



Mayor Javier Villalobos
Mayor Pro Tem/Commissioner J. Omar Quintanilla
Commissioner Tony Aguirre, Jr.
Commissioner Joaquin Zamora

Commissioner Rodolfo "Rudy" Castillo
Commissioner Victor "Seby" Haddad
Commissioner Pepe Cabeza de Vaca
City Manager Roel "Roy" Rodriguez, P.E.

**NOTICE OF WORKSHOP TO BE HELD BY THE
MCALLEN BOARD OF COMMISSIONERS
MONDAY, JUNE 26, 2023 – 4:00 PM
MCALLEN CITY HALL
CITY COMMISSION CHAMBERS; 3RD FLOOR
1300 HOUSTON AVENUE
MCALLEN TEXAS, 78501**

AGENDA

<https://us02web.zoom.us/j/88263271103?pwd=UEgvVjNVTKtKbGRqOXRYWmJWQkN0Zz09>

Members of the public that wish to listen to the meeting can log in to the virtual Zoom meeting or dial 1 (346) 248-7799 US (Houston) Meeting ID: 882 6327 1103 Passcode: 811117.

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

1. Present questions to staff relating to the June 26, 2023 Regular Meeting Agenda, to be discussed at such meeting.
2. Review of layout and cost for Convention Center perimeter fencing.
3. Review of layout and cost for the Convention Center Storage Facility.
4. Discussion of Drug and Alcohol Policy.
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) Discussion and possible lease, sale or purchase of Real Property, Tract 1. (Section 551.072, T.G.C.)
- B) Consultation with City Attorney regarding legal issues related to collective bargaining. (Section 551.071, T.G.C.)
- C) Consultation with City Attorney regarding legal issues related to open meetings. (Section 551.071, T.G.C.)
- D) Consideration of Economic Development Matters. (Section 551.087, 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 June 23, 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



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.

DATE SUBMITTED

MEETING DATE

6/26/2023

1. Agenda Item: Present questions to staff relating to the June 26, 2023 Regular Meeting Agenda, to be discussed at such meeting.
2. Party Making Request:
3. Nature of Request:
4. Routing:
Jose Trujillo
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:

Created -



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.

DATE SUBMITTED

MEETING DATE

6/26/2023

1. Agenda Item: Review of layout and cost for Convention Center perimeter fencing.

2. Party Making Request: Yajaira Flores

3. Nature of Request:

4. Routing:

Diana Silva

Yajaira Flores

Created -

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:

Discussion Points

- Benefits of Perimeter Fencing
- Location Confirmation
- Materials to be used
- Bollards
- Budget



2,145 feet of Fencing
6 ft High 2X2 Post
 $\frac{3}{4}$ Pickets
Black Square Tubing
6 Walk Gates
7 double Swing Gates







ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.

DATE SUBMITTED

06/21/2023

MEETING DATE

6/26/2023

1. Agenda Item: Review of layout and cost for the Convention Center Storage Facility.

2. Party Making Request: Eduardo Mendoza

3. Nature of Request:

4. Routing:

Diana Silva
Eduardo Mendoza
Michelle Rivera
Isaac Tawil

Created/Initiated - 6/21/2023

Approved - 6/21/2023

New -

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:



ENGINEERING DEPARTMENT
MEMORANDUM

To: Roel "Roy" Rodriguez, P.E., City Manager

From: Eduardo Mendoza, P.E., P.T.O.E., City Engineer

Date: June 26, 2023

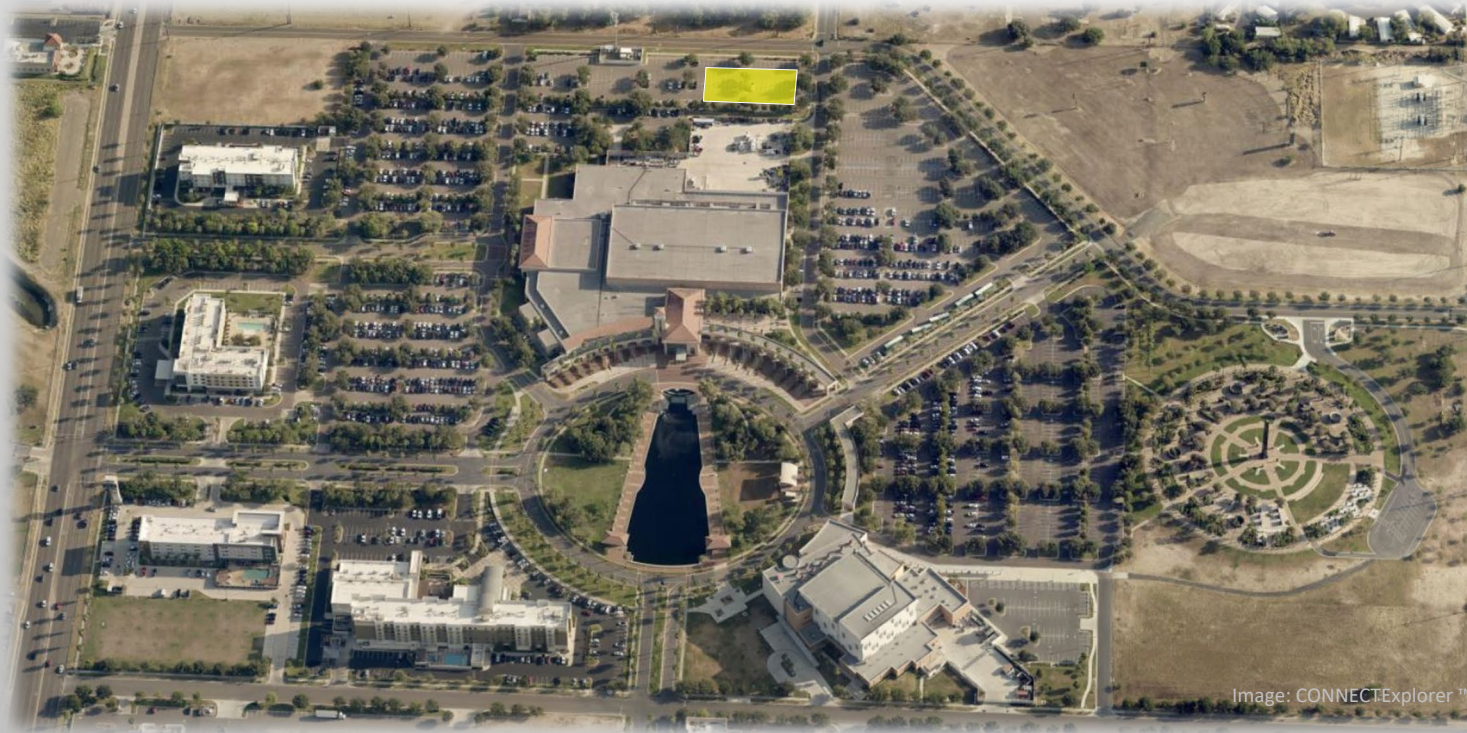
Subject: Workshop Presentation: Convention Center Storage Building

Explanation

Staff will present project elements, current estimated costs, and schedule for the proposed Convention Center Storage Building.

McAllen Convention Center

Proposed Storage Building: Project Overview



City Commission Workshop
June 26, 2023, 4:00pm



Intended Uses

- Supplemental facility storage implementing warehouse rack storage system
- Exhibit maintenance and pre-staging

Project Elements

- 16,000-square feet: (80-ft x 200-ft)
- *Structural steel frame*
- 20-foot interior clear ceiling height
- 2-bay garage door access
- Fire suppression system
- Non-climatized



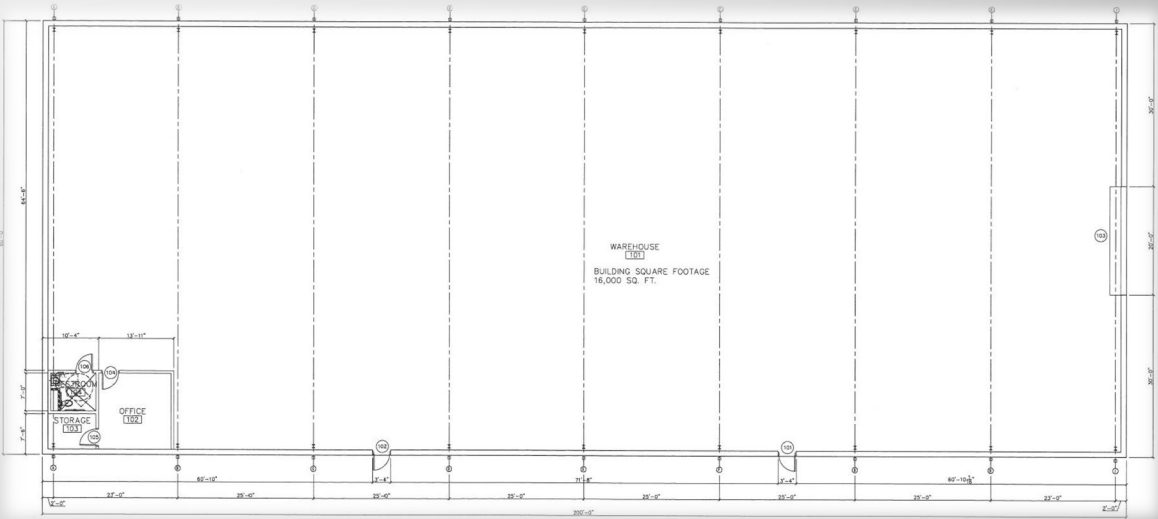
Project Costs

Indirect Costs - Design

Structural	\$ 85,000
Mechanical/Electrical/Plumbing (MEP)	\$ 31,000
Civil (in-house)	\$ 0
Topographic/Improvement Survey (est.)	\$ 6,500
Geotechnical (est.)	\$ 10,5000
Total	\$ 133,000

Direct Costs – Construction

Construction (est.)	\$ 2,280,000
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Current Status & Anticipated Schedule

Design Phase

Structural & MEP services in progress

Survey and Geotech (scope development)

Civil – preliminary design

Construction Documents Completed: January 2024

Solicitation: February 2024

Construction: March/April 2024



Exterior Finishes

Integrate existing character of building

- R-panel cladding
- Brick veneer
- Combination



McAllen Convention Center - Proposed Storage Building

- ***Questions/Comments***
- ***Next Steps /Action Items***





ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

4.

DATE SUBMITTED

MEETING DATE

6/26/2023

1. Agenda Item: Discussion of Drug and Alcohol Policy.

2. Party Making Request: Yolanda Perez

3. Nature of Request:

4. Routing:

Yasminda Garza

Yolanda Perez

Created -

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:



THC IN THE WORKPLACE

City of McAllen
Drug & Alcohol Policy





The City of McAllen Drug & Alcohol Policy

- The City of McAllen mirrors the Department of Transportation's (DOT) policies as part of the execution of the Drug and Alcohol Program.
- Employee expectations include assurances they provide the highest level of public safety attainable in performing their duties by not using illegal or prohibited drugs.



Alcohol and Drug Policy

I. POLICY

All departments of the City of McAllen (hereinafter "the City") have a responsibility to provide the highest level of public safety attainable by a city. All employees of the City of McAllen share in this responsibility. The City requires assurances from all employees, including employees working in safety sensitive positions, in performing their duties that they do not use illegal or prohibited drugs, and there cannot be any public perception that City employees use illegal or prohibited drugs. The City also requires assurances that employees are not under the influence of alcohol while on duty.

The City of McAllen is also obligated under the Drug Free Workplace Act of 1988 to provide and maintain a workplace free of illegal or prohibited drugs.

Any violation of this policy and its attachments and/or amendments will be considered to be a violation of a City rule or regulation subject to appropriate disciplinary action.

The City of McAllen Drug & Alcohol Policy: Prohibited Conduct

- Prohibits the unauthorized use, possession, manufacture, distribution, or sale of any illegal and controlled substance as defined by the Federal and Texas Controlled Substances Act.
- The presence of any detectable level of any illegal drug or unauthorized controlled substance or metabolite in the body at any time while at work, while on City premise or while on City business.
- Failure to pass any drug or alcohol test administered by this policy.



Alcohol and Drug Policy

B. Prohibitions

It is the policy of the City of McAllen that the following conduct is prohibited:

1. The unauthorized use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia.
2. The unauthorized use, possession, manufacture, distribution or sale of any controlled substance.
3. The presence of a detectable level of any illegal drug or unauthorized controlled substance or any metabolite of any such substance in the body at any time while at work, while on City premises or while on City business.
4. Possession of alcohol or being under the influence of alcohol at any time while at work, while on City premises or while on City business.
5. Unauthorized storage in any locker, desk, vehicle, premises, worksites or in any other repository under the care, custody, or control of the City of any illegal drug, unauthorized controlled substance, alcohol or drug paraphernalia.
6. Switching, diluting or adulterating any urine sample submitted for testing.
7. Refusal to consent to testing and/or to provide a specimen for testing when required under this policy. Consent is indicated by signing a consent form required by the City or the laboratory collecting the specimen for testing.
8. Failure to pass any drug or alcohol test administered under this policy.

C. Definitions

1. **Illegal Drug:** includes amphetamines, THC (cannabinoids, marijuana), cocaine (coke, crack), opiates (heroin, opium, codeine, morphine, methadone, propoxyphene, buprenorphine, hydromorphone, hydrocodone, oxycodone, oxymorphone), Phencyclidine (PCP), barbiturates, benzodiazepines, methaqualone and any other controlled substance not validly prescribed by a duly licensed physician.
2. **Controlled Substance:** includes all of the above illegal drugs plus any other substances covered by Schedule I through V of the Federal Controlled Substances Act (21 U.S.C. 801 et seq.), or the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code).

D. Disciplinary Action

Any violation of this policy shall be grounds for disciplinary action, up to and including termination. If any employee found to be in violation of the drug-free work place policy is not terminated, such decision shall be reviewed by the City Manager to ensure compliance with the intent of this policy.

State/Federal Law & Policy

The legal landscape involving THC/Marijuana in the workplace is dynamic and rapidly changing

Federal Controlled Substance Act

- Marijuana/THC remains illegal under federal law
- Classified as a Schedule 1 substance
- Schedule 1 substances are drugs considered to not have any accepted medical use.

The Department of Transportation (DOT)

- Under 49 CFR Part 40 Marijuana / THC use is illegal under the Federal Controlled Substances Act.
- It remains unacceptable for any safety sensitive employee subject to drug testing under the DOT to use Marijuana / THC.

The Texas Controlled Substances Act

- Use, possession or sale of marijuana is illegal.

Texas Compassionate Use Act 2015

- Allows for the limited use of low-THC cannabis oil for patients with epilepsy, the law later expanded in 2019 to add several qualifying conditions.



Prescribing Physician

Only licensed physician's are allowed to prescribe low-THC cannabis oil to patients with qualifying criteria. The oil must contain no more than 0.5% THC.



Criteria

Eligible patients can only consume cannabis oil orally or through inhalation using a nebulizer. The law does not allow for the smoking or vaporization of marijuana.



Dispensaries

As per DPS, there are only 3 licensed dispensing organizations. They are responsible for cultivation, processing, and distributing the low-THC cannabis oil to registered patients.



Restrictive

The State of Texas is considered to have one of the most restrictive medical cannabis programs in the United States.

- The City Of McAllen's Drug & Alcohol Policy does not allow low-THC consumption thru the Texas Compassionate Use Act as THC remains a prohibited Schedule I Drug as part of the Federal and Texas Controlled Substances Act

Department of Transportation (DOT) Medical Review Officer Drug Test Result

As per DOT, Medical Review officers WILL NOT verify a drug test result as negative based upon information that a physician recommended that the employee used "medical marijuana".

- Marijuana remains a drug listed in Schedule I of the Controlled Substance Act.

When notified of a positive drug test result by the Medical Review Officer, the City of McAllen will adhere to the Drug & Alcohol Policy, section II, part B-8 "Failure to pass any drug or alcohol test administered under this policy"





ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

5.A.

DATE SUBMITTED

MEETING DATE

6/26/2023

1. Agenda Item: Discussion and possible lease, sale or purchase of Real Property, Tract 1. (Section 551.072, T.G.C.)
2. Party Making Request: Isaac Tawil
3. Applicant:
4. Nature of Request: Discussion and possible lease, sale or purchase of Real Property, Tract 1. (Section 551.072, T.G.C.)
5. Fiscal Impact Summary:
6. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
7. Routing:
Amy Gonzalez

Created -
8. Staff Recommendation:
9. Advisory Board:
10. City Attorney:
11. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

5.B.

DATE SUBMITTED

MEETING DATE

6/26/2023

1. Agenda Item: Consultation with City Attorney regarding legal issues related to collective bargaining. (Section 551.071, T.G.C.)
2. Party Making Request: Isaac Tawil
3. Applicant:
4. Nature of Request: Consultation with City Attorney regarding legal issues related to collective bargaining (Section 551.071, TGC)
5. Fiscal Impact Summary:
6. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
7. Routing:
Amy Gonzalez
- Created -
8. Staff Recommendation:
9. Advisory Board:
10. City Attorney:
11. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

5.C.

DATE SUBMITTED

MEETING DATE

6/26/2023

1. Agenda Item: Consultation with City Attorney regarding legal issues related to open meetings. (Section 551.071, T.G.C.)
2. Party Making Request: Isaac Tawil
3. Applicant:
4. Nature of Request: Consultation with City Attorney regarding legal issues related to open meetings (Section 551.071, TGC)
5. Fiscal Impact Summary:
6. Budgeted:

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____
7. Routing:
Amy Gonzalez

Created -
8. Staff Recommendation:
9. Advisory Board:
10. City Attorney:
11. Manager's Recommendation:



ITEM SUMMARY

BOARD:	AGENDA ITEM	5.D.
	DATE SUBMITTED	
	MEETING DATE	6/26/2023

1. Agenda Item: Consideration of Economic Development Matters. (Section 551.087, T.G.C.)

2. Party Making Request:

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

7. Routing:

Amy Gonzalez

Created -

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation: