

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, October 28, 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, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Director of Planning Juli Rankin, Director of Parks and Recreation Sally Gavlik, Public Works Director Carlos Sanchez, Fire Chief Rafael Balderas

CALL TO ORDER

Mayor Darling called the meeting to order.

PROCLAMATION

SUPERHERO BOWL DAY

Mayor Pro Tem Ramirez read and presented a proclamation for *Superhero Bowl for Kids Sake Day*.

1. PUBLIC HEARING:

Mayor Darling 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.]*

Staff noted that item A-1 had opposition and recommended that said item be removed from the routine items section of the agenda and be addressed separately. Mayor Darling asked if anyone was present to speak in opposition to the items listed under this section of the agenda with exception of item A-1. No one appeared.

Mayor Pro Tem Ramirez moved to approve the items listed on the Routine Items section of the agenda with exception of item A-1 which would be addressed separately. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

1. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: LOT 18, JANICE ADDITION AND LOT 9, JANICE ADDITION NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1107 TAMARACK AVENUE AND 1102 SYCAMORE AVENUE.

Staff recommended approval of an R-3A zoning at 1107 Tamarack Avenue and 1102 Sycamore Avenue, as per Planning and Zoning Commission.

Mayor Darling asked if anyone was present to speak in opposition to this item. The following individuals spoke in opposition: Santos Escobedo, Linda Bales and Grace Jarvis. Attorney Mark Montalvo, representing the applicant, spoke in favor of the request.

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, Pebley, and Mayors Pro Tem Salinas and Ramirez
NAYS: Commissioners Crane and Whitacre
ABSENT: None

ABSTAINED: None

2. REQUEST OF HARMODIO DIAZ GRANADOS ON BEHALF OF PREMIUM AUTOMOTIVE SERVICES, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN AUTOMOTIVE SERVICE AND REPAIR (MECHANIC SHOP) AT LOTS 20 AND 21, BROADWAY NORTH SUBDIVISION, HIDALGO COUNTY, TEXAS; 711 DOVE AVENUE.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for life of the use, for an automotive service and repair at 711 Dove Avenue, as per Planning and Zoning Commission. 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 is 6,822 sq. ft.; however, the common development/area Broadway North Subdivision, consists of 6.797 acres;
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. All work to take place within the existing building. There are eight service/work bay areas within the building;
- 3) Outside storage of materials is prohibited. None are proposed;
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is approximately 95 ft. from the nearest residential use to the south;
- 5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially-zoned area is required. A 6 ft. opaque fence buffer is provided to the east, south and west sides;
- 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.

3. REQUEST OF BLANCA I. CANTU, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A SINGLE FAMILY DWELLING AT LOT 1, TREVINO'S ACRES SUBDIVISION AND 0.56 ACRES OUT OF LOT 2, BLOCK 8, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS; 2000 SOUTH JACKSON ROAD.

Approved a Conditional Use Permit, for life of the use, for a single family dwelling at 2000 South Jackson Road, as per Planning and Zoning Commission, subject to Section 138-238 and 138-176 of the Zoning Ordinance, Fire Department and building permit requirements. The residence must comply with the following requirements:

- 1) No form of pollution shall emanate beyond the immediate property line of the permitted use;
- 2) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use; and
- 3) In C-1 to I-2 Districts, a permit for a single family dwelling shall be occupied by the owner on a minimum lot size of 5,000 sq. ft. in compliance with setbacks of the respective zoning district. The subject property is 87,120 sq. ft.

4. REQUEST OF EDUARDO O. CANTU, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE OCTOBER 1, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BANQUET HALL AT LOTS 10 THRU 19, BLOCK 1, LAS CAÑADAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3000 THROUGH 3020 SOUTH JACKSON ROAD.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a banquet hall at 3000 through 3020 South Jackson Road, as per Planning and Zoning Commission, subject to maintaining the conditions of nightly trash pickup an hour after closing, extra security, and the removal of the storage units to comply with parking. 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. from a residential zone to the west and south. Should a variance to the distance requirement be granted, then staff recommends that a provision be made to state that the establishment and outdoor facility not be heard from the residential area;

2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The property has access to E. Olympia Avenue, which connects to South Jackson Road;

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 buildings, 196 parking spaces are required; 197 parking spaces are provided as per site plan. During inspection staff observed two portable buildings at the rear of the property (approximately 10 ft. by 40 ft.), which eliminates 10 parking spaces, leaving the establishments 9 parking space short. There was no permit on file for the portable buildings. Staff advised the applicant about the shortage of the parking spaces and the portable buildings needing permits. He stated that there are 200 parking spaces on site. Staff did go to verify and there are 200 parking spaces, leaving the establishment 6 spaces short instead of 9 spaces;

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 is set at 624 inside the dance hall and 232 outdoor-area for a total of 856 persons.

5. REQUEST OF BLANCA I. CANTU, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE OCTOBER 1, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A DANCE HALL AT LOT 1, TREVINO'S ACRE SUBDIVISION AND 0.56 ACRES OUT OF LOT 2, BLOCK 8, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS; 2000 SOUTH JACKSON ROAD.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a dance hall at 2000 South Jackson Road, as per Planning and Zoning Commission. The establishment must also comply with 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 feet 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 establishment is within 600 ft. of single family residential use/zones;

2) The property must be as close as possible to a major arterial and shall no generate traffic onto residential-sized streets. The establishment has direct access to South Jackson Road;

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. The applicant's site plan is showing a 9,618 total sq. ft. dancehall and a 3,046 sq. ft. two-story residence. Based on the 7,651 sq. ft. first floor dancehall, 77 parking spaces are required and for the 1,551 sq. ft. second floor, 4 parking spaces are required. The two-story residence by ordinance is required 2 parking spaces for a total of 83 parking spaces required. The applicant is proposing 88 parking spaces, leaving 5 spaces available;

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 capacity for this establishment will be determined at the time of building prior to occupancy of the building.

6. REQUEST OF REBEKAH ZAMORA, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE OCTOBER 1, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A LOUNGE AT LOT 2, MARTIN PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS; 6401 NORTH 10TH STREET.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a lounge at 6401 North 10th Street, as per Planning and Zoning Commission, subject to added conditions of hours of operation be from 12 p.m. to 8 p.m., using 75% of floor area only, nightly trash pickup an hour after closing and extra security. 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 10th 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. Currently there is a multi-tenant commercial building on the property. Based on the square footages and existing uses, 66 parking spaces are required and 91 parking spaces are provided on site. The proposed lounge (including the cigar business) would require 15 parking spaces for a total of 81 spaces for the plaza, leaving 10 spaces available;
- 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 capacity for this establishment will be determined at the time of building permit prior to occupancy of the building.

7. REQUEST OF DANIEL R. DURAN, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE OCTOBER 16, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOTS 1 THRU 5, MICHELLE'S PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2104 NOLANA AVENUE.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a bar at 2104 Nolana Avenue, as per Planning and Zoning Commission subject to added conditions of nightly trash pickup and extra security. The establishment must comply with 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 feet 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 property is within 600 ft. of residential zones and uses and McAllen's Library;
- 2) The property must be as close as possible to a major arterial and shall no generate traffic onto residential-sized streets. The establishment has direct access to Nolana 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 3,000 sq. ft. lease space 40 parking spaces are required; 92 parking spaces are provided on site. The building also consists of two vacant office suites (6,000 sq. ft.) and a bar (3,000 sq. ft.), which has not been in operation. Based on the square footage and uses 73 parking

spaces would be required. For every business to run simultaneously 113 parking spaces would be required and would need to be provided before permits could be issued.

- 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 85.

