personal wireless service facility site, which efforts shall be documented to the city and shall include, but not be limited to, providing technical details sufficient to determine co-locations efforts. If the applicant asserts that co-location is not possible, the applicant must provide, in addition to the foregoing, an affidavit in a form provided by the city stating that all efforts to collocate the personal wireless facility at an existing facility have been exhausted and that there is no possibility of co-location on the existing towers;
13) Failure to comply with the collocation requirements of this section may result in the denial of a permit request or revocation of an existing permit;
14) If any applicant provides false or misleading information on their application, or in the application process to obtain a permit for a personal wireless facility, then their application may be denied or revoked at the expense of the applicant or the permittee;
15) If property is leased, term of conditional use permit shall be co-terminus with that term of lease of property;
16) Construction of tower and equipment facilities shall meet applicable building codes and wind loads;
17) Notwithstanding the above conditions, to the extent an applicant is fully qualified as an eligible facilities request under Section 6409, in the event of a conflict between the above conditions in this subsection and those criteria and conditions in section 138-1.A., above, and the 2014 Infrastructure Order, then section 138-1.A., and the 2014 Infrastructure Order control, subject to the city reservation of rights, as set forth in the preface to section 138-1.A.

**B) CONDITIONAL USE PERMIT:**

**1. REQUEST OF MELISSA BURTON, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A DOG KENNEL AT A 1.00 ACRE TRACT OF LAND OUT OF THE SOUTH 19.39 ACRES OF LOT 387, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, 6820 NORTH TAYLOR ROAD.**

Staff recommended approval of a Conditional Use Permit, for life of the use, for a dog kennel at 6820 North Taylor Road.

Mayor Jim Darling asked if there was anyone to speak in opposition to the items under this section of the agenda. Mr. Hector Hernandez spoke in opposition of the Conditional Use Permit.

Ms. Melissa Burton and Ms. Brianna Sanchez spoke in favor of the Conditional Use Permit.

A discussion ensued. Comments and concerns were shared by the Mayor and City Commission. Questions were asked relating to: 1) Summary, 2) Animals on Property, 3) Barking Dogs/Ordinance, 4) Conditions 5) Code Enforcement Visits, 6) Permit, 7) Non Compliance History, 8) Life of the Use vs 2 year CUP and 9) Permit. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Javier Villalobos moved to grant the conditional use permit, for two years and subject to unannounced code enforcement visits. Commissioner Omar Quintanilla seconded the motion. The motion carried unanimously.

**C) AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN.**

Commissioner Omar Quintanilla moved to amend the Zoning Ordinance. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

**D) PUBLIC HEARING AND POSSIBLE ACTION TO ENTER INTO A LEASE WITH PAMM FAMILY PROPERTIES FOR LAND LOCATED AT 16TH STREET AND BEECH AVENUE FOR USE AS A COMMERCIAL PARKING LOT.**

Public Hearing held.

Staff recommended approval to enter into a lease agreement with PAMM Family properties.

A discussion ensued. Comments and concerns were shared by the Mayor and City Commission. Questions were asked relating to: 1) Lease/Term, 2) Evidence, 3) Findings and 4) Major Purpose. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Javier Villalobos moved to approve and enter the lease agreement based on findings. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

**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.)**

Mayor Pro Tem Veronica Whitacre moved to approve the items listed on the Consent Agenda with the exception of Item 2E to be addressed separately. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

**A) APPROVAL OF MINUTES OF SPECIAL JOINT MEETING AND REGULAR MEETING HELD JANUARY 25TH AND SPECIAL MEETING HELD JANUARY 29, 2021.**

Approved the minutes of Special Joint Meeting and Regular Meeting held January 25th and Special Meeting held January 29, 2021.

**B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR KENNEDY AVENUE ROADWAY AND DRAINAGE IMPROVEMENTS FROM BENTSEN ROAD TO WARE ROAD.**

Approved Change Order No. 3, an addition of 37 working days to the contract, for Kennedy Avenue Roadway and Drainage Improvements from Bentsen Road to Ware Road.

**C) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MCALLEN AND HIDALGO COUNTY LIBRARY SYSTEM.**

Approved an Interlocal Agreement between the City of McAllen and Hidalgo County Library System.

**D) AWARD OF CONTRACT FOR THE PURCHASE OF TWENTY-FOUR (24) NEW POLICE PACKAGED VEHICLES.**

Awarded multiple contracts to Grapevine Dodge Chrysler Jeep for Item No. 1, Boggus Ford for Item No. 2, Lake Country Chevrolet for Two (2) full size police packaged SUV's and Silsbee Ford for Two (2) Full-Size Prisoner Transport Vans.

**E) AWARD OF CONTRACT FOR AN AIRCRAFT RESCUE AND FIRE FIGHTING UNIT AT MCALLEN INTERNATIONAL AIRPORT.**

Staff recommended moved to award a contract to the lowest, responsive and responsible bidder, E-One, Inc. in the amount of $856,934 with a contract delivery time of 450 calendar days, for an Aircraft Rescue and Fire Fighting Unit at McAllen International Airport.

A discussion ensued. Comments and concerns were shared. Questions were asked as it related to: 1) Requirement, 2) Water Capacity, 3) Use of the Life, 4) Age of Oldest Vehicle and 5) Back Ups. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Joaquin Zamora moved to award contract as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

**F) CONSIDERATION AND APPROVAL TO INCREASE THE CITY'S CAPITAL ASSET THRESHOLD FROM $2,500 TO $5,000.**

Approved the increase of the City's Capital Asset threshold from $2,500 to $5,000.

**G) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, CRIMINAL JUSTICE DIVISION FOR FUNDING UNDER THE FISCAL YEAR 2022 RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM.**

Approved a resolution authorizing the submission of a grant application to the Office of the Governor, Public Safety Office, Criminal Justice Division for funding under the Fiscal Year 2022 Rifle-Resistant Body Armor Grant Program.

**H) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, HOMELAND SECURITY GRANTS DIVISION FOR FUNDING UNDER THE STATE HOMELAND SECURITY PROGRAM FOR FISCAL YEAR 2021.**

Approved a resolution authorizing the submission of a grant application to the Office of the Governor, Public Safety Office, Homeland Security Grants Division for funding under the State Homeland Security Program for Fiscal Year 2021.

**I) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE GENERAL FUND AND GENERAL DEPRECIATION FUND ROLLING STOCK FOR THE PURPOSE OF FUNDING ROLL-OVER VEHICLES AND EQUIPMENT AWARDED AND NOT RECEIVED IN FISCAL YEAR 2019-2020.**

Adopted an ordinance providing for a budget amendment to the General Fund and General Depreciation Fund Rolling Stock for the purpose of funding roll-over vehicles and equipment awarded and not received in Fiscal Year 2019-2020.

**J) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE PASSENGER FACILITY CHARGE FUND.**

Adopted an ordinance providing for a budget amendment in the amount of $500,000.00 for the Passenger Facility Charge Fund.

**K) TAX REFUNDS OVER $500.00**

Approved tax refunds over $500.00.

**1. CAVAZOS, JOSE M & ESMERALDA Z.**

Approved tax refunds in the amounts of $756.78 and $545.90.

**2. D-TRONICS**

Approved tax refunds in the amounts of $24,453.97 and $2,480.06.

**3. KEYSTONE AUTOMOTIVE IND.**

Approved a tax refund in the amount of $1,033.40.

**4. SUBHASH & SAROJINI BOSE LP.**

Approved tax refunds in the amounts of $329.89, 4185.10, 4229.05, $195.68, $418.29 and $161.94.

**5. MOBILE VIDEO TAPES INC.**

Approved a tax refund in the amount of $529.93.

**3. BIDS / CONTRACTS**

**A) AWARD OF CONTACT FOR THE PURCHASE OF THIRTEEN (13) BUS SURVEILLANCE SYSTEMS.**

Staff recommended award of contract in the amount of $120,826.42 to Luminator Technology Group, LLC for the Purchase of Thirteen (13) Bus Surveillance Systems.

A discussion ensued. Comments and concerns were shared. Questions were asked as it related to: 1) Surveying, 2) New Technology and 3) Video/Audio. Staff answered questions posed by the Mayor and City Commission.

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

**B) AWARD OF CONTRACT FOR THE SARAH AVENUE STORM SEWER BYPASS.**

Staff recommended award of contract to the lowest responsive bidder, Texas Cordia Construction LLC, in the amount of $ 111,100.00 with a contract time of 45-calendar days for the Sarah Avenue Storm Sewer Bypass.

A discussion ensued. Comments and concerns were shared. Questions were asked as it related to: 1) Time Frame, 2) Bicentennial and 3) Amount. Staff answered questions posed by the Mayor and City Commission.

Commissioner Omar Quintanilla moved to award the contract as recommended. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

**C) AWARD OF CONTRACT FOR THE GARDENIA AVENUE AT NORTH 12TH STREET DRAINAGE IMPROVEMENTS PROJECT.**

Staff recommends award of contract to the lowest responsive bidder, Texas Cordia Construction, LLC., in the amount of $ 282,060.00 with a contract time of 90-calendar days for the Gardenia Avenue at North 12th Street Drainage Improvements Project.

Commissioner Joaquin Zamora moved to award the contract as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

**D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 7 FOR BICENTENNIAL BOULEVARD EXTENSION PROJECT FROM STATE HIGHWAY 107 TO TRENTON ROAD.**

Staff recommended approval of Change Order No. 7 in the net amount of $30,242.75 for a revised contract amount of $12,796,830.45, with three (3) additional working days for a revised contract time of 408-working days for the Bicentennial Boulevard extension project from State Highway 107 to Trenton Road.

A discussion ensued. Comments and concerns were shared by the Mayor and City Commission. Questions were asked as it related to: 1) Sprague/Bicentennial Extension, 2) Location/GIS Maps, 3) Storm lines and 4) Completion Dates. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Joaquin Zamora moved to approve Change Order No. 7 as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

**E) CONSIDERATION AND APPROVAL OF CONSTRUCTION DOCUMENTS AND ADOPTION OF AN ORDINANCE WITH AUTHORIZATION TO PROCEED TO BIDDING PHASE FOR THE PARKS ADMINISTRATION AND METRO TRANSFER STATION PROJECT.**

Staff recommended approval of the Construction Document Phase and approval to proceed to the Bidding Phase of the Parks Administration and Metro Transfer Station Project with a combined total estimated construction cost of $8,276,699.50 and adoption of an ordinance.

A discussion ensued. Comments and concerns were shared. Questions were asked as it related to: 1) Pubic Entrance, 2) Federal Funds, 3) Bonds/Parks and 4) Budget Amendment. Staff answered questions posed by the Mayor and City Commission.

Commissioner Joaquin Zamora moved to approve the construction document phase and adopt the ordinance budget amendment as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

**4. ORDINANCES**

**A) CONSIDERATION AND POSSIBLE ACTION DECLARING A VACANCY AND ADOPTION OF AN ORDINANCE CALLING A SPECIAL ELECTION FOR MAY 1, 2021 TO FILL AN UNEXPIRED TERM FOR MCALLEN PUBLIC UTILITY BOARD OF TRUSTEES, PLACE B. CONSIDERACIÓN Y POSIBLE ACCIÓN PARA DECLARAR UNA VACANTE Y UNA ORDENANZA CONVOCANDO UNA ELECCIÓN ESPECIAL PARA EL 1 DE MAYO DE 2021 PARA FIDEICOMISARIO PARA PUESTO B, TÉRMINO INCONCLUSO, PARA EL CONSEJO DE ADMINISTRACIÓN DE SERVICIOS PÚBLICOS DE LA CIUDAD DE MCALLEN.**

Staff recommended adoption of an ordinance declaring a vacancy and calling a special election for May 1, 2021 to fill an unexpired term for McAllen Public Utility Board of Trustees, Place B.

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

**B) ORDINANCE PROVIDING FOR THE ABANDONMENT AT 6800 INTERNATIONAL PARKWAY.**

Staff recommended adoption of an ordinance providing for the abandonment at 6800 International Parkway.

Commissioner Javier Villalobos moved to adopt the ordinance as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

**5. VARIANCE**

**A) CONSIDERATION OF A VARIANCE REQUEST TO THE BLOCK LENGTH REQUIREMENT AT PROPOSED NEMONT ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 13800 NORTH 29TH STREET.**

Staff recommended approval of a variance request at 13800 North 29th Street.

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

**6. MANAGER'S REPORT**

**A) REPORT ON CARES ACT FUNDING.**

Report only. No action required.

**B) CONSIDERATION AND POSSIBLE APPROVAL OF AMENDMENTS OF BY LAWS OF THE FRIENDS AT QUINTA MAZATLAN.**

Staff recommended approval of amendment of bylaws of the Friends at Quinta Mazatlán.

Said item was tabled for executive session.

Commissioner Joaquin Zamora moved to approve the amendments as presented. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously.

**C) ADVISORY BOARD APPOINTMENTS.**

<u>**AIRPORT ADVISORY BOARD**</u>

Mayor Jim Darling reappointed Saul Sanchez.
Commissioner Javier Villalobos reappointed Mike Stanton.
Commissioner Tania Ramirez reappointed Jose Solis.

Mayor Pro Tem Veronica Whitacre nominated Cesar Rodriguez to the board.

**AMBULANCE BOARD**

Mayor Jim Darling reappointed Cassandra L. Galvan.
Commissioner Javier Villalobos reappointed Henry Cortez.
Mayor Pro Tem Veronica Whitacre reappointed Ester Akindayomi.

**BUILDING BOARD OF ADJUSTMENTS & APPEALS**

Commissioner Javier Villalobos reappointed Marisol Treviño.
Commissioner Tania Ramirez reappointed Jose Gilberto Maldonado.

**CIVIC CENTER ADVISORY BOARD**

Commissioner Javier Villalobos reappointed Deborah A. Case.
Commissioner Joaquin Zamora reappointed Ruben Flores.

**COMMUNITY DEVELOPMENT COUNCIL**

Mayor Jim Darling nominated Kenneth G. DeJarnett to the board.
Commissioner Omar Quintanilla reappointed Clabelia M. Solis and Atanacio Hinojosa.
Commissioner Javier Villalobos nominated Rosalinda Hernandez to the board.
Commissioner Tania Ramirez reappointed Joe Gutierrez.

**FRIENDS OF QUINTA MAZATLAN, INC.**

Mayor Jim Darling reappointed Danny Vela.
Commissioner Javier Villalobos reappointed Dianne Bartek.
Commissioner Joaquin Zamora reappointed Sally Guerra.
Commissioner Tania Ramirez reappointed Margie McCreery.

**HISTORIC PRESERVATION COUNCIL**

Commissioner Javier Villalobos reappointed Trisha Scott.
Commissioner Joaquin Zamora reappointed Orlando J.V. Gutierrez.
Commissioner Tania Ramirez reappointed David Cazares.

**KEEP MCALLEN BEAUTIFUL**

Commissioner Javier Villalobos nominated Fernando Serna to the board.
Commissioner Tania Ramirez nominated Thomas Brownmiller to the board.
Mayor Pro Tem Veronica Whitacre reappointed Mario De Leon.

**MCALLEN HOUSING AUTHORITY**

Mayor Jim Darling reappointed Elva Cerda, Eliseo Salinas, Jr. and Ronnie Cruz.

**MCALLEN HOUSING FINANCE CORPORATION**

Mayor Jim Darling reappointed Lorena Castillo.
Commissioner Omar Quintanilla reappointed Johnny Arguelles.
Commissioner Tania Ramirez reappointed Jose Gilberto Maldonado.

**MCALLEN LIBRARY BOARD**

Mayor Jim Darling reappointed Nausheen Jamal.
Commissioner Joaquin Zamora reappointed Linda Castillo.

**PARKS AND RECREATION ADVISORY BOARD**

Commissioner Joaquin Zamora rappointed Frank Garza.

**PLANNING AND ZONING COMMISSION**

Commissioner Javier Villalobos reappointed Gabriel Kamal.
Commissioner Omar Quintanilla reappointed Michael Fallek.
Commissioner Tania Ramirez reappointed Jose Baltazar Saldaña.

**SENIOR CITIZENS CENTER ADVISORY BOARD**

Mayor Jim Darling reappointed Kristi Collier.

**TRAFFIC COMMISSION**

Commissioner Tania Ramirez reappointed Lucia Regalado and Uri A. Heller.

Mayor Pro Tem Veronica Whitacre moved to accept the nominations as submitted. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

**D) FUTURE AGENDA ITEMS.**

Items of upcoming workshops were reviewed as follows: Reopening of Parks, Sidewalks/Metro Report, Bus Shelters, Retail Report, AEP Light Update

**7. TABLED ITEM(S)**

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

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

Staff recommended approval of the variance to the subdivision improvements required for Bella Vista Ranch Subdivision related to the 56$^{th}$ Street Paving, Drainage and Sidewalk.

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

**8. MAYOR'S REPORT**

**A) REPORT ON COVID MATTERS.**

Mayor Jim Darling gave a report on COVID Matters.

**B) REPORT ON IMMIGRATION UPDATE.**

Mayor Jim Darling gave a report on Immigration Update.

**C) REPORT ON ELECTION UPDATE.**

Mayor Jim Darling gave a report on Election Update.

**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, 9C, 9D, 9E, 9F and 9G.

Commissioner Joaquin Zamora moved to accept the recommendation for the basis of the discussion in Executive Session under the section cited by the City Attorney. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

Mayor Jim Darling recessed the meeting at 6:48 pm to go into Executive Session. Mayor Jim Darling reconvened the meeting at 7:32 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, Commissioner Tania Ramirez and Commissioner Victor "Seby" Haddad

**A) CONSULTATION WITH CITY ATTORNEY REGARDING POSSIBLE LITIGATION AGAINST VIDEO SERVICE PROVIDERS. (SECTION 551.071, T.G.C.)**

No action.

**B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF INTERVENTION IN AEP APPLICATION WITH PUC FOR RECONCILIATION OF AMS. (SECTION 551.071, T.G.C.)**

No action.

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

Commissioner Javier Villalobos moved to authorize the City Manager to proceed as discussed in Executive Session. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

**D) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO QUINTA MAZATLÁN. (SECTION 551.071, T.G.C.)**

Commissioner Javier Villalobos moved to authorize the City Authority to proceed as discussed in executive session and consider nominations to the Friends of Quinta Mazatlán Board, the following individuals: Jenny King, Linda Tovar, Jim Collins, Commissioner Eddie Cantu and Chris Rivera. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously.

**E) CONSULTATION WITH CITY ATTORNEY REGARDING PROFESSIONAL SERVICES CONTRACT. (SECTION 551.071, T.G.C.)**

Commissioner Javier Villalobos moved to authorize the City Manager and City Attorney to proceed as discussed in Executive Session. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

**F) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION - CAUSE NO. D-1-GN-21-000489; CITY OF MCALLEN V. THE STATE OF TEXAS, HON. RUTH R. HUGHS, TEXAS SECRETARY OF STATE. (SECTION 551.071, T.G.C.)**

No action.

**G) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL ESTATE PROPERTY: TRACT 1. (SECTION 551.071, T.G.C.)**

Commissioner Javier Villalobos moved to authorize the City Manager and City Attorney to offer a lease of five years with a five year option to renew and a 90 day termination notice. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 7:34 p.m.

Jim Darling, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary