

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, August 26, 2013**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Present: Mayor Jim Darling, Mayor Pro Tem Hilda Salinas, Mayor Pro Tem Aida Ramirez, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, Commissioner Veronica Vela Whitacre

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Assistant City Manager/PUB General Manager Roy Rodriguez, City Secretary Annette Villarreal, Deputy City Engineer Ramon Navarro, Director of Planning Juli Rankin, Director of Parks and Recreation Sally Gavlik, Director of Aviation Phil Brown,

1. PUBLIC HEARING:

Mayor Darling called the Public Hearing to order.

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.

- A) REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOTS 12, 13, AND 14, BLOCK 1, A.D. LEAVELL'S ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 506, 510, AND 512 BEAUMONT AVENUE.**

Approved the C-3 zoning at 506, 510 and 512 Beaumont Avenue, as per Planning and Zoning Commission.

- B) REZONE FROM C-3L (LIGHT COMMERCIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 0.32 ACRES OUT OF LOTS 1 AND 2 AND THE NORTH ONE-HALF OF LOT 3, BLOCK 1, NELSON ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 1515 HOUSTON AVENUE.**

Approved the R-3A zoning at 1515 Houston Avenue, as per Planning and Zoning Commission.

- C) REQUEST OF JESUS GARCIA, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN AUTOMOTIVE SERVICE AND REPAIR (MECHANIC SHOP) AT 0.39 ACRES OUT OF LOT 245, PRIDE O' TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 4321 BUDDY OWENS BOULEVARD.**

Approved a Conditional Use Permit, for life of the use, at 4321 Buddy Owens Boulevard, as per Planning and Zoning Commission, subject to compliance with Section 138-281 of the Zoning Ordinance, building permit requirements, and Fire Department requirements. The establishment must also meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

- 1) A minimum lot size of 10,000 sq. ft. is required. The subject property has approximately 16,000 sq. ft;
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. Work on vehicles is proposed to be done inside the building;
- 3) Outside storage of materials is prohibited. No outside storage is proposed;

- 4) The building where the work is to take place shall be a minimum of 100 ft. from the nearest residence. The existing residences are located approximately 155 ft. south of this building;
- 5) A 6 ft. opaque buffer fence is required for the proposed use from any residential zone/use. A chain link fence with vegetation is provided on the south side;
- 6) New buildings and conversions of existing buildings shall meet current Building and Fire Code requirements concerning separation of high hazard uses from other occupancy use classifications.

D) REQUEST OF SANDRA RAMIREZ, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE AUGUST 6, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHT CLUB AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE A-3.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for a night club, at 400 Nolana Avenue, Suite A-3, as per Planning and Zoning Commission, subject to the conditions as noted, and with the added conditions for extra security and nightly trash pickup. 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 Nolana Avenue, N. 4th and N. 6th Streets. The existing gates on N. 4th Street need to be closed during the hours of operation as a required condition from the previous Conditional Use Permits;
- 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. The shopping center is a mixture of office, retail, vacant suites, restaurants, Eddy's and Club NV. The proposed nightclub is required 98 parking spaces; 724 parking spaces are provided on the common parking area in the front and rear of the building. For the restaurants, the bar and the proposed nightclub to run simultaneously, 569 parking spaces are required;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties. No parking signs exist on N. 4th Street and must be maintained;
- 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 set at 403 persons.

E) REQUEST OF ROBERT WILSON, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE AUGUST 6, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT A-1, NOLANA TOWERS SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE G.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for a bar, at 400 Nolana Avenue, Suite G, as per Planning and Zoning Commission, subject to the conditions as noted, and with the added conditions for extra security and nightly trash pickup. 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 is located on Nolana Avenue 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 building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, and nightclubs (Yacht Club & Club NV). The proposed bar is required 149 parking spaces; 724 parking spaces are provided on the common parking area in the front and rear of the building. For the restaurants, the bars and the proposed nightclub to run simultaneously, 569 parking spaces are required;

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 number of persons allowed is 712.

F) REQUEST OF JESUS A. LEAL ON BEHALF OF JOSANT INC., APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE AUGUST 6, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOTS 6 AND 7, 21ST PLACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2013 NOLANA AVENUE.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for a bar, at 2013 Nolana, as per Planning and Zoning Commission, subject to the conditions as noted, and with the added conditions for extra security and nightly trash pickup. 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, 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 North 21st Street, 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. Based on the square footage of the establishment, 67 parking spaces are required for this use and 85 additional spaces are required for the remainder of the buildings, for a total of 152 spaces required. There are 155 parking spaces provided in the common parking area in the front and rear of the building;

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 limited to 260 persons.

G) REQUEST OF JOSE R. AGUILAR, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE AUGUST 6, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOTS 1, 2, AND 3A, SUE'S PLACE, HIDALGO COUNTY, TEXAS; 6500 NORTH 10TH STREET, SUITE I AND J.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for a bar, at 6500 North 10th Street, Suite I and J, as per Planning and Zoning Commission, subject to added conditions for extra security and nightly trash pickup. 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 zone/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 direct access to N. 10th Street and Martin Avenue;
- 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. Based on the square footages and current uses, 85 parking spaces are required. The proposed bar would require an additional 56 parking spaces, for a total of 141 spaces; 161 parking spaces are provided on site, which are part of the common parking area;
- 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 allowed is 228 persons.

H) PUBLIC HEARING TO CONSIDER A VARIANCE FROM SECTION 6-2 OF THE ALCOHOLIC BEVERAGE CODE, FOR LOT 10A, NORTH MCALLEN, LOT 10A, BLOCK 45 SUBDIVISION; 210 NORTH MAIN STREET.

No one appeared to speak against the granting of a variance to the Alcoholic Beverage Code for 210 North Main Street.

I) APPROVAL OF A VARIANCE REQUEST FROM SECTION 6-2 OF THE ALCOHOLIC BEVERAGE CODE FOR LOT 10A, NORTH MCALLEN, LOT 10A, BLOCK 45 SUBDIVISION; 210 NORTH MAIN STREET.

Approved the variance request at 210 North Main Street, as per Planning and Zoning Commission.

J) ADOPTION OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN AS ENACTED MAY 29, 1979.

Adopted the Zoning Ordinance for the approved tracts.

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. Commissioner Ingram seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES FOR VARIOUS MEETINGS.

Approved the minutes of Workshops held January 14th, January 28th, February 11th, February 25th, March 25th, April 22nd, August 6th, August 7th, August 12th, August 13th, August 14th, August 20th, Special Meetings held April 16th and April 17th and Regular Meeting held August 12, 2013. Additionally, approved outstanding minutes for 2007 for Workshops held October 16th, October 22nd, November 12th, November 13th and November 26, 2007, as submitted.

B) CONSIDERATION OF INTERLOCAL AGREEMENT WITH COUNTY OF HIDALGO TO TRANSFER EQUIPMENT FOR THE REGIONAL RADIO SYSTEM TO THE CITY OF MCALLEN.

Approved an Interlocal Agreement with County of Hidalgo to transfer equipment for the Regional Radio System to the City of McAllen.

C) AWARD OF SERVICE CONTRACT FOR MOBILE TRUCK WASH FOR PUBLIC WORKS DEPARTMENT.

Awarded a contract for Mobile Truck Washing Services to ECO Bright Solutions, for one year with the option to extend for two (2) additional years in one year increments, with City Manager approval, if performance of the vendor is satisfactory and the unit prices remain firm.

D) APPROVAL OF TAX REFUNDS OVER \$500 TO:

1. VALERO C/O POPP HUTCHENSON PLLC

Approved a tax refund in the amount of \$3,661.22

2. MCALLEN COMPONENTS LP C/O GE/POPP HUTCHESON

Approved a tax refund in the amount of \$3,601.50

E) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE JUNIOR LEAGUE OF MCALLEN, INC., FOR FUNDING UNDER THE FISCAL YEAR 2013-2014 ANNIVERSARY FUND GRANT PROGRAM FOR A MCALLEN PUBLIC LIBRARY PROJECT.

Approved a resolution authorizing the submission of a grant application to the Junior League of McAllen, Inc., for funding under the Fiscal Year 2013-2014 Anniversary Fund Grant Program, for a McAllen Public Library Project.

F) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE JUNIOR LEAGUE OF MCALLEN, INC. FOR FUNDING UNDER THE FISCAL YEAR 2013-2014 ANNIVERSARY FUND GRANT PROGRAM FOR A PARKS AND RECREATION PROJECT.

Approved a resolution authorizing the submission of a grant application to the Junior League of McAllen, Inc., for funding under the Fiscal Year 2013-2014 Anniversary Fund Grant Program, for a Parks and Recreation Project.

G) CONFIRMATION AND APPOINTMENT OF A MEMBER TO THE HISTORIC PRESERVATION COUNCIL.

Confirmed the appointment of Joe M. Averill, Jr. to the Historic Preservation Council.

3. BIDS/CONTRACTS:

A) AWARD OF CONTRACT FOR THE INTERNATIONAL MUSEUM OF ARTS AND SCIENCE (IMAS) FAÇADE AND SITE IMPROVEMENTS.

Staff recommended award of contract for the International Museum of Arts and Science (IMAS) Façade and Site Improvements to Rigney Construction and Development LLC, in the amount of \$359,915.

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

B) AWARD OF CONTRACT FOR METAL RETROFIT ROOFING SYSTEM AND OFFICE TRAILERS HAIL DAMAGE FOR PUBLIC WORKS ADMIN. AND FLEET FACILITY.

Staff recommended award of contract for Metal Retrofit Roofing System and Office Trailers Hail Damage for Public Works Admin. and Fleet Facility, in the amount of \$191,500 to American Contracting, USA.

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

C) CONSIDER AUTHORIZATION TO PURCHASE FURNITURE FOR THE DEVELOPMENT SERVICES FACILITY THROUGH THE TEXAS MULTIPLE AWARD SCHEDULE (TXMAS).

Staff recommended authorization for the purchase Furniture for the Development Services Facility through the Texas Multiple Award Schedule (TXMAS) with Texas Wilson, in the amount of \$54,994.62.

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

4. ORDINANCES:

A) CALLING A SPECIAL ELECTION ON NOVEMBER 5, 2013, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS.

Staff recommended adoption of an ordinance calling a Special Election on November 5, 2013, authorizing the Issuance of General Obligation Bonds.

Questions were asked and comments were made.

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

B) BUDGET AMENDMENT FOR THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE PROJECTS.

Staff recommended adoption of an ordinance providing for a budget amendment for the McAllen-Hidalgo International Bridge Projects in the amount of \$217,582.

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

C) AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTERS 2 AND 138 MODIFYING THE MEMBERSHIP AND QUORUM FOR ZONING BOARD OF ADJUSTMENT AND APPEALS.

Staff recommended adoption of an ordinance amending the McAllen Code of Ordinance, Chapters 2 and 138 modifying the membership and quorum for Zoning Board of Adjustments and Appeals to become effective January, 2014.

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

5. RESOLUTION AUTHORIZING THE SUBMISSION OF A PASSENGER FACILITY CHARGE (PFC) APPLICATION FOR THE MCALLEN INTERNATIONAL AIRPORT.

Staff recommended approval of a resolution authorizing the submission of a Passenger Facility Charge (PFC) Application for the McAllen International Airport, requesting a \$4.50 charge which includes Airport Improvement Projects which the Airport will undertake in the next three (3) years.

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

6. VARIANCE REQUEST TO THE RIGHT-OF-WAY DEDICATION REQUIREMENT; 1901 DOVE AVENUE.

Staff recommended approval of a variance to the right-of-way dedication requirement allowing for a 10 ft. R-O-W dedication for 120 ft. of R-O-W along Dove in lieu of the 150 ft. ROW as indicated in the Thoroughfare Plan at 1901 Dove Avenue.

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

7. MANAGER'S REPORT:

A) DISCUSSION OF THE 2013 MCALLEN PROPOSED TAX RATE; TAKE RECORD VOTE; AND SCHEDULE PUBLIC HEARINGS.

Staff recommended approving the proposed tax rate of 0.4313 per \$100 of taxable value; take record vote and schedule two public hearings: September 9th at 5:00 pm and September 18th at 5:00 pm, respectively.

Commissioner Ingram moved to approve the proposed tax rate of 0.4313 per \$100 valuation and schedule two (2) public hearings for September 9th at 5:00 pm and September 18th at 5:00 pm, respectively, as recommended. Commissioner Pebley seconded the motion. The vote on the motion was as follows:

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

B) REVIEW OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2013.

Staff presented the Quarterly Investment Report for the quarter ended March 31, 2013 and recommended acceptance of the report as per the Audit and Investment Committee.

Mayor Pro Tem Ramirez moved to accept the report as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously.

C) STATUS REPORT ON PARKS AND RECREATION CONSTRUCTION PROJECTS.

Staff gave a report on Parks and Recreation Construction Projects. Report only. No action needed.

D) STATUS REPORT ON VARIOUS CITY PROJECTS THRU JULY 31, 2013.

Staff gave a report on various city projects under construction. Report only. No action needed.

E) STATUS REPORT ON THE TERMINAL EXPANSION CONSTRUCTION PROJECT.

Staff gave a report on Terminal Expansion Construction Projects. Report only. No action needed.

F) REPORT ON SUBDIVISIONS AND DEVELOPMENT.

Staff gave a report on Subdivisions and Development. Report only. No action needed.

G) CONSIDERATION AND ACTION AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO "1115" PROGRAM REGARDING HEALTH CARE ASSISTANCE.

Mayor Darling announced that he had a conflict on this matter and filed a form with the City Secretary.

Staff recommended that said item be tabled for discussion in Executive Session under Section 551.071 Consultation with City Attorney.

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

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

Staff announced that no action would be taken on said item at this time and that a special meeting to discuss and consider said item was posted for Thursday, August 29, 2013 at 7:00 pm.

H) FUTURE AGENDA ITEMS.

The items for upcoming workshops were briefly reviewed: Naming of 311 Center & App; Performing Arts Interior Design; Regional Mobility Authority Presentation; Procurement Policy; Project Imagine Tomorrow; General Insurance recommendations; Palm Bowl; Small Business Assistance; Entry Monuments; Parade Improvements; Buffering Requirements; Airport Interior Design; Image Project with MEDC and McAllen Chamber.

8. MAYOR'S REPORT:

A) REPORT ON TXDOT PROPOSAL FOR CITY MAINTENANCE OF STATE ROADS.

Mayor Darling gave a report on TXDOT proposal for City maintenance of state roads.

B) REPORT ON THE UNIVERSITY OF HOUSTON VISIT.

Mayor Darling gave a report on the University of Houston visit.

9. TABLED ITEM: ORDINANCE 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 LOT 1, BURNS MOTORS SUBDIVISION, 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.

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

Staff recommended adoption of an ordinance providing for the abandonment of street and alley rights-of-ways as indicated above, at 1300 East Business Highway 83 and 1225 East Dallas Avenue.

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

PUBLIC COMMENT SESSION

The following individuals spoke during the Public Comment Session: Karen Church and Jim Barnes.

10. 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 10C, 10E and 10F; Section 551.071 Consultation with Attorney for Items 10B 10C, 10D, 10E, 10F, 10J, 10K 10L and 10M; Section 551.072 Deliberation regarding Real Property for Items 10B, 10D, 10G, 10H and 10I; and Section 551.074 (Personnel Matters) for Item 10A.

Commissioner Whitacre announced that she had a conflict with item 10D and would abstain from discussion and voting on said item. Subsequently, a conflict form was filed with the City Secretary.

Mayor Pro Tem Ramirez 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.

Mayor Darling recessed the meeting at 6:17 pm to go into Executive Session. Mayor Darling reconvened the meeting at 7:46 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 ECONOMIC INCENTIVES FOR PROJECT QUADRANT. (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 ECONOMIC INCENTIVES FOR PROJECT RED ROVER II. (SECTIONS 551.087 AND 551.071, T.G.C.)

Commissioner Ingram moved to authorize the City Attorney and City Manager to offer economic incentives for the project as per the directive in Executive Session. Commissioner Pebley seconded the motion. The motion carried unanimously.

G) 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.

H) 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.)

Commissioner Ingram moved to authorize the City Attorney to attempt to purchase right-of-way within the parameters discussed in Executive Session. Commissioner Pebley seconded the motion. The motion carried unanimously.

- I) **DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER TO ACQUIRE ONE OF THE TWO TRACTS OUT OF LOT 29, BLOCK 1, C.E. HAMMOND SUBDIVISION OR LOT "N", BECK INDUSTRIAL AREA, CITY OF MCALLEN, HIDALGO COUNTY, TEXAS. (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.)**

No action.

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

No action.

- L) **CONSULTATION WITH CITY ATTORNEY REGARDING CL-13-2288-H; MARGARITO RAMIREZ VS. LUIS MANUEL CRUZ AND CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**

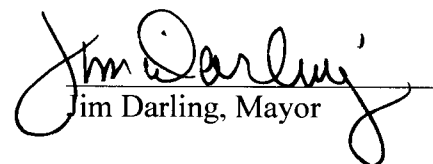
Commissioner Pebley moved to authorize the City Attorney or appropriate outside counsel to defend the city in the lawsuit. Commissioner Ingram seconded the motion. The motion carried unanimously.

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


Commissioner Ingram moved to direct the City Manager to respectfully decline the proposal from Vianovo. Commissioner Pebley seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 7:49 p.m.


Jim Darling, Mayor

Attest:


Annette Villarreal, TRMC/CMC, CPM
City Secretary