

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, January 14, 2013**, at 4:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

	Richard F. Cortez	Mayor
	Hilda Salinas	Mayor Pro Tem
	Aida Ramirez	Mayor Pro Tem
	Scott Crane	Commissioner
	Marcus C. Barrera	Commissioner
	John Ingram	Commissioner
	Jim Darling	Commissioner
Staff:	Mike R. Perez	City Manager
	Kevin Pagan	City Attorney
	Brent Branham	Deputy City Manager
	Roy Rodriguez	PUB General Manager/Asst. City Manager
	Wendy Smith	Assistant City Manager
	Perla Zamora	Deputy City Secretary
	Yvette Barrera	City Engineer
	Eduardo Mendoza	Director of Traffic Operations
	Carlos Sanchez	Public Works Director
	Elizabeth Suarez	Transit Director
	Sally Gavlik	Director of Parks & Recreation
	Victor Rodriguez	Police Chief
	Sandra Zamora	Director of Purchasing
	Juli Rankin	Director of Planning

CALL TO ORDER

Mayor Cortez called the meeting to order.

PLEDGE

Mayor Cortez led the pledge.

INVOCATION

Commissioner Crane delivered the invocation.

PROCLAMATIONS:

ARBOR DAY

Mayor Pro Tem Salinas read and presented a proclamation for *Arbor Day*.

SOUTH TEXAS HEATH SYSTEM DAY

Mayor Pro Tem Ramirez read and presented a proclamation for *South Texas Health System Day*.

1. PUBLIC HEARING:

Mayor Cortez called the Public Hearing to order.

- 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.]

Mayor Cortez asked if anyone was present to speak in opposition to the items listed under this section of the agenda with exception of items 3, 4, and 6. No one appeared in opposition. Mayor Pro Tem Ramirez moved to approve the items listed on the Routine Items section of the agenda. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

1) REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT: 11.81 ACRES OUT OF LOT 277 AND A PORTION OF CANAL RIGHT-OF-WAY LYING NORTH OF LOT 277, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2500 NORTH TAYLOR ROAD.

Approved the R-1 zoning at 2500 North Taylor Road, as per Planning and Zoning Commission.

2) REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: 8.625 ACRES OUT OF LOT 13, SECTION 278, TEXAS-MEXICAN RAILWAY CO. SURVEY, HIDALGO COUNTY, TEXAS; 1121 PROVIDENCE AVENUE.

Approved the R-3T zoning at 1121 Providence Avenue, as per Planning and Zoning Commission.

3) REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT: 3.59 ACRES OUT OF LOT 287, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 5101 DAFFODIL AVENUE.

Staff recommended approval of the R-3T rezoning at 5101 Daffodil Avenue, as per Planning and Zoning Commission.

Mayor Cortez asked if anyone was present to speak in opposition of the rezoning request. The following individuals spoke in opposition to the rezoning request: Dan Monopoli and James McGuire. The applicant spoke in favor of the rezoning request. A discussion was held.

After due consideration, Commissioner Darling moved to approve the R-3T rezoning subject to note on the plat limiting the number of lots to no more than 32. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

4) REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 1.40 ACRES OUT OF LOT 287, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2916 NORTH TAYLOR ROAD.

Staff recommended disapproval of the C-3 zoning at 2916 North Taylor Road, as per Planning and Zoning Commission and alternatively, recommended approval of C-3L zoning.

Mayor Cortez asked if anyone was present to speak in opposition of the rezoning request. No one appeared in opposition.

Commissioner Barrera moved to approve the C3-L zoning as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

5) REQUEST OF MARC MARTINEZ, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE DECEMBER 18, 2012

MEETING, DENYING THE CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOTS 1, 2, 3 AND 4, THE DISTRICT AT MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 3300 NORTH MCCOLL ROAD, SUITES P & Q.

Granted a variance and approved a Conditional Use Permit, for one year, for a bar, at 3300 North McColl Road, Suites P & Q, as per Planning and Zoning Commission with an added condition to provide extra security and nightly trash pickup for at least one hour after closing. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has access to North McColl Road and East Fern Avenue, and does not generate traffic onto residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial building on the property. Based on the square footage and uses, excluding La Pampa and existing nightclubs, to run simultaneously during business hours (8 a.m. to 7 p.m.), 140 parking spaces are required. The proposed bar would require 68 parking spaces; 274 parking spaces are provided on the common parking area in the front and rear of the building. For the businesses that are after hours (La Pampa and the existing and proposed nightclubs) to run simultaneously, 303 parking spaces are required. There is a mutual access agreement, which allows the use of parking and access in and across Lots 1 through 5, 6A, and 6B of The District of McAllen Subdivision and Lot 9, 10, and 11 of The District of McAllen Phase II Subdivision. The 29 parking spaces to comply with the parking requirements will be utilized from Lot 6A;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties. Should this permit be granted, then the condition of keeping litter at a minimum on this property and on adjacent properties be maintained; and
- 7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment was determined at the time of building permit for a total of 382 persons, of which 291 are allowed in the first floor and 91 persons in the second floor.

6) REQUEST OF CITY OF MCALLEN PARKS AND RECREATION, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (SOCCER COMPLEX) AT 20.34 ACRES OUT OF LOTS 105 AND 106, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY'S SUBDIVISION, AND OUT OF LOT 1, MCALLEN ISD SUBDIVISION NO. 9, HIDALGO COUNTY, TEXAS; 4201 NORTH 29TH STREET.

Staff recommended that said item be tabled at the applicant's request.

Mayor Pro Tem Ramirez moved to table said item. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

B) REZONING:

REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 1.47 ACRES BEING 0.73 ACRES OUT OF LOT 1, M & T PLAZA SUBDIVISION AND 0.74 ACRES OUT OF LOT 96, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 2317 ZINNIA AVENUE. STAFF WILL RECOMMEND SAID ITEM BE TABLED

Staff recommended that said item be tabled at the applicant's request.

Commissioner Barrera moved to table said item. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

C) ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN AS ENACTED ON MAY 29, 1979.

Commissioner Darling moved to adopt the ordinance for the approved tracts. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

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.]

Commissioner Darling moved to approve the items listed on the Consent Agenda with exception of items D, I, and K and that said items be addressed separately. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES FOR WORKSHOP HELD AUGUST 25TH AND REGULAR MEETING HELD DECEMBER 10, 2012.

Approved the minutes of Workshop held August 25th and Regular Meeting held December 10, 2012, as submitted.

B) TAX REFUNDS OVER \$500:

1. CSI LEASING, INC.

Approved a tax refund in the amount of \$6,658.03.

2. DAVID HIGGINS AND MARIA R. GAYTAN

Approved a tax refund in the amount of \$663.83.

C) CONSIDERATION AND APPROVAL OF DONATION OF FIELD LIGHTS FROM WESTSIDE PARK TO THE HIDALGO COUNTY SHERIFF'S POSSE FOR THE SHERIFF'S POSSE RODEO ARENA.

Approved the donation of surplus lights being removed from Westside Park to the Hidalgo Sheriff's Posse.

D) AWARD OF CONTRACT FOR CATASTROPHIC EVENT DEBRIS REMOVAL.

Staff recommended award of contract for Catastrophic Event Debris Removal to multiple vendors in a successive manner as follows:

Primary to OMNI Pinnacle, LLC
Secondary to Ceres Environmental Services, Inc.
Tertiary Crowder Gulf

Staff also requested authorization with City Manager approval, to exercise the option to extend the contract for two (2) additional years, in one (1) year increments, subject to performance of the successful contractor(s) being satisfactory and unit prices remaining unchanged.

Questions were asked.

After due consideration, Commissioner Barrera moved to award the contracts as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

E) AWARD OF CONTRACT FOR THE PURCHASE AND DELIVERY OF CONCRETE FOR PUBLIC WORKS DEPARTMENT.

Awarded a contract to Magic Valley Concrete for the Purchase & Delivery of Concrete at a unit price of \$70 per cubic yard for Class "A"; \$72 per cubic yard for Class "C"; and \$74 per cubic yard for Class "F" type concrete, all with a 24-hour delivery clause for a one year term. Additionally, authorized staff to exercise the option to extend the contract for two (2) additional years, in one (1) year increments, with City Manager approval and subject to performance of the successful contractor(s) being satisfactory and unit prices remaining unchanged.

F) AWARD OF CONTRACT FOR THE PURCHASE OF FIFTY-FIVE (55) P25 CAPABLE RADIOS THROUGH HGAC FOR VARIOUS CITY DEPARTMENTS.

Awarded a contract for the purchase of 55 P25 Capable Radios for various City Departments, to Motorola Solutions, Inc. through H-GAC Contract, for a total of \$102,916.05.

G) AWARD OF CONTRACT FOR THE PURCHASE OF THIRTY (30) COMPUTERS THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) CONTRACT FOR THE POLICE DEPARTMENT.

Awarded a contract for the purchase of 30 Computers, to DELL Marketing LP through the Texas Department of Information Resources Contract, in the amount of \$29,635.20.

H) AWARD OF CONTRACT FOR UNIFORM RENTAL/CLEANING SERVICES.

Awarded a contract for Uniform Rental/Cleaning Services to Unifirst Holdings, Inc., for an initial three year period. Additionally authorized staff to exercise the option to extend the contract for two (2) additional years in one (1) year increments, with City Manager approval subject to performance of the successful contractor(s) being satisfactory at the unit prices proposed.

I) ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPER'S CONTRACT BETWEEN 495 COMMERCE PARTNERS, LTD., AND FUTURE DEVELOPER'S FOR PARTICIPATION COST FOR JASMINE AVENUE PAVING, DRAINAGE AND SIDEWALK IMPROVEMENTS AT 495 COMMERCE CENTER PHASE XIV SUBDIVISION.

Staff recommended adoption of an ordinance authorizing the issuance of a Reimbursement Certificate to 495 Commerce Partners, LTD requiring reimbursement from future intervening developers for the costs Paving, Drainage and Sidewalk Improvements on Jasmine Avenue at 495 Commerce Center, Phase XIV Subdivision.

Commissioner Barrera moved to adopt the ordinance as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

J) CONSIDERATION AND POSSIBLE ACTION ON ORDINANCE AUTHORIZING THE REPLACEMENT OF COMPASS BANK, AS THE SUCCESSOR TO TEXAS STATE BANK, AS THE PAYING AGENT/REGISTRAR FOR CERTAIN OUTSTANDING BOND ISSUES AND THE APPOINTMENT OF SUCCESSOR PAYING AGENT/REGISTRAR FOR SUCH ISSUES.

Adopted an ordinance authorizing the replacement of Compass Bank, as the successor to Texas State Bank, as Paying Agent/Registrar for certain outstanding bond issues and the appointment of successor paying agent/registrar for such issues as follows:

- Wells Fargo Bank, N.A. for the WWSS Bonds (City of McAllen, Texas Waterworks and Sewer System Improvement Revenue and Refunding Bonds, Series 2005 and Series 2006)
- Regions Bank for the Toll Bridge Bonds (City of McAllen, Texas International Toll Bridge System Revenue Bonds, Series 2007A and 2007B Series)

K) ORDINANCE PROVIDING FOR AMENDMENTS TO ORDINANCE 2012-29 TO DELETE THE MCALLEN YOUTH SOCCER ASSOCIATION PROJECT AND REPROGRAM SAID FUNDS INTO A NEW LINE ITEM (UNPROGRAMMED FUNDS) FOR REDISTRIBUTION.

Staff recommended the adoption of an ordinance providing for amendments to Ordinance 2012-29 to delete the McAllen Youth Soccer Association Project and reprogram funds into a new line item (unprogrammed funds) for redistribution.

Commissioner Barrera moved to adopt the ordinance as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

L) RESOLUTION RELATING TO ENDORSING CERTAIN TEXAS LEGISLATIVE ACTION REGARDING MEMBERS OF THE TEXAS COALITION FOR AFFORDABLE POWER (TCAP).

Approved a resolution endorsing certain Texas Legislative Action regarding members of the Texas Coalition for Affordable Power (TCAP).

M) RESOLUTION TO THE STATE LEGISLATURE TO SUPPORT THE TEXAS RECREATION AND PARK ACCOUNT THROUGH TEXAS PARKS AND WILDLIFE.

Approved a resolution to the State Legislature to support the Texas Recreation and Park Account through Texas Parks and Wildlife.

N) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF ANY GRANT FUNDS FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY, TEXAS RANGER DIVISION UNDER THE FISCAL YEAR 2013 LOCAL BORDER SECURITY PROGRAM.

Approved a resolution authorizing the submission of a grant application and the acceptance of any grant funds from the Texas Department of Public Safety, Texas Range Division under the Fiscal Year 2013 Local Border Security Program.

O) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY, TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR FUNDING UNDER THE FISCAL YEAR 2013 MANAGEMENT PERFORMANCE GRANT PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the Texas Department of Public Safety, Texas Division of Emergency Management for funding under the Fiscal Year 2013 Management Performance Grant.

P) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FROM THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH ITS SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) FISCAL YEAR 2014 COMPREHENSIVE PROJECT.

Approved a resolution authorizing the submission of a grant application from the Texas Department of Transportation through its Selective Traffic Enforcement Program (STEP) Fiscal Year 2014 Comprehensive Project.

Q) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FUNDING UNDER THE FISCAL YEAR 2012 ASSISTANCE TO FIREFIGHTERS FIRE PREVENTION AND SAFETY GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to the United States Department of Homeland Security, Federal Emergency Management Agency, for funding under the Fiscal Year 2012 Assistance to Firefighters Fire Prevention and Safety Grant Program.

R) RESOLUTION AUTHORIZING THE SUBMISSION OF FOUR (4) GRANT APPLICATIONS TO THE TEXAS BOOK FESTIVAL GRANTS FOR FUNDING UNDER THE FISCAL YEAR 2013 COLLECTION ENHANCEMENTS AND LITERACY INITIATIVE GRANTS PROGRAMS.

Approved a resolution authorizing the submission of four (4) grant applications to the Texas Book Festival Grants for funding under the Fiscal Year 2013 Collection Enhancements and Literacy Initiative Grants Program.

S) AWARD OF CONTRACT FOR THE PURCHASE OF FIVE (5) CISCO SWITCHES THROUGH TEXAS CISCO DEPARTMENT OF INFORMATION RESOURCES (DIR) CONTRACT.

Awarded a contract for the purchase of Five (5) Cisco Switches to CDW-Government through Texas Cisco Department of Information Resources (DIR) Contract in the amount of \$36,569.14.

3. BIDS/CONTRACTS:

A) CONSIDERATION AND POSSIBLE ACTION ON COLLECTIVE BARGAINING AGREEMENT WITH MCALLEN FIREFIGHTER'S ASSOCIATION.

Staff recommended tabling said item for discussion in Executive Session under Section 551.071 Consultation with City Attorney. Commissioner Darling moved to table said item for Executive Session. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

After Executive Session, Mayor Pro Tem Ramirez moved to remove said item from the table. Commissioner Crane seconded the motion. The motion carried unanimously.

Staff recommended approval of the Collective Bargaining Agreement with McAllen Firefighters' Association.

Mayor Pro Tem Ramirez moved to approve the agreement as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

B) AWARD OF CONTRACT FOR IRRIGATION SYSTEM CONTROLLERS AND MATERIALS FOR VARIOUS CITY LANDSCAPING PROJECTS.

Staff recommended award of a supply contract for Irrigation System Controllers and Materials to InterSpec, LLC. Additionally, authorized staff to exercise the option to extend the contract for

two (2) additional years, in one (1) year increments, with City Manager approval and subject to performance of the successful contractor(s) being satisfactory and unit prices remaining unchanged.

Commissioner Darling moved to award the contract as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

C) AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) NEW CURRENT MODEL DIESEL CAB CHASSIS WITH NEW 4,000 GALLON WATER TANK FOR THE STREET AND DRAINAGE DEPARTMENT OF PUBLIC WORKS.

Staff recommended award of contract for the purchase of one (1) 2014 Freightliner 114 SD with a Niece WT4000 Water Tank to Freightliner, in the amount of \$166,260.

Questions were asked.

After due consideration, Commissioner Crane moved to table said item. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

D) AWARD OF CONTRACT FOR THE PURCHASE AND DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE (HMAC) FY 2012-2013.

Staff recommended award of contract for the Purchase and Delivery of Type "D" Hot Mix Asphaltic Concrete to Upper Valley Materials, in the amount of \$1,212,221.70.

Commissioner Darling moved to award the contract as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

E) AWARD OF CONTRACT FOR 2012-2013 SINGLE MACHINE REPAVING PROJECT.

Staff recommended award of contract for 2012-2013 Single Machine Repaving Project to Cutler Repaving, Inc., in the amount of \$1,386,100.40.

Commissioner Barrera moved to award the contract as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

F) CHANGE ORDER NO. 4 FOR BENTSEN ROAD PAVING IMPROVEMENTS FROM PECAN BLVD. (FM 495) TO 3 MILE LINE ROAD.

Staff recommended approval of Change Order No. 4 in the amount of \$30,903.55 for Bentsen Road Paving Improvement Project from Pecan Boulevard to 3 Mile Line Road.

Commissioner Barrera moved to approve the change order as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

4. ORDINANCES:

A) BUDGET AMENDMENT FOR THE PURPOSE OF FUNDING THE PURCHASE OF A WATER TRUCK FOR THE STREETS AND DRAINAGE DEPARTMENT.

Commissioner Barrera moved to table said item. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

B) PROVIDING FOR AMENDMENTS TO ORDINANCE 2010-33 AND ORDINANCE 2011-30 INCREASING THE SCOPE OF WORK FOR THE BOYS AND GIRLS CLUB - BRAND CENTER PROJECT.

Staff recommended adoption of an ordinance providing for amendments to Ordinance 2010-33 and Ordinance 2011-30 increasing the Scope of Work for the Boys and Girls Club - Brand Center Project.

Mayor Pro Tem Salinas moved to adopt the ordinance as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

5. VARIANCES:

Items A & B were addressed concurrently.

A) CONSIDERATION OF VARIANCE REQUEST TO ALLOW LOT 3 TO DEVELOP WITHOUT FRONTAGE ON A STREET; BENTSEN INDUSTRIAL SUBDIVISION.

B) REQUEST TO ALLOW A FREESTANDING SIGN TO EXCEED THE 300 SQUARE FOOT MAXIMUM AND ALLOW OFF-PREMISE ADVERTISING AT LOT 1, GINTHER ESTATES SUBDIVISION; 5025 EXPRESSWAY 83.

Staff recommended approval of a variance request to allow Lot 3 to develop without frontage on a street as per Planning and Zoning Commission for Item A. Subsequently, staff recommended disapproval of variance to allow a freestanding sign to exceed the maximum height requirement and off-premise sign at 5025 Expressway 83.

Questions were asked.

After due consideration, Commissioner Barrera moved to approve the variances for both items subject to no progressive messaging. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

C) REQUEST TO ALLOW TWO (2) FREESTANDING SIGNS TO EXCEED THE 300 SQUARE FEET MAXIMUM AND ALLOW OFF-PREMISE ADVERTISING, AT LOTS 2 AND 4, SHARY GATEWAY SUBDIVISION; 4901 AND 4801 EXPRESSWAY 83.

Staff recommended disapproval of the variance request at 4901 and 4801 Expressway 83.

Commissioner Barrera moved to approve the variance request as recommended subject to no progressive messaging. Commissioner Ingram seconded the motion. The motion carried unanimously.

6. MANAGER'S REPORT:

A) CONSIDER THE NOMINATION OF AN INDUCTEE TO THE RIO GRANDE VALLEY WALK OF FAME AS PART OF THE 2013 BORDERFEST IN HIDALGO.

Staff recommended the nomination of an inductee to the Rio Grande Valley Walk of Fame as part of the 2013 Borderfest in Hidalgo.

Commissioner Barrera moved to nominate Veronica Gonzalez. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

B) ADVISORY BOARD APPOINTMENTS.

Staff recommended that appointments be made to the various boards as follows:

CIVIL SERVICE COMMISSION

Terry Van Burkleo was nominated for reappointment.

Commissioner Barrera moved to appoint the nominee to this board. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

BUILDING BOARD OF ADJUSTMENTS & APPEALS

Mayor Pro Tem Ramirez nominated Martin Canales as a new appointment.

COMMUNITY DEVELOPMENT COUNCIL

Mayor Cortez nominated Yolanda Trad for reappointment.

DEVELOPMENT CORPORATION

Mayor Cortez nominated Moises Mendez for reappointment. Mayor Pro Tem Salinas nominated Abel Leal for reappointment.

MCALLEN HOUSING FINANCE CORPORATION

Mayor Cortez nominated Carmen Pacheco for reappointment.

LIBRARY BOARD

Commissioner Darling nominated Rebecca Martinez as a new member and nominated Karen Kinerk for reappointment.

PARKS AND RECREATION

Commissioner Darling nominated Alfredo Alvarado as a new appointment.

QUINTA MAZATLAN

Mayor Cortez nominated John K. Graham for reappointment. Commissioner Ingram nominated Jack Radde for reappointment. Commissioner Darling nominated Bob McCreery for reappointment.

SENIOR CITIZEN'S CENTER ADVISORY BOARD

Commissioner Darling nominated Santos Saldana as a new appointment. Commissioner Crane nominated Karen Kinerk for reappointment.

MCALLEN INDUSTRIAL FOUNDATION

Commissioner Darling nominated Carlos I. Garza for reappointment to another term.

Mayor Pro Tem Ramirez moved to appoint the nominees to the various boards. Commissioner Barrera seconded the motion. The motion carried unanimously.

C) PRESENTATION BY MOTORCROSS GROUP RELATING TO CITY PROPERTY ON MONTE CRISTO.

Staff recommended authorization to submit a grant application for \$300,000 to the Texas Parks and Wildlife with an in-kind match of \$60,000 for the construction of a Motorcross Track.

Mr. Steve Wise addressed the City Commission in favor of the proposed project.

Commissioner Barrera moved to approve staff's recommendation. Commissioner Crane seconded the motion. The motion carried unanimously.

D) FUTURE AGENDA ITEMS.

Staff briefly reviewed the items to be discussed in upcoming workshops: Interviews for Structural Design Services; Election Issues, Botanical Gardens; Ambulance Ordinance; Long Range Planning; Unified Development Code; and Quinta Mazatlan Master Plan.

7. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY) AND SECTION 551.074, (PERSONNEL MATTERS).

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 Items 7A and 7B; Section 551.087 Economic Development for Items, 7C, 7D, 7E and 7H; Section 551.072 Deliberation regarding Real Property for Item 7F; and Section 551.074 Personnel Matters for Item 7G.

Mayor Cortez announced that he had a conflict on Item F and would abstain from discussion and voting and subsequently, filed a conflict form with the City Secretary.

Commissioner Barrera moved to accept the recommendation for the basis of the discussion in Executive Session under the section cited by the City Attorney. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

Mayor Cortez recessed the meeting at 7:44 pm to go into Executive Session. Mayor Cortez excused himself from the meeting. Mayor Pro Tem Ramirez reconvened the meeting at 8:39 pm and announced the action on Item 3A and Executive Session items.

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO FIRE DEPARTMENT COLLECTIVE BARGAINING. (SECTION 551.071, T.G.C.)

No action.

B) CONSULTATION WITH CITY ATTORNEY REGARDING HIDALGO COUNTY WATER IMPROVEMENT DISTRICT 3. (SECTION 551.071, T.G.C.)

No action.

C) DISCUSSION AND POSSIBLE ACTION TO CONSIDER EXTENSION REQUEST FOR HOLIDAY INN. (SECTION 551.087, T.G.C.)

Mayor Pro Tem Salinas moved to authorize the City Attorney's Office to enter into an Extension Agreement with the developer for the Holiday Inn as per the conditions as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

D) DISCUSSION AND POSSIBLE ACTION TO CONSIDER PROJECT EXTENSION FOR MCALLEN SKYLINE, LTD., FOR EMBASSY SUITES HOTEL SITE. (SECTION 551.087, T.G.C.)

Commissioner Crane moved to instruct the City Manager and City Attorney to respectfully decline the amended agreement put forth by McAllen Skyline for change in terms and extension of the agreement. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

E) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT NEXT LEVEL. (SECTION 551.087, T.G.C.)

No action.

F) DISCUSSION AND POSSIBLE ACTION REGARDING PURCHASE OF PROPERTY FOR 2ND AND PECAN LOCATED ON BLOCK "B", THE LUTHERAN SUBDIVISION. (SECTION 551.072, T.G.C.)

Commissioner Ingram moved to authorize the City Attorney to make an offer for the property within the terms delineated in Executive Session. Commissioner Barrera seconded the motion. The vote on the motion was as follows:

AYES: Commissioners Ingram, Barrera, Crane, Darling, and Mayors Pro Tem Salinas and Ramirez
NAYS: None
ABSENT: Mayor Cortez
ABSTAINED: None

G) DISCUSSION AND POSSIBLE ACTION - EVALUATION OF CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGES. (SECTION 551.074, T.G.C.)

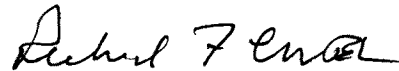
No action.

H) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT WELBY. (SECTION 551.087, T.G.C.)

No action.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 8:41 p.m.



Richard Cortez, Mayor

Attest:



Perla Zamora, TRMC/CPM
Deputy City Secretary