

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **December 11, 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 Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Commissioner Rodolfo "Rudy" Castillo

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.

PRESENTATIONS

PRESENTATION OF 3CMA, NATOA AND TATOA AWARDS

Staff was presented with awards.

PROCLAMATIONS

TUBACHRISTMAS

Commissioner Antonio "Tony" Aguirre, Jr. read and presented a proclamation for TubaChristmas.

CHRISTMAS FOR KIDS

Commissioner Jose R. "Pepe" Cabeza de Vaca read and presented a proclamation for Christmas for Kids.

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.

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 Joaquin Zamora. The motion carried unanimously by those present.

- 1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOT 1, FAITH CHRISTIAN CENTER SUBDIVISION, HIDALGO COUNTY, TEXAS; 432 SOUTH 33RD STREET.**

Approved the C-3 Zoning at 432 South 33rd Street, as per Planning and Zoning Commission.

2. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO I-1 (LIGHT INDUSTRIAL) DISTRICT: 3.953 ACRES OUT OF LOT 3, SECTION 4, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 1100 WEST MILITARY HIGHWAY.

Approved the I-1 Zoning at 1100 West Military Highway, as per Planning and Zoning Commission.

3. REZONE FROM R-4 (MOBILE HOME AND MODULAR HOME) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: 6.59 ACRES MORE OR LESS, CONSISTING OF THE SOUTH 5 ACRES OUT OF LOT 187, JOHN H. SHARY SUBDIVISION AND 1.59 ACRES BEING THE NORTH 52.5 FEET OF ABANDONED CANAL RIGHT-OF-WAY BETWEEN LOTS 177 AND 187, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 1301 SOUTH TAYLOR ROAD.

Approved the R-3T Zoning at 1301 South Taylor Road, as per Planning and Zoning Commission.

4. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO C-3L (LIGHT COMMERCIAL) DISTRICT: LOT 1, IGLESIAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 4400 PECAN BOULEVARD.

Approved the C-3L Zoning at 4400 Pecan Boulevard, as per Planning and Zoning Commission.

5. REZONE FROM C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 20.245 ACRES BEING A PORTION OUT OF SECTION 232, TEXAS-MEXICAN RAILWAY COMPANY SURVEY, HIDALGO COUNTY, TEXAS; 4800 TOWN LAKE DRIVE.

Approved the R-1 Zoning at 4800 Town Lake Drive, as per Planning and Zoning Commission.

6. REQUEST OF UMAIR A. PARIYANI, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A VAPORIZER STORE (VAPE STORE), AT S 35.08'-LOT 1, 2 & E 9.82'-N 100.02'- LOT 2, ALL OF LOT 3 & 7.30IN- S 35.08'- LOT 9, EAST MCALLEN BUSINESS DISTRICT SUBDIVISION, N130' OF LOTS 4, 5 & 6, BLOCK 1, BEST COURTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 409 BUSINESS HIGHWAY 83, SUITE A.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a vaporizer store (vape store) at 409 Business Highway 83, Suite A, as per Planning and Zoning Commission.

The establishment must comply with 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 feet 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 an R-1 (single family residential) property to the north and south.
2. The business must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access to Dove Avenue.
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. The 1,660 sq. ft. vaporizer shop would require 7 parking spaces; there are 316 common parking spaces provided on site.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
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.

7. REQUEST OF OSCAR I. GUERRERO, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A VAPORIZER STORE, AT LOT 18A AND 1.99% COMMON AREA "A", AMENDED MAP OF BROADWAY NORTH SUBDIVISION, HIDALGO COUNTY, TEXAS; 721 DOVE AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a vaporizer store at 409 Business Highway 83, Suite A, 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. from residentially zoned properties to the north.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has access to North 29th street and US Business 83 via Ash Avenue. The Traffic Department stacking requirements and the Fire Department service drive requirements must comply. Any required access agreements must be provided prior to building permit issuance.
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 existing building (event center), all of the rear parking area is available use by the proposed Drive-in theatre; however, the parking lot has to be maintained free of potholes according to Sec. 138-400 of the Zoning Ordinance.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
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.

8. REQUEST OF JORGE A. RICHAUD, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER (DRIVE-IN THEATER) AT 9.08 ACRES OUT OF THE SOUTH 40 FEET OF LOT 74 AND LOT 91 EXCEPT THE SOUTH 50.06 FEET, C.E HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 3116 ASH AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for (insert length of time), for (insert type of use) at (insert address), 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. from residentially zoned properties to the north.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has access to North 29th street and US Business 83 via Ash Avenue. The Traffic Department stacking requirements and the Fire Department service drive requirements must comply. Any required access agreements have to be provided prior to building permit issuance.
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 existing building (event center), all of the rear parking area is available use by the proposed Drive-in theatre; however, the parking lot has to be maintained free of potholes according to Sec. 138-400 of the Zoning Ordinance.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.

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.

9. REQUEST OF FELIPE A. GONZALEZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN AUTOMOTIVE SERVICE AND REPAIR SHOP (AUTO AIR CONDITIONING SERVICE), AT LOT 30, BLOCK 2, BALBOA ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 4502 SOUTH 23RD STREET.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an automotive service and repair shop (auto air conditioning service) at 4502 South 23rd Street, as per Planning and Zoning Commission.

The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

1. A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 6,210 sq. ft.
2. All service, repair, maintenance, painting, and other work shall take place within an enclosed area. The applicant is proposing to perform all work inside the structure.
3. Outside storage of materials is prohibited.
4. The building where the work is to take place shall be at least 100 ft. from the nearest residence. The distance to a single-family residence is greater than 160 feet.
5. A 6 ft. opaque fence may be required to buffer residential uses or districts. The entrance to the proposed business is from 24th street and that makes providing a buffer not feasible.
6. New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

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

Commissioner Joaquin Zamora moved to amend the Zoning Ordinance and seconded by Commissioner Victor "Seby" Haddad. 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 Joaquin Zamora moved to approve the items listed on the Consent Agenda and Commissioner Victor "Seby" Haddad seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES FOR WORKSHOP AND REGULAR MEETING HELD NOVEMBER 27, 2023.

Approved the minutes of Workshop and Regular Meeting held November 27, 2023, as submitted.

B) CONSIDERATION AND APPROVAL TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF BROWNSVILLE TO PARTICIPATE IN THE FISCAL YEAR 2024 SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE.

Approved an Interlocal Agreement with the City of Brownsville to participate in the Fiscal Year 2024 South Texas Auto Theft Enforcement Task Force.

C) AWARD OF CONTRACT FOR THE PURCHASE AND DELIVERY OF MEALS FOR INMATES.

Awarded a contract to Rex Cafe and Bakery for the purchase and delivery of meals for inmates.

D) AWARD OF CONTRACT FOR THE PURCHASE OF FIRE DEPARTMENT STRUCTURAL PERSONAL PROTECTIVE EQUIPMENT (COATS & PANTS).

Awarded a contract to Delta Fire and Safety in the amount of \$284,406.50 for the purchase of Fire Department structural personal protective equipment (coats and pants).

E) CONSIDERATION AND AUTHORIZATION OF A COOPERATIVE PURCHASING AGREEMENT WITH THE STATE OF WASHINGTON.

Approved and cooperative purchasing agreement with the State of Washington for the purchase of fixed route buses for the Metro McAllen Transit System.

F) CONSIDERATION AND APPROVAL OF PLEDGE RESOLUTION TO PARTICIPATE IN THE 2024 IT'S TIME TEXAS COMMUNITY CHALLENGE.

Approved a resolution to participate in the 2024 It's Time Texas Community Challenge.

G) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR MORRIS HIKE AND BIKE PROJECT.

Adopted an ordinance providing for a budget amendment in the amount of \$979,469.00 for Morris Hike and Bike Project.

H) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR MUNICIPAL COURT NEW JUDGE POSITION.

Adopted an ordinance providing for a budget amendment in the amount of \$51,768.00 for Municipal Court new Judge position.

I) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF REPLACEMENT PCS TO DELL, INC. THROUGH TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR).

Awarded a contract to Dell, Inc. in the amount of \$99,324.60 for the purchase of replacement PC's.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE OF FIVE (5) GILLIG BUSES. (CO-OP)

Staff recommended award of contract to Gillig LLC in the amount of \$2,958,184 for the purchase of five (5) Gillig Buses.

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

B) AWARD OF CONTRACT FOR THE PURCHASE OF FIRE DEPARTMENT PORTABLE AND MOBILE RADIOS.

Staff recommended award of contract to Motorola Solutions in an amount not to exceed \$290,000.00 for the purchase of Fire Department portable and mobile radios.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to award the contract as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

C) AWARD OF CONTRACT FOR THE JACKSON HIKE AND BIKE TRAIL PHASE II CONSTRUCTION FROM MAIN STREET TO JACKSON ROAD.

Staff recommended award of contract to GO Underground, LLC the amount of \$2,683,776.55 for the Jackson Hike and Bike Phase II Construction Main Street to Jackson Road.

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

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 AND FINAL FOR THE QUINCE AVENUE AND 27TH STREET DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended approval of Change Order No. 3 in the amount of \$215,988 with 36 additional calendar days for the Quince Avenue and 27th Street Drainage Improvements Project.

Mayor Pro Tem Omar Quintanilla moved to approve Change Order No. 3 as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR DOVE AVENUE EXTENSION.

Staff recommended approval of Change Order No. 2 in the amount of \$0.00 for a current contract amount of \$3,274,384.74 and no additional calendar days for the Dove Avenue Extension Project.

Commissioner Joaquin Zamora 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.

F) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE MCALLEN SOUTH INDUSTRIAL PARK PROJECT. (EDA 08-79-05610).

Staff recommended approval of Change Order No. 1 in the amount of \$87,315.41 for a revised contract amount of \$3,786,547.10 for the McAllen South Industrial Park Project.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

G) CONSIDERATION AND APPROVAL OF AN AIRLINE OPERATING AGREEMENT AND TERMINAL BUILDING LEASE WITH AEROLITORAL, S.A. DE C.V. DBA AEROMEXICO CONNECT AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommends approval of the Master Airline Operating Agreement and Terminal Building Lease with Aerolitoral, S.A. de C.V. dba Aeromexico Connect at McAllen International Airport.

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

4. VARIANCE

A) REQUEST OF A1 SKYLITE SIGNS, ON BEHALF OF EMP HOLDINGS, LLC., TO CONSIDER A SIGN VARIANCE REQUEST TO ALLOW OFF-PREMISES SIGNAGE AT LOT 1, VELEZ SUBDIVISION; 1713 WEST EXPRESSWAY 83.

Staff recommends approval of the sign variance request to allow off-premises signage at 1713 West Expressway 83.

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

5. MANAGER'S REPORT

A) IMMIGRATION AND RESPITE CENTER REPORT.

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

B) FUTURE AGENDA ITEMS.

No items were discussed.

6. 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 ANIMAL CONTROL. (SECTION 551.071, T.G.C.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize the City Manager and City Attorney to continue negotiate reasonable and necessary agreements consistent with what was described in executive session and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO PUBLIC FACILITIES. (SECTION 551.071, T.G.C.)

Commissioner Joaquin Zamora moved to authorize the City Manager and City Attorney to continue negotiate matters related to the use of public facilities consistent to what was described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

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

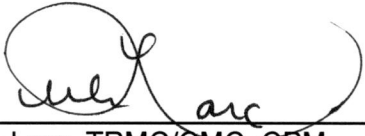
Commissioner Victor "Seby" Haddad announced that he had a conflict with item 6C and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Commissioner Joaquin Zamora moved to authorize the City Manager and City Attorney to continue negotiate the possible sale, lease or purchase of real property consisted with the terms described in executive session and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present. The motion passes with 4 votes in the affirmative with Commissioner Victor "Seby" Haddad, in abstention.

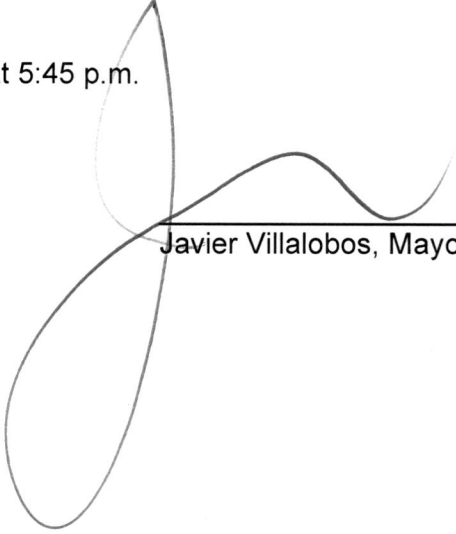
ADJOURNMENT

Without objection the meeting was adjourned at 5:45 p.m.

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary



Javier Villalobos, Mayor