

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, April 25, 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 Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Antonio "Tony" Aguirre, Jr.

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.

PRESENTATION

EXEMPLARY 5 STARS AWARD TO MCALLEN VITAL STATISTICS

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

1. PUBLIC HEARING

Mayor Javier Villalobos called the Public Hearing to order.

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

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items 2 and 3 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-3T (MULTIFAMILY TOWNHOUSES) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 0.93 ACRES OUT OF WHITEWING ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 2624 NORTH 24th STREET.

Discussion ensued. Comments and concerns were shared by Council. Questions were asked relating to zoning, parking and impact, traffic, streets and exclusivity. Staff answered questions posed by Council.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve C-3 Zoning at 2624 North 24th Street as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 4 votes in the affirmative and Mayor Pro Tem Joaquin Zamora and Commissioner Omar Quintanilla voting against.

2. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 0.33 ACRES OUT OF LOT 1, T-REY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3612 STATE HIGHWAY 107.

Approved the C-3 Zoning at 3612 State Highway 107, as per Planning and Zoning Commission.

3. REQUEST OF 70'S SMOKE SHOP, LLC FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A VAPORIZER STORE (SMOKE SHOP) AT LOT 18, LAZY-A-RANCH ADDITION, HIDALGO COUNTY, TEXAS; 1301 NORTH 23rd STREET, SUITE 1.

Approved a Conditional Use Permit, for one year, and adoption of an ordinance at 1301 North 23rd Street, Suite 1, 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 business 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 feet of a residential zone.
- 2) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The subject property has frontage along north 23rd street.
- 3) The abovementioned business 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. The proposed 450 square feet vape, and smoke shop requires 2 parking spaces; there are 17 total parking spaces provided as part of a common parking area, in compliance with parking requirements.
- 4) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.
- 5) The abovementioned business 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 business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
- 7) The abovementioned 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 director of planning. The occupancy load for this establishment will be established by the building and inspections department as part of the building permit review process.

B) REZONINGS:

1. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: LOT 2, BANN SUBDIVISION, HIDALGO COUNTY, TEXAS; 2401 QUINCE AVENUE.

Staff recommended approval of the R-3A zoning at 2401 Quince Avenue, as per Planning and Zoning Commission.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 5 votes in the affirmative and Mayor Pro Tem Joaquin Zamora voting against.

2. REZONE FROM R-2 (DUPLEX-FOURPLEX) DISTRICT TO R-3A (MULTIFAMILY APARTMENTS) DISTRICT: 0.441 ACRES OUT OF LOTS 7 & 7A, BLOCK 18, ALTAMIRA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2512 BEAUMONT AVENUE.

Staff recommended disapproval of the R-3A zoning at 2512 Beaumont Avenue, as per Planning and Zoning Commission.

Comments and concerns were shared by Council. Questions were asked relating to zoning, density, rational from Planning & Zoning, not in conformance, number of apartments, duplexes / single family and current residences. Staff answered questions posed by Council.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to table item 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.

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

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 and Mayor Pro Tem Joaquin Zamora seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD APRIL 11, 2022.

Approved the minutes of Workshop and Regular Meeting held April 11, 2022, as submitted.

B) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR INVOLUNTARY DEMOLITIONS AND PROJECT IMAGINE TOMORROW.

Adopted an ordinance providing for a budget amendment in the amount of \$150,000.00 for Involuntary Demolitions.

C) ORDINANCE PROVIDING A BUDGET AMENDMENT TO FUND THE AUBURN/TRENTON INTERSECTION IMPROVEMENTS.

Adopted an ordinance providing for a budget amendment in the amount of \$51,084.00 for the Auburn/Trenton Intersection Improvements.

D) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF A PLAYGROUND AT MUNICIPAL PARK.

Awarded a contract to Park Place in the amount of \$129,051.20 for the purchase and installation of a playground at Municipal Park.

E) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.00.

1. CHURCH'S CHICKEN #2027

Approved a tax refund in the amount of \$3,618.59.

2. LEONARD STEVEN CIANCOTTO

Approved a tax refund in the amount of \$1,304.79.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACTS FOR THE PURCHASE OF THIRTY (30) NEW CURRENT MODEL VEHICLES.

Staff recommended award of Purchase Contract(s) to Lake Country Chevrolet for Items 3B-3F; Silsbee Ford for Items 2A-2B; Randall Reeds Prestige Ford for Item 1 for the purchase of Thirty (30) New Current Model Vehicles.

Commissioner Victor "Seby" Haddad moved to approve the contracts as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR THE N. MAIN STREET AT CEDAR AVENUE DRAINAGE IMPROVEMENT PROJECT (CDBG FUNDED).

Staff recommended awarded a contract to Artillery LLC in the amount of \$251,813.00 for the North Main Street at Cedar Avenue Drainage Improvement Project (CDBG Funded).

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

C) AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR ANZALDUAS CARGO DESIGN PROJECT.

Staff recommended award of contract to Grupo Rio San Juan, S.A. de C.V. in the amount of \$149,820.07 for the Professional Services for Anzaldua's Cargo Design Project.

Mayor Pro Tem Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

D) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE SCOPE AND FEE WITH TOP RANKED FIRMS FOR ANIMAL SHELTER FEASIBILITY STUDY.

Staff recommended authorization to negotiate with selected firm, Shelter Planners of America.

Mayor Pro Tem Joaquin Zamora moved to authorize negotiations as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

E) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE SCOPE AND FEE WITH THE TOP TWO (2) RANKED FIRMS FOR KAPPLER AND MORRIS PARK.

Staff recommended selection of the top two (2) ranked firms and seek authorization to negotiate scope and fee for these services. Additionally, if negotiations are not successful with recommended firms, staff recommended that with City Manager approval, negotiations cease reissue Request for Qualifications.

Mayor Pro Tem Joaquin Zamora moved to authorize negotiations as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

4. ORDINANCE

A) ORDINANCE PROVIDING A BUDGET AMENDMENT TO FUND THE PROFESSIONAL SERVICES FOR ANZALDUAS CARGO DESIGN PROJECT.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$150,000.00 for Professional Services for Anzaldua's Cargo Design Project.

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

5. VARIANCES

A) CONSIDERATION OF A VARIANCE REQUEST TO THE RIGHT-OF-WAY DEDICATION REQUIREMENTS FOR NORTH 56TH STREET AT THE PROPOSED PIONEER ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 9400 NORTH SHARY ROAD.

Staff recommended approval of a variance request to the Right-of-Way at 9400 North Shary Road.

Commissioner Victor "Seby" Haddad moved to approve the variance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

B) CONSIDERATION OF A VARIANCE REQUEST TO THE RIGHT-OF-WAY DEDICATION REQUIREMENTS FOR NORTH 56th STREET AT THE PROPOSED THE HILLS AT SHARYLAND SUBDIVISION, HIDALGO COUNTY, TEXAS; 9200 NORTH SHARY ROAD.

Staff recommended approval of a variance request to the Right-of-Way at 9200 North Shary Road.

Mayor Pro Tem Joaquin Zamora moved to approve the variance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

6. MANAGER'S REPORT

A) RATIFICATION OF BOARDS AND COMMITTEES.

Staff recommended a ratification to the IMAS Board to make a modification from Commissioner Rodolfo "Rudy" Castillo to Commissioner Victor "Seby" Haddad.

Commissioner Omar Quintanilla moved to appoint Commissioner Victor "Seby" Haddad to the IMAS board and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

B) SUBDIVISION REPORT.

Report only. No action required.

C) PROJECT STATUS REPORT THROUGH MARCH 31, 2022.

Report only. No action required.

D) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Report only. No action required.

E) IMMIGRATION AND RESPITE CENTER REPORT.

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

F) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Public Arts

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 7C and 7D; Section 551.074 Personnel Matters on Item 7B; and Section 551.087 Economic Development on Item 7A.

Mayor Javier Villalobos recessed the meeting at 5:35 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 5:52 pm and noting the following city commission members present: Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca. Absent: Commissioner Antonio "Tony" Aguirre, Jr.,

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

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 7A-1 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

7A-1 – Mayor Pro Tem Joaquin Zamora moved to authorize City Manager and City Attorney to offer and negotiate economic development incentives as described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with 5 votes in the affirmative and Commissioner Victor "Seby" Haddad in abstention.

7A-2 – Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager and City Attorney to negotiate economic development incentives as described in executive session and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

B) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY; TRACT 1, TRACT 2, TRACT 3, TRACT 4 & TRACT 5. (SECTION 551.074, T.G.C.)

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 7B-1 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

7B-1 – Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager and City Attorney to negotiate the sale of property along the terms described in executive session and seconded by Mayor Pro Tem Joaquin Zamora. The motion passed with 5 votes in the affirmative and Commissioner Victor "Seby" Haddad in abstention.

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

No action.

D) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF CONTRACTUAL AGREEMENT. (SECTION 551.071, T.G.C.)

No action.

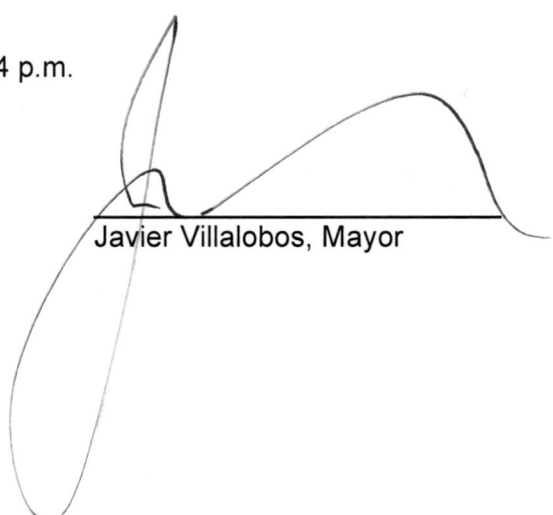
ADJOURNMENT

Without objection the meeting was adjourned at 5:54 p.m.

Attest:



Perla Lara, TRMC/SMC, CPM
City Secretary



Javier Villalobos, Mayor