



Mayor Javier Villalobos
Mayor Pro Tem/Commissioner J. Omar Quintanilla
Commissioner Tony Aguirre, Jr.
Commissioner Joaquin Zamora



Commissioner Rodolfo "Rudy" Castillo
Commissioner Victor "Seby" Haddad
Commissioner Pepe Cabeza de Vaca
City Manager Isaac J. Tawil

**NOTICE OF WORKSHOP TO BE HELD BY THE
MCALLEN BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 11, 2024 – 4:00 PM
MCALLEN CITY HALL
CITY COMMISSION CHAMBERS; 3RD FLOOR
1300 HOUSTON AVENUE
MCALLEN TEXAS, 78501**

AGENDA

"At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code."

CALL TO ORDER

1. Present questions to staff relating to the November 11, 2024 Regular Meeting Agenda, to be discussed at such meeting.
2. Presentation regarding proposal to designate existing fireworks stands as non-conforming uses and permitting ongoing operations unless and until certain development occurs within a designated proximity.
3. **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. Tex. Gov't. Code §551.072.
 - B) Consideration of Economic Development matters. Tex. Gov't. Code §551.087.
 - C) Consultation with City Attorney regarding legal aspects of proposed transportation infrastructure. Tex. Gov't. Code §551.071.
 - D) Consultation with City Attorney regarding pending litigation: Cause No. C-0074-19-D. Tex. Gov't. Code §551.071.
 - E) Consultation with City Attorney regarding potential litigation. Tex. Gov't. Code §551.071.
 - F) Consultation with legal counsel regarding employment contracts. Tex. Gov't. Code §551.071.

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME.

C E R T I F I C A T I O N

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on November 8, 2024 at 3:30 PM and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/

Perla Lara, TRMC/CMC, CPM
City Secretary

ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.

DATE SUBMITTED

MEETING DATE

11/11/2024

1. Agenda Item: Present questions to staff relating to the November 11, 2024 Regular Meeting Agenda, to be discussed at such meeting.
2. Party Making Request:
3. Nature of Request:
4. Routing:
Diana Silva
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:

Created -

ITEM SUMMARY

BOARD:	AGENDA ITEM	2.
	DATE SUBMITTED	
	MEETING DATE	11/11/2024

1. Agenda Item: Presentation regarding proposal to designate existing fireworks stands as non-conforming uses and permitting ongoing operations unless and until certain development occurs within a designated proximity.
2. Party Making Request: Austin Stevenson
3. Nature of Request: Consideration and possible approval of an ordinance designating existing fireworks stands as non-conforming uses and permitting ongoing operations unless and until development occurs within the designated proximity.
4. Routing:
Alma Villarreal Created -
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:

Memo

TO: Isaac J. Tawil, City Manager
FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Director of Planning & Zoning
DATE: November 7, 2024
SUBJECT: PROPOSAL ON FIREWORKS RETAIL SALES

BACKGROUND: As the City expanded, five separate properties with fireworks were annexed and allowed to continue operating under Nuisance Abatement Agreements. Said Nuisance Abatement Agreements have been continuously extended for years, with the earliest being in 2012. Planning, Fire, and Legal Department staff were tasked with developing a plan that would designate the firework shops as nonconforming uses that can continue until certain conditions are met.

DISCUSSION: There are five fireworks shops within McAllen City limits; of those, two are proper buildings and three are stands. The national Occupational Safety and Health Administration (OSHA) recommends a 300 ft. clearance from fireworks and other buildings. The Texas Occupations Code and Texas Administrative Code have a sliding scale of required distance from buildings up to a maximum of 150 ft.

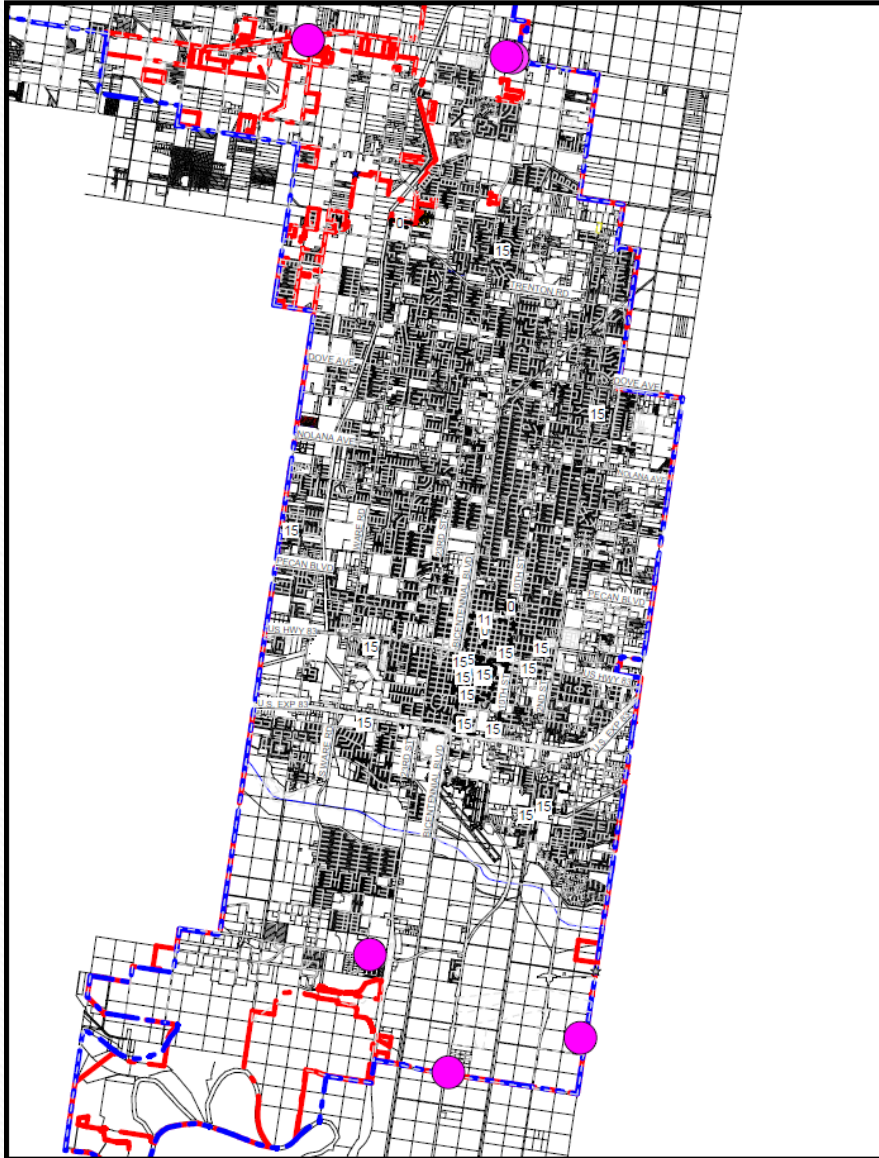
With these distances in mind, staff developed two options containing requirements that, when met, would require the shops to install a sprinkler system or cease operation. Because distance to structures is what the stated safety concerns are, we are proposing the trigger points to be distance from a subdivided property and distance from a building. A 300 ft. distance requirement would require one of the fireworks stands to shut down with three more needing only one more requirement to be met.

With a 150 ft. distance, only one shop would be within a trigger point of closing and all others would still be two trigger points away.

CONCLUSION: Approving one of the proposed options would make the fireworks shops non-conforming uses that would be allowed to continue operating without the need for continuous extension of Nuisance Abatement Agreements. Once the proposed requirements have been triggered, however, the shops would need to make a decision to either install a sprinkler system or cease operations. To provide the least restrictive option, staff recommends the 150 ft. distance from a subdivided property and a building as the triggering requirements.

Fireworks Stand

City Commission Workshop
November 11, 2024



Fireworks Venues in McAllen

- Annexed into City from 2012-2017
- 2 buildings, 3 stands
- Operate through Nuisance Abatement Agreements
- 300 ft. and 150 ft. distance proposals with trigger requirements

8509 South 10th



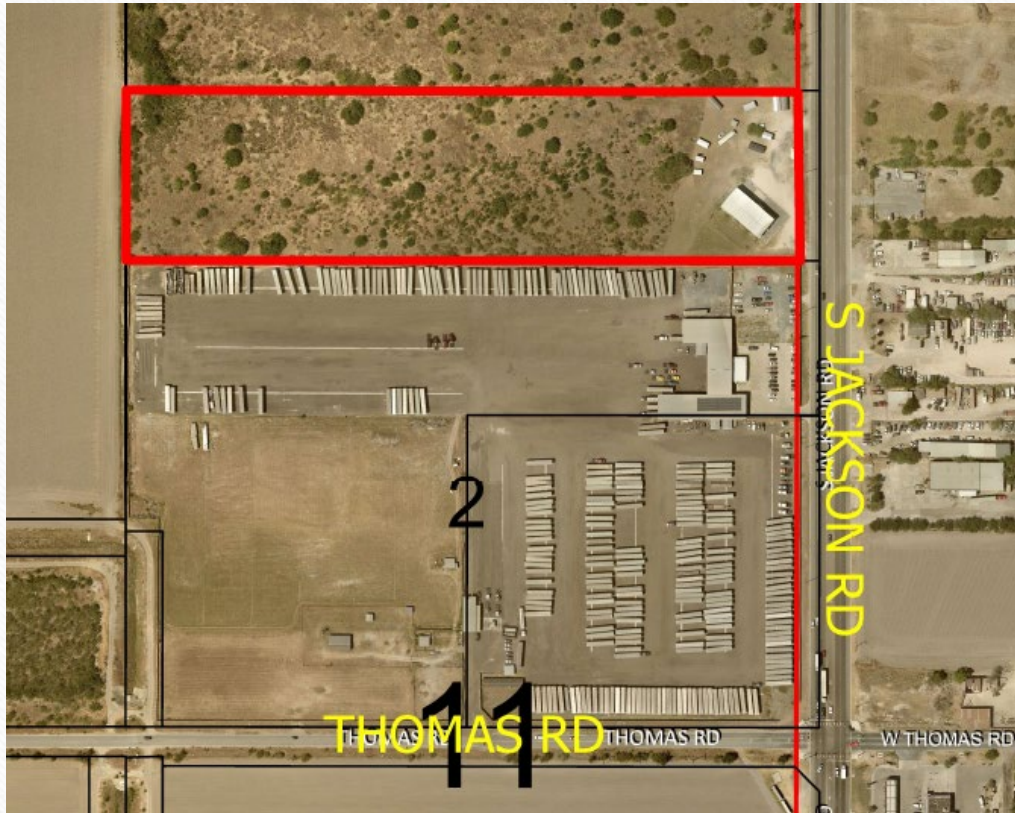
2600 Military Highway



2700 SH 107



5810 S Jackson Rd



6115 SH 107



Proposals

Address	Dist to Build (ft.)	Dist to Sub (ft.)	Structure	Prop 1 (300)	Prop 2 (150)
2700 W SH 107	236	332	stand		
2600 Military Hwy	250	156	stand		
8509 S 10th	52	715	building		
6115 SH-107	635	500	building		
7400 S Jackson	170	2,300	stand		

Address	Dist to Build (ft.)	Dist to Sub (ft.)	Structure	Sprinkled?	Prop 1 (300)	Prop 2 (150)	Annexed
2700 W SH 107	236	332	stand	N/A			11/28/2017
2600 Military Hwy	250	156	stand	N/A			6/27/2016
8509 S 10th	52	715	building	No			11/28/2017
6115 SH-107	635	500	building	No			8/21/2012
7400 S Jackson	170	2,300	stand	N/A			11/23/2015



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.A.

DATE SUBMITTED

MEETING DATE

11/11/2024

1. Agenda Item: Discussion and possible lease, sale or purchase of real estate property, Tract 1. Tex. Gov't. Code §551.072.
2. Party Making Request:
3. Nature of Request:
4. Routing:
Alma Villarreal
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:

Created -



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.B.

DATE SUBMITTED

MEETING DATE

11/11/2024

1. Agenda Item: Consideration of Economic Development matters. Tex. Gov't. Code §551.087.

2. Party Making Request:

3. Nature of Request:

4. Routing:

Alma Villarreal

Created -

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.C.

DATE SUBMITTED

MEETING DATE

11/11/2024

1. Agenda Item: Consultation with City Attorney regarding legal aspects of proposed transportation infrastructure. Tex. Gov't. Code §551.071.
2. Party Making Request:
3. Nature of Request:
4. Routing:
Alma Villarreal
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:

Created -



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.D.

DATE SUBMITTED

MEETING DATE

11/11/2024

1. Agenda Item: Consultation with City Attorney regarding pending litigation: Cause No. C-0074-19-D. Tex. Gov't. Code §551.071.
2. Party Making Request:
3. Nature of Request:
4. Routing:
Alma Villarreal
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:

Created -



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.E.

DATE SUBMITTED

MEETING DATE

11/11/2024

1. Agenda Item: Consultation with City Attorney regarding potential litigation. Tex. Gov't. Code §551.071.
2. Party Making Request: Austin Stevenson
3. Nature of Request: Consultation with City Attorney regarding potential litigation. Tex. Gov't. Code §551.071.
4. Routing:
Alma Villarreal
Created -
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.F.

DATE SUBMITTED

MEETING DATE

11/11/2024

1. Agenda Item: Consultation with legal counsel regarding employment contracts. Tex. Gov't. Code §551.071.
2. Party Making Request:
3. Nature of Request:
4. Routing:
Austin Stevenson Created -
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation: