STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Workshop on **Monday, October 8, 2018** at 4:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Commissioner Javier Villalobos, Commissioner Joaquin Zamora, Commissioner Omar Quintanilla, Commissioner John Ingram and Commissioner Veronica Whitacre

Absent: Mayor Jim Darling, Mayor Pro Tem Aida Ramirez

Staff: City Manager Roy Rodriguez, City Attorney Kevin Pagan, Assistant City Manager Michelle Rivera, Assistant City Manager Jeff Johnston, Assistant City Manager Joe Vera, City Engineer Yvette Barrera, Chief Victor Rodriguez, MPU General Manager Mark Vega, City Secretary Perla Lara

CALL TO ORDER

Commissioner John Ingram called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO THE OCTOBER 8, 2018 REGULAR MEETING AGENDA, TO BE DISCUSSED AT SUCH MEETING.

Question was asked relating to Item 2C of the Regular Meeting Agenda.

2. DISCUSSION OF PROPOSED RETAIL FOOD FEE RESTRUCTURING.

Staff reviewed the amendments to the mobile food vendor ordinance and noted that the Health and Code Enforcement Department is looking to restructure the Retail Food Program Fee structure to sustain Department Cost of Operation. Staff noted that they are recommending the proposed Retail Food Program Fee Structure and the addition of a re-inspection fee and reviewed as follows:

- Food Handler ID Cards (New State Regulation)
- Current Fees vs. Proposed Fees
- Proposal for Adding Re-Inspection Fee: $50.00 for each Re-Inspection
- Retail Food Program Fees: State Comparisons
- Retail Growth: Food Program Inventory
- Self - Sustaining Program

Staff briefly discussed the revenue loss from Food Handler ID Card. It was noted that effective October 1, 2016, fees for Food Handler ID Cards changed from $10.00 to $15.00.

Staff is proposing a $50.00 fee for each inspection after the follow up inspection for food related cases that require additional inspections after the follow-up.

Staff also reviewed the following:

- Revenue Comparison
- State Comparison
- Growing Retail Food Sector (New Food Permits by Year)
- Program Inventory
- Proposed Inventory Program
- Self-Sustaining Program
- Division Goals

Staff mentioned that Food Inspectors also work on mosquito control, project pre-construction meetings, plan reviews, fire calls and other non-food related activities. Staff added that with the proposed three tier fee structure this would cover Retail Food Program staffing and provide the capacity for up to 4 additional inspectors including new vehicles.

Comments and concerns were shared by the City Commission. Questions were asked related to: 1) Number of Inspectors, 2) How did the city compare to our neighboring cities, 3) Comparison

of large and our smaller cities, 4) State Law and 5) Re-Inspection Fee and Certified Food Manager Certificates. Staff answered questions posed by the City Commission.

Direction was given to staff to bring back on next City Commission Meeting of October 22, 2018.

3. DISCUSSION OF AMENDMENTS TO THE MOBILE FOOD VENDOR ORDINANCE.

Staff reviewed the Amendments to the Mobile Food Vendor Ordinance noting that city has regulated mobile food vendors (food trucks) since 2013. Staff discussed the proposed ordinance update as follows:

- Removes the Permit Cap
- Removes the cap on the number of hours a day the vendor can remain on one spot (with property owner permission)
- Prohibits conducting sales on public streets
- Removes the prohibition on operation between 3 and 6 am
- Allows for random inspection by the fire marshal
- Requires vendors to demonstrate the mobility of any permitted unit
- Requires outlet tanks be labeled as waste water

Comments and concerns were shared by the City Commission. Questions were asked related to: 1) Permits Issued, 2) How did the city get more than 12, 3) Pilot Program, 4) Ice Cream Trucks, 5) Requirements and Public Streets and 6) Distance Requirement. Staff answered questions posed by the City Commission.

Staff noted that said item was on the regular city commission agenda for consideration. The City Commission thanked staff for their presentation.

4. DISCUSSION OF REGULATION OF CARPORTS AS SPECIAL EXCEPTIONS INSTEAD OF VARIANCES.

Staff provided an update of the regulation of carports as special exceptions instead of variances noting that currently, if a carport is located in a front, rear or side yard setback, the property owner applies for a variance from the Zoning Board of Adjustments. The proposed ordinance would create a special exception process for carports, preventing the permission from running with the land and limiting construction of other structures. It was noted the exceptions would be recorded with the county, and any change of ownership would require a new application.

Comments and concerns were shared by the City Commission. Questions were asked related to: 1) Setbacks, 2) Variance and 3) Property Value and Character of Neighborhoods. Staff answered questions posed by the City Commission.

Staff noted that said item was on the regular city commission agenda for consideration. The City Commission thanked staff for their presentation.

5. 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)

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.071 (Consultation with Attorney) for Item A.

Commissioner Joaquin Zamora moved to accept the recommendation for the basis of the discussion in Executive Session under the sections cited by the City Attorney. Commissioner Javier Villalobos seconded the motion. The motion carried unanimously by those present.

Commissioner John Ingram recessed the meeting at 4:30 p.m. to go into Executive Session. Mayor Pro Tem Aida Ramirez reconvened the meeting at 5:00 p.m. and announced that action would be taken on executive session items at the Regular City Commission Meeting.

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO CIVIL SERVICE PROMOTIONAL MATTERS. (SECTION 551.071, T.G.C.)
B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO EMPLOYMENT MATTERS. (SECTION 551.071, T.G.C.)

C) **DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY; TRACT 1, TRACT 2. (SECTION 551.071, 551.072 T.G.C.)**
D) **CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)**

PUBLIC COMMENT SESSION: No public comment.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 5:00 p.m.

John Ingram, City Commissioner

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary