

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened a Regular Meeting on Monday, **December 9, 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, 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

CHRISTMAS FOR KIDS' DAY

Commissioner Victor "Seby" Haddad read and presented a proclamation for Christmas for Kids Day.

TUBACHRISTMAS DAY

Commissioner Joaquin Zamora read and presented a proclamation for Tuba Christmas 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.

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.

- 1. REZONE FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT: 19.587 ACRE TRACT BEING THE WEST ONE HALF OF LOT 12, SECTION 280, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 2701 WEST STATE HIGHWAY 107.**

Approved the R-1 Zoning at 2701 West State Highway 107, as per Planning and Zoning Commission.

- 2. REQUEST OF HAYLEY SORENSON, ON BEHALF OF VERIZON WIRELESS, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A PERSONAL WIRELESS SERVICE FACILITY AT**

A 40 FEET X 40 FEET LEASE SPACE (AS SURVEYED) CONTAINING 0.04 ACRES, MORE OR LESS, AND 30 FEET INGRESS/EGRESS AND UTILITY/FIBER EASEMENT (AS SURVEYED) CONTAINING 0.11 ACRES, MORE OR LESS, OUT OF THE WEST ONE-HALF OF LOT 3, BLOCK 17, STEELE & PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS, 158 EL RANCHO ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for a personal wireless service facility at 158 El Rancho Road, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-118(11) of the Zoning Ordinance and specific requirements are as follows:

- a. Maximum height of pole or tower structure of 80 feet within commercial zones or within 200 feet of an existing residential structure.
 - o The applicant is not located within a commercial zone.
- b. Maximum height of pole or tower structure of 120 feet within industrial zones for measuring distance purposes, the leasehold interest area boundary or compound area boundary, whichever is greater shall be utilized.
 - o The applicant is proposing to construct an 80 foot in height monopole
- c. Only one pole or tower structure-allowed per lot or tract within a commercial or industrial zone.
 - o There is no other pole structure on property.
- d. The applicant shall attempt to locate the proposed facility on an existing structure, or base station, as per subsections k—m of this section. If collocation of the proposed wireless facility is not possible (as per subsections k—m of this section) then the applicant for a personal wireless service facility must submit at least two alternatives designs for antenna and supporting structure, pole or tower design (including the equipment shelter, as per subsection h, below) that is treated with an architectural material (e.g., "stealth" design) so as to conform to the predominant architectural environment in the area of the facility. Such "stealth" personal wireless service facility shall blend into its proposed surroundings such as a tree, flagpole or other feature, to be approved. When a tree-type stealth design is used, one live and growing tree of the same variety or species one-half the height of the proposed tower shall be planted at the time of installation.
 - o Collocation for proposal is not possible.
- e. Minimum spacing between poles and tower structures within commercial or industrial zones of 1,000 feet measured in a direct line of another tower.
 - o There are no co-locatable towers within 1,000 feet.
- f. Must comply with applicable setbacks.
- g. A masonry wall shall be required as a buffer if a pole or tower structure is located within the front or side yard, or adjacent to a residential use or zone.
- h. The transmission equipment structure installed at the base of the proposed tower shall be not greater than 180 square feet and constructed to conform to the predominant architectural environment.
- i. A landscaped buffer area to soften the visual impact shall commence along the perimeter of the lease area or the property line. At least one row of shrubs shall be installed as well as trees as appropriate shall be included. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least six feet in height within two years of planting.
 - o An 8ft concrete block wall will be built surrounding the lease space.
- j. The pole or tower structure will be constructed or installed with the capabilities of locating thereon additional personal wireless service facilities when the tower or pole is greater than 80 feet in height. The applicant agrees to cooperate with other personal wireless service facility providers in collocating additional facilities on permitted support structures.
- k. A permittee shall exercise good faith in collocating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in the accommodation of other users, the city may require a third-party technical study at the expense of either or both the applicant and permittee.
- l. All conditional use applicants shall demonstrate good-faith, reasonable efforts in developing a collocation alternative for their proposed personal wireless service facility site, which efforts shall be documented to the city and shall include, but not be limited to, providing technical details sufficient to determine co-locations efforts. If the applicant asserts that co-location is not possible, the applicant must provide, in addition to the foregoing, an affidavit in a form provided by the city stating that all efforts to collocate the personal wireless facility at an existing facility have been exhausted and that there is no possibility of co-location on the existing towers.

- m. Failure to comply with the collocation requirements of this section may result in the denial of a permit request or revocation of an existing permit.
- n. If any applicant provides false or misleading information on their application, or in the application process to obtain a permit for a personal wireless facility, then their application may be denied or revoked at the expense of the applicant or the permittee.
- o. If property is leased, the term of conditional use permit shall be co-terminus with that term of lease of property.
- p. Construction of tower and equipment facilities shall meet applicable building codes and wind loads.
- q. Notwithstanding the above conditions, to the extent an applicant is fully qualified as an eligible facilities request under Section 6409, in the event of a conflict between the above conditions in this subsection and those criteria and conditions in section 138-1.A., above, and the 2014 Infrastructure Order, then section 138-1.A., and the 2014 Infrastructure Order control, subject to the city reservation of rights, as set forth in the preface to section 138-1.A.

