

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, August 26, 2019** at 4:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Jim Darling, Commissioner Javier Villalobos, Commissioner Joaquin Zamora, Commissioner Omar Quintanilla, Commissioner Victor Haddad, Mayor Pro Tem Veronica Whitacre and Commissioner Tania 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 and City Secretary Perla Lara

CALL TO ORDER

Mayor Jim Darling called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO AUGUST 26, 2019 REGULAR MEETING AGENDA, TO BE DISCUSSED AT SUCH MEETING.

There were no questions relating to the Regular Meeting Agenda.

2. DISCUSSION OF 5G SMALL CELL DEPLOYMENT.

Staff gave an update on Small Cell Deployment and the Litigation Challenging Chapter 284 of the Texas Local Government Code. Staff mentioned what small cell infrastructure was and touched on the following:

- Poles, Nodes and Cabinets
- Wireless carriers to install mini antennas (DAS)
- Cabinets to support DAS/Wireless Service

Senate Bill 1004 was reviewed as follows:

- Codified as Chapter 284 of the Texas Local Government Code
- Final version passed the House 5/18/2017
- Major support and lobbying by carriers and wireless infrastructure providers
- Took effect September 1, 2017
- Creates a statewide regulatory structure for small cell deployment
- Set annual maximum fee for use of a City's R.O.W. at \$250 per network node
- Creates a shot-clock for permit processing and caps fees for said permits \$250 for each additional node and \$1,000 for pole

Staff also touched on Small Cell Deployment in McAllen as follows:

- 203 Total Applications
- Mobilitie
- Nexius (AT&T)
- Extenet Systems (T-Mobile)
- Jacobs (Verizon) addresses only, no applications yet
- 80 approved
- Comprehensive Design Manual
- Creation of Design District
- Planning, Engineering and City Attorney

Staff mentioned advocacy efforts and constitutional challenges. Staff also discussed briefly that Senate Bill 1004 and the corresponding lawsuit filed by the coalition of nearly 45 Texas cities had increased media attention. Staff provided clarification regarding the effects of Senate Bill 1004 and the motivation of the cities across the State.

A discussion ensued. Comments and concerns were shared by the Mayor and City Commission. Questions were raised as to: 1) T-Mobile, 2) Health and Safety of Citizens, 3) Take Away of SB 1004, 4) Review Process, 5) Overall Advocacy Efforts, 6) Air Rights, 7) Ground Equipment, 8) Keeping List of Applications Received, 9) R.O.W. Safety and 10) Structure and Poles and 11) Concerns relating to deployment. Staff answered questions posed by the Mayor and City Commission.

Mayor Jim Darling thanked staff for their presentation.

3. DISCUSSION OF A POLE ATTACHMENT AGREEMENT WITH AT&T FOR THE COLLOCATION OF SMALL CELL NETWORK NODES ON CITY OWNED INFRASTRUCTURE PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE.

Staff provided a brief recap on agreement with AT&T for the collocation of small cell network nodes on City owned infrastructure pursuant to Chapter 284 of the Texas Local Government Code.

A discussion ensued. Comments and concerns were shared by the Mayor and City Commission. Questions were raised as it related to: 1) Number of Poles, 2) Options, 3) Lawsuit and 4) Other Issues. Staff answered questions posed by the Mayor and City Commission.

It was noted that said item was listed on the Regular City Commission Agenda for consideration.

Mayor Jim Darling thanked staff for their presentation.

4. DISCUSSION OF IMPLEMENTATION OF AN AGENDA ITEM COMMENT PERIOD AT EACH MEETING.

Staff gave a brief presentation regarding the agenda item comment period at meetings.

Staff briefly touched on House Bill 2840:

- Require certain government bodies, including cities, to allow for public comment before or during the consideration of each agenda item
- Cannot be at the conclusion of the meeting
- Must be held during the meeting
- Effective September 1, 2019

Staff noted the City's requirements on agenda item comment period as follows:

- Comment must relate to a specific agenda item
- Time Limits
- If translator is required for non-English speaker, double the time
- Enforce equally
- Cannot prohibit public criticism of the governmental body (must be related to agenda item)

The proposed implementation was discussed as follows:

- Keep "Public Comment" at end of workshop as is
- Public can address commission regarding any topic but commission can not respond
- Add "Agenda Item Comment" to the beginning of each meeting
- Require those wishing to speak to contact City Secretary to provide name, address and agenda item they wish to speak on
- Can be at meeting
- Impose time limit (1 minute 30 seconds)

Comments and concerns were addressed by the Mayor and City Commission. Questions were raised as to: 1) Having item at beginning, 2) 90 seconds to 2 minutes, 3) Would this be recorded and 4) Keep item on regular meeting and public comment on any topic during workshop.

A discussion ensued. It was the consensus of the Mayor and City Commission to keep the time for agenda comment to two minutes.

Mayor Jim Darling thanked staff for their presentation.

5. DISCUSSION OF ANNEXATION AUTHORITY POST-LEGISLATIVE SESSION.

Said item was not addressed.

6. DISCUSSION OF BYLAWS FOR PERFORMING ARTS FOUNDATION.

Said item was not addressed.

7. PRESENTATION OF MCC DISTRICT – ENHANCING INTEGRATION OF THE VETERAN'S WAR MEMORIAL.

Said item was not addressed.

8. PRESENTATION OF FINAL TRANSIT PLAN.

Staff gave a brief update on the final Transit Plan. Staff noted that this plan was to help Metro McAllen connect people with their community and save them time through fast and reliable service.

The transit plan process was discussed as follows:

- Public Engagement
- Phase I: Analysis
- Phase II: Alternatives
- Phase III: Implementation

Also discussed was a Market Analysis and highlighted on the following: 1) Demographic Profile, 2) Destination Analysis and 3) GAP Analysis. Additionally, staff touched on the final recommendations and phased implementation as follows:

- More Intuitive Route Alignments
- More Frequency
- Improved Connectivity
- Reliability
- Phase I – 2020-2021
- Phase II 2021-2022
- Phase III 2022-2025

Comments and concerns were addressed by the Mayor and City Commission. Questions were raised as to: 1) Infrastructure, 2) Opportunities, 3) Ridership and Results, 4) Shelters and 5) Total Cost and Next Budget Cycle. Staff answered questions posed by the Mayor and City Commission.

A discussion ensued. It was the consensus of the Mayor and City Commission to bring back item at a future regular city commission meeting.

9. UPDATE BY TXDOT & REGIONAL MOBILITY AUTHORITY.

A brief presentation was given by Tx Dot & Regional Mobility Authority. Staff gave an update on projects.

Comments and concerns were expressed by the Mayor and City Commission. Questions were raised as to: 1) Construction, 2) 5 Mile Lane, 3) Project Limits, 4) Schematic Stages, 5) Timeline for Monte Cristo Project, 6) Mobility & Challenges, 7) Corridors, 8) Traffic and 9) Jackson Road. Staff answered questions posed by the Mayor and City Commission.

Mayor Jim Darling thanked staff for their presentation.

10. UPDATE BY RIO GRANDE VALLEY MPO.

Staff gave a report on Rio Grande Valley MPO. Report only, no action required.

11. PROJECT STATUS REPORT THROUGH JULY 31, 2019.

Said item was not addressed.

12. SUBDIVISION MONTHLY REPORT ENDING JULY 31, 2019.

Said item was not addressed.

13. STATUS REPORT ON PARKS & RECREATION PROJECTS.

Said item was not addressed.

14. 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)

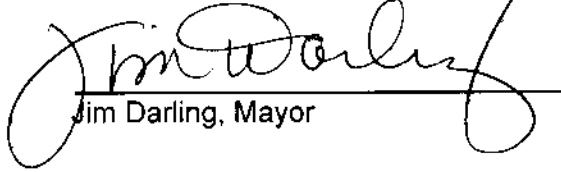
A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF PUBLIC SAFETY PARKING GARAGE CONTRACT. (SECTION 551.071, T.G.C.)

**B) CONSIDERATION AND POSSIBLE ACTION TO TERMINATE LEASE AGREEMENT
AND PURCHASE AGREEMENT ON PROPERTY LOCATED AT 101-111 S. 15TH
STREET, MCALLEN. (SECTION 551.072)**

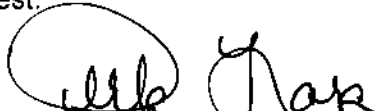
PUBLIC COMMENT SESSION: There was no Public Comment.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 5:01 p.m.


Jim Darling, Mayor

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary