

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **July 24, 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 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.

PRESENTATION

GOVERNOR'S COMMUNITY ACHIEVEMENT AWARD

Keep McAllen Beautiful staff was presented with the Governor's Community Achievement Award.

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. No one spoke under routine 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 Victor "Seby" Haddad. The motion carried unanimously by those present.

1. REQUEST OF CARLOS MALDONADO, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A SMOKE SHOP, AT LOTS 4 AND 5, MCALLEN NORTHWEST INDUSTRIAL SUBDIVISION NO. 2, HIDALGO COUNTY, TEXAS; 5000 NORTH 23RD STREET, SUITE F.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a smoke shop at 5000 North 23rd Street, Suite F, 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 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 to prevent disruption of the character of adjacent residential areas, and

must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses.

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 property has direct access to North 23rd Street.
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. Currently there is a multi-tenant commercial building on the property. The shopping center consists of various uses, retail, vacant suites, and restaurants. The proposed 2,125 sq. ft. smoke shop hall requires 6 parking spaces; parking spaces are provided as part of a common parking area in the front and rear of the building. For the parking spaces of the common parking area, 1 accessible parking space is required and provided on site, as per section 138-400(a) of the Off-Street Parking and Loading requirements, all off-street parking must be clearly striped and free of potholes.
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 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. The occupancy load for this establishment will be established by the Building Inspection Department as part of the building permit review process.

B) REZONINGS:

1. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-1 (OFFICE BUILDING) DISTRICT: 33.894 ACRES OUT OF LOT 8, MCALLEN FIRST SUBURBAN CITRUS GROVES SUBDIVISION AND OUT OF LOTS 185 AND 188, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY, HIDALGO COUNTY, TEXAS; 2800 SOUTH WARE ROAD.

Staff recommended approval of the C-1 zoning at 2800 South Ware Road, 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.

The following individuals spoke in favor of the request:

Gabriel Elizondo - McAllen
Barry Patel - McAllen
Eric Kennedy – McAllen
Judge Richard - McAllen
Jim Darling – McAllen
Mark Freeland – McAllen
Efren Barajas – McAllen
Craig Wilcox – Weslaco
Roda Grubb – McAllen
Daniel Silva – Mission
Elva Cerda – McAllen
Adrian Villarreal – McAllen
Josh Mejia – McAllen
Hershal Patel – McAllen
Wayne Johnson - McAllen
Carlos Margo – McAllen

The following individuals spoke against the request:

Jeff Alger - McAllen
Raquel Oliva – McAllen

Victoria Guerra – McAllen
Alexis Racelis – McAllen
Blanca Calderon – McAllen
Laurel McLeaish – McAllen
Tracy Deadman – Harlingen
Jose Luis Flores – Mission
Margaret Graham – McAllen
Ken Vega – McAllen
Valentin Rodriguez – McAllen
Juan Mancias - Brownsville
Liz Barbin – McAllen
Jose Lopez – McAllen
Mailon Ovian – McAllen
Sergio Luna – San Juan
Delfina Villarreal – McAllen
Rolando Garza – Brownsville
Daniel Brooke – McAllen
Javier Salazar – McAllen
Joe Hinojosa – McAllen
Juan Mancias – Floresville
Jim Chapman – McAllen
Leonardo Noyola – McAllen
Gloria Galindo – McAllen
Adriana Marco – Edinburg
Blanca Calderon – McAllen
Carol Brown – McAllen
Leonel De La Rosa –San Juan

A lengthy discussion ensued. Comments were shared by Council. Staff answered questions posed by Council.

After due consideration, Commissioner Antonio "Tony" Aguirre Jr. moved to approve the C-1 zoning as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

2. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO I-1 (LIGHT INDUSTRIAL) DISTRICT: ALL OF 63.86 ACRES OUT OF LOTS 5 AND 6, BLOCK 1, RIO BRAVO PLANTATION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3500 SOUTH WARE ROAD.

Staff recommended approval of the I-1 zoning at 3500 South Ware Road, as per Planning and Zoning Commission.

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

3. 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. (TABLED)

Said item remained tabled.

4. 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 B4 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Said item remained tabled.

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

Commissioner Victor "Seby" Haddad moved to amend the Zoning Ordinance and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. 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.)**

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda Commissioner Victor "Seby" Haddad seconded. The motion carried unanimously by those present.

- A) APPROVAL OF MINUTES FOR WORKSHOP AND REGULAR MEETINGS HELD JULY 10, 2023.**

Approved the minutes of workshop and regular meeting held July 10, 2023, as submitted.

- B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL FOR THE HELENA AVENUE SIDEWALK IMPROVEMENTS PROJECT.**

Approved Change Order No. 1 in the amount of \$34,267.28 with an additional 85 calendar days for the Helena Avenue Sidewalk Improvements Project.

- C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE NORTHGATE LANE DRAINAGE IMPROVEMENTS PROJECT.**

Approved Change Order No. 1 in the amount of \$21,872.10 with an additional 10 calendar days for the Northgate Lane Drainage Improvements Project.

- D) CONSIDERATION AND APPROVAL OF AMENDMENT NO. 2 TO THE CARGO BUILDING LEASE AGREEMENT.**

Approved Amendment No. 2 to the Cargo Building Lease Agreement with Davila's Delivery Service, Inc.

- E) AWARD OF CONTRACT FOR EMERGENCY ADOBE REPAIRS AT QUINTA MAZATLAN.**

Awarded a contract to Metal Wood Builders in the amount of \$67,375.00 for Emergency Adobe Repairs at Quinta Mazatlán.

- F) AWARD OF CONTRACT FOR STOP LOSS INSURANCE FOR CITY OF MCALLEN EMPLOYEE HEALTH PLAN.**

Awarded a contract to QBE for one year, with one additional year option should premiums remain favorable, for Stop Loss insurance for City of McAllen Employee Health Plan.

- G) CONSENT COOP PURCHASES**

- 1. AWARD OF CONTRACT FOR RATIFICATION OF STORM DAMAGE REPAIR SHADE TARPS.**

Awarded a contract to Tenzo McAllen LLC in the amount of \$31,800.00 for the purchase and installation of shade tarps for the Municipal Softball Complex and McAllen Sports Park.

- H) SUBDIVISION MONTHLY REPORT.**

Approved Subdivision Monthly report.

I) PROJECT STATUS REPORT THROUGH JUNE 30, 2023.

Approved Project Status Report through June 30, 2023.

J) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Approved Status Report on Parks & Recreation Projects.

K) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1. 3BU FAMILY LTD PARTNERSHIP

Approved a tax refund in the amount of \$4,863.61.

2. CORELOGIC

Approved a tax refund in the amount of \$540.33.

3. JAMES PLATT DUTREMAIN

Approved tax refunds in the amounts of \$499.30 and \$379.19.

4. JASON R. & BRENDA L. MARTINEZ

Approved tax refunds in the amounts of \$1,450.20 and \$697.23.

5. GUADALUPE FLORES

Approved tax refunds in the amounts of \$373.43, \$419.26, and \$226.04

6. RAYMOND C. FRANKLIN

Approved a tax refund in the amount of \$807.34.

7. ROSAURA MARTIN

Approved tax refunds in the amounts of \$463.31 and \$440.42.

8. RHODES DEVELOPMENT INC.

Approved a tax refund in the amount of \$1,742.94.

9. WILLIAM R. SULLIVAN

Approved tax refunds in the amounts of \$241.93 and \$308.81.

10. VCFS AUTO LEASING COMPANY

Approved a tax refund in the amount of \$504.36.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR QUINTA MAZATLAN CENTER FOR URBAN ECOLOGY.

Staff recommended award of contract to SpawGlass in the amount of \$33,635,305.00 for the Quinta Mazatlán Center for Urban Ecology. Staff added that the award of contract for the Quinta Park and Ride & Quinta Mazatlán Center for Urban Ecology Alternates 1, 2, 3 & 5, 5A and 5B to CMAR SpawGlass of Harlingen Texas and contingent approval for bid package 2 and alternate #4 based on revised MOU with UTRV \$51,928,095.00 and 852 calendar days.

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

B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE BICENTENNIAL BLUELINE BRIDGE IMPROVEMENTS PROJECT (HARVEY AVE. & BICENTENNIAL BLVD.).

Staff recommended approval of Change Order No. 2 in the amount of \$154,083.92 for the Bicentennial Blueline Bridge Improvements Project (Harvey Ave. & Bicentennial Blvd.) with no additional calendar days.

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

After due consideration, Commissioner Victor "Seby" Haddad moved to approve Change Order No. 2 as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE ANZALDUAS BRIDGE IMPROVEMENTS PROJECT.

Staff recommended approval of Change Order No. 2 in the amount of \$750,000.00 for the Anzaldua's Project with no additional working days.

Discussion ensued. Comments and concerns were shared by Council. Questions were raised relating to amount of change orders, pumping, weak soils, and best course of action. Staff answered questions posed by Council.

After due consideration, Mayor Pro Tem Omar Quintanilla moved to approve Change Order No. 2 as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

D) CONSIDERATION AND POSSIBLE APPROVAL OF A COLLECTIVE BARGAINING AGREEMENT WITH THE MCALLEN PROFESSIONAL LAW ENFORCEMENT ASSOCIATION.

Staff recommended approval of a Collective Bargaining Agreement with the McAllen Professional Law Enforcement Association.

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

4. RESOLUTIONS

A) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE UNDER THE BUREAU OF JUSTICE ASSISTANCE FISCAL YEAR 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.

Staff recommended approval of a resolution authorizing the submission of a grant application to the U.S. Department of Justice under the Bureau of Justice Assistance Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant Program.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the resolution as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

B) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY UNDER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE FISCAL YEAR 2023 SHELTER AND SERVICES PROGRAM.

Staff recommended approval of a resolution authorizing the submission of a grant application to the Department of Homeland Security under the Federal Emergency Management Agency for the Fiscal Year 2023 Shelter and Services Program.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the resolution as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

**C) RESOLUTION FOR THE USE OF EMINENT DOMAIN FOR TAYLOR ROAD
PHASE 2.**

Staff recommended approval of a resolution for the use of eminent domain for Taylor Road Phase 2.

CONSIDERED, PASSED and APPROVED this 24th day of July 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: Mayor Pro Tem Omar Quintanilla, Commissioner Victor "Seby" Haddad, Commissioner Jose R. "Pepe" Cabeza de Vaca and Mayor Javier Villalobos

5. MANAGER'S REPORT

A) ADVISORY BOARD APPOINTMENTS.

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

GOLF COURSE ADVISORY BOARD

Commissioner Antonio "Tony" Aguirre nominated Dr. Rashid Sahid to the Golf Course Advisory Board.

MCALLEN LIBRARY BOARD

Commissioner Rodolfo "Rudy" Castillo nominated Allison Brovold to the McAllen Library Advisory Board.

Commissioner Antonio "Tony" Aguirre moved to accept nominations and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

**B) APPOINTMENT TO THE HIDALGO COUNTY REGIONAL MOBILITY
AUTHORITY BOARD.**

Council thanked Mr. Forrest Runnels for serving on the Hidalgo County Regional Mobility Authority.

Mayor Pro Tem Omar Quintanilla moved to appoint Gerald Williamson to the Hidalgo County Regional Mobility Authority Board and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

C) IMMIGRATION AND RESPITE CENTER REPORT.

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

D) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Greenspaces.

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).

On behalf of the Presiding Officer, City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, 551.087 Economic Development on Item 6A.

Mayor Javier Villalobos recessed the meeting at 8:24 pm to go into Executive Session. Mayor Javier Villalobos reconvened the meeting at 8:49 pm and noting the following city commission members present: Mayor Javier Villalobos, Mayor Pro Tem Omar Quintanilla, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca. Absent: Commissioner Joaquin Zamora

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

6A1 – Commissioner Victor “Seby” Haddad moved to authorize City Manager and City Attorney to offer the economic developments as described in executive session and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

6A2 – Commissioner Antonio “Tony” Aguirre moved to authorize City Manager and City Attorney to negotiate an additional year to start incentive period for the economic development incentives described in executive session and seconded by Victor “Seby” Haddad. The motion carried unanimously by those present.

6A3 – Mayor Pro Tem Omar Quintanilla moved to authorize City Manager and City Attorney to negotiate the economic developments described in executive and seconded by Commissioner Victor “Seby” Haddad. The motion carried unanimously by those present.

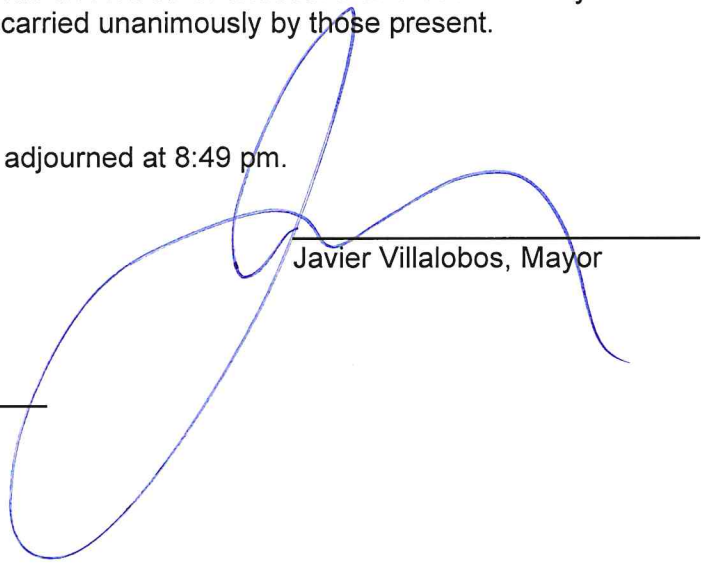
ADJOURNMENT

Without objection the meeting was adjourned at 8:49 pm.

Attest:



Perla Lara, TRMC/GMC, CPM
City Secretary



Javier Villalobos, Mayor