



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.

AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, AUGUST 28, 2023 – 5:00 PM
MCALLEN CITY HALL
CITY COMMISSION CHAMBERS; 3RD FLOOR
1300 HOUSTON AVENUE
MCALLEN TEXAS, 78501

"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 - Mayor Javier Villalobos

PLEDGE OF ALLEGIANCE - Mayor Javier Villalobos

INVOCATION - Commissioner Rodolfo "Rudy" Castillo

PRESENTATION - Recognition of the Team Red, White & Blue Partnership

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:

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.)*

1. Rezone from C-3 (general business) District to R-3A (multifamily apartment residential) District: the north 3.830 acre, more or less, of a 19.587 acre tract; being the west one half of Lot 12, Section 280, save and except that party lying north of the south Right-of-Way line of State Highway 107, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 2701 West State Highway 107.

2. Rezone from R-1 (single family residential) District to R-3A (multifamily apartment residential) District: the south 15.757 acre, more or less, of a 19.587 acre tract; being the west one half of Lot 12, Section 280, save and except that part lying north of the

south Right-of-Way line of State Highway 107, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 2701 West State Highway 107.

3. Rezone from C-3 (general business) District to R-3T (townhouses) District: 5.170 acres out of Lot 11, Section 13, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 7901 North 10th Street (West).

4. Rezone from R-3A (apartments) District to R-3T (townhouses) District: 1.336 acres out of Lot 11, Section 13, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 7901 North 10th Street (East).

5. Rezone from R-1 (single-family residential) District to R-3T (multifamily townhouse residential) District: 6.84 acres, more or less, being a part or portion of Lot 80, La Lomita Irrigation & Construction Company's Subdivision, Hidalgo County, Texas; 6201 North Ware Road.

6. Request of Alwin Verlage Alvarez, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a vaporizer store, at Lot 5, Block 38, McAllen Addition, Hidalgo County, Texas; 404 South 15th Street.

7. Request of 956 REI, LLC, for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for a guest house, at west 46 feet of Lot 12 and east 14 feet of Lot 13 and east 14 feet of Lot 14 and east 14 feet of north 27.75 feet of Lot 15, Mathis Addition Subdivision, Hidalgo County, Texas; 1109 Maple Avenue.

8. Request of Sara C. Lopez, for a Conditional Use Permit, for one year, and adoption of an ordinance, for an amendment Food Truck Park, at Lot 1, Lopez-Torres, Hidalgo County, Texas; 4300 South Ware Road.

B) REZONINGS:

1. Initial Zoning to C-3 (general business) District: A 2.460-acre tract of land, more or less, out of Lot 52, out of Lots 35-68, inclusive, Section 229, Tex-Mex Subdivision, Hidalgo County, Texas; 13931 North Ware Road (East).

2. Initial Zoning to R-2 (duplex-fourplex) District: A 2.227-acre tract of land, more or less, out of Lots 52 thru 54, out of Lots 35-68, inclusive, Section 229, Tex-Mex Subdivision, Hidalgo County, Texas; 13931 North Ware Road (West).

3. Initial Zoning to A-O (agricultural and open space) District: 1,288.63 acres gross, comprised of a 3.422 acre tract of Section 213, Texas-Mexican Railway Company's Survey, and all of Section 216 and 217, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 18900 North Abram Road.

4. Rezone from R-1 (single-family residential) District to R-2 (duplex-fourplex residential) District: Lot 12, Block 4, Cathay Courts Addition, Hidalgo County, Texas; 324 South Cynthia Street.

5. 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)**

C) CONDITIONAL USE PERMIT:

1. Request of Norberto Hernandez for a Conditional Use Permit, for life of the use, and adoption of an ordinance for a portable food concession stand, at Lots 1, 2, and 3, Block 2, Young's Subdivision, Hidalgo County, Texas; 2401 W Highway 83.

- D) Amending the Zoning Ordinance of the City of McAllen.
- E) Public hearing and adoption of ordinance providing for the annexation of 1,288.63 acres gross, comprised of a 3.422 acre tract out of Section 213, Texas-Mexican Railway Company's Survey, and all of Section 216 and 217, Texas-Mexican Railway Company's Survey, and a 5.45 acre Right-of-Way for North Abraham Road, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 18900 North Abram Road.
- F) Public hearing and adoption of an ordinance providing for the annexation of the 4.687 acre tract of land, more or less, out of lots 52 thru 54, out of lots 35-68, inclusive, Section 229, Tex-Mex Subdivision, Hidalgo County, Texas; 13931 North Ware Road.

END OF PUBLIC HEARING

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.)*

- A) Approval of Minutes for Budget Workshops held August 1st, August 2nd, Workshop and Regular Meeting held August 14, 2023.
- B) Consideration and Possible Action to accept donation of Regional Detention Facility in Belterra Subdivision.
- C) Consideration and Possible Approval of Agreement to expand and future maintenance of a regional detention pond on undeveloped City property located East of Ware Road and South of Monte Cristo Road.
- D) Consideration and Approval of Change Order No. 3 for the Runway 14-32 & Taxiway A Safety Improvements Phase 3, 4A & 4C at McAllen International Airport.
- E) Consideration and Approval of Change Order No. 2 and Final for the 23rd and 10th Street Intersection Improvements Project.
- F) Ordinance providing for a Budget Amendment to record the Sale of Properties and Transfers to Quinta Mazatlan - CUE and Wastewater Fund.
- G) Resolution authorizing the submittal of a grant application to the American Library Association for funding under the Fiscal Year 2023 Thinking Money for Kids Program.
- H) Resolution to enter into an Advanced Funding Agreement with the Texas Department of Transportation for Traffic Signal Safety Improvements.
- I) Subdivision Monthly Report.
- J) Status Report on Parks & Recreation Projects.
- K) Project Status Report through July 31, 2023.

3. **BIDS/CONTRACTS:**

- A) Award of Contract for Library Chiller Compressor.
- B) Award of Contract for Emergency HVAC Repairs at the International Museum of Arts & Sciences.
- C) Consideration and Approval for the emergency repair of the Bicentennial Boulevard Noise Attenuation Barrier.

4. ORDINANCE:

- A) Providing for a Budget Amendment for International Museum of Arts & Sciences HVAC and Bicentennial Boulevard Noise Wall Repairs.

5. VARIANCE:

- A) Consideration of variance requests 1) to not dedicate any street ROW for an East-West quarter mile collector along the south side of the subdivision, and 2) to not provide alley for solid waste collection and allow residential bins for a multifamily development proposed as McAllen Oaks North Subdivision, Hidalgo County, Texas; 2701 State Highway 107.

6. MANAGER'S REPORT:

- A) Discussion of 2023 Proposed Tax Rate, Take a Record Vote and Schedule Public Hearing and meeting to Adopt the Tax Rate.
- B) Immigration and Respite Center Report.
- C) Future Agenda Items.

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).

- A) Discussion and possible lease, sale or purchase of Real Property, Tract 1, Tract 2, and Tract 3. (Section 551.072, T.G.C.)
- B) Consideration of Economic Development Matters. (Section 551.087, T.G.C.)
- C) Consultation with City Attorney regarding pending litigation: Rosa Lilia Picon v. City of McAllen; Cause No. CL-23-3135-A pending in Hidalgo County, Texas. (Section 551.071, 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 August 25, 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