STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, May 9, 2022, at 5:00 PM**, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Pro Tem Joaquin Zamora, 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 Javier Villalobos

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 Pro Tem Joaquin Zamora called the meeting to order.

PROCLAMATIONS

PEACE OFFICERS MEMORIAL WEEK

Commissioner Rodolfo "Rudy" Castillo read and presented a proclamation for Peace Officers Memorial Week.

HISTORIC PRESERVATION MONTH

Commissioner Jose R. "Pepe" Cabeza de Vaca read and presented a proclamation for Historic Preservation Month.

OLDER TEXANS' MONTH

Commissioner Antonio "Tony" Aguirre read and presented a proclamation for Older Texans 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 Pro Tem Joaquin Zamora called the Public Hearing to order.

A) REZONING:

1. 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. (TABLED)

Said item remained tabled.

B) CONDITIONAL USE PERMIT:

1. REQUEST OF ARTURO ORTEGA, ON BEHALF OF 3BU FAMILY LIMITED PARTNERSHIP, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN EVENT CENTER AT LOT 1, NOLANA HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS, 601 EAST NOLANA AVENUE.

Mayor Pro Tem Joaquin Zamora asked if anyone was in opposition of the request. No one spoke in opposition of the request.

Staff recommended approval of a Conditional Use Permit, for one year, for an event center at 601 East Nolana 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 nearest residentially zoned property and a church (First United Methodist).
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 East Nolana Avenue and North McColl 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 building, 173 parking spaces are required and 203 spaces are provided. 98 spaces are provided on lot and 105 parking spaces are provided as shared parking with Lot 3, which has common access easements to the north and west. The Parking lot has to be free of potholes and clearly 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.

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

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

No action required.

END OF PUBLIC HEARING

Mayor Pro Tem Joaquin Zamora 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 Commissioner Victor "Seby" Haddad seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES FOR WORKSHOP AND REGULAR MEETING HELD APRIL 25, 2022.

Approved the minutes of Workshop and Regular Meeting held April 25, 2022, as submitted.

B) CONSIDERATION AND AUTHORIZATION TO REMOVE 4th QUARTER OF FISCAL YEAR 2020-21 UNCOLLECTIBLE SANITATION & DRAINAGE ACCOUNTS FROM THE GENERAL LEDGER AND BEGIN WRITE-OFF PROCEDURES.

Approved authorization to remove 4th Quarter of Fiscal Year 2020-2021 Uncollectible Sanitation and Drainage Accounts from General Ledger and begin Write -Off procedures.

C) CONSIDERATION AND APPROVAL OF AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MCALLEN AND THE COUNTY OF HIDALGO FOR THE MILE 17-1/2 (RUSSELL ROAD) ROADWAY WIDENING.

Approved an amendment to the Interlocal Agreement between the City of McAllen and the County of Hidalgo for the Mile 17-1/2 (Russell Road) Roadway Widening.

D) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS (OJP), BUREAU OF JUSTICE ASSISTANCE (BJA) FOR FUNDING UNDER THE FISCAL YEAR 2022 BYRNE DISCRETIONARY COMMUNITY PROJECT FUNDING.

Approved a resolution authorizing the submission of a grant application to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) for funding under the Fiscal Year 2022 Byrne Discretionary Community Project Funding.

E) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) FOR FUNDING UNDER THE FISCAL YEAR 2022 COPS HIRING PROGRAM.

Approved a resolution authorizing the submission of a grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for funding under the Fiscal Year 2022 COPS Hiring Program.

F) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR FUNDING UNDER THE FISCAL YEAR 2022 OPERATION SLOWDOWN GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the Texas Department of Transportation (TxDOT) for funding under the Fiscal Year 2022 Operation Slowdown Grant Program.

G) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO PETSAFE® FOR FUNDING UNDER THE BARK FOR YOUR PARK GRANT CONTEST.

Approved a resolution authorizing the submission of a grant application to PetSafe® for funding under the Bark for Your Park grant contest.

H) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF A FILTRATION SYSTEM AT MUNICIPAL POOL.

Awarded a contract in the amount of $81,963.44 to Leslie's Swimming Pool Supplies for the Purchase and Installation of a Filtration System at Municipal Pool.

2. AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF LIGHTING MATERIALS AT SPRINGFEST PARK.

Awarded a contract in the amount of $500,000.00 to Musco Sports Lighting, LLC for the Purchase and Installation of Lighting Materials at Springfest Park.

I) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1. ENGLISH COLOR AND SUPPLY LLC

Approved a tax refund in the amount of $1,837.42.

2. TINO ORTIZ

Approved a tax refund in the amount of $758.75.

3. **BIDS/CONTRACTS**

A) AWARD OF CONTRACT FOR MARKETING CO-OP AND CREATIVE CONSULTING SERVICES.

Staff recommended award of contract to Reagal Studios dba Pollux Castor for the Marketing Co-Op and Creative Consulting Services.

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

B) AWARD OF CONTRACT FOR DAFFODIL AVENUE ROADWAY WIDENING (FROM TAYLOR ROAD TO WARE ROAD).

Staff recommended award of contract to Go Underground, LLC in the amount of $5,535,400.32 for the Daffodil Avenue Roadway Widening (from Taylor Road to Ware Road).

Comments and concerns were expressed. Questions were asked related to contractor and projects, budget, type of cement, alternate and grand total and Daffodil project. Staff answered questions posed by Council.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to award the contract as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

C) AWARD OF CONTRACT FOR THE FM1926 (23rd STREET) INTERSECTION IMPROVEMENTS AT KENDLEWOOD, HACKBERRY AND EBONY AVENUES.

Staff recommended award of contract to Texas Cordia Construction LLC in the amount of $829,011.85 with a contract time not to exceed 200 calendar days for the FM 1926 (23rd Street) Intersection Improvements at Kendlewood, Hackberry and Ebony Avenues.

Comments and concerns were expressed. Questions were asked related to projects, TXDOT, number of days, low bidder and price and bid advertisement. Staff answered questions posed by Council.

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

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR MCALLEN YOUTH BASEBALL COMPLEX PARKING LOT IMPROVEMENTS.

Staff recommended approval of Change Order No. 1 in the amount of $7,840.00 and three (3) calendar days of time for the McAllen Youth Baseball Complex Parking Lot Improvements.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 1 as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

E) CONSIDERATION AND APPROVAL TO REJECT BIDS FOR THE ANZALDUAS BRIDGE INFRASTRUCTURE IMPROVEMENTS PROJECT.

Staff recommended rejections of bids and re-advertise the Anzaldua's Bridge Infrastructure Improvements Project.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to reject the bids and re-advertise as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

F) CONSIDERATION AND SELECTION OF TOP RANKED FIRMS OF VARIOUS TRANSPORTATION PROJECTS AND AUTHORIZATION TO NEGOTIATE THE SCOPE OF SERVICES AND FEE SCHEDULES.

Staff recommended selection of the top 3-ranked firms and authorization to negotiate scope and fee for these services. Additionally, if negotiations are not successful with the recommended firm, staff recommended that with the City Manager's approval, negotiations cease and commence with the next ranked firm on the list.

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

4. ORDINANCE

A) PROVIDING FOR A BUDGET AMENDMENT FOR INTERSECTION IMPROVEMENTS AT 23RD AND EBONY 23rd AND HACKBERRY AND 23rd AND KENDLEWOOD.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of $325,520.00 for the Intersection Improvements at 23rd and Ebony, 23rd and Hackberry and 23rd and Kendlewood.

Commissioner Omar Quintanilla moved to adopt the ordinance 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 ESCROW REQUIREMENTS FOR THE PAVING AND DRAINAGE IMPROVEMENTS NEEDED FOR N. TROSPER ROAD AND N. 104TH STREET AT THE PROPOSED MENDOZA ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 11128 N. TROSPER ROAD.

Staff recommended disapproval of a variance request to the escrow requirements for the paving and drainage improvements at 11128 North Trosper Road.

Mr. Luis Mendoza spoke in favor of the request.

Discussion ensued. Comments and concerns were expressed. Contractual agreement, ETJ, basis of recommendation and ROW.

Commissioner Victor "Seby" Haddad moved to approve option 3 which does not require a contractual agreement and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

6. MANAGER'S REPORT

A) IMMIGRATION AND RESPITE CENTER REPORT.

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

B) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: No future agenda items

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).

A) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OR REAL PROPERTY; TRACT 1 & TRACT 2. (SECTION 551.074, T.G.C.)

7A1 – Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize city manager and city attorney and director of MEDC to negotiate and execute all documents necessary for the purchase of real property as discussed in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

7A2 - Commissioner Jose R. "Pepe" Cabeza de Vaca authorize city manager and city attorney to negotiate the purchase of the real property on the terms as discussed in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

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

7B1 - Commissioner Jose R. "Pepe" Cabeza de Vaca move to authorize city manager to prepare and present to city commission economic development incentives for the project described in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

7B2 - Commissioner Jose R. "Pepe" Cabeza de Vaca move to authorize the economic incentives described in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 6:00 p.m.

Joaquin Zamora, Mayor Pro Tem

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary