STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, March 27, 2023, at 4:45 PM**, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Pro Tem Joaquin Zamora, 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 Javier Villalobos

MPU Board of Trustees: Chairman Ernest Williams, Trustee Albert Cardenas, Trustee Ricardo Godinez, Absent**:** Trustee Charles Amos

Staff: City Manager Roy Rodriguez, City Attorney Isaac Tawil, Assistant City Manager Michelle Rivera, 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 Pro Tem Joaquin Zamora called the meeting to order.

PROCLAMATIONS AND PRESENTATIONS:

PRESENTATION OF TEXAS MUNICIPAL LIBRARY DIRECTORS' ASSOCIATION

Staff was presented with the Texas Municipal Library Directors Association Award.

RED CROSS MONTH

Commissioner Jose R. "Pepe" Cabeza de Vaca read and presented a proclamation recognizing the Red Cross Month.

GREAT AMERICAN CLEANUP

Commissioner Antonio "Tony" Aguirre, Jr. read and presented a proclamation recognizing the Great American Cleanup.

MAYOR'S MONARCH PLEDGE

Commissioner Omar Quintanilla read and presented a proclamation recognizing the Mayor's Monarch Pledge.

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

Mayor Pro Tem Joaquin Zamora called the meeting to order.

Chairman Ernest Williams called the McAllen Public Utility meeting to order.

A) CONSIDERATION AND APPROVAL OF THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FISCAL YEAR 2021-2022.

Staff recommended acceptance and approval of the Comprehensive Annual Financial Report for FY 2021-2022 as submitted and recommended by the Audit Committee.

Mr. Adam McCane, CPA with Weaver provided an update on audit overview. He discussed the audit process, results, and communications.

Discussion ensued. Comments were shared Council and MPUB Trustees. Staff answered questions posed by Council and MPUB Trustees.

After consideration Commissioner Antonio "Tony" Aguirre, Jr. moved to accept the report as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

Trustee Albert Cardenas moved to accept the report as recommended on behalf of the Public Utility Board and seconded by Trustee Ricardo Godinez. The motion carried unanimously by those present.

Council and MPUB thanked Mr. McCane and Mr. Villasana for joint meeting presentation.

END OF JOINT MEETING

Chairman Ernest Williams moved to adjourn the McAllen Public Utility Board Meeting at 5:28 pm. Trustee Ricardo "Rick" Godinez seconded the motion. The motion carried unanimously by those present.

2. PUBLIC HEARING

Mayor Pro Tem Joaquin Zamora 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 Pro Tem Joaquin Zamora asked if there was anyone to speak in opposition to the items under this section of the agenda. There were no citizen comments for items 1 through 4 during the public hearing.

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 Omar Quintanilla. The motion carried unanimously by those present.

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.

Approved the C-3 Zoning at 2213 Newport Avenue, as per Planning and Zoning Commission.

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.

Approved a Conditional Use Permit and adopted an ordinance, for three years, for an automotive service and repair at 2241 Dallas Avenue, Suite A & B, as per Planning and Zoning Commission.

The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

1. A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 14,000 sq. ft.
2. All service, repair, maintenance, painting, and other work shall take place within an enclosed area. The applicant is proposing to work inside the main structure.
3. Outside storage of materials is prohibited.
4. The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is adjacent to single-family residential use to the east, south and north, with a distance of less than 100 feet.
5. A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required. There is an existing block wall, 6'-3" in height.

6. New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

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.

Approved a Conditional Use Permit and adopted an ordinance, for life of use, for an amendment automotive service at 2600 West Trenton Road, as per Planning and Zoning Commission.

The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

1. A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 51,820 sq. ft.
2. All service, repair, maintenance, painting, and other work shall take place within an enclosed area. The applicant is proposing to work inside the commercial structure.
3. Outside storage of materials is prohibited. The applicant indicated that there would be no outside storage.
4. The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building where the work is to take place is more than 100 feet from all single-family residential uses to the north, south and west.
5. A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required.
6. New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

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.

Approved a Conditional Use Permit and adopted an ordinance, for 4037 Expressway 83, Suites 100, 105 and 110, for a conditional use permit as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the abovementioned business must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The property is within 400 ft. of residential uses.
2. The abovementioned business must be as close as possible to a major arterial and shall not allow the traffic generated by such businesses onto residential streets or allow such traffic to exit into and disrupt residential areas. The establishment has access to U.S. Expressway 83 and Colbath Road.
3. The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Based on the square footage, 57 parking spaces are required. There are 274 common parking spaces provided as common parking. Based on area utilized, the proposed facility complies with parking. Parking spaces must comply with Section 138-400 of the Ordinance and must be clearly striped and pavement surface shall be maintained free of litter, debris, loose gravel, cracks, and potholes.
4. The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.
5. The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street.

6. The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
7. The abovementioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having considered the recommendations of the Fire Marshal, Building Official and Director of Planning. This number cannot exceed the number provided for in existing city ordinances.

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 4^{TH} STREET.

Staff recommended approval of the R-3A zoning at 120 South 4^{th} Street, as per Planning and Zoning Commission.

Mr. Michael Lopez spoke in opposition of the request. Ms. Teresa Luna spoke in favor of request.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the R-3A zoning as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

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.

Staff recommended approval of the R-3A zoning at 2700 Sprague Road, as per Planning and Zoning Commission.

Commissioner Omar Quintanilla moved to approve the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

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).

Mayor Pro Tem Joaquin Zamora asked if there was anyone to speak in opposition to the items under this section of the agenda.

Staff recommended approval of the C-4 zoning at 4401 North Jackson Road (rear), as per Planning and Zoning Commission.

Discussion ensued. Comments were shared by Council. Questions were asked relating to use, C3, storage, PUD. Staff answered questions posed by Council.

After consideration, Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the C-4 zoning as recommended and seconded by Commissioner Jose R "Pepe" Cabeza de Vaca. The motion passed with 4 votes in the affirmative and Commissioner Omar Quintanilla and Commissioner Victor "Seby" Haddad voting against.

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.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for three years, for an institutional use at 320 North Main Street, as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138-118 of 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 has direct access to North Main Street, Broadway Avenue and Cedar Avenue.
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 1.5 parking spaces per classroom and office, 47 parking spaces are required; 66 spaces are provided on site, which leaves 19 spaces available. Should the number of offices and classrooms increase, additional parking will be required.
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. The school must comply with the circulation pattern approved by the Traffic Operations Department.
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 the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance; and
7. Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

Commissioner Victor "Seby" Haddad moved to approve the Conditional Use Permit as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

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 A1.00 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.

Staff recommended tabling said item, as per applicant.

Commissioner Omar Quintanilla moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

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

Commissioner Omar Quintanilla moved to amend the Zoning Ordinance and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

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.

Mayor Pro Tem Joaquin Zamora called the public hearing to order.

Staff recommended adoption of an ordinance providing for the annexation at 2700 Sprague Road.

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

END OF PUBLIC HEARING

Mayor Pro Tem Joaquin Zamora declared the Public Hearing closed.

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.)

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 3K4 and 3K5 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Commissioner Omar Quintanilla moved to approve the items listed on the Consent Agenda to be addressed separately and Commissioner Jose R. "Pepe" Cabeza de Vaca seconded. The motion carried with 5 votes in favor and Commissioner Victor “Seby” Haddad in abstention.

A) APPROVAL OF MINUTES OF SPECIAL MEETING HELD MARCH 2ND, WORKSHOP AND REGULAR MEETINGS HELD MARCH 13, 2023.

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.

Adopted an 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.

Adopted an 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.

Approved a 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.

Approved a 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.

Approved a 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.

Approved a 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.

Approved the subdivision monthly report.

I) PROJECT STATUS REPORT THROUGH FEBRUARY 28, 2023.

Approved the project status report through February 28, 2023.

J) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Approved the status report on Parks and Recreation Projects.

K) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1. KOHL'S

Approved a tax refund in the amount of $738.97.

2. ROSS STORES, INC.

Approved a tax refund in the amount of $3,042.08.

3. ZEBRA TECHNOLOGIES CORP

Approved a tax refund in the amount of $1,519.60.

4. DHR HEALTH

Approved a tax refund in the amounts of $4,329.07; $8,680.10; $2,764.96; $3,052.24; $736.02; $1,178.25; $1,434.63; $826.84.

5. DOCTORS HOSTPITAL AT RENAISSANCE

Approved a tax refund in the amount of $14,844.38.

6. FERNANDO DE LA GARZA, JR.

Approved a tax refund in the amount of $626.68.

7. DIMART INVESTMENTS

Approved a tax refund in the amount of $811.95.

8. ELI-GAR LTD

Approved a tax refund in the amount of $5,598.72.

9. ARAM FLORES

Approved a tax refund in the amount of $1,100.26.

4. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR ANNUAL SURVEYING SERVICES 2023.

Staff recommended award of multiple contracts for the Annual Surveying Services 2023.

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

B) AWARD OF CONTRACT FOR THE NORTHGATE LANE DRAINAGE IMPROVEMENTS.

Staff recommended award of contract to Texas Cordia Construction, LLC in the amount of $1,371,635.25 with a contract time not to exceed 250 calendar days for the Northgate Lane Drainage Improvements.

Commissioner Antonio "Tony" Aguirre, Jr. moved to award the contract as recommended and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

C) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 1 FOR PROFESSIONAL ENGINEERING SERVICES FOR THE JACKSON HIKE & BIKE TRAIL PHASE II.

Staff recommended approval of Contract Amendment No. 1 in the amount of $24,000.00 with GDJ Engineering LLC for Professional Engineering Services for the Jackson Hike and Bike Trail Phase II.

Commissioner Omar Quintanilla moved to approve Contract Amendment No. 1 as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE DAFFODIL AVENUE ROADWAY WIDENING.

Staff recommended approval of Change Order No. 2 in the amount of $17,519.00 for the Daffodil Avenue Roadway Widening Project.

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

E) CONSIDERATION AND SELECTION FOR DELINQUENT TAX COLLECTION SERVICES.

Staff recommended award of contract to Linebarger Goggan Blair & Sampson, LLP for a period of one (1) year with the option to renew for four (4) additional years, for the Delinquent Tax Collection Services.

Commissioner Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

5. ORDINANCE

A) PROVIDING FOR AN AMENDMENT TO THE ZONING ORDINANCE RELATING TO COMMERCIAL SIDE SETBACKS.

Staff recommended adoption of an ordinance providing for an amendment to the zoning ordinance relating to commercial side setbacks.

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

6. VARIANCE

A) CONSIDERATION OF A VARIANCE REQUEST TO 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.

Staff recommended approval of a variance request to the reduction in paving width and escrow requirements at 2301 North Ware Road.

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

7. MANAGER'S REPORT

A) REVIEW OF QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING DECEMBER 31, 2022.

Staff presented the Quarterly Investment Report for quarter ending December 31, 2022, and recommended acceptance of said report as per the Audit Investment Committee.

Commissioner Omar Quintanilla moved to approve the report as recommended and seconded by Commissioner Antonio "Tony" Quintanilla, Jr. The motion carried unanimously by those present.

B) **ADVISORY BOARD APPOINTMENTS.**

CIVIC CENTER BOARD

Commission Antonio “Tony” Aguirre, Jr. nominated Suzy Lee to the Civic Center Advisory Board.

PARKS AND RECREATION BOARD

Mayor Pro Tem Zamora nominated Juli Rankin to the Parks and Recreation Advisory Board.

TRAFFIC ADVISORY BOARD

Antonio "Tony" Aguirre, Jr. moved to accept the nominations as recommended and seconded by Commissioner Rodolfo. The motion carried unanimously by those present.

C) **IMMIGRATION AND RESPITE CENTER REPORT.**

Mr. Jeff Johnston presented immigration and respite center updates and answered questions.

D) **FUTURE AGENDA ITEMS.**

Items of upcoming workshops were reviewed as follows: Update on streetlight audit and alley improvements.

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.**

Said item remained tabled.

B) **CONSIDERATION AND APPROVAL OF AN ORDINANCE UPDATING THE CITY’S FIREWORKS REGULATIONS.**

Commissioner Omar Quintanilla moved to remove said item from the table and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

Staff recommended adoption of an ordinance updating the City's fireworks regulations. Option #3

A lengthy discussion ensued. Comments and concerns were addressed by Council. Staff answered questions posed by staff.

After consideration, Commissioner Victor “Seby” Haddad moved to instruct staff to draft an ordinance to only permit city sponsored and minor onsite displays of fireworks with a $500.00 fee and $100.00 renewal (every six months) and draft ordinance to be considered at the April 10th meeting and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with 5 votes in the affirmative with Commissioner Omar Quintanilla voting against.

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.)**

9A1 - Commissioner Victor “Seby” Haddad authorized to adopt a committee and a process as described in executive session and appointed commissioner Antonio “Tony” Aguirre, Jr., and Commissioner Jose R. “Pepe” Cabeza de Vaca and seconded by Commissioner Rodolfo “Rudy” Castillo.

9A2 – Commission Jose R. “Pepe” Cabeza de Vaca authorized staff to proceed with the Human Resources matters consistent with the description in executive session and seconded by Omar Quintanilla. The motion carried unanimously by those present.

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

9B1 - Commissioner Omar Quintanilla moved to authorize the City Attorney and City Manager to offer the economic development incentives within the parameters described in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

9B2 – Commissioner Omar moved to authorize staff to proceed with the economic development incentives within the parameters described in executive session reserving the one item to bring back and seconded by Jose R. "Pepe" Cabeza de Vaca. Motion carried unanimously by those present.

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)

Jose R. "Pepe" Cabeza de Vaca moved to authorize the City Attorney with the litigation strategy described in executive and seconded by Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 7:08 p.m.

Joaquin Zamora, Mayor Pro Tem

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary