

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, June 14, 2021**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Javier Villalobos, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Joaquin Zamora, Commissioner Omar Quintanilla, Commissioner Tania Ramirez, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Staff: City Manager Roy Rodriguez, City Attorney Isaac Tawil, Assistant City Manager Michelle Rivera, Assistant City Manager Jeff Johnston, City Secretary Perla Lara, City Engineer Yvette Barrera, Planning Director Edgar Garcia, Finance Director Sergio Villasana

CALL TO ORDER

PROCLAMATIONS:

WORLD FOOD SAFETY DAY

Commissioner Tania Ramirez presented a proclamation honoring World Food Safety Day. To accept the proclamation was Mr. Steven Kotsatos with McAllen Code Enforcement.

ELDER ABUSE PREVENTION MONTH

Commissioner Joaquin Zamora presented a proclamation honoring Elder Abuse Prevention Month. To accept the proclamation was Mrs. Maribel Gonzalez with Adult Protective Services.

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 Javier Villalobos 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 Javier Villalobos asked if there was anyone present that would like to speak for or against this item. No citizens came forward to speak to Council.

Commissioner Omar Quintanilla 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. REQUEST OF GUILLERMO VAZQUEZ, 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 A-3.

Approved a Conditional Use Permit, for one year, for a bar, at 400 Nolana Avenue, Suite A-3, 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:

- a) 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;

b) 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;

c) 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 learning center, and bars. The proposed bar requires 61 parking spaces and the multi-tenant commercial building requires a total of 650 parking spaces in order for all tenant businesses to be operation at the same time; 729 parking spaces are provided on the common parking area in the front and rear of the building;

d) 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;

e) 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;

f) The abovementioned business must make provision to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;

g) 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 department as part of the building permit review.

2. REQUEST OF DAVID A. LISAUCKIS, 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 H-1.

Approved the Conditional Use Permit, for one year, for a bar, at 400 Nolana Avenue, Suite H-1, 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:

a) The property line of the lot of the above mentioned business 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;

b) 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 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 issued in this commercial plaza;

c) The abovementioned business 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 learning center, and bars. The proposed bar requires 49 parking spaces and the multi-tenant commercial building requires a total of 650 parking spaces in order for all tenant businesses to be operation at the same time; 729 parking spaces are provided on the common parking area in the front and rear of the building;

d) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;

e) 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;

f) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;

g) 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 Inspections Department as part of the building permit review process.

3. REQUEST OF KARLA M. RIVERA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHT CLUB AT LOTS 28-31, CONTINENTAL TRADE CENTER SUBDIVISION, HIDALGO COUNTY, TEXAS; 2021 ORCHID AVENUE.

Approved the Conditional Use Permit, for one year, for a night club, at 2021 Orchid Avenue, 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:

a) 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 publicly owned property, the International Museum of Arts & Science (IMAS);

b) 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 is near Nolana Ave and has direct access to Orchid avenue, and does not generate traffic into residential area;

c) 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. Based on 7,482 sq. ft. of the existing building, 75 parking spaces are required. There are 64 parking spaces on site and there is shared parking on the common areas shared by the adjacent property owner's as per plat note for the remaining 11 parking spaces required. 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.

d) 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;

e) 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;

f) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;

g) 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.

4. REQUEST OF EDITH RUBALCAVA, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A SINGLE FAMILY DWELLING AT LOTS 1 AND 2, BLOCK 6, FAIRFIELD PLACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 801 JACKSON AVENUE.

Approved the Conditional Use Permit, for life of the use, for a single family dwelling at 801 Jackson Avenue, as per Planning and Zoning Commission.

The proposed residence must comply with the following requirements:

- a) No form of pollution shall emanate beyond the immediate property line of the permitted use;
- b) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements

may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use; and

c) In a C-1 District, a single family dwelling shall be located on a minimum lot size of 5,000 sq. ft. and in compliance with setbacks of the respective zoning district. The subject property is 13,500 sq. ft.

B) REZONING:

1. REZONE FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT TO C-1 (OFFICE BUILDING) DISTRICT: LOT 22, GARTMAN'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 1105 VINE AVENUE.

Staff recommended approval of the C-1 zoning at 1105 Vine Avenue.

Commissioner Tony Aguirre Jr., announced that he had a conflict with item 2B 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 C-1 zoning as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The vote on the motion was as follows:

AYES: Mayor Javier Villalobos, Commissioner Joaquin Zamora, Commissioner Omar Quintanilla, Commissioner Tania Ramirez, Commissioner Victor "Seby" Haddad, Commissioner Jose R. "Pepe" Cabeza de Vaca
NAYS: None
ABSENT: None
ABSTAINED: Commissioner Antonio "Tony" Aguirre, Jr.

C) CONDITIONAL USE PERMIT:

1. REQUEST OF CITYSWITCH, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PERSONAL WIRELESS SERVICE FACILITY, AT A 3,362 SQ. FT. LEASE AREA AND A 25 FT. WIDE ACCESS AND UTILITY EASEMENT OUT OF A 4.11-ACRE NET IRREGULAR SHAPED TRACT NORTH OF AND ADJACENT TO RAILWAY FROM 23rd ST. WESTWARD OUT OF C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 189 N 23rd STREET.

Staff recommended approval of the Conditional Use Permit, for life of the use, for a personal wireless service facility at 189 N. 23rd Street.

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

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

- a. 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 not locating within a commercial zone;
- b. 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 proposing to construct a 120 ft. in height monopole
- c. 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;
- d. 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;

- e. 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;
- f. 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 cell tower is meeting minimum setbacks;
- g. 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;
- h. 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;
- i. 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; A 6 ft. wooden fence will be built along the south side property line;
- j. 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;
- k. 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;
- l. 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;
- m. 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;
- n. 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;
- o. If property is leased, term of conditional use permit shall be co-terminus with that term of lease of property;
- p. Construction of tower and equipment facilities shall meet applicable building codes and wind loads;
- q. 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.

D) AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN.

Commissioner Joaquin Zamora moved to amend the Zoning Ordinance. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

END OF PUBLIC HEARING

Mayor Javier Villalobos 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 Omar Quintanilla moved to approve items on the Consent Agenda with the exception of Items 2C and 2E that were pulled for individual consideration. Commissioner Jose R. "Pepe" Cabeza de Vaca seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES OF WORKSHOP AND SPECIAL MEETING HELD MAY 10th, SPECIAL MEETING HELD MAY 14th, WORKSHOP AND REGULAR MEETING HELD MAY 24, 2021.

Approved the Minutes of Workshop and Special Meeting held May 10th, Special Meeting held May 14th, Workshop and Regular Meeting held May 24, 2021, as presented.

B) AWARD OF CONTRACT FOR THE UPGRADE OF HARDWARE AND SOFTWARE FOR THE MATRIX ACCESS CONTROL SYSTEM.

Awarded a contract in the amount of \$52,823.75 to Turnkey Communications for the upgrade of hardware and software for the Matrix Access Control System.

C) AWARD OF CONTRACT FOR VARIOUS TYPES OF CONCRETE 2021.

Consideration of item 2C removed from the consent agenda.

Staff recommended award of contract, to Artillery LLC, for items 1-85, 120, and 121 and to Valley Striping Corp., for items 86-121. The contract is for a term of 1 (one) year with the option to extend the for two (2) additional years in one (1) year increments if the performance of the successful contractors are satisfactory and prices remain unchanged.

Discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Ms. Barrera answered questions posed by Council.

After discussion, Commissioner Omar Quintanilla moved to award the contract as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

D) AWARD OF PURCHASE FOR REFUSE DUMPSTERS AND MISCELLANEOUS PARTS.

Awarded a purchase contract with Roll-offs USA, in the amount of \$30,519.00 through BuyBoard cooperative pricing and Go to Parts in the amount of \$39,211.33 for dumpster parts via open market pricing. This request includes authorization to make future purchases of dumpsters through from various intergovernmental purchasing cooperatives as well as dumpster parts through open market pricing with City Manager's approval.

E) AWARD OF SERVICE CONTRACT FOR GRINDING BRUSH AND WOOD WASTE.

Consideration of item 2E removed from the consent agenda.

Staff recommended award of service contract to the lowest bidder meeting the requirements of the specifications to Big D Tractor Co., LLC at a cubic yard unit cost of \$0.96 for quarterly visits, and \$1.35/cy unit cost for double-grinding services. If awarded, staff is requesting authorization, with City Manager approval, to award a service contract for an initial term of two (2) year ("Initial Contract Term"). The City of McAllen will then reserve the unilateral right to extend the contract for an additional three (3) years in one (1) year increments, if the performance of the successful contractor is satisfactory and the unit price(s) remain firm, subject to budget amendment.

Discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Ms. Alonso answered questions posed by Council.

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

F) CONSIDERATION AND AUTHORIZATION TO REMOVE 4TH QUARTER OF FISCAL YEAR 2019-20 UNCOLLECTIBLE SANITATION & DRAINAGE FEE ACCOUNTS FROM THE GENERAL LEDGER AND BEGIN WRITE-OFF PROCEDURES.

Approved authorization to remove 4th Quarter of Fiscal Year 2019-2020 Uncollectible Sanitation and Drainage Accounts from General Ledger and begin Write -Off procedures.

G) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 6 FINAL RECONCILIATION OF QUANTITIES FOR MCALLEN HIDALGO INTERNATIONAL BRIDGE FMCSA SOUTHERN BORDER PROGRAM PROJECT.

Approved Change Order No. 6 in the deduct amount of 51,268.78 and Final Reconciliation of Quantities for McAllen Hidalgo International Bridge FMCSA Southern Border Program Project.

H) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE STATE FARM FOUNDATION FOR FUNDING UNDER THE FY 2021 STATE FARM NEIGHBORHOOD ASSIST GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the State Farm Foundation for funding under the FY 2021 State Farm Neighborhood Assist Grant Program.

I) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1. JAMES V. & DIANE L. BASSETTI

Approved a tax refund in the amount of \$5,100.

2. BERNARDO DE JESUS BAJO

Approved tax refunds in the amount of \$426.44 and \$303.98.

3. WALSH MCGURKK CORDOVA NIXON

Approved a tax refund in the amount of \$500.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR MCALLEN NEW PARKS FACILITY AND METRO TRANSFER STATION.

Staff recommend award of contract for the Metro Transfer Station items 7-10 to the responsible bidder Holchemont LTD for the total base bid and alternates in the amount of \$7,028,000.00 for Metro Transfer Station, subject to budget reclass. Work to be completed in 365 working days.

Mayor and City Commission commented and questioned award of contract at length. Ms. Barrera answered questions posed by Council.

After discussion, Commissioner Joaquin Zamora moved to table said item. Commissioner Jose R. "Pepe" Cabeza de Vaca seconded the motion. The motion carried unanimously.

B) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE SCOPE OF SERVICES AND FEE SCHEDULE WITH TOP RANKED FIRM(S) FOR MEP & STRUCTURAL DESIGN SERVICES FOR VARIOUS MUNICIPAL PROJECTS.

Staff recommended selection of top four (4) firms for MEP services and top three (3) firms for Structural services and is requesting authorization to negotiate with each firm for Various Municipal Projects, with an option to extend for two years in one year increments. However, if negotiations are not successful, staff will cease negotiations and continue with the next ranked firm.

Comments and concerns were expressed by the Mayor and City Commission. Ms. Barrera answered questions posed by Council.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve the selection of firms as recommended. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE 2018 BOND GROUP E DRAINAGE IMPROVEMENTS - E1 NW BLUELINE IMPROVEMENTS.

Staff recommends approval of Change Order No.2 in the net amount of \$ 911.00 and 8 additional calendar days for a revised contract amount of \$ 2,029,162.50 and a revised contract time of 323-calendar days for the 2018 Bond Group E Drainage Improvements - E1 NW Blueline Improvements.

Comments and concerns were expressed by the Mayor and City Commission. Ms. Barrera answered questions posed by Council.

After due consideration, Commissioner Antonio "Tony" Aguirre, Jr. moved to approve Change Order No. 2 as recommended. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 8 FOR BICENTENNIAL BOULEVARD EXTENSION ROADWAY AND DRAINAGE IMPROVEMENTS FROM TRENTON ROAD TO SH107.

Staff recommended approval of Change Order No. 8 in the amount of \$33,239.03 and twenty-one (21) working days added to the contract associated with CO No. 8 and inclement weather for a revised contract amount of \$12,830,069.48 with 429 - working days for the Bicentennial Boulevard Extension Roadway and Drainage Improvements from Trenton Road to SH 107.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve Change Order No. 8as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

4. ORDINANCES

A) ORDINANCE UPDATING THE MOBILE FOOD VENDOR APPLICATION AND PERMITTING PROCESS.

Staff recommended adoption of an ordinance updating the mobile food vendor applications and permitting process.

Staff summarized the mobile and permitting process. A lengthy discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Mr. Stevenson answered questions posed by Council.

After due consideration, Commissioner Tania Ramirez moved to approve option #3 as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

B) CONSIDERATION AND APPROVAL OF FY 2021-2022 ANNUAL ACTION PLAN INCLUDING CDBG, HOME AND ESG BUDGETS.

Staff recommended adoption of an ordinance providing for the approval of Fiscal Year 2021-2022 Annual Action Plan including CDBG, HOME and ESG Budgets.

Gabriela Espino, Chair of CDBG Board. Ms. Espino briefed the Mayor and City Commission of the FY 2021-2022 Action Plan. Mayor and City Commission commented on the annual action plan and thanked CDBG board.

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

5. MANAGER'S REPORT

A) BOARD AND COMMITTEE APPOINTMENTS.

The City Secretary distributed handouts and recommended consideration of appointments to boards and commissions served by elected officials. It was noted that vacancies were created by the departure of Mayor Darling and Mayor Pro Tem Whitacre.

TIRZ 1 Motion to appoint Mayor Javier Villalobos to the TIRZ 1 board was made.

TIRZ 2A Motion to appoint Mayor Javier Villalobos and Commissioner Tania Ramirez to the TIRZ 2A was made.

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

B) FUTURE AGENDA ITEMS.

Items for upcoming workshops were reviewed as follows: Retreat, Stimulus Package

6. TABLED ITEM(S)

- A) CONSIDERATION OF A VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE 0.535-ACRE TRACT OF LAND IN THE WEST 8.61 ACRES OF LOT 48-11, WEST ADDITION TO SHARYLAND, HIDALGO COUNTY, TEXAS; 10700 NORTH BRYAN ROAD.**

Said item remained tabled.

- B) CONSIDERATION OF A VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE A 0.50-ACRE TRACT OF LAND OUT OF THE NORTH 5.42 OUT OF LOT 101, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 12498 NORTH BENTSEN ROAD.**

Commissioner Joaquin Zamora moved to remove said item from the table. Commissioner Jose R. "Pepe" Cabeza de Vaca seconded the motion. The motion carried unanimously.

Staff recommended option 2 disapproval of the variance request and the requiring of the subdivision process in accordance with Texas Local Government Code Section 212.004 and the McAllen Subdivision Ordinance which require owners to have a recorded plat filed with the County Clerk.

Comments and concerns were expressed by the Mayor and City Commission. Mr. Garcia answered questions posed by Council.

After discussion, Commissioner Omar Quintanilla moved to approve option 1 to approve the variance request subject to ROW Dedication, a contractual Agreement, compliance with McAllen Public Utilities requirements and signing of a hold harmless agreement. Commissioner Joaquin Zamora seconded the motion. The motion carried unanimously.

- C) CONSIDERATION OF A VARIANCE REQUEST TO THE PAVING IMPROVEMENTS REQUIRED FOR MILE 6 ½ ROAD AT THE PROPOSED LOMA PRIETA SUBDIVISION, HIDALGO COUNTY, TEXAS; 3420 MILE 6 ½ ROAD.**

Said item was withdrawn by applicant. No action was required.

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).

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

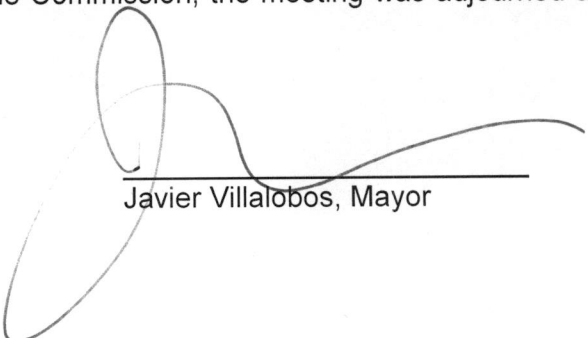
Item approved at 4:00 pm workshop.

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

Item approved at 4:00 pm workshop.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:56 p.m.


Javier Villalobos, Mayor

Attest.



Perla Lara, TRMC/CMC, CPM
City Secretary