3. REQUEST OF JUAN C. HERNANDEZ, ON BEHALF OF OMAR CAVAZOS, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, AND ADOPTION OF AN ORDINANCE, FOR AN AUTOMOTIVE SERVICE AND REPAIR AT THE NORTH 50 FEET OF LOTS 13 AND 14, BLOCK 36, HAMMOND ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 213 SOUTH 23RD STREET.

Approved a Conditional Use Permit and adopted an ordinance, for life of use, for an automotive service and repair at 213 South 23rd Street, as per Planning and Zoning Commission.

The establishment must comply with the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements are as follows:

- 1) A minimum lot size of 10,000 square feet is required. According to Hidalgo County Appraisal District records, the subject property's total lot size is 4,850 square feet.
- 2) All service, repair, maintenance, painting, and other work shall take place within an enclosed area.
- 3) Outside storage of materials is prohibited.
- 4) The building where the proposed work is to take place shall be at least 100 feet from the nearest residence.
- 5) A 6-foot opaque fence to buffer the proposed use from any residential use or residential area is required. No opaque fence would be required since the lot's property lines are not immediately adjacent to any residential uses or zones.
- 6) New buildings and all conversions of existing buildings to such uses shall meet current Building Code and Fire Code requirements in terms of separation of high hazard uses from other occupancy use classifications, etc.

4. REQUEST OF TANYA DE LA ROSA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER AT SOUTH 35' OF LOT 5 AND ALL OF LOT 6 AND THE NORTH 40' OF LOT 7, BLOCK 1, HIGHLAND CENTER SUBDIVISION, HIDALGO COUNTY, TEXAS, 2300 NORTH 10TH STREET, SUITE C.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an event center at 2300 North 10th Street, 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:

- a) The property line of the lot of any of the abovementioned businesses 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 disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. There are several apartment complexes to the east of the establishment.
- b) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment is located on North 10th Street and does not generate traffic into residential areas.
- c) 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 multi-tenant building is a mix of commercial businesses; there are approximately 27 parking spaces on site. The event center requires 13 parking spaces.
- d) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.

- e) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street to discourage vandalism and criminal activities.
- f) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- g) 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 Planning Director.

B) AMENDING THE ORDINANCE OF THE CITY OF MCALLEN.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to amend the Zoning Ordinance and was seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

C) PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ADOPTING A UNIFIED DEVELOPMENT CODE AND REPEALING CONFLICTING ORDINANCES.

Staff recommended adoption of an ordinance of a Unified Development Code and repealing conflicting ordinances.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. The following spoke in favor: Ethan Rodriguez, Diego Gutierrez, Martha Garza, and Jorge Saenz.

After due consideration, Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the ordinance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

D) PUBLIC HEARING AND CONSIDERATION OF A REQUEST BY SERGIO J. RIVAS, ON BEHALF OF SHOPPES AT TRES LAGOS, LLC (NICK RHODES) FOR A VARIANCE FROM SECTION 6-2 OF THE CITY OF MCALLEN CODE OF ORDINANCE OF THE ALCOHOLIC BEVERAGE CODE AT LOT 1, SHOPS AT TRES LAGOS SUBDIVISION, HIDALGO COUNTY, TEXAS; 4312 TRES LAGOS BOULEVARD, SUITE 670.

Staff recommended approval of a variance request from Section 6-2 of the City of McAllen Code of Ordinance of the Alcoholic Beverage Code at 4312 Tres Lagos Boulevard, Suite 670.

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

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the variance as recommended and seconded by Commissioner Joaquin Zamora. 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 except for Item 2B to be addressed separately and seconded by Commissioner Joaquin Zamora. The motion carried unanimously.

A) APPROVAL OF MINUTES FOR SPECIAL MEETING HELD ON NOVEMBER 21st, WORKSHOP AND REGULAR MEETING HELD NOVEMBER 25, 2024.

Approved the minutes for Special Meeting held on November 21st, Workshop and Regular Meeting held November 25, 2024, as submitted.

B) CONSIDERATION AND APPROVAL OF A MINUTE ORDER AMENDING THE CITY CHARTER.

Staff recommended to table said item.

Mayor Pro Tem Omar Quintanilla moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

C) A RESOLUTION AUTHORIZING THE 2024 TITLE VI PLAN FOR THE MCALLEN INTERNATIONAL AIRPORT.

Approved of the Resolution for the 2024 Title VI Plan for the McAllen International Airport.

D) CONSIDERATION AND ADOPTION OF THE CITY OF MCALLEN WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN.

Adopted the City of McAllen Water Conservation and Drought Contingency Plan.

E) TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1. FERNANDEZ & SON INVESTMENTS, LLC

Approved a tax refund in the amount of \$659.42.

2. LAZARO FERNANDEZ SR.

Approved a tax refund in the amount of \$1,973.95.

3. MTZ TEXAS LLC

Approved a tax refund in the amount of \$884.67.

F) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF TRASH AND RECYCLING BINS THROUGH OMNIA PARTNERS COOPERATIVE PRICING.

Awarded a contract to Wastequip in the amount of \$142,671.00 for the purchase of trash and recycling bins.

2. AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) NEW CURRENT MODEL ROLL-OFF REFUSE TRUCKS THROUGH BUYBOARD COOPERATIVE PRICING.

Awarded a contract to Doggett Freightliner of South Texas, LLC in the amount of \$407,662.00 for the purchase of two new current model Roll-off Refuse Trucks.

3. AWARD OF CONTRACT FOR THE PURCHASE OF COMMERCIAL DUMPSTERS THROUGH BUYBOARD COOPERATIVE PRICING.

Awarded a contract to Box Gang Manufacturing in the amount of \$149,680.00 for the purchase of Commercial Dumpsters.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE BALBOA DITCH SLUICE GATES IMPROVEMENTS (PROJECT NO. 10-24-C04-508).

Staff recommended the award of contract to Diverse Construction in the amount of \$555,749.80, for the Balboa Ditch Sluice Gates improvements.

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

B) CONSIDERATION AND APPROVAL FOR A FIRST AMENDMENT TO THE MASTER CONTRACT AGREEMENT FOR MARKETING CO-OP AND CREATIVE CONSULTING.

Staff recommended approval for a First Amendment to the Master Contract Agreement for Marketing Co-op and Creative Consulting.

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

C) CONSIDERATION AND APPROVAL TO NEGOTIATE WITH TOP RANKED FIRM FOR TERMINAL EXPANSION DESIGN SERVICES AT MCALLEN INTERNATIONAL AIRPORT (PROJECT NO. 11-24-S05-370).

Staff recommended authorization to negotiate with the top-ranked consultant firm Short-Elliott-Hendrickson, Inc. for Terminal Expansion Design Services at McAllen International Airport.

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

D) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 12-2020 FOR THE SAFETY MANAGEMENT SYSTEM (SMS) AT MCALLEN INTERNATIONAL AIRPORT (PROJECT NO. 08-20-S52-459).

Staff recommended approval of Contract Amendment No. 12-2020 with KSA Engineers, Inc. for the Safety Management System in the amount of \$138,050.00, subject to budget amendment.

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

4. ORDINANCE

A) CONSIDERATION AND APPROVAL OF FISCAL YEAR 2024-2025 BUDGET AMENDMENT FOR AIRPORT IMPROVEMENT PROJECTS.

Staff recommended approval of the Fiscal Year 2024-2025 budget amendment for Airport improvement projects.

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

5. MANAGER'S REPORT

A) FUTURE AGENDA ITEMS.

No items were 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) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF CONTRACTUAL AGREEMENT. TEX. GOV'T. CODE §551.071.

Commissioner Joaquin Zamora moved to instruct the City Manager to proceed as described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca with Mayor Pro Tem Omar Quintanilla voting against. The motion carried unanimously.

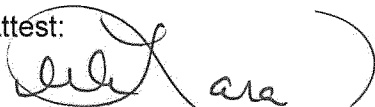
B) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL ESTATE PROPERTY, TRACT 1 AND TRACT 2. TEX. GOV'T. CODE §551.072.

Commissioner Joaquin Zamora moved to instruct the City Manager and City Attorney's office to proceed as described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously.

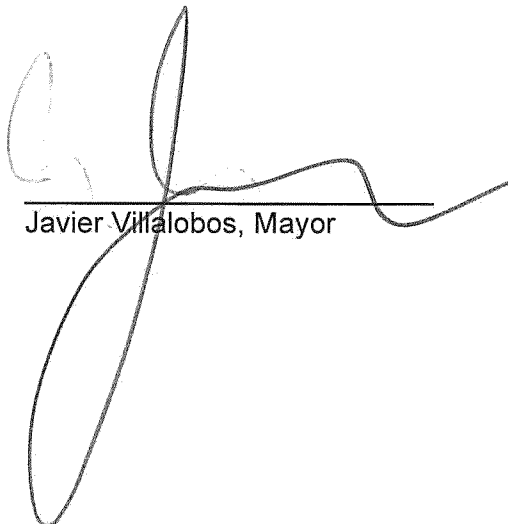
ADJOURNMENT

Without objection the meeting was adjourned at 5:59 p.m.

Attest:



Perla Lara, TRMC/GMC, CPM
City Secretary



Javier Villalobos, Mayor