

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, March 11, 2013, at 6:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Richard Cortez
Hilda Salinas, Mayor Pro Tem
Marcus C. Barrera, Commissioner
John Ingram, Commissioner
Jim Darling, Commissioner

Absent: Aida Ramirez, Mayor Pro Tem
Scott Crane, Commissioner

Staff: Mike R. Perez, City Manager
Kevin Pagan, City Attorney
Brent Branham, Deputy City Manager
Wendy Smith, Assistant City Manager
Annette Villarreal, City Secretary
Yvette Barrera City Engineer
Ramon Navarro, Deputy City Engineer
Victor Rodriguez, Police Chief
Juli Rankin, Director of Planning
Rigo Villarreal, Bridge Director
Carla Rodriguez, Grants Administrator
Elizabeth Suarez, Transit Director
Sally Gavlik, Director of Parks and Recreation
Carlos Sanchez, Public Works Director
Sandra Zamora, Director of Purchasing
Perla Zamora, Deputy City Secretary

CALL TO ORDER

Mayor Cortez called the meeting to order.

PROCLAMATION

AMERICAN RED CROSS MONTH

Commissioner Barrera read and presented a proclamation for *American Red Cross Month*.

1. PUBLIC HEARING:

- 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.]*

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

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.

- 1. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: NORTH ½ OF LOT 9 AND R/S OF THE WEST PART OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 2615 SOUTH 23RD STREET.**

Approved the C-3 zoning at 2615 South 23rd Street, as per Planning and Zoning Commission.

2. REQUEST OF CHURCH OF THE GOOD SHEPHERD FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH AND RELATED ACTIVITIES) AT THE 10.432 ACRES OUT OF THE NORTH 18.28 ACRES OUT OF LOT 3, BLOCK 5, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS; 1200 EAST LA VISTA AVENUE.

Approved the Conditional Use Permit for life of the use, for an institutional use at 1200 East La Vista Avenue, as per Planning and Zoning Commission. 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 proposes direct access to E. La Vista Avenue and it does not generate traffic into residential areas;
- 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;
- 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 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.

3. REQUEST OF JOSE LUIS FUENTES, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE FEBRUARY 19, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT THE WEST 330 FEET OF THE SOUTH 198 FEET OF THE NORTH 308.88 FEET OF LOT 48-9, WEST ADDITION TO SHARYLAND SUBDIVISION, HIDALGO COUNTY, TEXAS; 9125 HIGHWAY 107, SUITE 3.

Granted a variance and approved a Conditional Use Permit for one year, for a bar at 9125 Highway 107, Suite 3, as per Planning and Zoning Commission, subject to paving the parking lot before issuance of the Conditional Use Permit and providing extra security one hour beyond closing, nightly trash pick-up and enough lighting in the area. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses and a church;
- 2) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. At this time there is two retail stores (Botanica & Imagine Adult Gift Shop), a church (Templo Cristiano), and an office (Lee's Loading Services), and two vacant suites. Based on the approximate square footages, 39 parking spaces are required. Additional parking for the church is required based on one parking space for every 4 seats in the sanctuary. The proposed 1,410 sq. ft. bar would require 19 parking spaces for a total of 58 spaces for the proposed bar, office, and retail. During inspection, staff observed that there is asphalt with loose gravel and no striping in the existing parking area. Staff has received a preliminary proposed parking layout with 64 parking spaces provided;
- 3) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
- 4) 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;
- 5) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 6) 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 allowable number of persons will be determined at time of building permit.

4. REQUEST OF ARMANDO RODRIGUEZ, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE FEBRUARY 19, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A KIDS EVENT CENTER AT LOT 7, LAS CAÑADAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2914 SOUTH JACKSON ROAD.

Granted a variance and approved a Conditional Use Permit, for one year, for a kid's event center, at 2914 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 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 residentially zoned properties;
- 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 South Jackson Road;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. At this time there is a law office occupying one of the suites. The overall site plan was calculated as 22,400 sq. ft. of office space with 115 parking spaces required; 175 parking spaces provided. Based on the 2,950 sq. ft. suite 30 parking spaces are required;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment will be determined at time of building permit.

B) REZONING:

REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: LOT 18, JANICE ADDITION #1 SUBDIVISION, AND LOT 9, JANICE ADDITION #2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1107 TAMARACK AVENUE AND 1102 SYCAMORE AVENUE. TABLED

Said item remained tabled.

C) CONDITIONAL USE PERMITS:

1. REQUEST OF JEFF G. STOLPA ON BEHALF OF STRIPES #9641, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PORTABLE BUILDING (STORAGE) AT LOT 1, CASSANDRA SUBDIVISION, HIDALGO COUNTY, TEXAS; 3618 PECAN BOULEVARD, SUITE A. TABLED

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

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

2. REQUEST OF JEFF G. STOLPA ON BEHALF OF STRIPES #9644, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PORTABLE

BUILDING (STORAGE) AT LOT 1, NOLANA TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 3920 NORTH 23RD STREET. TABLED

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

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

3. REQUEST OF JEFF G. STOLPA ON BEHALF OF STRIPES #9104, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PORTABLE BUILDING (STORAGE) AT 0.80 ACRES OUT OF LOT 76, R.E. HORN'S ADDITION TO MCALLEN FIRST SUBURBAN CITRUS GROVE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1520 SOUTH WARE ROAD. TABLED

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

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

4. REQUEST OF JEFF G. STOLPA ON BEHALF OF STRIPES #7318, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PORTABLE BUILDING (STORAGE) AT LOTS 1 AND 2, BLOCK 64, ORIGINAL TOWNSITE OF MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 720 SOUTH 10TH STREET. TABLED

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

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

5. REQUEST OF JEFF G. STOLPA ON BEHALF OF STRIPES #2234, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PORTABLE BUILDING (STORAGE) AT LOT 1, J.G. ORTEGON UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 4600 SOUTH 23RD STREET. TABLED

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

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

6. REQUEST OF JEFF G. STOLPA ON BEHALF OF STRIPES #7304, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PORTABLE BUILDING (STORAGE) AT THE NORTH 110.0 FEET OF THE EAST 150.0 FEET OF LOT 25, BLOCK 2, C.E. HAMMONDS SUBDIVISION, HIDALGO COUNTY, TEXAS; 1225 NORTH 23RD STREET. TABLED

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

Commissioner Ingram moved to remove said item from the table and agenda. Mayor Pro Tem Salinas 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.

Commissioner Darling moved to adopt the Zoning Ordinance for the approved tracts. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

E) PUBLIC HEARING TO CONSIDER A VARIANCE FROM SECTION 6-2 OF THE ALCOHOLIC BEVERAGE CODE, FOR MARC MARTINEZ, AT LOTS 1-4, THE DISTRICT AT MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 3300 NORTH MCCOLL ROAD, SUITES P & Q.

Staff recommended approval of the variance to the Alcohol Beverage Code at 3300 North McColl Road, Suite P & Q.

Mayor Cortez asked if there was anyone to speak in opposition to the request. No one appeared. Mayor Cortez declared the public hearing closed on this matter.

F) CONSIDER APPROVAL OF A VARIANCE REQUEST FROM SECTION 6-2 OF THE ALCOHOLIC BEVERAGE CODE AT LOTS 1-4, THE DISTRICT AT MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 3300 NORTH MCCOLL ROAD, SUITES P & Q.

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

END OF PUBLIC HEARING

Mayor Cortez 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 Barrera moved to approve the items listed on the Consent Agenda with exception of item 2E and that said item be addressed separately. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 25, 2013.

Approved the minutes of Regular Meeting held February 25, 2013, as submitted.

B) CONSIDER APPROVAL OF LEASE AGREEMENT WITH HIDALGO COUNTY ELECTIONS ADMINISTRATOR FOR THE USE OF THE IVOTRONIC VOTING SYSTEM FOR THE GENERAL AND SPECIAL CITY ELECTION TO BE HELD MAY 11, 2013. APROBACIÓN DE UN CONTRATO CON EL DEPARTAMENTO DE ELECCIONES DEL CONDADO DE HIDALGO PARA EL USO DEL SISTEMA DE VOTACIÓN IVOTRONIC PARA LA ELECCIÓN GENERAL Y ESPECIAL DE LA CIUDAD QUE SE EFECTUARA EL 11 DE MAYO, 2013.

Approved a lease agreement with Hidalgo County Elections Administrator for the use of iVotronic Voting System for the General and Special City Election to be held May 11, 2013.

Fue aprobado el contrato con el Departamento de Elecciones del Condado de Hidalgo para el uso del sistema de votación iVotronic para la Elección General y Especial de la Ciudad que se efectuara el 11 de Mayo, 2013.

C) TAX REFUND OVER \$500 TO ALONZO CANTU.

Approved a tax refund of \$514.08 to Alonzo Cantu.

D) AUTHORIZATION TO SUBMIT YEARLY CERTIFICATIONS & ASSURANCES TO THE FEDERAL TRANSIT ADMINISTRATION.

Approved the submission of the Yearly Certifications & Assurances to the Federal Transit Administration which would enable the City to receive FTA funds in FY 2012-2013.

E) CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE LRGVDC FOR THE DIVISION OF TXDOT FUNDING FOR FY 2012-2013.

Staff recommended approval of an Interlocal Agreement with the LRGVDC for the Division of TXDOT funding for FY 2012-2013 with funding formula of 70/30 split, with the city receiving 30%.

Questions were asked.

After due consideration, Commissioner Barrera moved to approve the agreement pending execution of an Interlocal Agreement approving the division of FTA funds at 70% to the City and 30% to the LRGVDC for operating funds. Commissioner Ingram seconded the motion. The motion carried unanimously by those present

F) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF SIXTEEN (16) DIGITAL VIDEO RECORDING UNITS.

Awarded a contract to Utility Associates, Inc., through the H-GAC Contract, for the purchase and installation of sixteen (16) Digital Video Recording Units in the amount of \$94,743.

G) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF INTERNAL CONNECTIONS (CABLING) AT PALM VIEW BRANCH LIBRARY.

Awarded a contract for the purchase and installation of Internal Connections (cabling) at Palm View Branch Library to Insight Public Sector, Inc. in the amount of \$104,079.64 to be funded through an E-Rate Grant of \$83,263.71 with a local match requirement of \$20,815.93.

H) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF INTERNAL CONNECTIONS (CABLING) AT LARK BRANCH LIBRARY.

Awarded a contract for the purchase and installation of Internal Connections (cabling) at Lark Branch Library to Insight Public Sector, Inc. in the amount of \$104,079.64 to be funded through an E-Rate Grant of \$83,263.71 with a local match requirement of \$20,815.93.

I) AWARD OF CONTRACT FOR INTERNET AND TELEPHONE RECURRING SERVICES AT MCALLEN PUBLIC LIBRARY.

Awarded a contract to Telephone, LLC for Internet and Telephone Recurring Services at McAllen Public Library to meet Universal Service Administration Company's E-Rate Grant guidelines. The E-Rate grant will fund \$21,770.88 with a local match requirement of \$5,442.72 for a total award of \$27,213.60.

J) AWARD OF CONTRACT FOR THE PURCHASE OF JANITORIAL PRODUCTS.

Awarded a contract for the purchase of Janitorial Products for a period of one year. Additionally, authorized the option to extend the contract for two (2) additional years, in one year increments, subject to City Manager approval and subject to the performance of the successful vendor being satisfactory and the unit prices remaining unchanged.

K) AWARD OF SUPPLY CONTRACT FOR THE PURCHASE OF COPY PAPER.

Awarded a contract to National Packaging Corporation for the purchase of Copy Paper for a period of one year. Additionally, authorized the option to extend for two (2) additional years, in one year increments, subject to City Manager approval and subject to the performance of the successful vendor being satisfactory and the unit prices remaining firm.

L) AWARD OF CONTRACT FOR TIRE REPAIR SERVICES.

Awarded a contract for Tire Repair Services for a period of one year. Additionally, authorized the option to extend for four (4) additional years, in one year increments, subject to City Manager approval and subject to the performance of the successful vendor being satisfactory and the unit prices remaining unchanged.

M) AWARD OF SERVICE CONTRACT FOR GRINDING OF BRUSH AND WOOD WASTE.

Awarded a contract for Service Contract for Grinding of Brush and Wood Waste to Austin Wood Recycling, for Base Bid 2 in the amount of \$0.94/CY and Alternate Bid 1 (Double Grinding) in the amount of \$1.50/CY, for a one year period. Additionally, authorized the option to extend the contract for four (4) additional years, in one year increments, subject to City Manager approval and subject to the performance of the successful vendor being satisfactory and the unit prices remaining unchanged.

N) CONSIDER APPROVAL OF CHANGE ORDER NO. 1 FOR THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE N.B. PEDESTRIAN CANOPIES PROJECT.

Approved Change Order No. 1 for the McAllen-Hidalgo International Bridge N.B. Pedestrian Canopies Project in the amount of \$7,800, for a revised contract amount of \$723,080, and 30 additional days to the contract time.

O) CONSIDER APPROVAL OF A LICENSE AGREEMENT WITH THE U.S. GENERAL SERVICES ADMINISTRATION FOR IMPROVEMENTS AT THE ANZALDUAS LAND PORT OF ENTRY.

Approved a License Agreement with the U.S. General Services Administration for improvements at the Anzalduas Land Port of Entry.

P) RESOLUTION REQUESTING THE UNITED STATES TO PURSUE ORDERS AND AGREEMENTS WHEREBY MEXICO FORMALIZES A COMPLIANCE PROGRAM UNDER THE 1944 WATER TREATY.

Approved a resolution requesting the United States to pursue orders and agreements whereby Mexico formalizes a Compliance Program under the 1944 Water Treaty.

Q) RESOLUTION ACKNOWLEDGING AND SUPPORTING THE ADOPTION OF LEGISLATION CONSOLIDATING THE UNIVERSITY OF TEXAS-PAN AMERICAN, THE UNIVERSITY OF TEXAS AT BROWNSVILLE AND REGIONAL ACADEMIC HEALTH CENTER.

Approved a resolution acknowledging and supporting the adoption of legislation consolidating the University of Texas-Pan American, the University of Texas at Brownsville and Regional Academic Health Center.

R) RESOLUTION ACCEPTING GRANT AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, TEXAS DEPARTMENT OF PUBLIC SAFETY, FOR FUNDS PROVIDED THROUGH THE PRESIDENTIAL DISASTER DECLARATION DR-1931 (PROJECT #13) FROM HURRICANE ALEX FOR FLOOD MITIGATION PROJECTS.

Approved a resolution accepting a grant award from the Federal Emergency Management Agency, Texas Department of Public Safety, for funds provided through the Presidential Disaster Declaration DR-1931 (Project #13) from Hurricane Alex for flood mitigation projects. The grant amount is in the amount of \$636,717 with a local match requirement of \$212,239, for a total project cost of \$848,956, which will replace approximately 4,000 linear feet of an undersized storm water pipe system on Quince Avenue from Northwest Blueline Ditch to 27th Street.

S) RESOLUTION ACCEPTING GRANT AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, TEXAS DEPARTMENT OF PUBLIC SAFETY, FOR FUNDS PROVIDED THROUGH THE PRESIDENTIAL DISASTER DECLARATION DR-1931 (PROJECT #11) FROM HURRICANE ALEX FOR FLOOD MITIGATION PROJECTS.

Approved a resolution accepting grant award from the Federal Emergency Management Agency, Texas Department of Public Safety, for funds provided through the Presidential Disaster Declaration DR-1931 (Project #11) from Hurricane Alex for flood mitigation projects. The grant amount is in the amount of \$473,412 with a local match requirement of \$157,804, for a total project cost of \$631,216, which will replace approximately 3,000 linear feet of an undersized storm water pipe system on 4th and 6th Street from Harvey Avenue to Fern Avenue.

T) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, IN PARTNERSHIP WITH KEEP MCALLEN BEAUTIFUL, TO THE 2013 KEEP AMERICA BEAUTIFUL/UNITED PARCEL SERVICE COMMUNITY TREE PLANTING GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application, in partnership with Keep McAllen Beautiful, to the 2013 Keep America Beautiful/United Parcel Services Community Tree Planting Grant Program. The amount requested is \$5,000 with no local match requirement to go towards the purchase of 350 – 400 3-Gallon trees.

U) RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO KABOOM! UNDER THE PLAYFUL CITY USA PROGRAM.

Approved a resolution authorizing the submission of an application to Kaboom! Under the Playful City USA Program which would enable the City of McAllen to be eligible for “Let’s Play” grants.

V) ORDINANCE INSTITUTING A 90-DAY MORATORIUM ON THE ISSUANCE OF PUBLIC FIREWORKS DISPLAYS.

Adopted an ordinance instituting a 90-day Moratorium on the issuance of permits for public displays of fireworks.

W) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE MCALLEN NATURE CENTER PARK FOR FIRST YEAR OF PARK OPERATIONS.

Adopted an ordinance providing for a budget amendment in the amount of \$112,000 for the McAllen Nature Center Park for first year of park operations.

X) CONFIRMATION AND APPOINTMENT OF NOMINEE TO THE CIVIC CENTER ADVISORY BOARD.

Confirmed the appointment of Alex Lamela to the Civic Center Advisory Board.

3. BIDS/CONTRACTS:

A) AWARD OF CONTRACT FOR SECURITY GUARD SERVICES.

Staff recommended award of contract to American Investigations & Security International for Security Guard Services with a proposed rate of \$10.00/hour for Non-Armed Security Guards and \$11.39/hr. for Armed Security Guards. The term of the contract is for a period of one year with the option to extend for two (2) additional years, in one year increments and subject to City Manager approval, subject to the performance of the successful vendor being satisfactory and the hourly rates remaining unchanged.

Representatives from the top two companies addressed the Commission.

After due consideration, Commissioner Darling moved to table said item for discussion in Executive Session under Section 551.071 T.G.C. Consultation with City Attorney. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

After Executive Session, Commissioner Darling moved to remove said item from the table. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

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

B) AWARD OF CONTRACT FOR THE PURCHASE OF THIRTY-TWO (32) 2013 VEHICLES.

Staff recommended award of contract for the purchase of thirty-two (32) 2013 Vehicles as follows:

Items 1a, 2b, 3b, 4a, 4b, 5a, 5c, 7, 9 to Randell Reed’s Prestige Ford in the amount of \$445,795
Items 1b, 2a to Caldwell Country Ford in the amount of \$115,423

Items 3a, 6 to Philpot Motors in the amount of \$114,170
Items 5b, 8 to Caldwell Country Chevrolet in the amount of \$244,629

Additionally, recommended the rejection of item 10a and authorization to rebid the item.

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

C) CONSIDER APPROVAL OF CHANGE ORDER NO. 2 AND FINAL RECONCILIATION OF QUANTITIES FOR PAVING AND DRAINAGE IMPROVEMENTS AT THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE.

Staff recommended approval of Change Order No. 2 and Final Reconciliation of Quantities for Paving and Drainage Improvements at the McAllen-Hidalgo International Bridge, in the amount of \$1,223.20 for a revised contract amount of \$967,985.40 and no additional contract time.

Commissioner Barrera moved to approve the change order as recommended. Commissioner Darling seconded the motion. The motion carried unanimously by those present.

D) CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH HIDALGO COUNTY FOR DEVELOPMENT OF WARE ROAD FROM 3 MILE TO 5 MILE.

Staff recommended approval of an Interlocal Agreement with Hidalgo County for development of Ware Road from 3 Mile to 5 Mile.

The City Commission expressed their appreciation toward County Commissioner Joseph Palacios for his support and assistance on this project.

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

E) CONSIDER APPROVAL OF CHANGE ORDER NO. 7 FOR BENTSEN ROAD PAVING IMPROVEMENTS FROM PECAN BLVD. TO 3 MILE LINE ROAD.

Staff recommended approval of Change Order No. 7 for the Bentsen Road Paving Improvements Project from Pecan Boulevard to 3 Mile Line Road for an additional 30 days to the contract time, for a revised contract time of 236 working days.

Commissioner Barrera moved to approve the change order as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

4. VARIANCE REQUEST TO THE SUBDIVISION PROCESS REQUIREMENT AT 0.35 ACRES OUT OF LOT 10, LA LOMITA IRRIGATION AND CONSTRUCTION CO. SUBDIVISION; 11605 NORTH LA LOMITA ROAD.

Staff recommended approval of the variance to the subdivision process requirement at 11605 North La Lomita Road subject to the dedication of 20 feet of right-of-way along N. La Lomita Road.

Commissioner Darling moved to approve the variance as recommended. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

5. MANAGER'S REPORT:

A) PRESENTATION OF DELINQUENT TAX COLLECTION REPORT FOR 1ST QUARTER 2012-2013.

Attorney Kelly Salazar with Linebarger Goggan Blair & Sampson, LLP, gave a report on delinquent tax collection for 1st Quarter 2012-2013.

B) REQUEST FROM IMAS TO CITY OF MCALLEN FOR FUNDING AND TECHNICAL ASSISTANCE TO CREATE A PERMANENT RENEWAL ENERGY EXHIBIT.

Mr. Joseph Bravo from IMAS requested approval of funding and technical assistance in the amount of \$62,500 to create a Permanent Renewal Energy Exhibit.

Questions were asked. A lengthy discussion ensued. Staff recommended tentatively approving the funding amount as to allow the submission of the grant application which would be subject to further review.

After due consideration, Commissioner Barrera moved to approve request based on City Managers recommendation. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

C) FUTURE AGENDA ITEMS.

Staff briefly reviewed the upcoming workshops items: Performing Arts Center; Quinta Mazatlan Master Plan; and Convention Center Activities.

6. TABLED ITEMS:

A) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF SYNTHETIC SOCCER/FOOTBALL FIELD AT DELEON NORTH SOCCER COMPLEX.

Commissioner Barrera moved to remove said item from the table. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

Staff recommended award of contract for the purchase and installation of Synthetic Soccer/Football Field at DeLeon North Soccer Complex to Field Turf, in the amount of \$726,594.

Questions were asked about the quality of the two top products that were bid. A lengthy discussion ensued. Staff was instructed to go back and review the products and return with a recommendation.

After due consideration, Commissioner Barrera moved to re-table the item. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR DEMOLITION OF FORMER SAM HOUSTON ELEMENTARY.

Said item remained tabled.

PUBLIC COMMENT SESSION

Sherman Paul Griffin addressed the City Commission.

7. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT)

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Items 7A and 7D; Section 551.071 Consultation with Attorney for Items 7B, 7C, 7D and 7E; and Section 551.072 Deliberation regarding Real Property for Item 7A.

Commissioner Barrera 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 by those present.

Mayor Cortez recessed the meeting at 7:14 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 8:07 pm and announced the action on Executive Session items.

- A) **DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE SALE OF LOT 11 (B), CONVENTION CENTER SUBDIVISION. (SECTION 551.072 AND 551.087, T.G.C.)**

No action.

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

No action.

- C) **CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS RELATING TO FIRE CHIEF POSITION. (SECTION 551.071, T.G.C.)**

Commissioner Barrera moved to authorize the City Manager and City Attorney to offer the position of Fire Chief to Acting Chief Rafael Balderas and for the City Manager to be authorized to enter into that arrangement. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- D) **CONSIDERATION AND CONSULTATION WITH LEGAL COUNSEL REGARDING ECONOMIC DEVELOPMENT PROJECT POMPEII. (SECTION 551.087 AND 551.071, T.G.C.)**

No action.

- E) **CONSULTATION WITH CITY ATTORNEY REGARDING C-0790-13-H; SUZANNE AND NELSON LEWIS, JOSE SALAS, DON DESHAZO, RUTH BOSTICK, AND ANGELICA VELA VS. LEAL CONSTRUCTION COMPANY, INC. AND CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**

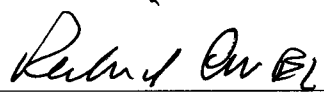
Commissioner Barrera moved to authorize the City Attorney and appropriate outside counsel to defend the city in this legal action. Commissioner Darling seconded the motion. The motion carried unanimously by those present.

- F) **DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT NEXT LEVEL. (SECTION 551.087, T.G.C.)**

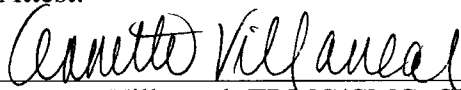
No action.

ADJOURNMENT

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


Richard Cortez, Mayor

Attest:


Annette Villarreal, TRMC/CMC, CPM
City Secretary