



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, JULY 24, 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 July 24, 2023 Regular Meeting Agenda, to be discussed at such meeting.
2. Discussion on Illegal Carports.
3. Presentation on expansion to the McAllen Heritage Center.
4. **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) 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 July 21, 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

7/24/2023

1. Agenda Item: Present questions to staff relating to the July 24, 2023 Regular Meeting Agenda, to be discussed at such meeting.
2. Party Making Request:
3. Nature of Request:
4. Routing:
Emmanuel Garcia
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:

Created -



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

2.
07/17/2023
7/24/2023

1. Agenda Item: Discussion on Illegal Carports.
2. Party Making Request: Edgar Garcia
3. Nature of Request: Discussion on Illegal Carports
4. Routing:

Jessica Cavazos	Created/Initiated - 7/17/2023
Edgar Garcia	Approved - 7/17/2023
Michelle Rivera	Approved - 7/17/2023
Isaac Tawil	Final Approval - 7/19/2023
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:

Memo

TO: Roel “Roy” Rodriguez, P.E., City Manager
FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Director of Planning & Zoning
DATE: July 17, 2023
SUBJECT: ILLEGAL CARPORTS

BACKGROUND: Illegally built structures have always been a concern for the city and no other structures are quite literally upfront than carports. Most carports are built around a home’s driveways and the overwhelming majority of these are in the front yard. As such, carports tend to be the most notable examples of unpermitted and uninspected structures.

Like all other structures, carports must respect zoning and plat restrictions. Since homes tend to be built at the front yard setback line, any further construction will be encroaching into setbacks; depending on the size, these structures can also encroach into easements or even city right-of-way (ROW).

Front yard setbacks are intended to maintain an aesthetic appeal to a neighborhood, keeping property values stable. Carports built in the front yard can change a neighborhood’s aesthetics and have a direct impact on property values throughout the neighborhood.

To be clear, carports, as all other structures that encroach into setbacks, have a specific method of being permitted. Specifically, carports are eligible to apply for a special exception to be determined by the Zoning Board of Adjustments and Appeals (ZBOA). A special exception application has a cost of \$350, requires public notice and a public hearing. If approved, the applicant can then go through the building permit process which ensures structures are properly and safely constructed. During the special exception process, staff and the ZBOA do take into account the location of the home, the existing character of the neighborhood, and other circumstances which affect the proposal.

SITUATION: Increasingly, illegally built carports have been caught and issued a stop work order; 70% of ZBOA cases this year have been due to carports violating the City’s Zoning Ordinance. This starts homeowners on the process to come under compliance. It must be noted that illegal structures continue to be out of compliance no matter how long they have been up.

PROPOSAL: Given the increased attention illegally built carports have had, there has been a proposal to “grandfather” carports built a certain number of years ago. Staff do not recommend this path as determining when an unpermitted structure was built is difficult even with historical imagery. Further, unpermitted structures are also uninspected and their safety cannot be

determined. Building permits, at their core, are a safety check and unpermitted structures can endanger not just a specific homeowner, but their neighbors as well. Lastly, an unintended consequence of “grandfathering” structures is that there will always be some who will rush to build structure without permits in hopes of being grandfathered at a future date or arguing the structure had been built for years. This puts Building and Planning staff in a difficult position when dealing with homeowners who illegally built structures. Staff believe there is already a straightforward process for coming into compliance and that the public would be better served with an awareness campaign than simply allowing illegal structures to remain.

DISCUSSION ON ILLEGAL CARPORTS

CITY COMMISSION WORKSHOP

JULY 24, 2023



ARE CARPORTS ILLEGAL?

- Treated as other structures
- Require building permits
- Must respect lot restrictions
- Stay out of ROW & easements



WHAT'S THE ISSUE?



- No permits = No inspections
- Flouting Ordinances (Zoning & Building)
- Changes neighborhood character
- Can affect neighbors

WHAT'S THE ISSUE?



CONTINUED...



BACK TO BASICS

- Violations of ordinances subject to citations
- Not getting permit is Building Ordinance violation
- Encroachments into setbacks are Zoning Ordinance violations
- Violations have consequences

A large, red, distressed stamp with the words "NON-COMPLIANCE" in bold, uppercase letters. The stamp has a rough, weathered appearance with white speckles and a slightly irregular border.

IS THIS A PROBLEM?

Month	Total	Carports
January	20	14
February	13	8
March	10	6
April	10	8
May	9	4
June	7	6
July	19	16
TOTALS	88	62

- This year, **70%** Zoning Board of Adjustments and Appeals cases have been on carports
- Neighbors do come out

LET'S TALK COMPLIANCE

- Receive Stop Work Order
- Submit Building Permit
- Submit Special Exception Application
- If approved, get inspected
- Receive CO

CITY OF McALLEN
Building Permits and Inspections

☐ Non-Compliance
☒ Stop Work

OFFICE OF BUILDING OFFICIAL

NOTICE

THIS STRUCTURE HAS BEEN INSPECTED AND IS NOT ACCEPTED / PERMITTED

1205 4th St

☐ GENERAL
☒ CONSTRUCTION
☐ ELECTRICAL
☐ MECHANICAL WORK
☐ PLUMBING
☐ GAS PIPING
☐ OCCUPANCY

PLEASE CONTACT OUR OFFICE AT 956-681-1300 FOR FURTHER ASSISTANCE.

-NOTE-
Commercial Construction / No Permit on File

DATE 02/08/23 INSPECTOR EA

DO NOT REMOVE THIS NOTICE

Location: _____
Date: _____
Note: _____
Contact Name: _____ Phone No: _____

LET IT GO?



- Unpermitted structures cannot be guaranteed
- Affect neighborhood character
- Routinely turn into something else
- Punishes neighbors who did things correctly
- There is a legal way to a carport

DISCUSSION



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.

DATE SUBMITTED

MEETING DATE

7/24/2023

1. Agenda Item: Presentation on expansion to the McAllen Heritage Center.

2. Party Making Request:

3. Nature of Request:

4. Routing:

Cindy Zuniga

Created -

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:



ITEM SUMMARY

BOARD:	AGENDA ITEM	4.A.
	DATE SUBMITTED	
	MEETING DATE	7/24/2023

1. Agenda Item: Consideration of Economic Development Matters. (Section 551.087 T.G.C.)
2. Party Making Request: Isaac Tawil
3. Applicant:
4. Nature of Request: Consideration of Economic Development Matters. (Section 551.087 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: