STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **January 22, 2024**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Absent: Mayor Javier Villalobos

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 Pro Tem Omar Quintanilla called the meeting to order.

PRESENTATION

LAW ENFORCEMENT AGENCIES RECOGNITION – CHIEF VICTOR RODRIGUEZ

Chief Victor Rodriguez presented proclamations to Law Enforcement Agencies.

PROCLAMATION0

RIZA RENAE HERNANDEZ QUEEN CITRIANNA 87th DAY

Commissioner Joaquin Zamora read and presented a proclamation for Riza Renae Hernandez, Queen Citrianna 87th, 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 Pro Tem Omar Quintanilla 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 Pro Tem Omar Quintanilla 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 Rodolfo “Rudy” Castillo. The motion carried unanimously by those present.

1. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT: LOT 1, D. CASTILLA SUBDIVISION, HIDALGO COUNTY, TEXAS; 1809 SOUTH 23rd STREET.

Approved the C-4 Zoning at 1809 South 23rd Street, as per Planning and Zoning Commission.

2. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT: 1.895 ACRES OUT OF LOT 150, LA

LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4117 HIGHWAY 83 (FRONT).

Approved the C-4 Zoning at 4117 Highway 83 (front), as per Planning and Zoning Commission.

3. REZONE FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT TO C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT: 2.781 ACRES OUT OF LOT 150, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4117 HIGHWAY 83 (REAR).

Approved the C-4 Zoning at 4117 Highway 83 (rear), as per Planning and Zoning Commission.

4. REQUEST OF JUAN DE DIOS HERNANDEZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER AT LOTS 11 & 12, SPRING GLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 628 NORTH MCCOLL ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an event center at 628 North McColl Road, 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 PM. The establishment is less than 400 feet to a residential zone/use to the south, and from publicly owned property to the northwest.
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access from East Hackberry, and North McColl Road.
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 event center requires 38 parking spaces based on square footage of the building.
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.

5. REQUEST OF RICHARD X. PEREZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A SMOKE SHOP AT LOT 1, ROOTH CROSSING SUBDIVISION, HIDALGO COUNTY, TEXAS; 2825 PECAN BOULEVARD, SUITE D.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for Conditional Use Permit at 2825 Pecan Boulevard, Suite D, 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 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.
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 Pecan Boulevard.
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 proposed smoke shop shall require 9 parking spaces; parking spaces are proposed to be provided on the front and side of the building. For the parking spaces of the common parking area, 1 accessible parking space is required and 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 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 taken into account 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.

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

Commissioner Antonio "Tony" Aguirre, Jr. moved to amend the Zoning Ordinance and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

END OF PUBLIC HEARING

Mayor Pro Tem Omar Quintanilla 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 by those present.

A) APPROVAL OF MINUTES FOR WORKSHOP AND REGULAR MEETING HELD ON JANUARY 8, 2024.

Approved the minutes of Workshop and Regular Meeting held January 8, 2024, as submitted.

B) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE ANZALDUAS CARGO CONSTRUCTION PROJECT.

Adopted an ordinance providing for a budget amendment in the amount of $147,445.45 for the Anzalduas Cargo Construction Project.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 4 AND FINAL FOR THE NORTHGATE LANE DRAINAGE IMPROVEMENTS PROJECT.

Approved Change Order No. 4 in the deduct amount of $44,137.03 for the Northgate Lane Drainage Improvements Project.

D) PROJECT STATUS REPORT THROUGH DECEMBER 31, 2023.

Approved the project status report through December 31, 2023.

E) STATUS REPORT ON PARKS AND RECREATION PROJECTS.

Approved the status report on Parks and Recreation Projects.

F) SUBDIVISION MONTHLY REPORT.

Approved the subdivision monthly report.

G) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1. JUAN A. FUENTES

Approved a tax refund in the amount of $901.74.

2. EFRAIN GUERRA, SR.

Approved a tax refund in the amount of $1,416.56.

3. EDUARDO & CLAUDIA R. MARISCAL

Approved a tax refund in the amount of $1,406.32.

4. SPEED UTLET/EDUARDO A. ALVAREZ

Approved tax refunds in the amounts of $371.75; $37.18 and $263.54.

5. CORELOGIC COMMERCIAL REAL ESTATE SERVICES, INC.

Approved tax refunds in the amounts of $1,028.94; $984.69 and $979.36.

6. FALCON INTERNATIONAL BANK

Approved a tax refund in the amount of $4,191.15.

H) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF ONE NEW CURRENT MODEL STREET SWEEPER THROUGH COOPERATIVE PRICING.

Awarded a contract to TYMCO, Inc. in the amount of $356,070.00 for the purchase of one new current model Street Sweeper through Cooperative Pricing.

2. AWARD OF CONTRACT FOR THE PURCHASE OF MULTI FACTOR AUTHENTICATION TECHNOLOGY (MFA) TO SHI THROUGH TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) AND OMNIA PARTNERS – IT SOLUTIONS.

Awarded a contract to SHI, Inc. in the amount of $10,867.79 for the purchase of Multi Factor Authentication Technology (MFA) through Texas Department of Information Resources (DIR) and Omnia Partners - IT Solutions.

3. AWARD OF CONTRACT FOR THE PURCHASE OF MOTOROLA TWO-WAY RADIOS THROUGH THE STATE OF TEXAS HGACBUY PROGRAM.

Awarded a contract to Motorola Solutions in the amount of $111,979.97 for the purchase of Motorola Two-Way Radios through the State of Texas HGACBuy Program.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE OF FIRE DEPARTMENT "DUAL CERTIFICATION" RESCUE/WILDLAND PERSONAL PROTECTIVE EQUIPMENT (COATS & PANTS).

Staff recommended award of contract to Municipal Emergency Services in the amount of $85,265.00 for the purchase of Fire Department "dual certification" rescue/wildland personal protective equipment (coats and pants).

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.

B) **AWARD OF CONTRACT FOR LASERFICHE MAINTENANCE TO MCCI, LLC.**

Staff recommended award of contract to MCCi, LLC in the amount of $50,851.62 for the maintenance renewal for Laserfiche.

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.

C) **AWARD OF CONTRACT FOR THE WIDENING OF YUMA AVENUE FROM COL. ROWE BLVD. (2nd STREET) TO JACKSON ROAD.**

Staff recommended award of contract to B2Z Engineering LLC in the amount of $798,739.98 for the widening of Yuma Avenue from Col. Rowe Blvd. (2nd Street) to Jackson Road.

Discussion ensued. Comments were made by Council and staff answered. After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

D) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 4 FOR THE ANZALDUAS BRIDGE INFRASTRUCTURE IMPROVEMENTS.**

Staff recommended approval of Change Order No. 4 in the amount of $76,440.10 for the Anzaldua's Bridge Infrastructure Improvements Project.

Commissioner Joaquin Zamora moved to approve Change Order No. 4 as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

E) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 4 FOR DAFFODIL AVENUE ROADWAY WIDENING.**

Staff recommended approval of Change Order No. 4 in the amount of $7,200.00 for the Daffodil Avenue Roadway Widening Project.

Discussion ensued. Comments were made by Council and staff answered. After due consideration, Commissioner Joaquin Zamora moved to approve Change Order No. 4 as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

F) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR DOVE AVENUE ROADWAY IMPROVEMENTS.**

Staff recommended approval of Change Order No. 3 in the amount of $18,450.00 for the Dove Avenue Roadway Improvements Project.

Commissioner Joaquin Zamora moved to approve Change Order No. 3 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

G) **CONSIDERATION AND APPROVAL OF AN AGREEMENT FOR FISCAL YEAR 2023-2024 TXDOT ALLOCATION FUNDING SPLIT.**

Staff recommended approval of an agreement for the Fiscal Year 2023-2024 TXDOT Allocation Funding Split.

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

4. RESOLUTIONS

A) **RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR (OOG), CRIMINAL JUSTICE DIVISION, FOR FUNDING UNDER THE FISCAL YEAR 2025 BULLET RESISTANT SHIELD GRANT PROGRAM.**

Staff recommended approval of a resolution authorizing the submission of a grant application to the Office of The Governor (OOG), Criminal Justice Division, for funding under the Fiscal Year 2025 Bullet Resistant Shield Grant Program.

Commissioner Joaquin Zamora moved to approve the resolution as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

B) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS A&M FOREST SERVICE FOR FUNDING UNDER THE SCHOOLYARD FOREST GRANT.

Staff recommended approval of a resolution authorizing the submission of a grant application to the Texas A&M Forest Service for funding under the Schoolyard Forest Grant.

Commissioner Joaquin Zamora moved to approve the resolution as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

5. VARIANCES

A) CONSIDERATION OF VARIANCE REQUESTS FOR A CONTRACTUAL AGREEMENT IN LIEU OF PROVIDING OR ESCROWING FOR SIDEWALK ALONG NORTH MOOREFIELD ROAD AT THE PROPOSED MAEBELLE ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 11201 NORTH MOOREFIELD ROAD.

Staff recommended approval of Option 1, for a contractual agreement for the sidewalk requirement along North Moorefield Road at 11201 North Moorefield Road, as requested.

Commissioner Victor "Seby" Haddad moved to approve the variance as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

B) CONSIDERATION OF A VARIANCE REQUEST TO ALLOW THE CONSTRUCTION OF A HALF STREET FOR THE PROPOSED YALE AVENUE, AT THE PROPOSED MAYBERRY HILLS SUBDIVISION, HIDALGO COUNTY, TEXAS; 10400 NORTH MAYBERRY ROAD.

Staff recommended approval of Option 1, to allow the construction of a half street at the proposed Yale Avenue, Mayberry Hills Subdivision at 10400 North Mayberry Road, as requested.

Discussion ensued. Comments were made by Council and staff answered. Questions were asked relating to dedicated right away, full street preference, curb and gutter. After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the variance as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

6. MANAGER'S REPORT

A) ADVISORY BOARD APPOINTMENTS.

GOLF COURSE ADVISORY BOARD

Staff recommended the appointment of members to various advisory boards.

Mayor Pro Tem Omar Quintanilla nominated Eliseo "Tito" Salinas to the Golf Course Advisory Board.

Commissioner Javier Zamora moved to accept the nomination as recommended and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

B) IMMIGRATION AND RESPITE CENTER REPORT.

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

C) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: 1.) Regards to the convenience fees for EFT's 2.) Ordinance Review Committee advisory board attendance requirements.

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

Mayor Pro Tem Omar Quintanilla recessed the meeting at 5:40 pm to go into Executive Session. Mayor Pro Tem Omar Quintanilla reconvened the meeting at 6:06 pm and noting the following city commission members present: 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) EVALUATION OF THE CITY ATTORNEY. (SECTION 551.074, T.G.C.)

Commissioner Joaquin Zamora moved to authorize the City Manager to take those actions consistent with the evaluation as described in executive session and seconded by commissioner Jose “Pepe” Cabeza de Vaca. The motion carried unanimously by those present.

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

7B1 Commissioner Joaquin Zamora moved to authorize City Manager and City Attorney to negotiate the purchase of the real property described in executive session by the terms described and seconded by Commissioner Jose R. “Pepe” Cabeza de Vaca. The motion carried unanimously by those present.

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

7C1 - Commissioner Joaquin Zamora moved to authorize City Manager and City Attorney to negotiate the incentives on the terms described in executive session and seconded by Commissioner Jose R. “Pepe” Cabeza de Vaca. The motion carried unanimously by those present.

D) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO QUINTA MAZATLAN CONTRACTS. (SECTION 551.071, T.G.C.)

No action.

ADJOURNMENT

Without objection the meeting was adjourned at 6:08 p.m.

Omar Quintanilla, Mayor Pro Tem

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary