



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, JULY 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: (956) 681-1020 (Individuals wishing to speak regarding an agenda item on today's agenda, please contact City Secretary before 5:00pm). Any individual dialing in acknowledges that his or her phone number may be visible to the public.

1. PUBLIC HEARING:

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.)*

1. Rezone from C-3 (general business) District to R-3A (multifamily residential apartments) District: Lot 3, Block 54, McAllen Addition, Hidalgo County, Texas; 612 South 15th Street.

2. Rezone from R-1 (single-family residential) District to R3-T (multifamily residential townhouses) District: 26.375 acres out of Sections 227 and 232, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 5600 Tres Lagos Boulevard.

3. Rezone from C-4 (commercial-industrial) District to R-3T (multifamily residential townhouse) District: 2.888 acres out of Section 232, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 5700 Tres Lagos Blvd.
4. Rezone from R-1 (Single-Family Residential) District to R-3A (multifamily residential apartment) District: 0.645 acres out of Section 232, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 5750 Tres Lagos Blvd.
5. Rezone from C-4 (commercial-industrial) District to R3-A (multifamily residential apartments) District: 14.355 acres out of Sections 227 and 232, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 14800 North Shary Road.
6. Rezone from C-4 (commercial-industrial) District to R3-T (multifamily residential townhouses) District: 2.908 acres out of Section 227 and 232, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 15000 North Shary Road.
7. Request of Guillermo Cruz, appealing the decision of the Planning and Zoning Commission of the June 02, 2020 Meeting, disapproval of a Conditional Use Permit, for one year, for an automotive service and repair shop, at Lots 17, 18 and the west 25 ft. of Lot 19, Block 7, West Addition to McAllen Subdivision, Hidalgo County, Texas; 2226 & 2228 Houston Avenue.
8. Request of Mario Gutierrez, for a Conditional Use Permit, for one year, for a social event center at Lot A, Arapaho Subdivision, Hidalgo County, Texas; 4108 North 10th Street, Suite 900.
9. Request of Mario Gutierrez, for a Conditional Use Permit, for one year, for a social event center at Lot A, Arapaho Subdivision, Hidalgo County, Texas; 4108 North 10th Street, Suite 1000.

B) REZONINGS:

1. Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartments) District: 39.83 acres out of Lots 13, 14, 16, 17, and 18, Section 234, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 12512 North Ware Road. (Tabled)
2. Rezone from R-1 (Single-Family Residential) district to C-4 (Commercial Industrial) district: 12.23 acres Tract of land out of Lot 482, John H. Shary Subdivision, Hidalgo County, Texas: 6801 Mile 7 Rd. (WITHDRAWN)

C) CONDITIONAL USE PERMITS:

1. Request of Juan A. Ludwig, on behalf of AEP Texas Inc., for a Conditional Use Permit, for a life of use, for a railroad facility or utilities holding a franchise (Electric Substation) at a 3.248-acre tract of land out of Lot 141, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas: 3600 Quince Avenue & 1700 North Ware Road. (Tabled)
2. Request of Jared W. Doxey, on behalf of The Church of Jesus Christ of Latter-Day Saints, for a Conditional Use Permit, for life of the use, for an Institutional Use (church),

at a 10.615-acre tract of land out of Lot 16, Section 13, Hidalgo Canal Company Subdivision, Hidalgo County, Texas, 7301 North 2nd Street.

3. Request of Jorge A. Briones, appealing the decision of the Planning and Zoning Commission of the June 16, 2020 Meeting, denying a Conditional Use Permit, for one year, for an Automotive Service and Repair (body shop), at Lots 11 & 12, Block 2, West Addition to McAllen, Hidalgo County, Texas; 2241 Dallas Avenue, Suite B.

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

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 Special Joint Meeting and Joint Meeting held June 22, 2020.
- B) Award of Contract for the Traffic Signal Loop Detector Replacement.
- C) Consideration and Approval of Change Order No. 4 for the McAllen Hidalgo International Bridge Federal Motor Carrier Safety Administration (FMCSA) Southern Border Program Project.
- D) Award of Service Contract for Trimming and Peeling of Tall Palm Trees.
- E) Approval of Tax Refunds over \$500.00.
 - 1. Lowe's Home Centers Inc.
 - 2. Target Corporation
 - 3. Texas Roadhouse of McAllen
 - 4. Valley Land Title Co. for Riverside Development Services
 - 5. Box Family Limited Partnership

3. BIDS/CONTRACTS:

- A) Award of Contract to R. Gutierrez Engineering Corp., for Professional Engineering Services related to Fiscal Year 2019-2020 Drainage Utility Fee Projects - North Main and Jay Street Drainage Improvements and Harvey Drainage Lift Station Upgrades.
- B) Award of Contract to Perez Consulting Engineers, for Professional Engineering Services related to Fiscal Year 2019-2020 Drainage Utility Fee Projects.
- C) Consideration and Approval of Change Order No. 2 for Public Works Automotive Expansion and Elevator.
- D) Consideration and Approval of the Schematic Design for Anzalduas Northbound & Southbound Commercial Inspection.
- E) Consideration and Approval of the Schematic Design for the Quinta Mazatlan Larger Palm House and new entrance with authorization to proceed to the Design Development Phase.

- F) Consideration and Approval of a Memorandum of Understanding with the University of Texas Rio Grande Valley (UTRGV) for a ground lease allowing for the construction of a practice facility for the UTRGV golf team at the Palm View Golf Course Driving Range.
- G) Consideration and Approval of Temporary Contract Extension to the Grounds Maintenance Contract.

4. ORDINANCES:

- A) Providing for approval of the Fiscal Year 2020-2021 Annual Action Plan for CDBG and HOME Programs.
- B) Approval of substantial amendment for Fiscal Year 2019-2020 Annual Action Plan for CDBG-COVID and HOME Programs.
- C) Providing for the abandonment of a 20 ft. x 1926.16 Right-of-way out of Lot 11 and 12, Section 5, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 4900 South Old 10th Street.
- D) Consideration and Possible Approval of an amendment to the animals running at large ordinance to allow the impoundment of cats as well as dogs.

5. RESOLUTION:

- A) Consideration and Possible Action to Adopt a Resolution Adopting TCAP's Professional Services Agreement and GEXA Energy's Commercial Electric Service Agreement for Power to be provided on and after January 1, 2023.

6. MANAGER'S REPORT:

- A) Recognition of the McAllen Professional Law Enforcement Association as the exclusive bargaining agent for the McAllen Police Department.
- B) Future Agenda Items.

7. TABLED ITEM(S):

- A) Consideration and Authorization of extension of contract to McGuire Woods for Consulting Services.
- B) Consideration of a variance request to waive the paving and drainage requirements for Los Vecinos Subdivision.

8. MAYOR'S REPORT:

- A) Report on COVID Matters.

9. 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 issues related to Zoning Board of Adjustments. (Section 551.071, T.G.C.)
- B)** Consideration of Economic Development Matters. (Section 551.087, T.G.C.)
- C)** Consultation with City Attorney regarding legal issues to COVID-19 situation and response. (Section 551.071, T.G.C.)
- D)** Consultation with City Attorney regarding Palm Tree removal at 1418 Beech Ave. (Section 551.071, T.G.C.)
- E)** Consultation with City Attorney regarding legal issues related to contractual issues with consulting firm. (Section 551.071, T.G.C.)
- F)** Consultation with City Attorney regarding pending litigation - Cause No. C-0937-20-A; 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.)
- G)** Consultation with City Attorney regarding legal aspects of landscaping business at 7500 N. 20th Street. (Section 551.071, 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 July 10, 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