



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 JOINT MEETING WITH THE
MCALLEN PUBLIC UTILITY BOARD
MONDAY, SEPTEMBER 26, 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 Jose R. "Pepe" Cabeza de Vaca

PROCLAMATIONS - Prostate Cancer Awareness Month - Mario Liscano

Deaf Awareness Month- Marissa Pecina

Passport Division 15th Anniversary - Norma Rodriguez

PRESENTATION – International Festivals and Events Association (IFEA) Awards Recognition

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 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.)*

1. Request of Vicent G. Huebinger, on behalf of SBA Communications, for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for a personal wireless service facility, at a 750 sq. ft. lease area and a 20 feet wide access and utility easement out of Lot 4, Block 3 (railroad right of way), Steele and Pershing Subdivision, Hidalgo County, Texas; 151 East Trenton Road.

B) REZONING:

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. **(TABLED)**

C) CONDITIONAL USE PERMITS:

1. Request of Yair Cruz for a Conditional Use Permit, for one year, and adoption of an ordinance for an Event Center at East 91.2 feet of Lot 1, Lot 2 and south 30.57 feet of Lot 3, Block 2, excluding the south 16 feet, west 48.8 feet of Lot 2, McAllen Addition Subdivision, Hidalgo County, Texas; 1100 Austin Avenue.

2. Request of Shawn M. Mendiola, on behalf of Stick Lizards Bar and Grill, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar and grill at Lot 25 and the west ½ of Lot 26, Gartman's Subdivision, Hidalgo County, Texas; 1113 Upas Avenue.

3. Request of Ricardo Vega and Melinda V. Vega, on behalf of Maddie's Pumpkin Patch, for a Conditional Use Permit, for one year, and adoption of an ordinance, for an Event Center (Picture Venue) at 4.983 acres out of Lot 78, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 6712 North Bentsen Road.

4. Request of Javier Hernandez, on behalf of Pendulum Development Inc., for a Conditional Use Permit, for one year, and adoption of an ordinance, for an Event Center at Lots 7 and 8, Block 45, North McAllen Addition, Hidalgo County, Texas, 220 North Main Street.

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

- E)** Public Hearing for a variance request from Section 6-2 of the Alcoholic Beverage Code, request of Oscar Maldonado, Casa de Palmas Renaissance McAllen Hotel, at North McAllen all Blk 53 and a TR 40'x8'-Ash St. an Abnd Road, Hidalgo County, Texas; 101 North Main Street.

- F)** Public Hearing on 2022 Proposed Tax Rate.

END OF PUBLIC HEARING

2. JOINT MEETING WITH THE MCALLEN PUBLIC UTILITY BOARD:

- A)** Order of the McAllen Public Utility Board, approving and recommending approval of the McAllen Public Utility Proposed Budget for Fiscal Year 2022-2023.
- B)** Roll Call Vote on the adoption of an Ordinance adopting the City of McAllen Annual Budget for Fiscal Year 2022-2023, including the McAllen Public Utility Budget.
- C)** Roll Call Vote of an Ordinance adopting the City of McAllen 2022 Property Tax Rate.
- D)** Order of the McAllen Public Utility Board, approving the adoption of an ordinance amending the McAllen Code of Ordinances, Article III, Division 3, Chapter 106, Section 106-82 and Article IV, Division 2, Section 106-166 providing for a utility rate increase.
- E)** Ordinance amending the McAllen Code of Ordinances, Article III, Division 3, Chapter 106, Section 106-82 and Article IV, Division 2, Section 106-166 providing for a utility rate increase.
- F)** Resolution approving the City's Investment Policy and Strategy by providing for diverse investment opportunities allowed under the Public Funds Investment Act with the objective of enhancing earnings potential.

END OF JOINT MEETING

3. 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 Budget Workshop held August 3rd, Workshop and Regular Meeting held September 12, 2022.
- B)** Consideration and Authorization to enter into an Interlocal Agreement for the donation of a surplus vehicle to the City of Reynosa, Tamaulipas, Mexico.
- C)** Consideration and Authorization to enter into an Interlocal Agreement for the donation of surplus vehicles to the City of Apodaca, Nuevo Leon, Mexico.
- D)** Consideration and Authorization to enter into an Interlocal Agreement for the donation of a surplus vehicle to the City of Dr. Gonzalez, Nuevo Leon, Mexico.
- E)** Consideration and Authorization to enter into an Interlocal Agreement for the donation of a surplus vehicle to the City of Guadalupe, Nuevo Leon, Mexico.
- F)** Consideration and Authorization to enter into an Interlocal Agreement for the donation of a surplus vehicle to the State of Nuevo Leon, Mexico.
- G)** Consideration of Approval of Addendum to the Memorandum of Understanding between the Constituent Agencies of the Texas Anti-Gang (TAG) Center Rio Grande Valley.
- H)** Consideration and Authorization to remove 2nd Quarter of Fiscal Year 2021-22 Uncollectible Sanitation & Drainage Accounts from the General Ledger and begin Write-off procedures.
- I)** Subdivision Monthly Report.
- J)** Project Status Report through August 31, 2022.
- K)** Status Report on Parks & Recreation Projects.

L) CONSENT COOP PURCHASES

1. Award of Contract for the Purchase of Six (6) Cellebrite five (5) year Ultimate Subscriptions with selected options.
2. Award of Contract for the Purchase of Thirty-five (35) Panasonic Toughbooks CF033 Mobile Laptops.
3. Consideration and Approval to Renew the Microsoft Enterprise Agreement and continue to utilize Email and Software services.

M) Approval of Tax Refunds over \$500.00.

1. JX Properties LLC
2. Yanez, Cruz & Elizabeth

4. BIDS/CONTRACTS:

- A)** Award of Contract for the Purchase of One (1) Clearview AI seven (7) year Unlimited Subscription with selected options.
- B)** Award of Contract for the Purchase of a Fire Brush-Truck.
- C)** Award of Contract for Professional Services for the Public Works Recycling Center.
- D)** Award of Contract for Professional Engineering Services for the Jackson Hike & Bike Trail (Phase II).
- E)** Consideration and Approval of Change Order No. 1 for the Daffodil Avenue Roadway Improvements.
- F)** Consideration and Authorization to remove uncollectible parking fines from the Downtown Services General Ledger and begin Write-Off procedures.

5. ORDINANCES:

- A)** Providing for a Budget Amendment to the ARPA and Infrastructure and Improvement fund.
- B)** Amending District No. 2 and No. 5 Maps to adjust District Polling Place.
- C)** Increasing authorized strength for the McAllen Police Department.
- D)** Consideration and possible approval of an ordinance regulating pop-up markets.

6. MANAGER'S REPORT:

- A)** Advisory Board Appointments.
- B)** Appointments of Board and Committees Served by Elected Officials.
- C)** Immigration and Respite Center Report.
- D)** Future Agenda Items.

7. TABLED ITEM(S):

- A)** 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.

- B)** 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.
- C)** 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.
- D)** Discussion and action on acceptance of resignation of Megan Earl, Position 2, from the Reinvestment Zone Number One, City of McAllen, Texas Zone Board.
- E)** 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.
- F)** 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 in his holdover term as a Board member for the Zone.
- G)** 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.
- H)** 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.
- I)** 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.
- J)** 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.

- K) 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.
- L) 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.

8. **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 regarding emergency medical services. (Section 551.071, 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: Ernesto Rocha v. City of McAllen, Civil Action 7:21-cv-182. (Section 551.071, T.G.C.)
- D) Consultation with City Attorney regarding legal issues with the issuance of certain certificates of occupancy. (Section 551.071, T.G.C.)
- E) Evaluation of the City Manager. (Section 551.074, 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 23, 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