

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, August 12, 2013**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Jim Darling  
Hilda Salinas, Mayor Pro Tem  
Aida Ramirez, Mayor Pro Tem  
Scott Crane, Commissioner  
Trey Pebley, Commissioner  
John Ingram, Commissioner

Absent: Veronica Vela Whitacre, Commissioner

Staff: Mike R. Perez, City Manager  
Kevin Pagan, City Attorney  
Brent Branham, Deputy City Manager  
Wendy Smith, Assistant City Manager  
Roy Rodriguez, Assistant City Manager/PUB General Manager  
Annette Villarreal, City Secretary  
Yvette Barrera, City Engineer  
Juli Rankin, Director of Planning  
Sandra Zamora, Director of Purchasing  
Carlos Espinoza, Director of Golf  
Elizabeth Suarez, Transit Director/Asst. Aviation Director  
Omar Rodriguez, Convention Center Director  
Phil Brown, Director of Aviation  
Tim Skoglund, PUB Engineer  
Jim Schultz, Assistant Fire Chief

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**PROCLAMATION – MCALLEN ALL STARS-8U GIRLS' SOFTBALL TEAM DAY**

Mayor Pro Tem Salinas read and presented a proclamation for *McAllen All Stars-8U Girls' Softball Team Day*.

**1. PUBLIC HEARING:**

Mayor Darling 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 Darling 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 C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: LOT 5, BLOCK 42, MCALLEN ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 504 SOUTH 16<sup>TH</sup> STREET.**

Approved the R-3A zoning at 504 South 16<sup>th</sup> Street, as per Planning and Zoning Commission.

**2. REZONE FROM A-O (AGRICULTURAL OPEN-SPACE) DISTRICT TO C-4 (COMMERCIAL INDUSTRIAL) DISTRICT: A 30' X 110' TRACT OF LAND OUT OF LOT 25, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 4601 SOUTH 23<sup>RD</sup> STREET.**

Approved the C-4 zoning at 4601 South 23<sup>rd</sup> Street, as per Planning and Zoning Commission.

**3. REQUEST OF ELIDA MORENO, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE JULY 16, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BANQUET HALL AT LOT 1, NOLANA HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 601 EAST NOLANA AVENUE.**

Granted a variance to the distance requirement and approved a Conditional Use Permit at 601 East Nolana Avenue, as per Planning and Zoning Commission. 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 a residentially-zoned property to the northwest and a church to the northeast;
- 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 direct access to East Nolana Avenue and North McColl Road and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the Zoning Ordinance parking requirements at a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the building, 125 parking spaces are required and are provided on the lot, which has common access easements to the north and west;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties or residences by providing, when necessary, fences, hedges or reorientation of entrances and exits;
- 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 Marshall, Building Official and Planning Director. The allowable number of persons based upon the floor area of the establishment was set a maximum capacity of 498 persons.

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

Commissioner Ingram moved to adopt the Zoning Ordinance for the approved tract. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

**END OF PUBLIC HEARING**

Mayor Darling 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.]*

Mayor Pro Tem Ramirez moved to approve the items listed on the Consent Agenda with exception of item 2D and that said item be addressed separately. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

- A) APPROVAL OF MINUTES OF WORKSHOPS HELD JUNE 27<sup>TH</sup> – 29<sup>TH</sup> AND JULY 22<sup>ND</sup> AND REGULAR MEETING HELD JULY 22, 2013.**

Approved the minutes of Workshops held June 27<sup>th</sup>-July 29<sup>th</sup> and July 22<sup>nd</sup> and Regular Meeting held July 22, 2013, as submitted.

- B) AWARD OF SUPPLY CONTACT FOR THE PURCHASE OF LUBRICANTS.**

Awarded a supply contract for the purchase of Lubricants to multiple bidders for a one year period as follows:

Hollon Oil for Items 1a – 3a, 5a – 7a, 9a – 12  
Arguindegui Oil for Items 4a and 4b  
Alamo Distribution for Item 8a

- C) AUTHORIZATION TO ACCEPT FTA GRANT TX-90-Y017-00 FOR TRANSIT CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS.**

Accepted an FTA Grant TX-90Y017-00 for Transit Capital and Preventive Maintenance Projects in the amount of \$4,583,251.

- D) CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE CITY OF MISSION & HIDALGO COUNTY FOR DEVELOPMENT OF TAYLOR ROAD FROM U.S. EXPRESSWAY 83 TO 1300 FEET NORTH OF DOVE AVENUE.**

Staff recommended approval of an Interlocal Agreement with the City of Mission & Hidalgo County for the development of Taylor Road from U.S. Expressway 83 to 1300 feet north of Dove Avenue.

Questions were asked.

Commissioner Pebley moved to approve the agreement as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

- E) CONSIDER APPROVAL OF CHANGE ORDER NO. 3 AND FINAL RECONCILIATION OF QUANTITIES FOR PURCHASE & DELIVERY OF TYPE “D” HOT MIX ASPHALTIC CONCRETE (HMAC) FISCAL YEAR 2012-2013.**

Approved Change Order No. 3 and Final Reconciliation of Quantities for Purchase & Delivery of Type “D” Hot Mix Asphaltic Concrete (HMAC) Fiscal Year 2012-2013, in the deduct amount of \$167,836.15 for a revised contract amount of \$1,447,091.45.

- F) CONSIDER APPROVAL OF A VARIANCE TO THE SUBDIVISION PROCESS REQUIREMENT AT THE EAST ½ OF LOT 18, ALL OF LOT 19, AND THE WEST 35 FT. OF LOT 20, BLOCK 8, FAIRFIELD PLACE SUBDIVISION; 700 LINDBERG AVENUE.**

Approved a variance to the subdivision process requirement at 700 Lindberg Avenue.

**G) CONSIDER APPROVAL OF A VARIANCE TO RIGHT-OF-WAY DEDICATION REQUIREMENT FOR NORTH PARK ESTATES, LOT A-1 SUBDIVISION; 1700 DOVE AVENUE.**

Approved a variance to right-of-way dedication requirement at 1700 Dove Avenue.

**H) AWARD OF CONTRACT FOR DRILLING SERVICES FOR INSTALLATION OF TRAFFIC ELECTRICAL CONDUIT.**

Awarded a contract for Drilling Services for installation of Traffic Electrical Conduit, to JD Drilling and Backhoe Services, LLC. Additionally, authorized staff with City Manager approval, to exercise the option to extend the contract for two (2) additional yeas in one year increments, subject to performance of the successful contractor being satisfactory and the unit prices remaining unchanged.

**I) AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF BROWNSVILLE TO PARTICIPATE IN THE FISCAL YEAR 2013-2014 SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE.**

Approved an Interlocal Agreement with the City of Brownsville to participate in the Fiscal Year 2013-2014 South Texas Auto Theft Enforcement Task Force which would enable the McAllen Police Department - as a participating entity - to receive \$292,408 in state funds subject to a local match of \$202,632, for a combined total of \$495,040.

**J) ORDINANCE AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTER 102, PROVIDING FOR AN AMENDMENT OF THE POSTED SPEED LIMIT ON PECAN BOULEVARD BETWEEN 10<sup>TH</sup> STREET AND 23<sup>RD</sup> STREET.**

Adopted an ordinance amending the McAllen Code of Ordinances, Chapter 102 providing for an amendment of the posted speed limit on Pecan Boulevard between 10<sup>th</sup> Street and 23<sup>rd</sup> Street.

**K) ORDINANCE ADOPTING THE SETTLEMENT OF TEXAS GAS SERVICE COST OF SERVICE FILING.**

Adopted an ordinance adopting the settlement of Texas Gas Service Cost of Service Filing.

**L) ORDINANCE AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTER 102, PROVIDING FOR AN AMENDMENT OF THE POSTED SPEED LIMIT ON 2<sup>ND</sup> STREET BETWEEN TRENTON ROAD AND HOBBS DRIVE.**

Adopted an ordinance amending the McAllen Code of Ordinances, Chapter 102, providing for an amendment of the posted speed limit on 2<sup>nd</sup> Street between Trenton Road and Hobbs Drive.

**M) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE UNIVERSITY OF NORTH TEXAS LIBRARIES' DIGITAL PROJECTS UNIT, PORTAL TO TEXAS HISTORY, FOR FUNDING UNDER THE FISCAL YEAR 2013 RESCUING TEXAS HISTORY PROGRAM.**

Approved a resolution authorizing the submission of a grant application to the University of North Texas Libraries' Digital Projects Unit, Portal to Texas History, for funding under the Fiscal Year 2013 Rescuing Texas History Program.

**N) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT ASSOCIATED WITH THE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF MCALLEN AND MISSION AND HIDALGO COUNTY FOR TAYLOR ROAD EXTENSION.**

Adopted an ordinance providing for a budget amendment in the amount of \$390,000, for Taylor Road Extension associated with the Interlocal Agreement between the Cities of McAllen and Mission and Hidalgo County.

**O) CONFIRMATION AND APPOINTMENT TO THE SENIOR CITIZENS ADVISORY BOARD.**

Appointed Joann Levermann Searson to the Senior Citizens' Advisory Board.

**3. BIDS/CONTRACTS:**

**A) AUTHORIZATION TO OPEN THE SINGLE BID AND CONSIDER AWARD OF CONTRACT FOR THE PALM VIEW GOLF COURSE IRRIGATION SYSTEM REFURBISHMENT PHASE 2 – INSTALLATION OF IRRIGATION SYSTEM COMPONENTS.**

Staff recommended authorization to open the single bid received and award the contract to Mike Roach Inc., for the Palm View Golf Course Irrigation System Refurbishment Phase 2 – Installation of Irrigation System Components.

Mayor Pro Tem Ramirez moved to authorize the opening of the single bid and tabling the item to allow staff to review the bid and specifications. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

Commissioner Ingram moved to remove said item from the table. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

Staff recommended award of contract to Mike Roach Inc. in the amount of \$139,120.

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

**B) AWARD OF CONTRACT FOR IRRIGATION SYSTEM REFURBISHMENT PHASE 1 FOR PALM VIEW GOLF COURSE.**

Staff recommended award of contract for the Irrigation System Refurbishment Phase 1 for Palm View Golf Course, to Professional Turf, in the amount of \$238,240.57, for initial award and Change Order No. 1.

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

**C) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF SURVEILLANCE CAMERAS ON SEVEN (7) METRO SHELTERS.**

Staff recommended award of contract for the purchase and installation of Surveillance Cameras on seven (7) Metro Shelters, to INX LLC, in the amount of \$55,301.05 subject to local match of \$11,060.21.

Questions were asked.

After due consideration, Mayor Pro Tem Ramirez moved to table said item. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

Commissioner Ingram moved to remove the item from the table. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

Staff followed up on the questions posed earlier relating to the addendums and recommended award as originally presented.

Commissioner Pebley moved to award the contract as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**D) AWARD OF CONTRACT FOR THE PURCHASE OF THREE (3) CUTAWAY BUSES FOR THE TRANSIT DEPARTMENT.**

Staff recommended award of contract for the purchase of three (3) Cutaway Buses for the Transit Department to Texas Bus Sales Inc., in the amount of \$255,559.86, subject to a local match of \$43,445.18.

Commissioner Pebley moved to award the contract as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

**E) CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH PALM VALLEY ANIMAL CENTER FOR THE OPERATION OF A REGIONAL ANIMAL SHELTER.**

Staff recommended approval of an Interlocal Agreement with Palm Valley Animal Center for the Operation of a Regional Animal Shelter in the amount of \$70 per animal fee.

Commissioner Pebley moved to approve the agreement as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

**F) CONSIDER APPROVAL OF CHANGE ORDER NO. 5 FOR THE MCALLEN MILLER INTERNATIONAL AIRPORT TERMINAL EXPANSION PROJECT.**

Staff recommended approval of Change Order No. 5 for the McAllen Miller International Airport Terminal Expansion Project in the amount of \$147,710 and 15 calendar days for a revised amount of \$19,349,417 and 742 calendar days.

Commissioner Pebley moved to approve the change order as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

**G) CONSIDER APPROVAL OF AMENDMENT NO. 14 TO THE HNTB GENERAL ENGINEERING CONTRACT FOR DESIGN AND BIDDING SERVICES FOR EMAS PROJECT AT THE MCALLEN-MILLER INTERNATIONAL AIRPORT.**

Staff recommended approval of Amendment No. 14 to the HNTB General Engineering Contract for Design and Bidding Services for EMAS Project at the McAllen-Miller International Airport in the amount of \$555,447 which will be paid with AIP and PFC funds.

Commissioner Ingram moved to approve the amendment as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

**H) AWARD OF CONTRACT FOR 2013 PAVEMENT FOG SEAL.**

Staff recommended award of contract for 2013 Pavement Fog Seal to Cholla Pavement Maintenance, in the amount of \$214,081.35.

Mayor Pro Tem Ramirez moved to award the contract as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**I) AUTHORIZATION TO OPEN THE SINGLE BID AND CONSIDER AWARD OF CONTRACT FOR 2013 PAVEMENT PRESERVATION.**

Staff recommended authorization to open the single bid received and award the contract to Pavement Restoration, for the 2013 Pavement Preservation.

Mayor Pro Tem Ramirez moved to authorize the opening of the single bid and tabling the item to allow staff to review the bid and specifications. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

Commissioner Ingram moved to remove said item from the table. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

Staff recommended award of contract to Pavement Restoration in the amount of \$190,822.

Commissioner Crane moved to award the bid as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

**J) CHANGE ORDER NO. 4 FOR THE MCALLEN DEVELOPMENT CENTER FOR VARIOUS ITEMS.**

Staff recommended approval of Change Order No. 4 for the McAllen Development Center by reducing the contingency fund to \$25,653 and increasing the contract amount to \$2,005,197 and increasing the contract time to 160 days.

Mayor Pro Tem Ramirez moved to approve the change order as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**K) CONSIDER EXTENSION OF ANNUAL MAINTENANCE AND SUPPORT SERVICES FOR CIS INFINITY AND TELE-WORKS SOFTWARE.**

Staff recommended approval of the extension of the Annual Maintenance and Support Services for CIS Infinity and Tele-Works Software for \$121,296.25. Additionally, staff recommended authorization to exercise the option to extend the contracts for four (4) additional years in one (1) year increments subject to acceptable performance and annual escalation fees not to exceed 3% annually.

Commissioner Ingram moved to approve the contract extension as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

**4. ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR FUNDING OF ADDITIONAL PROJECTS IN THE CAPITAL IMPROVEMENT FUND.**

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$5,000,000 for funding of additional projects in the Capital Improvement Fund.

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

**5. RESOLUTIONS:**

**A) SUPPORTING MAYOR DARLING FOR PRESIDENT-ELECT OF THE TEXAS MUNICIPAL LEAGUE.**

Staff recommended approval of a resolution supporting Mayor Darling for President-Elect of the Texas Municipal League.

Mayor Pro Tem Salinas moved to approve the resolution as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

**B) AUTHORIZING THE SUBMISSION OF A LOAN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR THE SOUTH WASTEWATER TREATMENT PLANT (SWWTP) UPGRADE CONSTRUCTION.**

Staff recommended approval of a resolution authorizing the submission of a loan application to the Texas Water Development Board for the South Wastewater Treatment Plant (SWWTP) Upgrade Construction.

Mayor Pro Tem Ramirez moved to approve the resolution as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

**6. MANAGER'S REPORT:**

**A) PRESENTATION OF PERFORMING ARTS CENTER PRELIMINARY DESIGN.**

A presentation was made on the Performing Arts Center Preliminary Design. No action required.

**B) FUTURE AGENDA ITEMS.**

The items for upcoming workshops were briefly reviewed: Joint Meeting with Public Utility Board, Hidalgo County Regional Mobility Authority, Space X presentation, Procurement Policy, General Insurance recommendations, Housing Project Briefing on Sam Houston site, Palm Bowl, Neighborhood Rehabilitation Program, Small Business Assistance, Entry Monuments and Parade Improvements.

**7. MAYOR'S REPORT ON THE JOINT GOVERNMENTAL MEETING SCHEDULE.**

Mayor Darling gave a report on proposed joint meetings with numerous governmental entities including the Public Utility Board, McAllen ISD Board, South Texas College, Hidalgo County Commissioner's Court, UTPA/UT Brownsville, and the Cities of Edinburg, Mission, and Pharr. He recommended that one meeting be set up once a month with one of these governmental bodies in an informal setting.

**8. TABLED ITEMS:**

**A) AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTER 50. FIREWORKS; RELATING TO THE REGULATION AND PERMITTING OF PUBLIC FIREWORKS DISPLAYS.**

Mayor Pro Tem Ramirez moved to remove said item from the table. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

Staff recommended adoption of an ordinance amending Chapter 50 of the McAllen Code of Ordinances relating to the regulation and permit of public fireworks displays.

Mayor Pro Tem Salinas moved to adopt the ordinance as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

**B) ABANDONING THE FOLLOWING STREET AND ALLEY RIGHT-OF-WAYS: 1) ALLEY NORTH OF EAST BEAUMONT AVENUE AND EAST OF SOUTH "K" CENTER STREET; 2) EAST BEAUMONT AVENUE EAST OF SOUTH "K" CENTER STREET; 3) ALLEY EAST OF SOUTH "K" CENTER STREET AND SOUTH OF BEAUMONT AVENUE AND NORTH OF CHICAGO AVENUE, BUT RETAINING A 20 FT. UTILITY EASEMENT OVER THE TRACT OF LAND BEING ABANDONED; 4) AN "L" SHAPED UTILITY EASEMENT OUT OF LOT 1, BURNS MOTORS SUBDIVISION, SOUTH OF BEAUMONT AVENUE TOUCHING THE CORNER OF CHICAGO AVENUE AND ENTIRELY NORTH OF SOUTHERN BOUNDARY OF CHICAGO AVENUE; AND 5) A 0.43 ACRE TRACT OF LAND OUT OF LOT "A", BOGGUS SUBDIVISION II, AND OUT OF LOTS 8-17, WHALENS ACRES, BUT RETAINING A UTILITY EASEMENT OVER THE TRACT OF LAND BEING ABANDONED: 1300 EAST BUSINESS HIGHWAY 83 AND 1225 EAST DALLAS AVENUE.**

Said item remained tabled.



**PUBLIC COMMENT SESSION**

The following individuals addressed the City Commission: Karen Church, Amory Pecina and Jim Barnes.

**9. 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 9C, 9E, 9P and 9Q; Section 551.071 Consultation with Attorney for Items 9B, 9C, 9D, 9E, 9G, 9J, 9K, 9L, 9P and 9Q; Section 551.072 Deliberation regarding Real Property for Items 9B, 9D 9F, 9H, 9I, 9M, 9N, 9O; and Section 551.074 (Personnel Matters) for Item 9A.

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

Mayor Darling recessed the meeting at 6:28 pm to go into Executive Session. Mayor Darling reconvened the meeting at 7:28 pm and announced the action on Executive Session items.

**A) DISCUSSION OF CITY MANAGER EVALUATION. (SECTION 551.074, T.G.C.)**

No action.

**B) CONSULTATION WITH CITY ATTORNEY REGARDING A DEVELOPMENT AGREEMENT WITH PROPERTY COMMERCE FOR THE OLD CIVIC CENTER REDEVELOPMENT. (SECTIONS 551.071 AND 551.072, T.G.C.)**

No action.

**C) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT PHOENIX. (SECTIONS 551.087 AND 551.071, T.G.C.)**

No action.

**D) DISCUSSION AND POSSIBLE ACTION ON AWARD OF BID PROPOSAL FOR THE SALE OF LOT 11B, MCALLEN CONVENTION CENTER. (SECTIONS 551.072 AND 551.071, T.G.C.)**

No action.

**E) CONSIDERATION OF AND CONSULTATION WITH CITY ATTORNEY REGARDING ECONOMIC INCENTIVES FOR PROJECT MAGNET. (SECTIONS 551.087 AND 551.071, T.G.C.)**

No action.

**F) DISCUSSION AND POSSIBLE ACTION REGARDING THE ACQUISITION OF 3.14 ACRE TRACT AND 11.53 ACRE TRACT OUT OF LOT 150, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS AND APPROVAL OF RESOLUTION. (SECTION 551.072, T.G.C.)**

No action.

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

No action.

- H) DISCUSSION AND POSSIBLE ACTION REGARDING THE ACQUISITION OF A 12.29 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 3, BLOCK 5, HIDALGO CANAL COMPANY. (SECTION 551.072, T.G.C.)**

No action.

- I) DISCUSSION AND POSSIBLE ACTION REGARDING THE ACQUISITION OF 16.60 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 3, BLOCK 5, HIDALGO CANAL COMPANY AND A 4.87 ACRE TRACT, MORE OR LESS, OUT OF LOT 14, BOCK 6, HIDALGO CANAL COMPANY. (SECTION 551.072, T.G.C.)**

No action.

- J) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LAWSUIT; DAHLILA GUERRA CASSO VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**

Commissioner Ingram moved to approve the filing of the lawsuit against Dahlila Casso. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

- K) CONSULTATION WITH CITY ATTORNEY REGARDING TOWN LAKE. (SECTION 551.071, T.G.C.)**

No action.

- L) CONSULTATION WITH CITY ATTORNEY REGARDING LITIGATION MATTER; ARNALDO RAMIREZ, ET AL VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**

No action.

- M) DISCUSSION AND POSSIBLE ACTION REGARDING PURCHASE OF RIGHT-OF-WAY FOR THE DEVELOPMENT AND CONSTRUCTION OF K CENTER STREET FROM NOLANA AVENUE TO 1,260' SOUTH OF THIS INTERSECTION. (SECTION 551.072, T.G.C.)**

No action.

- N) DISCUSSION AND POSSIBLE ACTION REGARDING ENTERING INTO A SALES CONTRACT AND AUTHORIZATION FOR CITY MANAGER TO COMPLETE THE TRANSACTION TO ACQUIRE LOT 2, BLOCK 2, WHITEWING ADDITION UNIT NO. 1, AND ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS AND APPROVE RESOLUTION. (SECTION 551.072, T.G.C.)**

Mayor Pro Tem Salinas moved to authorize city staff to close on the transaction regarding the purchase of property discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- O) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER TO ACQUIRE ONE OF THE TWO TRACTS OUT OF LOTS 11 & 12, SECTION 4 OR LOT 3 SECTION 5, HIDALGO CANAL COMPANY'S SUBDIVISION. (SECTION 551.072, T.G.C.)**

No action.

- P) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT MOUNTAIN LION. (SECTIONS 551.087 AND 551.071, T.G.C.)**

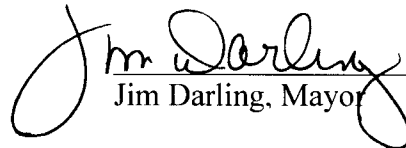
No action.

- Q) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT FRESH. (SECTIONS 551.087 AND 551.071, T.G.C.)**

Mayor Pro Tem Salinas moved to authorize the President of the McAllen Economic Development Corporation (MEDC) to offer the incentives along the parameters discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 7:29 p.m.

  
Jim Darling, Mayor

Attest:

  
Annette Villarreal, TRME/CMC, CPM  
City Secretary