



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, SEPTEMBER 12, 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 Victor "Seby" Haddad

PRESENTATIONS - *Recognition of Team McAllen Athletes and the TAAF Region 2 Male Athlete of the Year – Ayden Granados*

Recognition of the Office of Communications for National Association of Telecommunication Officers and Advisors and City County Communicators Marketing Association Awards

PROCLAMATION - National Day of Remembrance for Murder Victims - Robert Garcia

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 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.)*

1. Rezone from R-1 (single-family residential) District to R-3A (multifamily residential apartments) District: 18.239 acres out of Lot 11, Section 280, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 2433 SH 107.
2. Rezone from R-2 (duplex-fourplex residential) District to R-1 (single-family residential) District: 20.0 acres out of Section 227, Texan-Mexican Railway Company's Survey, Hidalgo County, Texas; 14301 North Shary Road.
3. Request of Boggus MS Properties LLC in c/o Caliber Collision, for a Conditional Use Permit, for life of the use, and adoption of an ordinance for automotive service and repair (Auto Body repair Facility) at Lots 13-16 Whalen's Acres Subdivision, Hidalgo County, Texas; 300 South Whalen Road.

B) REZONINGS:

1. Rezone from R-1 (single-family residential) District to C-3 (general business) District: Lots 7 and 8, save and except the north 15 feet of Lot 8, Block 1, Renken's Addition Subdivision, Hidalgo County, Texas; 601 North 9th Street.
2. 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) CONDITIONAL USE PERMITS:

1. Request of Ramon R. Martinez for a Conditional Use Permit, for one year, and adoption of an ordinance for a food truck park at Lot 1, Valley Salvage Center Subdivision, Hidalgo County, Texas; 701 East Highway 83.
2. Request of Jorge L. Martinez for a Conditional Use Permit, for one year, and adoption of an ordinance for a food truck park at 1 tract of land North of Railroad Right of Way between 10th and 11th Streets South of Block 49, North McAllen Addition, Hidalgo County, Texas; 1001 Ash Avenue.

- D)** Amending the Zoning Ordinance of the City of McAllen.

- 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 Chanida G. Tauthong, at Lot 1, Angela Subdivision, Hidalgo County, Texas; 3507 North Ware Road.

- F)** 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)

- G) Public Hearing to consider and adopt the 2022-2023 Service and Assessment Plan (the "SAP") for the Tres Lagos Public Improvement District (the "District"), to consider and adopt the proposed 2022-2023 Assessment Roll for the District (the "Roll"), and to levy the assessments, as special assessments, on the properties identified in the Roll for the District, as required by and in compliance with Chapter 372 including, but not limited to sections 372.016 and 372.017, as amended, of the Texas Local Government Code (the "Act").
- H) Public Hearing on the City of McAllen's Proposed Budget for Fiscal Year 2022-2023.

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 of Workshop held August 2nd and Special Meeting, Workshop, and Regular Meetings held August 22, 2022.
- B) Consideration and Approval of the acceptance of the Texas Department of Transportation (TxDOT) Routine Airport Maintenance Program Grant 2023.
- C) Resolution authorizing the submission of a grant application to the Edaren Foundation for funding under the general grant funding cycle.
- D) Resolution authorizing the submission of a grant application to the Office of the Governor (OOG), Criminal Justice Division, for funding under the Fiscal Year 2023 Bullet-Resistant Shield Grant Program.
- E) Ordinance providing a Budget Amendment to recognize revenues for the sale of property and a transfer out to the Development Corporation Fund.
- F) Ordinance providing for the adoption of "Updated Service Credits" in the Texas Municipal Retirement System.
- G) Ordinance providing for an amendment to revise the posted speed limit on Trenton Road between 2nd Street and City of Edinburg limits.
- H) Consideration and Approval for the renewal of the Memorandum of Understanding between Region One Education Service Center's Adult Education Program and the City of McAllen.
- I) **CONSENT COOP PURCHASES**
 - 1. Award of Contract for the Purchase of one (1) ANDROS 2463-0100 Spartan Vehicle Assembly.
 - 2. Award of Contract for the Purchase of three (3) Scan Silc 2430 EOD Portable X-Ray Units.
 - 3. Award of Contract for the Purchase of one (1) Kinova Remote Robotic Manipulator.
 - 4. Award of Contract for the Purchase of one (1) LDV Model #SS32FC-22SV Mobile Command Unit.
 - 5. Award of Contract for the Purchase of two (2) LENCO BearCat Armored Units.
 - 6. Award of Contract for the Purchase of one (1) GrayKey five (5) year license.

7. Award of Contract for the Purchase of one (1) Cellebrite one (1) year Premium Saas Unlimited Subscription.

J) Consideration and Approval to Remove Uncollectible Tax Accounts from the Delinquent Tax Roll.

K) Approval of Tax Refunds over \$500.00.

1. Corelogic for Roundpoint Mtg.
2. Daystar Open MRI
3. Dillards/Dillard Texas South LLC
4. Genco Energy Services
5. H-E-B
6. Stone Valley One LLC

3. BIDS/CONTRACTS:

A) Consideration and Approval of First Amendment to License Agreement with AT&T.

B) Award of Contract for the 33rd Street Roadway Extension from Oxford Avenue to Auburn Avenue Project.

C) Consideration and Approval of Change Order No. 3 for the 2018 Bond Group D Drainage Improvements Project.

D) Consideration and Approval of Change Order No. 1 for the 2018 Bond Group A Drainage Improvements Project.

E) Consideration and Approval of Change Order No. 3 for the New McAllen Metro Transfer Station and Change Order No. 2 for the New Parks and Recreation Administration.

F) Consideration and Approval of Change Order No. 1 and Final Reconciliation of Contract Quantities for 2021 Sidewalk & Bus Stop Improvements.

4. ORDINANCES:

A) Providing for the installation of a “No Parking” Zone on Tanya Avenue, East of 23rd Street.

B) Providing for a Budget Amendment for Old South 10th Street Drainage Improvement Project.

C) Consideration and adoption of an Ordinance approving and adopting the Tres Lagos Public Improvement District (“District”) 2022-2023 Service and Assessment Plan and 2022-2023 Assessment Roll for the District; Establishing classifications for the apportionment of costs and methods of assessing for special benefits for improvements, maintenance, and special services to property within the District; levying debt service assessments for the cost of improvements to be provided in the District, maintenance assessments (including an ordinary maintenance assessment and limited-benefit maintenance assessment) for the cost of maintenance and operation of the District, and supplemental service assessments for the costs of provision of supplemental services within the District; fixing charges and liens against the Property in the District and against the owners thereof; providing for the collection of the assessments; and providing an effective date.

D) Minute Order establishing a moratorium on memberships at Champion Lakes Golf

Course.

- E) Minute Order updating certain fees at Champion Lakes Golf Course.

5. VARIANCES:

- A) Consideration of a variance request to not require the subdivision process at a 0.32-acre tract of land more or less being the north 70 feet of the south 165 feet of the west 200 ft. of Lot 57, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 7608 North Ware Road.
- B) Consideration of a variance request to the ROW dedication requirements for South 29th Street at the proposed RMZ Subdivision, Hidalgo County, Texas; 2901 Colbath Road.

6. MANAGER'S REPORT:

- A) Advisory Board Appointments.
- B) Consideration and Approval of Engagement Letter from Weaver & Tidwell, LLP for the annual audit ending September 30, 2022.
- C) Review of the Quarterly Investment Report for the Quarter Ending June 30, 2022.
- D) Receive an annual update on the status of Reinvestment Zone Number One, City of McAllen, Texas (Tres Lagos) as required by Sections 311.0101(c) and 311.016 of the Texas Tax Code and the Interlocal Agreement for the Zone.
- E) Discussion and action on approval of ratification of all actions taken by Megan Earl as a Board member (Position 5) of the Tres Lagos Public Improvement District during her holdover term, and acceptance of resignation of Megan Earl, Position 5, from the Tres Lagos Public Improvement District Board of Directors.
- F) Discussion and action on approval of Board member reappointment of Mike Rhodes (Position 1) to the Reinvestment Zone Number One, City of McAllen, Texas Zone Board, for a two-year term beginning March 3, 2022 and ending March 2, 2024 and ratification of all past actions taken by said Board member when acting in his holdover term as a Board member for the Zone.
- G) Discussion and action on acceptance of resignation of Megan Earl, Position 2, from the Reinvestment Zone Number One, City of McAllen, Texas Zone Board.
- H) Discussion and action on approval of Board member appointment of Jon Rhodes to fill the vacancy in Position 2 to the Reinvestment Zone Number One, City of McAllen, Texas Zone Board, for the unexpired term ending March 2, 2023.
- I) Discussion and action on approval of Board member reappointment of Jaime Gonzalez (Position 3) to the Reinvestment Zone Number One, City of McAllen, Texas Zone Board, for a two-year term beginning March 3, 2022 and ending March 2, 2023, and ratification of all past actions taken by the said Board member when acting in his holdover term as a Board member for the Zone.
- J) Discussion and action on approval of Board member reappointment of Mayor Javier Villalobos (Position 6) to the Reinvestment Zone Number One, City of McAllen, Texas Zone Board, for a two-year term beginning March 3, 2021 and ending March 2, 2023, and ratification of all past actions taken by the said Board member when acting in his in his holdover term as a Board member for the Zone.

- K)** Discussion and action on approval of Board member reappointments of Mike Rhodes (Position 1) and Jaime Gonzalez (Position 3) to the Tres Lagos Public Improvement District Board, for a two-year term beginning April 16, 2022 and ending April 15, 2024, and ratification of all past actions taken by the said Board members when acting in their holdover terms as Board members for the PID.
- L)** Discussion and action on approval of Board member reappointments of Misty Martin (Position 2) and Nick Rhodes (Position 4) to the Tres Lagos Public Improvement District Board, for a two-year term beginning April 16, 2021, and ending April 15, 2023, and ratification of all past actions taken by the said Board member when acting in their holdover terms as Board members for the PID.
- M)** Discussion and action on appointment of Nick Rhodes (Position 5) as chairman, to the Reinvestment Zone Number One, City of McAllen, Texas Zone Board, for a one-year term, pursuant to section 311.009(f) of the Texas Tax Code, beginning January 1, 2023 and ending December 31, 2023.
- N)** Discussion and action on approval of the appointment of Jon Rhodes to fill the vacancy in Position 5, to the Tres Lagos Public Improvement District Board of Directors, for a two-year term beginning September 12, 2022 and ending September 11, 2024.
- O)** Immigration and Respite Center Report.
- P)** 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)** Consideration of Economic Development Matters. (Section 551.087, T.G.C.)
- B)** Discussion and possible lease, sale or purchase of Real Property, Tract 1. (Section 551.087, T.G.C.)
- C)** Consultation with City Attorney regarding pending litigation matters. (Section 551.071, T.G.C.)
- D)** Consultation with City Attorney regarding legal issues related to alcohol permits. (Section 551.071, 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 September 9, 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