

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **March 14, 2022**, 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 Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad

Absent: Commissioner Omar Quintanilla 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 Eduardo Mendoza, Planning Director Edgar Garcia

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

PROCLAMATION

AMERICAN RED CROSS MONTH

Commissioner Victor "Seby" Haddad read and presented a proclamation for American Red Cross Month.

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

1. PUBLIC HEARING

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.

Mayor Pro Tem Joaquin Zamora moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Antonio "Tony" Aguirre Jr.. The motion carried unanimously by those present.

- 1. REQUEST OF MCALLEN BAPTIST TEMPLE CHURCH FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR A CHURCH, AT THE AMENDED MAP OF LOT "A", BAPTIST TEMPLE SUBDIVISION, HIDALGO COUNTY, TEXAS, 2001 TRENTON ROAD.**

Approved a Conditional Use Permit, for life of the use, for a church at 2001 Trenton Road, 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 fronts Trenton Rd and is approximately 600 ft West of Bicentennial Blvd.
- 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

seating area of 225 seats, 57 parking spaces are required; 585 parking spaces are provided on site including 24 handicap spots and 4 van accessible spots. The parking lot is in good condition and in compliance with 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 main building shall be determined by the Building Inspections Department and shall maintain the existing seating capacity for the main sanctuary.

2. REQUEST OF ELEPHANT BAR & CIGAR LOUNGE FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR AT LOT 2A, VALRAM HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2801 EXPRESSWAY 83, BUILDING 200, SUITES 280 & 290.

Approved a Conditional Use Permit, for one year, for a bar at 2801 Expressway 83, Building 200, Suites 280 & 290, as per Planning and Zoning Commission.

The bar must also comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line 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 bar is within 400 ft. of the adjacent residential zone and use to the south.
- 2) The business must be as close as possible to a major arterial and shall not allow traffic generated by such businesses onto residential streets or allow such traffic to exit into a disrupt residential areas. The bar has access to U.S. Expressway 83 and South 29th Street, and does not generate traffic into residential areas.
- 3) The business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The 2,950 sq. ft. combined retail and lounge area would require a total of 16 parking spaces. The above mentioned business meets zoning ordinance parking requirements;
- 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.

3. REQUEST OF ELIZABETH BUENTELLO FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR AN EVENT CENTER AT LOT 1 UPTOWN PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS; 4500 NORTH 10TH STREET SUITE 90.

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 1A3 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Approved a Conditional Use Permit, for one year, for an event center at 4500 North 10th Street, Suite 90, as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138-118(a)(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 nearest residentially zoned property.

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 10th Street and Violet Avenue 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 building, 15 parking spaces are required which one would have to be accessible to persons with disabilities. Two hundred forty two parking spaces are provided on site, as part of common parking and access point. The parking lot has to be clear of potholes and must be striped.
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.

4. REQUEST OF JORGE G. MARTINEZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR AN EVENT CENTER AT LOT 5A KINGWOOD ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 5245 NORTH 23RD STREET.

Approved a Conditional Use Permit, for one year, for one year at 5245 North 23rd Street, as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138-118(a)(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 nearest residentially zoned property and apartment zoned 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 Zinnia Avenue and 23rd Street 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 building, 22 parking spaces are required one of which should be for persons with disability. The parking lot is common area and should be clear of potholes and striped.
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) CONDITIONAL USE PERMIT:

1. REQUEST OF EL TORO CLUB II FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR, AT 3.66 NET ACRES OUT OF LOT 16, BLOCK 3, C.E HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 2203 SOUTH 23RD STREET.

Staff recommended approval of a Conditional Use Permit, for one year, for a bar at 2203 South 23rd Street, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118a(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 publicly owned properties (Boeye Reservoir and McAllen International Airport);
- 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 South 23rd Street 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 floor area of 3,540 sq. ft., 36 parking spaces are required; 43 parking spaces are provided. Upon the inspection, the parking area provided is in compliance with striping and maintenance requirements.
- 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 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 taking into account the recommendations of the Fire Marshal, Building Official, and Planning Director. The maximum capacity for the establishment is 99 persons.

Mayor Javier Villalobos called the question again. Commissioner Antonio "Tony" Aguirre Jr. moved to approve as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with three votes in the affirmative and Mayor Pro Tem Joaquin Zamora voting against.

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 Antonio "Tony" Aguirre Jr., moved to approve the items listed on the Consent Agenda and Commissioner Victor "Seby" Haddad seconded. The motion carried unanimously by those present.

- A) **APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD FEBRUARY 28th AND SPECIAL MEETING HELD MARCH 4, 2022.**

Approved the minutes of Workshop and Regular Meeting held February 28th and Special Meeting held March 4, 2022, as submitted.

- B) **CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF MCALLEN AND HIDALGO COUNTY FOR RURAL EMERGENCY SERVICES.**

Approved an Interlocal Cooperation Agreement between the City of McAllen and Hidalgo County for Rural Emergency Services.

- C) **CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT WITH MCALLEN I.S.D. DESIGNATING SANCHEZ ELEMENTARY INCLUSIVE PARK AS A CITY/SCHOOL PARK.**

Approved an Interlocal Agreement with McAllen I.S.D. designating Sanchez Elementary Inclusive Park as a City/School Park.

- D) **AWARD OF SERVICE CONTRACT FOR DISASTER DEBRIS REMOVAL.**

Awarded a contract to Ashbritt Inc. for Disaster Debris Removal.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 AND FINAL FOR THE NORTH 8TH STREET AT CAMELLIA AVENUE DRAINAGE IMPROVEMENTS PROJECT.

Approved Change Order No. 2 in the amount of \$28,215.19 for the North 8th Street at Camellia Avenue Drainage Improvements Project.

F) AWARD OF CONTRACT FOR CONVENTION CENTER SOUND SYSTEM.

Awarded a contract to Hermes Music in the amount of \$63,876.16 for the purchase of a sound system at the McAllen Convention Center.

G) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE ANZALDUAS INTERNATIONAL BRIDGE NORTHBOUND AND SOUTHBOUND COMMERCIAL INSPECTION STATIONS.

Adopted an ordinance providing for a Budget Amendment in the amount of \$754,403.00 for the Anzaldua's International Bridge Northbound and Southbound Commercial Inspection Stations.

H) RESOLUTION FOR BICENTENNIAL BOULEVARD AT SH107 SIGNALIZED INTERSECTION WITH TEXAS DEPARTMENT OF TRANSPORTATION.

Approved a resolution for Bicentennial Boulevard at SH107 Signalized Intersection with Texas Department of Transportation.

I) RESOLUTION PERTAINING TO DELINQUENT MUNICIPAL COURT COST FINE AND FEE COLLECTION.

Approved a resolution pertaining to delinquent municipal court cost fine and fee collection.

J) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1. AARONSON LIMITED PARTNERSHIP

Approved a tax refund in the amount of \$867.30.

2. MAURICIO L. & KARLAC. ESQUIVEL

Approved a tax refund in the amount of \$1,216.79.

3. FIDEL & MONETTE SAN MIGUEL

Approved a tax refund in the amount of \$604.36.

4. STAG TX HOLDINGS LP

Approved a tax refund in the amount of \$578.37.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR METRO TRANSFER STATION AND CHANGE ORDER NO. 1 FOR PARKS AND RECREATION ADMINISTRATION.

Staff recommended approval of Change Order No. 2 in the amount of \$63,082.35 for the Metro Transfer Station and approved Change Order No. 1 in the amount of \$80,132.00 for Parks and Recreation Administration Project.

Commissioner Antonio "Tony" Aguirre Jr., moved to approve Change Order Nos. 2 and 1 as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR CITY HALL MECHANICAL UPGRADES.

Staff recommended award of contract to Quantum Mechanical LLC in the amount of \$169,875.00 for the City Hall Mechanical Upgrades.

Commissioner Antonio "Tony" Aguirre Jr., moved to award the contract as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

C) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE SCOPE AND FEES WITH TOP RANKED FIRMS FOR CITY HALL CANOPY UPGRADES.

Staff recommended selection of the top ranked firm and authorization to negotiate scope and fee for the City Hall Canopy Upgrades

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

D) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE SCOPE AND FEES WITH TOP RANKED FIRMS FOR CONSTRUCTION MATERIAL TESTING (CMT) AND GEOTECHNICAL ENGINEERING SERVICES.

Staff recommended selection of the top ranked firms Raba Kistner Consultants, Inc. and Terracon Consultants, Inc. and authorization to negotiate scope and fee for the City Hall Canopy Upgrades

A lengthy discussion ensued. Comments and concerns were shared by Council and staff answered questions.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to approve the top three ranked firms and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

E) CONSIDERATION AND APPROVAL OF A DEVELOPER'S REIMBURSEMENT AGREEMENT FOR THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS BY WORLD OF 4 SUBDIVISION.

Staff recommended approval of a Developer's Reimbursement Agreement for the Construction of Drainage Improvements by World of 4 Subdivision.

Commissioner Antonio "Tony" Aguirre Jr., moved to approve the reimbursement agreement as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

F) AWARD OF CONTRACT FOR DELINQUENT MUNICIPAL COURT COSTS FINE AND FEE COLLECTION SERVICES.

Staff recommended award of contract to Linebarger, Goggan Blair & Sampson LLP for delinquent municipal court costs fine and fee collection services for a period of one (1) year with the option to renew for four (4) additional one (1) year terms.

Commissioner Antonio "Tony" Aguirre Jr., moved to award the contract as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

G) AWARD OF CONTRACT FOR A FLOOR SCRUBBER UNIT AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommended award of contract to Nilfisk, Inc. in the amount of \$50,841.00 for the Floor Scrubber Unit at McAllen International Airport.

Commissioner Antonio "Tony" Aguirre Jr., moved to award the contract as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

4. MANAGER'S REPORT

A) ADVISORY BOARD APPOINTMENTS.

AIRPORT ADVISORY BOARD

Mayor Javier Villalobos nominated Mike Stanton. Mayor Pro Tem Joaquin Zamora reappointed Raul Moreno.

AMBULANCE BOARD

Commissioner Antonio "Tony" Aguirre Jr. reappointed Jeffrey Schmatz and Mayor Pro Tem Joaquin Zamora reappointed Christine Ardis.

BUILDING BOARD OF ADJUSTMENTS AND APPEALS

Mayor Pro Tem Joaquin Zamora reappointed Thomas R. Ferry and Severo Ochoa.

COMMUNITY DEVELOPMENT

Mayor Pro Tem Joaquin Zamora reappointed Vicky de la Garza and Erica Perez.

CONVENTION CENTER

Mayor Pro Tem Joaquin Zamora reappointed Melissa Osio and Commissioner Antonio "Tony" Aguirre Jr. reappointed Hollie Johnston.

DISABILITY BOARD

Commissioner Antonio "Tony" Aguirre Jr. nominated Olivia Gomez.

GOLF COURSE

Mayor Pro Tem Joaquin Zamora reappointed Jorge A. Zamora.

KEEP MCALLEN BEAUTIFUL

Mayor Pro Tem Joaquin Zamora reappointed Chelsea Howell.

SENIOR CITIZENS

Mayor Pro Tem Joaquin Zamora reappointed Hiram Gutierrez.

TRAFFIC COMMISSION

Mayor Pro Tem Joaquin Zamora reappointed Orlando Esquivel.

Mayor Pro Tem Joaquin Zamora moved to accept the nominations and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

B) APPOINTMENTS OF BOARD AND COMMITTEES SERVED BY ELECTED OFFICIALS.

DEVELOPMENT CORPORATION

Commissioner Victor "Seby" Haddad nominated Commissioner Antonio "Tony" Aguirre to the Development Corporation and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

C) IMMIGRATION AND RESPITE CENTER REPORT.

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

D) FUTURE AGENDA ITEMS.

Items of upcoming workshops: None discussed.

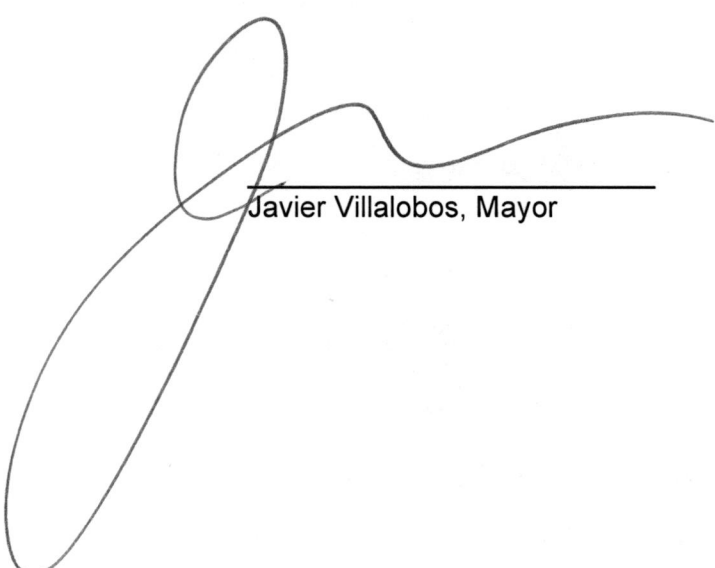
ADJOURNMENT

Without objection the meeting was adjourned at 5:36 p.m.

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary



Javier Villalobos, Mayor