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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **November 27, 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.

**PROCLAMATION**

51st Annual Nutcracker Ballet Production Days

Commissioner Victor "Seby" Haddad read and presented a proclamation for the 51st Annual Nutcracker Ballet Production Days.

**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 Antonio "Tony" Aguirre Jr. moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

**1. REZONING FROM R-4 (MOBILE HOME) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: SOUTH 78.0 FEET OF A CERTAIN 1.27 ACRE TRACT OF LAND OUT LOTS 2 AND 3, KINGS HIWAY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3321 U.S. HIGHWAY 83 (REAR).**

Approved the C-3 Zoning at 3321 U.S. Highway 83 (rear), as per Planning and Zoning Commission.

**2. REQUEST OF THE CITY OF MCALLEN FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR AN INSTITUTIONAL USE (LEARNING CENTER AND PARK), AT A 8.06-ACRE TRACT, MORE OR LESS, OUT OF LOT 7, BLOCK 6, HIDALGO CANAL COMPANY SUBDIVISION, 4.25 ACRES OUT OF LOT 8, BLOCK 6, HIDALGO CANAL COMPANY SUBDIVISION, LOTS 9 THROUGH 11, FORD'S SUBDIVISION, AND LOT 1, QUINTA MAZATLAN SUBDIVISION, HIDALGO**

**COUNTY, TEXAS; 600 SUNSET DRIVE, 701 SUNSET DRIVE, 2801 SOUTH 10TH STREET, 516 BALES ROAD, AND 804 BALES ROAD.**

Approved a Conditional Use Permit and adopted an ordinance, for the life of the use for an institutional use (learning center and park) at 600 Sunset Drive, 701 Sunset Drive, 2801 South 10th Street, 516 Bales Road, and 804 Bales Road, as per Planning and Zoning Commission.

The proposed use must comply the Zoning Ordinance and the following specific requirements:

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.
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.
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 number of persons within the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance.
7. Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence.

**3. REQUEST OF ASHWIN GEORGE, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR SOCIAL CLUB WITH A SMOKING SECTION AT LOTS 7 & 8, CITRUS PLAZA CONDOMINIUM SUBDIVISION, HIDALGO COUNTY, TEXAS; 4037 WEST EXPRESSWAY 83, SUITES 100, 105, 110.**

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a social club at 4037 West Expressway 83, Suites 100, 105, 110, 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 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 property is within 400 ft. of residential uses.
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 access to U.S. Expressway 83 and Colbath 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 footage, 57 parking spaces are required. There are 274 common parking spaces provided as common parking. Based on area utilized, the proposed facility complies with parking. 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.
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 Director of Planning. This number cannot exceed the number provided for in existing city ordinances.

**4. REQUEST OF RICARDO DE LA GARZA ON BEHALF OF SOUTH TEXAS COLLEGE FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR AN INSTITUTIONAL USE (COLLEGE CAMPUS) AT LOT 1, SOUTH TEXAS COLLEGE TECHNOLOGY CAMPUS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3700 MILITARY HIGHWAY.**

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an institutional use (college campus) at 3700 Military Highway, as per Planning and Zoning Commission.

The proposed use must comply the Zoning Ordinance and the following specific requirements:

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.
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. Currently there are 474 parking spaces provided on site, however additional parking requirements will be determined at the time of any building permits. At a minimum the school must provide five spaces for each classroom and 1.5 spaces for each office.
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 to discourage vandalism and criminal activates.
5. Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas.
6. The number of persons within the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance.
7. Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to amend the Zoning Ordinance and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

**C) REZONING:**

**1. REZONING FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOT 1, BLOCK 2, COLONIA HERMOSA NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2213 EL RANCHO AVENUE.**

Staff recommended approval of the C-3 zoning at 2213 El Rancho Avenue, as per Planning and Zoning Commission.

Discussion ensued. Comments were shared by Council. Questions raised as to lapse of time, significant changes, and C3 Zoning. Staff answered questions posed by Council.

Planning Director mentioned that since the request came with a negative recommendation from the Planning and Zoning Board it would require a super majority vote to overturn the Planning and Zoning recommendation.

After due consideration, Mayor Pro Tem Omar Quintanilla moved to approve the C-3 zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion failed with four votes in the affirmative and Commissioner Joaquin Zamora and Commissioner Victor "Seby" Haddad voting against it.

**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 Joaquin Zamora moved to approve the items listed on the Consent Agenda and Commissioner Jose R. "Pepe" Cabeza de Vaca seconded. The motion carried unanimously.

**A) APPROVAL OF MINUTES FOR WORKSHOP AND REGULAR MEETING HELD ON NOVEMBER 13, 2023.**

Approved the Minutes for Workshop and Regular Meeting held on November 13, 2023, as submitted.

**B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 AND FINAL FOR THE QUINCE AVENUE & NORTH 8th STREET DRAINAGE IMPROVEMENTS PROJECT.**

Approved Change Order No. 2 in the deduct amount of $16,300.25 with an additional 110-calendar days for the Quince Avenue and North 8th Street Drainage Improvement Project.

**C) SUBDIVISION MONTHLY REPORT.**

Approved the subdivision monthly report.

**D) STATUS REPORT ON PARKS & RECREATION PROJECTS.**

Approved the status report on Parks & Recreation Projects.

**E) PROJECT STATUS REPORT THROUGH OCTOBER 31, 2023.**

Approved the status report through October 31, 2023.

**F) CONSENT COOP PURCHASES**

**1. AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF A PLAYGROUND THROUGH BUYBOARD.**

Awarded a contract to Park Place Recreation Designs in the amount of $90,701.55 for the purchase and installation of a playground.

**2. AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) CURRENT MODEL TRACTOR MOWERS WITH BOOM ATTACHMENTS THROUGH COOPERATIVE PURCHASE. (PROJECT NO. 10-23-P21-01 / PROJECT NO. 10-23-P10-01)**

Awarded a contract to Deere & Company for the purchase of two (2) Tractor Mowers and to Diamond Mowers for the purchase of two (2) Boom Attachments for a total purchase of $473,109.76.

**3. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) CURRENT YEAR MODEL SIDE-LOAD RESIDENTIAL REFUSE TRUCK THROUGH SOURCEWELL COOPERATIVE PRICING. (PROJECT #10-23-P05-01)**

Awarded a contract to National Auto Fleet Group in the amount of $414,940.00 for the purchase of one (1) current year model side-load residential refuse truck.

**3. BIDS/CONTRACTS**

**A) AWARD OF CONTRACT FOR THE PURCHASE OF ITEMS NEEDED FOR THE SOUTH TEXAS ALL HAZARD CONFERENCE THROUGH BUYBOARD.**

Staff recommended award of contract to Promo Universal LLC in the amount of $64,838.00 for items needed for the South Texas All Hazard Conference.

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

**B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 AND FINAL FOR THE 2018 BOND GROUP A DRAINAGE IMPROVEMENTS PROJECT.**

Staff recommended approval of Change Order No. 3 in the amount of $39,184.80 and twenty additional days for the 2018 Bond Group A Drainage Improvements Project.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 3 as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously.

**C) AWARD OF CONTRACT FOR THE PURCHASE OF UPGRADE TO CINEMASSIVE VIDEO WALL AT THE MCALLEN POLICE DEPARTMENT ROLL CALL BRIEFING ROOM.**

Staff recommended award of contract to Motorola Solutions, Inc./Haivision MCS, LLC in the amount of $60,274.00 for the purchase of upgrade to CineMassive Video Wall at the McAllen Police Department Roll Call Briefing Room.

Commissioner Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

**4. ORDINANCES**

**A) ORDINANCE AMENDING ORDINANCE 2022-37: FISCAL YEAR 2018-2019 ANNUAL ACTION PLAN FOR THE INCREASE TO IDELA AVE DRAINAGE IMPROVEMENT PROJECT.**

Staff recommended adoption of an ordinance amending Ordinance 2022-37: Fiscal Year 2018-2019 Annual Action Plan for the increase to Idela Ave Drainage Improvement Project.

Commissioner Antonio "Tony" Aguirre, Jr. moved to adopt the ordinance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

**B) ORDINANCE AMENDING ORDINANCE 2023-46: FISCAL YEAR 2019-2020 ANNUAL ACTION PLAN TO DELETE CDBG- CV PROJECTS, THE CREATION OF A NEW PROJECT, AND A CHANGE IN SCOPE FOR AHSTI NEW CONSTRUCTION PROJECT.**

Staff recommended adoption of an ordinance amending Ordinance 2023-46: Fiscal Year 2019-2020 Annual Action Plan to delete CDBG- CV projects, the creation of a new project, and a change in scope for AHSTI New Construction project.

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

**C) ORDINANCE AMENDING ORDINANCE 2022-39: FISCAL YEAR 2021-2022 CDBG ANNUAL ACTION PLAN TO REDUCE PROGRAM ADMINISTRATION SURPLUS FUNDS.**

Staff recommended adoption of an ordinance amending Ordinance 2022-39: Fiscal Year 2021-2022 CDBG Annual Action Plan to reduce program administration surplus funds.

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

**D) ORDINANCE AMENDING ORDINANCE 2022-72: FISCAL YEAR 2022-2023 CDBG ACTION PLAN TO DELETE WOMEN TOGETHER, INC. PROJECTS AND A REQUEST TO APPROVE PROGRAM AMENDMENT TO RECONCILE BENEFICIARY DATA IN ACCORDANCE WITH THE CITY'S CITIZEN PARTICIPATION PLAN.**

Staff recommended adoption of an ordinance amending Ordinance 2022-72: Fiscal Year 2022-2023 CDBG Action Plan to delete Women Together, Inc. projects and a request to approve program amendment to reconcile beneficiary data in accordance with the City's Citizen Participation Plan.

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

### E) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR MARKETING.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of $500,000.00 for marketing.

Commissioner Antonio "Tony" Aguirre, Jr. moved to adopt the ordinance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

### F) ORDINANCE PROVIDING FOR AN AMENDMENT TO THE SOLID WASTE ORDINANCE MODIFYING RATE CHANGES FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND ROLL-OFF SANITATION SERVICES.

Staff recommended adoption of an Ordinance providing for an amendment to the Solid Waste Ordinance modifying rate changes effective January 1, 2024, for Residential, Commercial, Industrial, and Roll-Off Sanitation Services.

Commissioner Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

## 5. MANAGER'S REPORT

### A) MASTER PLAN TOP TEN PRIORITY LIST.

Presentation of Master Plan Top Ten Priority list was given.

Discussion ensued. Comments were shared by Council. Questions were asked about Parks Advisory Board, Elected Officials Board, rankings, priority listing, potential grants, major changes from original listing and combined list.

After due consideration, Commissioner Antonio "Tony" Aguirre, Jr. moved to approve list as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

### B) ADVISORY BOARD APPOINTMENTS.

**PARKS AND RECREATION ADVISORY BOARD**

Commissioner Omar Quintanilla nominated Sandra Guajardo to the Parks and Recreation Board.

**AIRPORT ADVISORY BOARD**

Mayor Javier Villalobos reappointed Saul Sanchez to the Airport Advisory Board.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the advisory board appointments and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

### C) IMMIGRATION AND RESPITE CENTER REPORT.

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

### D) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Expansion Rooth and Shary Road

## 6. TABLED ITEM

### 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.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to remove said item from the table and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

Staff recommended adoption of an 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.

Commissioner Antonio "Tony" Aguirre, Jr. moved to adopt the ordinance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

**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) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO SHARYBAK I, LLC V. THE CITY OF MCALLEN, TEXAS AND ZONING BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF MCALLEN, TEXAS. (SECTION 551.071, T.G.C.)**

Mayor Pro Tem Omar Quintanilla moved to authorize the City Attorney's Office to defend matter consistent with defense strategies as discussed in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

**B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO CAUSE NUMBER D-1-GN-23-007785; CITY OF GRAND PRAIRIE VS. STATE OF TEXAS, IN THE 261ST JUDICIAL DISTRICT COURT, TRAVIS COUNTY, TEXAS. (SECTION 551.071 (T.G.C.)**

No action.

**C) CONSULTATION WITH CITY ATTORNEY FOR LITIGATION UPDATE REGARDING CAUSE NO. C-0074-19-D; PENDING IN HIDALGO COUNTY, TEXAS. (SECTION 551.071, T.G.C.)**

No action.

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

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 7D and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Attorney and City Manager to negotiate the sales of real property on the terms described in executive session and seconded by Commissioner Joaquin Zamora. The motion passed with five votes in the affirmative with Commissioner Victor "Seby" Haddad, in abstention.

**ADJOURNMENT**

Without objection the meeting was adjourned at 5:32 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary