

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, November 25, 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 Trey Pebley, Commissioner John Ingram, Commissioner Veronica Vela Whitacre

Absent: Commissioner Scott Crane

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, Transit Director Elizabeth Suarez, IT Director Belinda Mercado, Transportation Engineer Jeremy Santoscoy, Assistant Tax Collector Rebecca Grimes

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**PROCLAMATIONS**

**41<sup>ST</sup> ANNUAL NUTCRACKER BALLET PRODUCTION DAYS**

Commissioner Ingram read and presented a proclamation for the *41<sup>st</sup> Annual Nutcracker Ballet Production Days*.

**NATIONAL HOSPICE MONTH - JESSICA RODRIGUEZ**

Commissioner Whitacre read and presented a proclamation for *National Hospice Month*.

Mayor Darling excused himself from the meeting at this time. Mayor Pro Tem Ramirez presided over the meeting.

**1. PUBLIC HEARING:**

Mayor Pro Tem Ramirez called the Public Hearing to order.

- A) **ROUTINE ITEMS:** *[All Rezoning and Conditional Use Permits listed under this section come with a favorable recommendation from the Planning & Zoning Commission and will be enacted by one motion. However, if there is opposition at the meeting or a discussion is desired, that item(s) will be removed from the Routine Items section of the agenda and will be considered separately.]*

Mayor Pro Tem Ramirez asked if there was anyone to speak in opposition to the items listed under this section of the agenda. No one appeared.

Commissioner Ingram moved to approve the items listed on the Routine Items section of the agenda. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

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

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for an outdoor commercial recreation (soccer field) at 501 South Bentsen Road, as per Planning and Zoning Commission, subject to the gate being closed when not in operation, security on site, no one allowed in the soccer fields after 11:00 p.m., parking lot lights off when not in operation, and no trespassing to adjacent properties. The establishment must comply with the Zoning Ordinance and recommended requirements in the application as follows:

- a) No form of pollution shall emanate beyond the immediate property line of the permitted use. This includes lighting, littering and noise which may include sound systems or PA's;
- b) 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;
- c) The proposed use shall not be located within 300 ft. of residential uses. This property is located within 300 feet of a residentially-zoned area to the south, west and east;
- d) Sides adjacent to a residentially-zoned or used property shall be screened by a 6 ft. opaque fence. A 6 ft. opaque fence is provided in all directions of the property;
- e) The proposed use shall comply with the Off-Street Parking and Loading Ordinance and make provisions to prevent the use of street parking especially in residential areas. It was established that for the main soccer field 30 parking spaces are required and for the smaller soccer field 14 parking spaces are required which includes players, coaches and referees. The applicant has 30 seats which require seven (7) additional parking spaces for a total of 51 parking spaces required; 51 are provided on site;
- f) The proposed use shall comply with the City of McAllen Health Ordinances regulating food preparation and public lavatories. Bathroom facilities are provided on site;
- g) Lighting shall be shielded from residentially-zoned or used property

**2. REQUEST OF ROCIO Y. SOLIS, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE NOVEMBER 5, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN EVENT CENTER AT LOTS 10 & 11, THE DISTRICT AT MCALLEN PHASE II SUBDIVISION, HIDALGO COUNTY, TEXAS; 3400 NORTH MCCOLL ROAD, SUITES G AND H.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for an event center at 3400 North McColl Road, Suites G and H, as per Planning and Zoning Commission, subject to added conditions for nightly trash pickup, sufficient lighting in the parking lot and providing security. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- a) 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;
- b) 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;
- c) 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 15,012 sq. ft. of office use - 78 parking spaces are required; 9,660 sq. ft. of retail use - 27 parking spaces are required; and 4,816 sq. ft. of restaurant use - 64 parking spaces are required. Based on the proposed 3,376 sq. ft. event center, 46 parking spaces are required and 171 parking spaces are provided as part of the common parking lot for the development. For every business to run simultaneously 169 spaces are required, leaving two (2) spaces available. The event center will substitute the majority of the restaurant use. If any restaurants are proposed in the future, parking will need to be provided before permits could be issued;
- d) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- e) 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;

- f) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- g) 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.

**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. TABLED**

Said item remained tabled.

**C) CONDITIONAL USE PERMITS:**

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

Said item remained tabled.

**2. REQUEST OF ERNESTO LOZANO, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE NOVEMBER 5, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHT CLUB AT LOTS 7 & 8, CITRUS GROVE PLAZA SUBDIVISION, HIDALGO COUNTY, TEXAS; 4037 EXPRESSWAY 83, SUITES 100, 105, AND 110.**

Staff recommended disapproval of the Conditional Use Permit, for one year, for a night club at 4037 Expressway 83, Suites 100, 105 and 110.

Mayor Pro Tem Ramirez asked if there was anyone present to speak in opposition of the Conditional Use Permit. Ms. Ester Martinez addressed the Commission in opposition. The applicant's representative, Lucas Almon, addressed the Commission in favor of the permit and answered questions. A lengthy discussion was held. After due consideration, management staff recommended tabling said item to allow staff to review the traffic counts submitted for review during the development process.

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

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

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

Approved the minutes of various meetings:

Workshop and Regular Meeting held November 11, 2013. Special Meeting held November 13, 2013. Approved outstanding minutes for 2008 for Workshops held on March 10<sup>th</sup>, April 28<sup>th</sup>, June 16<sup>th</sup>, June 17<sup>th</sup>, September 22, 2008. Approved outstanding minutes for 2009 Workshops held March 27<sup>th</sup>, August 17<sup>th</sup>, October 26<sup>th</sup>, and Special Meetings held September 3<sup>rd</sup> and September 28, 2009. Additionally, approved outstanding minutes for 2011 Workshops held January 10<sup>th</sup> and July 25, 2011.

**B) CONSIDERATION OF MULTIPLE CONTRACTS FOR APPRAISAL SERVICES FOR FISCAL YEAR 2013-2014.**

Approved multiple contracts for Appraisal Services for Fiscal Year 2013-2014 with HLH Appraisal Services, Inc., Alliance Realty Advisors, and A. Palacios Management Consultants. Additionally, the city shall have the option to extend for a period of three (3) years, in one year increments, with City Manager approval, if the performance is satisfactory.

**C) CONSIDERATION OF RENEWAL OF SOFTWARE MAINTENANCE AGREEMENT WITH TYLER TECHNOLOGIES (INCODE SOFTWARE) AND ESRI (GIS SOFTWARE).**

Staff recommended approval of a Software Maintenance Agreement with Tyler Technologies (Incode Software) in the amount of \$36,017.45 and ESRI (GIS Software) in the amount of \$25,300.

Questions were asked.

Commissioner Ingram moved to approve the agreement as recommended. Commissioner Whitacre seconded the motion. The motion carried unanimously by those present.

**D) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE PUBLIC SAFETY BUILDING ADDITIONS & RENOVATIONS FOR THE RE-ROOFING OF THE EXISTING BUILDING TO REPLACE THE HAIL DAMAGED ROOF.**

Adopted an ordinance providing for a budget amendment for the Public Safety Building Additions & Renovations for the re-roofing of the existing building to replace the hail damaged roof, in the amount of \$550,000.

**E) RESOLUTION APPROVING AN ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR WARE ROAD FROM 3 MILE TO 5 MILE.**

Approved a resolution approving an Advanced Funding Agreement with the Texas Department of Transportation for Ware Road from 3 Mile to 5 Mile.

**F) RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF PROJECTS FROM OBLIGATIONS TO BE ISSUED BY THE CITY OF MCALLEN AND OTHER MATTERS RELATED THERETO.**

Approved a resolution expressing official intent to reimburse costs of projects from obligations to be issued by the City of McAllen and other matters related thereto, for three propositions of \$15M each aggregating \$45M.

**G) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, FOR FUNDING UNDER**

**THE FISCAL YEAR 2013 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.**

Approved a resolution authorizing the submission of a grant application to the U.S. Department of Homeland Security, Federal Emergency Management Agency, for funding under the Fiscal Year 2013 Assistance to Firefighters Grant Program. The grant request of \$646,400, with a 20% (\$161,600) local match requirement, will provide for items to support community resilience.

**H) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION FOR FUNDING UNDER THE FISCAL YEAR 2014 GRANT PROGRAM.**

Approved a resolution authorizing the submission of a grant application to Firehouse Subs Public Safety Foundation, for funding under the Fiscal Year 2014 Grant Program. The grant request of \$13,000, with no local match requirement, will provide for the purchase of a thermal imaging camera to be used by the McAllen Fire Department.

**3. BIDS/CONTRACTS:**

**A) AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) 35' LOW FLOOR BUSES FOR METRO MCALLEN.**

Staff recommended award of contract for the purchase of two (2) 35' Low Floor Buses for Metro McAllen to Gillig, LLC, in the amount of \$789,768.

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

**B) AWARD OF CONTRACT FOR ELECTRIC BUSES.**

Commissioner Pebley announced that he had a conflict and would abstain from discussion and voting on said item; subsequently, a conflict form was submitted to the City Secretary

Staff recommended award of contract for Electric Buses to WAVE Inc, in the amount of \$2,045,000.

Questions were asked.

After due consideration, Commissioner Ingram moved to award the contract as recommended. Commissioner Whitacre seconded the motion. The motion carried unanimously by those present.

**C) AWARD OF CONTRACT FOR THE PURCHASE OF COMPUTERS FROM DELL, INC. THROUGH THE STATE OF TEXAS, DEPARTMENT OF INFORMATION RESOURCES (DIR) PROGRAM.**

Staff recommended award of contract for the purchase of Computers from Dell, Inc., through the State of Texas, Department of Information Resources (DIR) Program in the amount of \$331,113.

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

**D) AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR ASSESSMENT OF FINANCIAL/HUMAN RESOURCES ERP SYSTEM.**

Staff recommended award of contract for professional services for an Assessment of Financial/Human Resources ERP System to Cogsdale Corporation, in the amount of \$29,790.

Questions were asked.

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

**E) AWARD OF CONTRACT FOR CONCRETE RIP-RAP IMPROVEMENTS AT BENTSEN ROAD.**

Staff recommended award of contract for Concrete Rip-Rap Improvements at Bentsen Road to Rojas Heavy Equipment LLC, in the amount of \$127,540 and 35 working days.

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

**F) CONSIDER APPROVAL OF CHANGE ORDER NO. 2 FOR DRAINAGE IMPROVEMENTS FOR KENDLEWOOD AVENUE FROM 19<sup>TH</sup> STREET TO 22<sup>ND</sup> STREET.**

Staff recommended approval of Change Order No. 2 in the amount of \$20,761.50 for drainage improvements for Kendlewood Avenue from 19<sup>th</sup> Street to 22<sup>nd</sup> Street.

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

**G) CONSIDER APPROVAL OF AN ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR SH 336 (10<sup>TH</sup> STREET) MEDIANS FROM TRENTON ROAD TO SH 107.**

Staff recommended approval of an Advance Funding Agreement with the Texas Department of Transportation for SH 336 (10<sup>th</sup> Street) medians from Trenton Road to SH 107.

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

**4. ORDINANCES:**

**A) BUDGET AMENDMENT FOR EAST REDBUD AVENUE AT NORTH "K" CENTER AVENUE DRAINAGE IMPROVEMENTS PROJECT.**

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$212,000 for East Redbud Avenue at North "K" Center Avenue Drainage Improvements Project.

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

**B) BUDGET AMENDMENT FOR PARTICIPATION WITH THE WIDENING OF FREDDY GONZALEZ BETWEEN 23<sup>RD</sup> STREET AND 2,600 FEET TO THE EAST.**

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$175,000 for participation with the widening of Freddy Gonzalez between 23<sup>rd</sup> Street and 2,600 feet to the east.

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

**C) BUDGET AMENDMENT ASSOCIATED WITH A DEVELOPER'S CONTRACT FOR PARTICIPATION WITH BICENTENNIAL CROSSING SUBDIVISION PUBLIC IMPROVEMENTS OF RIGHT TURN LANE.**

Staff recommended approval of a Developer's Contract for participation with Bicentennial Crossing Subdivision public improvements of right turn lane and adoption of an ordinance providing for a budget amendment in the amount of \$32,000 for related improvements.

Commissioner Ingram moved to approve the agreement and adopt the ordinance as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

**5. MANAGER'S REPORT:**

- A) PRESENTATION OF YEAR-TO-DATE TAX COLLECTION REPORT FROM OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013.**

Report only. No action required.

- B) PRESENTATION OF DELINQUENT TAX COLLECTION REPORT FROM OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013.**

Report only. No action required.

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

Report only. No action required.

- D) STATUS REPORT ON VARIOUS CITY PROJECTS.**

Report only. No action required.

- E) STATUS REPORT ON THE TERMINAL EXPANSION CONSTRUCTION PROJECT.**

Report only. No action required.

- F) REPORT ON SUBDIVISIONS AND DEVELOPMENT.**

Report only. No action required.

- G) CONSIDERATION AND APPROVAL OF BUDGET RECLASSIFICATION FROM DEVELOPMENT CORPORATION OF MCALLEN, INC. FOR VARIOUS CITY PROJECTS.**

Staff recommended approval of a budget reclassification from the Development Corporation Fund in the amount of \$300,000, for reallocation of funds for various city projects:

➤ McAllen Veteran's Memorial Stadium Concert	\$50,000
➤ FIFA World Cup public viewing	\$76,500
➤ City of McAllen Marketing App.	\$70,600
➤ The Retail Coach	\$52,500
➤ Quinta Mazatlan Nature Tourism & Marketing Plan	\$25,400
➤ Houston Dynamics Exhibition Game	\$15,000
➤ Palm Bowl Application Expense	\$10,000

Commissioner Pebley moved to approve the budget reclassification as recommended. Commissioner Whitacre seconded the motion. The motion carried unanimously by those present.

- H) FUTURE AGENDA ITEMS.**

The items for upcoming workshops were briefly reviewed: Bond Sale; Employee Healthcare; Joint Meeting with Community Development Council; and Image Program.

**PUBLIC COMMENT SESSION**

Hari Namboodiri addressed the City Commission.

- 6. 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 6H; Section 551.071 Consultation with Attorney for Items 6A, 6B, 6C, 6D, 6E, 6F and 6G; and Section 551.072 Deliberation regarding Real Property for Items 6A, 6B, 6C, 6D and 6E; and Section.

Commissioner Whitacre announced that she had a conflict with item 6A and would abstain from discussion and voting on said item; subsequently, a conflict form was filed with the City Secretary.

Commissioner Whitacre moved to accept the recommendation for the basis of the discussion in Executive Session under the sections cited by the City Attorney. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

Mayor Darling recessed the meeting at 6:25 pm to go into Executive Session. Mayor Darling reconvened the meeting at 7:20 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.)**

No action.

- 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 AND BUDGET AMENDMENT ORDINANCE. (SECTIONS 551.072 AND 551.071, T.G.C.)**

Commissioner Pebley moved to authorize the City Manager and City Attorney to enter into a sales contract as per the discussion in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- D) DISCUSSION AND POSSIBLE ACTION 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 AND BUDGET AMENDMENT ORDINANCE. (SECTIONS 551.072 AND 551.071, T.G.C.)**

Commissioner Pebley moved to authorize the City Manager and City Attorney to enter into a sales contract as per the discussion in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- E) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER TO ACQUIRE A TRACT OF LAND OUT OF LOT 9, BLOCK 24, ORIGINAL TOWNSITE, CITY OF MCALLEN, HIDALGO COUNTY, TEXAS. (SECTIONS 551.072 AND 551.071, T.G.C.)**

Commissioner Ingram moved to instruct the City Attorney to respectfully decline the offer to purchase this tract. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

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

No action.

**G) CONSULTATION WITH CITY ATTORNEY ON POTENTIAL LITIGATION: CELSO GONZALEZ CONSTRUCTION, INC. V. CITY OF MCALLEN, TEXAS/MCALLEN-HIDALGO BRIDGE PEDESTRIAN CANOPY. (SECTION 551.071, T.G.C.)**

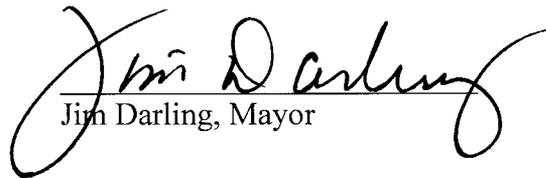
Commissioner Pebley moved to authorize the City Attorney to complete the Settlement Agreement as per discussion in Executive Session. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

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

Commissioner Pebley moved to authorize MEDC President to continue negotiations on the project discussed. Commissioner Whitacre seconded the motion. The motion carried unanimously by those present.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 7:22 p.m.

  
Jim Darling, Mayor

Attest:

  
Annette Villarreal, TRMC/CMC, CPM  
City Secretary