

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, April 26, 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

JIM DARLING DAY

Mayor Pro Tem Veronica Whitacre read and presented a proclamation for Jim Darling Day.

BUILDING SAFETY MONTH

Commissioner Tania Ramirez read and presented a proclamation for Building Safety 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 Tania Ramirez moved to approve the items 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-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: 21.18 ACRES OUT OF LOT 14, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 11200 NORTH LA LOMITA ROAD.

Approved the R-3A zoning at 11200 North La Lomita Road, as per Planning and Zoning Commission.

2. REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT: 18.82 ACRES OUT OF LOT 14, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 11300 NORTH LA LOMITA ROAD.

Approved the R-1 zoning at 11300 North La Lomita Road, as per Planning and Zoning Commission.

B) CONDITIONAL USE PERMITS:

1. REQUEST OF JENNIFER M. BRIGHT, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR FOR A VAPE AND SMOKE SHOP AT LOTS 1 & 2, LAZY-A-RANCH ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 2401 WEST PECAN BLVD. SUITE C.

Staff recommended approval of a Conditional Use Permit, for one year, for a vape shop at 2401 West Pecan Blvd., Suite C, as per Planning and Zoning Commission.

The smoke shop must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance 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 a residential zone;
- 2) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has access to Pecan Blvd. through 24th Street;
- 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. City Center Plaza shopping center is a mixture of office, retail, vacant suites, and a restaurant. There are 38 parking spaces provided on site. In order to operate with the existing businesses, parking required is 43 parking spaces. The applicant has contacted an adjacent property owner and has received a parking agreement for the five spot deficit;
- 4) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- 5) The abovementioned business 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 business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- 7) The abovementioned 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 Director of Planning. The occupancy load for this establishment will be established by the Building and Inspections Department as part of the building permit review.

Commissioner Javier Villalobos moved to approve the Conditional Use Permit 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 Joaquin Zamora moved to amend the Zoning Ordinance. Commissioner Javier Villalobos seconded the motion. The motion carried unanimously.

D) PUBLIC HEARING FOR A VARIANCE FROM SECTION 6-2 (A) OF THE CITY OF MCALLEN CODE OF ORDINANCES OF THE ALCOHOLIC BEVERAGE CODE, REQUEST OF JUAN GUARCAS, AT LOT 15, BLOCK SW ¼ 9 2.52 AC, HIDALGO CANAL CO-MC SW PORTION OF W 9.16 AC, HIDALGO COUNTY, TEXAS; 800 NORTH MAIN STREET, SUITE 420.

Mayor Jim Darling called the public hearing to order.

Staff recommended approval of the variance at 800 North Main Street, Suite 420.

Comments and concerns were expressed by Mayor and City Commission. Staff answered questions posed by Mayor and City Commission.

After due consideration, Victor "Seby" Haddad moved to approve the variance as recommended. Javier Villalobos seconded the motion. The vote on the motion was as follows:

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

E) PUBLIC HEARING REGARDING FISCAL YEAR 2021-2022 ANNUAL ACTION PLAN FOR HUD'S CDBG, HOME AND ESG PROGRAMS.

Mayor Jim Darling called the public hearing to order.

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 Tania Ramirez moved to approve the items listed on the Consent Agenda with the exception of Item 2H to be addressed separately. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES OF WORKSHOP HELD MARCH 22ND AND APRIL 12, 2021.

Approved the minutes of Workshops held March 22nd and April 12, 2021 as submitted.

B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL RECONCILIATION OF QUANTITIES FOR 2021 HIGH DENSITY MINERAL BOND PAVEMENT PRESERVATION.

Approved Change Order No. 1 and final reconciliation of quantities for 2021 High Density Mineral Bond Pavement Preservation.

C) CONSIDERATION AND AUTHORIZATION TO DECLARE CITY PROPERTY AS SURPLUS.

Authorized declaration of certain city property as surplus and begin auction efforts.

D) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO FUND THE GARZA-CHAVEZ AT LOS ENCINOS PROJECT.

Adopted an ordinance providing for a Budget Amendment to fund the Garza-Chavez at Los Encinos Project.

E) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR FISCAL YEAR 2020-2021 FOR AIRPORT FUND.

Adopted an ordinance providing for a budget amendment for Fiscal Year 2020-2021 for Airport Fund.

F) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE MCALLEN FIRE DEPARTMENT PERSONAL PROTECTIVE EQUIPMENT.

Adopted an ordinance providing for a budget amendment for the McAllen Fire Department Personal Protective Equipment.

G) RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO SCENIC TEXAS FOR THE FISCAL YEAR 2021 SCENIC CITY CERTIFICATION PROGRAM.

Approved a resolution authorizing the submission of an application to Scenic Texas for the Fiscal Year 2021 Scenic City Certification Program.

H) RESOLUTION AUTHORIZING MCALLEN PUBLIC UTILITY TO SUBMIT A TEXAS WATER DEVELOPMENT BOARD FINANCIAL APPLICATION THROUGH THE STATE WATER IMPLEMENTATION FUND (SWIFT).

Staff recommended approval of a resolution authorizing McAllen Public Utility to submit a Texas Water Development Board Financial Application through the State Water Implementation Fund (SWIFT).

Comments and concerns were expressed by Mayor and City Commission. Questions were asked relating to: 1) Replacing Water Meters, 2) Usage, 3) Analog Meters and New Technology and 4) Efficiency. Staff answered questions posed by Mayor and City Commission.

After due consideration, Commissioner Joaquin Zamora moved to approve the resolution as recommended. Mayor Pro Tem Veronica Whitacre seconded the motion. The motion carried unanimously.

I) APPROVAL OF TAX REFUND OVER \$500.00.

Approved tax refunds over \$500.

1. WALGREENS CO.

Approved tax refunds of \$90.49; \$484.46; \$1,040.76; \$150.78; \$131.61; \$116.47.

2. VALENZUELA, ROBERTO & ALMA

Approved a tax refund of \$665.41.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE OF 14 SETS OF BUNKER GEAR FOR CADETS STARTING THE NEXT MCALLEN FIRE ACADEMY.

Staff recommended award of contract to Casco Industries in the amount of \$55,784.40 for the purchase 14 sets of Bunker Coats, Bunker Pants, and to Metro Fire in the amount of \$3,150.00 for the purchase of 14 Fire Helmets. It was noted that both vendors were on BuyBoard.

Commissioner Joaquin Zamora moved to award the contracts as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously by those present.

4. ORDINANCES

A) PROVIDING FOR THE ABANDONMENT OF THE EAST 5 FT. OF THE 15 FT. REAR YARD UTILITY EASEMENT ALONG THE WEST PROPERTY LINE OF LOT 32, DOMINION SUBDIVISION, HIDALGO COUNTY, TEXAS; 7913 N.1ST STREET.

Staff recommended adoption of an ordinance providing for the abandonment at 7913 N. 1st Street.

Commissioner Joaquin Zamora moved to adopt the ordinance as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously by those present.

B) PROVIDING FOR AN AMENDMENT TO FRONT YARD SETBACKS FOR COMMERCIALLY ZONED PROPERTIES.

Staff recommended adoption of an ordinance providing for an amendment to the front yard setbacks for commercially zoned properties.

Comments and concerns were expressed by Mayor and City Commission. Staff answered questions posed by Mayor and City Commission.

After due consideration, Commissioners Joaquin Zamora moved to adopt the ordinance as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously by those present.

C) PROVIDING FOR AN AMENDMENT TO PARKING LOT LIGHTING REQUIREMENTS.

Staff recommended adoption of an ordinance providing for an amendment to the parking lot lighting requirements.

Comments and concerns were expressed by Mayor and City Commission. Questions were raised relating to: 1) Shielding and 2) Non-conforming. Staff answered questions posed by Mayor and City Commission.

Commissioner Joaquin Zamora moved to adopt the ordinance as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously by those present.

5. RESOLUTIONS

A) RESOLUTION RENAMING THE CITY OF MCALLEN POLICE DEPARTMENT LOS ENCINOS POLICE-COMMUNITY NETWORK CENTER TO CITY OF MCALLEN POLICE DEPARTMENT GARZA-CHAVEZ POLICE-COMMUNITY NETWORK CENTER.

Staff recommended approval of a resolution renaming the City of McAllen Police Department Los Encinos Police-Community Network Center to City of McAllen Police Department Garza-Chavez Police-Community Network Center.

Commissioner Joaquin Zamora moved to approve the resolution as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously by those present.

6. VARIANCES

A) CONSIDERATION OF A VARIANCE REQUEST TO THE BLOCK LENGTH REQUIREMENT AT PROPOSED EL DORADO AT THOUSAND OAKS I, II AND III SUBDIVISION, HIDALGO COUNTY, TEXAS; 12500 NORTH WARE ROAD.

Staff recommended approval of a variance request to the block length requirement at 12500 North Ware Road.

Comments and concerns were expressed by Mayor and City Commission. Staff answered questions posed by Mayor and City Commission.

Commissioner Joaquin Zamora moved to approve Option 1 the variance as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously by those present.

B) CONSIDERATION OF A VARIANCE REQUEST TO THE BLOCK LENGTH REQUIREMENT AT PROPOSED NORTHWOOD TRAILS BLOCK 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 10100 NORTH 29th STREET.

Staff recommended approval of a variance request to the block length requirement at 10100 North 29th Street.

Commissioner Joaquin Zamora moved to approve the variance as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously by those present.

C) CONSIDERATION OF A VARIANCE REQUEST TO NOT REQUIRE ADDITIONAL ALLEY DEDICATION FOR THE EXISTING 15 FT. DEDICATED ALLEY FOR PROPOSED SANTOY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3321 HIGHWAY 83.

Staff recommended approval of a variance request to not require additional alley dedication at 3321 Highway 83.

Commissioner Joaquin Zamora moved to approve the variance as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously by those present.

D) CONSIDERATION OF VARIANCE REQUESTS TO 1) THE 800 FT. BLOCK LENGTH REQUIREMENT, 2) SIDEWALK REQUIREMENTS AT PROPOSED MCALLEN SOUTH INDUSTRIAL PARK SUBDIVISION, HIDALGO COUNTY, TEXAS; 1501 MILITARY HIGHWAY.

Staff recommended approval of a variance requests at 1501 Military Highway.

Comments and concerns were expressed by Mayor and City Commission. Questions were asked relating to: 1) Properties without sidewalks and 2) Subdivision to East Side. Staff answered questions posed by Mayor and City Commission.

Commissioner Joaquin Zamora moved to approve Option 2. Commissioner Victor "Seby" Haddad seconded the motion. The vote on the motion was as follows:

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

E) CONSIDERATION OF A VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE EAST ½ OF LOT 22, MCALLEN FIRST SUBURBAN CITRUS GROVES SUBDIVISION, HIDALGO COUNTY, TEXAS; 4000 YUMA AVENUE.

Staff recommended approval of a variance request to not require the subdivision process at 4000 Yuma Avenue.

Commissioner Joaquin Zamora moved to approve Option 2. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously by those present.

7. MANAGER'S REPORT

A) REPORT ON CARES ACT FUNDING.

Report only. No action required.

B) CONSIDERATION AND POSSIBLE ACTION TO AIR COMMISSION WORKSHOPS LIVE ON MCN 1300 AND ALL STREAMING PLATFORMS AND TO AIR COMMISSION WORKSHOPS AND MEETINGS LIVE ON SOCIAL MEDIA.

Staff recommended approval to air commission workshops live on MCN 1300 and all streaming platforms and to air commissioner workshops and meetings live on social media.

Commissioner Tania Ramirez moved to approve to extend the AMC Channel to also include the workshop and additionally have the workshop and commission meeting be live stream on YouTube and make link available through City Facebook. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously by those present.

C) CLASSIFICATION AND COMPENSATION STUDY IMPLEMENTATION.

Staff recommended approval of the classification and compensation study implementation study for one year.

Mayor Jim Darling moved to approve the classification and compensation study as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

D) ADVISORY BOARD APPOINTMENTS.

MCALLEN HOUSING AUTHORITY

Mayor Jim Darling nominated Atanacio Hinojosa to the board.

SENIOR CITIZENS CENTER ADVISORY BOARD

Commissioner Omar Quintanilla nominated Veronica Galligan to the board.

Commissioner Tania Ramirez moved to approve the nominations as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously by those present.

E) CONFIRMATION OF APPOINTMENT TO THE PERFORMING ARTS CENTER COMMITTEE.

Staff recommended the appointment of Kevin Pagan to the Performing Arts Committee.

Commissioner Joaquin Zamora moved to approve the nomination as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously by those present.

F) PROJECT STATUS REPORT THROUGH MARCH 31, 2021.

Report only. No action required.

G) PARKS & RECREATION PROJECT STATUS REPORT.

Report only. No action required.

H) SUBDIVISION MONTHLY REPORT.

Report only. No action required.

I) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Trees Downtown, Rename Golf Course and Palmview Community Center, RV's / Driveway Ordinance Review Committee, Median on Ware Road and City Limit Designation for Signs

8. 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) IBWC LEVY REPORT.

Mayor Jim Darling gave an IBWC Levy Report.

D) FINAL REPORT.

Mayor Jim Darling gave a final report.

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 and 9E Section 551.072 Deliberation Regarding Real Property on Item 9F and Section 551.087 Economic Development on Item 9G.

Commissioner Omar Quintanilla moved to accept the recommendation for the basis of the discussion in Executive Session under the section cited by the City Attorney. Commissioner tania Ramirez seconded the motion. The motion carried unanimously.

Mayor Jim Darling recessed the meeting at 6:37 pm to go into Executive Session. Mayor Jim Darling reconvened the meeting at 7:18 pm and noting the following city commission members present: Mayor Jim Darling, Commissioner Joaquin Zamora, Commissioner Omar Quintanilla,

Commissioner Tania Ramirez and Commissioner Victor "Seby" Haddad Absent: Mayor Pro Tem Veronica Whitacre and Commissioner Javier Villalobos

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF COVID TESTING. (SECTION 551.071, T.G.C.)

Commissioner Tania Ramirez moved to authorize City Attorney and City Manager to negotiate as described in executive session. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF SOCIAL MEDIA. (SECTION 551.071, T.G.C.)

Commissioner Joaquin Zamora announced that he had a conflict with item 9B and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

No action.

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO SECTION 143.073 OF THE TEXAS CIVIL SERVICE ACT. (SECTION 551.071, T.G.C.)

No action.

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

Commissioner Tania Ramirez moved to authorize City Attorney and City Manager to take action as described in executive session. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

E) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF LEGISLATIVE PROCESS. (SECTION 551.071, T.G.C.)

No action.

F) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY; TRACT. 1. (SECTION 551.072, T.G.C.)

Commissioner Joaquin Zamora moved to authorize the City Attorney and City Manager to negotiate and execute a contract of feasibility with option of up to \$100.00. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

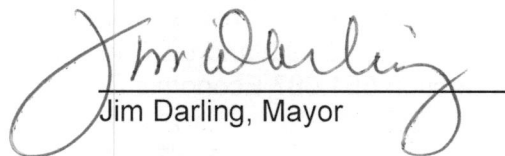
G) CONSULTATION WITH CITY ATTORNEY REGARDING ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)

Commissioner Joaquin Zamora moved to authorize City Manager and City Attorney to authorize the incentives as described in executive session. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 7:20 p.m.

Attest:


Jim Darling, Mayor


Perla Lara, TRMC/CMC, CPM
City Secretary