



Mayor James "Jim" Darling
Mayor Pro Tem/Commissioner Veronica Whitacre
Commissioner Javier Villalobos
Commissioner Joaquin J. Zamora



Commissioner J. Omar Quintanilla
Commissioner Tania Ramirez
Commissioner Victor "Seby" Haddad
City Manager Roel "Roy" Rodriguez, P.E.

AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, APRIL 13, 2020 – 5:00 PM
MCALLEN CITY HALL
CITY COMMISSION CHAMBERS; 3RD FLOOR
1300 HOUSTON AVENUE
MCALLEN, TEXAS 78501

"At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code."

CALL TO ORDER - Mayor Jim Darling
PLEDGE OF ALLEGIANCE - Mayor Jim Darling
INVOCATION - Mayor Pro Tem Veronica Whitacre

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

1. PUBLIC HEARING:

A) ROUTINE ITEM: *(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.)*

1. Request of Hershail B. Patel, for a Conditional Use Permit, for life of the use, for a guest house at Lot 49, Via Cantera (Amended) Subdivision, Hidalgo County, Texas; 216 East Duke Avenue.

B) REZONING:

1. Rezone from R-1 (Single Family Residential) district to R-3A (Multifamily Residential Apartments) district: 0.862 acre tract of land out of lot 151, La Lomita Irrigation and

Construction Company's Subdivision, Hidalgo County, Texas; 609 South Bentsen Road (TABLED).

C) CONDITIONAL USE PERMIT:

1. Request of Melissa Burton for a Conditional Use Permit, for Life of the Use, for a dog kennel at a 1.00 acre tract of land out of the south 19.39 acres of Lot 387, John H. Shary Subdivision, Hidalgo County, Texas; 6820 North Taylor Road.

D) Amending the Zoning Ordinance of the City of McAllen.

E) Public Hearing for a variance from Section 6-2 of the Alcoholic Beverage Code request of Raul C. Santiago, DBA Warrior Noodles LLC, at the 2.52 acres of the southwest portion of the west 9.16 acres of Lot 15, southwest 1/4 of Block 9, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 800 North Main Street, Suite 420.

END OF PUBLIC HEARING

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.)*

A) Approval of Minutes of Regular Meeting held March 23, 2020.

B) Award of Contract for the Suarez Park Playground Equipment Renovation.

C) Award of Contract for the purchase of five (5) Traffic Signal Cabinets for the Bicentennial Boulevard Expansion.

D) Consideration and Approval of Change Order No. 1 and Final for the North 7 ½ Street at Highland Avenue Drainage Improvements Project.

E) Award of Contract for the purchase of four (4) Current Model 66,000 GVW Diesel Cab & Chassis with 14 yard End Dump.

F) Consideration and Authorization to remove 4th Quarter of Fiscal Year 2018-19 Uncollectible Sanitation Accounts from the General Ledger and begin Write-off procedures.

G) Consideration and Approval of FY 2020 Federal Transit Administration and TxDOT Certifications and Assurances.

H) Resolution amending 2020-17 that authorized the submission of a grant application to the Office of the Governor's Public Safety Office - Homeland Security Grant Division under the Fiscal Year 2021 Local Border Security Program.

I) Ordinance providing for the abandonment of the 10 ft. utility easement along the rear of Lots 1 and 2, Greenridge Park Subdivision, Hidalgo County, Texas; 4705 North McColl Road.

- J)** Variance request to not require the subdivision process at the south 50 ft. of the west 100 ft. of the north 150 ft. of the west ½ of Block 1, Hammond's Addition Subdivision, Hidalgo County, Texas; 722 North 20th Street.
- K)** Approval of Tax Refunds Over \$500.00:
 - 1) Accumatch
 - 2) RMH Franchise Corporation
 - 3) Daffodil Ventures LLC
 - 4) HIC Texas II LLC
 - 5) Riverside Development Services LLC
 - 6) Verdura, Juan I
 - 7) Wheat, Christopher S & Elvia S

3. BIDS/CONTRACTS:

- A)** Award of Contract for Morris Park Phase Two.
- B)** Award of Contract for the 2018 Bond Group C Drainage Improvement Project.
- C)** Consideration and Approval of Change Order No. 1 for Bicentennial Boulevard Extension Project.
- D)** Consideration and Approval of Change Order No. 2 for McAllen Hidalgo International Bridge Federal Motor Carrier Safety Administration (FMCSA) Southern Border Program Project.

4. ORDINANCE:

- A)** Ordinance exempting restaurants in the Entertainment and Cultural Overlay District (ECOD) from certain requirements.

5. MANAGER'S REPORT:

- A)** Future Agenda Items.

6. TABLED ITEM(S):

- A)** Approval of Minutes of Retreat Workshop held February 27th & 28th, Workshop and Regular Meeting held March 9th and Special Meeting held March 17, 2020.

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)** Consultation with City Attorney regarding Legal Action of emergency situation. (Section 551.071, T.G.C.)

- B)** Consultation with City Attorney regarding legal aspects of expanded FMLA and emergency paid sick leave. (Section 551.071, T.G.C.)
- C)** Consultation with City Attorney regarding pending litigation - Cause No. D-1-GN-20-002018; City of McAllen v. Ken Paxon, In His Official Capacity As Attorney General Of The State Of Texas, in the 345th Judicial District Court, Travis County, Texas. (Section 551.071, T.G.C.)
- D)** Consultation with City Attorney regarding pending litigation - Cause No. C-0937-20A; Hidalgo County Irrigation District No. 1 v. City of McAllen v. Hidalgo County Water Improvement District No. 3, in the 92nd District Court, Hidalgo County, Texas. (Section 551.071, T.G.C.)
- E)** Consideration of Economic Development Matters. (Section 551.087, T.G.C.)
- F)** Discussion and possible Lease, Sale or Purchase of Real Estate Property: Tract 1. (Section 551.072, T.G.C.)

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME.

C E R T I F I C A T I O N

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on April 9, 2020 at 2:00 PM and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/
Perla Lara, TRMC/CMC, CPM
City Secretary