

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, June 13, 2022, at 5:00 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

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

Recognition of Office of Communications - TAMIO Conference and Award Ceremony

PROCLAMATION

Commissioner Antonio "Tony" Aguirre, Jr. read and presented a proclamation for Elder Abuse Prevention Month.

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

Commissioner Victor "Seby" Haddad read and presented a proclamation for Affordable Homes of South Texas.

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) PUBLIC HEARING ON REDISTRICTING PROPOSALS.

Staff briefly summarized guidelines.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the item under this section of the agenda. Mr. Mark Murray and Ms. Laurel McLeish commented on redistricting proposals.

B) ROUTINE ITEM: (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.

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. REQUEST OF JORGE A. BRIONES, FOR A CONDITIONAL USE PERMIT AND ADOPTION OF ORDINANCE, FOR LIFE OF THE USE, FOR AN AUTOMOTIVE SERVICE AND REPAIR (BODY SHOP), AT LOTS 11 & 12, BLOCK 2, WEST ADDITION TO MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 2241 DALLAS AVENUE, SUITE B.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an Automotive Service and Repair at 2241 Dallas Avenue, Suite B, as per Planning and Zoning Commission.

The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

- 1) A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 14,000 sq. ft.
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. The applicant is proposing to work inside the main structure.
- 3) Outside storage of materials is prohibited. The applicant indicated that there would be no outside storage including vehicles.
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The Building is adjacent to single-family residential use to the east, south and north.
- 5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required. There is an existing block wall, which decreases from 6'-3" to 3'-10" as approaching to the front property line on the west side of the property.
- 6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

C) REZONINGS:

1. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO R-3C (MULTIFAMILY RESIDENTIAL CONDOMINIUM) DISTRICT: 2.748 ACRES OUT OF BLOCK - 4A, BLOCKS 3A, 4A AND 5A LAKES BUSINESS PARK PHASE 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 900 EAST REDBUD AVENUE.

Staff recommended approval of the R-3C zoning at 900 East Redbud Avenue, as per Planning and Zoning Commission.

Commissioner Omar Quintanilla moved to approve the R-3C zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

2. INITIAL ZONING TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL) DISTRICT: 20.0003 ACRES OUT OF THE SOUTH ONE-HALF (S ½) OF LOT 47-9, WEST ADDITION TO SHARYLAND, HIDALGO COUNTY, TEXAS; 10400 NORTH MAYBERRY ROAD.

Staff recommended approval of the initial zoning to R-3A at 10400 North Mayberry Road.

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

D) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF 20.0003 ACRES OUT OF THE SOUTH ONE-HALF (S ½) OF LOT 47-9, WEST ADDITION TO SHARYLAND, HIDALGO COUNTY, TEXAS; 10400 NORTH MAYBERRY ROAD.

Mayor Javier Villalobos called the public hearing to order. Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. Mr. Omar Flores Jr., Veronica Mendez, Leticia Garza and Mr. Alan Lozano spoke in opposition of the request.

Staff recommended adoption of an ordinance providing for the annexation at 10400 North Mayberry Road.

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

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

Commissioner Omar Quintanilla moved to amend the Zoning Ordinance and seconded by Commissioner Victor "Seby" Haddad. 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 Commissioner Omar Quintanilla seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF SPECIAL MEETING HELD MAY 19, 2022 AND WORKSHOP AND REGULAR MEETING HELD MAY 23, 2022.

Approved the Minutes of Special Meeting held May 19, 2022 and Workshop and Regular Meeting held May 23, 2022, as submitted.

B) ORDINANCE AMENDING ORDINANCE 2022-55 FOR THE FISCAL YEAR 2019-2020 ANNUAL ACTION PLAN TO INCLUDE CDBG-CV FUNDED PROGRAMS TO MITIGATE COVID EXPOSURE.

Adopted an ordinance amending Ordinance 2022-55 for the Fiscal Year 2019-2020 Annual Action Plan to include CDBG-CV funded programs to mitigate COVID exposure.

C) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE FISCAL YEAR 22 MULTIMODAL PROJECT DISCRETIONARY GRANT (MPDG) PROGRAM INCLUDING THE NATIONALLY SIGNIFICANT MULTIMODAL FREIGHT AND HIGHWAY PROJECTS (INFRA).

Approved a resolution authorizing the submission of a grant application to the U.S. Department of Transportation for funding under the Fiscal Year 22 Multimodal Project Discretionary Grant (MPDG) Program including the Nationally Significant Multimodal Freight and Highway Projects (INFRA).

D) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY, TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR THE FISCAL YEAR 2022 EMERGENCY MANAGEMENT PERFORMANCE GRANT.

Approved a resolution authorizing the submission of a grant application to the Texas Department of Public Safety, Texas Division of Emergency Management for the Fiscal Year 2022 Emergency Management Performance Grant.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 AND FINAL RECONCILIATION OF QUANTITIES FOR ANZALDUAS NORTHBOUND ADDITIONAL LANE.

Approved Change Order No. 2 and Final Reconciliation of Quantities for Anzaldua's Northbound Additional Lane.

F) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF UPS AT FIRE ADMINISTRATION/EOC BUILDING THROUGH TEXAS DIR COOPERATIVE PURCHASE.

Awarded a contract to Insight Public Sector in the amount of \$\$133,535.34 for the purchase and installation of a Symmetra UPS at Fire Administration/EOC building.

2. AWARD OF CONTRACT FOR THE PURCHASE OF BLOCKADER INTERLOCKING STEEL BARRIERS/BARRICADES THROUGH BUYBOARD.

Awarded a contract to Tamis Corporation in the amount of \$\$59,970.55 for the purchase of Blockader Interlocking Steel Barriers/Barricades.

G) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1. BFG CORPORATION

Approved a tax refund in the amount of \$4,430.02.

2. CSW MARKETING GROUP

Approved a tax refund in the amount of \$538.77.

3. ESCOBEDO RENE RICARDO

Approved a tax refund in the amounts of \$1,223.53 and \$710.67.

4. ESPINOZA LORENA

Approved a tax refund in the amount of \$1,296.62.

5. SANDOVAL JAIME J.

Approved a tax refund in the amount of \$906.95.

6. T MOBILE WEST LLC

Approved a tax refund in the amount of \$3,429.01.

7. WELLS FARGO REAL ESTATE TAX SERVICE

Approved a tax refund in the amount of \$1,211.19.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR RECARPETING AT THE BRANCH LIBRARIES AND THE ENTRY OF THE MAIN LIBRARY THROUGH TIPS COOPERATIVE.

Staff recommended award of contract to Diaz Flooring & Interiors in the amount of \$140,449.13 for the recarpeting at the Branch Libraries and the entry of the Main Library.

Commissioner Antonio "Tony" Aguirre, Jr., 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 PROFESSIONAL ENGINEERING SERVICES FOR EL RANCHO DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended award of contract to Civil Systems Engineering, Inc. in the amount of \$129,580.00 for Professional Engineering Services for El Rancho Road Drainage Improvements Project.

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

C) AWARD OF CONTRACT FOR THE ANIMAL SHELTER FEASIBILITY STUDY.

Staff recommended award of contract to Shelter Planners of America in the amount of \$23,500.00 for the Animal Shelter Feasibility Study.

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

D) AWARD OF CONTRACT FOR DESIGN SERVICES FOR THE MORRIS HIKE AND BIKE IMPROVEMENTS PROJECT.

Staff recommended award of contract to Milnet Architectural Services, PLLC in the amount of \$73,334.00 for the Morris Hike and Bike Improvements.

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

E) AWARD OF CONTRACT FOR DESIGN SERVICES FOR THE KAPPLER PARK IMPROVEMENTS PROJECT.

Staff recommended award of contract to Heffner Design Team, PLLC in the amount of \$58,888.00 for the Architectural Design Services for the Kappler Improvements Project.

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

4. ORDINANCES

A) PROVIDING FOR A BUDGET AMENDMENT FOR MID-YEAR ADJUSTMENTS FOR VARIOUS FUNDS.

Staff recommended adoption of an ordinance providing for a budget amendment to recognize adjustment of increases and decreases to revenue and expenditures for various funds.

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

B) CONSIDERATION AND APPROVAL OF AN ORDINANCE REGULATING MOBILE FOOD VENDOR COURTS (FOOD TRUCK PARKS).

Staff recommended adoption of an ordinance regulating mobile food vendor courts (food truck parks).

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 by those present.

C) PROVIDING FOR AN ABANDONMENT OF A 36 FT. COMMON ACCESS EASEMENT CONTAINING 0.259 ACRES BEING A PORTION OF LOTS 1 AND 3, NOLANA HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 601 EAST NOLANA AVENUE.

Staff recommended adoption of an ordinance providing for an abandonment at 601 East Nolana Avenue.

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

D) PROVIDING FOR A BUDGET AMENDMENT FOR GENERAL FUND AND GENERAL DEPRECIATION FUND ROLLING STOCK FOR THE PURCHASE OF TWENTY (20) POLICE PACKAGED VEHICLES.

Staff recommended adoption of an ordinance providing for a budget amendment in the amounts of \$5,000.00 and \$861,500.00.

Commissioner Omar Quintanilla 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 BLOCK LENGTH REQUIREMENT AT THE PROPOSED BRIER VILLAGE SUBDIVISION, HIDALGO COUNTY, TEXAS; 3901 NORTH BENTSEN ROAD.

Staff recommended approval of a variance request to the block length requirement at 3901 North Bentsen Road.

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

B) CONSIDERATION OF VARIANCE REQUESTS TO 1) THE R.O.W. DEDICATION REQUIREMENTS FOR NORTH 40th STREET, 2) BLOCK LENGTH REQUIREMENT FOR THE R-1 DISTRICT, AND 3) BLOCK LENGTH REQUIREMENT FOR R-3A DISTRICT AT THE PROPOSED HARVEST CREEK ON WARE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2401 N. WARE ROAD.

Staff recommends approval of North 40th Street dedication subject to written documentation and disapprove block length variance.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve option 1 and seconded by Commissioner Antonio "Tony" Aguirre, Jr., The motion carried unanimously by those present.

6. MANAGER'S REPORT

At this time Mayor Javier Villalobos called upon the citizens registered to speak on item 6A. Mr. Lupe Chavez spoke.

A) ADVISORY BOARD APPOINTMENTS.

Building Board of Adjustments & Appeals

Mayor Javier Villalobos nominated Francisco Meza to the Building Board of Adjustments and Appeals Board.

Civic Center Advisory Board

Mayor Javier Villalobos nominated Dawn Goldammer to the Civic Center Advisory Board.

Community Development Board

Mayor Javier Villalobos nominated Jose Pena Jr. to the Community Development Board. Commissioner Antonio "Tony" Aguirre Jr. nominated Joe Califa to the Community Development Board.

Historic Preservation Council

Commissioner Victor "Seby" Haddad reappointed Dr. Jackie Miller to the Historical Preservation Council. Commissioner Victor "Seby" Haddad nominated Carolina Civarolo.

McAllen Library

Commissioner Victor "Seby" Haddad nominated Lauro Tijerina to the McAllen Library Board.

Commissioner Victor "Seby" Haddad moved to accept the nominations as presented and Commissioner Antonio "Tony" Aguirre Jr., seconded the motion. The motion carried unanimously by those present.

B) REVIEW OF THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2022.

Staff presented the Quarterly Investment Report for quarter ending March 31, 2022 and recommended acceptance of said report as per the Audit Investment Committee.

Commissioner Antonio "Tony" Aguirre, Jr., moved to approve the report as recommended and seconded by Commissioner Omar Quintanilla. 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 were reviewed as follows: Mid-Year Adjustments Special Meeting, Wi-Fi Update, Health Recommendations

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 OF REAL PROPERTY; TRACT 1, TRACT 2 & TRACT 3. (SECTION 551.072, T.G.C.)

7A-1 Commissioner Jose R. "Pepe" Cabeza de Vaca authorized City Manager and City Attorney to have tract 1 appraised and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

7A-2 Commissioner Jose R. "Pepe" Cabeza de Vaca authorized approval of resolution authorizing the purchase of tract 2 and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

7A-3 Commissioner Jose R. "Pepe" Cabeza de Vaca authorized approval of resolution authorizing the purchase of tract 3 and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LITIGATION MATTERS. (SECTION 551.071, T.G.C.)

Legal Counsel announced that items **7B1** and **7B2** required a roll call vote.

7B-1 Commissioner Omar Quintanilla moved that the City of McAllen authorize the use of the power of eminent domain to acquire the following parcel of land: a 5,620 square foot or 0.1290 of an acre tract of land situated in the city of McAllen, hidalgo county, Texas, out of lot 297, John H. Shary subdivision, as recorded in volume 1, page 17, of the map records, Hidalgo County, Texas, and being out of a 0.888 of an acre tract of land, conveyed by correction general warranty deed, dated September 17, 2014, from Deborah M. Pegram, fka Deborah M. Barrera to Israel Torres and Norma a Torres, husband and wife, as described in document number 2548888, of the official records, hidalgo county, Texas for the Taylor road phase ii project from Brentwood drive to mile 2 north project in McAllen, Texas, and other necessary and related public purpose and seconded by Commissioner Victor "Seby" Haddad.

7B-2 Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorized the use of the power of eminent domain to acquire the following parcel of land: a 8,467 square foot or 0.1944 of an acre tract of land situated in the city of McAllen, hidalgo county, Texas out of adobe wells mobile park, as recorded in volume 19, page 100, of the map records, hidalgo county, Texas, and being out of a tract of land, conveyed by deed without warranty, filed May 2, 2988, from the estate of Wallace R. McClendon, deceased, and Helen Gene McClendon to adobe wells homeowners association, inc., as recorded in volume 2591, page 378, of the official records, Hidalgo County, Texas for the Taylor road phase ii project from Brentwood drive to mile 2 north project in McAllen, Texas, and other necessary and related public purpose.

Considered, Passed and Approved this 13th day of June 2022, at a regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with VTCA, Government Code 551.001 et seq by the following vote to wit:

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

Absent: Mayor Pro Tem Joaquin Zamora

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES WITH ENTERTAINMENT CONTRACT. (SECTION 551.071, T.G.C.)

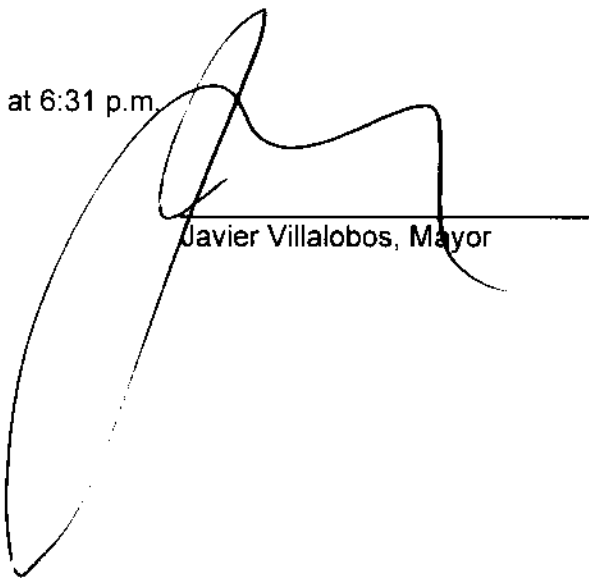
Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager and City Attorney to proceed as described in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

D) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES WITH MCALLEN CONVENTION CENTER MARQUIS. (SECTION 551.071, T.G.C.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorized City Manager and City Attorney to proceed as described in executive session and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 6:31 p.m.



Javier Villalobos, Mayor

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary