

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, August 23, 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, 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 Javier Villalobos called the meeting to order.

AGENDA ITEM PUBLIC COMMENT (Individuals wishing to speak regarding an agenda item on today's agenda, please contact City Secretary before 5:00pm)

At this time the following citizens spoke on Palm Valley Animal Shelter: Kelly Lewis and Donna Casamento.

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. Citizen came forward to speak to council: Mr. Oscar Escobedo, Bert Earl and Yadira Rodriguez spoke in opposition of item 1A3.

Commissioner Jose "Pepe" Cabeza de Vaca moved to approve the items listed on the Routine Items section of the agenda except item 1A3 and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

- 1. REZONE FROM C-1 (OFFICE) DISTRICT TO C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT: 2.35 ACRES OUT OF LOT 5, BLOCK 15, STEELE & PERSHING SUBDIVISION OF THE EAST ½ OF PORTION 66 AND ALL OF PORTION 67, HIDALGO COUNTY, TEXAS; 2408 & 2416 S. MCCOLL RD.**

Approved the C-2 Zoning at 2408 & 2416 S. McColl Road, as per Planning and Zoning Commission.

- 2. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: 2.00 ACRE TRACT OF LAND OUT OF LOT 62, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2700 TRENTON ROAD.**

Approved the R-3T Zoning at 2700 Trenton Road, as per Planning and Zoning Commission.

- 3. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 0.544 ACRE TRACT OF LAND OUT OF LOT 1, RESUBDIVISION OF LOTS 15 AND 16, BLOCK 2, C.**

E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 1500 NORTH BENTSEN ROAD.

Approved the R-3A Zoning at 1500 North Bentsen Road, as per Planning and Zoning Commission.

Discussion ensued. Comments and concerns were addressed by Council. Questions were asked relating to use of lots, zoning out of character, egress/regress, lanes of traffic, trends, orderly development and safety hazard. After due consideration, Commissioner Omar Quintanilla moved to disapprove the request and seconded by Mayor Pro Tem Joaquin Zamora. The motion passed with 3 votes in the affirmative with Commissioner Jose R. "Pepe" Cabeza de Vaca and Commissioner Victor "Seby" Haddad voting against.

4. REQUEST OF DENNY MELINE, ON BEHALF OF THE CITY OF MCALLEN, FOR AN AMENDMENT OF A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, FOR AN INSTITUTIONAL USE (PARK) AT 17.51 ACRES OUT OF LOT 4, BLOCK 12, STEELE AND PERISHING SUBDIVISION, HIDALGO COUNTY, TEXAS, 100 HIGHWAY 83.

Approved an amendment of a Conditional Use Permit, for life of the use, for an institutional use (park) at 100 Highway 83 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 has direct access to North 1st Street, which connects to Highway 83 to the south;
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. 84 common parking spaces are proposed on site. The parking must be clear of potholes and properly striped per city requirements.
- 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 determined by the Building Inspections Department and shall maintain the existing capacity; and
- 7) Sides adjacent to commercially and residentially zoned or use property shall be screened by a 6 ft. opaque fence.

5. REQUEST OF ROSALINDA RAABE, ON BEHALF OF IGLESIA CAMINO DEL REY UPPER VALLEY, A TEXAS NON-PROFIT CORPORATION, FOR A CONDITIONAL USE PERMIT FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH) AT LOT "A", DAFFODIL GARDENS SUBDIVISION UNIT NO. 1, SAVE AND EXCEPT THE EAST 159.1 FEET THEREOF OF LOT "A", THE WEST THREE (3) ACRES OF LOT 25, WAYNE COURT SUBDIVISION EXTENDED, AND 0.66 ACRES OUT OF LOT 25, WAYNE COURT SUBDIVISION EXTENDED, HIDALGO COUNTY, TEXAS; 504 AND 508 HARVEY DRIVE.

Approved a Conditional Use Permit, for life of the use, for an institutional use (church) at 504 and 508 Harvey Drive, 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.
- 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. The church will have a seating capacity of 414 seats if all three buildings were to be used simultaneously, 104 parking spaces are required; 140 parking spaces are provided on the property.

- 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.

6. REQUEST OF KATHERINE L. ZEIGLER, ON BEHALF OF WILLIAM A. SCHWARZ, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A GASOLINE SERVICE STATION AT THE 2.35 ACRES OUT OF THE LOT 5, BLOCK 15, STEELE & PERSHING SUBDIVISION OF THE EAST ½ OF PORTION 66 AND ALL OF PORTION 67, HIDALGO COUNTY, TEXAS; 2408 & 2416 S. MCCOLL RD.

Approved a Conditional Use Permit, for life of the use, for a gasoline service station at 2408 & 2416 S. McColl Road, as per Planning and Zoning Commission.

The use must comply with Section 138-257 – 138-261 and 138-167 of the Zoning Ordinance and specific requirements as follows:

- 1) Activities are limited to sale of gasoline, oil, and minor accessories and incidental services;
- 2) Ingress or egress shall not be permitted at locations where it will tend to create traffic hazards. Entrances shall not be permitted within 25 ft. of a street intersection. Two curb cuts are proposed one located at S. McColl Road and the other located at E. Yuma Avenue;
- 3) Front yard building setbacks, not including gas pumps or driveway covers (canopy), shall be 60 feet. Proposed setbacks are approximately 54 feet to the rear, 116 feet facing S. McColl Road, 50 feet facing E. Yuma Avenue, and +65 feet on the north side;
- 4) All lighting shall be shielded from adjacent residential districts;
- 5) A 6 ft. opaque buffer shall be provided where abutting or adjacent to residential districts. However, section 110-49 (a) Vegetation Ordinance requires a masonry screen eight ft. in height where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone. The property does abut a residential district to the west;
- 6) Gasoline service stations that have facilities for the repair or servicing of automobiles shall be a minimum of 13,000 square feet. Retail outlets for gasoline, oil, and minor accessories, without repair facilities, may be permitted on lots less than 13,000 square feet. The lot size is approximately 2.35 acres (102,300 square feet);
- 7) Gas pumps/islands shall be set back at least 13 ft. from the property line or 18 ft. from the curb, whichever is greater. Gas pumps will be approximately 30 ft. from the property line on S. McColl Road and 42 ft. from the property line on E. Yuma Avenue.
- 8) Gas pump canopy shall be set back at least 9 ft. from the property line or 10 ft. from the curb, whichever is greater. Gas pump canopy is approximately 30 ft. from the property line on S. McColl Road and 42 ft. from the property line on E. Yuma Avenue.; and
- 9) Gas pumps shall not be located within 100 ft. of a residential district. Applicant has modified the site so that gas pumps are not located within 100 ft. of a residential district.

7. REQUEST OF MARIA I. EWENS, FOR A CONDITIONAL USE PERMIT, FOR A YEAR, FOR AN EVENT CENTER AT THE 2.77 ACRES OUT OF LOT 11, LA LOMITA (HOIT) SUBDIVISION, HIDALGO COUNTY, TEXAS, 3501 STATE HIGHWAY 107.

Approved a Conditional Use Permit, for life of the use, for a year, for an event center at 3501 State Highway 107, 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:

- 1) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The property is within 400 ft. of residential zones or uses;
- 2) 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 fronts State Highway 107 and it does not generate traffic into residential areas;

- 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; Based on the 2,146 sq. ft. suite where the event center is proposing to operate, 22 parking spaces are required; 30 parking spaces are provided on site. The proposed operation hours of the event center do not interfere with the operation hours of the car lot. For the whole building to operate at the same time, 35 parking spaces would be required.
- 4) 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.;
- 5) 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 of as much as possible of the site from a public street;
- 6) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- 7) 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. This number cannot exceed the number provided for in existing city ordinances.

8. REQUEST OF CRISTOBAL MORENO, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN AUTOMOTIVE SERVICE & REPAIR AT THE 0.52 ACRE TRACT OF LAND OUT OF BLOCK 14, TRENTON PARK ESTATES PH. 1 & 2 SUBDIVISION LYING WEST OF LOT 219, WOODHOLLOW SUBDIVISION, HIDALGO COUNTY, TEXAS; 7500 N. 23RD STREET.

Approved a Conditional Use Permit, for life of the use, for an automotive service & repair at 7500 N. 23rd Street, as per Planning and Zoning Commission.

The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

- 1) A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 21,675.50 sq. ft.
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. The work will be performed in the workshop area;
- 3) Outside storage of materials is prohibited.
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The automotive service and repair establishment is approximately 80 ft. to the nearest residence.
- 5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required. An 8 ft. buffer along the east side property is required as per proposed subdivision process.
- 6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

B) REZONINGS:

1. REZONE FROM R-3C (MULTIFAMILY CONDOMINIUMS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 3.842 ACRES CONSISTING OF 3 ACRES OUT OF LOT 15, SOUTHEAST ½ SECTION 7 OUT OF HIDALGO CANAL COMPANY SUBDIVISION AND 0.842 ACRES OUT OF LOT 16, AND THE WEST 109 FT.OF LOT 14 OUT OF HOLLENBECK SUBDIVISION, HIDALGO COUNTY, TEXAS; 2105 SOUTH 10TH STREET.

Staff recommended approval of the R-3A zoning at 2105 S. 10th Street, as per Planning and Zoning Commission.

Commissioner Jose R. "Pepe" Cabeza de Vaca announced that he had a conflict with items B1-B6 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items. Citizens came forward to speak to council: Mr. Mark Voss, Oscar Palacios and Hector Villarreal spoke in opposition of item 1B6. Mr. Mario Reyna spoke in favor of the request.

Discussion ensued. Comments and concerns were shared by the Mayor and City Commission. Questions were asked relating to square footage, other apartment complexes, Uvalde and 6th Street, Rear Town Homes, Impact of having more units than lots, acreage and current zoning.

Mayor Pro Tem Joaquin Zamora moved to deny request for items B1 through B6 and seconded by Commissioner Omar Quintanilla. Motion failed. Mayor Villalobos called the question for a different motion.

Commissioner Tania Ramirez moved to approve the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 4 votes in the affirmative, Commissioner Omar Quintanilla and Mayor Pro Tem Joaquin Zamora voting against and Commissioner Jose R. "Pepe" Cabeza de Vaca in abstention.

2. REZONE FROM R-2 (DUPLEX-FOURPLEX) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 0.405 ACRES OUT OF THE EAST HALF OF LOT 12 AND THE WEST 46 FT. OF LOT 14, HOLLENBECK SUBDIVISION, HIDALGO COUNTY, TEXAS; 709 UVALDE AVENUE.

Staff recommended approval of the R-3A zoning at 709 Uvalde Avenue, as per Planning and Zoning Commission.

Mayor Pro Tem Joaquin Zamora moved to deny request for items B1 through B6 and seconded by Commissioner Omar Quintanilla. Motion failed. Mayor Villalobos called the question for a different motion.

Commissioner Tania Ramirez moved to approve the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 4 votes in the affirmative, Commissioner Omar Quintanilla and Mayor Pro Tem Joaquin Zamora voting against and Commissioner Jose R. "Pepe" Cabeza de Vaca in abstention.

3. REZONE FROM R-2 (DUPLEX-FOURPLEX) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: THE EAST HALF OF LOT 10, HOLLENBECK SUBDIVISION, HIDALGO COUNTY, TEXAS; 725 UVALDE AVENUE.

Staff recommended approval of the R-3A zoning at 725 Uvalde Avenue, as per Planning and Zoning Commission.

Mayor Pro Tem Joaquin Zamora moved to deny request for items B1 through B6 and seconded by Commissioner Omar Quintanilla. Motion failed. Mayor Villalobos called the question for a different motion.

Commissioner Tania Ramirez moved to approve the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 4 votes in the affirmative, Commissioner Omar Quintanilla and Mayor Pro Tem Joaquin Zamora voting against and Commissioner Jose R. "Pepe" Cabeza de Vaca in abstention.

4. REZONE FROM R-2 (DUPLEX-FOURPLEX) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: THE WEST HALF OF LOT 10 AND THE EAST 10 FT. OF LOT 8, HOLLENBECK SUBDIVISION, HIDALGO COUNTY, TEXAS; 801 UVALDE AVENUE.

Staff recommended approval of the R-3A zoning at 801 Uvalde, as per Planning and Zoning Commission.

Mayor Pro Tem Joaquin Zamora moved to deny request for items B1 through B6 and seconded by Commissioner Omar Quintanilla. Motion failed. Mayor Villalobos called the question for a different motion.

Commissioner Tania Ramirez moved to approve the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 4 votes in the affirmative, Commissioner Omar Quintanilla and Mayor Pro Tem Joaquin Zamora voting against and Commissioner Jose R. "Pepe" Cabeza de Vaca in abstention.

5. REZONE FROM R-2 (DUPLEX-FOURPLEX) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: THE WEST 69 FT. OF THE EAST HALF OF LOT 8, HOLLENBECK SUBDIVISION, HIDALGO COUNTY, TEXAS; 807 UVALDE AVENUE.

Staff recommended approval of the R-3A zoning at 807 Uvalde, as per Planning and Zoning Commission.

Mayor Pro Tem Joaquin Zamora moved to deny request for items B1 through B6 and seconded by Commissioner Omar Quintanilla. Motion failed. Mayor Villalobos called the question for a different motion.

Commissioner Tania Ramirez moved to approve the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 4 votes in the affirmative, Commissioner Omar Quintanilla and Mayor Pro Tem Joaquin Zamora voting against and Commissioner Jose R. "Pepe" Cabeza de Vaca in abstention.

6. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 2.396 ACRES OUT OF LOT 15, OF SOUTHEAST ½ SECTION 7, HIDALGO CANAL COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2101 SOUTH 10TH STREET.

Staff recommended approval of the R-3A zoning at 2101 South 10th Street, as per Planning and Zoning Commission.

Mayor Pro Tem Joaquin Zamora moved to deny request for items B1 through B6 and seconded by Commissioner Omar Quintanilla. Motion failed. Mayor Villalobos called the question for a different motion.

Commissioner Tania Ramirez moved to approve the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 4 votes in the affirmative with Commissioner Jose R. "Pepe" Cabeza de Vaca in abstention.

7. 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.

Staff recommended tabling said item.

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

8. 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.

Staff recommended tabling said item

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

C) CONDITIONAL USE PERMITS:

1. REQUEST OF NORMA S. PIMENTEL, ON BEHALF OF CATHOLIC CHARITIES OF THE RIO GRANDE VALLEY FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, FOR AN INSTITUTIONAL USE (RESPIRE CENTER) AT W. 90' OF LOTS 13 AND 14 & ALL OF 15 AND 16, BLOCK 12, MCALLEN ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS, 111 SOUTH 15TH STREET.

Said item withdrawn.

2. REQUEST OF LIZA SALINAS, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT 1, A & A SUBDIVISION, HIDALGO COUNTY, TEXAS; 5204 NORTH 10TH STREET.

Staff recommended approval of a Conditional Use Permit, for one year, for a bar at 5204 North 10th Street, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements are 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 residential zones;
2. The above-mentioned 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 10th Street and Zinnia Avenue;
3. The above-mentioned 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, and restaurants. The proposed bar is required 36 parking spaces; 90 parking spaces are provided on the common parking area in the front and rear of the building. 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.
4. The above-mentioned 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;
5. The above-mentioned 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;
6. The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
7. The above-mentioned 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.

Mayor Pro Tem Joaquin Zamora moved to approve the Conditional Use Permit as recommended. Commissioner Victor "Seby" Haddad seconded the motion. The motion carried unanimously.

3. 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)

Said item remained tabled.

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

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

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.

Mayor Pro Tem Joaquin Zamora moved to table said item and Commissioner Victor "Seby" Haddad seconded. The motion carried unanimously.

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.

Mayor Pro Tem Joaquin Zamora moved to table said item and Commissioner Victor "Seby" Haddad seconded. 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 Victor "Seby" Haddad announced that he had a conflict with item 2J and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Mayor Pro Tem Joaquin Zamora moved to approve the items listed on the Consent Agenda and Commissioner Antonio "Tony" Aguirre, Jr. seconded. The motion carried unanimously.

- A) APPROVAL OF MINUTES OF BUDGET WORKSHOPS HELD AUGUST 3rd, AUGUST 4th, BUDGET WORKSHOP AND REGULAR MEETING HELD AUGUST 9, 2021.**

Approved the minutes of Budget Workshops held August 3rd, August 4th, Budget Workshop and Regular Meeting held August 9, 2021, as submitted.

- B) CONSIDERATION AND APPROVAL OF AN INTERLOCAL COOPERATION CONTRACT FOR THE CONTINUED OPERATION OF THE TEXAS TRANSNATIONAL INTELLIGENCE CENTER.**

Approved an Interlocal Cooperation Contract for the continued operation of the Texas Transnational Intelligence Center.

- C) CONSIDERATION AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH REGION ONE FOR ADULT ESL CLASSES.**

Approved a Memorandum of Understanding with Region One for Adult ESL Classes.

- D) CONSIDERATION AND APPROVAL OF AMENDMENT NO. 1 TO THE CARGO BUILDING LEASE WITH DAVILA'S SERVICES, INC.**

Approved Amendment No. 1 to the Cargo Building Lease with Davila's Services, Inc.

- E) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF COMMERCE - ECONOMIC DEVELOPMENT ADMINISTRATION FOR FUNDING UNDER THE TRAVEL, TOURISM AND OUTDOOR RECREATION PROGRAM.**

Approved a resolution authorizing the submittal of a grant application to the U.S. Department of Commerce - Economic Development Administration for funding under the Travel, Tourism and Outdoor Recreation Program.

- F) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE HUMANITIES TEXAS FOUNDATION FOR FUNDING UNDER THE FY 2021 RELIEF GRANTS PROGRAM.**

Approved a resolution authorizing the submittal of a grant application to the Humanities Texas Foundation for funding under the FY 2021 Relief Grants Program.

- G) RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FEDERAL AVIATION ADMINISTRATION (FAA) AIRPORT RESCUE GRANT.**

Approved a resolution authorizing the acceptance of the Federal Aviation Administration (FAA) Airport Rescue Grant.

- H) RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FEDERAL AVIATION ADMINISTRATION (FAA) AIRPORT IMPROVEMENT PROGRAM (AIP) NO. 55 GRANT.**

Approved a resolution authorizing the acceptance of the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) No. 55 Grant.

- I) **RESOLUTION DESIGNATING RIO GRANDE VALLEY METROPOLITAN PLANNING ORGANIZATION MEMBERS (RGVMPO), ESTABLISHING THE TECHNICAL ADVISORY COMMITTEE (TAC) AND APPROVING THE POLICY BOARD ETHICAL STANDARDS AFFIDAVIT.**

Approved a resolution designating Rio Grande Valley Metropolitan Planning Organization Members (RGVMPO), establishing the Technical Advisory Committee (TAC) and approving the Policy Board Ethical Standards Affidavit.

- J) **APPROVAL OF TAX REFUND OVER \$500.00.**

1. LONE STAR NATIONAL BANK

Approved a tax refund in the amount of \$1,801.74.

Mayor Pro Tem Joaquin Zamora moved to approve the tax refund and seconded by Commissioner Antonio "Tony" Aguirre, Jr.. The motion passed with 5 votes in the affirmative with Commissioner Victor "Seby" Haddad in abstention.

3. BIDS/CONTRACTS

- A) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE MCALLEN PUBLIC WORKS ADMINISTRATION OFFICE RENOVATIONS PROJECT.**

Staff recommended approval of Change Order No. 1 in the amount of \$17,817.00 for the McAllen Public Works Administration Office Renovations Project.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 1 and Commissioner Antonio "Tony" Aguirre, Jr. seconded. The motion carried unanimously.

- B) **AWARD OF CONTRACT FOR TOWING SERVICES - AUTOMOBILE/LIGHT, MEDIUM & HEAVY-DUTY TRUCKS/EQUIPMENT.**

Staff recommended authorization to continue the current award of contract with Oyervides Towing for Light Vehicles and Apollo Towing for Medium and Heavy-Duty Trucks and Equipment, and option to extend the contract for two (2) additional years, at one (1) year increments.

Commissioner Antonio "Tony" Aguirre, Jr. moved to award the contract and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

4. ORDINANCES

- A) **ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR MID-YEAR REVENUE AND EXPENSES ADJUSTMENTS FOR VARIOUS FUNDS.**

Staff recommends adoption of an ordinance providing for a budget amendment for Mid-Year Revenue and Expenses Adjustments for Various Funds.

Commissioner Omar Quintanilla moved to adopt the ordinance and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

- B) **CONSIDERATION AND POSSIBLE APPROVAL OF UPDATES TO THE MOBILE FOOD VENDOR ORDINANCE.**

Staff recommended adoption of an ordinance providing for updates to the mobile food vendor ordinance.

After due consideration, Omar Quintanilla moved to adopt the ordinance and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 5 votes in the affirmative with and Commissioner Tania Ramirez voting against.

5. MANAGER'S REPORT

A) DISCUSSION OF 2021 PROPOSED TAX RATE TAKE A RECORD VOTE AND SCHEDULE PUBLIC HEARING.

Staff briefly reviewed revenue tax rate and noted that by state law only one public hearing is required. It was also noted that tax rate can be held and adopted after the public hearing scheduled for Monday, September 27, 2021 at 5 pm at City Commission Chambers.

Discussion ensued. Comments and concerns were expressed by Mayor and City Commission. Mrs. Becky Grimes answered questions posed by Council.

After discussion on item 5A a Roll Call was requested:

ROLL CALL VOTE:

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

B) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Report only. No action required.

C) PROJECT STATUS REPORT THROUGH JULY 31, 2021.

Report only. No action required.

D) SUBDIVISION MONTHLY REPORT.

Report only. No action required.

E) IMMIGRATION AND RESPITE CENTER REPORT.

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

F) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Palm Valley Animal Shelter Workshop and Election Process

6. 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.

Said item was addressed under Item 4B.

B) 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.

Mayor Pro Tem Joaquin Zamora moved to remove said item from the table and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

Staff recommended disapproval of the variance request to the ROW dedication requirements at 4701 North McColl Road.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the variance request and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 5 votes in the affirmative with Commissioner Omar Quintanilla in abstention.

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).

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 7A, 7C, 7D and 7F; Section 551.072 Deliberation Regarding Real Property on Item 7E and Section 551.087 Economic Development on Item 7B.

Mayor Pro Tem 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 Omar Quintanilla seconded the motion. The motion carried unanimously.

Mayor Javier Villalobos recessed the meeting at 6:24 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 7:03 pm and noting the following city commission members 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

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF POTENTIAL LITIGATION REGARDING ENFORCEMENT OF ORDINANCES. (SECTION 551.071, T.G.C.)

Commissioner Antonio "Tony" Aguirre, Jr. moved to authorize the City Attorney to take all legal action appropriate including up to filing a lawsuit with respect to the matter described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to extend the terms of the 380 agreement described in executive session for up to 24 months as negotiated by City Attorney and City Manager and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF CONTRACTUAL RELATIONSHIP WITH MEDCARE EMS. (SECTION 551.071, T.G.C.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager to proceed with conversations as described in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously.

D) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF CONTRACTUAL RELATIONSHIP WITH PALM VALLEY ANIMAL SHELTER. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora moved to authorize the City Manager and City Attorney and any other appropriate city staff to negotiate as described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca.

E) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY. (SECTION 551.072, T.G.C.)

Commissioner Victor "Seby" Haddad announced that he had a conflict with item E1 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

E1 – Commissioner Antonio "Tony" Aguirre Jr., moved to authorize the City Attorney to proceed as described in executive session and seconded by Commissioner Omar Quintanilla. The motion passed with 5 votes in the affirmative with Commissioner Victor "Seby" Haddad in abstention.

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

No action.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 7:05 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary

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(SECTION 551.071, T.G.C.)

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action appropriate including up to filing a lawsuit with respect to the matter described in executive
session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried
unanimously.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to extend the terms of the 380 agreement
described in executive session for up to 24 months as negotiated by City Attorney and City
Manager and seconded by Commissioner Victor "Seby" Haddad. The motion carried
unanimously.

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF
CONTRACTUAL RELATIONSHIP WITH MEDICARE EMS (SECTION 551.071,
T.G.C.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager to proceed with
conversations as described in executive session and seconded by Commissioner Antonio "Tony"
Aguirre, Jr. The motion carried unanimously.

D) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF
CONTRACTUAL RELATIONSHIP WITH PALM VALLEY ANIMAL SHELTER
(SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora moved to authorize the City Manager and City Attorney and any
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RELATED TO BORDER IMMIGRATION MATTERS (SECTION 551.071, T.G.C.)

No action.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at
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