

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, May 10, 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

MENTAL HEALTH AWARENESS WEEK

Commissioner Javier Villalobos read and presented a proclamation for *Mental Health Awareness Week*.

OLDER TEXANS MONTH

Commissioner Joaquin Zamora read and presented a proclamation for *Older Texans Month*.

NATIONAL PUBLIC WORKS WEEK

Commissioner Omar Quintanilla read and presented a proclamation for *National Public Works Week*.

HISTORIC PRESERVATION COUNCIL

Commissioner Tania Ramirez read and presented a proclamation for *Historic Preservation 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 Joaquin Zamora moved to approve the items listed on the Routine Items section of the agenda. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

1. REQUEST OF ADRIAN GUTIERREZ ON BEHALF OF MINISTERIO PAN DE VIDA, FOR A CONDITIONAL USE PERMIT, FOR FIVE YEARS, FOR AN

**INSTITUTIONAL USE (CHURCH) AT LOT 8, BLOCK 18, HAMMOND ADDITION
SUBDIVISION, HIDALGO COUNTY, TEXAS; 2029 DATE PALM AVENUE.**

Approved the Conditional Use Permit, for five years, for an Institutional Use (church) at 2029 Date Palm 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 is approximately 910 feet north of U.S Business 83.
- 2) The proposed use shall comply with the McAllen Off-Street Parking and Loading Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the seating area of 40 seats, 10 parking spaces are required; 10 parking spaces are provided on the submitted site plan. Existing conditions for parking predate the City's parking requirements and are proposed to remain unchanged;
- 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 property shall be screened by a 6 ft. opaque fence. Existing conditions for landscaping predate the City's requirements and will remain unchanged.

B) REZONINGS:

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 1.024 ACRES OUT OF LOT 317, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4016 NORTH TAYLOR ROAD. (WITHDRAWN)

Said item was withdrawn.

2. REZONE FROM A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 14.615 ACRES OUT OF LOT 317, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4128 NORTH TAYLOR ROAD. (WITHDRAWN).

Said item was withdrawn.

3. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 4.34 ACRES OUT OF LOT 2, BLOCK 7, STEELE AND PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 4601 NORTH MCCOLL ROAD.

Staff recommended approval of the R-3A zoning at 4601 North McColl Road, as per Planning and Zoning Commission.

Commissioner Joaquin Zamora moved to approve the R-3A zoning as recommended. Commissioner Javier Villalobos seconded the motion. The motion carried unanimously.

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.

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 Items 2B and 2C to be addressed separately. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 12TH AND APRIL 26, 2021.

Approved the minutes of Regular Meetings held April 12th and April 26, 2021, as submitted.

B) CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL AGREEMENT WITH MCALLEN INDEPENDENT SCHOOL DISTRICT RELATED TO THE MISD AG FAM SUBDIVISION.

Staff recommended approval of an Interlocal Agreement with McAllen Independent School District related to the MISD Ag Fam Subdivision.

Mayor Pro Tem Veronica Whitacre moved to approve the Interlocal Agreement as recommended. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

C) APPROVAL OF TAX REFUNDS OVER \$500.00.

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 2C4 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Commissioner Joaquin Zamora moved to approve the tax refunds of over \$500. Mayor Pro Tem Veronica Whitacre seconded the motion. The vote on the motion carried as follows:

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

1. AKERMAN, TED ALAN & ELOISA B.

Approved tax refunds of \$270; \$260.63 and \$47.92.

2. CANTU, ALONZO

Approved a tax refund in the amount of \$639.49.

3. GALINDO, PEDRO & MARICELA RODRIGUEZ

Approved a tax refund in the amount of \$648.26.

4. WATER TOWER VILLAGE LTD.

Approved tax refunds of \$44.24; \$27.34; \$36.77; \$35.48; \$258.48; \$47.65; \$3.36; \$5.08; \$72.60; \$24.83; \$9.88; \$26.59; \$19.03; \$23.72; \$12.83; \$5.91; \$216.30; \$20.73; \$97.45; \$21.87; \$7.08.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL TO NEGOTIATE A CONTRACT FOR MICRO TRANSIT SERVICES.

Staff recommended approval to negotiate a contract with RideCo, for a period of 12 months not to exceed \$188,000, for Micro Transit Services.

Commissioner Joaquin Zamora moved to approve the negotiation as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

B) CONSIDERATION AND APPROVAL TO UTILIZE PARKLAND ZONE 1 FUND FOR INCLUSIVE PLAYGROUND SUBJECT TO BUDGET RECLASS.

Staff recommended approval to utilize \$150,000.00 from the Parkland Zone 1 fund for inclusive playground.

Commissioner Tania Ramirez moved to approve the funds as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

4. ORDINANCES

A) PROVIDING FOR AN AMENDMENT TO CITY'S SUBDIVISION ORDINANCE PROVIDING FOR A WAIVER TO PLATTING REQUIREMENTS IN SPECIFIC INSTANCES.

Staff recommended adoption of an ordinance providing for an amendment to the City's Subdivision Ordinance providing for a waiver to platting requirements in specific instances.

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

B) PROVIDING FOR AN AMENDMENT TO THE PLANNING DEPARTMENT'S FEE SCHEDULE TO INCLUDE AN ADDITIONAL FEE FOR VARIANCE APPLICATIONS UNDER THE CITY'S SUBDIVISION ORDINANCE.

Staff recommended adoption of an ordinance providing for an amendment to the Planning Department's fee schedule to include an additional fee for variance applications under the City's Subdivision Ordinance.

Commissioner Joaquin Zamora moved to adopt the ordinance as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The vote on the motion was as follows:

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

5. VARIANCES

A) CONSIDERATION OF A VARIANCE REQUEST TO THE SUBDIVISION IMPROVEMENTS REQUIRED AT THE PROPOSED JUST A CLOSET #4 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2500 SOUTH MCCOLL ROAD.

Staff recommended disapproval of a variance request to the subdivision improvements and require construction or escrows for paving improvement on South McColl Road.

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

6. MANAGER'S REPORT

A) SCHNEIDER PROJECT UPDATE.

Commissioner Joaquin Zamora moved to disapprove contract and instructed staff to undertake the work. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

B) REPORT ON CARES ACT FUNDING.

Report only. No action required.

C) FUTURE AGENDA ITEMS.

No upcoming workshop items were reviewed.

7. MAYOR'S REPORT

A) REPORT ON COVID MATTERS.

Mayor Jim Darling gave a report on COVID Matters.

B) REPORT ON LEGISLATIVE MATTERS.

Mayor Jim Darling gave a report on Legislative Matters.

8. 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 551.087 Economic Development on Item 8A.

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 6:20 pm to go into Executive Session. Mayor Jim Darling reconvened the meeting at 6:35 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 ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)

Mayor Pro Tem Veronica Whitacre announced that he had a conflict with item 9A1 and would abstain from discussion and voting on said matter. Subsequently, she filed a conflict form with the City Secretary.

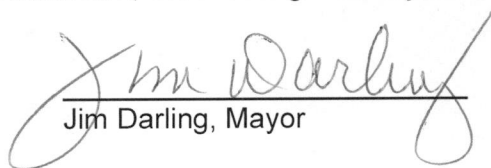
ITEM A1 - Commissioner Javier Villalobos moved to approve economic incentives described by the city manager and city attorney and authorize them to negotiate a contract as described in executive session. The motion carried as follows:

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

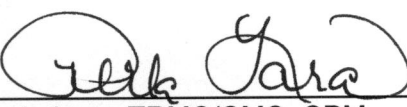
ITEM A2 - Commissioner Joaquin Zamora moved to authorize a resolution in support of grant described by management subject to management's priorities of grant applications. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously by those present

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:35 p.m.


Jim Darling, Mayor

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary