

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **November 28, 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, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Mayor Pro Tem Joaquin Zamora

Staff: City Manager Roy Rodriguez, City Attorney Isaac Tawil, 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.

PRESENTATION

CITIZENS CODE ACADEMY

Staff made a presentation of the Citizens Code Academy.

PROCLAMATION

50th ANNIVERSARY NUTCRACKER BALLET

Commissioner Rodolfo "Rudy" Castillo read and presented a proclamation for 50th Anniversary Nutcracker Ballet

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.

Commissioner Jose R. "Pepe" Cabeza de Vaca 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-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: LOT 7, BLOCK 1, SOUTHWEST HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 404 SOUTH 28TH STREET.**

Approved the R-2 Zoning at 404 South 28th Street, as per Planning and Zoning Commission.

- 2. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 10.201 ACRES OUT**

**OF LOT 445, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS;
9400 NORTH SHARY ROAD.**

Approved the R-3A Zoning at 9400 North Shary Road, as per Planning and Zoning Commission.

**3. REQUEST OF FERNANDO CRUZ ON BEHALF OF JOURNEY CHURCH RGV
FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION
OF AN ORDINANCE, FOR AN INSTITUTIONAL USE (CHURCH), AT A 1.10
ACRE TRACT OF LAND OUT OF LOT 492, JOHN H. SHARY SUBDIVISION,
HIDALGO COUNTY, TEXAS; 6917 AND 6925 STATE HIGHWAY 107.**

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an Institutional Use (Church) at 6917 and 6925 State Highway 107, as per Planning and Zoning Commission.

The proposed use must also comply with the zoning ordinance and specific requirements as follows:

1. The proposed use shall not generate traffic onto residential size streets or disrupt residential areas and shall be as close as possible to a major arterial. The property fronts State Highway 107.
2. The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the seating area of 300 seats, 75 parking spaces are required; 75 parking spaces are proposed. The parking lot is in good condition and in compliance with city requirements.
3. The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits.
4. The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities.
5. Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas.
6. The number of persons within each building shall be restricted to the existing seating capacity for the building.

B) CONDITIONAL USE PERMITS:

**1. REQUEST OF EMIGDIO SALINAS ON BEHALF OF M2 ENGINEERING,
PLLC, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND
ADOPTION OF AN ORDINANCE, FOR A PLANNED UNIT DEVELOPMENT AT
13.116 ACRES OUT OF LOTS 234 AND 235, PRIDE O' TEXAS SUBDIVISION
(PROPOSED SUNSET VALLEY SUBDIVISION), HIDALGO COUNTY, TEXAS;
6100 NORTH BENTSEN ROAD.**

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for life of the use for a Planned Unit Development at 6100 North Bentsen Road, as per Planning and Zoning Commission.

Specific requirements for approval are specified in the Ordinance creating a Planned Unit Development for the subject property and summarized as the following:

1. CONCEPTUAL SITE PLAN: Development and use of the property must comply with the conditional use permit conceptual site plan.
2. PERMITTED USES: Permitted uses are uses permitted in the R-1 District for buildings designated as residential. The applicant is proposing multifamily residences, allowed in R-3A District.
3. OFF-STREET PARKING AND LOADING: Parking in compliance with Chapter 134 Article VI, which requires two parking spaces per unit, with one being located beyond the front yard setback.
4. LANDSCAPING: Each lot requires 10% landscaping and a minimum of 50% of the area within the required front yard of any residential lot shall be devoted to landscape material including the portion of the front yard located between the property line and the extension of the side yard setback line. Tree requirement for multifamily development is calculated as per Section 110-51 of Vegetation Ordinance. A landscape strip area with a minimum width of ten feet shall be provided along and within the property lines of all nonresidential and multifamily uses contiguous to a public street, excluding driveway entrances and exits. For properties having a lot depth of less than 200 feet, the landscaped strip may be reduced to a minimum width of five feet with a landscape hedge not exceeding three feet in height.

5. **STREETS AND SETBACKS:** A minimum of 60 ft. right-of-way with 40 ft. of pavement width is required on all internal streets, as well as a minimum of 96 ft. pavement on cul-de-sacs face to face. The applicant is proposing 55 ft. of right-of-way, 5 ft. utility and sidewalk easement on both sides, and 40 ft. of pavement back-to-back. An R-1 zone requires a front yard setback of 25 ft. on interior streets; 20 ft. is being proposed. The side setback for corner lots is 10 ft. or greater for easements, whichever is greater; Rear: 10 ft. or greater or easements; A 4 ft. wide minimum sidewalk required on North Bentsen Road and both sides of all interior streets. 5 ft. sidewalk might be required by Engineering Department prior to final plat review. Sidewalk must comply with subdivision requirement. No encroachment is allowed over the setback or easements.
6. **DRAINAGE:** The drainage report must be approved.
7. **ADDITIONAL PROVISIONS:** The Conditional Use Permit site plan controls if there is a conflict with other City ordinances. A decision by the Planning Director may be reviewed by Planning and Zoning Commission for recommendation to Board of Commissioners for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development has 13.116 acres and includes multifamily residences. The proposed site plan must be approved by Development Departments.
8. Owner, Engineer and Surveyor certification and signature blocks need to be shown on the PUD site plan.
9. The subdivision plat and the Planned Unit Development site plan must be recorded prior to issuance of building permits. Therefore, Sunset Valley Subdivision process must be completed, and recorded together with the site plan.

The request must comply with requirements set forth in the Zoning and Subdivision ordinances. Specific modifications required for approval are the following:

- a. Request a variance to allow 10 ft. separation instead of 12 ft.
- b. Request a variance to allow a 20 ft. front setback instead of 25 ft.
- c. Request a variance to 55 ft. or right-of-way on interior streets and 5 ft. utility easement on both sides, and 40 ft. of pavement back-to-back, instead of 60 ft. right-of-way.

If the subdivision layout changes, the conditional use permit will need to be amended to resemble the approved Subdivision Plat.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the Conditional Use Permit as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

2. REQUEST OF JAIME A. SALAZAR FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A GUEST HOUSE, AT LOT 1, ORANGEWOOD NORTH SUBDIVISION, HIDALGO COUNTY, TEXAS; 8408 NORTH 4TH STREET.

Staff recommended approved of a Conditional Use Permit and adoption of an ordinance, for life of the use, for a guest house, at 8408 North 4th Street, as per Planning and Zoning Commission.

The guest house must meet the requirements for Building Permits and Inspections Department, Fire Department and set forth in Section 138-118(a)(5) of the Zoning Ordinance and specific requirements as follows:

1. Only one guest house shall be permitted on the property.
2. The proposed use shall comply with setback requirements. The proposed structure's setbacks comply.
3. The proposed use shall be connected to the same utilities as the primary residence.
4. Lot size must be a minimum 8,000 square feet. According to the Hidalgo County Appraisal District, the lot size is 22,034.81 square feet.
5. Separate driveways or garages for the proposed use shall not be permitted. Applicant is not proposing an independent driveway for the proposed guesthouse.
6. The proposed use shall not be rented.
7. The permit shall be revoked if money is ever paid for rent or utility expenses are shared with the proposed use.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the Conditional Use Permit as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion passed with 4 votes in the affirmative with Commissioner Victor "Seby" Haddad voting against.

C) AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN.

Commissioner Omar Quintanilla moved to amend the Zoning Ordinance and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. 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 Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda and Commissioner Rodolfo "Rudy" Castillo seconded. The motion carried unanimously by those present.

- A) **APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD NOVEMBER 14, 2022.**

Approved the Minutes of Workshop and Regular Meeting held November 14, 2022.

- B) **ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR LAND ACQUISITION FOR PROJECT AIR.**

Adopted an ordinance providing for a Budget Amendment in the amount of \$4,000,000.00 for land acquisition for Project Air.

- C) **CONSIDERATION AND APPROVAL OF PLEDGE TO PARTICIPATE IN THE 2023 IT'S TIME TEXAS COMMUNITY CHALLENGE.**

Approved pledge to participate in the 2023 It's Time Texas Community Challenge.

- D) **CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT FOR THE 2023 SOUTH TEXAS ALL HAZARD CONFERENCE.**

Approved the Interlocal Agreement for the 2023 South Texas Hazard Conference.

- E) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE CITY HALL MECHANICAL UPGRADES.**

Approved Change Order No. 1 in the amount of \$193,254.00 for the City Hall Mechanical Upgrades.

- F) **CONSENT COOP PURCHASES**

1. **AWARD OF CONTRACT FOR INSTALLATION OF WATER BOILER FOR MCALLEN PERFORMING ARTS CENTER.**

Awarded a contract to Protech Mechanical Inc. in the amount of \$134,369.00 for the installation of Water Boiler for the McAllen Performing Arts Center.

2. **AWARD OF CONTRACT FOR THE PURCHASE OF IRRIGATION MATERIALS FOR LA FLORESTA PARK.**

Awarded a contract to Ewing Irrigation & Landscape Supply in the amount of \$67,003.29 for the Purchase of Irrigation Materials for La Floresta Park.

- G) **STATUS REPORT ON PARKS & RECREATION PROJECTS.**

Approved the Parks and Recreation Project report.

- H) **PROJECT STATUS REPORT THROUGH OCTOBER 31, 2022.**

Approved the project status report through October 31, 2022.

I) SUBDIVISION MONTHLY REPORT.

Approved the subdivision monthly report.

J) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1.ROCKET MORTGAGE

Approved a tax refund in the amount of \$652.56.

2.GENE D. JR & ILEANA V. POTER

Approved a tax refund in the amount of \$1,611.24.

3. H.E. BUTT GROCERY CO.

Approved tax refunds in the amounts of \$3,035.22 and \$1,755.10.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE OF NEW CITY VEHICLES.

Staff recommended award of Purchase Contract(s) to Silsbee Ford for Items 3-7; Randall Reeds Planet Ford 36 for Item 12. No bids were received for Item 1 and staff recommended quotes for Items 2, 8-11, 13-16 be rejected and resolicited through approved purchasing cooperative vendors.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the contracts as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE MCALLEN FIRE DEPARTMENT.

Staff recommended award of multiple contracts for the purchase of Personal Protective Equipment for the McAllen Fire Department.

Commissioner Victor "Seby" Haddad moved to award the contracts as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

C) AWARD OF CONTRACT FOR THE EMERGENCY PURCHASE OF ONE (1) 40 TON CARRIER AIR COOLED CONDENSING UNIT WITH SELECTED OPTIONS.

Staff recommended award of contract to Texair Company, Inc. in the amount of \$58,114.82 for the emergency purchase of One (1) 40 Ton Carrier Air Cooled Condensing Unit with selected option.

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.

D) AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE EL RANCHO SUBDIVISION DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended award of contract to Halff Associates, Inc. in the amount of \$305,000.00 for Professional Engineering Services related to El Rancho Subdivision Drainage 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 APPROVAL OF CHANGE ORDER NO. 2 FOR FM1926 (23RD STREET) INTERSECTION IMPROVEMENTS AT HACKBERRY AVENUE.

Staff recommended approval of Change Order No. 2 in the amount of \$6,936.20 for the FM1926 (23rd Street) Intersection Improvements at Hackberry Avenue.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve Change Order No. 2 as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

F) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR THE FM 1926 (23RD STREET) INTERSECTION IMPROVEMENTS AT KENDLEWOOD AVENUE.

Staff recommended approval of Change Order No. 3 in the amount of \$4,048.00 for the FM 1926 (23rd Street) Intersection Improvements at Kendlewood Avenue.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve Change Order No. 3 as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

G) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 4 FOR THE NEW MCALLEN METRO TRANSFER STATION AND CHANGE ORDER NO. 3 FOR THE NEW PARKS AND RECREATION ADMINISTRATION.

Staff recommended approval of Change Order No. 4 in the amount of \$18,048.00 for the new McAllen Metro Transfer Station and Change Order No. 3 in the amount of \$20,140.00 for the new Parks and Recreation Administration.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 4 and Change Order No. 3 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

4. MANAGER'S REPORT

A) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Aquatics, Animal Welfare and Homeless Shelter Updates

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).

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

5A1 - Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Manager and City Attorney to offer economic development incentives as described in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously.

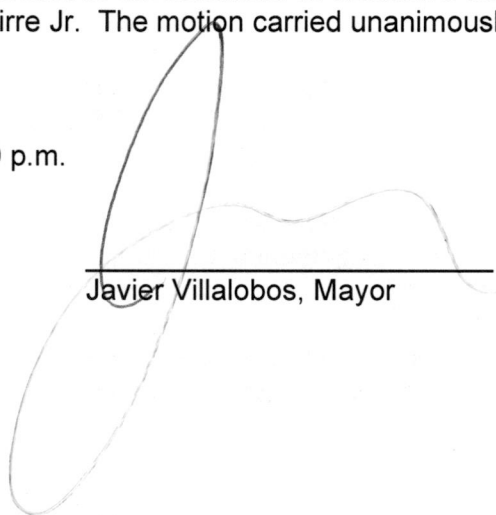
5A2 - Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize the City Manager and City Attorney to negotiate economic development incentives as described in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously.

ADJOURNMENT

Without objection the meeting was adjourned at 5:30 p.m.

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary


Javier Villalobos, Mayor