

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, June 12, 2023**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Omar Quintanilla, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Commissioner Rodolfo "Rudy" Castillo

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

Javier Villalobos called the meeting to order.

PRESENTATIONS

PRESENTATION TO JUDGE RICARDO HINOJOSA

TEXAS CITY MANAGERS LIFETIME AND MENTORING AWARDS

Staff presented an award to Texas City Managers Lifetime and Mentoring Awards to City Manager Roel Rodriguez and Assistant City Manager Joe Vera.

TEXAS ASSOCIATION OF MUNICIPAL INFORMATION OFFICERS

Staff presented an award to Xochitl Mora for award at the Texas Association of Municipal Information Officers.

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

1. ELECTION OF MAYOR PRO TEM

Mayor Pro Tem Joaquin Zamora moved to nominate Commissioner Omar Quintanilla as Mayor Pro Tem and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

2. 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.

Mayor Pro Tem Joaquin Zamora 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. REQUEST OF ELIAB LARA, ON BEHALF OF NEW LIFE CHURCH, FOR A CONDITIONAL USE PERMIT, FOR TWO YEARS, AND ADOPTION OF AN ORDINANCE, FOR AN INSTITUTIONAL USE (CHURCH) AT LOTS 12, 13, AND 14, NOLANA TERRACE SUBDIVISON, HIDALGO COUNTY, TEXAS; 2109 AND 2117 NOLANA AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for two years, for an institutional use (church) at 2117 Nolana Avenue, as per Planning and Zoning Commission.

The church must 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 business fronts Nolana 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 the seating area, 100 parking spaces are required; 40 parking spaces are provided on site. Parking agreements have been submitted for an additional 65 parking spaces with adjacent properties. Parking agreements were made on a 5-year term. Existing parking agreements will need to be renewed in 2024.
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 numbers of persons within the building shall be restricted to the existing seating capacity for the building.
7. Sides adjacent to commercially and residentially zone or used properties should be screened by a 6 ft. opaque fence.

2. REQUEST OF ROBERTO L. GARCIA, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A GUEST HOUSE AT LOT 6, GARDENIA TERRACE NO. 4 SUBDIVISION, HIDALGO COUNTY, TEXAS; 6512 NORTH 16th STREET.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for a guest house at 6512 North 16th Street, as per Planning and Zoning Commission.

The guest house must meet the requirements in Section 138-118(a)(5) of the Zoning Ordinance 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 are in compliance as shown on the submitted site plan;
- 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 7,480 square feet;
- 5) Separate driveways or garages for the proposed use shall not be permitted. The 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.

B) REZONINGS:

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-1 (OFFICE BUILDING) DISTRICT: LOT 12 AND EAST HALF OF LOT 13, BLOCK 3, LA LOMITA TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2401 SYCAMORE AVENUE.

Staff recommended disapproval of the C-1 zoning at 2401 Sycamore Avenue, as per Planning and Zoning Commission.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. Mr. Jose Guerrero spoke in favor of the request.

Discussion ensued. Comments and concerns were shared by Council. Questions were asked regarding the commercial district, hours, number of children, state regulations, property being permanently rezoned, encroachment of residential, store fronts and lots, neighborhood, community character and current permit. Staff answered questions posed by Council.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to disapprove the C-1 zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

2. REZONE FROM C-3L (LIGHT COMMERCIAL) DISTRICT TO I-1 (LIGHT INDUSTRIAL) DISTRICT: 2.00 ACRES (APPROX. 87,133 SQUARE FEET) OUT OF THAT PORTION OF LOT ONE HUNDRED FIVE (105), LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 4420 NORTH WARE ROAD.

Staff recommended approval of the I-1 zoning at 4420 North Ware Road, as per Planning and Zoning Commission.

Mayor Pro Tem Joaquin Zamora moved to table the item as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

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

No action.

END OF PUBLIC HEARING

Mayor Javier Villalobos called 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 Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda and Mayor Pro Tem Joaquim Zamora seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 8TH, SPECIAL MEETING HELD MAY 16TH AND WORKSHOP AND REGULAR MEETINGS HELD MAY 22, 2023.

Approve the minutes of Regular Meeting held May 8TH, Special Meeting held May 16th and Regular Meeting May 22, 2023, as submitted.

B) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT THROUGH BUYBOARD FOR THE PURCHASE AND INSTALLATION OF SHADE TARPS AT MCALLEN YOUTH BASEBALL COMPLEX.

Awarded a contract to Tenzo McAllen LLC in the amount of \$69,600.00 for the purchase and installation of Shade Tarps at the McAllen Youth Baseball Complex.

C) APPROVAL OF TAX REFUNDS OVER \$500.00

Approved tax refunds of over \$500.

1. CORELOGIC FOR DOVENMUEHLE MORTGAGE

Approved a tax refund in the amount of \$1,886.85.

2. HOME TRAXX MANAGEMENT LLC

Approved a tax refund in the amount of \$1,013.35.

3. SECURITY SERVICE TITLE COMPANY LLC

Approved a tax refund in the amount of \$817.68.

4. ALEJANDRO BALBOA & ALLEN D. CUMMING

Approved a tax refund in the amount of \$1,337.46.

5. FELIPE DE JESUS C. GOMEZ & NORMA ISELA GOMEZ

Approved tax refunds in the amounts of \$344.92, \$201.25 and \$49.56.

4. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR MCALLEN PUBLIC SAFETY BUILDING HVAC UPGRADES.

Staff recommended approval of Change Order No. 1 in the amount of \$1,578,500.00 for the McAllen Public Safety Building HVAC Upgrades.

Commissioner Omar Quintanilla moved to approve Change Order No. 1 as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR THE 2023 PAVEMENT PRESERVATION PROJECT.

Staff recommended award of contract to Pavement Restoration, Inc. in the amount of \$103,827.50 with a contract time of 12 working days for the 2023 Pavement Preservation Project.

Mayor Pro Tem Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

5. ORDINANCES

A) ORDINANCE PROVIDING FOR MID-YEAR BUDGET AMENDMENT.

Staff recommended adoption of an ordinance providing for mid-year budget amendment.

Commissioner Victor "Seby" Haddad announced that he had a conflict with Item 5A and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

Discussion ensued. Comments were shared by Council. Questions were raised relating to amend internships to \$100,000.00, personnel, La Plaza Mall and Emergency Medical Services and performance evaluations.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance subject to amendments made and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion passed with four votes in the affirmative with Commissioner Victor "Seby" Haddad abstaining.

B) CONSIDERATION AND APPROVAL OF ORDINANCE TO AMEND ORDINANCE NO. 2017-21 BY AMENDING THE BOUNDARY TIRZ #2A.

Staff recommended adoption of an ordinance amending Ordinance No. 2017-21 by amending the boundary for TIRZ #2A.

Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

C) CONSIDERATION AND APPROVAL OF AMENDMENT TO THE SHORT TERM RENTAL ORDINANCE TO ALLOW FOR ACTIVITY LIMITATIONS, ANNUAL RENEWAL FEE, AND PENALTY AND PERMIT REVOCATION.

Staff recommended adoption of an ordinance providing for the amendment to the Short Term Rental Ordinance to allow for activity limitations, annual renewal fee, and penalty and permit revocation.

Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

6. VARIANCES

- A) CONSIDERATION OF VARIANCE REQUESTS TO 1) NOT DEDICATE ANY ADDITIONAL STREET RIGHT OF WAY TO SOUTH 1ST STREET, AND 2) NOT PROVIDE SIDEWALK ALONG SOUTH 1ST STREET AT THE PROPOSED FELIX SUBDIVISION, HIDALGO COUNTY, TEXAS; 3024 SOUTH 1st STREET.**

Staff recommended approval of variance request to 1) not dedicate any additional street ROW to South 1st Street, and 2) not provide sidewalk along South 1st Street at 3024 South 1st Street.

Mayor Pro Tem Joaquin Zamora moved to approve the variance requests as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

- B) CONSIDERATION OF A VARIANCE REQUEST TO ALLOW A LOT NOT TO FRONT A STREET AT PROPOSED LOT 1D, PLAZA LAS FUENTES FORTIS SUBDIVISION, HIDALGO COUNTY, TEXAS; 5800 NORTH 10th STREET.**

Staff recommended approval of a variance request to allow a lot not to front a street at 5800 North 10th Street.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the variance requests as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

7. MANAGER'S REPORT

- A) CONSIDERATION AND APPROVAL OF CITY OF MCALLEN EMPLOYEE HEALTH PLAN RECOMMENDATIONS FOR 2023-2024 FISCAL YEAR.**

Staff recommended approval of City of McAllen Employee Health Plan recommendations for 2023-2024 Fiscal Year.

Commissioner Victor "Seby" Haddad announced that he had a conflict with Item 5A and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

Mayor Pro Tem Joaquin Zamora moved to approve the health plan recommendations as recommended and seconded by Commissioner Omar Quintanilla. The motion passed with four votes in the affirmative with Commissioner Victor "Seby" Haddad abstaining.

- B) REVIEW OF THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2023.**

Staff presented the Quarterly Investment Report for quarter ending March 31, 2023 and recommended acceptance of said report as per the Audit Investment Committee.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the report as recommended and seconded by Mayor Pro Tem Joaquin Zamora. 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: August Budget schedule

- 8. 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).**

On behalf of the Presiding Officer, City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.071 Consultation with Attorney on Items 8B and 8C Section 551.072 Deliberation Regarding Real Property on Item 8A Section 551.074 Personnel Matters.

Mayor Javier Villalobos recessed the meeting at 6:25 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 6:42 pm and noting the following city commission members present: Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Omar Quintanilla, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca and absent: Commissioner Rodolfo "Rudy" Castillo

A) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY, TRACT 1. (SECTION 551.072, T.G.C.)

No action.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO CITY SPONSORED EVENTS. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora moved to authorize City Manager to proceed as prescribed in executive session and seconded by Commissioner Omar Quintanilla. The motion carried unanimously by those present.

C) CONSULTATION WITH CITY ATTORNEY REGARDING A RESOLUTION AUTHORIZING AND RATIFYING THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE A 0.046 ACRES TRACT OF LAND BEING A PART OF PORTION OF LOT 297, JOHN H SHARY SUBDIVISION FOR THE DAFFODIL AVENUE ROAD WIDENING PROJECT AND OTHER PUBLIC PURPOSES. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora move that the City of McAllen authorize and ratify the use of the power of eminent domain to acquire the following parcels of land: a tract of land containing 0.046 acre of land, situated in the City of McAllen, Hidalgo County, Texas, being a part or portion of Lot 297, John H. Shary Subdivision, map reference: Volume 1, Page 17, H.C.M.R., and to acquire property described as a tract of land containing 0.230 acre of land, situated in the City of McAllen, Hidalgo County, Texas, being a part or portion of Lot 297, John H. Shary Subdivision, map reference: Volume 1, Page 17, H.C.M.R.

CONSIDERED, PASSED and APPROVED this 12th day of June 2023, at a regular meeting of the City Commission of the City of McAllen at which a quorum was present and which was held in accordance with VTCA, Government Code §551.001 et seq by the following vote, to wit: AYES: Commissioner Omar Quintanilla, Commissioner Victor "Seby" Haddad, Commissioner Jose R. "Pepe" Cabeza de Vaca, Mayor Pro Tem Joaquin Zamora and Mayor Javier Villalobos

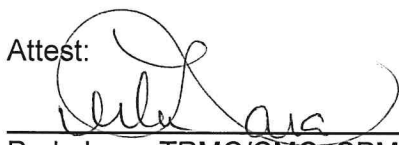
Resolution - Mayor Pro Tem Joaquin Zamora moved that the City of McAllen authorize and ratify the use of the power of eminent domain to acquire real estate necessary for the widening of Daffodil Avenue between Ware Road and Taylor Road.

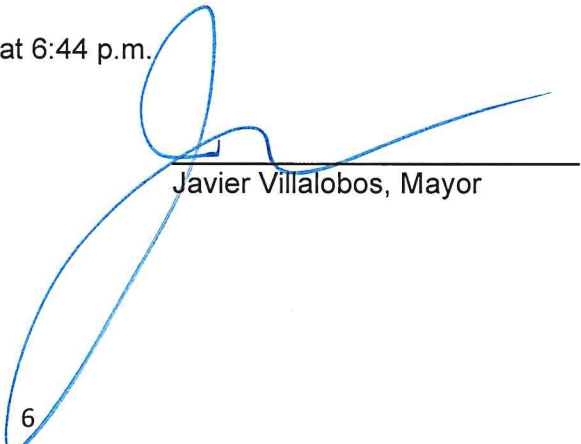
CONSIDERED, PASSED and APPROVED this 12th day of June 2023, at a regular meeting of the City Commission of the City of McAllen at which a quorum was present and which was held in accordance with VTCA, Government Code §551.001 et seq by the following vote, to wit: AYES: Commissioner Omar Quintanilla, Commissioner Victor "Seby" Haddad, Commissioner Jose R. "Pepe" Cabeza de Vaca, Mayor Pro Tem Joaquin Zamora and Mayor Javier Villalobos

ADJOURNMENT

Without objection the meeting was adjourned at 6:44 p.m.

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary


Javier Villalobos, Mayor