



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, OCTOBER 24, 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 Antonio "Tony" Aguirre, Jr.

PROCLAMATIONS - National Community Planning Month - Edgar Garcia

Domestic Violence Awareness Month - Ricardo Rodriguez, Jr.

Municipal Court Week - Judge Lauren Sepulveda

AGENDA ITEM PUBLIC COMMENT (Individuals wishing to speak regarding an agenda item on today's agenda, please contact City Secretary before 5:00pm)

1. ORDINANCE:

- A)** Providing for the amendment of the zoning ordinance to regulate BYOB establishments.

2. 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. Request of City of McAllen for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for an Institutional Use (Morris Park Improvements) at 8.50 acres out of Lot 1, McAllen Independent School District #6 (Middle School) Subdivision, Hidalgo County, Texas; 1400 Trenton Road.
2. Request of RGV Padel Club LLC, for a Conditional Use Permit, for one year, and adoption of an ordinance for padel courts with beer and wine sales at Lot N-1, Beck Industrial Area Subdivision, Hidalgo County, Texas, 1920 North 23rd Street.
3. Request of Yolanda A. Flores, for a Conditional Use Permit, for one year, and adoption of an ordinance, for an event center at the west 143.14 feet of the east 777.64 feet of the south 845.28 feet at 2.77 acres out of Lot 11, La Lomita (HOIT) Subdivision, Hidalgo County, Texas, 3501 State Highway 107.

B) REZONINGS:

1. Initial zoning to R-3A (multifamily residential apartment) District: 8.92 acres out of Lot 452, John H. Shary Subdivision, Hidalgo County, Texas; 7000 Mile 6 Road.
2. Rezone from R-1 (single-family residential) District 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 Jeanette Gutierrez on behalf of MDM Real Estate Group, appealing the Planning and Zoning Commission's decision on October 4, 2022, disapproving a Conditional Use Permit, for one year, for a home occupation (Home Office), and adoption of an ordinance, at 0.82 acres out of Lot 4, J. P. King Subdivision, and a 25 ft. street easement, Hidalgo County, Texas, 329 South McColl Road.
2. Request of Jorge E. Guajardo, for a Conditional Use Permit, for one year, and adoption of an ordinance, for an event center at Lots 7 and 8, Citrus Grove Plaza Subdivision, Hidalgo County, Texas, 4037 Expressway 83, Suites 100, 105, and 110.
3. Request of Caltia Construction LLC, for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for a Planned Unit Development, at the south 10 acres of the north 15 acres of Lot 52, La Lomita Irrigation & Construction Company's Subdivision (Proposed Andara Apartments at Ware Subdivision), Hidalgo County, Texas, 8200 North Ware Road. **(TABLED)**

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 Hector Ronquillo, RGV Padel Club LLC, at Lot N-1, Beck Industrial Area Subdivision, Hidalgo County, Texas, 1920 North 23rd Street.
- F) Public Hearing and ordinance providing for the annexation of 8.92 acres out of Lot 452, John H. Shary Subdivision, Hidalgo County, Texas; 7000 Mile 6 Road.

END OF PUBLIC HEARING

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 10th, Workshop and Regular Meeting held October 10, 2022.
- B) Consideration and Approval of Change Order No. 1 and Final Reconciliation of Quantities for 2022 Single Machine Repaving.
- C) Consideration and Approval of Change Order No. 1 and Final Reconciliation of Quantities for Purchase & Delivery of Type "D" Hot Mix Asphaltic Concrete.
- D) Consideration and Approval of Change Order No. 1 and Final for the Main Street at Cedar Avenue Drainage Improvements Project.
- E) Resolution authorizing the submittal of a grant application to the Texas Parks and Wildlife Department for funding under the Fiscal Year 2023 Community Outdoor Outreach (CO-OP) Grant Program.
- F) Resolution adopting the 2022 City of McAllen Tax Roll.
- G) **CONSENT COOP PURCHASES**
 - 1. Award of Contract for the Purchase of One (1) Current Model 750L Crawler Dozer Equipment through Cooperative Pricing.
 - 2. Award of Contract for the Purchase of Two (2) Current Model Vector Trucks through Cooperative Pricing.
- H) Subdivision Monthly Report.
- I) Project Status Report through September 30, 2022.
- J) Status Report on Parks & Recreation Projects.
- K) Approval of Tax Refund over \$500.00.
 - 1. Hunter Kelsey of Texas

4. **BIDS/CONTRACTS:**

- A) Consideration and Authorization to enter into an Interlocal Agreement with the City of Brownsville to participate in the Fiscal Year 2022 South Texas Auto Theft Enforcement Task Force.
- B) Award of Contract for SS115 (23rd Street) and Jackson Avenue and SH336 (10th Street) and U.S. Business 83 Intersection Improvements.
- C) Consideration and Approval of Change Order No. 1 for the FM 1926 (23rd Street) Intersection Improvements.

- D) Consideration and Approval of CMAR Proposal Qualification for the Quinta Mazatlan Center of Urban Ecology and Quinta Park and Ride.

5. MANAGER'S REPORT:

- A) Consideration and action on a request from the Tres Lagos Public Improvement District Board of Directors requesting the City Commission of the City of McAllen to include the PID in the City's self-insurance program and provide insurance coverage thereunder for the property, casualty, and liability exposure related to the property and obligations of the PID in return for an appropriate annual contribution by the PID to the City's self-insurance program.
- B) Immigration and Respite Center Report.
- C) Future Agenda Items.

6. 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 CMAR processes. (Section 551.071, T.G.C.)
- B) Consultation with City Attorney regarding legal issues related to third-party consultants. (Section 551.071, T.G.C.)
- C) Discussion and possible lease, sale or purchase of real property, Tract 1. (Section 551.071, T.G.C.)
- D) Consideration of Economic Development matters. (Section 551.087, T.G.C.)
- E) Consultation with City Attorney regarding legal issues related to contractual agreement. (Section 551.071, T.G.C.)
- F) Consultation with City Attorney regarding legal issues related EB-5 Program. (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 October 21, 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