

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, November 11, 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: Acting City Manager Brent Branham, City Attorney Kevin Pagan, 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, Director of Grant Administration Carla Rodriguez, Director of Aviation Phil Brown

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**PRESENTATIONS**

**RECOGNIZING THE VALLEY LEGISLATIVE DELEGATION**

The Valley Legislative Delegation was recognized for their contributions during the 83rd Legislative Session.

**TEXAS ONCOLOGY**

A presentation was made by Texas Oncology to Mayor Darling for his support of their organization and their recent event.

**SWEARING IN CEREMONY**

Victor Flores was administered the Texas Bar Association Oath as well as the Oath of Office for the position of Assistant City Attorney.

**PROCLAMATION**

***TEXAS RECYCLES' DAY***

Commissioner Pebley read and presented a proclamation for *Texas Recycles' 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 there was anyone to speak in opposition to the items listed under this section of the agenda. No one appeared. Commissioner Crane asked that item 4 be removed from this section of the agenda and addressed separately.

Commissioner Ingram moved to approve the items listed on the Routine Items section of the agenda with exception of item 4, 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 C-1 (OFFICE BUILDING) DISTRICT: 1.07 ACRES OUT OF LOT 30, EBONY HEIGHTS CITRUS GROVES UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 9120 NORTH 23<sup>RD</sup> STREET.**

Approved a C-1 zoning at 9120 North 23<sup>rd</sup> Street, as per Planning and Zoning Commission.

**2. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: LOT 12, BLOCK 4, COLONIA DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2400 GUMWOOD AVENUE.**

Approved an R-2 zoning at 2400 Gumwood Avenue, as per Planning and Zoning Commission.

**3. INITIAL ZONING TO C-3 (GENERAL BUSINESS) DISTRICT: 2.50 ACRES OUT OF LOT 503, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6500 STATE HIGHWAY 107.**

Approved an initial zoning to C-3 at 6500 State Highway 107, as per Planning and Zoning Commission.

**4. REQUEST OF MICHAEL L. CRAIN ON BEHALF OF AT&T MOBILITY, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR PERSONAL WIRELESS SERVICE FACILITY AT LOTS 1 THROUGH 4, BLOCK 5, SOUTH MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 803 SOUTH 16 ½ STREET.**

Staff recommended approval of a Conditional Use Permit, for life of the use, at 803 South 16 ½ Street, as per Planning and Zoning Commission, subject to Section 138-118 (11) of the Zoning Ordinance, co-location and FAA approval, building permit requirements, and conditions as noted with buffer and vegetation compliance. The request must comply with requirements set forth in Section 138-118(11) of the Zoning Ordinance as follows:

- 1) Broadcast pole structure shall comply with the height requirements of the Airport Zoning Ordinance and the requirements set forth by the McAllen International Airport Advisory Board;
- 2) Maximum height of pole or tower structure is 80 ft. within commercial zones and 120 ft. within industrial zones. The ordinance previously allowed a 120 ft. pole or tower in commercial or industrial zones. There is an existing 100 ft. monopole on the property and will remain the same. The pole or tower structure became non-conforming in 2006 when the ordinance was revised, which reduced the maximum height allowed from 120 ft. to 80 ft. in a commercial zone;
- 3) One broadcast pole structure allowed per lot within commercial or industrial zone. There is no other pole structure on the property;
- 4) Minimum spacing between broadcast poles and tower structures within commercial or industrial zones of 1,000 ft. measured in a direct line of another tower;
- 5) Minimum setback of 25 ft. from the front property line, 10 ft. from side yard, and 10 ft. from rear, unless greater requirements as noted on subdivision plat;
- 6) A masonry wall shall be required as a buffer if pole or tower structure located within the front or side yard, or adjacent to a residential use or zone. The ordinance previously allowed the buffering of a ground site including fence and landscape materials. There is an existing chain link fence around the area of the tower and a 6 ft. opaque wood fence on the east and south side of the property. In 2003, the buffer requirement was revised to add the masonry wall requirement when adjacent to residential uses or zones;
- 7) The pole or tower structure must be constructed or installed with the capabilities of locating thereon additional PWSF's and the applicant agrees to cooperate with other PWSF providers in co-locating additional facilities on permitted support structures;
- 8) All conditional use applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposed PWSF site;
- 9) Failure to comply with the co-location requirements of this section may result in denial of a permit request or revocation of an existing permit; and
- 10) No form of pollution shall emanate beyond the immediate property line of the permitted use.

Mayor Darling asked if anyone was present to speak in opposition. No one appeared. A discussion was held relating to landscaping requirements.

After due consideration, Commissioner Crane moved to approve the Conditional Use Permit subject to similar landscape requirements for commercial lots. Commissioner Ingram seconded the motion. The motion carried unanimously.

**5. REQUEST OF ALEJANDRO F. HERRERA, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR GASOLINE SERVICE STATION AT THE 2.19 ACRES OF LAND OUT OF LOTS 7 AND 8, KING'S HIGHWAY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3621 HIGHWAY 83.**

Approved a Conditional Use Permit, for life of the use, at 3621 Highway 83, as per Planning and Zoning Commission, subject to the conditions noted, Section 138-118 and 138-257 – 138-261 of the Zoning Ordinance and building permit requirements. The use must comply with Section 138-257 – 138-261 of the Zoning Ordinance and specific requirements as follows:

- 1) Activities are limited to sale of gasoline, oil, and minor accessories and incidental services;
- 2) Ingress or egress shall not be permitted at locations where it will tend to create traffic hazards. Entrances shall not be permitted within 25 ft. of a street intersection. Proposed curb cut distances from the intersection are approximately 155 ft. east on U.S. Highway 83 and 232 ft. south on South Ware Road;
- 3) Front yard building setbacks, not including gas pumps or driveway covers (canopy), shall be 60 feet. The proposed building setback is approximately 167 feet on U.S. Highway 83 and 66 ft. on South Ware Road;
- 4) All lighting shall be shielded from adjacent residential districts;
- 5) A 6 ft. opaque buffer shall be provided where abutting or adjacent to residential districts. The property does not abut a residential district;
- 6) Gasoline service stations that have facilities for the repair or servicing of automobiles shall be a minimum of 13,000 square feet. Retail outlets for gasoline, oil, and minor accessories, without repair facilities, may be permitted on lots less than 13,000 square feet. The subject property is 23,048 sq. ft. and has no automobile servicing;
- 7) Gas pumps/islands shall be set back at least 13 ft. from the property line or 18 ft. from the curb, whichever is greater. The gas pumps are set back approximately 50 ft. from U.S. Highway 83 and 76 ft. from South Ware Road;
- 8) Gas pump canopy shall be set back at least 9 ft. from the property line or 10 ft. from the curb, whichever is greater. The gas canopy has a setback of approximately 57 ft. from U.S. Highway 83 and 66 ft. from South Ware Road; and
- 9) Gas pumps shall not be located within 100 ft. of a residential district. Gas pumps will not be located within 100 ft. of a residential district.

**6. REQUEST OF ALEJANDRO F. HERRERA, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR GASOLINE SERVICE STATION AT THE 3.865 ACRES OUT OF LOT 15, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 1901 DOVE AVENUE.**

Approved a Conditional Use Permit, for life of the use, at 1901 Dove Avenue, as per Planning and Zoning Commission, subject to the conditions noted, Section 138-118 and 138-257 – 138-261 of the Zoning Ordinance and building permit requirements. The use must comply with Section 138-257 – 138-261 of the Zoning Ordinance and specific requirements as follows:

- 1) Activities are limited to sale of gasoline, oil, and minor accessories and incidental services;
- 2) Ingress or egress shall not be permitted at locations where it will tend to create traffic hazards. Entrances shall not be permitted within 25 ft. of a street intersection. Proposed curb cut distances from the intersection are approximately 252 ft. on Dove Avenue and 262 ft. on Bicentennial Boulevard;
- 3) Front yard building setbacks, not including gas pumps or driveway covers (canopy), shall be 60 feet. The proposed front yard setback is approximately 175 feet from Dove Avenue and 60.5 feet on Bicentennial Boulevard;
- 4) All lighting shall be shielded from adjacent residential districts;
- 5) A 6 ft. opaque buffer shall be provided where abutting or adjacent to residential districts. The property does not abut a residential district;
- 6) Gasoline service stations that have facilities for the repair or servicing of automobiles shall be a minimum of 13,000 square feet. Retail outlets for gasoline, oil, and minor accessories,

without repair facilities, may be permitted on lots less than 13,000 square feet. The subject property is 11,270 sq. ft. and has no automobile servicing;

7) Gas pumps/islands shall be set back at least 13 ft. from the property line or 18 ft. from the curb, whichever is greater. The gas pumps are set back approximately 50 ft. from property line on Dove Avenue and 65.5 ft. from property line on Bicentennial Boulevard;

8) Gas pump canopy shall be set back at least 9 ft. from the property line or 10 ft. from the curb, whichever is greater. The gas canopy has a setback of approximately 47 ft. from property line on Dove Avenue and 60.5 ft. from property line on Bicentennial Boulevard; and

9) Gas pumps shall not be located within 100 ft. of a residential district. Gas pumps will not be located within 100 ft. of a residential district.

**7. REQUEST OF VICTOR BARRERA, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE OCTOBER 16, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A DANCEHALL AT LOT 1, MICHELLE'S BANQUET HALL SUBDIVISION, HIDALGO COUNTY, TEXAS; 2100 NOLANA AVENUE.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a dancehall at 2100 Nolana Avenue, as per Planning and Zoning Commission, subject to providing extra security, nightly trash pickup, and compliance with the parking requirement. 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, the International Museum of Arts & Science, 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. During inspection staff observed a 10 ft. X 12 ft. storage building, occupying two parking spaces, and an RV on site. Based on the new square footage 134 are required, 131 are provided on site, being 5 spaces short including the two spaces the storage building is located on;

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 600.

**8. REQUEST OF DOLIA N. LUCERO, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE OCTOBER 16, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHTCLUB AT LOT 1-3, MCALLEN ATHLETIC MALL SUBDIVISION, HIDALGO COUNTY, TEXAS; 500 EAST HACKBERRY AVENUE.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a nightclub, at 500 East Hackberry, 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 residence and residentially-zoned property;

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 Hackberry Avenue 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 floor area, 114 parking spaces are required for this use; 197 spaces are provided and are part of the common parking lot;

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.

**B) REZONING:**

**REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 3.25 ACRES OUT OF LOT 6, BLOCK 2, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 4300 PECAN BOULEVARD.**

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

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

**C) CONDITIONAL USE PERMIT:**

**REQUEST OF RENE H. ALANIS, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR PERSONAL WIRELESS SERVICE FACILITY AT LOT 17, BLOCK A, CATHEY COURTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 128 BEAUMONT AVENUE.**

Staff recommended disapproval of the Conditional Use Permit, for life of the use, at 128 Beaumont Avenue, as per Planning and Zoning Commission.

Questions were asked by staff.

Mayor Darling asked if there was anyone to speak in favor of the Conditional Use Permit. The applicant and his representative addressed the Commission in favor of the permit. Numerous questions were asked. After a lengthy discussion, additional information was requested.

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

**D) AMENDING THE ZONING ORDINANCE (INITIAL ZONING) PROVIDING THAT 2.50 ACRES OUT OF LOT 503, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6500 STATE HIGHWAY 107 SHALL BE INITIALLY ZONED TO C-3 (GENERAL BUSINESS) DISTRICT.**

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

**E) 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 tracts. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**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.]*

Commissioner Pebley moved to approve the items listed on the Consent Agenda with exception of Item F and said item be addressed separately. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**A) APPROVAL OF MINUTES OF VARIOUS MEETINGS.**

Approved minutes of various meetings: Workshop and Regular Meeting held October 28, 2013. Additionally, approved outstanding minutes for 2008 for Workshops held on February 11<sup>th</sup>, August 11<sup>th</sup> and August 25, 2008.

**B) CONSIDER APPROVAL OF THE EXTENSION OF CONTRACT FOR DELINQUENT TAX COLLECTION WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLC.**

Approved the extension of contract for Delinquent Tax Collection with Linebarger Goggan Blair & Sampson, LLC, for one (1) year as allowed by the contract, with the same unit prices and terms and conditions as per the original bid documents.

**C) AUTHORIZATION TO DECLARE CERTAIN VEHICLES AS SURPLUS AND BEGIN AUCTION EFFORTS.**

Authorized the declaration of certain vehicle as surplus and to begin auction efforts.

**D) ORDINANCE PROVIDING FOR AMENDMENT OF ORDINANCE 2013-04 DELETING THE AFFORDABLE HOMES OF SOUTH TEXAS' NEIGHBORHOOD REVITALIZATION PROGRAM AND REPROGRAMMING SAID FUNDS INTO AFFORDABLE HOMES OF SOUTH TEXAS' HELPING HANDS GRANTS PROGRAM WHICH WERE DESIGNATED UNDER THE FISCAL YEAR 2012-2013 ACTION PLAN.**

Adopted an ordinance providing for an amendment of Ordinance 2013-04 deleting the Affordable Homes of South Texas' Neighborhood Revitalization Program and reprogramming said funds into Affordable Homes of South Texas' Helping Hands Grants Program which was designated under the Fiscal Year 2012-2013 Action Plan.

**E) ORDINANCE PROVIDING FOR BUDGET AMENDMENT FOR THE NEW WORLD SYSTEM SOFTWARE PROJECT.**

Adopted an ordinance providing for a budget amendment for the New World System Software Project, in the amount of \$213,124.

**F) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE CONSTRUCTION IMPROVEMENTS AT TRINITY METHODIST CHURCH PARKING LOT AS PER THE APPROVED LEASE AGREEMENT FOR UTILIZATION OF THE PARKING LOT FOR THE BICENTENNIAL TRAIL.**

Staff recommended adoption of an ordinance providing for a budget amendment for the construction improvements at Trinity Methodist Church Parking Lot as per the approved lease agreement for utilization of the parking lot for the Bicentennial Trail, in the amount of \$113,524.

A rendition of the improvements was requested.

Commissioner Crane moved to adopt the ordinance as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously.

**3. BIDS/CONTRACTS:**

**A) CONSIDER APPROVAL OF CHANGE ORDER NO. 6 FOR MCALLEN MILLER INTERNATIONAL AIRPORT TERMINAL EXPANSION PROJECT.**

Staff recommended approval of Change Order No. 6 in the amount of \$129,568 and 13 calendar days for the McAllen Miller International Airport Terminal Expansion Project, for a revised contract amount of \$19,478,985 and 755 calendar days.

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

**B) REQUEST APPROVAL TO ACCEPT THE TXDOT RAMP GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM.**

Staff recommended authorized the acceptance of a TXDOT Ramp Grant for Routing Airport Maintenance Program in the amount of \$50,000 with a 50% match from the City.

Commissioner Ingram moved to accept the grant as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously.

**C) SELECTION OF AIRPORT GENERAL ENGINEERING CONTRACTOR AND AUTHORIZATION TO NEGOTIATE A FIVE-YEAR CONTRACT WITH SUCH FIRM.**

Staff recommended that said item be removed from the agenda.

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

**D) AWARD OF CONTRACT FOR POOL ADMINISTRATION BUILDING HAIL DAMAGED RE-ROOF PROJECT.**

Staff recommended award of contract for Pool Administration Building Hail Damaged Re-Roof Project to Sechrist-Hall Company, in the amount of \$33,531 and a contract time of 45 calendar days.

Mayor Pro Tem Salinas moved to remove the item from the agenda. Commissioner Pebley seconded the motion. The motion carried unanimously.

**E) CONSIDER APPROVAL OF CHANGE ORDER NO 1 FOR RETIREE HAVEN SUBDIVISION DRAINAGE IMPROVEMENTS.**

Staff recommended approval of Change Order No. 1 for Retiree Haven Subdivision Drainage Improvements to increase the contract amount to \$1,797,322.07 and 170 working days for the base bid and alternates 1 & 2. Alternate 3 remains unchanged at an additional 90 days.

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

**F) CONSIDER APPROVAL OF CONTRACT AMENDMENT NO. 2 TO S&B INFRASTRUCTURE FOR ENVIRONMENTAL ASSESSMENT SERVICES FOR ANZALDUAS SOUTHBOUND TRUCKS AND ADOPTION OF AN**

**ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR SUCH SERVICES.**

Staff recommended approval of Contract Amendment No. 2 to S&B Infrastructure for Environmental Assessment Services for Anzalduas Southbound Trucks and Adoption of an ordinance providing for a budget amendment for such services in the amount of \$20,185.75 for the Anzalduas Bridge Assessment Services.

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

**4. ORDINANCE PROVIDING FOR THE ANNEXATION OF A TRACT COMPRISING 2.5 ACRES AT THE NORTH SIDE OF STATE HIGHWAY 107, APPROXIMATELY 870 FEET EAST OF GLASSCOCK ROAD.**

Staff recommended adoption of an ordinance providing for the voluntary annexation of a tract comprising 2.5 acres at the north side of State Highway 107, approximately 870 feet east of Glasscock Road.

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

**5. RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FUNDING UNDER THE FISCAL YEAR 2014 HORNED LIZARD LICENSE PLATE GRANT PROGRAM.**

Staff recommended approval of a resolution authorizing the submission of a grant application to Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Horned Lizard License Plate Grant Program.

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

**6. MANAGER'S REPORT:**

**A) CONSIDER ACCEPTANCE OF CIVIL SERVICE COMMISSIONER RESIGNATION AND APPOINTMENT OF REPLACEMENT.**

Staff recommended acceptance of Terry Van Burkleo's resignation from the Civil Service Commission and appoint Lee Jinks to serve the remainder of the unexpired term.

Commissioner Ingram moved to accept the resignation and approve the appointment as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**B) FUTURE AGENDA ITEMS.**

The items for upcoming workshops were briefly reviewed: Joint Meeting with MPUB on November 20<sup>th</sup> at 5:30 pm; Joint Meeting with McAllen ISD on December 3<sup>rd</sup> at 5:30 pm; Buffering requirements.

**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.**

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

Commissioner Pebley moved to remove said item from the table and agenda. 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.**

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

Staff recommended authorization to negotiate a contract with the top ranked firm of Boultinghouse Simpson, Gates, LLC, for architectural design services associated with the additional restroom facilities at De Leon North Soccer Facility. Staff reported that the design provided for a certain number of fixtures by Code that would require specialized design plans and hence could not be done in-house.

Commissioner Ingram moved to authorize negotiation of contract with the recommended firm. Commissioner Pebley seconded the motion. The motion carried unanimously.

**8. MAYOR'S REPORT:**

**A) DISCUSSION OF MCALLEN'S OPPORTUNITIES WITH NEW UNIVERSITY.**

Mayor Darling gave a report on McAllen's opportunities with new university.

**B) REPORT ON UNOFFICIAL ELECTION RESULTS.**

Mayor Darling gave a report on the favorable outcome of the City Bond Election Projects on the November 5, 2013 ballot and thanked the voters for their support of the three (3) propositions that would contribute to the quality of life.

**PUBLIC COMMENT SESSION**

Attorney Mark Freeland addressed the City Commission.

**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 Item 9E; Section 551.071 Consultation with Attorney for Items 9A, 9B, 9C and 9D; and Section 551.072 Deliberation regarding Real Property for Items 9A, 9B and 9C; and Section.

Commissioner Whitacre announced that she had a conflict with item 9A and would abstain from discussion and voting on said item; subsequently, a conflict form was filed with the City Secretary.

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.

Mayor Darling recessed the meeting at 6:40 pm to go into Executive Session. Mayor Darling reconvened the meeting at 7:14 pm and addressed the 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.)**

Commissioner Pebley moved to authorize the Mayor to take the action discussed in the Executive Session subject to no changes in the underlined facts that were presented. Commissioner Crane seconded the motion. The motion carried unanimously.

- C) **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 5, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS AND APPROVE RELATED RESOLUTION. (SECTIONS 551.072 AND 551.071, T.G.C.)**

No action.

- D) **CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF HUMAN RESOURCES PROCESS. (SECTION 551.071, T.G.C.)**

Mayor Pro Tem Salinas moved to authorize the Mayor to take the action discussed in the Executive Session subject to no changes in the underlined facts that were presented. Commissioner Crane seconded the motion. The motion carried unanimously.

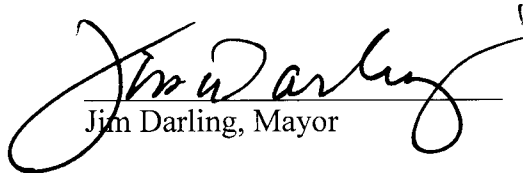
- E) **CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)**

Commissioner Pebley moved to authorize the President of the McAllen Economic Development Corporation to offer the economic incentives for that project as per the discussion in Executive Session. Commissioner Whitacre seconded the motion. The motion carried unanimously.

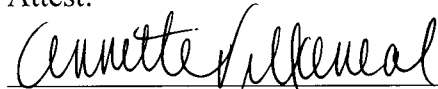
Commissioner Pebley moved to authorize staff and the commission liaison to communicate that deadline to the developer. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

#### **ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 7:15 p.m.

  
Jim Darling, Mayor

Attest:



Annette Villarreal, TRMC/CMC, CPM  
City Secretary