STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **November 13, 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, 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

RECOGNITION OF APA TEXAS COMPREHENSIVE PLAN AWARD FOR ENVISION MCALLEN

Staff was presented with *APA Texas Comprehensive Plan Award for Envision McAllen.*

PROCLAMATION

Commissioner Rodolfo "Rudy" Castillo read and presented a proclamation for *Texas Recycles 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 Antonio "Tony" Aguirre Jr. The motion carried unanimously.

1. REQUEST OF JULIAN R. AGUILAR, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR AND VAPE/ RETAIL SHOP (THE HOTBOX) AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE D.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar/vape/retail shop (The HotBOX) at 400 Nolana Avenue Suite D, 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 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, and a water tower.
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 Nolana Avenue. The existing gates on North 4th Street need to be closed as required by 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. Currently there is a multi-tenant commercial building on the property. The shopping center consists of various uses including office, retail, vacant suites, restaurants, a children's event center, and bars. The proposed 2,398.5 sq. ft. bar/vape shop hall requires 24 parking spaces; 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, 1 accessible parking space is required and are 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.

2. REQUEST OF LAURA L. GARZA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER AT LOTS 13 THROUGH 19, BLOCK 1, LAS CAÑADAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3012 SOUTH JACKSON ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an event center at 3012 South Jackson Road, 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 any of the abovementioned 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. from the nearest residentially zoned property.
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 East Olympia Avenue which connects to South Jackson Road.
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 the square footages and uses, 27 parking spaces are required for the spa and office areas. The event center would require 158 parking spaces. For the uses of the overall development to operate at the same time, 185 parking spaces are required; 191 parking spaces are provided on site. The parking lot has to be free of potholes and clearly striped.
4. The abovementioned business 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 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 Planning Director.

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

No action.

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 Javier Villalobos moved to approve the items listed on the Consent Agenda except for Item 2 E and 2F to be addressed separately and Commissioner Victor "Seby" Haddad seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD OCTOBER 23, 2023.

Approved the Minutes of Workshop and Regular meeting held October 23, 2023, as submitted.

B) CONSIDERATION AND APPROVAL OF A MEMORANDUM OF AGREEMENT WITH DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION FOR THE CBIS REMEDIATION PROGRAM PROJECT.

Consideration and Approval of a Memorandum of Agreement with Department of Homeland Security, Transportation Security Administration for the CBIS Remediation Program Project.

C) CONSIDERATION AND APPROVAL TO ACCEPT THE TEXAS DEPARTMENT OF TRANSPORTATION'S FISCAL YEAR 2024 ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT.

Accepted the Texas Department of Transportation's Fiscal Year 2024 Routine Airport Maintenance Program (RAMP) Grant.

D) CONSIDERATION AND APPROVAL OF TRANSIT TITLE VI PLAN UPDATE.

Approved Transit Title VI Plan Update.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR THE DAFFODIL AVE ROADWAY WIDENING.

Staff recommended approval of Change Order No. 3 in the amount of $63,823.65.

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

F) CONSIDERATION AND AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT FOR THE DONATION OF A SURPLUS VEHICLE TO THE CITY OF DR. GONZALEZ, NUEVO LEON.

Approved an Interlocal Agreement for the donation of a surplus vehicle to the City of Dr. Gonzalez, Nuevo Leon.

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

G) RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TEXAS HISTORIC COMMISSION UNDER THE CERTIFIED LOCAL GOVERNMENT GRANT FISCAL YEAR 2024.

Approved a resolution authorizing the submittal of a grant application to the Texas Historic Commission under the Certified Local Government Grant Fiscal Year 2024.

H) RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, AMENDING TEXPOOL AUTHORIZED REPRESENTATIVES AND PROVIDING AN EFFECTIVE DATE.

Approved a resolution of the Board of Commissioners of the City of McAllen, Hidalgo County, Texas, Amending Texpool Authorized Representatives and Providing an Effective Date.

I) RESOLUTION OF THE COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS DESIGNATING MARIA CHAVERO AS AN INVESTMENT OFFICER ALONG WITH SERGIO VILLASANA, MARCO A. VEGA, P.E., AND ROEL RODRIGUEZ, P.E. FOR THE CITY OF MCALLEN.

Approved a resolution of the Commissioners of the City of McAllen, Texas Designating Maria Chavero as an Investment Officer along with Sergio Villasana, Marco A. Vega, P.E., and Roel Rodriguez, P.E. for the City of McAllen.

J) UPDATING THE ON-SITE SEWAGE FACILITY (OSSF) ORDINANCE TO REMOVE REGISTERED SANITARIAN.

Adopted an ordinance updating the On-Site Sewage Facility (OSSF) Ordinance to remove Registered Sanitarian.

K) ORDINANCE PROVIDING FOR THE ABANDONMENT OF A 50-FOOT RIGHT-OF-WAY EASEMENT, BEING 0.689 ACRES OUT OF SECTIONS 227 AND 232, TEXAS MEXICAN RAILWAY SURVEY, HIDALGO COUNTY, TEXAS, 5801 MONTE CRISTO ROAD.

Adopted an ordinance providing for the abandonment of a 50-foot Right-of-Way easement, being 0.689 acres out of Sections 227 and 232, Texas Mexican Railway Survey, Hidalgo County, Texas, 5801 Monte Cristo Road.

L) ORDINANCE PROVIDING FOR THE ABANDONMENT OF A 10.0-FOOT UTILITY EASEMENT ADJACENT TO THE REAR PROPERTY LINE OF LOT 56, IDELA PARK SUBDIVISION, UNIT 1, HIDALGO COUNTY, TEXAS, 4813 SOUTH 29TH STREET.

Adopted an ordinance providing for the abandonment of a 10.0-foot utility easement adjacent to the rear property line of Lot 56, Idela Park Subdivision, Unit 1, Hidalgo County, Texas, 4813 South 29th Street.

M) CONSIDERATION OF VARIANCE REQUESTS TO EXCEED THE MAXIMUM 600 FT. CUL-DE-SAC LENGTH REQUIREMENT, AT THE PROPOSED NORTH RIDGE ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 9501 NORTH 23RD STREET.

Approved a variance request to exceed the maximum 600 ft. Cul-de-Sac length requirement, at 9501 North 23rd Street.

N) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF FIRE DEPARTMENT UNIFORMS. (BUYBOARD)

Awarded a Contract to Galls, LLC in the amount of $120,120.00 for the purchase of Fire Department Uniforms.

2. AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) RIDING FAIRWAY MOWERS FOR CHAMPION LAKES GOLF COURSE. BUYBOARD. (PROJECT NO. 09-23-P76-01)

Awarded a contract to Professional Turf Products in the amount of $136,619.34 for the purchase of two (2) riding fairway mowers for Champion Lakes Golf Course.

O) APPROVAL OF TAX REFUNDS OVER $500.00.

1. SUPERIOR GRANITE AND MARBLE BY VI

Approved a tax refund in the amount of $1,698.78.

2. TEXAS REGIONAL BANK

Approved a tax refund in the amounts of $334.56, $274.83, and $2,532.40.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT-TO-CONTRACT LABOR FOR THE MOWING OF WEEDY LOTS. (PROJECT NO. 08-23-S66-118)

Staff recommended award of contract to San Miguel Lawn Care Services for the mowing of weedy lots. It was noted that $40,000.00 was budgeted and from October 2022–September 2023 $33,508.45 as paid.

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

B) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT WITH RIDECO, INC FOR PARATRANSIT SOFTWARE SERVICES.

Staff recommended approval of the Contract Amendment with Rideco, Inc. for Paratransit Software Services.

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

After due consideration, Commissioner Joaquin Zamora moved to approve the contract amendment as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

C) AWARD OF CONTRACT FOR THE PURCHASE ONE (1) HGAC LDV MODEL SS34FC-SV MOBILE COMMAND UNIT WITH SELECTED OPTIONS.

Staff recommended award of contract to LDV Inc. LDV Custom Specialty Vehicles in the amount of $471,585.00 for the purchase of One (1) HGAC LDV Model SS34FC-SV Mobile Command Unit with Selective Services.

Commissioner Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

D) AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) ROSHEL SENATOR TACTICAL ARMORED UNITS WITH SELECTED OPTIONS.

Staff recommended award of contract to Roshel, Inc. in the amount of $711,400.00 for the purchase of Two (2) Roshel Senator Tactical Armored Units with selected options.

Commissioner Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

At this time Commissioner Victor “Seby” Haddad left meeting.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 9 FOR THE METRO TRANSFER STATION AND CHANGE ORDER NO. 7 FOR PARKS AND RECREATION ADMINISTRATION. (PROJECT NO. 04-21-C13-450)

Approved Change Order No. 9 in the amount of $7,870.28 for the Metro Transfer Change Order and recommended approval of Change Order No. 7 in the credit amount of $5,940.00 for Parks and Recreation Administration.

Discussion ensued. Comments and concerns were raised. Questions were asked about number of days on contract, Parks flooring, and Metro and Parks Administration. Staff answered questions posed by Council.

After due consideration, Commissioner Joaquin Zamora moved to approve Change Order No. 9 and Change Order No. 7 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

F) AWARD OF CONTRACT FOR THE FINANCE DEPARTMENT REMODELING PROJECT.

Staff recommended Award of Contract to Rio United Builders in the amount of $204,000.00 for the Finance Department Remodeling Project

Mayor Pro Tem Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

G) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 5 FOR THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE PEDESTRIAN IMPROVEMENTS.

Staff recommended approval of Change Order No. 5 in the amount of $17,581.00 for the McAllen-Hidalgo International Bridge Pedestrian Improvements Project.

Commissioner Antonio "Tony" Aguirre Jr., moved to approve Change Order No. 5 as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

H) CONSIDERATION AND APPROVAL TO NEGOTIATE WITH TOP RANKED CONSULTANT FIRM FOR THE TERMINAL CAPACITY STUDY AT MCALLEN INTERNATIONAL AIRPORT. (PROJECT NO. 08-23-S63-124)

Staff recommended authorization to negotiate with the top-ranked firm, Short-Elliot-Hendrickson (SEH) for the Terminal Capacity Study at McAllen International Airport.

Commissioner Antonio "Tony" Aguirre Jr., moved to authorize negotiations as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

4. ORDINANCES

A) ORDINANCE PROVIDING FOR AN AMENDMENT TO REDUCE THE NUMBER OF COMMUNITY DEVELOPMENT ADVISORY COUNCIL MEMBERS TO MEET QUORUM FROM THE CURRENT 8 TO 5 MEMBERS.

Staff recommended adoption of an ordinance providing for an amendment to reduce the number of Community Development Advisory Council members to meet quorum from current 8 to 5 members.

Discussion ensued. Comments and concerns were shared by Council. Questions were asked relating to board attendance, quorum, visits to agencies and number of members. Staff answered questions posed by Council.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to table and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

B) ORDINANCE PROVIDING FOR BUDGET AMENDMENT FOR CONVENTION FACILITIES FUND TO INCREASE WORKFORCE.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of $166,758.00 for Convention Facilities Fund to increase workforce.

Commissioner Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

5. RESOLUTION

A) **RESOLUTION CASTING VOTES FOR THE HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS 2024-2025.**

Staff recommended approval of resolution casting 275 votes for Albert Cardenas for the Hidalgo County Appraisal District Board of Directors 2024-2025.

Commissioner Antonio "Tony" Aguirre Jr. announced that he had a conflict with Item 5A and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict of interest form with the City Secretary.

Commissioner Joaquin Zamora moved to approve the resolution as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with five votes in the affirmative with Commissioner Antonio "Tony" Aguirre Jr., in abstention.

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: Look at North Russell and Shary Road / Rooth Road Expansion Update and Street Light Update (Friday Packet)

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 7B; and Section 551.087 Economic Development on Item 7A.

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

7A1- Commissioner Joaquin Zamora authorized the City Manager and City Attorney to offer the Economic Incentives as described in Executive Session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

7A2 – No action.

7A3 – Commissioner Joaquin Zamora authorized the City Manager and City Attorney to negotiate the contract to promote the Economic Development Incentives described in Executive Session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with five votes in the affirmative with Mayor Pro Tem Omar Quintanilla voting against.

B) **DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY, TRACT 1. (SECTION 551.072, T.G.C.)**

Commissioner Joaquin Zamora authorized the City Attorney to negotiate the Real Property Interests on the terms described in Executive Session and seconded by Jose R. " Pepe" Cabeza de Vaca seconded the motion. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 6:00 p.m.

Javier Villalobos, Mayor

Attest:

Diana M. Silva

for Perla Lara, TRMC/CMC, CPM
City Secretary