



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, MARCH 27, 2023 – 4:45 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 "Pepe" Cabeza de Vaca

PRESENTATION - Presentation of Texas Municipal Library Directors Association Award-Kate Horan

PROCLAMATIONS - Red Cross Month - David Luna

Great American Cleanup - Chris Lash

Mayor's Monarch Pledge – Colleen Hook

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

1. JOINT MEETING WITH THE MCALLEN PUBLIC UTILITY BOARD:

- A) Consideration and Approval of the Annual Comprehensive Financial Report for Fiscal Year 2021-2022.

END OF JOINT MEETING

2. 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 commercial) District: Lots 10-12, Block 19, College Heights Subdivision, Hidalgo County, Texas; 2205 Newport Avenue, 2209 Newport Avenue, 2213 Newport Avenue.
2. Request of Esaul Padilla, for a Conditional Use Permit, for three years, and adoption of an Ordinance, for an automotive Service And Repair (Truck Accessories), at Lots 11 & 12, Block 2, West Addition to McAllen Subdivision, Hidalgo County, Texas; 2241 Dallas Avenue, Suite A and B.
3. Request of Abel A. Montilla for a Conditional Use Permit, for life of use, and adoption of an ordinance for an amendment automotive service at Lot 1, Montilla, Hidalgo County, Texas; 2600 West Trenton Road.
4. Request of Ashwin George on behalf of Elite Entertainment Investments LLC, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Social Club at Lots 7 And 8, Citrus Grove Plaza Subdivision, Hidalgo County, Texas, 4037 Expressway 83, Suites 100, 105, and 110.

B) **REZONINGS:**

1. Rezone from C-3 (general commercial) District to R-3A (multifamily residential apartment) District: Lot 1, Wilson Subdivision No. 3, Hidalgo County, Texas; 120 South 4th Street.
2. Initial Zoning to R-3A (multi-family residential apartment) District: The west 19.946 acres of Lot 13, Section 280, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 2700 Sprague Road.
3. Rezone from R-1 (single-family residential) District to C-4 (commercial-industrial) District: 6.06 acres out of Lot 1, Block 4, A.J. McColl Subdivision, Hidalgo County, Texas; 4401 North Jackson Road (REAR).

C) **CONDITIONAL USE PERMITS:**

1. Request of Jessica Hernandez on behalf of South Texas Educational Technologies, Inc., for a Conditional Use Permit, for life of the use, and an adoption of an ordinance, for an Institutional use (Horizon Montessori Public School) at Lot 1 and Lots 5 through 12, Block 36, North McAllen Addition, Hidalgo County, Texas; 320 North Main Street.

2. Request of Melissa Burton, for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for a Dog Kennel at a 1.00 acre tract of land out of the south 19.39 acres of Lot 387, John H. Shary Subdivision, Hidalgo County, Texas; 6820 North Taylor Road.

- D) Amending the Zoning Ordinance of the City of McAllen.
- E) Public hearing and adoption of an ordinance providing for the annexation of the west 19.953 acres of Lot 13, Section 280, Texas Mexican Railway Company's Survey, Hidalgo County, Texas; 2700 Sprague 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 Special Meeting held March 2nd, Workshop and Regular Meetings held March 13, 2023.
- B) Ordinance providing for an amendment to Ordinance 2022-62 regarding the Fiscal Year 2019 CDBG/CDBG -CV Annual Action Plan.
- C) Ordinance providing for an amendment to Ordinance 2022-35 regarding the Fiscal Year 2016-2017 CDBG Annual Action Plan.
- D) Resolution authorizing the submission of a grant application to the U.S. Department of Homeland Security, FEMA, for funding under the Fiscal Year 2022 Fire Prevention and Safety Grant Program.
- E) Resolution authorizing the submission of a grant application to the Office of the Governor, Homeland Security Grant Division for the Fiscal Year 2024 Local Border Security Program.
- F) Resolution authorizing the submission of a grant application to Texas Department of Transportation for funding under the Fiscal Year 2023 Selective Traffic Enforcement Program - Click It or Ticket Campaign.
- G) Resolution authorizing the submission of a grant application to the Texas Department of Transportation for funding under the Fiscal Year 2024 Selective Traffic Enforcement Program - Operation Slow Down.
- H) Subdivision Monthly Report.
- I) Project Status Report through February 28, 2023.
- J) Status Report on Parks & Recreation Projects.
- K) Approval of Tax Refunds over \$500.00.
 - 1). Kohl's
 - 2). Ross Stores, Inc.
 - 3). Zebra Technologies, Corp.
 - 4). DHR Health
 - 5). Doctors Hospital @Renaissance
 - 6). De La Garza, Fernando Jr.
 - 7). Dimart Investments

- 8). ELI-GAR LTD
- 9). Flores, Aram

4. BIDS/CONTRACTS:

- A) Award of Contract for Annual Surveying Services 2023.
- B) Award of Contract for the Northgate Lane Drainage Improvements.
- C) Consideration and Approval of Contract Amendment No. 1 for Professional Engineering Services for the Jackson Hike & Bike Trail Phase II.
- D) Consideration and Approval of Change Order No. 2 for the Daffodil Avenue Roadway Widening.
- E) Consideration and Selection for Delinquent Tax Collection Services.

5. ORDINANCE:

- A) Providing for an amendment to the zoning ordinance relating to commercial side setbacks.

6. VARIANCE:

- A) Consideration of a variance request for the reduction in paving width and escrow requirements for Warrior Drive (Vine Avenue) at the proposed Harvest Creek at Ware Phase I Subdivision, Hidalgo County, Texas; 2301 North Ware Road.

7. MANAGER'S REPORT:

- A) Review of Quarterly Investment Report for Quarter Ending December 31, 2022.
- B) Advisory Board Appointments.
- C) Immigration and Respite Center Report.
- D) Future Agenda Items.

8. TABLED ITEM(S):

- A) Consideration and Approval of a license agreement to allow a fence and existing palm trees on City Right-of-Way at the proposed Olive Grove Estates Subdivision, Hidalgo County, Texas; 3900 Lark Avenue.
- B) Consideration and Approval of an ordinance updating the City's fireworks regulations.

9. 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 related to personnel process. (Section 551.071, T.G.C.)
- B) Consideration of Economic Development Matters. (Section 551.087, T.G.C.)

- C) Consultation with City Attorney regarding legal issues related to C-0438-20-I; Patricia Ramos v. City of McAllen, et al. (Section 551.071, TGC)

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 March 24, 2023 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