

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, March 22, 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

MPUB: Vice Chairman Ernest Williams, Trustee Mike Blum, Jim Darling, Mayor/Ex-Officio

Absent: Chairman Charles Amos, Trustee Albert Cardenas

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

UNITED WAY PRESENTATION

Presentation was given.

AGENDA ITEM PUBLIC COMMENT (Individuals wishing to speak regarding an agenda item on today's agenda, please contact City Secretary before 5:00pm)

1. JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD

Mayor Jim Darling called the meeting to order.

Vice Chairman Ernest Williams called the McAllen Public Utility meeting to order.

A) CONSIDERATION AND APPROVAL OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY 2019-2020.

Staff recommended acceptance and approval of the Comprehensive Annual Financial Report for FY 2019-2020 as submitted and recommended by the Audit Committee.

Commissioner Javier Villalobos moved to accept the report as recommended. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously.

Trustee Mike Blum moved to accept the report as recommended on behalf of the Public Utility Board. Mayor Jim Darling seconded the motion. The motion carried unanimously.

END OF JOINT MEETING

Vice Chairman Ernest Williams moved to adjourn the McAllen Public Utility Board Meeting at 5:15 pm. Trustee Blum seconded the motion. The motion carried unanimously.

2. 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.

Commissioner Javier Villalobos moved to approve the items 2A1, 2A3, 2A4 and 2A5 listed on the Routine Items section of the agenda. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously.

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-3L (LIGHT COMMERCIAL) DISTRICT: 0.87 ACRE TRACT OF LAND OUT OF LOT 10, EUREKA PARK SUBDIVISION, HIDALGO COUNTY, TEXAS; 211 NORTH WARE ROAD.

Approved the C-3L zoning at 211 North Ware Road, as per Planning and Zoning Commission.

2. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT: MUMFORD TRAIL ESTATES SUBDIVISION AND 1.52 ACRES OUT OF LOT 214, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 7404 AND 7424 NORTH BENTSEN ROAD.

Commissioner Tania Ramirez moved to approve the A-O zoning at 7404 and 7424 North Bentsen Road. Commissioner Omar Quintanilla seconded the motion. The vote on the motion was as follows:

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

3. REQUEST OF DAVID SALINAS ON BEHALF OF UPBRING LUTHERAN SOCIAL SERVICES OF SOUTH INC., FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (IMMIGRANT YOUTH FACILITY) AT 2.72 ACRES COMING OUT OF LOT 6, BLOCK 11, STEEL AND PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 1000 NORTH MCCOLL ROAD.

Approved the Conditional Use Permit, for life of the use, institutional use (immigrant youth facility) at 1000 North McColl Road, as per Planning and Zoning.

The proposed use must also comply with the zoning ordinance and specific requirements as follows:

1. The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts North McColl Road and does not generate traffic into residential areas.
2. The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the vehicle observations that park on site and on the side of Jasmine Avenue. Based on 27 bedrooms with a multi-purpose room, 6 offices, 4 classrooms, 33 parking spaces are required; a total of 42 parking spaces are now provided on site;
3. The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
4. The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
5. Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
6. The number of persons within the building shall be restricted to the existing seating capacity for the building; and
7. Sides adjacent to commercially and residentially zoned or use properties shall be screened by a 6 ft. opaque fence.

4. REQUEST OF ERIKA V. MEDINA, FOR A CONDITIONAL USE PERMIT, FOR AN AUTOMOTIVE SERVICE AND REPAIR (TIRE SHOP), FOR ONE YEAR AT LOT 2, BLOCK 3, ALTAMIRA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2605 U.S. BUSINESS HIGHWAY 83.

Approved the Conditional Use Permit, for one year, for an automotive service and repair (tire shop) at 2605 U.S. Business Highway 83, as per Planning and Zoning Commission.

The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

1. A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 12,328.68 sq. ft.
2. All service, repair, maintenance, painting and other work shall take place within an enclosed area. The work will be performed in the garage and will only assist with putting air in tires under the canopy;
3. Outside storage of materials is prohibited. The tires stored outside of the building are tires that a recycling company picks up;
4. The building where the work is to take place shall be at least 100 ft. from the nearest residence. The automotive service and repair establishment is approximately 90 ft. to the nearest residence.
5. A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required. There is an existing 6 ft. opaque fence to the west and south side of the property.
6. New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications. There was an addition to the roof in the back of the building that was done without any building permits.

5. REQUEST OF AUSTIN PRICE TULL, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE AT LOT 1, S.T.V.T. #1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2400 DAFFODIL AVENUE.

Approved a Conditional Use Permit, for life of the use, for an institutional use, at 2400 Daffodil Avenue, as per Planning and Zoning Commission.

The proposed use must also comply with the zoning ordinance and specific requirements as follows:

1. The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property has direct access to Daffodil Avenue.
2. The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the number of classrooms and offices, 67 parking spaces are required; and 231 are provided on site, 7 of which are accessible;
3. The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, re-plating the hedges along the west and north property lines as previously noted on previous 2002 CUP or reorientation of entrances and exits;
4. The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
5. Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
6. The number of persons within the building shall be determined by the Fire Marshal and Building Official at the time of permit issuance;
7. Sides adjacent to commercially and residentially zoned or use properties shall be screened by a 6 ft. opaque fence.

B) REZONINGS:

1. REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: THE NORTH 8 FEET OF LOT 1 AND ALL OF LOT 2, AMENDED MAP OF A RESUBDIVISION OF BLOCKS 2 & 3 OF A.D. LEAVELL'S ADDITION TO MCALLEN, HIDALGO COUNTY, TEXAS; 214 SOUTH 5TH 1/2 STREET.

Staff recommended disapproval of the R-3A zoning at 214 South 5th 1/2 Street, as per Planning and Zoning Commission.

Commissioner Joaquin Zamora moved to disapprove the R-3A zoning as recommended. Mayor Pro Tem Veronica Whitacre 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 Joaquin Zamora seconded the motion. The motion carried unanimously.

END OF PUBLIC HEARING

Mayor Jim Darling declared the Public Hearing closed.

3. 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 Jim Darling asked if there was anyone to speak in opposition to the items under this section of the agenda.

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.

A) APPROVAL OF MINUTES FOR WORKSHOP AND REGULAR MEETING HELD MARCH 8, 2021.

Approved the minutes for workshop and regular meeting held March 8, 2021, as submitted.

B) AWARD OF CONTRACT FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR LA VISTA PARK.

Awarded a contract to Park Place in the amount of \$65,894.00 for the purchase of playground equipment for La Vista Park.

C) CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH SHARYLAND ISD FOR A JOINT ELECTION ON MAY 1, 2021.

Approved Interlocal Agreement with Sharyland ISD for a Joint Election on May 1, 2021.

D) CONSIDERATION OF CHANGE ORDER NO. 5 FOR THE MCALLEN HIDALGO INTERNATIONAL BRIDGE - FMCSA SOUTHERN BORDER PROGRAM PROJECT.

Approved Change Order No. 5 in the amount of \$7,653.22 for the McAllen Hidalgo International Bridge - FMCSA Southern Border Program Project.

E) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500 as follows:

1. LERETA, LLC

Approved a tax refund in the amount of \$2,814.52.

2. MARVAN TRUST/ABILO & AZUCENA VELA

Approved tax refunds in the amounts of \$1,456.38 and \$349.48.

3. SRC MANAGEMENT INC.

Approved a tax refund in the amount of \$800.00.

4. WELLS FARGO MORTGAGE

Approved tax refunds in the amounts of \$957.55 and \$440.74.

5. MZW HOLDINGS LLC/MELISSA WEST

Approved a tax refund in the amount of \$723.19.

- F) CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO TEXAS DEPARTMENT OF TRANSPORTATION UNDER THE FY 2022 CLICK IT OR TICKET CAMPAIGN.**

Approved a resolution authorizing the submittal of a grant application to Texas Department of Transportation under the Fiscal Year 2022 Click It or Ticket Campaign.

- G) CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR FY 2021 TEXAS EMERGENCY MORTGAGE ASSISTANCE PROGRAM.**

Approved a resolution authorizing the submittal of a grant application to the Texas Department of Housing and Community Affairs for FY 2021 Texas Emergency Mortgage Assistance Program.

4. BIDS/CONTRACTS

- A) AWARD OF CONTRACT FOR NETWORK WIFI EQUIPMENT AT TRAFFIC INTERSECTIONS THROUGH NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA).**

Staff recommended award of contract to Frontera Consulting in the amount of \$123,726.85 for Network WiFi Equipment at traffic intersections through the National Cooperative Purchasing Alliance (NCPA).

Discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were asked relating to: 1) Areas and Fiber, 2) Dish / Equipment, 3) Connecting, 4) Water Towers, 5) Above Ground Fiber and 6) Cooperative Purchase. Staff answered questions posed by the Mayor and City Commission.

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

- B) CONSIDERATION OF AWARD OF PERFORMANCE CONTRACT TO SCHNEIDER ELECTRIC.**

Staff recommended disapproval of Performance Contract to Schneider Electric.

Commissioner Javier Villalobos moved to approve the contract as discussed in workshop. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

5. ORDINANCES

- A) ORDINANCE PROVIDING FOR AN AMENDMENT TO REVISE THE POSTED SPEED LIMIT ON 29TH STREET BETWEEN SPRAGUE ROAD AND SOUTH HIGHWAY 107 (SH 107).**

Staff recommended adoption of an ordinance providing for an amendment to revise the posted speed limit on 29th Street between Sprague Road and South Highway 107 (SH107).

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

- B) ORDINANCE PROVIDING FOR AN AMENDMENT OF THE LANDSCAPING REQUIREMENTS IN PARKING LOTS.**

Staff recommended adoption of an ordinance providing for an amendment of the landscaping requirements in parking lots.

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

6. VARIANCES

- A) CONSIDERATION OF A VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE 0.532-ACRE TRACT OF LAND OUT OF LOT 368, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4417 LARK AVENUE.**

Staff recommended disapproval of the variance request to not require the subdivision process at 4417 Lark Avenue.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were asked relating to: 1) Single Family Homes, 2) Subdivisions / unsub divided, 3) Fire Protection and 4) Cost / Dedication. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Tania Ramirez moved to approve option 2. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

7. MANAGER'S REPORT

- A) REPORT ON CARES ACT FUNDING.**

Report only. No action required.

- B) PROJECT STATUS REPORT THROUGH FEBRUARY 28, 2021.**

Report only. No action required.

- C) PARKS & RECREATION PROJECT STATUS REPORT.**

Report only. No action required.

- D) SUBDIVISION MONTHLY REPORT.**

Report only. No action required.

- E) FUTURE AGENDA ITEMS.**

Items of upcoming workshops were reviewed as follows: Wifi residential update, Sidewalk update

8. TABLED ITEM(S)

- A) CONSIDERATION OF A VARIANCE REQUEST TO INFRASTRUCTURE REQUIREMENTS FOR THE NORTH VIA CANTERA SUBDIVISION.**

Said item remained tabled.

9. MAYOR'S REPORT

- A) REPORT ON COVID MATTERS.**

Mayor Jim Darling gave a report on COVID Matters.

- B) LEGISLATIVE REPORT.**

Mayor Jim Darling gave a Legislative report.

- C) ASYLUM SEEKER REPORT.**

Mayor Jim Darling gave a report on Asylum Seekers.

- D) HEALTH DEVELOPMENT REPORT.**

Mayor Jim Darling gave a report on Health Development.

10. 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 Item 10A and Section 551.087 Economic Development on Item 10B.

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.

Mayor Jim Darling recessed the meeting at 6:47 pm to go into Executive Session. Mayor Jim Darling reconvened the meeting at 7:14 pm and noting the following city commission members present: Mayor Jim Darling, , Commissioner Javier Villalobos, Commissioner Joaquin Zamora, Commissioner Omar Quintanilla, Commissioner Tania Ramirez and Commissioner Victor "Seby" Haddad

Absent: Mayor Pro Tem Veronica Whitacre

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF COLLABORATION WITH OUTSIDE AGENCIES. (SECTION 551.071, T.G.C.)

No action.

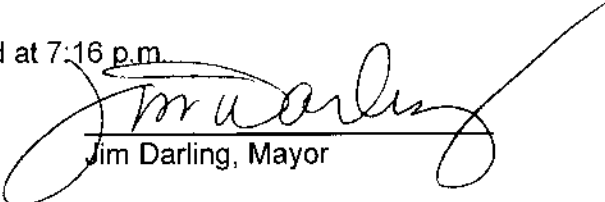
B) CONSULTATION WITH CITY ATTORNEY REGARDING ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)

10B1 Commissioner Omar Quintanilla moved to authorize to extend the first performance year and date to December 2021. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously by those present.

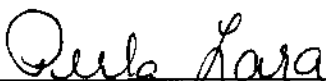
10B2 Commissioner Joaquin Zamora moved to authorize city manager to proceed as discussed in executive session. Commissioner Omar Quintanilla seconded the motion. The motion carried unanimously.

ADJOURNMENT

Without objection, the meeting was adjourned at 7:16 p.m.


Jim Darling, Mayor

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary