

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, July 11, 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 Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Commissioner Omar Quintanilla

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

NATIONAL PARKS & RECREATION MONTH

Commissioner Rodolfo "Rudy" Castillo read and presented a proclamation for National Parks & Recreation 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 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.

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 FIESTA LIQUOR FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A LIQUOR STORE, AT THE WEST 113.49 FEET OF LOT 1 AND THE WEST 113.44 FEET OF LOT 2, BLOCK 1, GOLDEN ACRES RETIREMENT SUBDIVISION NO. 1, HIDALGO COUNTY, TEXAS, 301 NORTH WARE ROAD, SUITE B.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a liquor store at 301 North Ware Road, Suite B, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118a (4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of those businesses having late hours (after 10:00 p.m.) must be at least 400 ft. from the nearest residence, church, school or publicly owned property or must provide

sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 400 ft. of residential zones and uses (Golden Acres Retirement Subdivision and Tropical Village Subdivision);

- 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 South 23rd Street 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 floor area of 832 sq. ft., 3 parking spaces are required; 19 parking spaces are provided as common parking area in front of the building. For the 19 parking spaces there are 2 accessible parking spaces required and are provided on site.
- 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 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 taking into account the recommendations of the Fire Marshal, Building Official, and Planning Director.

2. REQUEST OF THE ROCKWELL TAPHOUSE & GRILL FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR, AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS, 400 NOLANA AVENUE, SUITE H1.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 400 Nolana Avenue, Suite H1, 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 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 ft. of residential zones and uses, and publicly owned property (Nolana water tower and Northcross Patio Homes Subdivision);
- 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 property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required from other Conditional Use Permits issued in this commercial plaza.
- 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. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a learning center, and bars. The proposed bar requires 49 parking spaces, and the multi-tenant commercial building requires a total of 650 parking spaces in order for all tenant businesses to be operation at the same time; 729 parking spaces are provided on the common parking area in the front and rear of the building.
- 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 Inspections Department as part of the building permit review process.

3. REQUEST OF SKUADRA CONSTRUCTION FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR A GUEST HOUSE AT LOT 17, ESTANCIA AT TRES LAGOS SUBDIVISION, HIDALGO COUNTY, TEXAS; 4604 ESTANCIA PARKWAY.

Approved a Conditional Use Permit and adopted an ordinance, for the life of use, for a guest house, at 4604 Estancia Parkway, as per Planning and Zoning Commission.

The guest house must meet the requirements set forth in Section 138-118(a)(5) of the Zoning Ordinance and specific requirements as follows:

- 1) Only one guest house shall be permitted on the property.
- 2) The proposed use shall comply with setback requirements. The proposed structure's setbacks are in compliance.
- 3) The proposed use shall be connected to the same utilities as the primary residence.
- 4) Lot size must be a minimum 8,000 square feet. According to the Hidalgo County Appraisal District, the lot size is 22,034.81 square feet.
- 5) Separate driveways or garages for the proposed use shall not be permitted. Applicant is not proposing an independent driveway for the proposed guesthouse.
- 6) The proposed use shall not be rented.
- 7) The permit shall be revoked if money is ever paid for rent or utility expenses are shared with the proposed use.

B) CONDITIONAL USE PERMITS:

1. REQUEST OF DAVID A. LISAUCKIS FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR, AT LOTS 9, 10, & 11, BLOCK 2, ELTUS SUBDIVISION, HIDALGO COUNTY, TEXAS, 1116 PECAN BOULEVARD.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for one year, for a bar at 1116 Pecan Boulevard, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118a (4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of those businesses having late hours (after 10:00 PM) must be at least 400 ft. from the nearest residence, church, school, or publicly owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 400 ft. of residential zones and uses (Orange Terrace Subdivision and Clegg Addition Subdivision);
- 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 north Pecan Boulevard and North 11th Street 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 floor area of 4,260 square feet, 43 parking spaces are required; 40 parking spaces are provided on site. Applicant has also obtained a parking agreement with Armstrong McCall Professional Beauty Supply for the use of their parking area of 35 spaces. Applicant has proposed to close off additional 460 square foot patio area until 5:00PM when the additional 3 parking spaces needed to be in compliance become available after Armstrong McCall Professional Beauty Supply closes at 5:00 PM.
- 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 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 taking into account the recommendations of the Fire Marshal, Building Official, and Planning Director. The maximum capacity for the establishment is 118 persons.

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.

2. REQUEST OF BLANCA I. CANTU, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN EVENT CENTER, AT TREVINO'S ACRE SUBDIVISION AND THE SOUTH 60.62 FT., THE NORTH 355.78 FT. OUT OF LOT 2, BLOCK 8, MCCOLL A.J. SUBDIVISION, HIDALGO COUNTY, TEXAS; 2000 SOUTH JACKSON ROAD. (TABLED)

Said item remained tabled.

3. REQUEST OF RAMON ALMAGUER FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR AN EVENT CENTER AT LOT 6, CITRUS GROVE PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS; 4101 EXPRESSWAY 83.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for one year, for an event center at 4101 Expressway 83, 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 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 residential use or residentially zoned property.
- 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 access to U.S Expressway 83 and Colbath Road which is a collector street.
- 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 sq. ft. of the event center, a total of 145 parking spaces are required of which 5 would have to be accessible to persons with disabilities. The site plan also shows a proposed open terrace with 7,553 square feet for a requirement of 76 parking spaces. The proposed development is in compliance with parking requirement. Two hundred and fourteen spaces are provided as shown on the provided site plan.
- 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.

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

- A) **APPROVAL OF MINUTES FOR SPECIAL MEETINGS HELD JUNE 23RD, JUNE 27TH AND REGULAR MEETING HELD JUNE 27, 2022.**

Approved the Minutes for Special Meetings held June 23rd, June 27th and Regular Meeting held June 27, 2022, as submitted.

B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR MCALLEN YOUTH BASEBALL COMPLEX PARKING LOT IMPROVEMENTS.

Approved Change Order No. 2 in the amount of \$5,460 and three calendar days of time for the McAllen Youth Baseball Complex Parking Lot Improvements Project.

C) RESOLUTION AUTHORIZING THE GRANT SUBMISSION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY DIVISION UNDER THE FISCAL YEAR 2022 OPERATION STONEGARDEN GRANT PROGRAM.

Approved a resolution authorizing the grant submission to the Office of the Governor, Homeland Security Division under the Fiscal Year 2022 Operation Stone Garden Grant Program.

D) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1. LFD LTD

Approved a tax refund in the amount of \$2,973.60.

2. SMUCKER FOODSERVICE, INC.

Approved a tax refund in the amount of \$2,966.23.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE 2018 BOND GROUP C DRAINAGE IMPROVEMENT PROJECTS (PROJECTS C1 & C3).

Staff recommended award of contract to lowest responsive bidder RBM Contractors, LLC in the amount of \$1,125,392.00 with a contract time of 120 calendar days for the Martin Avenue Stormwater Bypass Project.

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

B) CONSIDERATION AND APPROVAL TO PROCURE EMERGENCY REPLACEMENT OF A/C UNITS AT LARK AND PALM VIEW COMMUNITY CENTERS.

Staff recommended award of contract to Trane Technologies in the amount of \$659,370.98 for the purchase of Emergency Replacement of A/C Units at Lark and Palm View Community Centers.

Commissioner Victor "Seby" Haddad 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 TO THE AMERICAN RESCUE PLAN FUND.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$1,281,460 to the American Rescue Plan Fund.

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.

B) PROVIDING FOR AN AMENDMENT TO FISCAL YEAR 2017 CDBG ANNUAL ACTION PLAN TO INCREASE MCALLEN FIRE DEPARTMENT'S SCOPE OF WORK.

Staff recommended adoption of an ordinance providing for an amendment to Fiscal Year 2017 CDBG Annual Action Plan to increase McAllen Fire Department's Scope of Work.

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 A BUDGET AMENDMENT FOR THE FUNDING OF EMERGENCY REPLACEMENT A/C UNITS AT LARK AND PALM VIEW COMMUNITY CENTERS.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$659,371.00 for the funding of the emergency replacement of A/C units at Lark and Palm View Community Centers.

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.

5. VARIANCE

A) CONSIDERATION OF A VARIANCE REQUEST TO WAIVE THE PAVING, DRAINAGE, AND SIDEWALK REQUIREMENTS FOR SILVER VALLEY SUBDIVISION.

Staff recommended disapproval of a variance request to refund Taylor Road improvement escrows and require all subdivision adjacent to Taylor Road from Expressway 83 to Daffodil Road to escrow for improvements.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve City Management calculating the average cost the City is paying for right of way along Taylor Road to determine what the City would have paid for right of way acquisition had the developer not subdivided early, applying such amount as a credit to what the developer owes and will be required to pay for Paving, Drainage and Sidewalk Requirements for the subject development seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

6. MANAGER'S REPORT

A) PRESENTATION OF YEAR-TO-DATE TAX COLLECTION REPORT.

Staff gave a presentation of Year-to-Date Tax Collection Report and answered questions.

B) PRESENTATION OF DELINQUENT TAX COLLECTION REPORT BY LINEBARGER GOGGAN BLAIR & SAMPSON.

Kelly Salazar of Linebarger, Goggan Blair & Sampson gave a presentation of Year-to-Date Delinquent Tax Collection Report and answered questions.

C) IMMIGRATION AND RESPITE CENTER REPORT.

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

D) FUTURE AGENDA ITEMS.

No future agenda 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).

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, 7C and 7E: Section 551.072 Deliberation Regarding Real Property on Item 7D and Section 551.087 Economic Development on Item 7A.

Mayor Javier Villalobos recessed the meeting at 6:01 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 7:03 pm and noting the following city commission members present: Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca. Absent: Commissioner Omar Quintanilla

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

7A-1 - Commissioner Antonio "Tony" Aguirre Jr. moved to offer the economic development incentives as discussed in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

7A-2 - Commissioner Antonio "Tony" Aguirre Jr. moved to offer the economic development incentives as discussed in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

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

Commissioner Antonio "Tony" Aguirre Jr. moved to install a plaque at the public safety building in honor of the first Hispanic Police Chief Longoria, City of McAllen and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

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

Commissioner Antonio "Tony" Aguirre Jr. moved to authorize City Manager and City Attorney to negotiate contracts with the various vendors as described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

D) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY, TRACT 1. (SECTION 551.072, T.G.C.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager and City Attorney to obtain an appraisal of the real property described in executive session and listing the property for sale and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

E) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO CONVENTION CENTER FESTIVAL GROUNDS. (SECTION 551.071, T.G.C.)

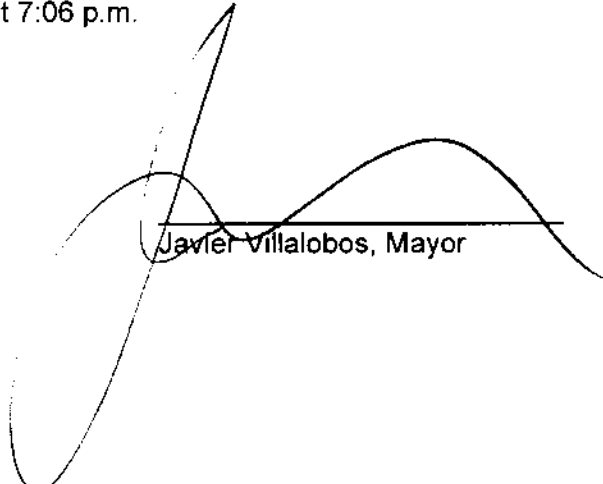
Commissioner Antonio "Tony" Aguirre Jr. moved to authorize City Manager and City Attorney to work with the third parties and to execute such agreements necessary and appropriate with respect to the convention center festival grounds described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 7:06 p.m.

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary


Javier Villalobos, Mayor