

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **November 22, 2021**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., 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.

PROCLAMATION

LARRY DELGADO DAY

Mayor Pro Tem Joaquin Zamora read and presented a proclamation for Larry Delgado 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.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Tania Ramirez. The motion carried unanimously.

- 1. REZONE FROM C-4 (COMMERCIAL INDUSTRIAL) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 5.0 ACRES OUT OF LOT 482, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7031 MILE 7 ROAD.**

Approved the R-1 Zoning at 7031 Mile 7 Road, as per Planning and Zoning Commission.

- 2. REQUEST OF JESSICA AGUILAR FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AND GRILL, AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE N-1 AND N-2.**

Approved a Conditional Use Permit, for one year, for a bar and grill at 400 Nolana Avenue, Suite N-1 and N-2, 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 those businesses having late hours (after 10:00 p.m.) must be at least 400 ft. from the nearest residence, church, school or publicly owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 400 ft. of the residential zones and uses, and a water tower; however, staff has not received any complaints from the residents;
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. 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;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum and make provisions to prevent the use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional on-site 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 children's event center, and bars. 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site. Based on the square footage of the building, 41 parking spaces are required. Parking spaces are provided on site during the applicable hours of operation for this business;
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties by providing, when necessary, fences, hedges or reorientation of entrances and exits under the vegetation ordinance;
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned 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 Planning Director.

3. REQUEST OF RENE SOLANO FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR SERVICE AT OFFICE, AT LOT 2, BLOCK 24, EWING'S ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 813 NORTH MAIN STREET, SUITE 213.

Approved a Conditional Use Permit, for one year, for a bar service at office, at 813 North Main Street, Suite 213, 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 establishment is within 400 feet of single-family residences and a church;
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has direct access to Main Street;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum and make provisions to prevent the use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional on-site parking. Currently there is a multi-tenant commercial building on the property and is comprised of office spaces. 19 parking spaces are provided on the common parking area in the front and rear of the building. For the 19 parking spaces of the common parking area, 1 accessible parking spaces are required and are provided on site. Based on the use of the building, 4 parking spaces are required. Parking spaces are provided on site during the applicable hours of operation for this business;
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties by providing, when necessary, fences, hedges or reorientation of entrances and exits under the vegetation ordinance;
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned 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 Planning Director.

4. REQUEST OF JOE AVERILL JR. FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A GUEST HOUSE, AT LOT 10, BLOCK 14, BROADLAWN TERRACE NO. 3 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1712 IRIS AVENUE.

Approved a Conditional Use Permit, for life of the use, for a guest house at 1712 Iris Avenue, as per Planning and Zoning Commission.

The guest house must meet the requirements set forth in Section 138-118(a)(5) of the Zoning Ordinance and specific requirements as follows:

1. Only one guest house shall be permitted on the property;
2. The proposed use shall comply with setback requirements. The proposed structure's setbacks are in compliance;
3. The proposed use shall be connected to the same utilities as the primary residence;
4. Lot size must be a minimum 8,000 square feet. According to the Hidalgo County Appraisal District, the lot size is 23,102 square feet;
5. Separate driveways or garages for the proposed use shall not be permitted. Applicant is not proposing an independent driveway for the proposed guesthouse;
6. The proposed use shall not be rented;
7. The permit shall be revoked if money is ever paid for rent or utility expenses are shared with the proposed use.

5. REQUEST OF T. LYNN TOMPKINS JR. FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A GRADE-SCHOOL PLAYGROUND, AT LOT 1, S.T.V.T #1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2400 DAFFODIL AVENUE.

Approved a Conditional Use Permit, for life of the use, for a grade-school playground at 2400 Daffodil Avenue, 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 Daffodil Avenue.
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. Based on the number of classrooms and offices, 154 parking spaces are required; and 231 are provided on site, 7 of which are accessible;
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 Fire Marshal and Building Official at the time of permit issuance;
7. Sides adjacent to commercially and residentially zoned or use properties shall be screened by a 6 ft. opaque fence.

6. REQUEST OF MARK DENTON CORBITT FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PLANNED UNIT DEVELOPMENT (PUD) AT THE 10 ACRES OUT OF LOT 3, SECTION 233, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 2401 RUSSELL ROAD.

Approved a Conditional Use Permit, for life of the use, for a Planned Unit Development (PUD) at 2401 Russell Road, as per Planning and Zoning Commission.

Specific requirements for approval are specified in the Ordinance creating a Planned Unit Development for the subject property and summarized as the following:

1. CONCEPTUAL SITE PLAN: Development and use of the property must comply with the conditional use permit conceptual site plan.
2. PERMITTED USES: Permitted uses are uses permitted in the C-3 (commercial general business) District for buildings designated as commercial.
3. OFF-STREET PARKING AND LOADING: Parking in compliance with Chapter 134 Article VI. General office or medical office: Four parking spaces for up to 200 square feet of floor area, plus one parking space for each additional 200 square feet of floor area. Based on the 1,980 sq. ft. of office space 13 parking spaces are required, 13 parking spaces are being provided.
4. LANDSCAPING: A minimum of ten percent of the area of any lot or parcel shall be devoted to landscape material and comply with the intent and purpose of this article and 50 percent of such landscaped area for nonresidential lots shall be visible from the street fronting the developed property. Landscape areas located within the street and alley rights-of-way shall not be credited towards meeting the minimum landscape area requirement. However, right-of-way areas shall be landscaped. Landscape areas associated with drainage detention facilities located on the lot or parcel may be credited towards the landscape area requirement. A minimum of 50 percent of the area within the required front yard of any residential parcel shall be devoted to landscape material. Based on the lot area of 363,261 sq. ft., 36,321 sq. ft. of landscaping is required, 49,448 sq. ft. is being provided. When the required area being landscaped is from 10,001 or greater square feet a minimum of 26 trees for the first 10,000 square feet and one tree for every 800 square feet over 10,000 square feet of landscape area shall be required. Based on the required landscape area of 36,321 sq. ft., 59 trees are required.
5. STREETS AND SETBACKS: Final setbacks and right of way dedication will be addressed through the subdivision process.
6. DRAINAGE: Addressed through subdivision process, final drainage detention and design and drainage plan must be submitted and in accordance with City of McAllen Standard Design Guide.
7. ADDITIONAL PROVISIONS: Conditional Use Permit site plan controls if there is conflict with other City ordinances. A decision by the Planning Director may be reviewed by Planning and Zoning Commission for recommendation to Board of Commissioners for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development has 10.00 acres and is proposing a single use.
8. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. Submitted site plan meets requirements.
9. A recorded subdivision plat and Planned Unit Development site plan is required prior to issuance of building permits. Subdivision process must be completed and recorded together with the site plan.

7. REQUEST OF JORGE A. RICHAUD FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN EVENT CENTER (DRIVE-IN THEATRE) AT 9.08 ACRES OUT OF THE SOUTH 40 FEET OF LOT 71 AND LOT 91 EXCEPT THE SOUTH 50.06 FEET, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 3116 ASH AVENUE.

Approved a Conditional Use Permit, for one year, for an event center (drive-in theatre) at 3116 Ash 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:

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. from the residentially zoned properties to the north; however, no loudspeaker will be used and the customers will listen to the movie inside their cars;
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has access to North 29th Street and US Business 83 via Ash Avenue and does not generate traffic into residential areas; however, the Traffic Department's stacking requirements and the Fire Department's service drive requirements have to be met. If an access agreement is required, it has to be provided prior to building permit issuance;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum and make provisions to prevent the use of adjacent streets for parking. Based on the square footage and use of the existing building, all of the rear parking

- lot spaces are vacant and available for the proposed drive-in theater; however, the parking lot has to maintained free of potholes according to Sec. 138-400 of the Zoning Ordinance;
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
 5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
 6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
 7. The above-mentioned 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 Planning Director.

B) REZONINGS:

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: 0.544 ACRES OUT OF LOT 1, RESUBDIVISION OF LOTS 15 AND 16, BLOCK 2, HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 1500 NORTH BENTSEN ROAD.

Staff recommended disapproval of the R-2 zoning at 1500 North Bentsen Road, as per Planning and Zoning Commission.

Discussion ensued. Comments and concerns were shared by Council. Staff answered questions posed.

After due consideration, Commissioner Omar Quintanilla moved to disapprove the R-2 zoning as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried with 4 votes in the affirmative and Commissioner Victor "Seby" Haddad, Commissioner Tania Ramirez and Commissioner Jose R. "Pepe" Cabeza de Vaca voting nay.

2. INITIAL ZONING TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: THE WEST 10 ACRES OF LOT 452, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7100 MILE 6 ROAD.

Staff recommended approval of the initial zoning to R-1 at 7100 Mile 6 Road.

Commissioner Antonio "Tony" Aguirre Jr., moved to approve the initial zoning and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

3. INITIAL ZONING TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: THE NORTH 5 ACRES OF LOT 209, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 8804 NORTH WARE ROAD.

Staff recommended approval of the initial zoning to R-3T at 8804 North Ware Road.

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

Mayor Pro Tem Joaquin Zamora moved to approve the initial zoning and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

4. REZONING FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 0.97 ACRES OUT OF LOT 11, SECTION 12, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 1009 JAY AVENUE. (TABLED)

Said item remained tabled.

C) CONDITIONAL USE PERMITS:

1. REQUEST OF CAPTAIN ADOLPH AGUIRRE FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A MULTI-PURPOSE WAREHOUSE, AT LOT "H", STROUD-HUNTER SUBDIVISION, HIDALGO COUNTY, TEXAS; 2220 PECAN BOULEVARD.

Staff recommended approval of a Conditional Use Permit, for life of the use, for a multi-purpose warehouse at 2220 Pecan Boulevard, 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. This property is located at the intersection of North 23rd Street and Pecan Boulevard, both principal arterials.
2. The proposed use shall comply with the off- street parking and loading ordinance and make provisions to prevent the use of street parking especially in residential areas. Approximately 194 parking spaces are shown.
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. A cedar fence and landscaped strip are on the north side of the property; however, as there is a firewall and sidewalk along the north property line, a buffer fence may be unnecessary.
4. The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of 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 that set by the Fire Marshal's office.
7. Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence. A cedar fence is proposed on the portion of the property adjacent to the R-3A zone.

Mayor Pro Tem Joaquin Zamora moved to approve the Conditional Use Permit and seconded by Commissioner Tania Ramirez. The motion carried unanimously.

2. REQUEST OF RICARDO VEGA FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A PICTURE VENUE AND EVENT AREA AT LOT 78, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS, 6712 NORTH BENTSEN ROAD. (TABLED)

Mayor Pro Tem Joaquin Zamora. moved to remove said item from the table and seconded by Commissioner Tania Ramirez. The motion carried unanimously.

Staff recommended approval of a Conditional Use Permit, for one year, for a picture venue and event area at 6712 North Bentsen Road, 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 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 establishment is within 400 ft. of a residential area;
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has direct access to North Bentsen Road and does not generate traffic into residential areas;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum and make provisions to prevent the use of adjacent streets for parking. Based on the square footage and use of the picture venue and event area, 1,525 parking spaces are required and 0 are provided with City standards. A 3 ½ acre tract is proposed for the parking area. On-site parking will need to be paved and striped and be clear of potholes to comply with City standards;
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned 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 Planning Director.

Mayor Pro Tem Joaquin Zamora moved to approve a nine-month permit subject to dust mitigation and hours of operation 9 to 7 pm and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

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

Mayor Pro Tem Joaquin Zamora moved to amend the Zoning Ordinance and seconded by Commissioner Omar Quintanilla. The motion carried unanimously.

E) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF THE WEST 10 ACRES OF LOT 452, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 7100 MILE 6 ROAD.

Mayor Javier Villalobos called the public hearing to order.

Staff recommended adoption of an ordinance providing for the annexation at 7100 Mile 6 Road.

Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Tania Ramirez. The motion carried unanimously.

F) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF THE NORTH 5.0 ACRES OF LOT 209, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 8804 NORTH WARE ROAD.

Mayor Javier Villalobos called the public hearing to order.

Staff recommended adoption of an ordinance providing for the annexation at 8804 North Ware Road.

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

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to adopt the ordinance and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried with 5 votes in the affirmative and Commissioner Antonio "Tony" Aguirre Jr. voting in abstention.

G) PUBLIC HEARING FOR A VARIANCE FROM SECTION 6-2 OF THE CITY OF MCALLEN CODE OF ORDINANCES OF THE ALCOHOLIC BEVERAGE CODE, REQUEST OF LUIS A. PEÑA ON BEHALF OF TACOS EL PLEBE, LLC., AT THE SOUTH 40 FT. OF LOT 2 AND THE NORTH 30 FT. OF LOT 3, BLOCK 16, EWING'S ADDITION, HIDALGO COUNTY, TEXAS; 1017 NORTH MAIN STREET.

Mayor Javier Villalobos called the Public Hearing to order.

Staff recommended approval of the variance from Section 6-2 of the City of McAllen Code of Ordinances of the Alcoholic Beverage Code at 1017 North Main Street.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the variance as recommended and seconded by Commissioner Omar Quintanilla. The motion carried with 5 votes in the affirmative and Mayor Pro Tem Joaquin Zamora voting nay.

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 R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda with the exception of Item 2B to be addressed separately and Mayor Pro Tem Joaquin Zamora seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD NOVEMBER 8, 2021.

Approved the minutes of Workshop and Regular Meeting held November 8, 2021, as submitted.

B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR NEW PARKS FACILITY AND METRO TRANSFER STATION.

Discussion ensued. Comments and concerns were shared by the council. Questions were raised relating to area, sampling of property, rain events / trapped water, foundation, geo tech material, budget, change order concerns and responsibility or architect/contractors. Staff answered questions posed.

After due consideration, Commissioner Antonio "Tony" Aguirre, Jr. moved to approve Change Order No. 1 in the amount of \$80,132.00 for the New Parks Facility and Metro Transfer Station and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 AND FINAL FOR 2018 BOND GROUP C DRAINAGE IMPROVEMENTS: PROJECTS C1, C3 & C4.

Approved Change Order No. 2 and Final in the deduct amount of \$28,086.70 for the for 2018 Bond Group C Drainage Improvements: Projects C1, C3 & C4.

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 10 FOR THE BICENTENNIAL BOULEVARD EXTENSION.

Approved Change Order No. 10 in the deduct amount of \$253,004.43 for the Bicentennial Boulevard Extension Project.

E) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MCALLEN AND HIDALGO COUNTY FOR THE 2022 SOUTH TEXAS ALL HAZARDS CONFERENCE.

Approved an Interlocal Agreement between the City of McAllen and Hidalgo County for the 2022 South Texas All Hazards Conference.

F) AWARD OF CONTRACT FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS (SCBA) EQUIPMENT.

Awarded a contract to Municipal Emergency Services Inc. in the amount of \$87,785.00 for the Purchase of Self-Contained Breathing Apparatus (SCBA) Equipment.

G) AWARD OF CONTRACT FOR THE PURCHASE AND DELIVERY OF AN INDUSTRIAL PAPER SHREDDER.

Awarded a contract to Vecoplan LLC in the amount of \$93,650.00 for the Purchase and Delivery of an Industrial Paper Shredder.

H) AWARD OF CONTRACT FOR THE PURCHASE AND PICKUP OF TYPE "D" HOT MIX.

Awarded multiple contracts for the Purchase and Pickup of Type "D" Hot Mix.

I) AWARD OF CONTRACT FOR THE NORTHWEST BLUELINE HIBISCUS TRIBUTARY CHANNEL IMPROVEMENTS PROJECT.

Awarded a contract to IOC Company LLC. in the amount of \$251,971.00 with a contract time of 90-calendar days for the Northwest Blueline Hibiscus Tributary Channel Improvements Project.

J) ORDINANCE PROVIDING FOR AN UPDATE TO THE CODE OF ORDINANCES ELIMINATING LOCAL REGISTRATION FEES FOR MECHANICAL AND ELECTRICAL CONTRACTORS IN ACCORDANCE WITH STATE LAW.

Adopted an ordinance providing for an update to the Code of Ordinances eliminating local registration fees for mechanical and electrical contractors in accordance with state law.

K) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF REFUSE DUMPSTERS AND ROLL-OFFS CONTAINERS.

Awarded a contract to Box Gang Manufacturing, LLC. in the amount of \$101,610.00 for the Purchase of Refuse Dumpsters and Roll-Offs Containers.

2. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) CURRENT YEAR MODEL REAR LOAD NON-CDL REFUSE TRUCK.

Awarded a contract to Santex Truck Centers, LTD. in the amount of \$129,381.00 for the Purchase of One (1) Current Year Model Rear Load Non-CDL Refuse Truck.

3. AWARD OF CONTRACT FOR THE PURCHASE OF SERVERS THROUGH TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR).

Awarded a contract to Freel Data Solutions in the amount of \$178,355.19 for the Purchase of Servers through Texas Department of Information Resources (DIR).

4. AWARD OF CONTRACT FOR THE PURCHASE OF STORAGE ARRAY THROUGH TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR).

Awarded a contract to Insight in the amount of \$202,272.00 for the Purchase of Storage Array through Texas Department of Information Resources (DIR).

5. AWARD OF CONTRACT FOR THE PURCHASE OF SURVEILLANCE CAMERAS.

Awarded a contract to Q-Star Technology in the amount of \$150,000.00 for the Purchase of Surveillance Cameras.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) CURRENT YEAR MODEL ALL-TERRAIN FORK LIFT.

Staff recommended award of contract to Nueces Power Equipment in the amount of \$79,930.05 for the purchase of One (1) Current Year Model All-Terrain Fork Lift.

Mayor Pro Tem Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Tania Ramirez. The motion carried unanimously.

B) AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) NEW CURRENT YEAR MODEL BACKHOES.

Staff recommended award of contract to Doggett Heavy Machinery in the amount of \$194,000.00 for the purchase of Two (2) New Current Year Model Backhoes.

Commissioner Tania Ramirez moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

4. VARIANCE

A) CONSIDERATION OF A VARIANCE REQUEST TO THE ESCROW REQUIREMENTS FOR PAVING AND DRAINAGE IMPROVEMENTS AT THE PROPOSED NEUHAUS ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 4229 NEUHAUS DRIVE.

Staff recommends approval of a variance request to the escrow requirements for paving and drainage improvements at 4229 Neuhaus Drive.

Commissioner Omar Quintanilla moved to approve the variance and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried with 5 votes in the affirmative and Mayor Pro Tem Joaquin Zamora voting nay.

5. MANAGER'S REPORT

A) APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENTS AND APPEALS.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to appoint Ann Talbot as a full board member and nominate Mark Talbot to the board and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

B) SUBDIVISION MONTHLY REPORT.

Report only. No action required.

C) PROJECT STATUS REPORT THROUGH OCTOBER 31, 2021.

Report only. No action required.

D) PARKS & RECREATION STATUS ON PROJECTS.

Report only. No action required.

E) IMMIGRATION AND RESPITE CENTER REPORT.

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

F) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Boeye Reservoir, Public Private Partnership Criteria, WIFI at Public Parks, Renaming of Palm View Community Center, Update on Stimulus Projects, Improvements to Park Adjacent to Roosevelt Elementary

6. 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 6A, 6B, 6C, 6D, 6E and 6G; Section 551.072 Deliberation Regarding Real Property on Item 6E and Section 551.087 Economic Development on Item 6F.

Mayor Javier Villalobos recessed the meeting at 6:12 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:52 pm and noting the following city commission members present: Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Omar Quintanilla, Commissioner Tania Ramirez, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

A) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION: CITY OF MCALLEN V. PLATEROS PRODUCE AND SPICES, LLC; CAUSE NO. C-4560-21-B. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora moved to authorize City Attorney's office to ratify Cause No. C-4560-21-B to recoup monies on behalf of the City's workers compensation plan as discussed in executive session and Commission Omar Quintanilla seconded the motion. The motion carried unanimously.

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

No action.

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

Mayor Pro Tem Joaquin Zamora moved to authorize City Manager and City Attorney's office to work with med care as described in executive session and seconded by Commission Omar Quintanilla. The motion carried unanimously.

- D) **CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO RISK MANAGEMENT CLAIMS REPORT. (SECTION 551.071, T.G.C.)**

No action.

- E) **DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY; TRACT 1 & TRACT 2. (SECTION 551.072, T.G.C.)**

6E1 & 2 - Commissioner Omar Quintanilla moved to authorize the City Manager and City Attorney's office to take those actions appropriate and necessary to sell the two reference properties as discussed in executive session and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

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

6F1 - Mayor Pro Tem Joaquin Zamora moved to authorize City Manager and City Attorney to proceed as discussed in executive session and Commissioner Jose R. "Pepe" Cabeza de Vaca seconded the motion. The motion carried unanimously.

6F2 - Mayor Pro Tem Joaquin Zamora moved to authorize City Manager and City Attorney to proceed as discussed in executive session and Commissioner Jose R. "Pepe" Cabeza de Vaca seconded the motion. The motion carried unanimously.

6F3 - Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager and City Attorney to proceed as discussed in executive session and Mayor Pro Tem Zamora seconded the motion. The motion carried unanimously.

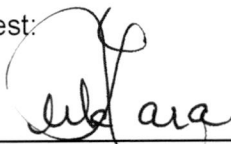
- G) **CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES OF CONTRACTUAL OBLIGATIONS WITH CHAMBER OF COMMERCE. (SECTION 551.71, T.G.C.)**

No action.

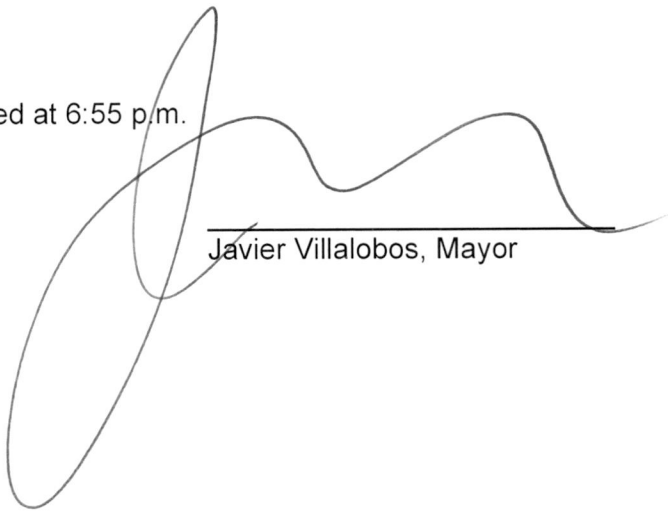
ADJOURNMENT

Without objection the meeting was adjourned at 6:55 p.m.

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary



Javier Villalobos, Mayor