

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, May 23, 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 Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, 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 Eduardo Mendoza, Planning Director Edgar Garcia, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

PROCLAMATION

SHARYLAND ISD CENTENNIAL CELEBRATION

Commissioner Omar Quintanilla read and presented a proclamation for Sharyland ISD Centennial Celebration.

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 of the request.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Routine Items section of the agenda with the exception of item 1.A.1 to be addressed separately and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

- 1. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO C-3L (LIGHT COMMERCIAL) DISTRICT: LOT 1, RAMALI SUBDIVISION PHASE III, HIDALGO COUNTY, TEXAS; 2020 NORTH MCCOLL ROAD.**

Staff recommended approval of the C-3L Zoning at 2020 North McColl Road, as per Planning and Zoning Commission.

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

- 2. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT: LOT 4-A, NORTH BRYAN ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 8401 STATE HIGHWAY 107.**

Approved the R-1 Zoning at 8401 State Highway 107, as per Planning and Zoning Commission.

3. REQUEST OF ROBERT ESPERICUETA ON BEHALF OF THE HOUSE CLUB, LLC FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR (SOCIAL CLUB) AT LOT "1-A", LOT "1-A" & LOT "1-B", THE COURTYARD, AMENDED SUBDIVISION, HIDALGO COUNTY, TEXAS, 5401 NORTH 10TH STREET, SUITE 203.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 5401 North 10th Street, Suite 203 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 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 property is within 400 ft. of residential uses.
- 2) The abovementioned businesses must be as close as possible to a major arterial and shall not allow the traffic generated by such businesses onto residential streets or allow such traffic to exit into and disrupt residential areas. The subject property has frontage along North 10th Street, a principal arterial.
- 3) The abovementioned businesses 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. Based on the square footage of approximately 2,000 sq. ft. that is being utilized, 20 parking spaces are required. There are a total of 200 common parking spaces in Courtyard Plaza. Parking spaces must comply with Section 138-400 of the Ordinance and must be clearly striped and pavement surface shall be maintained free of litter, debris, loose gravel, cracks and potholes.
- 4) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.
- 5) The abovementioned businesses 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 of as much as possible of the site from a public street.
- 6) The abovementioned businesses 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. This number cannot exceed the number provided for in existing city ordinances.

4. REQUEST OF MARIA D. ACUNA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR AN OUTDOOR COMMERCIAL RECREATION (SOCCER FIELDS) AT 1.405 ACRE TRACT (DEED) OUT OF LOT 151, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 501 SOUTH BENTSEN ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an outdoor commercial recreation (soccer fields) at 501 South Bentsen Road, as per Planning and Zoning Commission.

The establishment must comply with the Zoning Ordinance and requirements in the application as follows:

- 1) No form of pollution shall emanate beyond the immediate property line of the permitted use. This includes lighting, littering and noise which may include sound systems or PA speakers.
- 2) 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;
- 3) The proposed use shall not be located within 300 ft. of residential uses. This property is located within 300 feet of a residentially zoned area to the south, west and east;

- 4) Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence. A 6 ft. opaque fence is provided in all directions of the fields;
- 5) 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. 30 parking spaces for the main soccer field, 14 parking spaces for the smaller soccer field. This includes players, coaches and referees. The applicant updated the number of proposed seats to 80 fixed and 30 removable ones for a total of 110 seats which requires 22 additional parking spaces. Since the proposed hours of operation for the fields do not overlap, a total of 52 parking spaces are required; 52 are provided on site. The establishment complies with the parking requirement. Parking lot has to be maintained free of potholes and clearly striped;
- 6) The proposed use shall comply with the City of McAllen Health Ordinances regulating food preparation and public lavatories. Bathroom facilities are provided on site. No food will be prepared on site;
- 7) Lighting shall be shielded from residentially zoned or used property.

B) REZONING:

1. INITIAL ZONING TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 10 ACRES BEING ALL OF LOT 3, RESUBDIVISION OF LOTS 164-171 INC. OF PRIDE O' TEXAS, HIDALGO COUNTY, TEXAS; 3420 LA LOMITA ROAD.

Staff recommended approval of the initial zoning to R-3A at 3420 La Lomita Road.

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

C) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF 10 ACRES BEING ALL OF LOT 3, RESUBDIVISION OF LOTS 164-171 INC. OF PRIDE O' TEXAS, HIDALGO COUNTY, TEXAS; 3420 LA LOMITA ROAD.

Mayor Javier Villalobos called the public hearing to order.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the item. No one spoke in opposition of the request.

Staff recommended adoption of an ordinance providing for the annexation at 3420 La Lomita Road.

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

D) PUBLIC HEARING FOR A VARIANCE FROM SECTION 6-2 OF THE CITY OF MCALLEN CODE OF ORDINANCES OF THE ALCOHOLIC BEVERAGE CODE, REQUEST OF PAULINA MOYA ON BEHALF OF NEW YORK CARIBE RESTAURANT, AT LOT 1, ANGELA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2313 HARVEY DRIVE SUITE 11 & 12.

Mayor Javier Villalobos called the Public Hearing to order.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the item. No one spoke in opposition of the request.

Staff recommended approval of the variance from Section 6-2 of the City of McAllen Code of Ordinances of the Alcoholic Beverage Code at 2313 Harvey Drive Suite 11 & 12.

Commissioner Victor "Seby" Haddad moved to disapprove the variance as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

E) PUBLIC HEARING FOR A VARIANCE FROM SECTION 6-2 OF THE CITY OF MCALLEN CODE OF ORDINANCES OF THE ALCOHOLIC BEVERAGE CODE, REQUEST OF JASON J. VILLARREAL ON BEHALF OF DRAGON TIGER, LLC., AT LOT 1, ROTH CROSSING SUBDIVISION, HIDALGO COUNTY, TEXAS; 2825 PECAN BOULEVARD.

Mayor Javier Villalobos called the Public Hearing to order.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the item. No one spoke in opposition of the request.

Staff recommended approval of the variance from Section 6-2 of the City of McAllen Code of Ordinances of the Alcoholic Beverage Code at 2825 Pecan Boulevard.

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

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to amend the Zoning Ordinance and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

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 2E. to be addressed separately and Commissioner Victor "Seby" Haddad seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD MAY 9, 2022.

Approved the minutes of Workshop and Regular Meeting held May 9, 2022 as submitted.

B) AWARD OF CONTRACT FOR PROFESSIONAL SERVICES: CONSTRUCTION MATERIAL TESTING (CMT) & GEOTECHNICAL ENGINEERING SERVICES (GES) FOR CITY PROJECTS 2022.

Awarded a contract to Terracon Consultants, Inc., Raba Kistner Consultants, Inc. and B2Z Engineering, Inc. for Professional Services Construction Material Testing and Geotechnical Engineering services for City Projects 2022.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER AND RECONCILIATION ON THE MCALLEN CITY COMMISSION CHAMBER LIGHTING UPGRADE PROJECT.

Approved Change Order and Reconciliation on the McAllen City Commission Chamber Lighting Upgrade Project.

D) ORDINANCE PROVIDING FOR FISCAL YEAR 2019 ANNUAL ACTION PLAN FOR CDBG, HOME, AND CDBG-CV PROGRAM.

Adopted an ordinance providing for Fiscal Year 2019 Annual Action Plan for CDBG, HOME, and CDBG-CV Program.

E) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION UNDER THE INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2022 LOW OR NO EMISSIONS PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the Federal Transit Administration under the Infrastructure Investment and Jobs Act of 2022 Low or No Emissions Program.

Mayor Pro Tem Joaquin Zamora moved to approve the resolution with the caveat that \$300,000.00 of local match (10% participation) may be needed and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

- F) CONSIDERATION AND APPROVAL OF A VARIANCE REQUESTS TO: 1) ALLEY ROW DEDICATION AND 2) ROW DEDICATION FOR A STREET OR CUL-DE-SAC REQUIREMENT FOR SOUTH PEKING STREET AT THE PROPOSED BOCAGE ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 701 SOUTH 1ST STREET.**

Approved variance requests to: 1) alley ROW dedication and 2) ROW dedication for a street or cul-de-sac requirement for South Peking Street at 701 South 1st Street.

- G) CONSIDERATION AND APPROVAL OF A VARIANCE REQUESTS TO: 1) THE R.O.W DEDICATION REQUIREMENTS FOR MILITARY HIGHWAY (F.M. 1016), AND 2) SIDEWALK REQUIREMENTS FOR INTERIOR STREETS AT PROPOSED MCALLEN SOUTH INDUSTRIAL PARK PHASE I SUBDIVISION, HIDALGO COUNTY, TEXAS; 1501 MILITARY HIGHWAY.**

Approved variance requests to: 1) the R.O.W dedication requirements for Military Highway (F.M. 1016), and 2) sidewalk requirements for interior streets at 1501 Military Highway.

- H) SUBDIVISION MONTHLY REPORT.**

Approved subdivision monthly report as submitted.

- I) STATUS REPORT ON PARKS & RECREATION PROJECTS.**

Approved Parks & Recreation status report as submitted.

- J) PROJECT STATUS REPORT THROUGH APRIL 30, 2022.**

Approved project status report as submitted.

- K) APPROVAL OF TAX REFUNDS OVER \$500.00.**

Approved tax refunds of over \$500.00.

1. COVIUS MORTGAGE SOLUTIONS

Approved a tax refund in the amount of \$4,296.26.

2. GOMA BOUTIQUE LLC

Approved a tax refund in the amount of \$2,031.89.

3. WEINGARTEN NOLANA JV

Approved tax refunds in the amounts of \$3.56; \$962.63 and \$1,007.89.

3. BIDS/CONTRACTS

- A) AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MCALLEN DRAINAGE MASTER PLAN.**

Staff recommended award of contract to Halff Associates Inc. in the amount of \$324,800.00 for the Professional Engineering Services for the McAllen Drainage Master Plan.

Mayor Pro Tem Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Jose R' "Pepe" Cabeza de Vaca. The motion carried unanimously.

- B) AWARD OF CONTRACT FOR THE PURCHASE OF COMPUTERS AND TABLETS FOR FIRE RECORD MANAGEMENT SOFTWARE SYSTEM.**

Staff recommended award of contract to multiple vendors for the Purchase of Computers and Tablets for Fire Record Management System Software.

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

- C) CONSIDERATION AND APPROVAL OF A LICENSE AGREEMENT FOR A BOULEVARD WITH EXISTING TREES, LANDSCAPE SPRINKLER SYSTEM,**

VEHICLE PARKING, AND TURN AROUND DRIVES WITHIN A ROAD ROW AT THE PROPOSED BOCAGE ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 701 SOUTH 1ST STREET.

Staff recommended approval of a license agreement for a boulevard with existing trees, landscape sprinkler system, vehicle parking, and turn around drives within a road ROW at 701 South 1st Street.

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

4. ORDINANCES

A) AMENDING ALLEY REQUIREMENTS IN CERTAIN RESIDENTIAL SUBDIVISIONS.

Staff recommended adoption of an ordinance amending alley requirements in certain residential subdivisions.

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

B) PROVIDING FOR AN ABANDONMENT OF A PORTION 40 FT. ROAD LYING BETWEEN LOTS 11 AND 12, RANCHO DE LA FRUTA NO. 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 301 EAST HOUSTON AVENUE.

Staff recommended adoption of an ordinance providing of an abandonment at 301 East Houston Avenue.

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

C) PROVIDING FOR A BUDGET AMENDMENT TO THE GOLF COURSE DEPRECIATION FUND.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$137,000.00 for maintenance equipment needed for Fiscal Year 2022-2023 from the Golf Course Depreciation Fund.

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

5. RESOLUTION

A) RESOLUTION ADOPTING REDISTRICTING CRITERIA.

Staff recommended approval of a resolution adopting redistricting criteria.

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

6. MANAGER'S REPORT

A) ADVISORY BOARD APPOINTMENTS.

McAllen Housing Authority Board

Commissioner Omar Quintanilla reappointed Johnny Arguelles to McAllen Housing Authority Board.

Senior Citizens Board

Mayor Pro Tem Joaquin Zamora appointed David Marroquin to the Senior Citizens Board.

Traffic Commission Board

Commissioner Omar Quintanilla reappointed Jaime Enriquez to Traffic Commission Board.

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

B) IMMIGRATION AND RESPITE CENTER REPORT.

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

C) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Health Insurance Fund

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) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION - CIVIL ACTION NO. 7:19-CV-00188; NEAL MCDONNELL V CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

No action.

B) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION: RICARDO VILLALON V. CITY OF MCALLEN; 7:20-CV-264. (SECTION 551.071, T.G.C.)

No action.

C) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL LITIGATION TO ENFORCE THE SUBDIVISION PROCESS. (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.)

Commissioner Omar Quintanilla moved to authorize City Manager and City Attorney to negotiate contractual terms as described in executive session and further to execute all documents necessary to effectuate the same and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager, Director of McAllen Economic Development Corporation and City Attorney to extend the economic development incentives as discussed in executive session and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously.

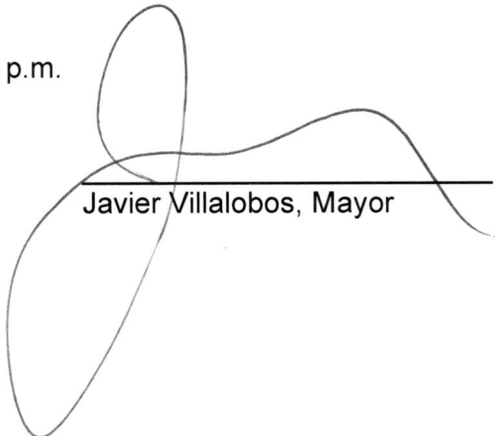
ADJOURNMENT

Without objection the meeting was adjourned at 5:25 p.m.

Attest:



Perla Lara, TRMC/GMC, CPM
City Secretary



Javier Villalobos, Mayor