

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, March 25, 2013**, at 6:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Richard Cortez
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, Assistant City Manager/PUB General Manager
Wendy Smith, Assistant City Manager
Annette Villarreal, City Secretary
Yvette Barrera City Engineer
Jerry Dale, Finance Director
Susan Lozano, Deputy Finance Director
Victor Rodriguez, Police Chief
Juli Rankin, Director of Planning
Omar Rodriguez, Convention Center Director
Phil Brown, Director of Aviation
Sally Gavlik, Director of Parks and Recreation
Kate Horan, Library Director
Elvira Alonzo, Deputy Public Works Director
Sandra Zamora, Director of Purchasing

CALL TO ORDER

Mayor Cortez called the meeting to order.

PRESENTATIONS

TRAPS ONE STAR PROGRAMMING DAY

Parks Staff was recognized for receiving the TRAPS award.

TEXAS POOL COUNCIL AWARD

Parks Staff was recognized for receiving the TRAPS award.

EAGLE SCOUT DAY

Mr. Ryan Bluhm was recognized for his work at Bill Schuup Park in his quest to achieve Eagle Scout designation.

PROCLAMATIONS:

MCALLEN SAFE DIGGING MONTH

Commissioner Ingram read and presented a proclamation for *McAllen Safe Digging Month*.

SEXUAL ASSAULT AWARENESS MONTH

Mayor Pro Tem Salinas read and presented a proclamation for *Sexual Assault Awareness Month*.

REGISTER TO VOTE CAMPAIGN

Commissioner Darling read and presented a proclamation for *Register to Vote Days*.

COMMUNITY DEVELOPMENT WEEK/FAIR HOUSING MONTH

Commissioner Crane read and presented a proclamation for *Community Development Week/Fair Housing Month*.

1. PUBLIC HEARING:

Mayor Cortez called the Public Hearing to order.

- A) ROUTINE ITEMS:** *[All Rezoning 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. No one appeared in opposition.

Commissioner Ingram moved to approve the items listed on the Routine Items section of the agenda. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

1. REZONE FROM R-3C (MULTIFAMILY RESIDENTIAL CONDOMINIUM) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: 3.01 ACRES OUT OF LOT 6, SECTION 7, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 611 LINDBERG AVENUE.

Approved the R-3A zoning at 611 Lindberg Avenue, as per Planning and Zoning Commission.

2. REQUEST OF JACOB J. ZAMORA, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE MARCH 5, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOTS 1 & 2, MEJIA #1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2000 NOLANA AVENUE.

Approved a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a bar at 2000 Nolana Avenue, as per Planning and Zoning Commission. Conditions of the Conditional Use Permit include providing for extra security, nightly trash pickup, and area being lighted. 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 & uses and the International Museum of Arts & Science (IMAS);
- 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 Nolana Avenue and Bicentennial Drive and does not generate traffic into 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 plaza on the property. The plaza is a mixture of retail, fast food restaurants and bars. At this time there are two fast food restaurants (Dominos & Billy's BBQ), retail (laundry mat, beauty salon & Direct TV), and two vacant spaces that have been used as bars. Based on the current uses, 34 parking spaces are required and 125 spaces are provided on site. The proposed bar and outdoor patio area would require 51 parking spaces for a total of 85 spaces for the plaza, leaving 40 available. If the vacant spaces become available for other bars, they would each require 46 parking spaces (total 92 spaces) and parking would need to be provided. If additional parking is needed, the proposed bar submitted a parking agreement in August 26, 2009 allowing shared parking with a property to the west. The parking agreement will help satisfy the parking requirement for the establishment and is valid with an expiration date of August 24, 2014 (five year term);
- 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; 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 is 282 persons.

3. REQUEST OF DAVID O. SALINAS, P. E., FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PLANNED UNIT DEVELOPMENT (CONDO-HOTEL/RETAIL) AT ALL OF LOT 1 AND THE WEST 83.42 FEET OF LOT 2, JUDCO SUBDIVISION UNIT #2, HIDALGO COUNTY, TEXAS; 3201 EXPRESSWAY 83.

Approved the Conditional Use Permit, for life of the use, at 3201 Expressway 83, as per Planning and Zoning Commission. The request must also comply with the requirements set forth in Section 138 Zoning Ordinance, Section 134 Subdivision Ordinance and Section 110 Vegetation Ordinance, as well as the specific requirements as follows:

- 1) A recorded subdivision plat is required prior to issuance of Conditional Use Permit and building permits.
- 2) An approved site plan by Planning and Zoning Commission is required prior to issuance of building permit.
- 3) FAA approval of building height is required.
- 4) Site plan needs to show sidewalks along Expressway 83 eastbound Frontage Road and Colbath Road.
- 5) Site plan needs to show a minimum of 10% landscaping of 8.07 acres, or 35,153 square feet landscaped area provided with a minimum of 57 – 2 ½ inch caliper, or 29 4-inch caliper non-palm trees 10 feet in height, or 92 Palms Trees with 6 feet clear trunk comprising a maximum of 80% of the tree requirement. The required number of trees may be reduced by using native, non-palm trees and larger caliper trees. The minimum planting area required to be 40 square feet for landscape area credit. Landscaped areas with trees within 50 feet of any parking space need to be shown on the site plan. Also, buffers to screen dumpster locations need to be shown on the site plan.
- 6) Site plan needs to show 749 parking spaces based upon 69,993 square feet of retail floor space, 37,592 square feet of restaurant floor space and 69 condo/hotel suites in compliance with existing parking ordinance; 550 parking spaces provided. The Board of Commissioners may approve 646 required parking spaces based upon the proposed MDC parking requirements and credits. Not more than 50% of parking spaces for restaurant may be used jointly with retail stores not operated during the same hours. Parking spaces not located on the same property shall be located within 500 feet of the property with a written agreement for a minimum of five (5) years.
- 7) A recorded property owner's association is needed prior to recorded plat.
- 8) Owner, Engineer and Surveyor certificate and signature block need to be shown on the PUD site plan.

B) REZONINGS:

1. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: LOT 18, JANICE ADDITION #1 SUBDIVISION, AND LOT 9, JANICE ADDITION #2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1107 TAMARACK AVENUE AND 1102 SYCAMORE AVENUE. TABLED

Staff recommended that said item be removed from the table and agenda.

Commissioner Barrera moved to remove said item from the table and agenda as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

2. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOTS 1 & 2, BLOCK 4, SOUTH MAIN STREET SUBDIVISION, HIDALGO COUNTY, TEXAS; 1721 & 1717 SAVANNAH AVENUE.

Staff recommended approval of the C-3 zoning at 1721 & 1717 Savannah Avenue as per the Planning and Zoning Commission.

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

Commissioner Barrera moved to approve the C-3 zoning as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

3. REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOT 12, BLOCK 19, COLLEGE HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2213 NEWPORT AVENUE.

Staff recommended disapproval of the C-3 zoning at 2213 Newport Avenue as per Planning and Zoning Commission.

Mayor Cortez asked if anyone was present to speak in favor of the rezoning request. The following individuals spoke in favor: Carlos Garza and Homer Garza. Ms. Evalyn Cano spoke in opposition.

A lengthy discussion was held relating to traffic.

After due consideration, Commissioner Ingram moved to disapprove the rezoning request. Mayor Pro Tem Ramirez seconded the motion. The vote on the motion was as follows:

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

C) CONDITIONAL USE PERMIT:

REQUEST OF LETICIA ALVAREZ, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE MARCH 5, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN OUTDOOR COMMERCIAL RECREATION (SOCCER FIELD) AT 1.41 ACRES OUT OF LOT 151, LA LOMITA IRRIGATION CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 501 SOUTH BENTSEN ROAD.

Staff recommended disapproval of the Conditional Use Permit, for one year, for an outdoor commercial recreation (soccer field) at 501 South Bentsen Road as per the Planning and Zoning Commission.

Mayor Cortez asked if anyone was present to speak in favor of the Conditional Use Permit. The following individuals spoke in favor: Leticia Alvarez, Sergio Zavala and Pablo Cardenas. Staff and City Commissioners expressed concerns of various neighbors in opposition of the permit.

Questions were asked of staff.

After due consideration, Mayor Pro Tem Ramirez moved to disapprove the Conditional Use Permit as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

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

Commissioner Crane moved to adopt the Zoning Ordinance for the approved tracts. Commissioner Ingram seconded the motion. The motion carried unanimously.

END OF PUBLIC HEARING

Mayor Cortez declared the public hearing closed.

THE CITY COMMISSION HAS THE PREROGATIVE TO RECESS INTO EXECUTIVE SESSION AT ANY TIME DURING THE MEETING

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 item B and that said item be addressed separately. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 11, 2013.

Approved the minutes of Regular Meeting held March 11, 2013, as submitted.

B) INTERLOCAL AGREEMENT BETWEEN THE CITY OF MCALLEN AND HIDALGO COUNTY LIBRARY SYSTEM FOR FUNDING TO DEFRAY EXPENSES OF PROVIDING COUNTY LIBRARY SERVICES.

Staff recommended approval of an Interlocal Agreement between the City of McAllen and Hidalgo County Library System for funding to defray expenses of providing County Library Services.

Questions were asked about the allocation of funds from the County. Staff was instructed to seek a higher funding allocation in the future due to the high volume of customers that the main library serves.

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

C) AWARD OF CONTRACT FOR VARIOUS TYPES OF CONCRETE WORK 2012-2013.

Awarded a contract for various types of Concrete Work 2012-2013 to multiple vendors for a one year period with the option to extend for two additional years as follows:

- Artillery LLC for items 1, 7-14, 23-24, 26, 31-36, 39-41, 47, 53-65, 76-78
- D&G Energy Corp. for items 2-6, 15-22, 25-30, 37-38, 42-52, 66-75, 77-78

D) AWARD OF CONTACT FOR VARIOUS MUNICIPAL PROJECTS.

Awarded a contract for various municipal projects for Structural Design Services for a one year period with the option to extend for one additional year, as follows: Chanin Engineering, Hinojosa Engineer, and Solorio & Associates. The contract would be subject to acceptance of the existing rates.

E) AWARD OF CONTRACT FOR VARIOUS MUNICIPAL PROJECTS MECHANICAL, ELECTRICAL, PLUMBING AND FIRE PROTECTION (MEP) SERVICES.

Awarded a contract for various municipal projects Mechanical, Electrical, Plumbing and Fire Protection (MEP) Services for a one year period with the option to extend for one additional year, as follows: DBR Engineering, Half Associates, and S&B Infrastructure. The contract would be subject to acceptance of the existing rates.

F) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR UPGRADED FENCING AND ADDITIONAL COLUMNS AT MUNICIPAL PARK.

Adopted an ordinance providing for a budget amendment for upgraded fencing in the amount of \$32,000 and additional columns at Municipal Park in the amount of \$44,900.

G) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR AEROMAR ADVERTISING.

Adopted an ordinance providing for a budget amendment for Aeromar Advertising in the amount of \$100,000.

3. BIDS/CONTRACTS:

A) AUTHORIZATION TO OPEN SINGLE BID AND CONSIDERATION OF AWARD ON PALMVIEW MUNICIPAL GOLF COURSE PEDESTRIAN BRIDGE REPLACEMENT PROJECT.

Staff recommended authorization to open the single bid received from McAllen Construction for the Palmview Municipal Golf Course Pedestrian Bridge Replacement Project.

Commissioner Darling moved to authorize the opening of the single bid. Commissioner Barrera seconded the motion. The motion carried unanimously.

Staff announced a base bid amount of \$246,300 and requested that staff be allowed to review the bid and if appropriate, bring back the item at a future meeting.

B) CONSIDER APPROVAL OF A LICENSE AGREEMENT WITH S 10TH - 2ND PARTNERS LTD. FOR PARKING AREA ON A TRACT OF LAND OUT OF LOT 9 AND LOT 16, BLOCK 6, HIDALGO CANAL COMPANY SUBDIVISION OF PORCIONES 64, 65 AND 66, HIDALGO COUNTY, TEXAS FOR THE 2ND STREET HIKE AND BIKE TRAIL.

Staff recommended approval of a License Agreement with S. 10th -2nd Partners LTD, for parking area for the 2nd Street Hike and Bike Trail.

Commissioner Ingram moved to approve the agreement as recommended. Commissioner Darling seconded the motion. The motion carried unanimously.

C) CHANGE ORDER NO. 4 FOR MCALLEN MILLER INTERNATIONAL AIRPORT TERMINAL EXPANSION PROJECT.

Staff recommended approval of Change Order No. 4 in the amount of \$17,736 and 14 calendar days for the McAllen Miller International Terminal Expansion Project.

Commissioner Barrera moved to approve the change order as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

D) CONSIDER AUTHORIZATION TO RESCIND AWARD OF PURCHASE CONTRACT FOR PURCHASE OF NEW 2013 VEHICLES FOR VARIOUS CITY DEPARTMENTS AND MCALLEN PUBLIC UTILITIES.

Staff recommended rescinding the award of contract to Randell Reed's Prestige Ford for Item 2B and award the contract on said item to Caldwell Country Ford, in the amount of \$21,004.

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

E) AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) PRE-OWNED MODEL TROMMEL SCREEN FOR THE COMPOSTING FACILITY OF PUBLIC WORKS.

Staff recommended award of the contract for the Purchase of One (1) Pre-owned Model Trommel Screen for the Composting Facility of Public Works to McCourt & Sons Equipment, in the amount of \$237,750 plus \$30,725 for optional equipment, for a total purchase price of \$268,475.

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

F) AWARD OF CONTRACT FOR REMOVAL/PURCHASE AND INSTALLATION OF THREE (3) LEBERT HVAC SYSTEMS TO INCLUDE HAIL GUARDS FOR CENTRAL FIRE STATION.

Staff recommended award of contract for the Removal/Purchase and Installation of Three (3) Lebert HVAC Systems to include Hail Guards for the Central Fire Station, to Texair Company, Inc., in the amount of \$110,500.

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

G) AWARD OF CONTRACT FOR MCALLEN DEVELOPMENT RENOVATIONS.

Staff recommended award of contract for the Development Services Facility renovations, to Peacock General Contractors, Inc., in the amount of \$1,979,000.

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

H) CONSIDER REQUEST TO REBID THE INTERNATIONAL MUSEUM OF ARTS AND SCIENCE (IMAS) FAÇADE AND SITE IMPROVEMENTS PROJECT.

Staff recommended authorization to reject the bid for the IMAS Façade and Site Improvements Project from All Pro Contractors and authorization to rebid the project after staff reviews the drawings and specifications in an effort to reduce the cost. Additionally, staff recommended authorization to make a demand on the bid bond.

Commissioner Barrera moved to approve staff's recommendation. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

I) CONSIDER APPROVAL OF CONTRACT AMENDMENT NO. 1 FOR ADDITIONS AND RENOVATIONS TO THE MCALLEN PUBLIC SAFETY BUILDING PROJECT.

Staff recommended approval of Contract Amendment No. 1 with Milnet Architectural Services PLLC for additions and renovations to the McAllen Public Safety Building Project. Not to exceed \$200,000 for furniture and not to exceed \$24,000 for architectural fees.

Questions were asked relating to fees.

Mayor Pro Tem Salinas moved to approve the amendment as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

J) CONSIDER APPROVAL OF CHANGER ORDER NO. 1 FOR THE ADDITION OF COLUMNS TO THE FENCING ALONG TAMARACK AT MUNICIPAL PARK AND ADDITIONAL WORK DAYS.

Staff recommended approval of Change Order No. 1 to Hurricane Fence Company, in the amount of \$44,900 and additional work days for the addition of columns to the fencing along Tamarack at Municipal Park.

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

K) CONSIDERATION AND APPROVAL OF NEW PERFORMING ARTS CENTER DEVELOPMENT DESIGN AND AUTHORIZATION TO PROCEED TO CONSTRUCTION DOCUMENT PHASE.

Staff recommended approval of the new Performing Arts Center Development Design and recommended authorization to proceed to Construction Document Phase to include the three alternates discussed at the earlier workshop (Covered walkway to adjacent hotel; East Parking Lot; and Vaquero Park) for an aggregate amount of \$1,600,621 and a revised fixed limit construction cost of \$35,557,465. Additionally, staff recommended approval of a change to the compensation to the architect on contract to be the least of 8.75% of actual construction cost or \$3,859,999.

Commissioner Crane moved to approve staff's recommendation. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

4. ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE REMOVAL, PURCHASE AND INSTALLATION OF THREE (3) LEBERT HVAC SYSTEMS TO INCLUDE GUARDS.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$110,500 for the Removal/Purchase & Installation of three Lebert HVAC Systems to include guards for the Central Fire Station.

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

5. VARIANCES:

- A) CONSIDER VARIANCE REQUEST TO ALLOW RELOCATION OF EXISTING OFF-PREMISE FREESTANDING SIGN GREATER THAN 300 SQUARE FEET FOR LOT 1, JUDCO SUBDIVISION; 3101 EXPRESSWAY 83.**

Staff recommended approval of a variance request to relocate an existing sign to an off-premise and LED sign up to 672 sq. ft. at 3101 Expressway 83.

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

- B) CONSIDER VARIANCE REQUEST TO ALLOW AN ADDITIONAL FREESTANDING SIGN AT LOT 21, NORTH EAST CROSSING SUBDIVISION; 107 NOLANA AVENUE.**

Staff recommended disapproval of a variance to allow an additional freestanding sign at 107 Nolana Avenue.

Commissioner Crane moved to disapprove the variance as recommended. Commissioner Darling seconded the motion. The motion carried unanimously.

- C) CONSIDER APPROVAL OF A VARIANCE FOR A FEE IN LIEU OF DEDICATED PARK LAND FOR NAPA HEIGHTS.**

Staff recommended approval of a variance for a fee in lieu of dedicated park land for Napa Heights in the amount of \$50,400 calculated at \$700 for each of the 72 dwelling units.

Commissioner Ingram moved to approve the variance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

- D) CONSIDER APPROVAL OF A VARIANCE FOR A FEE IN LIEU OF DEDICATED PARK LAND FOR UNITY CENTER.**

Staff recommended approval of a variance for a fee in lieu of dedicated park land for Unity Center in the amount of \$24,500 based on 35 of the 69 designated units. Additionally, approval would be contingent on a legal and binding note on the deed thru conditions of the "PUD", that if the remaining units are sold as permanent type dwelling units or if thru audit are determined to be of permanent type dwelling units, park fees of \$700 per unit are due in a lump sum or collected over a 24 month period thru individual water meter billing.

Commissioner Darling moved to approve the variance including the note on the plat as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

6. MANAGER'S REPORT:

- A) PRESENTATION AND APPROVAL OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY 2011-2012.**

Mr. Santos Fraga with Padgett Stratemann and Co. LLP, presented the Comprehensive Annual Financial Report for FY 2011-2012 and reviewed the Management Letter.

Commissioner Barrera moved to accept the report and Management Letter as presented. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

- B) STATUS REPORT ON VARIOUS CITY PROJECTS THROUGH FEBRUARY 28, 2013.**

Staff gave a status report on various city projects.

Report only. No action required.

- C) STATUS REPORT ON PARKS AND RECREATION CONSTRUCTION PROJECTS.**

Staff gave a status report on Parks and Recreation construction projects.
Report only. No action required.

D) CONSTRUCTION UPDATE ON TERMINAL EXPANSION PROJECT.

Staff gave a status report on the Terminal Expansion Project.

Report only. No action required.

E) REPORT ON ACTIVITIES AT CONVENTION CENTER.

Said item was deferred to the next meeting.

F) FUTURE AGENDA ITEMS.

The items for upcoming workshops were briefly reviewed: Convention Center activities; Roads and Highways; and Development Code.

7. TABLED ITEMS:

A) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF SYNTHETIC SOCCER/FOOTBALL FIELD AT DELEON NORTH SOCCER COMPLEX.

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

Staff recommended that the bid for the purchase and installation of Synthetic Soccer/Football Field at DeLeon North Soccer Complex be rejected and that staff be authorized to go out for bids again.

Mayor Pro Tem Ramirez moved to reject the bid as recommended and authorized staff to rebid the project. Commissioner Barrera seconded the motion. The motion carried unanimously.

B) AWARD OF CONTRACT FOR DEMOLITION OF FORMER SAM HOUSTON ELEMENTARY.

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

Staff recommended that the bid for the demolition of the former Sam Houston Elementary be rejected and allow the McAllen Housing Authority to pursue development of the property which would provide for the demolition of this site.

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

END OF PUBLIC HEARING

No one appeared.

PUBLIC COMMENT SESSION

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

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Items 8A, 8B, 8C, 8I and 8K; Section 551.071 Consultation with Attorney for Items 8C, 8D, 8E, 8F, 8G, and 8J; and Section 551.072 Deliberation regarding Real Property for Item 8A and 8H.

Commissioner Darling moved to accept the recommendation for the basis of the discussion in Executive Session under the sections cited by the City Attorney. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

Mayor Cortez recessed the meeting at 8:15 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 9:15 pm and announced the action on Executive Session items.

- A) DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE SALE OF LOT 11 (B), CONVENTION CENTER SUBDIVISION. (SECTION 551.072 AND 551.087, T.G.C.)**

No action was taken.

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

No action was taken.

- C) CONSIDERATION AND CONSULTATION WITH LEGAL COUNSEL REGARDING ECONOMIC DEVELOPMENT PROJECT POMPEII. (SECTION 551.087 AND 551.071, T.G.C.)**

Mayor Pro Tem Ramirez moved to authorize staff and the Mayor to take action as discussed in Executive Session. Commissioner Barrera seconded the motion. The motion carried unanimously.

- D) CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE CONTRACT WITH VIANOVO RELATING TO INTERNATIONAL BRIDGE FACILITIES. (SECTION 551.071, T.G.C.)**

No action was taken.

- E) CONSULTATION WITH CITY ATTORNEY REGARDING C-0628-13-J; ARCELIA CARPIO CANTU VS. CITY OF MCALLEN AND CELSO GONZALEZ CONSTRUCTION INC. (SECTION 551.071, T.G.C.)**

Commissioner Barrera moved to authorize the City Attorney or appropriate outside counsel to defend the city in the lawsuit. Commissioner Ingram seconded the motion. The motion carried unanimously.

- F) CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT: CL-13-0708-B; STEVEN BAILEY MAPLES VS. NOEL DE LA GARZA AND CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**

Commissioner Barrera moved to authorize the City Attorney or appropriate outside counsel to defend the city in the lawsuit. Commissioner Ingram seconded the motion. The motion carried unanimously.

- G) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL CLAIM RELATED TO PAVING ISSUE. (SECTION 551.071, T.G.C.)**

Commissioner Crane moved to authorize the City Attorney to analyze the claim and take the action as discussed in Executive Session. Commissioner Barrera seconded the motion. The motion carried unanimously.

- H) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING A COUNTER OFFER TO ACQUIRE A TRACT OF LAND 60 FEET NORTH AND SOUTH AND 160 FEET EAST AND WEST OUT OF THE CORNER OF LOT 177, JOHN H. SHARY SUBDIVISION. (SECTION 551.072, T.G.C.)**

No action was taken.

- I) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT FLASH. (SECTION 551.087, T.G.C.)**

Commissioner Barrera moved to authorize MEDC Director and City Staff to continue discussions with the developer as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously.

J) CONSULTATION WITH CITY ATTORNEY REGARDING REQUEST FOR PROPOSALS FOR OLD CIVIC CENTER RE-DEVELOPMENT. (SECTION 551.071, T.G.C.)


Commissioner Barrera moved to authorize staff to contact the three developers for second round interviews as discussed in Executive Session. Commissioner Crane seconded the motion. The motion carried unanimously.

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

Commissioner Barrera moved to authorized MEDC to extend the offer for economic incentives for Project Industrial as per direction given in Executive Session. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 9:18 p.m.


Richard Cortez, Mayor

Attest:


Annette Villarreal, TRMC/CMC, CPM
City Secretary