8. REQUEST OF JAVIER A. CHAPA, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE OCTOBER 16, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN AUTOMOTIVE SERVICE AND REPAIR (TIRE SHOP) AT LOTS 5 AND 6, SOUTH 23RD BUSINESS PARK SUBDIVISION, HIDALGO COUNTY, TEXAS; 4910 SOUTH 23RD STREET.

Approved a variance to the distance requirement and approved a Conditional Use Permit, for one year, for an automotive service and repair at 4910 South 23rd Street, as per Planning and Zoning Commission. 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 is 12,250 sq. ft.;
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. All work to take place within the existing building. There are three working areas inside;
- 3) Outside storage of materials is prohibited. None are being proposed outside;
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is located within 93 ft. of a residence;
- 5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially-zoned area is required. There is an 8 ft. block fence located at the rear of the property;
- 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.

B) REZONING:

REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: THE WEST 17 FEET OF LOT 2 AND ALL OF LOT 3, BLOCK 5, ORANGE TERRACE SUBDIVISION NO. 3, HIDALGO COUNTY, TEXAS; 1005-1011 ORANGE AVENUE.

Staff recommended disapproval of the C-3 zoning at 1005-1011 Orange Avenue, as per Planning and Zoning Commission.

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

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

C) CONDITIONAL USE PERMIT:

REQUEST OF CIPRIANO BARSENAS JR., FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A GUEST HOUSE AT LOT 26, BLOCK 1, RETAMA TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1220 NORTH 27TH STREET.

Staff recommended disapproval of the Conditional Use Permit, for life of the use, for a guest house at 1220 North 27th Street, as per Planning and Zoning Commission.

Mayor Darling asked if anyone was present to speak in favor of the permit. The applicant, Cipriano Barsenas Jr., spoke in favor of the permit. Ms. Molly Sanchez spoke in opposition. A discussion was held.

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

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

No action required on this item.

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 OF VARIOUS MEETINGS.

Approved minutes of Workshop and Regular Meeting held October 14, 2013. Approved outstanding minutes for 2008 Workshops held January 9th, January 10th, August 26th and December 15, 2008.

B) AWARD OF CONTRACT FOR THE PURCHASE OF MATERIALS FOR THE PEDESTRIAN BRIDGE REHABILITATION AT PALM VIEW GOLF COURSE.

Awarded a contract for the Purchase of Materials for the Pedestrian Bridge Rehabilitation at Palm View Golf Course to American Plastic Lumber, in the amount of \$52,840.20.

C) CONSIDER APPROVAL OF CONTRACT AMENDMENT NO. 5 FOR THE DEVELOPMENT CENTER.

Approved Contract Amendment No. 5 to Rike Ogden for additional services for the Development Center in the fixed fee of \$46,315.

D) CONSIDER APPROVAL OF A SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH HIDALGO COUNTY TO TRANSFER EQUIPMENT FOR THE REGIONAL RADIO SYSTEM TO CITY OF MCALLEN.

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

E) AUTHORIZATION TO DECLARE A CERTAIN VEHICLE AS SURPLUS AND AUTHORIZE THE DONATION OF VEHICLE TO THE CITY OF REYNOSA, TAMAULIPAS MEXICO VIA AN INTERLOCAL AGREEMENT.

Declared a certain vehicle as surplus and authorized the donation of such vehicle to the City of Reynosa, Tamaulipas Mexico via an Interlocal Agreement.

F) CONSIDER APPROVAL OF A CHANGE ORDER FOR THE PURCHASE AND INSTALLATION OF ONE (1) 8,000 GALLON FUEL TANK AND TWO (2) SINGLE HOSE DISPENSERS.

Approved a change order to the contract awarded to South Texas Pump, Inc., to reflect the increase of \$4,415 for the Purchase and Installation of one (1) 8,000 Gallon Fuel Tank and Two (2) Single Hose Dispensers for a total contract amount of \$81,415.

G) AWARD OF CONTRACT FOR 1,000 96-GALLON BLACK REFUSE CARTS AND 1,000 96-GALLON BLUE RECYCLING CARTS AND AUTHORIZATION FOR ADDITIONAL PURCHASE DURING THE FISCAL YEAR.

Awarded a contract for 1,000 96-Gallon Black Refuse Carts and 1,000 96-Gallon Blue Recycling Carts to TOTER Incorporated, in the amount of \$104,698.36 and authorized additional purchases during the fiscal year.

H) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE INTER-DEPARTMENTAL SERVICES FUND FOR THE PURCHASE OF ONE (1) 8,000 GALLON FUEL TANK AND TWO (2) HOSE DISPENSERS.

Adopted an ordinance providing for a budget amendment to the Inter-Departmental Services Fund in the amount of \$81,415 for the purchase of one (1) 8,000 Gallon Fuel Tank and two (2) Hose Dispensers.

I) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE SANITATION FUND FOR THE PURCHASE OF ONE (1) COMPACT WHEEL LOADER.

Adopted an ordinance providing for a budget amendment in the amount of \$75,946 to the Sanitation Fund for the purchase of one (1) Compact Wheel Loader.

J) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE GENERAL FUND FOR THE PURCHASE OF AN EXCAVATOR MOUNTED CUTTING ATTACHMENT.

Adopted an ordinance providing for a budget amendment in the amount of \$29,999 to the General Fund for the purchase of an Excavator Mounting Cutting Attachment.

K) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE GENERAL DEPRECIATION FUND FOR THE REFURBISHMENT OF ONE (1) KOMATSU DOZER.

Adopted an ordinance providing for a budget amendment in the amount of \$73,000 to the General Depreciation Fund for the refurbishment of one (1) Komatsu Dozer.

L) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE SANITATION DEPRECIATION FUND FOR THE PURCHASE OF TWO (2) FRONT LOAD REFUSE TRUCKS.

Adopted an ordinance providing for a budget amendment in the amount of \$463,320 to the Sanitation Depreciation Fund for the purchase of two (2) Front Load Refuse Trucks.

M) ORDINANCE APPROVING THE ASSIGNMENT AND TRANSFER OF FRANCHISE TO ONE GAS INC.

Adopted an ordinance approving the Assignment and Transfer of Franchise from Texas Gas Service, Inc., a division of ONEOK, Inc. to One Gas Inc.

N) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO AMERICAN FORESTS FOR FUNDING UNDER FISCAL YEAR 2014 GLOBAL RELEAF GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to American Forests for funding under the Fiscal Year 2014 Global Releaf Grant Program. Grant funds requested are for \$15,000 with no local match requirement which will be utilized for the restoration of four acres called Ebony Grove at Quinta Mazatlan.

O) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS HISTORICAL COMMISSION FOR FUNDING UNDER THE FISCAL YEAR 2014 CERTIFIED LOCAL GOVERNMENT GRANT PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the Texas Historical Commission for funding under the Fiscal Year 2014 Certified Local Government Grant Program. Grant funds requested are for \$13,000 with a \$13,000 local match for a total project amount of \$26,000 which will be utilized for public educational outreach effort by the City's Planning Department.

3. BIDS/CONTRACTS:

A) CONSIDER THE REQUEST FOR CITY PARTICIPATION WITH WIDENING OF FREDDY GONZALEZ BETWEEN 23RD STREET AND 2,600 FT. TO THE EAST.

Staff recommended approval for City participation in the amount of \$128,000 for the widening of Freddy Gonzalez between 23rd Street and 2,600 ft. to east.

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

B) CONSIDER AUTHORIZING STAFF TO NEGOTIATE A CONTRACT WITH THE TOP RANKED FIRM FOR ARCHITECTURAL DESIGN SERVICES FOR ADDITIONAL RESTROOM FACILITIES AT DE LEON NORTH SOCCER FACILITY.

Staff recommended approval of a contract with Boultinghouse, Simpson, Gates LLC for Architectural Design Services for additional restroom facilities at De Leon North Soccer Facility.

A question was asked about designing the project in-house. Staff reported that the design could be done in-house; however, the design would need to be reviewed and stamped by a licensed architect. Staff was instructed to research same in an effort reduce costs on the overall project.

Commissioner Pebley moved to table said item. Commissioner Whitacre seconded the motion. The motion carried unanimously.

C) AWARD OF CONTRACT FOR PURCHASE AND INSTALLATION OF ADDITIONAL PERMANENT BLEACHER SEATING AT DELEON NORTH SOCCER COMPLEX.

Staff recommended award of contract for the Purchase and Installation of Additional Permanent Bleacher Seating at De Leon North Soccer Complex to Sturdi Steel, in the amount of \$262,500.

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

D) CONSIDER APPROVAL OF STADIUM LICENSE AGREEMENT WITH MCALLEN INDEPENDENT SCHOOL DISTRICT.

Staff recommended approval of a Stadium License Agreement with McAllen Independent School District subject to Commissioners Pebley and Crane meeting with the school district regarding block-out dates.

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

E) CONSIDER APPROVAL OF AN AGREEMENT BETWEEN THE DEVELOPMENT CORPORATION OF MCALLEN, INC. AND RGV FOUNDATION.

Staff recommended approval of an agreement between the Development Corporation of McAllen, Inc. and RGV Foundation for funding in the amount of \$50,000.

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

4. ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR GONZALEZ ELEMENTARY PLAYScape.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$50,000 for Gonzalez Elementary Playscape.

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

5. RESOLUTIONS:

A) CASTING VOTES FOR HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR 2014-2015.

Staff recommended approval of a resolution casting votes for Eddie Cano for Hidalgo County Appraisal District Board of Directors for 2014-2015.

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

B) SUPPORTING PROPOSITION 6 OF THE NOVEMBER 5, 2013 CONSTITUTIONAL AMENDMENT ELECTION RELATING TO THE CREATION OF THE STATE WATER IMPLEMENTATION FUND FOR TEXAS AND THE STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS TO ASSIST IN THE FINANCING OF PRIORITY PROJECTS IN THE STATE WATER PLAN TO ENSURE THE AVAILABILITY OF ADEQUATE WATER RESOURCES.

Staff recommended approval of a resolution supporting Proposition 6 of the November 5, 2013 Constitutional Amendment Election relating to the creation of the State Water Implementation Fund for Texas and the State Water Implementation Fund for Texas to assist in the financing of priority projects in the State Water Plan to ensure the availability of adequate water resources.

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

6. MANAGER'S REPORT:

A) CONSIDER AUTHORIZATION TO PAY TAXES TO HIDALGO IRRIGATION DISTRICT #1 FOR DE LEON PARK, GARCIA PARK, NATURE CENTER AND DAFFODIL PARK.

Staff recommended authorization for the payment of taxes owed to the Hidalgo Irrigation District #1 in the amount of \$27,867.87 for De Leon Park, Garcia Park, Nature Center and Daffodil Park.

Commissioner Pebley moved to approve the payment of taxes as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

B) STATUS REPORT ON PARKS AND RECREATION CONSTRUCTION PROJECTS.

Report only. No action required.

C) STATUS REPORT ON VARIOUS CITY PROJECTS THRU SEPTEMBER 30, 2013.

Report only. No action required.

D) STATUS REPORT ON THE TERMINAL EXPANSION CONSTRUCTION PROJECT.

Report only. No action required.

E) REPORT ON SUBDIVISIONS AND DEVELOPMENT.

Report only. No action required.

F) REPORT ON CONVENTION ACTIVITIES BY MCALLEN CONVENTION AND VISITORS BUREAU.

Report only. No action required.

G) DESIGNATION OF A COMMISSION REPRESENTATIVE TO THE IMAS BOARD OF DIRECTORS.

Staff recommended the nomination of a Commission Representative to the IMAS Board of Directors.

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

H) FUTURE AGENDA ITEMS.

The items for upcoming workshops were briefly reviewed: Airport Engineer Interviews; Presentation on Health Clinic; Post-Employment Benefits; Palm Bowl; Small Business Assistance; and Parade Improvements.

7. TABLED ITEMS:

A) DISCUSSION AND POSSIBLE ACTION REGARDING A WAIVER OF PENALTY AND INTEREST ON DELINQUENT TAXES FOR SINBON ELECTRONICS CO. LTD., CAUSE NO. T-1113-12-J.

Said item remained tabled.

B) VARIANCE REQUEST TO THE SUBDIVISION REQUIREMENT PROCESS AT THE EAST 137 FT. OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF COMBINED LOT 11, BLOCK 4 AND BLOCK 2, M & M SUBDIVISION; 2901 VALCOSTA SERVICE ROAD.

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

Staff recommended disapproval of a variance to the subdivision requirement process at 2901 Valcosta Service Road.

The applicant, Noemi Garcia, addressed the City Commission in favor of the variance request. A discussion was held about certain conditions if approved, for which the applicant was willingly agreeable to as she conveyed to the Commission.

After due consideration, Commissioner Crane moved to approve the variance subject to conditions of additional road right-of-way dedication, curb cuts on Valcosta SR, and executing a contractual agreement for the owner's share of future infrastructure improvements. Commissioner Pebley seconded the motion. The motion carried unanimously.

PUBLIC COMMENT SESSION

No one appeared.

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 Item

8F; Section 551.071 Consultation with Attorney for Items 8A, 8B, 8C and 8D; and Section 551.072 Deliberation regarding Real Property for Items 8A, 8B and 8E.

Commissioner Whitacre announced that she had a conflict with item 8A 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 6:37 pm to go into Executive Session. Mayor Pro Tem Ramirez excused herself from the meeting at 8:04 pm. Mayor Darling reconvened the meeting at 8:05 pm and announced any action on Executive Session items.

A) 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.

B) DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO A SALES CONTRACT AND AUTHORIZING THE CITY MANAGER TO COMPLETE TRANSACTION TO ACQUIRE A TRACT OF LAND OUT OF LOT 3, BLOCK 3, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTIONS 551.072 AND 551.071, T.G.C.)

No action.

C) CONSULTATION WITH CITY ATTORNEY REGARDING CASE NO. 13-09-00067-CV; CITY OF MCALLEN VS. ARNALDO RAMIREZ. (SECTION 551.071, T.G.C.)

Commissioner Ingram moved to authorize the approval of the settlement with the three (3) elements discussed in Executive Session. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

D) CONSULTATION WITH CITY ATTORNEY REGARDING LITIGATION CAUSE NO. C-5842-13-D; ANGEL L. ESCALANTE VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

Commissioner Ingram moved to authorize the City Attorney or appropriate outside attorney, to defend the city in the lawsuit. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

E) CONSULTATION WITH CITY ATTORNEY REGARDING C-1572-13-D; MIGUEL CRUZ, ET AL. VS. CITY OF MCALLEN. (SECTION 551.072, T.G.C.)

Commissioner Ingram moved to authorize the City Attorney or appropriate outside attorney, to defend the city in the lawsuit. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

F) CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)

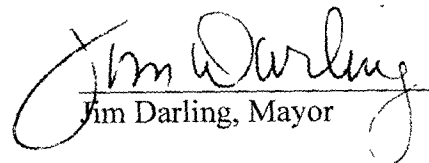
Commissioner Ingram moved to authorize the President of the McAllen Economic Development Corporation and City Manager to offer the economic developments on Projects 1 and 2, respectively, as discussed in Executive Session. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 8:08 p.m.

Attest:


Annette Villarreal, TRMC/CMC, CPM
City Secretary


Jim Darling, Mayor