



Mayor Javier Villalobos
Mayor Pro Tem/Commissioner Joaquin Zamora
Commissioner Tony Aguirre, Jr.
Commissioner J. Omar Quintanilla

Commissioner Rodolfo "Rudy" Castillo
Commissioner Victor "Seby" Haddad
Commissioner Pepe Cabeza de Vaca
City Manager Roel "Roy" Rodriguez, P.E.

AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, AUGUST 22, 2022 – 5:00 PM
MCALLEN CITY HALL
CITY COMMISSION CHAMBERS; 3RD FLOOR
1300 HOUSTON AVENUE
MCALLEN TEXAS, 78501

<https://zoom.us/j/5087553077?pwd=TjduYjR4U2l3cWU1NjlsZzlsM2hJUT09>

Members of the public that wish to listen to the meeting can log in to the virtual Zoom meeting or dial (346) 248-7799 US (Houston) Meeting ID: 508 755 3077 Passcode: 878576.

Individuals that wish to participate in the meeting or comment on an agenda item should call (956) 681-1020 by 3:30 pm. Any individual dialing in acknowledges his or her phone number may be visible to the public.

"At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code."

CALL TO ORDER - Mayor Javier Villalobos

PLEDGE OF ALLEGIANCE - Mayor Javier Villalobos

INVOCATION - Commissioner Rodolfo "Rudy" Castillo

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:

- A) ROUTINE ITEMS:** *(All Rezoning 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.)*

1. Rezone from R-2 (duplex-fourplex residential) District to C-3 (general business) District: Lot 3, Quincy Subdivision, Hidalgo County, Texas; 1609 Quebec Avenue.
2. Rezone from C-2 (neighborhood commercial) District to R-1 (single-family residential) District: 2.34 acres out of Lot 348, John H. Shary Subdivision, Hidalgo County, Texas; 5517 North Bentsen Road.
3. Rezone from A-O (agricultural-open space) District to R-1 (single-family residential) District: 96.258 acres being all of Lots 1, 2, 3, 4 and 5, Block 1 all of Lot 7, Block 5, and out of Lots 6, 8, 9, and 10, Block 5, M and M Subdivision, Hidalgo County, Texas; 15401 North 29th Street.
4. Request of Robert Wilson, 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 G.
5. Request of Eric R. Pena, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar at N98.5' Lot 1 Blk 1, Fairway North Subdivision, Hidalgo County, Texas; 2001 South 10th Street.
6. Request of Mayela X. Ramirez, for a Conditional Use Permit, for one year, and adoption an ordinance for a bar (nightclub) at Lot 1, Nolana West Subdivision, Hidalgo County, Texas; 2200 Nolana Avenue, Suites 2232 & 2234.
7. Request of Andre Sutiono, for a Conditional Use Permit, for the life of the use, and adoption of an ordinance for an automotive service and repair shop (oil change shop) at Lot A, 29th Place Subdivision and Lot 1, Asian Valley Subdivision (proposed vacating and replat of Asian Valley Subdivision Lot 1 and 29th Place Subdivision Lot A and Asian Valley Lots 1A & 1B), Hidalgo County, Texas; 2813 Nolana Avenue.
8. Request of Teresa Flores, for a Conditional Use Permit, for the life of the use, and adoption of an ordinance, for an institutional use (Outdoor Learning Center) at 9.885 acres (more or less)(deed record 10 acres) of Lot 10, section 280, Texas-Mexican Railway Company's Subdivision (proposed Hidalgo County Head Start Outdoor Learning Environments and Discovery Classrooms Subdivision), Hidalgo County, Texas; 1901 State Highway 107.

B) REZONINGS:

1. Rezone from R-1 (single-family residential) District to C-3 (general commercial) District: 6.713 acres out of Lot 7, E.M. Card Survey No. 1 and out of Lot 14, Section 279, Tex-Mex Railway Company Survey Subdivision, Hidalgo County, Texas; 2300 Oxford Avenue.
2. Rezone from R-4 (mobile home and modular home) District to R-2 (duplex-fourplex residential) District: Lot 17, Jennings Subdivision Unit No. 2, Hidalgo County, Texas; 5801 North Main Street.
3. 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. **(TABLED)**

C) Amending the Zoning Ordinance of the City of McAllen.

- D) 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.(TABLED)

END OF PUBLIC HEARING

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.)*
- A) Approval of Minutes for Workshop and Regular Meeting held August 8, 2022.
 - B) Consideration and Authorization to remove 1st Quarter of Fiscal Year 2021-22 Uncollectible Sanitation and Drainage Accounts from the General Ledger and begin Write-off procedures.
 - C) Consideration and Approval of Change Order No. 1 and Final for the Chicago Avenue at South 23rd Street Drainage Improvements Project.
 - D) Consideration and Authorization to execute a Memorandum of Understanding with Hidalgo County - Urban County Program for the development of the Fiscal Year 2023-2027 Consolidated Plan and Strategy for funds from the U.S. Department of Housing and Urban Development (HUD/CDBG).
 - E) Resolution authorizing the submittal of a grant application to the Leary Foundation for funding under the Fiscal Year 2022 Grant Program.
 - F) Resolution authorizing the submittal of a grant application to the U.S. Department of Transportation for funding under the Fiscal Year 2022 Bridge Investment Program.
 - G) **CONSENT COOP PURCHASES**
 - 1. Award of Contract for the Purchase of Two (2) Mowers.
 - 2. Award of Contract for the Purchase and Installation of WiFi equipment at Memorial Water Tower.
 - H) Project Status Report through July 31, 2022.
 - I) Subdivision Monthly Report.
 - J) Status Report on Parks & Recreation Projects.
 - K) Approval of Tax Refund over \$500.00.
 - 1. Miller, Charles Leroy & Sonya Irene
 - 2. Ortiz, Gloria MD PA
3. **BIDS/CONTRACTS:**
- A) Award of Contract for the Purchase of Fire Engine #8 and related Firefighting Equipment.
 - B) Award of Contract for the Bentsen Road Roadway Widening from FM676 (Auburn Avenue) to FM1924 (3 Mile Road) Project.
 - C) Award of Contract for the Taylor Road Roadway Widening from 4 Mile Road (Lark Avenue) to Daffodil Avenue Project.

- D) Consideration and Approval of Change Order No. 3 for the McAllen Youth Baseball Complex Parking Lot.
- E) Award of Contract for the 2022 Pavement Preservation Project.
- F) Award of Contract for Helena Avenue Sidewalk Improvements.
- G) Consideration and Approval of a Developer's Reimbursement Agreement for the Construction of Drainage Improvements for World of 4 Subdivision.
- H) Award of Contract for the Purchase of a web-centric VOD and Live Streaming Programming Computer with Cablecast Automation for the Office of Communications for use in programming content for MCN 1300, the City of McAllen Public, Education, Government (P.E.G.) Channel.
- I) Consideration and Authorization to declare certain Vehicles, Equipment and Property as Surplus.

4. ORDINANCES:

- A) Providing for the creation of the City of McAllen Municipal Court of Record.
- B) Providing for the abandonment of a 5.10 acre-tract of land being a road right of way out of Lots 7, 8, 13, 14, 16, 17 and 18, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 12500 North Ware Road.
- C) Providing for a Budget Amendment for the purchase of a Fire Engine and Firefighting Equipment.
- D) Discuss and take action on an ordinance authorizing the issuance of "City of McAllen, Texas Junior Lien International Toll Bridge System Revenue Bonds, Taxable Series 2022A" and "City of McAllen, Texas Junior Lien International Toll Bridge System Revenue Bonds, Taxable Series 2022B".

5. RESOLUTION:

- A) Resolution providing for an agreement with the Texas Department of Transportation (TxDOT) to contribute Right-of-Way funds (Fixed Price) for FM2220 (Ware Road) from FM1925 (Monte Cristo Road) to SH107.

6. MANAGER'S REPORT:

- A) Discussion of 2022 Proposed Tax Rate, Take a Record Vote and Schedule Public Hearing.
- B) Immigration and Respite Center Report.
- C) 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) Consultation with City Attorney regarding legal issues with restrictive covenants in real estate conveyance documents. (Section 551.071, T.G.C.)
- B) Consultation with City Attorney regarding potential litigation to enforce city codes. (Section 551.071, T.G.C.)
- C) Consultation with City Attorney regarding legal issues with contractual agreements. (Section 551.071, T.G.C.)
- D) Consideration of Economic Development Matters. (Section 551.087, T.G.C)

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME.

C E R T I F I C A T I O N

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on August 19, 2022 at 3:30 PM and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/
Perla Lara, TRMC/CMC, CPM
City Secretary