

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, July 25, 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 and Commissioner Victor "Seby" Haddad

Absent: Mayor Pro Tem Joaquin Zamora, 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.

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 Omar Quintanilla 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. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: 1.07 ACRES AND 0.84 ACRES OUT OF LOT 7, SECTION 8, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 501 & 519 DALLAS AVENUE.

Approved the R-3T Zoning at 501 & 519 Dallas Avenue, as per Planning and Zoning Commission.

2. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: 1.41 ACRES OUT OF LOT 7, SECTION 8, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 601 DALLAS AVENUE.

Approved the R-3T Zoning at 601 Dallas Avenue, as per Planning and Zoning Commission.

3. REQUEST OF FRANK TREVINO FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR AN AUTOMOTIVE SERVICE AND REPAIR SHOP AND WAREHOUSE AT LOTS 1-3, BLOCK 50, NORTH MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 111 NORTH 11TH STREET.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an automotive service and repair shop at 111 North 11th Street, 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 21,000 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 commercial structure.
- 3) Outside storage of materials is prohibited. The applicant indicated that there would be no outside storage.
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building where the work is to take place is within 100 feet 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.
- 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.

4. REQUEST OF JESSICA AGUILAR, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR AT THE NORTH 20 FT. OF LOT 1 & ALL OF LOT 2 EXCLUDING THE NORTHWEST 225 FT. X 240 FT. OF LOT 2, PLAZA DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS; 3424 NORTH 10TH STREET.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 3424 North 10th Street, 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 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 establishment is less than 400 ft. of a residential zone/use, to the northeast and east of the subject property
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access from north 10th 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. The bar requires 39 parking spaces based on SF of building and additional 3 parking spaces for the existing outside seating area (3 benches) for a total of 41 parking spaces
- 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.

B) REZONINGS:

1. INITIAL ZONING TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL) DISTRICT: 19.953-ACRE TRACT (20.0 ACRES RECORDED) OF LAND, BEING OUT OF THE WEST HALF OF LOT 13 SECTION 280, TEXAS-MEXICAN RAILWAY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2700 SPRAGUE ROAD.

Staff recommended tabling the item until the Pre-Annexation Agreement has been signed by the property owner.

Commissioner Omar Quintanilla moved to table said item as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

C) CONDITIONAL USE PERMITS:

1. REQUEST OF BLANCA I. CANTU, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE 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)

Commissioner Omar Quintanilla moved to remove said item from the table and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

Staff recommended disapproval of a Conditional Use Permit and ordinance, for one year, for an event center at 2000 South Jackson, as per Planning and Zoning Commission.

Commissioner Victor "Seby" Haddad moved to disapprove the Conditional Use Permit as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

D) 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.

E) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF THE WEST 19.953 ACRES OF LOT THIRTEEN (13), SECTION TWO HUNDRED EIGHTY (280), TEXAS MEXICAN RAILWAY COMPANY'S SURVEY OF LANDS, HIDALGO COUNTY, TEXAS; 2700 SPRAGUE ROAD.

Staff recommended tabling said item until the Pre-Annexation Agreement has been signed by the property owner.

Commissioner Omar Quintanilla moved to table said item 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 Antonio "Tony" Aguirre, Jr. 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 OF WORKSHOP AND REGULAR MEETING HELD JULY 11, 2022.

Approved the Minutes of Workshop and Regular meeting held July 11, 2022.

B) CONFIRMATION OF APPOINTMENTS TO VARIOUS ADVISORY BOARDS.

Appointed Gilbert Vasquez to the Community Development Board and Dr. Can Saygin to the Friends of Quinta Mazatlán, Inc.

C) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT THROUGH BUYBOARD FOR THE PURCHASE AND INSTALLATION OF A SPLASH PAD.

Awarded a contract to T.F. Harper & Associates LP in the amount of \$205,510.10 for the Purchase and Installation of a Splash Pad.

D) AWARD OF CONTRACT FOR GRANT COMPLIANCE SERVICES.

Awarded a contract to The Reyna Network LLC for Grant Compliance Services.

E) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE MARKETING FUND.

Adopted an ordinance providing for a budget amendment in the amount of \$391,34.00 to the Marketing Fund.

F) RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TO CONTRIBUTE RIGHT-OF-WAY FUNDS (FIXED PRICE) FOR THE FM 2220 WARE ROAD FROM SH 107 TO MILE 5.

Approved a resolution providing for an agreement with the Texas Department of Transportation (TxDOT) to contribute Right-of-Way funds (Fixed Price) for the FM 2220 Ware Road from SH 107 to Mile 5.

G) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS (OJP), BUREAU OF JUSTICE (BJA) FOR FUNDING UNDER THE FY 2023 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice (BJA) for funding under the FY 2023 Justice Assistance Grant (JAG) Program.

H) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR (OOG), TEXAS ECONOMIC DEVELOPMENT, FOR FUNDING UNDER THE TEXAS TRAVEL INDUSTRY RECOVERY GRANT PROGRAM (TTIR).

Approved a resolution authorizing the submittal of a grant application to the Office of the Governor (OOG), Texas Economic Development, for funding under the Texas Travel Industry Recovery Grant Program (TTIR).

I) SUBDIVISION MONTHLY REPORT.

Approved subdivision monthly report.

J) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Approved the status report on Parks and Recreation Projects.

K) PROJECT STATUS REPORT THROUGH JUNE 30, 2022.

Approved the Project Status Report through June 30, 2022.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE OF FIFTY (50) PANASONIC TOUGHBOOK CF-33 MOBILE TABLETS WITH SELECTED OPTIONS.

Staff recommended award of contract to South Texas Communications in the amount of \$299,984.12 for the purchase of Fifty (50) Panasonic Toughbook CF-33 Mobile Tablets with Selected Options.

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 TECHNOLOGY REFRESH OF EMERGENCY OPERATIONS CENTER IN THE FIRE ADMINISTRATION BUILDING.

Staff recommended award of contract to AVI-SPL in the amount of \$99,804.41 for the Technology Refresh of Emergency Operations Center in the Fire Administration Building.

Commissioner Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

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Commissioner Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

C) AWARD OF CONTRACT FOR THE MCALLEN HIDALGO INTERNATIONAL BRIDGE PEDESTRIAN IMPROVEMENTS PROJECT.

Staff recommended award of contract to Triun LTD in the amount of \$1,098,000.00 for the McAllen Hidalgo International Bridge Pedestrian Improvements Project.

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

D) AWARD OF CONTRACT FOR THE GUMWOOD SIDEWALKS IMPROVEMENT (CDBG) PROJECT.

Staff recommended award of contract to Tier One Services LLC in the amount of \$362,729.75 for the Gumwood Sidewalks Improvements Project.

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

E) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE SCOPE AND FEES WITH TOP RANKED FIRM FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE JACKSON HIKE AND BIKE TRAIL PHASE II PROJECT.

Staff recommended authorization to negotiate scope of services and related fees with the top ranked firm, GDJ Engineering, LLC. If negotiations are unsuccessful, staff also recommends requesting City Manager's approval to cease negotiations and initiate negotiations with the next ranked firm.

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

F) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE SCOPE AND FEES WITH TOP RANKED FIRM FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE VISION ZERO PLAN.

Staff recommended authorization to negotiate scope of services and related fees with the top ranked firm, Able City, LLC. If negotiations are unsuccessful, staff also recommends requesting City Manager's approval to cease negotiations and initiate negotiations with the next ranked firm.

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

4. 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 follow:

- Update on Fire Station No. 2
- Report on Water Levels and Conservation Efforts at Falcon | Amistad

5. 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 5A, 5B, 5C and 5E and Section 551.087 Economic Development on Item 5D.

Mayor Javier Villalobos recessed the meeting at 5:31 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 5:54 pm and noting the following city commission

members present: Mayor Javier Villalobos, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad.

Absent: Mayor Pro Tem Joaquin Zamora, Commissioner Jose R. "Pepe" Cabeza de Vaca

A) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION: CAUSE NO. C-4364-20-I; EDGAR DEVORA V. MICHAEL MANUEL GARZA. (SECTION 551.071, T.G.C.)

Commissioner Omar Quintanilla moved to authorize City Attorney to extend the settlement offer as described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

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

Commissioner Omar Quintanilla moved to authorize the City Attorney's office to file lawsuit in the state district court to enforce city rights with respect to protection of the city's alley way as described in executive session and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

C) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL LITIGATION TO COLLECT UNDERPAID ACCOUNTS. (SECTION 551.071, T.G.C.)

Commissioner Victor "Seby" Haddad moved to authorize the city attorney and city manager to collect the underpaid accounts described in executive session in a reason manner including and up to filing a lawsuit to collect delinquent amounts if necessary. Motion failed due to lack of a second. Concerns were voiced by Council. Mayor Javier Villalobos called the question for a different motion.

After due consideration, Commissioner Antonio "Tony" Aguirre Jr. moved to authorize city and homeowners' association to split the difference / percentage and have City Attorney negotiate such a settlement subject to legal's verification that such a discount is legally permissible and seconded by Commissioner Omar Quintanilla. The motion passed with three votes in the affirmative with Commissioner Victor "Seby" Haddad voting against.

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

Commissioner Omar Quintanilla moved to authorize City Manager and City Attorney to extend the economic incentives as describe in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

E) CONSULTATION WITH CITY ATTORNEY REGARDING 2022 TGS SETTLEMENT. (SECTION 551.071, T.G.C.)

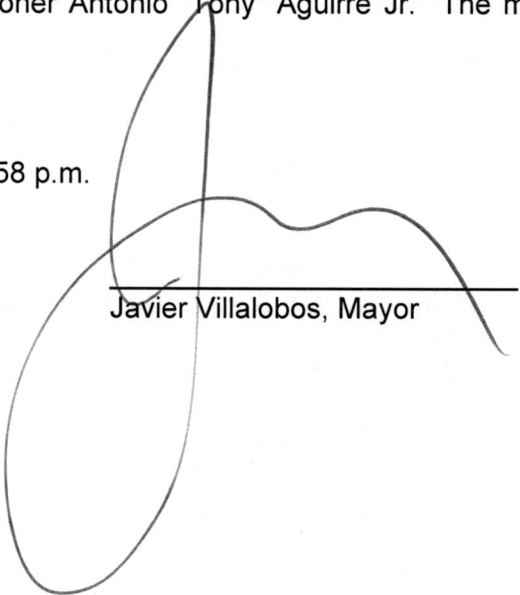
Commissioner Omar Quintanilla moved to authorize the adoption of the ordinance as described in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 5:58 p.m.

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary


Javier Villalobos, Mayor