STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

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

PROCLAMATIONS

INTERNATIONAL WOMEN'S DAY AND WOMEN'S HISTORY MONTH

Commissioner Tania Ramirez read and presented a proclamation for ***International Women's Day and Women's History Month.***

NATIONAL NUTRITION MONTH

Commissioner Joaquin Zamora read and presented a proclamation for National Nutrition Month.

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.

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. REQUEST OF SAMUEL AVILA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR FOR A BAR AT LOT 1, NOLANA WEST SUBDIVISION, HIDALGO COUNTY, TEXAS; 2200 NOLANA AVENUE, SUITES 2212 & 2214.

Approved a Conditional Use Permit, for one year for a bar at 2200 Nolana Avenue, Suites 2212 & 2214, as per Planning and Zoning Commission.

B) CONDITIONAL USE PERMITS:

1. REQUEST OF MERARY S. ENRIQUEZ, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A GUEST HOUSE AT 0.50 ACRES OUT OF THE NORTH ½ OF THE SOUTH 9.39 ACRES OF THE NORTH 19.39 ACRES

OF LOT 377, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 5020 SELINDA DRIVE.

Staff recommended approval of the Conditional Use Permit, for life of the use, for a guest house, at 5020 Selinda Drive.

Commissioner Javier Villalobos moved to approve the Conditional Use Permit as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

The guesthouse must meet the requirements set forth in Section 138-118(a) (5) of the Zoning Ordinance and specific requirements as follows:

1) Only one guesthouse shall be permitted on the property;
2) The proposed use shall comply with setback requirements. Proposed structure's setbacks are in compliance;
3) The proposed use shall be connected to the same utilities as the primary residence;
4) Lot size must be a minimum 8,000 sq. ft. The subject property is approximately 21,1777.5 sq. ft.;
5) Separate driveways or garages for the proposed use shall not be permitted. Applicant is not proposing an independent driveway for the proposed guesthouse;
6) The proposed use shall not be rented;
7) The permit shall be revoked if money is ever paid for rent or utility expenses are shared with the proposed use.

2. REQUEST OF EUGENIO J. GARCIA, ON BEHALF OF MELANY CASTILLO, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, FOR A GUEST HOUSE AT LOT 1 & SOUTH ½ OF LOT 2, TRENTON VILLAGE SUBDIVISION, HIDALGO COUNTY, TEXAS; 7200 N. 4TH STREET.

Staff recommended approval of the Conditional Use Permit, for life of the use, for a guest house, at 7200 N. 4th Street.

Commissioner Javier Villalobos moved to approve the Conditional Use Permit as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

The guesthouse must meet the requirements set forth in Section 138-118(a) (5) of the Zoning Ordinance and specific requirements as follows:

1) Only one guesthouse shall be permitted on the property;
2) The proposed use shall comply with setback requirements. Proposed structure's setbacks are in compliance;
3) The proposed use shall be connected to the same utilities as the primary residence;
4) Lot size must be a minimum 8,000 sq. ft. The subject property is 21,691 sq. ft.
5) Separate driveways or garages for the proposed use shall not be permitted. Applicant is not proposing an independent driveway for the proposed guesthouse;
6) The proposed use shall not be rented;
7) The permit shall be revoked if money is ever paid for rent or utility expenses are shared with the proposed use.

C) PUBLIC HEARING AND ORDINANCE FOR AN AMENDMENT TO THE FORESIGHT MCALLEN COMPREHENSIVE PLAN: FIGURE 4.2 THOROUGHFARE PLAN; REMOVING YUMA AVENUE FROM THOROUGHFARE PLAN FROM SOUTH 2nd STREET TO JACKSON ROAD.

Mayor Jim Darling called the public hearing to order.

Staff recommended adoption of an ordinance providing for the abandonment to the Foresight McAllen Comprehensive Plan to remove Yuma Avenue from thoroughfare plan South 2nd Street to Jackson Road.

Mayor Pro Tem Veronica Whitacre moved to adopt the ordinance as recommended. Commissioner Joaquin Zamora 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.)**

Commissioner Javier Villalobos moved to approve the items listed on the Consent Agenda with the exception of Item 2A, 2C and 2F to be addressed separately. Commissioner Omar Quintanilla seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD FEBRUARY 22, 2021.

Commissioner Omar Quintanilla moved to approve the minutes of Workshop and Regular Meeting held February 22, 2021, subject to the correction on the Regular Meeting Minutes Item 1B1 reflecting that Commissioner Omar Quintanilla voted naye. Commissioner Javier Villalobos seconded the motion. The motion carried unanimously.

B) AWARD OF CONTRACT FOR THE PURCHASE OF 2021 SINGLE MACHINE REPAVING.

Awarded a contract to Cutler Repaving, Inc. in the amount of $1,145,725.60 for the purchase of a 2021 Single Machine Repaving Project.

C) AWARD OF CONTRACT FOR THE HIGH-DENSITY MINERAL BOND PAVEMENT PRESERVATION PROJECT.

Staff recommended award of contract for the high-density mineral bond pavement preservation project. A question was asked relating to whether this was a new product and plan for 2nd Street pot holes. Staff answered question posed by City Commission.

After due consideration, Commissioner Joaquin Zamora moved to award a contract to Andale Construction Inc., Valley Center, Kansas in the amount of $320,029.42 for the High-Density Mineral Bond Pavement Preservation Project. Commissioner Omar Quintanilla seconded the motion. The motion carried unanimously.

D) AWARD OF CONTRACT FOR THE PURCHASE AND DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE (2021 SINGLE MACHINE REPAVING PROJECT).

Awarded a contract to Upper Valley Materials in the amount of $1,848,027.35 for the purchase and delivery of Type "D" Hot Mix Asphaltic Concrete.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 AND FINAL FOR THE 2018 BOND GROUP E DRAINAGE IMPROVEMENTS PROJECT.

Approved Change Order No. 2 and Final in the net amount of 435,406.90 for the 2018 Bond Group E Drainage Improvements Project.

F) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT AND RESOLUTION BETWEEN THE CITY OF MCALLEN AND THE CITY OF HURST.

Staff recommended approval of an Interlocal Agreement and Resolution between the City of McAllen and City of Hurst. Questions were asked relating to: 1) Request being only one item and 2) Was it Buy Board. Staff answered question posed by the Mayor and City Commission.

After due consideration, Commissioner Joaquin Zamora moved to approve an Interlocal Agreement and a resolution between the City of McAllen and City of Hurst for the purchase of goods and services. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously.

G) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS FOR FISCAL YEAR 2021 INFRASTRUCTURE FOR REBUILDING AMERICA (INFRA GRANTS) PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the U.S. Department of Transportation for funding under the Nationally Significant Freight and Highway Projects for Fiscal Year 2021 Infrastructure for Rebuilding America (INFRA Grants) Program.

H) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TEXAS STATE LIBRARY UNDER THE FISCAL YEAR 2022 TEXAS READS GRANT PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the Texas State Library under the Fiscal Year 2022 Texas Reads Grant Program.

I) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE STATE OF TEXAS - OFFICE OF THE GOVERNOR FOR THE LOCAL BORDER SECURITY PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the State of Texas - Office of the Governor for the Local Border Security Program.

J) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE STATE OF TEXAS - OFFICE OF THE GOVERNOR FOR THE TEXAS ANTI-GANG PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the State of Texas - Office of the Governor for the Texas Anti-Gang Program.

K) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO KEEP AMERICA BEAUTIFUL COMMUNITY IMPROVEMENT PROGRAM FOR THE 2021 MLK NEIGHBORHOOD BUILDING PROGRAM.

Approved a resolution authorizing the submittal of a grant application to Keep America Beautiful Community Improvement Program for the 2021 MLK Neighborhood Building Program.

L) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO FUND AFFORDABLE HOMES OF SOUTH TEXAS, INC.'S EMERGENCY REPAIR GRANT PROGRAM.

Adopted an ordinance providing for a Budget Amendment in the amount of $50,000.00 to fund Affordable Homes of South Texas, Inc.'s Emergency Repair Grant Program.

M) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO FUND THE CHAMBER INNOVATION GRANT.

Adopted an ordinance providing for a Budget Amendment in the amount of $50,000.00 to fund the Chamber Innovation Grant.

N) ORDINANCE PROVIDING FOR THE ABANDONMENT OF THE 50 FT. BY 535.52 FT. ACCESS EASEMENT BEING .615 OF AN ACRE TRACT OF LAND OUT OF LOT 129, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2812 NORTH WARE ROAD.

Adopted an ordinance providing for the abandonment of the 50 ft. by 535.52 ft. access easement at 2812 North Ware Road.

O) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR AIR SERVICE DEVELOPMENT GRANT.

Adopted an ordinance providing for a Budget Amendment in the amount of $345,402.00 for Air Service Development Grant.

P) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR AIR SERVICE INCENTIVES.

Adopted an ordinance providing for a Budget Amendment in the amount of $29,237.00 for Air Service Incentives.

Q) MINUTE ORDER REGARDING FEE STRUCTURE FOR MCALLEN PARKING GARAGE.

Approved a minute order regarding fee structure for McAllen Parking Garage.

R) TAX REFUNDS OVER $500.00.

Approved the tax refunds of over $500.

1. RAMOS, COSME M. ROBLES & JESSICA

Approved ta tax refund in the amount of $515.70.

2. SALAZAR, DAVID G. & HERLINDA D.

Approved tax refunds in the amounts of $492.46, $492.46 and $492.46.

3. NAM GYO SEO

Approved tax refunds in the amounts of $565.36 and $56.54.

4. COVIUS MORTGAGE SOLUTIONS

Approved a tax refund in the amount of $5,008.73.

5. LERETA

Approved tax refunds in the amount of $968.03 and $2,923.23.

3. VARIANCES

A) REQUEST OF DAVID GIRAULT ON BEHALF OF ACTIONCOACH- RIO GRANDE VALLEY TO CONSIDER A SIGN VARIANCE REQUEST TO ALLOW MORE THAN THE PERMITTED NUMBER OF SIGNS ON A PROPERTY, AT LOT 1, 2, 15 AND 16 & 20 FT. X 100 FT. ALLEY, BLOCK 32, HAMMOND ADDITION SUBDIVISION; 100 SOUTH BICENTENNIAL BOULEVARD.

Staff recommended disapproval of the sign variance request t to allow more than the permitted number of signs on a property at 100 South Bicentennial Boulevard.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were asked relating to: 1) Proposal, 2) North Side, 3) Size/Configuration 4) Independent Sign, 5) Number of Tenants and 6) Distance. Staff answered questions posed by the Mayor and City Commission.

Commissioner Joaquin Zamora moved to disapprove the sign variance as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

B) CONSIDERATION OF A 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 and compliance with Section 134-5 of the Subdivision Ordinance at 3117 Valcosta Sr.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were asked relating to: 1) Paved Portion, 2) Developed Property, 3) Previous Granted Variances, 4) City Limits, 5) Lots in City Limits, 6) Cost of Development, 6) Mobility and 7) Options. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve option 3, approve the variance request subject to road ROW and executing a contractual agreement for the owner's share of future infrastructure improvements. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

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

Staff recommends disapproval of the variance request to infrastructure requirements for the North Via Cantera Subdivision.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were asked relating to: 1) Entrance 107, 2) County Road/Arterial, 3) Two Lane Street, 4) Opportunity for Development, 5) Traffic, 6) ROW and 7) State Plans/Thoroughfare Plan. Staff answered questions posed by the Mayor and City Commission.

After due consideration, Commissioner Joaquin Zamora moved to disapprove the variance request and require a financial guarantee for improvements. Commissioner Victor "Seby" Haddad seconded the motion. The vote on the motion was as follows:

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

The vote on the motion was 4-2 against the motion; motion failed.

A motion was made by Commissioner Tania Ramirez to reconsider and table said item. Commissioner Omar Quintanilla seconded the motion. The motion carried unanimously.

4. MANAGER'S REPORT

A) REPORT ON CARES ACT FUNDING.

Report only. No action required.

B) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: 1) Moratorium Animal Control, 2) Small Business Grant Relief Program – Chamber of Commerce, 3) Refresh 50/50 Update, 4) 23rd Improvements and 5) Contractor Requirement Update

5. TABLED ITEM(S)

A) ORDINANCE PROHIBITING FOOD TRUCKS FROM PLAYING AMPLIFIED MUSIC NEAR RESIDENTIAL AREAS.

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 prohibiting food trucks from playing amplified music near residential areas.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Jack Edwards spoke against the adoption of the ordinance.

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

6. MAYOR'S REPORT

A) REPORT ON COVID MATTERS.

Mayor Jim Darling gave a report on COVID Matters. Additionally, Commissioner Joaquin Zamora moved encourage face coverings as of Wednesday, March 10, 2021 in all city premises, public places and private city offices. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

B) REPORT ON ERCOT MATTERS.

Mayor Jim Darling gave a report on ERCOT Matters.

C) REPORT ON IMMIGRATION MATTERS.

Mayor Jim Darling gave a report on Immigration Matters.

7. **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 7A, 7 7B and 7C.

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 6:36 pm to go into Executive Session. Mayor Jim Darling reconvened the meeting at 6:42 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 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.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO COLLECTIVE BARGAINING. (SECTION 551.071, T.G.C.)

No action.

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF GA-34. (SECTION 551.071, T.G.C.)

No action.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:42 p.m.

Jim Darling
Jim Darling, Mayor

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