

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **January 28, 2013**, at 6:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Richard F. Cortez, Mayor  
Hilda Salinas, Mayor Pro Tem  
Aida Ramirez, Mayor Pro Tem  
Scott Crane, Commissioner  
Marcus C. Barrera, Commissioner  
John Ingram, Commissioner  
Jim Darling, Commissioner

Staff: Mike R. Perez, City Manager  
Kevin Pagan, City Attorney  
Brent Branham, Deputy City Manager  
Roy Rodriguez, PUB General Manager/Asst. City Manager  
Wendy Smith, Assistant City Manager  
Annette Villarreal, City Secretary  
Yvette Barrera City Engineer  
Phil Brown, Director of Aviation  
Kate Horan, Library Director  
Josh Ramirez, Director of Code Compliance & Environmental Services  
Dave Melaas, Deputy Director of Parks & Recreation  
Mike Hernandez, Deputy Director of Parks & Recreation  
Juli Rankin, Director of Planning  
Perla Zamora, Deputy City Secretary

**CALL TO ORDER**

Mayor Cortez called the meeting to order.

**PROCLAMATIONS:**

***AEROMAR DAY***

Commissioner Crane read and presented a proclamation for *Aeromar Day*.

***CRIME STOPPERS MONTH***

Commissioner Barrera read and presented a proclamation for *Crime Stoppers Month*.

***MCALLEN ISD OUTSTANDING SCHOOL BOARD OF THE YEAR***

Commissioner Ingram read and presented a proclamation for *McAllen ISD Outstanding School Board of the Year*.

**1. PUBLIC HEARING:**

Mayor Cortez 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 Cortez asked if anyone was present to speak in opposition to the items listed under this section of the agenda. No one appeared in opposition.

Commissioner Barrera moved to approve the items listed on the Routine Items section of the agenda. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**1) REQUEST BY JAVIER BOCANEGRA, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN AUTOMOTIVE SERVICE AND REPAIR (TIRE SHOP) AT LOTS 21 AND 22, BALBOA ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 4404 SOUTH 23RD STREET.**

Approved the Conditional Use Permit, for life of the use at 4404 South 23rd Street, as per Planning and Zoning Commission, subject to Section 138-281 of the Zoning Ordinance, Fire Department requirements and including that the outside storage of tires is limited to a minimum. The business must 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 approximately 12,540 sq. ft;
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area;
- 3) Outside storage of materials is prohibited. The applicant displays tires for sale outside of the building during the business' hours of operation. However, the storage of tires outside during any other time is not permitted. Tires are being stored outside at the rear of the property in a container and a trailer. The applicant stated that the stored tires are hauled off from the property once a week. Storage of tires should be limited as is, anything greater will be subject to citations;
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is not located within 100 ft. of a residence;
- 5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially-zoned area is required. A 6 ft. cedar fence is required and is provided along South 24<sup>th</sup> Street to buffer the residences to the west;
- 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.

**2) REQUEST OF CHRISTIAN EDUCATION ACTIVITIES CORPORATION, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH AND RELATED ACTIVITIES) AT 2.727 ACRES OUT OF LOT 55, SECTION 9 HIDALGO CANAL COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 1803 NORTH MAIN STREET.**

Approved the Conditional Use Permit, for life of the use at 1803 North Main Street, as per Planning and Zoning Commission, subject to compliance with the conditions noted, Zoning Ordinance, Fire Department requirements, and subject to the condition that the RV's be removed once the remodeling/repairs is completed. The proposed use must also comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential-size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts North Main Street and is near the intersection of Pecan Boulevard;
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. The classes and offices require 26 parking spaces; 75 parking spaces are provided on site. If the chapel is offered to the community while school is in session, the chapel is allowed a maximum seating capacity of 196, with 49 parking spaces required. If there are no classes during the use of the chapel, the maximum seating capacity would be 300 with 75 parking spaces required;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas,

perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;

5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;

6) The number of persons within the building shall be restricted to the existing seating capacity for the building; and

7) Sides adjacent to commercially and residentially-zoned or used properties shall be screened by a 6 ft. opaque fence. A 6 ft. opaque fence has been provided along the north property line and one is required on the west property line, which is currently being constructed.

**B) REZONING:**

**REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 1.47 ACRES BEING 0.73 ACRES OUT OF LOT 1, M & T PLAZA SUBDIVISION AND 0.74 ACRES OUT OF LOT 96, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 2317 ZINNIA AVENUE. TABLED**

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

Staff recommended approval of the R-3A zoning at 2317 Zinnia Avenue as per the Planning and Zoning Commission but reported that a petition was submitted reflecting that 22.3% of property owners opposed the rezoning request.

Mayor Cortez asked if anyone was present to speak in opposition the rezoning request. Mary Ellen Rios spoke in opposition to the rezoning request. Attorney Mark Montalvo spoke in favor of the rezoning request. A lengthy discussion was held.

After due consideration, Commissioner Darling moved to approve the R-3A zoning as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

**C) CONDITIONAL USE PERMIT:**

**REQUEST OF CITY OF MCALLEN PARKS AND RECREATION, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (SOCCER COMPLEX) AT 20.34 ACRES OUT OF LOTS 105 AND 106, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY'S SUBDIVISION, AND OUT OF LOT 1, MCALLEN ISD SUBDIVISION NO. 9, HIDALGO COUNTY, TEXAS; 4201 NORTH 29TH STREET. TABLED**

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

Staff recommended approval of the Conditional Use Permit for life of the use at 4201 North 29th Street as per the Planning and Zoning Commission, subject to compliance with the parking requirement, the Zoning and Subdivision Ordinance, Building Permit and Fire Department requirements. The proposed use must also comply with the Zoning Ordinance and specific requirements as follows:

1) The proposed use shall not generate traffic onto residential-size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The site plan submitted for the parking lot shows proposed access along Buddy Owens Blvd. and N. 34<sup>th</sup> Street;

2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on 30 parking spaces per field, the required parking is 300 parking spaces for the ten new fields. The stadium will have a seating capacity of 1,800 which requires 720 parking spaces (1 space for every 2.5 seats). A total of 1,020 parking spaces are required. There are currently 785

parking spaces provided with a plan to add an additional 345 spaces for a total of 1,130 provided parking spaces leaving 110 extra. In case of large events, the applicant has stated that bleachers will be placed in the stadium to allow for a total capacity of 4,000 seats. Based on one parking space per two and a half seats in the stadium 1,600 parking spaces would be required. The applicant is planning on developing an additional parking lot and pursuing a parking agreement;

3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;

4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;

5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;

6) The number of persons within the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance; and

7) Sides adjacent to commercially and residentially-zoned or used properties shall be screened by a 6 ft. opaque fence.

Mayor Cortez asked if there was anyone to appear in opposition to the Conditional Use Permit. No one appeared.

Commissioner Barrera moved to approve the Conditional Use Permit as recommended. Commissioner Darling seconded the motion. The motion carried unanimously.

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

Commissioner Darling moved to adopt the Zoning Ordinance for the approved tracts. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**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 Crane seconded the motion. The motion carried unanimously.

**A) APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 14, 2013.**

Approved the minutes of Regular Meeting held January 14, 2013, as submitted.

**B) ORDINANCE ABANDONING A 20 FT. ALLEY ON THE SOUTH SIDE OF LOTS 1 - 4, BLOCK 7, AND BLOCK 2, KEHM'S ADDITION; 601 BUSINESS HIGHWAY 83.**

Adopted an ordinance providing for the abandonment of a 20 ft. alley at 601 Business Highway 83.

**C) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES, FOR FUNDING UNDER THE FY 2013 SPARKS! IGNITION GRANT PROGRAM.**

Approved a resolution authorizing the submission of a grant application to the Institute of Museum of Library Services for funding under the FY 2013 *Sparks!* Ignition Program.

**D) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL COMMUNICATIONS COMMISSION THROUGH THE UNIVERSAL SERVICE ADMINISTRATION COMPANY E-RATE GRANT**

**PROGRAM, FOR FUNDING UNDER 2013-2014 FUNDING CYCLE.**

Approved a resolution authorizing the submission of a grant application to the Federal Communications Commission through the Universal Service Administration Company E-Rate Grant Program, for funding under 2013-2014 Funding Cycle.

**E) AWARD OF CONTRACT FOR BLEACHER RELOCATION AT DELEON SOCCER COMPLEX.**

Awarded a contract for Bleacher Relocation at De Leon Soccer Complex to Rigney Construction and Development LLC, for a lump sum of \$75,000.

**F) CONSIDER APPROVAL OF OUTGOING LOAN AGREEMENT BETWEEN IMAS AND THE CITY OF MCALLEN, TO HOUSE THE ANN MOORE EXHIBIT AT QUINTA MAZATLAN.**

Approved an Outgoing Loan Agreement between IMAS and City of McAllen, to house the Ann Moore Exhibit at Quinta Mazatlan.

**G) CONSIDER AUTHORIZATION TO LOCATE THE "VAQUERO Y LA CORNUDA" STATUTES FROM IN FRONT OF BALLROOM TO NEW FINE ARTS CENTER.**

Authorized the location of the "Vaquero y La Cornuda" statutes from the front of the Ballroom to New Fine Arts Center.

**H) CONTRACT AMENDMENT NO. 1 FOR SURVEYING SERVICES WITH DANNENBAUM ENGINEERING CORPORATION.**

Approved Contract Amendment No. 1 for Surveying Services with Dannenbaum Engineering Corporation.

**I) CHANGE ORDER NO. 1 FOR PURCHASE & DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE (HMAC) FY 2012-2013.**

Approved Change Order No. 1 in the amount of \$36,521.80 for the Purchase & Delivery of Type "D" Hot Mix Asphaltic Concrete (HMAC) FY 2012-2013.

**J) AWARD OF CONTRACT FOR THE UVALDE SOCCER COMPLEX PARKING IMPROVEMENTS PROJECT.**

Awarded a contract for the Uvalde Soccer Complex Parking Improvements Project to Jimmy Closner & Sons Construction, in the amount of \$115,336.40.

**K) CHANGE ORDER NO. 1 FOR 2012-2013 SINGLE MACHINE REPAVING PROJECT.**

Approved Change Order No. 1 in the add amount of \$44,237.70 for 2012-2013 Single Machine Repaving Project.

**3. BIDS/CONTRACTS:**

**A) AUTHORIZATION TO NEGOTIATE WITH TOP RANKED FIRMS FOR ENGINEERING SERVICES FOR VARIOUS MUNICIPAL PROJECTS.**

Staff recommended ranking of top two or three firms for MEP Services and for Structural Design Services and authorizing staff to enter into negotiations for scope of services and fee schedule with said firms.

The City Commission submitted their selections to the City Attorney and subsequently, the City Attorney announced the top ranked firms for each category:

MEP Services: Halff Associates; S & B; and DBR Engineering Consultants

Structural Services: Chanin Engineering; Hinojosa Engineering; and Solorio.

Commissioner Barrera moved to authorize staff to enter into negotiations with the top three firms for each category as listed above. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**B) AWARD OF CONTRACT FOR IMAS FAÇADE AND SITE IMPROVEMENTS.**

Staff recommended award of contract for the International Museum of Arts and Sciences Facade and Site Improvements to All Pro Contractors, Inc., in the amount of \$250,296 for the base bid and Alternates 1 and 2.

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

**C) CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH HIDALGO COUNTY DRAINAGE DISTRICT NO. 1, FOR BENTSEN ROAD PAVING IMPROVEMENTS FROM PECAN BLVD. (FM 495) TO 3 MILE LINE ROAD.**

Staff recommended approval of an Interlocal Agreement with Hidalgo County Drainage District No. 1, for Bentsen Road Paving Improvements from Pecan Blvd. (FM 495) to 3 Mile Line Road.

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

**D) CHANGE ORDER NO. 5 FOR BENTSEN ROAD PAVING IMPROVEMENTS FROM PECAN BLVD. (FM 495) TO 3 MILE LINE ROAD.**

Staff recommended approval of Change Order No. 5 in the amount of \$105,000.00 for Bentsen Road Paving Improvements from Pecan Blvd. (FM 495) to 3 Mile Line Road.

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

**E) CONSIDER APPROVAL OF CONTRACT WITH OVERDRIVE FOR LEASED E-CONTENT.**

Staff recommended approval of a contract to OverDrive for leased e-books and e-audio books in the amount of \$15,000.

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

**4. ORDINANCE AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTER 54, HEALTH AND SANITATION; ARTICLE II; BY ADDING MOBILE FOOD VENDOR GUIDELINES.**

Staff recommended adoption of an ordinance amending the McAllen Code of Ordinances, Chapter 54, Health and Sanitation; Article II; By adding Mobile Food Vendor Guidelines.

Numerous questions were asked. A recommendation was made to extend the hours of operation to 3:00 a.m. Staff was asked to look into Austin's ordinance and guidelines as a model.

After due consideration, Commissioner Barrera moved to adopt the ordinance as recommended subject to a change in the prohibited hours of operation to begin at 3:00 a.m. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**5. VARIANCES:**

**A) CONSIDER REQUEST FOR A VARIANCE FOR FEE IN LIEU OF PARKLAND FOR VILLAGIO PHASE II SUBDIVISION.**

Staff recommended approval of a variance request for fee in lieu of parkland for Villagio Phase II

Subdivision in the amount of \$700 per unit for 73 dwelling units totaling \$51,000.

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

**B) CONSIDER REQUEST FOR A VARIANCE FROM BLOCK LENGTH, CUL-DE-SAC LENGTH AND SECONDARY ACCESS FOR MONTE VISTA SUBDIVISION.**

Staff recommended approval of a variance request from length, cul-de-sac length and secondary access for Monte Vista Subdivision.

A lengthy discussion ensued. Project Engineer Alfonso Quintanilla, spoke in favor of the variance. Developer Eddie Cantu, addressed the Commission in favor of the variance and answered questions.

After due consideration, Commissioner Crane moved to approve the variance with no fire lanes and subject to a deed restriction relating to off-street parking. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**6. MANAGER'S REPORT:**

**A) CONSIDER APPROVAL OF QUINTA ADVISORY BOARD VISION, MISSION AND BOARD COMMITMENT FORM.**

Staff recommended approval of Quinta Mazatlan Advisory Board Vision, Mission and Board Commitment Form subject to an additional commitment statement to appear as #9 as recommended by the City Manager, providing that no improvements/modifications will be done to Quinta Mazatlan Buildings and/or grounds without prior approval by the City Commission.

Commissioner Ingram moved to approve the Vision, Mission and Board Commitment with additional item as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

**B) ADVISORY BOARD APPOINTMENTS.**

Staff recommended that appointments be made to the various boards.

**AMBULANCE BOARD**

Dr. Roberto Gonzalez was nominated as a new appointment.

**BUILDING BOARD OF ADJUSTMENTS & APPEALS**

Mayor Pro Tem Ramirez nominated Alfredo Munguia as a new appointment.

**CIVIC CENTER ADVISORY BOARD**

Commissioner Barrera nominated Alonzo Nassif as a new appointment.

**COMMUNITY DEVELOPMENT COUNCIL**

Mayor Cortez nominated Liborio Hinojosa III as a new appointment. Commissioner Barrera nominated Diana Craig as a new appointment.

**DEVELOPMENT CORPORATION**

Mayor Pro Tem Ramirez nominated Rick Montalvo for reappointment. Commissioner Ingram nominated Roberto Hadad as a new appointment.

**KEEP McALLEN BEAUTIFUL**

Mayor Cortez nominated Andre De Mattos as a new appointment. Mayor Pro Tem Ramirez nominated Maria Palomo for reappointment. Commissioner Darling nominated Shannon Ortiz for reappointment.

**McALLEN HOUSING FINANCE CORPORATION**

Mayor Pro Tem Salinas nominated Severo Alejandro Palacios as a new appointment.

**McALLEN LIBRARY BOARD**

Commissioner Barrera nominated Erica Quach and Gloria Doyle as new appointments.

**PARKS AND RECREATION**

Commissioner Barrera nominated Shannon Ortiz as a new appointment.

QUINTA MAZATLAN

Mayor Cortez nominated Laura Warren as a new appointment. Commissioner Barrera nominated Eva Tavarez for reappointment to another term. Mayor Pro Tem Ramirez nominated Nancy Hillard for reappointment.

TRAFFIC COMMISSION

Mayor Pro Tem Ramirez nominated Irma Irene Montalvo as a new appointment and Jose G. Gonzalez for reappointment.

ZONING BOARD OF ADJUSTMENTS & APPEAL

Shavi Mahtani was nominated as a new appointment.

McALLEN INTERNATIONAL TOLL BRIDGE

Jan Klinck was nominated for reappointment.

PUBLIC ART COMMITTEE

Mayor Pro Tem Ramirez nominated Anne Moore for reappointment to another term.

Commissioner Barrera moved to appoint the nominees to the various boards. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**C) STATUS REPORT ON VARIOUS CITY PROJECTS THROUGH DECEMBER 31, 2012.**

Staff gave a report on the progress of the various city projects under construction.

Report only; no action required.

**D) STATUS REPORT ON PARKS AND RECREATION CONSTRUCTION PROJECTS.**

Staff gave a report on the progress of Parks and Recreation Construction Projects.

Report only; no action required.

**E) STATUS REPORT ON AIRPORT CONSTRUCTION PROJECT.**

Staff gave a report on the progress of the Airport Construction Project.

Report only; no action required.

**F) FUTURE AGENDA ITEMS.**

Staff briefly reviewed the upcoming workshops items: Botanical Gardens, Joint Meeting with Ambulance Board, Joint Meeting with Community Development Council, and Quinta Mazatlan Plan.

**7. TABLED ITEMS:**

**A) AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) NEW CURRENT MODEL DIESEL CAB CHASSIS WITH NEW 4,000 GALLON WATER TANK FOR THE STREET AND DRAINAGE DEPARTMENT OF PUBLIC WORKS.**

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

**B) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE PURPOSE OF FUNDING THE PURCHASE OF A WATER TRUCK FOR THE STREETS AND DRAINAGE DEPARTMENT.**

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

**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 551.071 Consultation with Attorney for Items 8C, 8D, 8E, 8F, 8G, 8H and 8I; Section 551.087 Economic Development for Item 8A; Section 551.072 Deliberation regarding Real Property for Item 8J; and Section 551.074 Personnel Matters for Item 8B.

Commissioner Barrera 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 Ramirez seconded the motion. The motion carried unanimously.

Mayor Cortez recessed the meeting at 8:19 pm to go into Executive Session. Mayor Pro Ramirez excused herself from the meeting. Mayor Cortez reconvened the meeting at 9:21 pm and announced the action on Executive Session items.

- A) DISCUSSION AND POSSIBLE ACTION TO CONSIDER PROJECT EXTENSION FOR MCALLEN SKYLINE, LTD., FOR EMBASSY SUITES HOTEL SITE. (SECTION 551.087, T.G.C.)**

Commissioner Darling moved to instruct the City Attorney and City Manager to respectfully decline to extend the contract as discussed in Executive Session. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

- B) DISCUSSION AND POSSIBLE ACTION - EVALUATION OF CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGES. (SECTION 551.074, T.G.C.)**

No action.

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

No action; item to be brought back.

- D) CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT: CAUSE NO. CL-13-0044-G; STACY R. PUENTE VS. CITY OF MCALLEN, TEXAS. (SECTION 551.071, T.G.C.)**

Commissioner Darling moved to authorize the City Attorney and outside counsel to defend the city in the lawsuit. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

- E) DISCUSSION WITH CITY ATTORNEY RELATING TO YEARLY LITIGATION AUDIT REPORT. (SECTION 551.071, T.G.C.)**

No action.

- F) CONSULTATION WITH CITY ATTORNEY RELATING TO MOTOR VEHICLE ACCIDENT LIABILITY AND SUBROGATION CLAIM REPORTS AS OF DECEMBER 31, 2012. (SECTION 551.071, T.G.C.)**

No action.

- G) CONSULTATION WITH CITY ATTORNEY RELATING TO WORKERS' COMP/LOSS RUN REPORT AS OF DECEMBER 31, 2012. (SECTION 551.071, T.G.C.)**

No action.

- H) CONSIDERATION AND POSSIBLE ACTION ON ARBITRATION WITH CONTRACTOR OVER CLAIM (I.O.C.). (SECTION 551.071, T.G.C.)**

Commissioner Barrera moved to authorize the City Attorney and appropriate outside counsel to represent the City on the arbitration action. Commissioner Darling seconded the motion. The motion carried unanimously by those present.

**I) CONSIDERATION AND POSSIBLE ACTION ON INTERPLEADER OF FUNDS WITH MORE THAN ONE CLAIMANT (I.O.C. & I.R.S.). (SECTION 551.071, T.G.C.)**

Commissioner Ingram moved to authorize the City Attorney to interplead the disputed funds in connection with the demand from I.O.C. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

**J) DISCUSSION AND POSSIBLE ACTION TO CONSIDER APPROVAL OF A RESOLUTION TO DETERMINE A PUBLIC NECESSITY TO ACQUIRE A TRACT OF LAND 60 FEET NORTH AND SOUTH AND 160 FEET EAST AND WEST OUT OF THE NORTHWEST CORNER OF LOT 177, JOHN H. SHARY SUBDIVISION. (SECTION 551.072, T.G.C.)**

Commissioner Barrera moved to approve the resolution determining a public necessity to acquire a tract of land as described on the agenda. Mayor Pro Tem Salinas 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 9:23 p.m.



Richard Cortez, Mayor

Attest:



Annette Villarreal, TRMC/CMC, CPM  
City Secretary