

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **July 10, 2023**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Javier Villalobos, Mayor Pro Tem Omar Quintanilla, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad

Absent: Commissioner Joaquin Zamora, Commissioner Jose R. "Pepe" Cabeza de Vaca

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

MCALLEN RAPTOR'S F.C. DAY

Commissioner Victor "Seby" Haddad read and presented a proclamation for McAllen Raptor's F.C. Day.

AGENDA ITEM PUBLIC COMMENT (INDIVIDUALS WISHING TO SPEAK REGARDING AN AGENDA ITEM ON TODAY'S AGENDA, PLEASE CONTACT CITY SECRETARY BEFORE 5:00PM).

Council heard citizens regarding agenda items (except for public hearing on this agenda) Mrs. Laura McLeash spoke on item 7C and Manuel Pescador 1A3.

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.

Mayor Pro Tem Omar Quintanilla 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. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT: SOUTH 161.6 FEET OF THE WEST 212.0 FEET OF THE EAST 10.04 ACRES OF THE WEST 20.04 ACRES OF LOT 6, BLOCK 2, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 4200 PECAN BOULEVARD.**

Approved the C-2 Zoning at 4200 Pecan Boulevard, as per Planning and Zoning Commission.

- 2. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT: 0.32 OF ACRE TRACT OF LAND BEING A PORTION OF LOT 57, LA LOMITA IRRIGATION AND**

**CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS;
7612 NORTH WARE ROAD.**

Approved the C-2 Zoning at 7612 North Ware Road, as per Planning and Zoning Commission.

3. REQUEST OF RICARDO RAMOS, ON BEHALF OF THE VINEYARD WINE LOUNGE, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BOUTIQUE WINE SHOP AT LOT 10, BLOCK 3, CLUB ADDITION AMENDED SUBDIVISION, HIDALGO COUNTY, TEXAS; 125 EAST PECAN BOULEVARD.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a boutique wine shop at 125 East Pecan Boulevard, 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 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 north and a school to the northeast.
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 direct access to Pecan Boulevard.
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 square footage of the suite, 9 parking spaces are required; 14 parking spaces are provided on site.
4. The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses 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.

4. REQUEST OF DAVID A. LISAUCKIS, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR AT LOT A-1, NOLANA TOWER, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE H1.

Approved a Conditional Use Permit and adopted an ordinance, for one year for a bar at 400 Nolana Avenue, Suite H1, 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 the above-mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed of prevent disruption of the character of adjacent residential areas and must not be heard from the residential area after 10:00 PM. The proposed establishment is within 400 ft. of residential zones and uses, and publicly owned property.
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 exist into and disrupt residential areas. The property has direct access to Nolana Avenue and North 6th Street. The existing gates on North 4th Street need to be closed as required from other Conditional Use Permits issued in this commercial plaza.

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. There is an existing commercial building on the property. The commercial plaza is composed of restaurants and other bars. The current bar requires 49 parking spaces; 729 parking spaces are provided on site, both in the front and rear of the building.
4. The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses of 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 elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street.
6. The abovementioned businesses 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. The occupancy load for this establishment will be established by the Building Inspections Department as part of the building permit review process.

5. REQUEST OF JESSICA AGUILAR, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR (SUERTE BAR & GRILL UPTOWN), AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITES N1-N2.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 400 Nolana Avenue, Suite N1-N2, 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 those businesses having late hours (after 10:00 PM) must be at least 400 feet from the nearest residence, church, school, or publicly owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 400 feet of residential zones and uses to the north and east, and a water tower to the west.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required from other Conditional Use Permits in this commercial plaza.
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum and make provisions to prevent the use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional on-site parking. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a children's event center, and bars. 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site. Based on the square footage of the building, 41 parking spaces are required. Parking spaces are provided on site during the applicable hours of operation for this business.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties by providing, when necessary, fences, hedges or reorientation of entrances and exits under the vegetation ordinance.
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street to discourage vandalism and criminal activities.
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned 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 Planning Director. The occupancy load for this establishment will be established by the Building Department as part of the building permitting review.

6. REQUEST OF JESSICA AGUILAR, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR (THE

BEARDED LADY), AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE Q.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 400 Nolana Avenue, Suite Q, 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 those businesses having late hours (after 10:00 PM) must be at least 400 feet from the nearest residence, church, school, or publicly owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 400 feet of residential zones and uses to the north and east, and a water tower to the west.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required from other Conditional Use Permits in this commercial plaza.
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum and make provisions to prevent the use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional on-site parking. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, a children's event center, and bars. 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site. Based on the square footage of the building, 20 parking spaces are required. Parking spaces are provided on site during the applicable hours of operation for this business.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties by providing, when necessary, fences, hedges or reorientation of entrances and exits under the vegetation ordinance.
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street to discourage vandalism and criminal activities.
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The 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 Planning Director. The occupancy load for this establishment will be established by the Building Department as part of the building permitting review.

7. REQUEST OF MARIA D. ACUNA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN OUTDOOR COMMERCIAL RECREATION (SOCCER FIELDS), AT 1.405 ACRE TRACT (DEED) OUT OF LOT 151, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 501 SOUTH BENTSEN ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an outdoor commercial recreation (soccer fields) at 501 South Bentsen Road, per Planning and Zoning Commission.

The establishment must comply with the Zoning Ordinance and requirements in the application as follows:

1. No form of pollution shall emanate beyond the immediate property line of the permitted use. This includes lighting, littering and noise which may include sound systems or PA speakers.
2. Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks, or other similar improvements may be imposed to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.
3. The proposed use shall not be located within 300 ft. of residential uses. This property is located within 300 feet of a residentially use to the east, and south.
4. Sides adjacent to a residentially zone or use property shall be screened by a 6 ft. opaque fence. A 6 ft. opaque fence is provided along most of the property perimeter.
5. The proposed use shall comply with the Off-street Parking and loading Ordinance and make provisions to prevent the use of street parking especially in residential areas. In the past, parking requirements to accommodate game personnel have been 30 parking spaces for the

main soccer field, and 14 parking spaces for the smaller soccer field. (This includes parking for players, coaches, and referees). The applicant states the number of proposed seats as 80 fixed and 30 removable ones for a total of 110 seats. A total of 22 parking spaces are required for the seating area. In the past, the proposed hours of use for each field have not overlapped. A total of 52 parking spaces are required and the site plan shows 52 parking spaces are provided. The establishment complies with the parking requirement. The parking lot must be maintained free of potholes and must be clearly striped.

6. The proposed use shall comply with the City of McAllen Health Ordinances regulating food preparation and public lavatories. The soccer facility has on-site bathroom facilities. The facility will not have on-site food preparation.
7. Lighting shall be shielded from residentially zoned or use property.

8. REQUEST OF DAVID A. LISAUCKIS, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR AT LOTS 9, 10 & 11, BLOCK 2, ELTUS SUBDIVISION, HIDALGO COUNTY, TEXAS; 1116 PECAN BOULEVARD.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 1116 Pecan Boulevard, as per Planning and Zoning Commission.

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

1. The property line of those businesses having late hours (after 10:00 PM) must be at least 400 ft. from the nearest residence, church, school, or publicly owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 400 ft. of residential zones and uses.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has direct access to north Pecan Boulevard and North 11th Street and does not generate traffic into residential areas.
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum and make provisions to prevent the use of adjacent streets for parking. Based on the floor area of 4,260 square feet, 43 parking spaces are required; 40 parking spaces are provided on site. Applicant has also obtained a parking agreement with Armstrong McCall Professional Beauty Supply for the use of their parking area of 35 spaces.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street to discourage vandalism and criminal activities.
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned 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 considering the recommendations of the Fire Marshal, Building Official, and Planning Director. The occupancy load for this establishment will be established by the Building Inspections Department as part of the building permit review process.

9. REQUEST OF TOMAS FLORES MARTINEZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR AT LOTS 10, 9 & 8, 21ST PLACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2005 NOLANA AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar at 2005 Nolana Avenue, 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 businesses 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 publicly owned property and R-3A District to the southwest of the property.
2. The abovementioned businesses 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 location fronts Nolana Avenue and does not generate traffic into residential areas.

3. The abovementioned businesses 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 proposed bar requires 75 parking spaces, which are provided on the common parking area in the front of building. All 75 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 before CUP issuance.
4. The abovementioned businesses 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 businesses 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 businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
7. The abovementioned businesses 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. The occupancy load for this establishment will be established by the Building Inspections Department as part of the building permit review process.

B) REZONINGS:

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL) DISTRICT: 2.025 ACRES, CONSISTING OF 1.493 ACRES OUT OF A PART OR PORTION OUT OF LOT 202, AND 0.532 ACRE OUT OF A PART OR PORTION OUT OF LOT 205, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 9212 NORTH 36TH STREET.

Staff recommended tabling said item.

Mayor Pro Tem Quintanilla moved to table said item and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously, by those present.

2. 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. (TABLED)

Commissioner Victor "Seby" Haddad announced that he had a conflict with Item 1B2 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict with the City Secretary.

Said item remained tabled.

C) CONDITIONAL USE PERMITS:

1. REQUEST OF MOISES MARTINEZ DE LA CRUZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR AN AUTOMOTIVE SERVICE AND REPAIR SHOP (MECHANIC SHOP), AT LOT 5, BLOCK 13, YOUNG'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 218 SOUTH 23RD STREET.

Staff recommended disapproval of a Conditional Use Permit and adoption of an ordinance, for one year, for an automotive service and repair shop (mechanic shop) at 218 South 23rd Street, as per Planning and Zoning Commission.

The mechanic shop must comply with the following special conditions set forth for automotive repair as a primary use in Section 138-281 of the Zoning Ordinance:

1. A minimum lot size of 10,000 square feet is required. According to Hidalgo County Appraisal District records, the subject property's total lot size is 7,000 square feet.

2. All service, repair, maintenance, painting, and other work shall take place within an enclosed area. The work is performed under unenclosed carport structures. A building permit for the existing carport structures was not found on file.
3. Outside storage of materials is prohibited. Storage area for certain mechanic shop tools is within the unenclosed carport structures. According to the applicant, electrical equipment is stored within an enclosed area (closet) that is between the bay areas.
4. The building where the proposed work is to take place shall be at least 100 feet from the nearest residence. There are at least five single-family dwellings within 100 feet to the west across the alley and southeast across South 23rd Street.
5. A 6-foot opaque fence to buffer the proposed use from any residential use or residentially zoned area is required. No opaque fence would be required since the lot's property lines are not adjacent to any residential uses or zones.
6. New buildings and all conversions of existing buildings to such uses shall meet current Building Code and Fire Code requirements in terms of separation of high hazard uses from other occupancy use classifications, etc.

Mrs. Eva Ayala Arechiga spoke against the request.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve the conditional use permit subject to coming under compliance as required and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

2. REQUEST OF JESSICA AGUILAR, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR (LOVE BUZZ), AT THE NORTH 20 FEET OF LOT 1 AND ALL OF LOT 2 EXCLUDING THE NORTHWEST 225 FEET BY 240 FEET OF LOT 2, PLAZA DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS; 3424 NORTH 10th STREET.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for one year, for a bar (Love Buzz) at 3424 North 10th Street, as per Planning and Zoning Commission.

The establishment must comply with 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 above-mentioned businesses 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 disruption of the character of adjacent residential areas and must not be heard from the residential area after 10:00 PM. The establishment is less than 400 feet of a residential zone/use, to the northeast and east of the subject property.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access from north 10th Street.
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum and make provisions to prevent the use of adjacent streets for parking. The bar requires 39 parking spaces based on SF of building and additional 3 parking spaces for the existing outside seating area (3 benches) for a total of 41 parking spaces.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street to discourage vandalism and criminal activities.
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned 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 Planning Director.

Mayor Pro Tem Omar Quintanilla moved to approve the conditional use permit as recommended and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

3. REQUEST OF ROLANDO LIMON, ON BEHALF OF ARBOL DE FE ESPERANZA Y AMOR, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR AN INSTITUTIONAL USE (CHURCH) AT LOT 1, TOWN & COUNTRY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4300 NORTH 2ND STREET.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for the life of the use, for an institutional Use (church) at 4300 North 2nd Street, 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 has frontage on Quamasia Avenue with access onto North 2nd Street, a principal arterial.
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 of 96 seats in the sanctuary, 24 parking spaces are required; 261 parking spaces are provided on site.
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 zoned or used properties shall be screened by a 6 ft. opaque fence.

Discussion ensued. Comments were shared by Council. Staff answered questions posed by staff.

After due consideration, 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 Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

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, and Commissioner Victor "Seby" Haddad seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF SPECIAL MEETINGS HELD JUNE 22ND, JUNE 23RD, WORKSHOP AND REGULAR MEETING HELD ON JUNE 26, 2023.

Approved the minutes of Special Meetings held June 22nd, June 23rd, Workshop and Regular Meeting held on June 26, 2023, as submitted.

B) AWARD OF CONTRACT TO MELDEN & HUNT, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR VARIOUS DRAINAGE IMPROVEMENT PROJECTS. (PROJECT NO. 09-22-S72-441).

Awarded a contract to Melden & Hunt, Inc. in the amount of \$74,200.00 for Professional Engineering Services for Various Drainage Improvement Projects.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL FOR THE SINGLE MACHINE REPAVING AT LA PALOMA SUBDIVISION (CDBG). (PROJECT NO. 04-23-C30-367).

Approved Change Order No. 1 in the deduct amount of \$9,125.89 for the Single Machine Repaving at La Paloma Subdivision (CDBG).

- D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL FOR THE PURCHASE AND DELIVERY OF TYPE "D" HOT MIX AT LA PALOMA SUBDIVISION (CDBG). (PROJECT. NO. 04-23-P54-87).**

Approved Change Order No. 1 in the deduct amount of \$443.29 for the Purchase and Delivery of type "D" Hot Mix at La Paloma Subdivision (CDBG).

- E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL FOR THE 2022-2023 SINGLE MACHINE REPAVING PROJECT. (PROJECT NO. 01-23-C14-351).**

Approved Change Order No.1 and Final Reconciliation of contract quantities (deduct) in the amount of \$21,641.41 for the Single Machine Repaving Project.

- F) RESOLUTION AUTHORIZING THE TRANSFER OF A 452-SQUARE FOOT TRACT OF LAND FOR RIGHT-OF-WAY ASSOCIATED WITH THE TAYLOR ROAD PHASE II ROADWAY IMPROVEMENT PROJECT.**

Approved a resolution authorizing the transfer of a 452 square foot tract of land for right-of-way associated with the Taylor Road Phase II Roadway Improvement Project.

- G) RESOLUTION AUTHORIZING THE TRANSFER OF A 517-SQUARE FOOT TRACT OF LAND FOR RIGHT-OF-WAY ASSOCIATED WITH THE TAYLOR ROAD PHASE II ROADWAY IMPROVEMENT PROJECT.**

Approved a resolution authorizing the transfer of a 517 square foot tract of land for right-of-way associated with the Taylor Road Phase II Roadway Improvement Project.

- H) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS BAR FOUNDATION FOR FUNDING UNDER THE FALL 2023 TEXAS BAR FOUNDATION GRANT.**

Approved a resolution authorizing the submission of a grant application to the Texas Bar Foundation for funding under the Fall 2023 Texas Bar Foundation Grant.

- I) RESOLUTION IN SUPPORT OF MEXICO PAYING THEIR WATER DEBT.**

Approved a resolution in Support of Mexico Paying their Water Debt.

- J) CONSENT COOP PURCHASES**

1. AWARD OF CONTRACT FOR THE PURCHASE ONE (1) NEW ¾ TON CREW CAB PICKUP TRUCK THROUGH COOPERATIVE PRICING.

Awarded a contract to Donalson Chrysler Dodge Jeep Ram, for item 5 in the amount of \$64,046.53 through TIPS USA cooperative pricing for one (1) new current model ¾ Ton Crew Cab Pickup Truck.

- K) APPROVAL OF TAX REFUNDS OVER \$500.00.**

Approved tax refunds of over \$500.

1. BEST BUY STORES LP

Approved tax refunds in the amounts of \$941.47; \$897.82 and \$904.50.

2. ECHAZARRETA, DAVID M & NORMA A

Approved a tax refund in the amount of \$678.17.

3. WRI JACKSON WEST LP

Approved a tax refund in the amount of \$1,593.57.

4. YARD HOUSE #8382/YARD HOUSE USA INC.

Approved a tax refund in the amount of \$2,410.57.

5. ZONE INDUSTRIES LLC

Approved a tax refund in the amount of \$3,350.87.

6. 99 CENTS ONLY STORES TEXAS INC.

Approved a tax refund in the amount of \$621.06.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE OF SIGNS MATERIALS TO REPLACE DAMAGED SIGNS FROM APRIL STORM.

Staff recommended award of contract to Pathmark Traffic Equipment in the amount of \$56,064.00 for the purchase of signs materials. Staff noted this was an emergency purchase.

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

B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL FOR THE PURCHASE AND DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE FOR THE 2022-2023 SINGLE MACHINE REPAVING PROJECT. (PROJECT NO. 01-23-P30-84)

Staff recommended approval of Change Order No. 1 and Final in the deduct amount of \$99,680.74 for the Purchase and Delivery of Type "D" Hot Mix Asphaltic Concrete for the 2022-2023 Single Machine Repaving Project.

Commissioner Antonio "Tony" Aguirre Jr. moved to approve Change Order No. 1 as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

C) CONSIDERATION AND APPROVAL OF AMENDMENT TO THE CONTRACT WITH GRUPO RIO SAN JUAN FOR DESIGN SERVICES IN CONNECTION WITH THE ANZALDUAS BRIDGE EXPANSION PROJECT.

Staff recommended approval of an amendment to the contract with Grupo Rio San Juan in the amount of \$173,021.93 for design services in connection with the Anzaldua's Bridge Expansion Project.

Commissioner Rodolfo "Rudy" Castillo congratulated City Manager, Bridge Superintendent, Mayor, City Commission and Aduana's Mexico for their tireless efforts and implementation of design project.

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

4. ORDINANCE

A) PROVIDING FOR THE APPROVAL OF THE FISCAL YEAR 2023-2027 CONSOLIDATED PLAN AND STRATEGY DOCUMENT INCLUDING THE FISCAL YEAR 2023-2024 CDBG, HOME AND ESG ANNUAL ACTION PLAN.

Staff recommended adoption of an ordinance enacting the Fiscal Year 2023-2027 Consolidated Plan and Strategy for the use of CDBG, HOME and ESG Annual Action Plan (funding).

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

5. VARIANCE

A) CONSIDERATION OF A VARIANCE REQUEST TO THE RIGHT-OF-WAY REQUIREMENTS FOR LARK AVENUE AT THE PROPOSED OLIVE GROVE ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 3900 LARK AVENUE.

Staff recommended disapproval of a variance request to the Right-of-Way requirements for Lark Avenue at 3900 Lark Avenue.

Judge Noe Gonzalez spoke in favor of the request.

A lengthy discussion ensued. Comments and concerns were raised by Council. Questions were asked relating to palm trees, barrier curb, current right of way and extra widening. Staff answered questions posed by staff.

After due consideration, Commissioner Antonio "Tony" Aguirre Jr. moved to approve the variance and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

6. MANAGER'S REPORT

A) IMMIGRATION AND RESPITE CENTER REPORT.

Ms. Elvira Alonzo presented immigration and respite center updates and answered questions.

B) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: McAllen Shines, Update of Cameras in City and McAllen International Soccer Cup

7. 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 7A, 7B and 7C.

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO COLLECTIVE BARGAINING. (SECTION 551.071, TGC)

Mayor Pro Tem Omar Quintanilla moved to authorize City Manager and City Attorney to take those actions as described in executive session and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

B) CONSULTATION WITH CITY ATTORNEY REGARDING CIVIL ENFORCEMENT OF CITY ORDINANCE VIOLATIONS. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Omar Quintanilla moved to authorize City Attorney to take those actions 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 LEGISLATIVE PROCESS. (SECTION 551.071, T.G.C.).

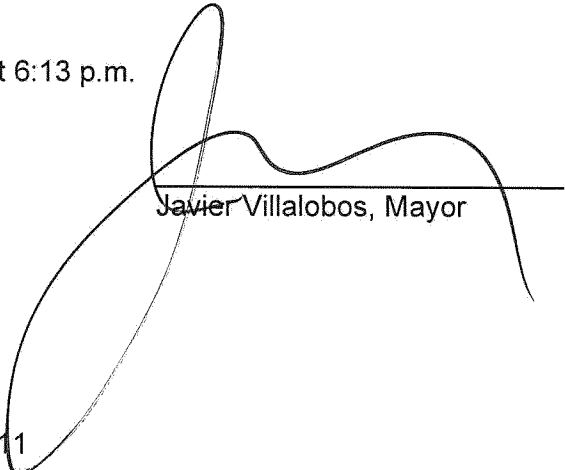
No action.

ADJOURNMENT

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

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary


Javier Villalobos, Mayor