

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, August 9, 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., Mayor Pro Tem 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, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

PROCLAMATION

WORLD MOSQUITO CONTROL DAY

Mayor Pro Tem Joaquin Zamora read and presented a proclamation for World Mosquito Control Day.

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 to speak in opposition to the items under this section of the agenda. No citizens came forward to speak to Council.

Commissioner Jose "Pepe" Cabeza de Vaca moved to approve the items listed on the Routine Items section of the agenda. Mayor Pro Tem Joaquin Zamora seconded the motion. The motion carried unanimously.

- 1. REZONE FROM A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 2.781 ACRE TRACT OF LAND OUT OF LOT 150, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4117 HIGHWAY 83 (REAR).**

Approved the C-3 Zoning at 4117 Highway 83 (rear), as per Planning and Zoning Commission.

- 2. REZONE FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: 4.79 ACRES OUT OF LOT 197, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 701 SOUTH TAYLOR ROAD (REAR).**

Approved the R-3T Zoning at 701 South Taylor Road (rear), as per Planning and Zoning Commission.

Commissioner Tania Ramirez announced that she had a conflict with item 1A2 and would abstain from discussion and voting on said matter. Subsequently, she filed a conflict form with the City Secretary. The motion passed with 5 votes in the affirmative with Commissioner Tania Ramirez in abstention.

3. REZONE FROM A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 16.28 ACRES OUT OF THE WEST ONE-HALF (1/2) OF LOT 11, SECTION 280, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 2433 STATE HIGHWAY 107 (REAR).

Approved the R-1 Zoning at 2433 State Highway 107 (rear), as per Planning and Zoning Commission.

B) REZONINGS:

1. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 1.96 ACRES OUT OF THE WEST ONE-HALF (1/2) OF LOT 11, SECTION 280, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 2433 STATE HIGHWAY 107.

Staff recommended approval of the R-1 zoning at 2433 State Highway 107, as per Planning and Zoning Commission.

Commissioner Jose "Pepe" Cabeza de Vaca moved to approve the R-1 zoning as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

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.

Staff recommended item be tabled pending Planning and Zoning commission action on said item.

Commissioner Antonio "Tony" Aguirre Jr. announced that he had a conflict with item 1A1 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Commissioner Jose "Pepe" Cabeza de Vaca moved to table said item as recommended. Commissioner Tania Ramirez seconded the motion. The motion passed with 5 votes in the affirmative with Commissioner Antonio "Tony" Aguirre, Jr., in abstention.

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

Commissioner Mayor Pro Tem Joaquin Zamora moved to amend the Zoning Ordinance. Commissioner Omar Quintanilla 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 Jose "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda with the exception of Item 2C to be addressed separately. Commissioner Omar Quintanilla seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES FOR THE WORKSHOP AND REGULAR MEETING HELD ON JULY 26, 2021.

Approved the minutes of Workshop and Regular Meeting held July 26, 2021, as submitted.

B) CONSIDERATION AND APPROVAL FOR BUYBOARD PURCHASE OF ONE (1) PLAY SYSTEM FOR BILL SCHUPP PARK.

Awarded a contract to Park Place in the amount of \$57,050 for the purchase of one (1) play system for Bill Schupp Park.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 6 AND FINAL RECONCILIATION OF QUANTITIES FOR THE WESTWAY HEIGHTS DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended approval of Change Order No. 6 in the amount of \$49,866.76 and Final Reconciliation of Quantities for the Westway Heights Drainage Improvements Project.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were raised relating to change order, bidding process, second lowest bid, original bid and utility conflicts. Staff answered questions posed by Council.

After due consideration, Mayor Pro Tem Zamora moved to approve as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

D) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO RECLASSIFY A YOUTH SERVICES LIBRARIAN POSITION.

Adopted an ordinance providing for a Budget Amendment in the amount of \$10,308.00 to reclassify a Youth Services Librarian position.

E) APPROVAL OF TAX REFUND OVER \$500.00.

Approved tax refunds of over \$500 as follows:

1. JOSE L. CABRERAR & CHOM SUK

Approved tax refunds in the amounts of \$631.58 and \$311.05.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF THE TXDOT MASTER GRANT AGREEMENT.

Staff recommended approval of the TXDOT Master Grant Agreement.

Commissioner Omar Quintanilla moved to approve the Master Grant Agreement as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

B) AWARD OF CONTRACT TO NELCO MEDIA FOR THE COMMISSION CHAMBER LIGHTING UPGRADE PROJECT.

Staff recommended award of contract to Nelco Media, Inc. in the amount of \$122,265.12 with a contract time not to exceed 12 calendar days, for the Commission Chamber Lighting Upgrade Project.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were raised relating to travel expenses, original budget, local company, PG Funds. Staff answered questions posed by Council.

After due consideration, Commissioner Omar Quintanilla moved to award the contract as recommended. Mayor Pro Tem Joaquin Zamora seconded the motion. The motion carried unanimously.

4. ORDINANCES

A) PROVIDING FOR A BUDGET AMENDMENT FOR THE COMMISSION CHAMBER LIGHTING UPGRADE PROJECT.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$25,000.00 for the Commission Chamber Lighting Upgrade Project.

Commissioner Victor "Seby" Haddad moved to adopt the ordinance as recommended. Mayor Pro Tem Joaquin Zamora seconded the motion. The motion carried unanimously.

B) PROVIDING FOR AN INCREASE IN THE NUMBER OF AUTHORIZED POSITIONS IN THE MCALLEN POLICE DEPARTMENT.

Staff recommended adoption of an ordinance providing for an increase in the number of authorized positions in the McAllen Police Department.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Staff answered questions posed by Council.

Commissioner Jose "Pepe" Cabeza de Vaca moved to adopt the ordinance as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

C) PROVIDING FOR THE ABANDONMENT OF THE EXISTING 10-FOOT UTILITY EASEMENT ALONG THE EAST SIDE OF LOTS 1 AND 2, NACCU SUBDIVISION, HIDALGO COUNTY, TEXAS; 9100 & 9200 NORTH 10TH STREET.

Staff recommended adoption of an ordinance providing for the abandonment of the existing 10-foot utility easement at 9100 and 9200 North 10th Street.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were asked as to notices and easements. Staff answered questions posed by Council.

Commissioner Omar Quintanilla moved to adopt the ordinance as recommended. Commissioner Jose "Pepe" Cabeza de Vaca seconded the motion. The motion carried unanimously.

5. RESOLUTIONS

A) AUTHORIZING A RESOLUTION DESIGNATING MAYOR JAVIER VILLALOBOS AS THE CITY'S AUTHORIZED OFFICIAL FOR GRANT SUBMISSIONS AND GENERAL SUPPORT DOCUMENTATION.

Staff recommended approval of a resolution designating Mayor Javier Villalobos as the City's Authorized Official for grant submissions and general support documentation.

Commissioner Omar Quintanilla moved to approve the resolution as recommended. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

B) AUTHORIZING THE SUBMISSION OF GRANT SUPPORT DOCUMENTATION TO KEEP TEXAS BEAUTIFUL/U.S. ENVIRONMENTAL PROTECTION AGENCY FOR FUNDING UNDER THE EPA TRASH FREE WATERS GRANT.

Staff recommended approval of a resolution authorizing the submission of grant support documentation to Keep Texas Beautiful/U.S. Environmental Protection Agency for funding under the EPA Trash Free Waters Grant.

Commissioner Jose "Pepe" Cabeza de Vaca moved to approve the resolution as recommended. Mayor Pro Tem Joaquin Zamora seconded the motion. The motion carried unanimously.

C) AUTHORIZING EXTENDING THE AUGUST 2, 2021 LOCAL DISASTER DECLARATION IN RESPONSE TO THE IMMIGRATION SURGE AND COVID-19.

Staff recommended approval of a resolution authorizing extending the August 2, 2021 local disaster declaration in response to the immigration surge and COVID-19.

Commissioner Antonio "Tony" Aguirre, Jr., moved to approve the resolution as recommended. Commissioner Jose "Pepe" Cabeza de Vaca seconded the motion. The motion carried unanimously.

6. VARIANCES

A) CONSIDERATION OF A VARIANCE REQUEST TO THE ROW DEDICATION REQUIREMENTS FOR NORTH MCCOLL ROAD AND EAST VIOLET AVENUE AT THE PROPOSED BEJ SUBDIVISION, HIDALGO COUNTY, TEXAS; 4701 NORTH MCCOLL ROAD.

Staff recommended disapproval of a variance request to the ROW dedication requirements for North McColl Road and East Violet Avenue at the proposed BEJ Subdivision at 4701 North McColl Road.

Commissioner Omar Quintanilla announced that he had a conflict with item 6A and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were asked relating to dedication, BBQ Red Barn, Violet north to Dove requirements and righthand turns. Staff answered questions posed by Council.

After due consideration, Mayor Pro Tem Joaquin Zamora to deny the variance. Motion failed for lack of a second. Concerns were voiced by Council. Mayor Villalobos called the question for a different motion.

Mayor Pro Tem Joaquin Zamora moved to table. Commissioner Tania Ramirez seconded the motion. The motion passed with 5 votes in the affirmative with Commissioner Omar Quintanilla in abstention.

B) CONSIDERATION OF A VARIANCE REQUEST TO THE EXTENSION OF THE ¼ MILE COLLECTOR ROADWAY (NORTH 34TH STREET) AT THE PROPOSED 4700 WARE SUBDIVISION, HIDALGO COUNTY, TEXAS; 4900 NORTH WARE ROAD.

Staff recommended consideration of a variance request to the extension of the ¼ mile collector roadway (North 34th Street) at the proposed 4700 Ware Subdivision, Hidalgo County, Texas; 4900 North Ware Road.

A discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were asked relating to the number of apartments, residential neighborhood and emergency access, traffic, Las Palomas Village, 33rd Street, access agreement and proposed use. Staff answered questions posed by Council.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to grant the variance as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

7. MANAGER'S REPORT

A) REVIEW OF THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2021.

Staff presented the Quarterly Investment Report for quarter ending March 31, 2021 and recommended acceptance of said report as per the Audit Investment Committee.

Mayor Pro Tem Joaquin Zamora moved to approve the report as recommended. Commissioner Antonio "Tony" Aguirre, Jr. seconded the motion. The motion carried unanimously.

B) IMMIGRATION AND RESPITE CENTER REPORT.

Mr. Jeff Johnston presented immigration and respite center update and answered questions.

At this time Mayor Javier Villalobos called upon the citizens registered to speak on item 7B. Ms. Nedra Kinerk spoke on concerns with immigration and panel discussion of Monday, August 16th.

C) ADVISORY BOARD APPOINTMENTS.

BUILDING BOARD OF ADJUSTMENT AND APPEALS BOARD

Commissioner Tania Ramirez nominated Karla Torres and Commissioner Jose "Pepe" Cabeza de Vaca nominated Michael D. Hovar to the Building Board of Adjustments and Appeals.

Mayor Javier Villalobos nominated Francisco Meza as alternate to the Building Board of Adjustment and Appeals.

CDBG ADVISORY BOARD

Mayor Javier Villalobos nominated Mario Reyna to the board.

SENIOR CITIZENS CENTER ADVISORY BOARD

Commissioner Tania Ramirez nominated Laura Saldaña to the Senior Citizens Center.

Mayor Pro Tem Joaquin Zamora moved to approve appointments as recommended. Commissioner Jose "Pepe" Cabeza de Vaca seconded the motion. The motion carried unanimously.

D) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Advisory Board ADHOC Committee to provide accessibility in sign language and other languages

8. TABLED ITEM(S)

A) ORDINANCE PROVIDING FOR RATIFICATION OF JUNE 28, 2021 AMENDMENT TO FOOD TRUCK ORDINANCE UPDATING THE MINIMUM DISTANCE FROM A FIXED-LOCATION RESTAURANT.

Mayor Pro Tem Joaquin Zamora moved to remove said item from the table. Commissioner Omar Quintanilla seconded the motion. The motion carried unanimously.

A lengthy discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were asked relating to providing notice, written permission, 14th day period, tenants vs property owners, application submittal and pre application and comment period /notice period. Staff answered questions posed by Council.

After due consideration, Commissioner Tania Ramirez moved to table. Mayor Pro Tem Joaquin Zamora seconded the motion. The motion carried unanimously.

B) CONSIDERATION OF A VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE 1.75-ACRE TRACT OF LAND OUT OF LOT 507, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 11504 NORTH TAYLOR ROAD.

Mayor Pro Tem Joaquin Zamora moved to remove said item from the table. Commissioner Antonio "Tony" Aguirre, Jr. seconded the motion. The motion carried unanimously.

Staff recommended disapproval of the variance request to not require the subdivision process at 11504 North Taylor Road

Discussion ensued. Comments and concerns were expressed by the Mayor and City Commission. Questions were asked relating to roadway, property owner and right away dedication, hold harmless agreement, existing house from property line and setbacks.

Commissioner Antonio "Tony" Aguirre Jr. moved to approve option two with the adjusted right away agreements as mentioned. Commissioner Victor "Seby" Haddad seconded the motion. The motion passed with 5 votes in the affirmative with Mayor Pro Tem Joaquin Zamora voting nay.

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 and 9D Section 551.072 Deliberation Regarding Real Property on Item 9B; and Section 551.087 Economic Development on Item 9C.

Commissioner Antonio "Tony" Aguirre Jr., moved to accept the recommendation for the basis of the discussion in Executive Session under the section cited by the City Attorney. Commissioner Omar Quintanilla seconded the motion. The motion carried unanimously.

Mayor Javier Villalobos recessed the meeting at 6:18 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:47 pm and noting the following city commission members 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

A) CONSULTATION WITH CITY ATTORNEY REGARDING POSSIBLE INTERVENTION IN WINTER STORM SECURITIZATION APPLICATION. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora move to authorize City Attorney to engage outside counsel to file an intervention on behalf of the city and the gas securitization action described in executive session. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

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

Commissioner Antonio "Tony" Aguirre Jr. 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.

Commissioner Jose "Pepe" Cabeza de Vaca moved to authorize City Attorney and City Manager to proceed as described in executive session. Commissioner Tania Ramirez seconded the motion. The motion passed with 5 votes in the affirmative with Commissioner Antonio "Tony" Aguirre, Jr., in abstention.

C) CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)

Commissioner Victor "Seby" Haddad announced that she had a conflict with item 9C1 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

C-1 - Commissioner Jose "Pepe" Cabeza de Vaca moved to authorize the City Manager, Mayor and City Attorney to proceed as described in executive session. Commissioner Tania Ramirez seconded the motion. The motion passed with 5 votes in the affirmative with Commissioner Victor "Seby" Haddad in abstention.

C-2 - Commissioner Jose "Pepe" Cabeza de Vaca moved to authorize City Attorney and City Manager to proceed as described in executive session. Commissioner Tania Ramirez seconded the motion. The motion carried unanimously.

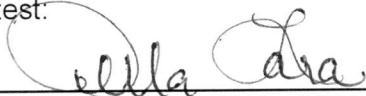
D) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO BORDER IMMIGRATION. (SECTION 551.071, T.G.C.)

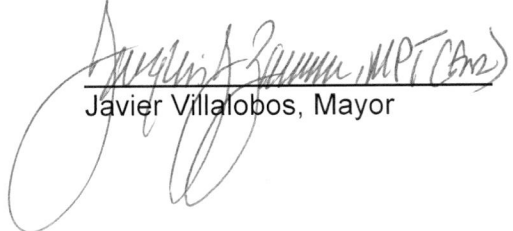
No action.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:49 p.m.

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary


Javier Villalobos, Mayor