STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened a Regular Meeting on Monday, **November 11, 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 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.

PROCLAMATIONS

CHILDREN'S GRIEF AWARENESS MONTH AND DAY

Commissioner Antonio "Tony" Aguirre, Jr. presented a proclamation for Children's Grief Awareness Month.

TEXAS RECYCLES DAY

Mayor Pro Tem Omar Quintanilla presented a proclamation for Texas Recycles 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) 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 Victor "Seby" Haddad. The motion carried unanimously.

1. REQUEST OF ROBERT WILSON, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR/ BILLIARDS AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE G.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a bar/billiards at 400 Nolana Avenue, Suite G, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements are 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, and a water tower.
2. The above-mentioned 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 Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required by other Conditional Use Permits issued in this commercial plaza and the No Parking signs must be properly maintained.
3. The above-mentioned 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 shopping center consists of various uses including office, retail, vacant suites, restaurants, a children's event center, and bars. The proposed 11,875 sq. ft. bar/billiards hall requires 149 parking spaces; 729 parking spaces are provided in the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are 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 unauthorized parking by the patrons of such businesses 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 abovementioned business shall restrict the number of people within the building to those allowed by the Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections Department as part of the building permit review process.

2. REQUEST OF MAYDA FUENTES, ON BEHALF OF ALEYDA ENTERPRISES LLC, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER AT LOT 1, ANGELA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2313 HARVEY DRIVE.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an event center at 2313 Harvey Drive, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements are as follows:

1. The property line of the lot of any of the above-mentioned businesses 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 property and a school.
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 direct access from Harvey Drive and North 24th Street. The establishment does not generate traffic into residential areas.
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 establishment, 12 parking spaces are required, one of which should be accessible parking spaces. The parking lot is a common area and should be clear of potholes and properly striped.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
5. Business should 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 people 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.

3. REQUEST OF GEORGE A. GARZA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER (WINDSOR EVENT CENTER), AT LOT 6, CITRUS GROVE PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS; 4101 EXPRESSWAY 83.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an event center at 4101 Expressway 83, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements are as follows:

1. The property line of the lot of any of the above-mentioned businesses 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 the nearest residential use or residentially zoned property.
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 U.S Expressway 83.
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 of the establishment, a total of 183 parking spaces are required, of which 6 would have to be accessible to people with disabilities. The development follows parking requirement. Two hundred and eight spaces are provided as shown on the provided site plan.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
5. The business should 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 people 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.

B) REZONING:

1. REZONE FROM C-3L (LIGHT COMMERCIAL) DISTRICT TO C-4 (COMMERCIAL INDUSTRIAL) DISTRICT: 1.03 ACRES, MORE OR LESS, OUT OF LOT 89, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 5721 NORTH WARE ROAD.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. No one spoke.

Staff recommended disapproval of the C-4 zoning at 5721 North Ware Road, as per Planning and Zoning Commission.

After due consideration, Commissioner Victor "Seby" Haddad moved to approve C-3 zoning as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with 5 votes in the affirmative with Commissioner Joaquin Zamora voting against.

C) CONDITIONAL USE PERMITS:

1. REQUEST OF KELLEY A. HELLER-VELA, ON BEHALF OF THE FAMILY CHURCH, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, AND ADOPTION OF AN ORDINANCE, FOR AN INSTITUTIONAL USE (CHURCH), AT 15.00 ACRES OUT OF SECTION 227 AND 232, TEXAS-MEXICAN RAILWAY COMPANY SURVEY, HIDALGO COUNTY, TEXAS; 14500 NORTH SHARY ROAD.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for life of use, for institutional use (church) at 14500 North Shary Road, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements are as follows:

1. The proposed use shall not generate traffic onto residential size streets or disrupt residential areas and shall be as close as possible to a major arterial. The church has access on North Shary Road and Tres Lagos Boulevard.
2. The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the seating area of 700 seats in the sanctuary, 175 parking spaces are required; 336 parking spaces are being proposed.
3. The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits.
4. The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities.
5. Provisions should be made to prevent litter from blowing onto adjacent streets and residential areas.
6. The number of people within the building shall be restricted to the existing seating capacity for the building.
7. Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

Commissioner Joaquin Zamora moved to approve the Conditional Use Permit as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

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)

Item remained tabled.

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

Commissioner Joaquin Zamora moved to amend the Zoning Ordinance and was 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 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.

A) APPROVAL OF MINUTES FOR WORKSHOP AND REGULAR MEETING HELD ON OCTOBER 28, 2024.

Approved the minutes of the Workshop and Regular Meeting held October 28, 2024, as submitted.

B) AWARD OF CONTRACT FOR CHAMBER, AV CONTROL ROOM, PODIUM, & MCN STUDIO UPGRADE (PROJECT NO. 11-24-P09-01).

Awarded a contract to Nelco Media in the amount of $96,176.22 for Chamber, AV Control Room, Podium, and MCN Studio Upgrade.

C) CONSIDERATION AND AUTHORIZATION TO DECLARE CITY VEHICLES AND GENERAL PROPERTY AS SURPLUS.

Approved the authorization to declare city vehicles and general property as surplus.

D) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT 37 FOR AVIATION MARKETING AND CONSULTING SERVICES AT MCALLEN INTERNATIONAL AIRPORT (PROJECT NO. 09-21-S53-107).

Approved the Contract Amendment 37 for Aviation Marketing and Consulting Services at McAllen International Airport.

E) CONSIDERATION AND POSSIBLE APPROVAL OF A RESOLUTION RATIFYING RELEASE OF THIRD PARTIES TO INCREASE PRO RATA DISTRIBUTION IN THE ENDO INTERNATIONAL BANKRUPTCY SETTLEMENT.

Approved a resolution ratifying release of third parties to increase pro rata distribution in the Endo International bankruptcy settlement.

F) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF FIRE DEPARTMENT UNIFORMS (PROJECT 11-24-P10-01).

Awarded a contract to Galls LLC in the amount of $120,120.00 for the purchase of Fire Department uniforms.

2. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) NEW CURRENT MOTOR GRADER THROUGH SOURCEWELL COOPERATIVE PRICING (PROJECT NO.10-24-P04-01).

Awarded a contract to HOLT CAT in the amount of $320,090.00 for the purchase of one (1) New Current Motor Grader.

3. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) 2023 FORD F550 4X4 CREW CAB FOR THE MCALLEN CONVENTION CENTER (PROJECT NO. 11-24-P11-01).

Awarded a contract to Specialty Fleet Sales, LLC in the amount of $174,997.36 for the purchase of one (1) 2023 Ford F550 4x4 Crew Cab for the McAllen Convention Center.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PUBLIC WORKS HVAC REPAIR PROJECT (PROJECT NO. 10-24-C02-01).

Staff recommended the award of contract to Climatec in the amount of $166,920.61 with a total of 120 calendar days, for the Public Works HVAC Repair Project.

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

B) CONSIDERATION AND APPROVAL TO NEGOTIATE WITH TOP RANKED FIRM FOR THE AIRPORT PARKING MANAGEMENT PROGRAM AT MCALLEN INTERNATIONAL AIRPORT (PROJECT NO. 08-24-S75-52).

Staff recommended authorization to negotiate with the top-ranked firm Interstate Parking Company Airports, LLC for the Airport Parking Management Program at McAllen International Airport.

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

4. RESOLUTIONS

A) RESOLUTION CASTING VOTES FOR THE HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS 2025-2027.

Staff recommended approval for the resolution casting votes for the Hidalgo County Appraisal District Board of Directors 2025-2027.

Commissioners Antonio "Tony" Aguirre Jr. announced that he had a conflict with item 4A and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Discussion ensued. Comments were shared by Council. Commissioner "Seby" Haddad requested to have an annual update on the representative. Staff answered questions posed by Council. After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the resolution as recommended and seconded by Commissioner Joaquin Zamora . The motion carried with 5 votes in favor and Commissioner Antonio "Tony" Aguirre Jr. in abstention.

B) CONSIDERATION AND POSSIBLE APPROVAL OF A RESOLUTION IN SUPPORT OF TXDOT DESIGN MODIFICATIONS FOR THE PROPOSED SH 68 CORRIDOR.

Staff recommended approval of a resolution in support of the TxDOT Design Modifications for the proposed SH 68 corridor.

Mayor Pro Tem Omar Quintanilla moved to approve the resolution as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

5. VARIANCES

A) CONSIDERATION OF A VARIANCE REQUEST TO E/W ¼ MILE COLLECTOR RIGHT OF WAY DEDICATION AND MAXIMUM BLOCK LENGTH REQUIREMENT OF 1,200 FT. REQUIREMENT, FOR PROPOSED VACATING A PORTION OF RACQUET CLUB AND REPLAT OF PARK WEST SUBDIVISION, HIDALGO COUNTY, TEXAS; 11201 NORTH 10TH STREET.

Staff recommended approval of a variance request to E/W 1/4 Mile Collector Right-of-Way dedication and maximum block length requirement of 1,200 ft. requirement, for proposed vacating a portion of Racquet Club and Replat of Park West Subdivision, Hidalgo County, Texas; 11201 North 10th Street.

Commissioner Joaquin Zamora moved to approve the variance as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

B) CONSIDERATION OF A VARIANCE REQUEST TO PROVIDE 15 FT. OF ADDITIONAL RIGHT OF WAY DEDICATION INSTEAD OF 20 FT. RIGHT OF WAY REQUIREMENT, AN ALLEY/SERVICE DRIVE FOR MULTI-FAMILY PROPERTIES, E/W ¼ MILE COLLECTOR RIGHT OF WAY, 1,200 FT. MAXIMUM BLOCK LENGTH REQUIREMENT, AND INTERNAL ROADS TO BE 50 FT. RIGHT OF WAY WITH 40 FT. OF PAVING, FOR THE PROPOSED VACATE A PORTION OF RACQUET CLUB INTO REPLAT OF VILLAGES PARK WEST SUBDIVISION, HIDALGO COUNTY, TEXAS; 1400 SPRAGUE RD.

Staff recommended item to be tabled.

Commissioner Joaquin Zamora moved to table said item as recommended and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

6. MANAGER'S REPORT

A) IMMIGRATION AND RESPITE CENTER REPORT.

Mr. Jeff Johnston presented an update on the immigration and respite center and answered questions.

B) FUTURE AGENDA ITEMS.

No items were mentioned.

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).

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

City Commissioner Joaquin Zamora moved to instruct the City Attorney's Office and City Manager to proceed as described in executive session and seconded by City Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously.

B) CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. TEX. GOV'T. CODE §551.087.

City Commissioner Joaquin Zamora moved to instruct the City Attorney's Office and City Manager to proceed as described in executive session and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF PROPOSED TRANSPORTATION INFRASTRUCTURE. TEX. GOV'T. CODE §551.071.

No action.

D) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION: CAUSE NO. C-0074-19-D. TEX. GOV'T. CODE §551.071.

City Commissioner Joaquin Zamora moved to instruct the City Attorney to proceed as described in executive session and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

E) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL LITIGATION. TEX. GOV'T. CODE §551.071.

City Commissioner Joaquin Zamora moved to instruct the City Attorney to proceed as described in executive session and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried with 5 votes in favor and Commissioner Victor "Seby" Haddad voting against.

F) CONSULTATION WITH LEGAL COUNSEL REGARDING EMPLOYMENT CONTRACTS. TEX. GOV'T. CODE §551.071.

Commissioner Rodolfo "Rudy" Castillo moved to authorize the City Manager to engage Council as authorized in executive session and seconded by Mayor Pro Tem Omar Quintanilla. The motion carried unanimously.

ADJOURNMENT

Without objection the meeting was adjourned at 5:39 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary