STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **June 26, 2023**, 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., Mayor Pro Tem Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Commissioner Joaquin Zamora

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 Javier Villalobos called the meeting to order.

PROCLAMATION

NATIONAL PARKS AND RECREATION MONTH

Commissioner Rodolfo "Rudy" Castillo read and presented a proclamation for *National Parks and Recreation Month.*

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 Antonio "Tony" Aguirre, Jr. moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

1. REZONE FROM I-1 (LIGHT INDUSTRIAL) DISTRICT TO I-2 (HEAVY INDUSTRIAL) DISTRICT: 73.58 ACRES OUT OF LOT 6 & LOT 5, BLOCK 3, RIO BRAVO PLANTATION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 4101 IDELA AVENUE.

Approved the I-2 Zoning at 4101 Idela Avenue, as per Planning and Zoning Commission.

2. REQUEST OF RAMIRO ARMENDAVIS, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR (BOURBON STREET) AT LOT 1, PALM MANOR SUBDIVISION, HIDALGO COUNTY, TEXAS; 4800 NORTH 10th STREET.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 4800 North 10th Street, as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138-118(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 establishment is within 400 ft. of a residential zone/use to the east.
2. The abovementioned business must be as close as possible to a major arterial and shall not allow the traffic generated by such business onto residential streets or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to North 10th Street, on Violet Avenue, both commercial streets.
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. The plaza has shared parking for all suites.
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 R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3T (MULTI-FAMILY TOWNHOUSE RESIDENTIAL) DISTRICT; LOTS 1, 2, 3, AND 4, MFTWS LLC SUBDIVISION, HIDALGO COUNTY, TEXAS; 501 EAST YUMA AVENUE, 417 EAST YUMA AVENUE, 409 EAST YUMA AVENUE, 401 EAST YUMA AVENUE.

Staff recommended approval of the R-3T zoning at 501 East Yuma Avenue, 417 East Yuma Avenue, 409 East Yuma Avenue, and 401 East Yuma Avenue, as per Planning and Zoning Commission.

Comments were expressed by Council. Staff answered questions by Council. After due consideration, Mayor Pro them Omar Quintanilla moved to approve the R-3T zonings as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with 4 in the affirmative with Commissioner Jose R. “Pepe” Cabeza de Vaca voting against.

2. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTI-FAMILY APARTMENT RESIDENTIAL) DISTRICT: THE NORTH 74.00 FEET OF THE SOUTH 230.75 FEET OF THE WEST 184.10 FEET OF LOT 16, AND THE SOUTH 156.75 OF THE WEST 184.10 FEET OF LOT 16, STEWART'S ADDITION, HIDALGO COUNTY, TEXAS; 808 HOUSTON AVENUE.

Staff recommended disapproval of the R-3A zoning at 808 Houston Avenue, as per Planning and Zoning Commission. Mr. Mario Salinas spoke on item 1B2.

Comments were expressed by Council. Staff answered questions by Council. After due consideration, Commissioner Victor "Seby" Haddad moved to approve the R-3A zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

3. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTI-FAMILY APARTMENT RESIDENTIAL) DISTRICT: AN 8.11 ACRE TRACT OUT OF LOT 9, E.M. CARD SURVEY NO.1, HIDALGO COUNTY, TEXAS; 9228 NORTH BICENTENNIAL BOULEVARD.

Commissioner Victor “Seby” Haddad announced that he had a conflict with Item 1B3 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

Staff recommended tabling said item as per applicant’s request.

Mayor Pro Tem Omar Quintanilla moved to table the item for R-3A zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

4. 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. (TABLED)

Commissioner Victor “Seby” Haddad announced that he had a conflict with item B4 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Mayor Pro Tem Omar Quintanilla moved to remove said item from the table and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca.

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

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the I-1 zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

C) CONDITIONAL USE PERMIT:

1. REQUEST OF TONY GARZA ON BEHALF OF JAIME GONZALEZ, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, FOR A GUEST HOUSE AT LOT 9, BLOCK 2, MAPLE ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 700 LAUREL AVE.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for life of use, for a guest house at 700 Laurel Avenue, 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 comply 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 9,937.5 square feet.
5. Separate driveways or garages for the proposed use shall not be permitted. The applicant is proposing a separate garage 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.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the Conditional Use Permit as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

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

Mayor Pro Tem Omar Quintanilla moved to amend the Zoning Ordinance and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

E) PUBLIC HEARING FOR FY 2023-2027 CONSOLIDATED PLAN AND STRATEGY AND FY 2023-2024 ACTION PLAN FOR CDBG, HOME AND ESG BUDGETS.

Mayor Javier Villalobos called the Public Hearing to order.

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.)

Mayor Pro Tem Omar Quintanilla moved to approve the items listed on the Consent Agenda except for Item 2I to be addressed separately and Commissioner Jose R. "Pepe" Cabeza de Vaca seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF SPECIAL JOINT MEETING HELD MAY 31^{ST}, WORKSHOP AND REGULAR MEETINGS HELD JUNE 12, 2023.

Approved the Minutes of Special Joint Meeting held May 31^{st}, Workshop and Regular Meetings held June 12, 2023, as submitted.

B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 5 AND FINAL FOR THE 23^{RD} STREET INTERSECTION IMPROVEMENTS PROJECT. (03-22-C20-676).

Approved Change Order No. 5 and final in the deduct amount of $8,878.00 for the 23^{rd} Street Intersection Improvements Project.

C) CONSIDERATION AND APPROVAL OF AGREEMENT FOR FIRE SAFETY SENIOR FALL PREVENTION MAGNETS.

Approved an agreement for Fire Safety Senior Fall Prevention Magnets.

D) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR PARKS & RECREATION DEPARTMENT CONTRIBUTION TO MCALLEN MARKETING CO-OP.

Adopted an ordinance providing for a Budget Amendment in the amount of $10,000.00 for Parks & Recreation Department contribution to McAllen Marketing Co-Op.

E) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NATIONAL ENDOWMENT FOR THE ARTS UNDER THE NEA GRANTS FOR ARTS PROJECTS 2.

Approved a resolution authorizing the submission of a grant application to the National Endowment for the Arts under the NEA Grants for Arts Projects 2.

F) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION UNDER THE SAFE STREETS AND ROADS FOR ALL 2023 IMPLEMENTATION GRANT.

Approved a resolution authorizing the submission of a grant application to the U.S. Department of Transportation under the Safe Streets and Roads for All 2023 Implementation Grant.

G) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF SIX (6) NEW CURRENT MODEL VEHICLES THROUGH COOPERATIVE PRICING.

Awarded a contract to Silsbee Toyota in the amount of $195,335.00 for the purchase of six (6) new current model vehicles through cooperative pricing.

2. AWARD OF CONTRACT TO PURCHASE ONE (1) CURRENT MODEL LONG REACH EXCAVATOR EQUIPMENT THROUGH COOPERATIVE PRICING.

Awarded a contract to Holt Cat in the amount of $383,165.00 for the purchase of one (1) current model long reach excavator equipment through cooperative pricing.

H) SUBDIVISION MONTHLY REPORT.

Approved the Subdivision Monthly report.

I) PROJECT STATUS REPORT THROUGH MAY 31, 2023.

Approved the Project Status Report through May 31, 2023.

J) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Approved the Parks and Recreation Status report.

K) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1. GRAND RAPIDS FOAM TECHNOLOGIES

Approved a tax refund in the amount of $602.59.

2. BRENDA VIRIDIANA ARRATIA

Approved tax refunds in the amounts of $728.98 and $653.52.

3. HECTOR I. & SILVIA E. CASTILLO

Approved a tax refund in the amount of $520.53.

4. INTERNATIONAL BANK OF COMMERCE

Approved tax refunds in the amounts of $8,758.04; $7,774.59; $7,750.30 and $4,026.08

5. WONDERFUL CITRUS PACKING LLC

Approved tax refunds in the amounts of $1,435.85 and $1,341.92.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE OF EIGHTEEN (18) TRAFFIC SIGNAL CABINETS.

Staff recommended award of contract to Paradigm Traffic Systems in the amount of $270,000.00 for the purchase of eighteen (18) Traffic Signal Cabinets.

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.

B) AWARD OF CONTRACT FOR THE BUS TERMINAL MECHANICAL UPGRADES.

Staff recommended award of contract to Climatec in the amount of $85,000.00 and 120 calendar days for the Bus Terminal Mechanical Upgrades.

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

C) AWARD OF CONTRACT FOR PERIMETER FENCE REPAIRS AT CHAMPION LAKES GOLF COURSE.

Staff recommended award of contract to Excellent Fence, Inc. in the amount of $60,205.00 for perimeter fence repairs at Champion Lakes Golf Course.

Commissioner Rodolfo "Rudy" Castillo moved to award the contract as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

D) AWARD OF CONTRACT FOR THE PURCHASE OF CALICHE.

Staff recommended award of contract to Frontera Materials Inc., for the purchase of caliche.

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

E) AWARD OF CONTRACT THROUGH BUYBOARD FOR THE PURCHASE AND INSTALLATION OF SHADE TARPS AT MUNICIPAL SOFTBALL COMPLEX AND MCALLEN SPORTS PARK.

Staff recommended award of contract to Tenzo McAllen LLC in the amount of $69,600.00 for the purchase and installation of shade tarps at Municipal Softball Complex and McAllen Sports Park.

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

F) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE TERMINAL ROOF REPLACEMENT AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommended approval of Change Order No. 2 in the amount of $25,840.74 and 15 calendar days from the contingency allowance for the Terminal Roof Replacement at McAllen International Airport.

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

G) CONSIDERATION AND APPROVAL OF A GENERAL AVIATION LEASE WITH VHG ACQUISITIONS, LLC.

Staff recommends approval of General Aviation Lease with VHG Acquisitions, LLC.

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

4. ORDINANCE

A) CONSIDERATION AND POSSIBLE APPROVAL OF AN AMENDMENT TO THE ZONING ORDINANCE RELATING TO CARPORT SPECIAL EXCEPTIONS.

Staff recommended adoption of an ordinance providing for the amendment to the zoning ordinance relating to carport special exceptions.

Commissioner Victor "Seby" Haddad moved to adopt as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

5. MANAGER'S REPORT

A) IMMIGRATION AND RESPITE CENTER REPORT.

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

B) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Illegal Carports and Street Lights

6. 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 6B and 6C and Section 551.072 Deliberation Regarding Real Property on Item 6A.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize the City Manager and City Attorney to allocate the funds from the sale of the property in the matters described in executive session and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

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

Mayor Pro Tem Omar Quintanilla moved to authorize the City Manager and City Attorney to continue negotiating in the collective bargaining process with the police department in the matters described in executive session and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO OPEN MEETINGS. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Omar Quintanilla moved to authorize the inclusion of certain rules in documents distributed by the City Secretary's Office and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

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

6D1- Commissioner Antonio "Tony" Aguirre, Jr. moved to authorize the City Manager and City Attorney to negotiate a contract for the economic development matters described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with 4 votes in the affirmative with Commissioner Omar Quintanilla voting against.

6D-2 – Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize the City Manager to engage in final negotiations to pursue contract for economic development incentives including a contract for the construction of a center for urban ecology and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 6:13 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary