

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **October 23, 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 Joaquin Zamora, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and 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.

PRESENTATION

SCENIC CITY AND PEOPLE'S CHOICE AWARDS

Staff was presented with the Scenic City and People Choice Awards.

PROCLAMATIONS

UTRGV RANKINGS

Mayor Pro Tem Omar Quintanilla read and presented a proclamation for UTRGV Rankings.

NATIVE PLANT MONTH

Commissioner Victor "Seby" Haddad read and presented a proclamation for Native Plant Month.

MUNICIPAL COURT WEEK

Commissioner Antonio "Tony" Aguirre, Jr. read and presented a proclamation for Municipal Court Week.

ARBOR DAY

Commissioner Joaquin Zamora read and presented a proclamation for Arbor Day.

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 Jose R. "Pepe" Cabeza de Vaca 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.

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3C (CONDOMINIUMS) DISTRICT: 0.845 ACRE (36,821.51 SQ. FT.) TRACT BEING CALLED 0.30 ACRE TRACT OF LAND, MORE OR LESS, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 7809 NORTH WARE ROAD 7801 NORTH WARE ROAD.

Approved the R-3C Zoning at 7809 North Ware Road 7801 North Ware Road, as per Planning and Zoning Commission.

2. REQUEST OF CP5 RONDA HOLDINGS LLC., FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A RESTAURANT/BAR (5 RONDA) AT LOT 3, LONE STAR NATIONAL BANK SUBDIVISION, HIDALGO COUNTY, TEXAS; 500 EAST NOLANA AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a restaurant/bar at 500 East 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 above-mentioned businesses 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. from the nearest residence and residentially zoned property.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment is located on a major arterial, East Nolana Avenue, 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 square footage and use of the building, 89 parking spaces are required and 126 are provided. Parking lot must be clear of potholes and well striped.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties. An 8 ft. wall is provided.
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.

3. REQUEST OF JORGE L. MARTINEZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A FOOD TRUCK PARK ON 1 TRACT OF LAND NORTH OF RAILROAD RIGHT-OF-WAY BETWEEN 10TH & 11TH STREETS SOUTH OF BLOCK 49, NORTH MCALLEN ADDITION, HIDALGO COUNTY, TEXAS; 1001 ASH AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a food truck at 1001 Ash Avenue, as per Planning and Zoning Commission.

The food truck park and its vendors must comply with the requirements set forth in Section 54-51 of the Zoning Ordinance for mobile food vendors and the following specific requirements:

1. The property line of the lot must be at least 200 feet from the nearest residence or residentially zoned property.
2. The name, address, phone number and email address of a contact person who shall be available 24 hours per day, 7 days per week for the purposes of responding to complaints regarding the operation of the mobile food vendor court.
3. Mobile food vendor courts shall not operate between the hours of 2:00 AM and 7:00 AM.
4. Each mobile food vendor court shall provide access to a restroom on or within 600 feet of the property lines of the track of land on which it is situated.

5. Mobile food vendor courts must provide one (1) garbage receptacle, to hold a minimum of thirteen (13) gallons, per each vendor located on premises for public use. This requirement is in addition to the receptacles required of each individual vendor.
6. Mobile food vendors may not be placed or parking on unimproved surfaces. Food truck owners on site have built non-permitted structures for seating over unimproved surfaces.
7. Adequate lighting, as determined by the health Director, to enable clear and unobstructed visibility of mobile food vendors and patrons shall be provided at all entrances and exits of the mobile food vendor court.
8. Mobile food vendor courts shall provide on-premises parking areas sufficient to accommodate staffing needs and seating areas.

4. REQUEST OF MARIA I. SALAZAR, FOR A CONDITIONAL USE PERMIT, FOR TWO YEARS, AND ADOPTION OF AN ORDINANCE FOR A HOME OCCUPATION (BEAUTY SALON) AT .55 ACRES OUT OF LOT 327, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 5009 BUDDY OWENS BOULEVARD.

Approved a Conditional Use Permit and adopted an ordinance, for two years, for a home occupancy (beauty salon) at 5009 Buddy Owens, as per Planning and Zoning Commission.

The business must comply with requirements set forth in Section 138-118(a)(1) of the Zoning Ordinance and the specific requirements are as follows:

1. The home occupation must be clearly secondary to the residential use.
2. No signs are permitted. No sign is proposed or installed.
3. There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling.
4. There shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises. There will be no additional unrelated employees residing on the premises.
5. There shall be no outside storage of materials or products. The applicant does not propose any outside storage.
6. The permitted use shall not create frequent or heavy traffic, not greater than ten percent (10%) of the average load per hour as determined by the city traffic engineer.
7. No retail sales (items can be delivered). The applicant did not propose any retail sales from home.
8. No additions to the residence or accessory building specifically to accommodate the business. The applicant proposes no additions or accessory building to accommodate the business.
9. The business must take place in the primary residential structure on the property rather than in a detached garage or separate accessory building. The occupation is proposed to take place in the primary residential structure; and
10. The activity must take place at the location for which the permit was issued.

B) CONDITIONAL USE PERMIT:

1. REQUEST OF PEDRO A. RODRIGUEZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT SPACE WITH MIXED USE- BYOB (TROPICASA) AT LOT 10 AND N 10' OF LOT 11, BLOCK 13, NORTH MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 610 NORTH MAIN STREET, SUITES B & C.

Staff recommended disapproval of a Conditional Use Permit and adoption of an ordinance, for one year, for an event space with mixed use - BYOB at 610 North Main Street, Suites B & C, as per Planning and Zoning Commission.

The following spoke on item 1B1:

- Brianna Lopez
- Vira Aldape
- Steven Guerrero
- Emmanuel Arambula
- Adrian Luna

After due consideration, Commissioner Joaquin Zamora moved to disapprove the Conditional Use Permit as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion passed with 5 votes in the affirmative with Commissioner Victor "Seby" Haddad voting against.

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

Commissioner Joaquin Zamora moved to amend the Zoning Ordinance and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

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 and Commissioner Joaquin Zamora seconded. The motion carried unanimously.

- A) APPROVAL OF MINUTES FOR BUDGET WORKSHOP HELD ON AUGUST 22nd AND WORKSHOP AND REGULAR MINUTES HELD ON OCTOBER 9, 2023.**

Approved the Minutes for Budget Workshop held on August 22nd and Workshop and Regular Minutes held on October 9, 2023.

- B) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT FOR THE 2024 SOUTH TEXAS ALL HAZARD CONFERENCE.**

Approved an Interlocal Agreement for the 2024 South Texas All Hazard Conference.

- C) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO GAMETIME FOR THE COMMUNITY CHAMPIONS PLAYGROUND GRANT.**

Approved a resolution authorizing the submittal of a grant application to Gametime for the Community Champions Playground Grant.

- D) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE COMMUNITY OUTDOOR OUTREACH PROGRAM (CO-OP).**

Approved a resolution authorizing the submittal of a grant application to the Texas Parks and Wildlife Department for the Community Outdoor Outreach Program (CO-OP).

- E) RESOLUTION TO ADOPT THE 2023 OFFICIAL TAX ROLL.**

Approved a resolution adopting the 2023 Official Tax Roll.

- F) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT IN THE SANITATION DEPRECIATION FUND FOR THE PURCHASE OF ONE (1) WHEEL LOADER FOR THE BRUSH DEPARTMENT.**

Adopted an ordinance providing for a budget amendment in the amount of \$143,000.00 from the Sanitation Depreciation Fund and \$108,700.00 from the Sanitation Fund for the purchase of One (1) Wheel Loader for the Brush Department.

- G) CONSENT COOP PURCHASES**

- 1. AWARD OF CONTRACT FOR THE PURCHASE OF RECYCLING AND TRASH BINS THROUGH SOURCEWELL COOPERATIVE PRICING. (PROJECT #10-23-P03-01)**

Awarded a contract to Cascade Engineering, Inc. in the amount of \$320,637.84 for the purchase of recycling and trash bins through sourcwell cooperative pricing.

- 2. AWARD OF CONTRACT FOR THE PURCHASE OF DUMPSTERS AND ROLL-OFFS THROUGH SOURCEWELL COOPERATIVE PRICING. (PROJECT # 10-23-P04-01)**

Awarded a contract to Box Gang Manufacturing in the amount of \$163,234.00 for the purchase of dumpsters and roll-offs through sourcwell cooperative pricing.

3. AWARD OF CONTRACT FOR THE PURCHASE OF PARTS ROOM STORAGE EQUIPMENT THROUGH BUYBOARD.

Awarded a contract to Reeders Distributors, Inc. in the amount of \$66,840.07 for the purchase of parts room storage equipment through buyboard.

H) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Approved status report on Parks & Recreation Projects.

I) SUBDIVISION MONTHLY REPORT.

Approved Subdivision Monthly Report.

J) PROJECT STATUS REPORT THROUGH SEPTEMBER 30, 2023.

Approved Project Status Report.

K) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1. AMIR ABDUSSABOUR

Approved a tax refund in the amount of \$715.14.

2. CRP 10TH ST. LTD

Approved a tax refund in the amount of \$19,196.01.

3. THE PNC FINANCIAL SERVICES GROUP

Approved a tax refund in the amounts of \$563.33 and \$985.89.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF THE SUBMISSION OF THE MCALLEN PARKS, RECREATION AND OPEN SPACE MASTER PLAN UPDATE AND THE TOP TEN PRIORITY LISTING FOR 2023 TO 2028.

Staff recommended approval of the Updated McAllen Parks, Recreation and Open Space Master Plan and Top Ten Priority List with submission to Texas Parks and Wildlife Department.

Ms. Tiffany Kersten spoke on item 3A.

After due consideration, Commissioner Joaquin Zamora moved to table said item as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

B) CONSIDERATION AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MCALLEN POLICE DEPARTMENT AND THE UNIVERSITY OF TEXAS RIO GRANDE VALLEY (UTRGV) FOR LAW ENFORCEMENT COOPERATION.

Staff recommended approval of a Memorandum of Understanding (MOU) between the City of McAllen Police Department and the University of Texas Rio Grande Valley (UTRGV) for Law Enforcement Cooperation.

Commissioner Joaquin Zamora moved to approve the memorandum of understanding as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

C) AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) CURRENT MODEL FRONT WHEEL LOADER UTILIZING SOURCEWELL COOPERATIVE PRICING FOR BRUSH DEPARTMENT. (PROJECT# 10-23-P07-01)

Staff recommended award of contract to Doggett Heavy Machinery in the amount of \$251,658.20 for the purchase of one (1) current model front wheel loader utilizing cooperative pricing for the Brush Department.

Commissioner Antonio "Tony" Aguirre, Jr. moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

D) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 1 FOR ADDITIONAL SERVICES FOR THE DAFFODIL AVENUE ROADWAY IMPROVEMENTS.

Staff recommended approval of Contract Amendment No.1 to Half Associates Inc. for additional professional services for an average estimated fee of \$21,000.00.

Commissioner Joaquin Zamora moved to approve Contract Amendment No. 1 as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR DOVE AVENUE EXTENSION.

Staff recommends approval of Change Order No. 1 in the amount of \$15,800.00 for a current contract amount of \$3,274,384.74 for the Dove Avenue Extension.

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

After due consideration, Commissioner Joaquin Zamora moved to approve Change Order No. 1 as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

4. ORDINANCES

A) ORDINANCE AMENDING TERMINOLOGY IN THE FIRE LANE ORDINANCE TO MATCH THE INTERNATIONAL FIRE CODE.

Staff recommended adoption of an ordinance amending terminology in the Fire Lane Ordinance to match the International Fire Code in effect.

Commissioner Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

B) ORDINANCE PROVIDING FOR AN INCREASE IN THE NUMBER OF AUTHORIZED STRENGTH OF THE MCALLEN FIRE DEPARTMENT.

Staff recommended adoption of an ordinance providing for an increase in the number of authorized positions in the McAllen Fire Department.

Commissioner Joaquin Zamora moved to adopt the ordinance and Mayor Pro Tem Omar Quintanilla seconded the motion. The motion carried unanimously.

5. VARIANCES

A) CONSIDERATION OF A VARIANCE REQUEST TO THE RIGHT OF WAY DEDICATION REQUIREMENTS FOR EAST DOVE AVENUE, AT THE PROPOSED AFG PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS; 5520 NORTH MCCOLL ROAD.

Staff recommended approval of a variance request to the right of way dedication requirements for East Dove Avenue, at the proposed AFG Plaza Subdivision, Hidalgo County, Texas; 5520 North McColl Road.

Commissioner Joaquin Zamora announced that he had a conflict with item 5A and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Commissioner Antonio "Tony" Aguirre, Jr moved to approve the variance as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion passed with five votes in the affirmative and Commissioner Joaquin Zamora in abstention.

B) CONSIDERATION OF VARIANCE REQUEST TO EXCEED THE MAXIMUM 600 FT. CUL-DE-SAC LENGTH REQUIREMENT AT THE PROPOSED MCALLEN PALMS BUSINESS PARK SUBDIVISION, HIDALGO COUNTY, TEXAS; 4900 SOUTH OLD 10th STREET.

Staff recommended approval of a variance request to exceed the maximum 600 ft. Cul-de-Sac length requirement at the proposed McAllen Palms Business Park Subdivision, Hidalgo County, Texas; 4900 South Old 10th Street.

Commissioner Joaquin Zamora moved to approve option 1 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

C) CONSIDERATION OF VARIANCE REQUESTS TO: 1) EXCEED MAXIMUM CUL-DE-SAC LENGTH REQUIREMENT, AND 2) RIGHT-OF-WAY DEDICATION REQUIREMENT FOR HOBBS DRIVE, FOR PROPOSED NORTHGATE ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 1800 NORTHGATE LANE.

Staff recommended approval of a variance request to: 1) exceed maximum Cul-de-Sac length requirement, and 2) Right-of-way dedication requirement for Hobbs Drive, for proposed Northgate Estates Subdivision, Hidalgo County, Texas; 1800 Northgate Lane.

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

6. MANAGER'S REPORT

A) PRESENTATION OF YEAR-TO-DATE TAX COLLECTION REPORT.

Staff gave a presentation of Year-to-Date Tax Collection Report.

B) PRESENTATION OF YEAR-TO-DATE DELINQUENT TAX COLLECTION REPORT.

Kelly Salazar of Linebarger, Goggan Blair & Sampson gave a presentation of Year-to-Date Delinquent Tax Collection Report.

C) IMMIGRATION AND RESPITE CENTER REPORT.

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

D) FUTURE AGENDA ITEMS.

No items were discussed.

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 551.072 Deliberation Regarding Real Property on Item 7C; Section 551.074 Personnel Matters on Item 7B; and Section 551.087 Economic Development on Item 7A.

Mayor Javier Villalobos recessed the meeting at 6:30 pm to go into Executive Session and reconvened at 6:46 pm noting the following city commission members present: Mayor Javier Villalobos, Mayor Pro Tem Omar Quintanilla, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Joaquin Zamora, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca.

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

7A1 –Commissioner Joaquin Zamora authorized the City Manager and City Attorney to negotiate the economic development incentives as discussed in executive session and seconded by Commissioner Antonio “Tony” Aguirre Jr. The motion carried unanimously.

B) EVALUATION OF THE CITY MANAGER. (SECTION 551.074, T.G.C.)

Commissioner Joaquin Zamora authorized Mayor Javier Villalobos to take action reasonable and necessary to evaluation conducted in executive session and seconded by Commissioner Antonio “Tony” Aguirre Jr. The motion carried unanimously.

C) CONSULTATION WITH CITY ATTORNEY FOR LITIGATION UPDATE REGARDING CAUSE NO. C-0074-19-D PENDING IN HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C.)

Mayor Pro Tem Omar Quintanilla authorized City Attorney to implement the litigation strategy as described in executive session and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

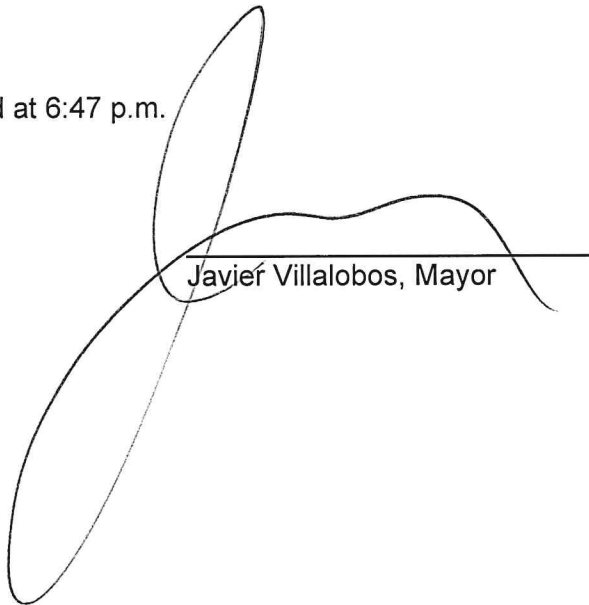
ADJOURNMENT

Without objection the meeting was adjourned at 6:47 p.m.

Attest:



Perla Lara, TRMC/GMC, CPM
City Secretary



Javier Villalobos, Mayor