STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, March 28, 2022**, at 4:45 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Javier Villalobos, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Mayor Pro Tem Joaquin Zamora

MPUB: Mark Vega, General Manager, Chairman Charles Amos, Vice-Chairman Ernest Williams

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, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

PROCLAMATIONS

MAYOR'S MONARCH PLEDGE

Mayor Javier Villalobos read and presented a proclamation for the Mayor's Monarch Pledge.

GREAT AMERICAN CLEANUP

Commissioner Jose R. "Pepe" Cabeza de Vaca read and presented a proclamation for the Great American Cleanup.

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

1. JOINT MEETING WITH THE MCALLEN PUBLIC UTILITY BOARD

Mayor Javier Villalobos called the meeting to order.

Chairman Charles Amos called the McAllen Public Utility meeting to order.

A) CONSIDERATION AND APPROVAL OF THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FISCAL YEAR 2020-2021.

Staff recommended acceptance and approval of the Annual Comprehensive Financial Report for Fiscal Year 2020-2021 as submitted and recommended by the Audit Committee.

Commissioner Omar Quintanilla moved to accept the report as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

Vice Chairman Ernest Williams moved to accept the report as recommended on behalf of the Public Utility Board and seconded by Chairman Charles Amos. The motion carried unanimously by those present.

END OF JOINT MEETING

Vice Chairman Ernest Williams moved to adjourn the McAllen Public Utility Board Meeting at 5:09 pm. Chairman Charles Amos seconded the motion. The motion carried unanimously by those present.

2. PUBLIC HEARING

Mayor Javier Villalobos called the Public Hearing to order.

A) **ROUTINE ITEMS: (ALL REZONINGS AND CONDITIONAL USE PERMITS LISTED UNDER THIS SECTION COME WITH A FAVORABLE RECOMMENDATION FROM THE PLANNING & ZONING COMMISSION AND WILL BE ENACTED BY ONE MOTION. HOWEVER, IF THERE IS OPPOSITION AT THE MEETING OR A DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE ROUTINE ITEMS SECTION OF THE AGENDA AND WILL BE CONSIDERED SEPARATELY.)**

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. No one spoke in opposition.

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 Victor "Seby" Haddad. The motion carried unanimously by those present.

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: LOTS 16 AND 17, BLOCK 2, CATHAY COURTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 200 SOUTH CYNTHIA STREET.

Approved the R-2 Zoning at 200 South Cynthia Street, as per Planning and Zoning Commission.

2. REZONE FROM C-3L (LIGHT COMMERCIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 2.822 ACRES OUT OF LOT 4, BLOCK 3, STEELE AND PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 301 EAST TRENTON ROAD.

Approved the C-3 Zoning at 301 East Trenton, as per Planning and Zoning Commission.

3. REQUEST OF JAVIER QUINTANILLA, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR A 2ND AMENDED PLANNED UNIT DEVELOPMENT AT QUINTA REAL SUBDIVISION, HIDALGO COUNTY, TEXAS, 1820 NORTH TAYLOR ROAD.

Approved a Conditional Use Permit, for life of the use, and adoption of an ordinance, for a 2nd Amended Planned Unit at 1820 North Taylor Road, as per Planning and Zoning Commission.

The request must comply with requirements set forth in the Zoning and Subdivision ordinance. Specific modifications required for approval are the following:

Request to allow the change the driveway location for Lots 2, 3, 7-9, 13-15, 19-21 and 25-27.

If subdivision layout changes, conditional use permit will need to be amended to resemble the approved Subdivision Plat.

4. REQUEST OF CIGAR BAR, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR AT LOT 1, NOLANA WEST SUBDIVISION, HIDALGO COUNTY, TEXAS; 2200 NOLANA AVENUE, SUITES 2212 & 2214.

Approved a Conditional Use Permit, for one year, and adoption of an ordinance for a bar at 2200 Nolana Avenue, Suites 2212 & 2214, as per Planning and Zoning Commission.

The establishment must 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 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 residence and residentially zoned property to the southeast, a church across the street on the south side of Nolana Avenue, and publicly owned property (McAllen's Public Library) to the west.
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 access from North 23rd Street and Nolana Avenue.

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. The proposed 4,650 sq. ft. bar would require 47 parking spaces; there are 305 parking spaces provided on site. In a site visit conducted by staff, staff noticed that the parking lot was repaved, restriped and re-configured.
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 SURFING CRAB RESTAURANT FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A PORTABLE BUILDING GREATER THAN 10' X 12', AT LOT 2, NOLANA CENTRE SUBDIVISION PHASE II, HIDALGO COUNTY, TEXAS; 421 EAST NOLANA AVENUE.

Staff recommended approval of a Conditional Use Permit, and adoption of an ordinance, for 10 years for a portable building greater than 10'x12' at 421 East Nolana Avenue, as per Planning and Zoning Commission.

The portable building must also meet the requirements set forth in Section 138-118(3) of the Zoning Ordinance as follows:

1) Portable buildings must not be used for living quarters. The portable building will be used as a storage building only.
2) Must be located in such a manner as to have access to a public right-of-way within 200 ft. The property has access to East Nolana Avenue.
3) The proposed use and adjacent businesses shall comply with the off-street parking and loading ordinance. Based on the Appraisal District records the property has 6,326 sq. ft. of restaurant use which requires 64 parking spaces. The submitted site plan shows that 97 parking spaces are available. The parking lot has to be paved and striped according to Section 138-400 of the Zoning Ordinance.
4) Must provide garbage and trash collection and disposal.
5) No form of pollution shall emanate beyond the immediate property line of the permitted use; and
6) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the Conditional Use Permit as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

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

Commissioner Omar Quintanilla moved to amend the Zoning Ordinance and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

END OF PUBLIC HEARING

Mayor Javier Villalobos declared the Public Hearing closed.

3. 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 3H2 and 3H3 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF SPECIAL MEETING HELD FEBRUARY 24TH, WORKSHOP AND REGULAR MEETING HELD MARCH 28, 2022.

Approved the Minutes of Special Meeting held February 24th, Workshop and Regular Meeting held March 28, 2022.

B) DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY OF MCALLEN EMPLOYEE ASSISTANCE PLAN.

Approved the City of McAllen Employee Assistance Plan.

C) DISCUSSION AND POSSIBLE ACTION REGARDING EXTENSION OF CONTRACT FOR CITY OF MCALLEN EMPLOYEE VOLUNTARY ANCILLARY PLANS AND SECTION 125 ADMINISTRATION.

Approved an extension of Contract for City of McAllen Employee Voluntary Ancillary Plans and Section 125 Administration.

D) CONSIDERATION AND APPROVAL OF LEASE AGREEMENT WITH GENERAL SERVICES ADMINISTRATION FOR THE FEDERAL INSPECTION STATIONS AT MCALLEN INTERNATIONAL AIRPORT.

Approved a Lease Agreement with General Services Administration for the Federal Inspection Stations at McAllen International Airport.

E) CONSIDERATION AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH UNITED WAY FOR TRANSPORTATION VOUCHER PROGRAM.

Approved a Memorandum of Understanding with United Way for Transportation Voucher Program.

F) CONSIDERATION AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR RGV METRO EXPRESS.

Approved a Memorandum of Understanding with the Lower Rio Grande Valley Development Council for RGV Metro Express.

G) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF REPLACEMENT PCS THROUGH TEXAS DEPARTMENT OF INFORMATION RESOURCES.

Awarded a contract to Dell under the State of Texas DIR Program in the amount of $77,966.10 for the purchase of Replacement PCs.

H) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1. MARY JANE GARCIA

Approved a tax refund in the amount of $1,171.43.

2. MEN'S WAREHOUSE

Approved tax refunds in the amounts of $501.95 and $203.65.

3. ACCUMATCH

Approved a tax refund in the amount of $5,590.28.

4. AURIEL INVESTMENT LLC

Approved tax refunds in the amounts of $229.60 and $1,829.50.

5. DOMAIN DEVELOPMENT CORP.

Approved a tax refund in the amount of $4,576.31.

6. EDWARDS ABSTRACT & TITLE CO.

Approved a tax refund in the amount of $1,674.11.

7. ENCORE TITLE LLC

Approved a tax refund in the amount of $556.77.

8. EXTENET SYSTEMS INC.

Approved a tax refund in the amount of $884.04.

9.FALCON INT'L BANK

Approved a tax refund in the amount of $1,348.02.

10. LAZARO H. FERNANDEZ, JR.

Approved a tax refund in the amount of $1,062.14.

11. KIMBO REALTY

Approved tax refunds in the amounts of $138.90, $1,479.68 and $2,242.11.

12. PARADISE PARK INC.

Approved tax refunds in the amount of $1,842.45 and $20.15.

13. RYAN TAX COMPLIANCE SERVICES

Approved a tax refund in the amount of $2,451.10.

4. BIDS/CONTRACTS

A) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE SCOPE AND FEES WITH TOP RANKED FIRMS FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE EL RANCHO DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended approval to negotiate scope of services and related fees with the top two ranked firms: Civil Systems Engineering, Inc. and Halff Associates, Inc. If negotiations are unsuccessful, staff also recommended requesting City Manager's approval to cease negotiations and initiate negotiations with the next ranked firm.

Commissioner Antonio "Tony" Aguirre, Jr. moved to authorize negotiations as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

B) CONSIDERATION AND APPROVAL OF ACCEPTANCE AGREEMENT WITH NORTH AMERICAN DEVELOPMENT BANK (NADB).

Staff recommended approval of an agreement which will allow financing the Anzaldua's Bridge Full Cargo Expansion Project.

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

C) AWARD OF SERVICE CONTRACT FOR MONITORING AND MAINTENANCE OF CITY WIDE WIFI NETWORK.

Staff recommended award of contract to JSJ Rodriguez Inc. DBA Telepro Communications in the amount of $159,960.00 for the Monitoring and Maintenance of City Wide Wi-Fi Network.

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

D) AWARD OF CONTRACT FOR THE PURCHASE OF AN SCBA COMPRESSOR / CASCADE SYSTEM.

Staff recommended award of contract to HEAT Safety Equipment LLC in the amount of $68,637.00 for the purchase of One (1) Self-Contained Breathing Apparatus Compressor and Cascade System.

Commissioner Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

5. VARIANCE

A) CONSIDERATION OF A VARIANCE REQUEST TO THE RIGHT OF WAY DEDICATION REQUIREMENTS FOR NORTH BRYAN ROAD AT THE PROPOSED OAK VALLEY SUBDIVISION, HIDALGO COUNTY, TEXAS; 9600 NORTH BRYAN ROAD.

Staff recommended approval of a variance request to the Right of Way dedication requirements at 9600 North Bryan Road.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the variance as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

6. MANAGER'S REPORT

A) PROJECT STATUS REPORT THROUGH FEBRUARY 28, 2022.

Report only. No action required.

B) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Report only. No action required.

C) SUBDIVISION MONTHLY REPORT.

Report only. No action required.

D) IMMIGRATION AND RESPITE CENTER REPORT.

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

E) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: No items discussed.

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). 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 7B and 7C and Section 551.087 Economic Development on Item 7A.

Mayor Javier Villalobos recessed the meeting at 5:41 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:20 pm and noting the following city commission members present: Mayor Javier Villalobos, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca.

Absent: Mayor Pro Tem Joaquin Zamora

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

Commissioner Omar Quintanilla moved to authorize City Manager and City Attorney to negotiate the economic development incentives described in executive session and seconded by Commissioner Victor "Seby" Haddad. Motion carried unanimously by those present.

B) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION CL-20-2529-I; OSCAR ESTRADA V. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to defend the lawsuit described with the authority requested in executive session. Commissioner Victor "Seby" Haddad seconded the motion. Motion carried unanimously by those present.

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF FUNDING OUTSIDE AGENCIES. (SECTION 551.071, T.G.C.)

No action.

ADJOURNMENT

Without objection the meeting was adjourned at 6:21 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary