

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened a Regular Meeting on Monday, **October 28, 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 Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca. **Absent:** Commissioner Joaquin Zamora

Staff: City Manager Isaac Tawil, Interim City Attorney Austin Stevenson, 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 David Vasquez

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

PROCLAMATION

TEEN COURT DAY

Commissioner Jose R. "Pepe" Cabeza de Vaca presented a proclamation for Teen Court Day.

AGENDA ITEM PUBLIC COMMENT (Individuals wishing to speak regarding an agenda item on today's agenda, please contact the City Secretary before 5:00pm)

1. PUBLIC HEARING

Mayor Javier Villalobos called the Public Hearing to order.

A) REZONINGS:

1. REZONE FROM R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSES) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: 9.985 ACRES, OUT OF LOTS 297 AND 298, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3224 NORTH TAYLOR ROAD.

Staff recommended approval of the R-3A zoning at 3224 North Taylor Road, as per Planning and Zoning Commission.

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 Rodolfo "Rudy" Castillo moved to approve the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

2. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: THE NORTH 10 ACRE TRACT, OUT OF LOT NO. 297, JOHN H. SHARY SUBDIVISION PORCIONES 58, 59 8, 60, HIDALGO COUNTY, TEXAS; 3320 NORTH TAYLOR ROAD.

Staff recommended approval of the R-3A zoning at 3320 North Taylor Road, as per Planning and Zoning Commission.

Commissioner Rodolfo "Rudy" Castillo moved to approve the R-3A zoning as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

3. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-3T (MULTI FAMILY RESIDENTIAL TOWNHOUSES) DISTRICT: A 4 ACRES TRACT OUT OF THE SOUTH 30 ACRES OF LOT 47, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 8516 NORTH 29TH STREET. (TABLED)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to remove said item from the table and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

Staff recommended approval of the R-3T zoning at 8516 North 29th Street, as per Planning and Zoning Commission.

Commissioner Victor "Seby" Haddad moved to approve the R-3T zoning as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

B) CONDITIONAL USE PERMITS:

1. REQUEST OF EFRAIM T. VELA ON BEHALF OF DEV HARVEY, LLC., FOR A CONDITIONAL USE PERMIT, FOR A LIFE OF USE, AND ADOPTION OF AN ORDINANCE, FOR A PARKING FACILITY AT LOT 2, ROSA LINDA SUBDIVISION, HIDALGO COUNTY, TEXAS; 3616 HARVEY DRIVE.

Staff recommended approval of a Conditional Use Permit, and adoption of an ordinance, for a life of use, for a parking facility at 3616 Harvey Drive, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118(a)(6) of the Zoning Ordinance and specific requirements are as follows:

- a) The sides adjacent to residentially zoned property are to be screened by a six-foot opaque fence. A 6 ft. opaque fence is required on the north and east side of the property.
- b) The paved area is landscaped in compliance with the off-street parking and loading ordinance and landscape ordinance. The required landscaping for the parking lot is 874 sq. ft. with trees required as follows: 2 – 2 1/2" caliper, or 1 – 4" caliper, 1 – 6" caliper or 4 palm trees (palm trees cannot exceed 80% of total tree requirement). Each parking space must also be within 50 ft. of a landscape area with a tree.
- c) Residential areas shall be protected as far as possible against heavy traffic and against through traffic of all kinds, including traffic generated by commercial, industrial or other incompatible land uses.
- d) Parking should not encroach into side yard setbacks when residential uses are adjacent.
- e) The parking area shall be adjacent to the primary use. The parking area is adjacent to the primary use.
- f) The parking area should provide sufficient lighting to eliminate dark areas to provide maximum visibility from a public street to discourage vandalism and criminal activities.
- g) No form of pollution shall emanate beyond the immediate property line of the permitted use.
- h) The Planning and Zoning Commission may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this section and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, and additional improvements such as curbing and sidewalks.

Mayor Pro Tem Omar Quintanilla moved to approve the Conditional Use Permit as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

2. REQUEST OF IGNACIO ALVAREZ, ON BEHALF OF NA INVESTMENT GROUP, LLC, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A SMOKE SHOP, AT SOUTHEAST 160 FEET BY 172 FEET OF NORTHEAST 10 ACRES OF LOT 156, LA LOMITA (HOIT) SUBDIVISION, HIDALGO COUNTY, TEXAS; 630 SOUTH 23RD STREET, BUILDING 100, SUITE 120. (TABLED)

Said item remained tabled as per applicant's request.

C) AMENDING THE ORDINANCE OF THE CITY OF MCALLEN.

Mayor Pro Tem Omar Quintanilla 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 Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda and Commissioner Rodolfo "Rudy" Castillo seconded. The motion carried unanimously by those present.

- A) **APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETING HELD OCTOBER 14, 2024.**

Approved the minutes of Workshop and Regular Meeting held October 14, 2024, as submitted.

- B) **AWARD OF CONTRACT FOR A ONE-YEAR EXTENSION FOR THE RISE & SHINE CAFE.**

Awarded a contract to Rise & Shine Café for a one-year extension.

- C) **AWARD A CONTRACT FOR THE NON-EXCLUSIVE OFF-AIRPORT RENTAL CAR CONCESSION PROGRAM AT THE MCALLEN INTERNATIONAL AIRPORT.**

Awarded a contract to Payne Management Corporation Budget Rent a Car for the non-exclusive off-airport rental car concession program at the McAllen International Airport.

- D) **CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 11-2020 WITH KSA REGARDING THE SECURITY SYSTEM & ACCESS CONTROL IMPROVEMENTS AT MCALLEN INTERNATIONAL AIRPORT.**

Approved Contract Amendment No. 11-2020 with KSA Engineers, Inc. regarding the security system and access control improvements at McAllen International Airport.

- E) **CONSIDERATION AND APPROVAL OF A LEASE RENEWAL WITH THE CONSULATE OF HONDURAS; 1209 GALVESTON AVENUE.**

Approved the lease renewal with the Consulate of Honduras located at 1209 Galveston Avenue.

- F) **AMENDMENT TO RESOLUTION NO. 2024-56 TO PROVIDE FOR INCLUSION OF REQUIRED LANGUAGE AS REQUIRED BY THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR FUNDING UNDER THE FISCAL YEAR 2024 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.**

Approved an amendment to Resolution No. 2024-56 to provide for inclusion of required language as required by the U.S. Department of Justice, Bureau of Justice Assistance for funding under the Fiscal Year 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

- G) **SUBDIVISION MONTHLY REPORT.**

Approved Subdivision Monthly report.

- H) **PARKS & RECREATION PROJECT REPORT.**

Approved Parks & Recreation Project report.

- I) **PROJECT STATUS MONTHLY REPORT THROUGH SEPTEMBER 30, 2024.**

Approved Project Status Monthly Report.

J) APPROVAL OF TAX REFUND OVER \$500.00.

1. CASA HOSPITALITY HOLDINGS LLC

Approved a tax refund in the amount of \$7,362.29.

2. CIELO PASO LAS TIENDAS LP

Approved a tax refund in the amount of \$1,150.12.

3. LINEAGE MASTER RE 3 LLC

Approved tax refunds in the amount of \$3,943.00 and \$11,939.81.

4. JOSE J. MAGALLEN & BLANCA E. GUERRA

Approved tax refunds in the amount of \$640.24 and \$47.99.

K) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF PORTABLE, DUAL HEAD, AND SINGLE HEAD MOBILE RADIOS.

Awarded a contract to Motorola Solutions in the amount of \$234,947.28 for the purchase of Portable, Dual Head, and Single Head Mobile Radios.

2. AWARD OF CONTRACT FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS HARNESES (PROJECT NO. 10-24-P01-02).

Awarded a contract to HEAT Safety Equipment, LLC in the amount of \$75,554.86 for the purchase of Self-Contained Breathing Apparatus Harnesses.

3. AWARD OF CONTRACT FOR THE PURCHASE OF REPLACEMENT PARTS FOR MIRACLE PLAYGROUNDS THROUGH BUYBOARD COOPERATIVE PRICING (PROJECT NO. 10-24-P05-01).

Awarded a contract to Park Place Recreation Designs in the amount of \$53,604.10 for Miracle Playgrounds.

4. AWARD OF CONTRACT FOR DOWNTOWN TRAFFIC SIGNALS ADDITIONAL LIGHTING.

Awarded a contract to Consolidated Traffic Control, Inc. in the amount of \$62,460.00 for downtown traffic signals for additional lighting.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE EL RANCHO REGIONAL STORMWATER DRAINAGE FACILITY (RDF) IMPROVEMENTS PROJECT (PROJECT NO. 10-24-C01-515).

Staff recommended the award of contract to Blue Dot Site and Utilities, LLC in the amount of \$1,344,796.46, for the El Rancho Regional Stormwater Drainage Facility Improvements Project.

Discussion ensued. Comments and concerns were shared. Questions were asked regarding dirt disposal/ use for dirt, Boeye Reservoir, El Rancho Road, secondary site and additional fill. Staff answered questions posed by Council.

After due consideration, Mayor Pro Tem Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR THE DESIGN ENGINEERING SERVICES FOR THE 2ND STREET AND WISCONSIN ROAD ROUNDABOUT (PROJECT NO. 11-24-S07-01).

Staff recommended the award of contract to TEDSI Infrastructure Group in the amount of \$250,000.00, for the Design Engineering Services for the 2nd Street and Wisconsin Road Roundabout.

Mayor Pro Tem Omar Quintanilla moved to award the contract as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 4 AND FINAL RECONCILIATION FOR THE TERMINAL ROOF REPLACEMENT AT MCALLEN INTERNATIONAL AIRPORT (PROJECT NO. 07-22-C33-403).

Staff recommended approval of Final Change Order No. 4 in the addition of 178 calendar days, for a final contract amount of \$2,088,249.74 and contract time of 478 calendar days for the Terminal Roof Replacement at McAllen International Airport.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the change order as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

D) AWARD OF CONTRACT FOR TIRE REPAIR SERVICES (PROJECT NO. 10-24-S02-60).

Staff recommended the award of contract to Oyervides Tire Repair Service in the anticipated amount of \$90,000.00 for Tire Repair Services.

Commissioner Victor "Seby" Haddad moved to award the contract as recommended and was seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

4. ORDINANCES

A) CONSIDERATION AND POSSIBLE APPROVAL OF AN AMENDMENT TO THE SOLID WASTE ORDINANCE TO UPDATE CERTAIN RECYCLING FEES.

Staff recommended approval of the amendment to the Solid Waste ordinance to update certain recycling fees.

Commissioner Antonio "Tony" Aguirre, Jr. moved to adopt the ordinance as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

B) CONSIDERATION TO ABANDON A 20-FOOT ROAD RIGHT-OF-WAY, BEING 0.170 OF ONE ACRE OUT OF LOT 138, LA LOMITA IRRIGATION AND CONSTRUCTION CO. SUBDIVISION, HIDALGO COUNTY, TEXAS, 2601 NORTH WARE ROAD (REAR).

Staff recommended adoption of an ordinance providing for the abandonment of a 0.170 one acre of land at 2601 North Ware Road (Rear).

Discussion ensued. Comments and concerns were shared. Questions were asked regarding upgrade, last increase 2011, and necessary increases. Staff answered questions posed by Council.

After due consideration, Mayor Pro Tem Omar Quintanilla moved to adopt the ordinance as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

5. RESOLUTION

A) RESOLUTION TO ADOPT THE 2024 OFFICIAL TAX ROLL.

Staff recommended approval for a Resolution to adopt the 2024 Tax Summary Roll.

Commissioner Rodolfo "Rudy" Castillo moved to approve the resolution as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously by those present.

6. MANAGER'S REPORT

A) ADVISORY BOARD APPOINTMENTS.

PLANNING AND ZONING BOARD

Commissioner Antonio "Tony" Aguirre, Jr. nominated Ivan Garcia to the Planning and Zoning Board.

Commissioner Jose R. "Pepe" Cabeza de Vaca nominated Daniel Santos for the Planning and Zoning Board.

Mayor Pro Tem Omar Quintanilla moved to approve the appointments as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

B) PRESENTATION OF THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023.

Mr. David Vasquez, Finance Director presented the Tres Lagos Public Improvement District Annual Financial Report for the Fiscal Year ended September 30, 2023, and recommended approval for the audited financial statements.

Mayor Pro Tem Omar Quintanilla moved to approve the report as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

C) PRESENTATION OF YEAR-TO-DATE TAX COLLECTION AND DELINQUENT YEAR-TO-DATE TAX COLLECTION REPORTS.

Report was given for the Year-to-Date Tax Collection and Delinquent Year-to-Date Tax Collection.

D) FUTURE AGENDA ITEMS.

No items mentioned.

7. TABLED ITEM

A) CONSIDERATION AND APPROVAL OF AN ORDINANCE REGULATING THE DEVELOPMENT OF CAR WASHES.

Mayor Pro Tem Omar Quintanilla moved to remove said item from the table and was seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

Staff recommended adoption of the ordinance for regulating the development of car washes.

Mayor Pro Tem Omar Quintanilla moved to adopt the ordinance as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

8. 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 A RESOLUTION AUTHORIZING THE EXERCISE OF EMINENT DOMAIN AUTHORITY TO ACQUIRE TWO TRACTS OF LAND BEING: (1) A 4.19 ACRE (182,518.49 SQ. FT.) GROSS TRACT OF LAND, MORE OR LESS, BEING PART OF LOTS 10, 15 AND 16, SECTION 6, HIDALGO CANAL COMPANY SUBDIVISION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME "Q", PAGE 177, MAP RECORDS, HIDALGO COUNTY, TEXAS, THEREOF CONVEYED TO STALLION TEXAS REAL ESTATE FUND, LLC., AS RECORDED IN DOCUMENT NUMBER 3058619, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, AND (2) A TRACT OF LAND OUT OF LOTS 10, 15, AND 16, SOUTHEAST 1/4 OF SECTION 6, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY TEXAS, ACCORDING TO MAP THEREOF RECORDED IN VOLUME "Q," PAGE 177, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR AIRPORT. TEX. GOV'T. CODE §551.071.

"Mayor Pro Tem Omar Quintanilla moved that the City of McAllen authorize and ratify the use of the power of eminent domain to acquire the following parcels of land: (1) A 4.19 acre (182,518.49 sq. ft.) gross tract of land, more or less, being part of Lots 10, 15 and 16, Section 6, HIDALGO CANAL COMPANY SUBDIVISION, an addition to the City of McAllen, Hidalgo County, Texas, as per map or plat thereof recorded in Volume "Q", Page 177, Map Records, Hidalgo County, Texas, thereof conveyed to Stallion Texas Real Estate Fund, LLC., as recorded in Document Number 3058619, Official Records, Hidalgo County, Texas, and (2) A tract of land out of Lots 10, 15, and 16, Southeast 1/4 of Section 6, HIDALGO CANAL COMPANY'S SUBDIVISION, Hidalgo County Texas, according to map thereof recorded in Volume "Q," Page 177, Deed Records of Hidalgo County, Texas, for a public use, improving and/or enlarging an airport.

CONSIDERED, PASSED and APPROVED this 28th day of October 2024, at a regular meeting of the City Commission of the City of McAllen at which a quorum was present and which was held in accordance with VTCA, Government Code §551.001 et seq by the following vote, to wit:

Ayes: Nays: None

- Mayor Javier Villalobos
- Mayor Pro Tem Omar Quintanilla
- Commissioner Antonio "Tony" Aguirre
- Commissioner Rodolfo "Rudy" Castillo
- Commissioner Victor "Seby" Haddad
- Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Commissioner Joaquin Zamora

B) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL ESTATE PROPERTY, TRACT 1 AND TRACT 2. TEX. GOV'T. CODE §551.072.

Mayor Pro Tem Omar Quintanilla moved to authorize the City Attorney and City Manager to move forward as described in executive session and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

C) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION: CAUSE NO. C-4698-23-M. TEX. GOV'T. CODE §551.071.

Mayor Pro Tem Omar Quintanilla moved to authorize the City Attorney to move forward as described in executive session and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

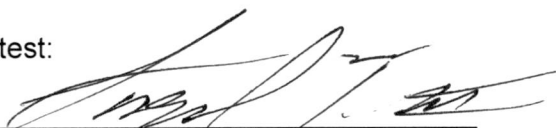
D) CONSULTATION WITH CITY ATTORNEY REGARDING EMPLOYMENT CONTRACTS. TEX. GOV'T. CODE §551.071.

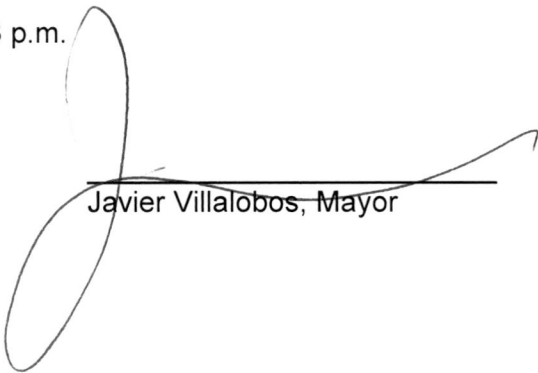
No action.

ADJOURNMENT

Without objection the meeting was adjourned at 6:23 p.m.

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary


Javier Villalobos, Mayor