



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, OCTOBER 26, 2020 – 5:00 PM
MCALLEN CITY HALL
CITY COMMISSION CHAMBERS; 3RD FLOOR
1300 HOUSTON AVENUE
MCALLEN, TEXAS 78501

<https://zoom.us/j/5087553077?pwd=TjduYjR4U2l3cWU1NjlsZzlsM2hJUT09>

Members of the public that wish to listen to the meeting can log in to the virtual Zoom meeting or dial (346) 248-7799 US (Houston) Meeting ID: 508 755 3077 Passcode: 878576.

Individuals that wish to participate in the meeting or comment on an agenda item should call (956) 681-1020 by 3:30 pm. Any individual dialing in acknowledges his or her phone number may be visible to the public.

"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 - Commissioner Javier Villalobos

PROCLAMATION - *National Chiropractic Health Month - Dr. Pablo Tagle III*

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 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-3L (light commercial) District to C-3 (general business) District: 0.54 acres out of Lots 1 and 2, Golden Acres Retirement Subdivision No. 1, Hidalgo County, Texas; 301 North Ware Road.
2. Rezone from A-O (agricultural and open space) District to R-3A (multifamily residential apartment) District: 26.107 acres out of Section 231, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 3901 Monte Cristo Road.
3. Rezone from A-O (agricultural and open space) District to C-4 (commercial-industrial) District: 24.934 acres out of Section 231, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 4101 Monte Cristo Road.
4. Rezone from C-3 (general business) District to R-3A (multifamily residential apartments) District: a 1.54 acre tract of land being 0.78 acres out of Lot 1, M & T Plaza Subdivision, and 0.76 acre out of Lot 96, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 5113 and 5101 North 23rd Street.
5. Rezone from R-3A (multifamily residential apartment) District to R-1 (single-family residential) District: 58.722 acres out of Section 227, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 6400 Tres Lagos Boulevard.
6. Rezone from A-O (agricultural and open space) District to R-1 (single-family residential) District: 17 acres out of lot 398, John H. Shary Subdivision, Hidalgo County, Texas; 7401 N. Bentsen Rd.
7. Rezone from R-1 (single-family residential) District to R-3A (multifamily residential apartment) District: 50.305 acres out of Section 230, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 13201 North Shary Road.
8. Request of Kien Quoc Tran for a Conditional Use Permit, for one year, for a Social Club at Lot 1, Ginther Estates Subdivision, Hidalgo County, Texas, 5025 West Expressway 83, Suite 100.

B) REZONINGS:

1. Rezone from R-1 (single-family residential) District to C-3 (general business) District: 4.44 acres out of lot 156, La Lomita Irrigation and Construction Subdivision, Hidalgo County, Texas; 520 South 23rd Street.
2. Rezone from R-2 (Duplex-Fourplex Residential) district to R-3A (Multifamily Residential Apartments) District: 21.18 acres out of Lot 14, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 11200 North La Lomita Road. (TABLED)
3. Rezone from R-2 (duplex-fourplex residential) District to R-1 (single family residential) District: 18.82 acres out of Lot 14, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 11300 North La Lomita Road. (TABLED)

C) CONDITIONAL USE PERMITS:

1. Request of Vincent G. Huebinger, on behalf of Verizon Wireless, for a Conditional Use Permit, for life of the use, for a personal wireless service facility at the south 163.2 ft. of Lots 8 and 9, Block 5, Palm Heights Addition Subdivision; Hidalgo County, Texas; 665 Beech Avenue. (TABLED)

2. Request of Sharon B. Flores, on behalf of St. John's Episcopal Church & School, for a Conditional Use Permit, for life of the use, for an institutional use (school) at a 3.12-acre tract of land out of Lot 29, Block 10, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas, 2410 N. 10th Street.

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

E) Public Hearing for a variance from Section 6-2(a) of the City of McAllen Code of Ordinances of the Alcoholic Beverage Code, request of Atencion Selecta LLC., at Lot 3, Ridge Crossing Subdivision, Hidalgo County, Texas; 1900 South McColl Road, Ste. I.

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 Workshop and Regular Meeting held October 12, 2020.

B) Award of Contract for the Purchase of 22 Portable Radios.

C) Award of Service Contract for Uniform Cleaning/Pressing and Alteration/Hemming Services for the Police and Fire Department.

D) Consideration and Approval to accept Lease Termination agreement for bus terminal tenant Turimex.

E) Consideration and Approval of Lease Agreement Amendment for Dos Naciones Inc. DBA El Paso – Juarez Trolley Co. at the Bus Terminal.

F) Consideration and Approval of First Amendment to Effluent Supply Agreement between the City of McAllen, Texas and the Board of Trustees of the McAllen Public Utility and Calpine Construction Finance Company, L.P., successor via merger to Magic Valley Generation, L.P.

G) Ordinance providing for the Abandonment of a 10 foot by 328 foot tract of land over Lots 5, 6, 7, 8 & 9 and a 15 foot by 140 foot tract of land over lot 9, both being utility easements of Phase One Office Park Subdivision.

H) Ordinance providing for the Abandonment of a 12 foot by 252 foot tract of land being a utility easement out of Lot 1 Hibiscus Village Subdivision; 2412 Hibiscus Avenue.

I) Ordinance providing for the Abandonment of a 10 foot by 54 foot tract of land being a utility easement on Lot 87, Forest Valley Subdivision.

- J) Ordinance updating the requirement of a masonry wall to serve as a buffer between residential and commercial uses.
- K) Resolution authorizing the submission of a grant application to the Federal Transit Department under the FY 2020 Public Transportation COVID-19 Research Demonstration Grant Program.
- L) Resolution authorizing the acceptance of the Governors Community Achievement Award (GCAA) for the Landscape Beautification Project.

3. BIDS/CONTRACTS:

- A) Consideration and Approval of an Interlocal Agreement with the Hidalgo County Drainage District No. 1 and adoption of a Budget Amendment for project cost participation as related to the Mission Inlet Drainage Improvements Project (Section C & F Balboa Estates Drainage Area Improvements) and consideration and approval of a budget amendment.
- B) Award of Contract for the purchase of lighting materials and installation for Uvalde soccer fields.
- C) Consideration and Approval to negotiate with Top Ranked Consulting Firm for Foresight McAllen Comprehensive Plan Update.
- D) Consideration and Possible Action to approve a license agreement with Joe Bruce Barrett for a fence encroachment located at 1413 Shasta.
- E) Consideration and Approval of an Agreement for Fiscal Year 2020-2021 TXDOT Allocation Funding Split.
- F) Consideration and Approval to Negotiate with Top Ranked Airport Retail Concessionaire at McAllen International Airport.

4. ORDINANCES:

- A) Consideration and possible approval of an ordinance that makes failure to pay hotel occupancy taxes a Class C misdemeanor that can be prosecuted in the McAllen Municipal Court.
- B) Discuss and Approve an ordinance of the City of McAllen, Texas authorizing the issuance, sale and delivery of City of McAllen, Texas general obligation refunding bonds, taxable series 2020; approving and authorizing a purchase contract, an escrow agreement, and a paying agent/registrar agreement; approving and authorizing all other instruments and procedures related thereto; delegating authority to certain city officials to select outstanding bonds to be refunded and approve all final terms of the bonds; and ordaining other matters relating to the subject.

5. RESOLUTION:

- A) Resolution adopting the 2020 City of McAllen Tax Roll.

6. MANAGER'S REPORT:

- A)** Presentation of Fiscal Year 2019-2020 Tax Collection Report.
- B)** Presentation of Fiscal Year 2019-2020 Delinquent Tax Collection Report.
- C)** Report on CARES Act Funding.
- D)** Retail Food Permit Trends.
- E)** Subdivision Monthly Report.
- F)** Status Report on Parks & Recreation Projects.
- G)** Project Status Report.
- H)** Future Agenda Items.

7. TABLED ITEM(S):

- A)** Variance request to not require the subdivision process at the 0.939 acre tract of land out of Lot 298, John H. Shary Subdivision, Hidalgo County, Texas; 4816 Daffodil Avenue.

8. MAYOR'S REPORT:

- A)** Report on Covid Matters/Bridge Travel Restrictions.
- B)** US News and World Report Recognition.

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)** Consideration of possible lease of city property. (Section 551.072, T.G.C.)
- B)** Consultation with City Attorney regarding possible litigation related to code enforcement. (Section 551.071, T.G.C.)
- C)** Consultation with City Attorney regarding legal issues related to election procedures. (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 October 23, 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