STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, July 8, 2024**, 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.

PROCLAMATIONS

NATIONAL PARKS AND RECREATION MONTH

Commissioner Rodolfo "Rudy" Castillo presented a proclamation for National Parks & Recreation Month.

MEMORIAL MUSTANGS BASEBALL TEAM DAY

Commissioner Victor "Seby" Haddad presented a proclamation for Memorial Mustangs Baseball Team 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 Joaquin Zamora moved to approve the items listed on the Routine Items section of the agenda except for item 1A2 to be addressed separately and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

1. REZONE FROM R-2 (DUPLEX-FOURPLEX) DISTRICT TO C-3L (LIGHT COMMERCIAL) DISTRICT: A TRACT OF LAND (14,223.44 SQUARE FEET) OUT OF LOTS 2 AND 3, BLOCK 1, GOLDEN ACRES RETIREMENT SUBDIVISION NO. 1, HIDALGO COUNTY, TEXAS; 401 NORTH WARE ROAD.

Approved the C-3L Zoning at 401 North Ware Road, as per Planning and Zoning Commission.

2. REZONE FROM A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: A 0.56 ACRE TRACT OF LAND OUT OF THE EAST FIVE ACRES OF THE EAST TEN ACRES OF LOT 9, SECTION TWO HUNDRED EIGHTY (280), TEXAS-MEXICAN

RAILWAY COMPANY SURVEY SUBDIVISION, HIDALGO COUNTY, TEXAS; 11601 NORTH BICENTENNIAL BOULEVARD.

Staff recommended disapproval of the R-3A zoning at 11601 North Bicentennial Boulevard, as per Planning and Zoning Commission.

Commissioner Joaquin Zamora moved to disapprove the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously.

3. REZONE FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOMES) DISTRICT: A 12.33- ACRE TRACT, OUT OF LOT 1, BLOCK 7, STEEL AND PERSHINGS SUBDIVISION, HIDALGO COUNTY, TEXAS; 900 EAST VIOLET AVENUE.

Approved the R-3T Zoning at 900 East Violet Avenue, as per Planning and Zoning Commission.

4. REQUEST OF MELDEN AND HUNT INC. ON BEHALF OF RHODES ENTERPRISES INC., FOR AN AMENDMENT CONDITIONAL USE PERMIT, AND ADOPTION OF AN ORDINANCE, FOR LIFE OF THE USE, FOR A PLANNED UNIT DEVELOPMENT (PUD) AT A 9.333- ACRE TRACT OUT OF LOT 100, LA LOMITA IRRIGATION & CONSTRUCTION CO. SUBDIVISION, HIDALGO COUNTY, TEXAS; 4900 NORTH WARE ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for life of use, for a Planned Unit Development (PUD) at 4900 North Ware Road, as per Planning and Zoning Commission.

PUDs allow a variety of land uses that complement each other within the development and with existing land uses in the vicinity. Specific requirements for the approval of PUDs are set forth on Article IV for Planned Developments of the Subdivision Ordinance, and are summarized as the following:

1. CONCEPTUAL SITE PLAN: Development and use of the property must comply with the conditional use permit conceptual site plan.
2. PERMITTED USES: Permitted uses are uses permitted in the R-3A (multifamily apartment residential) District for buildings designated as apartments. The proposed townhouse development is not permitted as per ordinance within the current zoning district designation.
3. OFF-STREET PARKING AND LOADING: Parking in compliance with Section 138- 394 (1) Single-family, mobile/modular home, townhouse, and duplex: Two parking spaces per dwelling unit. One off-street parking for single-family uses shall be located beyond the front yard setback. Parking on landscape development areas required by Section 110-48 is prohibited. Based on the 84 townhomes proposed, a total of 168 parking spaces will be required for the overall site, with 84 total off-street parking spaces beyond the front yard setback. A variance to the 18-foot driveway width requirement is being requested for six (6) lots within this PUD. These lots have driveway entrances that are around 12 feet and then expand into 18 feet, making it possible for two parking spaces to be provided per dwelling unit.
4. LANDSCAPING: A minimum of 50 percent of the area within the required front yard of any residential parcel shall be devoted to landscape material. The portion of the front yard for any residential parcel located between the property line and the extension of the side yard setback line shall be devoted to landscape material. Based on the lot area table and landscape area table provided, all lots will be complying with the minimum landscape requirement. A minimum 2.5" caliper tree is also proposed within the front yard of each townhouse lot, which meets the requirement for tree credits as per ordinance. As per Section 110-49, "A masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone. Where such use has 200 feet or less in common with any residential use or zone, the buffer shall be eight feet in height but may be cedar planks." A 6-foot cedar fence is proposed as a buffer between this townhouse development and the existing single-family zones and uses. The Planning Department is recommending disapproval of the 6-foot cedar fence variance proposal.
5. STREETS AND SETBACKS: The following minimum building setbacks are proposed: Front: 10 feet, or greater for easements. Rear: 10 feet, or greater for easements. Garage door: 18 feet. Interior sides: Lots 1-30: 7 feet north, 3 feet south, Lots 31-56: 7 feet south, 3 feet north; Lots 57-80: 7 feet west, 3 feet east; Lots 81-84: 3 feet south, 7 feet north. 32 feet of right-of-way (ROW) is proposed for all interior streets within this PUD. A 60-foot common access easement is proposed for access off North Ware Road. Any ROW requirements will be finalized through the associated subdivision review process.

6. DRAINAGE: Addressed through subdivision process. Final drainage detention and design and the drainage plan must be submitted and in accordance with City of McAllen Standard Design Guide.
7. ADDITIONAL PROVISIONS: Conditional Use Permit site plan controls if there is conflict with other City ordinances. A decision by the Planning Director may be reviewed by the Planning and Zoning Commission for recommendation to the City Commission Board for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development is proposing a single use within the existing 9.33 acres. A 5-foot minimum sidewalk is proposed on both sides of all interior streets.
8. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. Submitted site plan meets requirements.
9. A recorded subdivision plat and approved PUD site plan is required prior to issuance of building permits. Therefore, Harvest Cove Phase I and II subdivision process must be completed and recorded together with the site plan.

B) REZONING:

1. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO C-4 (COMMERCIAL INDUSTRIAL) DISTRICT: A 3.220 ACRE TRACT OF LAND OUT OF LOT 5, BLOCK 22, STEELE AND PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 105 DICKER ROAD.

Said item was tabled as per Planning and Zoning Commission.

Commissioner Joaquin Zamora moved to table item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

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 Joaquin Zamora moved to approve the items listed on the Consent Agenda and Mayor Pro Tem Omar Quintanilla seconded. The motion carried unanimously.

A) APPROVAL OF MINUTES FOR SPECIAL MEETING HELD ON JUNE 18th, WORKSHOP AND REGULAR MEETING HELD JUNE 24, 2024.

Approved the minutes of Special Meeting held on June 18th, Workshop and Regular Meeting held June 24, 2024, as submitted.

B) RESOLUTION AUTHORIZING LAW ENFORCEMENT RESOURCES IN SUPPORT OF THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT (EMAC) BETWEEN TEXAS (MCALLEN) AND WISCONSIN.

Approved resolution authorizing City of McAllen Law Enforcement Resources in Support of the Emergency Management Assistance Compact (EMAC) Resource Service Agreement for the 2024 Republican National Convention.

C) RESOLUTION AUTHORIZING KEEP MCALLEN BEAUTIFUL AND CITY OF MCALLEN TO ENTER INTO AGREEMENT FOR THE GOVERNOR'S COMMUNITY ACHIEVEMENT AWARD (GCAA) LANDSCAPE BEAUTIFICATION PROJECT.

Approved a resolution authorizing Keep McAllen Beautiful and City of McAllen to enter into agreement for the Governor's Community Achievement Award (GCAA) Landscape Beautification project.

D) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE APACHE CORPORATION FOR FUNDING UNDER THE 2024-2025 APACHE CORPORATION TREE GRANT PROGRAM.

Approved of the resolution authorizing the submittal of a grant application to the Apache Corporation for funding under the 2024-2025 Apache Corporation Tree Grant Program.

E) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT AMENDMENT FOR JACKSON HIKE AND BIKE PROJECT.

Approved of an interlocal agreement amendment for Jackson Hike and Bike Project

F) DISCUSSION AND POSSIBLE ACTION EMPLOYEE HEALTH PLAN RECOMMENDATIONS.

Approved changes to Employee Health Plan.

G) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1. ATDBGB PARTNERSHIP, LLC

Approved a tax refund in the amount of $1,890.45.

2. BAM RIVER VALLEY LP

Approved a tax refund in the amount of $1,351.15.

3. MED-POINT INVESTOR GROUP LTD

Approved a tax refund in the amount of $1,521.55.

4. SILVERSTEIN HOSPITALITY, LLC

Approved a tax refund in the amount of $6,859.27.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO.1 FOR THE NORTHWEST BLUELINE REGIONAL STORMWATER DETENTION FACILITY PROJECT.

Staff recommended approval of Change Order No. 1 in the amount of $75,606.03 with no additional calendar days for a revised contract amount of $1,467,030.80 with an unchanged contract time of 360-calendar days for the Northwest Blueline Regional Stormwater Detention Facility Project.

Discussion ensued. Questions were asked relating to drainage system, 23rd and 29th and right of way. Staff answered questions.
After due consideration, Commissioner Joaquin Zamora moved to approve Change Order No. 1 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

B) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 3 FOR ADDITIONAL DESIGN SERVICES FOR THE ANZALDUAS CARGO FACILITY NORTH BOUND AND SOUTH BOUND PORT OF ENTRY IMPROVEMENT PROJECT.

Staff recommended award of contract to R.R.P. Consulting Engineers, L.L.C. for additional design services for the Anzalduas Cargo Facility North Bound and South Bound Port of Entry Improvement project.

Discussion ensued. Questions were asked relating agent, time extension, delay, and construction management plan. Staff answered question for council.

After due consideration, Commissioner Joaquin Zamora moved to approve the Contract Amendment No. 3 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

C) AWARD OF CONTRACT FOR THE PASSENGER BOARDING BRIDGE IMPROVEMENTS AT MCALLEN INTERNATIONAL AIRPORT. (PROJECT NO. 05-24-C15-379)

Staff recommended award of contract to GEMS Technical Services in the amount of $3,089,439.00, for the Passenger Boarding Bridge improvements at McAllen International Airport.

Commissioner Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously.

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE TERMINAL HVAC AND LIGHTING EFFICIENCY IMPROVEMENTS AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommended approval of Change Order No. 1 for an increase amount of $3,187.00 and the contract amount remaining at $2,780,600.00 for the Terminal HVAC and Lighting Efficiency improvements at McAllen International Airport.

Commissioner Joaquin Zamora moved to approve Change Order No. 1 as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER FOR BUS WASH SYSTEM.

Staff recommended approval of a Change Order in the amount of $5,200.20 for the Bus Wash System Project.

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

F) AWARD OF CONTRACT FOR THE PURCHASE FOR THREE (3) REFURBISHED BUSES. (CO-OP)

Staff recommended award of contract to Transit Sales International in the amount of $426,591.24, for the purchase of Three (3) Refurbished Gillig 35-foot Buses.

Discussion ensued. Questions were asked relating spare buses, cost for new bus, future considerations, life span of buses, and public work requirements. Staff answered questions for council.

After due consideration, Commissioner Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously.

G) CONSIDERATION AND APPROVAL TO BEGIN PROCESS FOR PROPOSED CLASSIFICATION AND COMPENSATION STUDY.

Staff recommended approval to begin process for proposed Classification and Compensation Study.

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

4. VARIANCE

A) CONSIDERATION OF VARIANCE REQUESTS TO: 1) RIGHT-OF-WAY REQUIREMENTS FOR THE INTERIOR STREETS, 2) MAXIMUM CUL-DE-SAC LENGTH REQUIREMENT, 3) MINIMUM 125 FT. STREET JOG REQUIREMENT FOR PROPOSED MEDITERRANEAN SUBDIVISION, HIDALGO COUNTY, TEXAS; 13931 NORTH WARE ROAD.

Staff recommended Option 2, approve the variances as recommended by the Planning and Zoning Commission.

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

5. 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 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.

There were no items mentioned.

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

6A1 - Commissioner Joaquin Zamora moved to authorize the City Manager and City Attorney to negotiate the lease extension on the terms described in executive session and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously.

6A2 - Commissioner Joaquin Zamora authorized the City Manager and City Attorney to acquire the property on the terms described in executive session and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously.

B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO MUNICIPAL EMPLOYMENT CONTRACTS. (SECTION 551.071, T.G.C.)

No action.

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

Commissioner Joaquin Zamora authorized the City Manager and City Attorney to gather the information the commission asked for and report back at the next meeting and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously.

ADJOURNMENT

Without objection the meeting was adjourned at 5:28 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary