

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, October 14, 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, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, Commissioner Veronica Vela Whitacre

Absent: Mayor Pro Tem Aida Ramirez

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Assistant City Manager/PUB General Manager Roy Rodriguez, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Director of Planning Juli Rankin, Director of Parks and Recreation Sally Gavlik, Police Chief Victor Rodriguez, Public Works Director Carlos Sanchez

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**PRESENTATION**

**THE GOLD LEAF OUTSTANDING ARBOR DAY AWARD**

A presentation was made of the Gold Leaf Outstanding Arbor Day Award presented by Texas A&M Forest Service.

**PROCLAMATIONS**

**DOMESTIC VIOLENCE AWARENESS MONTH**

Commissioner Whitacre read and presented a proclamation for *Domestic Violence Awareness Month*.

**COMMUNITY PLANNING MONTH**

Mayor Pro Tem Salinas read and presented a proclamation for *Community Planning Month*.

**1. PUBLIC HEARING:**

Mayor Darling called the Public Hearing to order.

**A) REZONINGS:**

**1. REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOTS 14 & 15, BLOCK 5, COLLEGE HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2214 & 2212 ITHACA AVENUE. TABLED**

Commissioner Ingram moved to remove said item from the table. Commissioner Whitacre seconded the motion. The motion carried unanimously

Staff recommended approval of a C-3 zoning at 2214 & 2212 Ithaca Avenue, as per Planning and Zoning Commission.

Mayor Darling asked if there was anyone to speak in favor of the rezoning request. The applicants, Mr. and Mrs. Solis, spoke in favor of the request. Mr. Charlie Balderas spoke in opposition. A discussion was held and questions were asked.

After due consideration, Commissioner Ingram moved to disapprove a C-3 zoning. Commissioner Whitacre seconded the motion. The vote on the motion was as follows:

AYES: Commissioners Ingram and Whitacre  
NAYS: Commissioners Crane, Pebley and Mayor Pro Tem Salinas  
ABSENT: Mayor Pro Tem Ramirez  
ABSTAINED: None

A subsequent motion was made by Commissioner Crane to approve the C-3 zoning as recommended subject to the following conditions:

- Installation of stucco covered masonry wall on both sides;
- Existing business must come into compliance with the Landscape Ordinance;
- Representations of the applicant are incorporated into a site plan and that the site plan not be approved unless the recommendations are in and if there is a Conditional Use Permit sought for a mechanic shop that said permit be denied if it comes up; and
- No additional curb cuts on Ithaca as applicant represented that he would use existing curb cuts.

Commissioner Pebley seconded the motion. The vote on the motion was as follows:

AYES: Commissioners Crane, Pebley and Mayor Pro Tem Salinas  
NAYS: Commissioners Ingram and Whitacre  
ABSENT: Mayor Pro Tem Ramirez  
ABSTAINED: None

**2. 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.**

**3. 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.**

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

Commissioner Crane moved to adopt the Zoning Ordinance for the approved tract as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

**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 Ingram moved to approve the items listed on the Consent Agenda with exception of items 2D and 2E which would be addressed separately. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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

Approved minutes of various meetings as follows: Workshop and Regular Meetings held September 23, 2013. Approved outstanding minutes for 2008 Workshops held January 28<sup>th</sup>, February 25<sup>th</sup>, May 7<sup>th</sup>, May 27<sup>th</sup>, July 14<sup>th</sup>, July 28<sup>th</sup>, August 4<sup>th</sup>, August 5<sup>th</sup>, August 6<sup>th</sup>, August 7<sup>th</sup>, August 12<sup>th</sup>, August 20<sup>th</sup>, October 14<sup>th</sup>, October 20<sup>th</sup>, October 27<sup>th</sup>, November 10<sup>th</sup>, November 24<sup>th</sup> and December 8, 2008.

**B) CONSIDERATION AND APPROVAL OF GRANT FUNDS UNDER TWO SUB-RECIPIENT AGREEMENTS FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY UNDER THE FISCAL YEAR 2013 STATE HOMELAND SECURITY PROGRAM.**

Approved grant funds under two Sub-Recipient Agreements from the Texas Department of Public Safety under the Fiscal Year 2013 State Homeland Security Program in the total amount of \$132,850.12. The awarded funds will provide for the installation of communication infrastructure at the Harlingen, Olmito, Linn and Raymondville radio tower sites.

**C) AWARD OF CONTRACT FOR TRIMMING AND PEELING OF TALL PALM TREES.**

Awarded a contract to Rodz Lawn Care for Trimming and Peeling of Tall Palm Trees. The term of the contract is for a one (1) year with the option to extend for two (2) additional years in one (1) year increments - with City Manager approval - if the performance of the vendor is satisfactory and the unit prices remain firm.

**D) APPROVAL OF AMENDMENT TO CITY'S INVESTMENT POLICY.**

Staff recommended approval of resolution providing for an amendment to the City's Investment Policy.

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

**E) APPROVAL OF PLAINS CAPITAL BANK AS THE DEPOSITORY BANK FOR THE CITY OF MCALLEN.**

Staff recommended authorization to designate Plains Capital Bank as the Depository Bank for the City of McAllen as recommended by the Audit and Investment Committee.

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

**F) CONSIDER APPROVAL OF CHANGE ORDER NO. 1 FOR FIREMEN'S PARK LAKE LINER AND ADDITIONAL WORK DAYS.**

Approved Change Order No. 1 for Firemen's Park Lake Liner, for an additional 13 working days and no adjustment to the contract amount of \$212,512.18.

**G) CONSIDER APPROVAL OF CHANGE ORDER NO. 1 AND FINAL RECONCILIATION OF QUANTITIES FOR 2013 PAVEMENT FOG SEAL.**

Approved Change Order No. 1 and Final Reconciliation of Quantities for 2013 Pavement Fog Seal, in the add amount of \$3,978.54 for a total revised contract amount of \$218,059.89 and 10 working days.

**H) CONSIDER APPROVAL OF CHANGE ORDER NO.1 FOR DRAINAGE IMPROVEMENTS FOR KENDLEWOOD AVENUE (19<sup>TH</sup> ST. TO 22<sup>ND</sup> ST.).**

Approved Change Order No. 1 for Drainage Improvements for Kendlewood Avenue (19<sup>th</sup> St. to 22<sup>nd</sup> St.), in the add amount of \$577.00 for a revised contract amount of \$488,477 and a revised contract time of 112 working days.

**I) CONSIDERATION OF AN INTERLOCAL AGREEMENT WITH CITY OF MCALLEN, CITY OF PALMHURST, CITY OF ALTON, AND HIDALGO COUNTY RELATING TO CERTAIN IMPROVEMENTS TO SHARY ROAD (FM 494) FROM FM 1924 (MILE 3) TO SH 107.**

Approved an Interlocal Agreement with City of McAllen, City of Palmhurst, City of Alton, and Hidalgo County relating to certain improvements to Shary Road (FM 494) from FM 1924 (Mile 3) to

SH 107, with McAllen's contribution estimated at \$229,888.08 of a total project development cost of \$1,905,897.

**J) CONSIDERATION AND APPROVAL OF A MULTIPLE USE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF MCALLEN RELATING TO THE CONSTRUCTION OF A BUS SHELTER AND TURNOUT ON NORTH 10<sup>TH</sup> STREET, NORTH OF TRENTON ROAD.**

Approved a Multiple Use Agreement with Texas Department of Transportation and the City of McAllen relating to the construction of a bus shelter and turnout on North 10<sup>th</sup> Street, North of Trenton Road, with the City's responsibility of 20% of the total project cost.

**K) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE CITY OF BROWNSVILLE FOR THE METRO CONNECT PROJECT.**

Approved a Memorandum of Understanding with the City of Brownsville for the Metro Connect Project, with a local match of \$111,496.

**L) ORDINANCE AMENDING ORDINANCE NO. 2012-12 PROVIDING FOR AN INCREASE IN AUTHORIZED STRENGTH FOR THE MCALLEN FIRE DEPARTMENT.**

Adopted an ordinance amending Ordinance No. 2012-12, providing for an increase in authorized strength for the McAllen Fire Department from 164 to 166.

**M) ORDINANCE AMENDING ORDINANCE NO. 2009-59 PROVIDING FOR AN INCREASE IN AUTHORIZED STRENGTH FOR THE MCALLEN POLICE DEPARTMENT.**

Adopted an ordinance amending Ordinance No. 2009-59, providing for an increase in authorized strength for the McAllen Police Department from 279 to 280.

**N) ORDINANCE PROVIDING FOR ABANDONMENT OF A TRACT OF LAND CONTAINING 1.034 ACRES (45,037.64 SQ. FT.) SITUATED IN THE COUNTY OF HIDALGO, TEXAS BEING THAT PART OR A PORTION OF THE TRAILBLAZER AVENUE RIGHT-OF-WAY ADJACENT TO THE NORTH LINE OF LOTS 15-168, LA PUERTA PHASE 1 SUBDIVISION; 14001 NORTH Rooth Road – TRAIL BLAZER SUBDIVISION.**

Adopted an ordinance providing for the abandonment for a tract of land containing 1.034 acres at 14001 North Rooth Road – Trail Blazer Subdivision.

**O) RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE TRANSACTION TO ACQUIRE A TRACT OF LAND OUT OF LOT 3, BLOCK 4, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS.**

Approved a resolution authorizing the City Manager to complete the transaction to acquire a tract of land out of Lot 3, Block 4, A.J. McColl Subdivision.

**P) CONSIDERATION OF A VARIANCE REQUEST TO RIGHT-OF-WAY DEDICATION AT 1515 HOUSTON SUBDIVISION.**

Approved a variance request allowing for a 10 ft. right-of-way dedication for 60 ft. of right-of-way along Houston Avenue at 1515 Houston Avenue.

**Q) APPROVAL OF TAX REFUNDS OVER \$500:**

**1. EDWARD ABSTRACT & TITLE COMPANY**

Approved a tax refund of \$1,809.26.

**2. POPP, GRAY & HUTCHENSON, LLP.**

Approved a tax refund of \$2,974.20.

**3. COLE KO MCALLEN TEXAS LLC.**

Approved a tax refund of \$13,137.89.

**3. BIDS/CONTRACTS:**

**A) AWARD OF CONTRACT FOR PUBLIC SAFETY BUILDING ADDITIONS AND RENOVATIONS.**

Staff recommended award of contract for the Public Safety Building Additions and Renovations to Highmark Construction Company, LLC, in the amount of \$3,550,000.

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

**B) CONSIDERATION AND AUTHORIZATION FOR THE CITY OF MCALLEN TO ENTER INTO A TWENTY (20) YEAR LEASE AGREEMENT WITH TRINITY UNITED METHODIST CHURCH FOR USE OF PARKING LOT AND RELATED IMPROVEMENTS FOR THE BICENTENNIAL TRAIL.**

Staff recommended approval of a 20 Year Lease Agreement with Trinity United Methodist Church for use of the parking lot and related improvements for the Bicentennial Trail.

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

**C) APPROVAL OF AGENCY CONTRACTS WITH THE DEVELOPMENT CORPORATION OF MCALLEN, INC.**

Staff recommended approval of Agency Contracts with the Development Corporation of McAllen, Inc. as follows:

1. **SOUTH TEXAS COLLEGE - \$480,000**
2. **ACCION TEXAS INC. - \$250,000** subject to the following changes to the agreement:
  - Term “Marketing Grant” to change to Outreach & Business Assistance for 50,000 – 30,000 for the City to provide \$20,000 worth of marketing, social media and air time on the McAllen Cable Network (MCN);
  - Customer must be certified by Accion as “unbankable” to receive services;
  - No loans to City of McAllen employees, relatives or elected officials through the program;
  - City of McAllen will not pay commitment fees on loans; and
  - No loans will have terms longer than five (5) years unless job creation be shown at which time would then come before the City Commission for approval.
3. **VALLEY INITIATIVE FOR DEVELOPMENT AND ADVANCEMENT, INC. (VIDA) - \$902,000**
4. **COMMUNITY HEALTH MANAGEMENT CORPORATION, INC. - \$120,000**
5. **AFFORDABLE HOMES - \$100,000**

Commissioner Crane moved to approve the contracts as recommended including the changes to the contract with Accion Texas Inc. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

**D) APPROVAL OF OUTSIDE AGENCY CONTRACTS FOR FISCAL YEAR 2013-2014:**

Staff recommended approval of outside agency contracts for Fiscal Year 2013-2014 funding as follows:

1. **AMIGOS DEL VALLE** - \$52,059
2. **BORDER TRADE ALLIANCE** - \$15,000
3. **BOYS & GIRLS CLUB OF MCALLEN** - \$750,000
4. **INTERNATIONAL MUSEUM OF ARTS & SCIENCE** - \$751,000
5. **KEEP MCALLEN BEAUTIFUL** - \$24,000
6. **MCALLEN CHAMBER OF COMMERCE** - \$644,200
7. **MCALLEN ECONOMIC DEVELOPMENT CORPORATION** - \$1,383,195
8. **MCALLEN HERITAGE CENTER** - \$45,000
9. **MCALLEN TOWN BAND** - \$14,400
10. **MUSEUM OF SOUTH TEXAS HISTORY** - \$41,400
11. **SOUTH TEXAS SYMPHONY ASSOCIATION** - \$101,800
12. **VALLEY PROUD ENVIRONMENTAL COUNCIL** - \$5,000
13. **CENTRO CULTURAL** - \$12,000
14. **PHARR LITERACY CENTER** - \$20,000
15. **WOMEN TOGETHER** - \$25,000

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

**E) AWARD OF CONTRACT FOR ONE (1) REFURBISHED 1992 OSHKOSH TA-1500 ARFF VEHICLE (AIRCRAFT RESCUE FIRE FIGHTING) FOR FIRE DEPARTMENT.**

Staff recommended award of contract for one (1) Refurbished 1992 Oshkosh TA-1500 ARFF Vehicle (Artifact Rescue Fire Fighting) for Fire Department, to Fire Trucks Unlimited, LLC, in the amount of \$185,980.

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

**F) AWARD OF CONTRACT FOR THE PURCHASE AND PICK-UP OF TYPE "D" HOT MIX.**

Staff recommended award of contract for the Purchase and Pick-up of Type "D" Hot Mix to Upper Valley Materials as the primary contractor, and Frontera Materials as secondary. Initial contract shall be for one year with the option to extend for one year with City Manager approval, if the vendor's performance is satisfactory and the unit prices remain firm.

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

**G) AWARD OF CONTRACT FOR THE PURCHASE OF AUTOMOTIVE/TRUCK PARTS.**

Staff recommended award of multiple contracts for the Purchase of Automotive/Truck Parts as follows:

- Laredo Wholesale Auto Distribution for items 30, 37, 43, 47, 49, 77, 85, 103, 109, 111, 113, 134, 149-150, 152, 157-167, 170, 177, 182-183, 193-194, 196, 201, 206, 210, 212-213, 218, 223, 232-236, 240, 244, 299-300, 309, 314-315, 319, 341, 348, 350, 352, 359, 361, 367, 377-378, 390, 399, 406-407, 409, 411, 415, 425
- Vehicle Maintenance Program Inc. for items 33-35, 40-41, 44-46, 48, 52, 55, 57-58, 60, 62-64, 67-69, 72-73, 75, 78-84, 86, 89, 91, 95-96, 99-101, 104, 107-108, 110, 112, 114, 116, 119, 122-127, 129-133, 141-142, 145, 155, 184-185, 187, 195, 202, 211, 214-217, 228-230, 237-239, 295, 304-306, 316-317, 324-328, 335-336, 353-355, 360, 370-372, 410, 412, 417-418

- O'Reilly Auto Parts for items 22-23, 50-51, 53-54, 56, 76, 128, 136, 146-147, 153-154, 156, 174, 178, 188-192, 203, 205, 226, 279-280, 313, 323, 344, 362, 379-381, 391-395, 400, 408, 413, 422-423
- Full Service Auto Parts for items 1-6, 93-94, 117-118, 135, 137-140, 148, 168-169, 171-173, 175, 179-181, 186, 197, 204, 209, 221-222, 224, 227, 231, 241-243, 296-297, 330, 414, 419
- Heil of Texas for items 7-10, 12-21, 24-29, 31-32, 36, 42, 61, 65-66, 74, 87-88, 200, 219-220, 245-253, 264-266, 268-278, 283-293, 307, 320-322, 345, 386, 404-405, 427
- Holt Cat 38-39, 90, 105-106, 115, 144, 151, 334, 387-388, 396-398

Additionally, staff recommended the rejection and rebid of the following items: 11, 50-51, 53-54, 59, 70-71, 92, 97-98, 102, 120-121, 143, 176, 198-199, 207-208, 225, 254-263, 267, 281-282, 294, 298, 301-303, 308, 310-312, 329, 331-333, 337-340, 342-343, 346-347, 349, 351, 356, 357, 358, 363-366, 368-369, 373-376, 382-384, 385, 389, 401-403, 416, 420-421, 424, 426.

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

**4. ORDINANCE PROVIDING FOR BUDGET AMENDMENT FOR ONE (1) REFURBISHED 1992 OSHKOSH TA-1500 ARFF VEHICLE (AIRCRAFT RESCUE FIRE FIGHTING) FOR FIRE DEPARTMENT.**

Staff recommended adoption of an ordinance providing for a budget amendment for one (1) Refurbished 1992 Oshkosh TA-1500 ARFF Vehicle (Aircraft Rescue Fire Fighting) for the Fire Department.

Commissioner Ingram moved to adopt the ordinance as recommended. Mayor Pro Tem Salinas seconded the motion.

**5. RESOLUTION SUPPORTING STC'S BOND AND MAINTENANCE ELECTION ON NOVEMBER 5, 2013.**

Staff recommended approval of a resolution supporting STC's Bond and Maintenance Election on November 5, 2013.

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

**6. VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE EAST 137 FT. OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF COMBINED LOT 11, BLOCK 4 AND BLOCK 2, M & M SUBDIVISION; 2901 VALCOSTA SERVICE ROAD.**

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

Mayor Pro Tem Salinas moved to table said item. Commissioner Whitacre seconded the motion. The motion carried unanimously by those present.

**7. MANAGER'S REPORT:**

**A) REVIEW OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2013.**

Staff presented the Quarterly Investment Report for quarter ended June 30, 2013, and recommended acceptance of said report as per the Audit and Investment Committee.

Commissioner Whitacre moved to accept the report as presented. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**B) FUTURE AGENDA ITEMS.**

The items for upcoming workshops were briefly reviewed: Reports on Retreat Projects; Buffering; De Leon Bleachers; Airport Engineer Interviews; STC Board Meeting; Bond Issue Forums; Artificial Turf presentation; Parakeet/Parrot Ordinance; and Joint Meeting with MPUB.

**8. MAYOR'S REPORT ON ANNUAL TML CONFERENCE HELD IN AUSTIN, TEXAS.**

Mayor Darling gave a report on the Annual TML Conference that was held in Austin, Texas.

**9. TABLED ITEMS:**

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

Said item remained tabled.

- B) CONSIDER AUTHORIZING MAYOR JIM DARLING TO COMMIT 2.5 MILLION DOLLARS FOR DESIGN OF FM 1016 FROM BRYAN ROAD TO CONWAY.**

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

Staff recommended authorization for Mayor Darling to commit up to \$2.5 million dollars for design of FM 1016 from Bryan Road to Conway. Mayor Darling gave a report on the City of Mission's meeting with TxDOT about funding of said project.

Commissioner Crane moved to authorize the Mayor to execute a letter agreement to participate with the design of the project up to \$2.5 million subject to TxDOT's allocation of the funding through the current budget and the funding does not have any negative impact on RMA Projects. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

**PUBLIC COMMENT SESSION**

The following individuals addressed the Commission under the Public Comment Session: Charles Alexander and Isacc Eguia.

**10. 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 10G; Section 551.071 Consultation with Attorney for Items 10B, 10C, 10D, 10H and 10I; Section 551.072 Deliberation regarding Real Property for Items 10B, 10E, 10F, 10J and 10K; and Section 551.074 (Personnel Matters) for Item 10A.

Commissioner Whitacre announced that she had a conflict with item 10B and would abstain from discussion and voting on said item; subsequently, a conflict form was filed with the City Secretary.

Commissioner Pebley 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 6:30 pm to go into Executive Session. Commissioner Whitacre excused herself from meeting at 8:10 pm. Mayor Darling reconvened the meeting at 8:21 pm and reconvened the meeting of the EB-5 followed by any action on Executive Session items.

- A) DISCUSSION OF CITY MANAGER EVALUATION. (SECTION 551.074, T.G.C.)**



No action.

- B) 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.

- C) CONSULTATION WITH CITY ATTORNEY REGARDING DEPOSITORY CONTRACT AND RELATED LEGAL ISSUES. (SECTION 551.071, T.G.C.)**

No action.

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

No action.

- E) DISCUSSION AND POSSIBLE ACTION REGARDING ENTERING INTO A SALES CONTRACT AND AUTHORIZING THE CITY MANAGER TO COMPLETE TRANSACTION TO ACQUIRE A 3.14 ACRE TRACT OF 11.53 ACRE TRACT OUT OF LOT 150, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C.)**

Commissioner Ingram moved to authorize the City Attorney and City Manager to complete the purchase of this real estate within the parameters discussed in Executive Session. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

- F) CONSIDERATION OF SALE OF LOT 6(B), CONVENTION CENTER SUBDIVISION, FOR FULL SERVICE HOTEL. (SECTION 551.072, T.G.C.)**

Commissioner Pebley moved to instruct city staff to put out the Request for Proposals (RFP) for this item again as discussed in Executive Session. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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

Commissioner Ingram moved to approve the economic incentive on the project discussed in Executive Session. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- H) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL LITIGATION RESULTING FROM FORFEITURE OF A 2012 HONDA RIDGELINE. (SECTION 551.071, T.G.C.)**

Commissioner Pebley moved to authorize the City Attorney to file a Deck Action with respect to the Honda Ridgeline that was seized by the Police Department. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- I) CONSULTATION WITH CITY ATTORNEY REGARDING TAKING ACTION TO MAKE A CLAIM ON A PERFORMANCE BOND AND INITIATE LITIGATION. (SECTION 551.071, T.G.C.)**

Commissioner Ingram moved to approve the lawsuit that was filed by the City Attorney's Office last week with respect to the performance bond on the Leal Construction matter. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

- J) DISCUSSION AND POSSIBLE ACTION REGARDING A TRACT OF LAND BEING THE WEST 0.55 ACRES OF THE WEST 3.0 ACRES OF THE NORTH**

**7.0 ACRES OF LOT 4, BLOCK 12, HIDALGO CANAL COMPANY  
SUBDIVISION. (SECTION 551.072, T.G.C.)**


Commissioner Ingram moved to authorize the City Attorney's Office to negotiate and if required, to file suit with respect to the dispute on the land on item J within the parameters discussed in Executive Session. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- K) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER AND ENTER INTO TWO CONTRACTS TO ACQUIRE TWO TRACT OUT OF LOTS 7 & 8 SECTION 5, HIDALGO CANAL COMPANY'S SUBDIVISION. (SECTION 551.072, T.G.C.)**


No action.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 8:25 p.m.

  
Jim Darling, Mayor

Attest:

  
Annette Villarreal, TRMC/CMC, CPM  
City Secretary