



Mayor Javier Villalobos  
Mayor Pro Tem/Commissioner Joaquin Zamora  
Commissioner Tony Aguirre, Jr.  
Commissioner J. Omar Quintanilla

Commissioner Tania Ramirez  
Commissioner Victor "Seby" Haddad  
Commissioner Pepe Cabeza de Vaca  
City Manager Roel "Roy" Rodriguez, P.E.

**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, SEPTEMBER 13, 2021 – 5:00 PM**  
**MCALLEN CITY HALL**  
**CITY COMMISSION CHAMBERS; 3RD FLOOR**  
**1300 HOUSTON AVENUE**  
**MCALLEN TEXAS, 78501**

**<https://zoom.us/j/5087553077?pwd=TjduYjR4U2l3cWU1NjlsZzlsM2hJUT09>**

**Members of the public that wish to listen to the meeting can log in to the virtual Zoom meeting or dial (346) 248-7799 US (Houston) Meeting ID: 508 755 3077 Passcode: 878576. Individuals that wish to participate in the meeting or comment on an agenda item should call (956) 681-1020 by 3:30 pm. Any individual dialing in acknowledges his or her phone number may be visible to the public.**

"At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code."

**CALL TO ORDER** - Mayor Javier Villalobos

**PLEDGE OF ALLEGIANCE** - Mayor Javier Villalobos

**INVOCATION** - Mayor Pro Tem Joaquin Zamora

**PRESENTATION** - *Recognition of the City of McAllen Office of Communications*

**PROCLAMATION** - National Day of Remembrance for Murder Victims - Robert Garcia  
Deaf Awareness 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:**

- 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.)*

1. Rezone from C-3 (general business) District to R-1 (single-family residential) District: 0.14 acres out of Lot 6, Block 4, Hidalgo Canal Company's Survey, Hidalgo County, Texas; 6416 South 10<sup>th</sup> Street.
2. Request of Melden & Hunt, Inc., on behalf of Vaquero Ware Partners, LP, for a Conditional Use Permit, for life of the use, for a gasoline service station at the 1.421 acres out of the Lot 1, Ware Road Investments Subdivision, and Lot 76, R.E. Horn's Addition to McAllen First Suburban Citrus Groves Subdivision, Hidalgo County, Texas; 1520 S. Ware Road.

**B) REZONINGS:**

1. Initial zoning to R-3A (multifamily residential apartment) District: Lots 5 and 6, Resubdivision of Lots 46-11 & 46-12, West Addition to Sharyland Subdivision, Hidalgo County, Texas; 10100 North Bryan Road. **(WITHDRAWN)**
2. Initial zoning to R-3A (multifamily residential apartment) District: 17.043 acres out of Lot 445, John H. Shary Subdivision, Hidalgo County, Texas; 9000 North Shary Road. **(TABLED) (WITHDRAWN)**
3. Initial zoning to R-1 (single-family residential) District: 18.298 acres out of Lot 445, John H. Shary Subdivision, Hidalgo County, Texas; 9400 North Shary Road. **(TABLED) (WITHDRAWN)**

**C) CONDITIONAL USE PERMITS:**

1. Request of Mario A. Reyna, on behalf of Riverside Development Service, LLC, for a Conditional Use Permit, for life of the use, for a planned unit development at the 26.663 acre tract of land out of Lot 45 and 52, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 8300 North Ware Road. **(TABLED)**

**D)** Amending the Zoning Ordinance of the City of McAllen.

**E)** Public Hearing and Ordinance providing for the annexation of 17.043 acres out of Lot 445, John H. Shary Subdivision, Hidalgo County, Texas; 9000 North Shary Road. **(TABLED) (WITHDRAWN)**

**F)** Public Hearing and Ordinance providing for the annexation of 18.298 acres out of Lot 445, John H. Shary Subdivision, Hidalgo County, Texas; 9400 North Shary Road. **(TABLED) (WITHDRAWN)**

**G)** Public Hearing on the City of McAllen's Proposed Budget for Fiscal Year 2021-2022.

**END OF PUBLIC HEARING**

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.)*

- A) Approval of Minutes of Budget Workshops held August 10<sup>th</sup>, August 11<sup>th</sup>, August 17<sup>th</sup>, Retreat held August 18<sup>th</sup>, Workshop and Regular Meeting held August 23, 2021.
- B) Consideration and Authorization to remove 1<sup>st</sup> and 2<sup>nd</sup> Quarter of Fiscal Year 2020-21 Uncollectible Sanitation & Drainage Fee Accounts from the General Ledger and begin Write-off procedures.
- C) Consideration and Approval of Change Order No. 2 and final for the Gardenia Avenue at 12<sup>th</sup> Street Drainage Improvements Project.
- D) Consideration and Approval of Change Order No. 9 for Bicentennial Boulevard Extension Roadway and Drainage Improvements from Trenton Road to SH107.
- E) Award of Contract for the Purchase of a Chiller Compressor for the City of McAllen Library.
- F) Award of Contract for the 2021 Pavement Preservation Project.
- G) Resolution authorizing the submission of accepting an amended grant application to the Small Business Administration, under the Fiscal Year 2021 Shutter Venue Operators Grant.
- H) Resolution authorizing the acceptance of the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) No. 56 Grant for the Runway 14-32 & Taxiway A Safety Improvements.
- I) Consideration and Approval to Remove Uncollectible Tax Accounts from Delinquent Tax Roll.
- J) Approval of Tax Refunds over \$500.00.
  - 1. FNA VI LLC (Overpayment)
  - 2. Midland Loan Services (Overpayment)
  - 3. SMV McAllen Retama LP (Agreed Judgment)

### 3. **BIDS/CONTRACTS:**

- A) Award of Contract for Investment Advisory Services.
- B) Award of Contract for the Purchase of Eighty (80) New Electric Golf Carts for Palm View Golf Course.
- C) Award of Contract for Third Party Administrative Services for Worker's Compensation Claims Management.
- D) Award of Contract for Professional Engineering Services for Northeast McAllen-Edinburg Lateral Drainage Utility Fee project.
- E) Consideration and Approval of Contract Amendment No. 1 and Final Reconciliation for Professional Services for the McAllen Public Works Automotive Warehouse Expansion and Elevator.
- F) Consideration and Approval of extension and modification of contract for Emergency Medical Services with MedCare EMS.
- G) Consideration and Approval of an Intergovernmental Agreement with Palm Valley Animal Society for the operation of a Regional Animal Shelter.
- H) Consideration and Approval of a Memorandum of Understanding between McAllen ISD and City of McAllen for Quinta Mazatlán Center for Urban Ecology.

### 4. **RESOLUTION:**

- A) Resolution nominating a representative for the Hidalgo County Appraisal District Board of Directors 2022-2023.

**5. VARIANCE:**

- A) Request of Tomas Gutierrez, on behalf of Madiam I.P., to consider a sign variance request to allow an off-premise signage at Lot 1, Hammond Development Subdivision; 7801 South 23<sup>rd</sup> Street Boulevard.

**6. MANAGER'S REPORT:**

- A) Review of Quarterly Investment Report for Quarter Ending June 30, 2021.
- B) Consideration and Approval of Minute Order for New Fees at Palm View Golf Course.
- C) Forming an Advisory Board for special needs persons.
- D) Advisory Board Appointments.
- E) Immigration and Respite Center Report.
- F) Future Agenda Items.

**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 Cause No. C-2995-21-I; Dolores E Valdez v. City of McAllen. (Section 551.071, T.G.C.)
- B) Consultation with City Attorney regarding legal issues related to Cause No. CL-21-2976-B; Abigael Carbajal v. City of McAllen. (Section 551.071, T.G.C.)
- C) Discussion and possible lease, sale or purchase of real property; Tract 1 and Tract 2 (Section 551.072, T.G.C.)
- D) Consultation with City Attorney regarding potential real estate litigation related to Northeast Blueline Drainage Improvements along Fullerton Ave, to wit:- Consider and take appropriate action on a resolution authorizing the use of eminent domain to condemn property more specifically described as: a 0.39-acre tract of land, more or less, out of the Northeast corner of Lot Two Hundred Forty-Nine (249), Pride-O-Texas Subdivision, out of Lot Fifty (50), La Lomita Irrigation and Construction Company's Subdivision of Porciones 61, 62 and 63, situated in the City of McAllen, Hidalgo County, Texas, more particularly by metes and bounds on file with the City Secretary. (Section 551.071, T.G.C.)
- E) Consultation with City Attorney regarding legal aspects of contractual relationship with MedCare EMS. (Section 551.071, T.G.C.)

**ADJOURNMENT**

**IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE**

**VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME.**

### **C E R T I F I C A T I O N**

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on September 10, 2021 at 3:30 PM and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/  
Perla Lara, TRMC/CMC, CPM  
City Secretary