

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, January 25, 2010 at 4:00 p.m. at McAllen City Hall Third Floor (3rd) Commission Chambers with the following present:

Mayor Richard Cortez
Mayor Pro Tem Aida Ramirez
Commissioner Scott Crane
Commissioner Marcus Barrera
Commissioner John Ingram
Commissioner Jim Darling

Absent: Mayor Pro Tem Salinas

Staff: Mike R. Perez, City Manager
Kevin Pagan, City Attorney
Brent Branham, Deputy City Manager
Pilar Rodriguez, Assistant City Manager
Wendy Smith, Assistant City Manager
Annette Villarreal, City Secretary
Yvette Barrera, City Engineer
Carlos Sanchez, Public Works Director
Juli Rankin, Director of Planning

CALL TO ORDER:

Mayor Cortez called the meeting to order.

PROCLAMATIONS:

School Board Recognition Month

Commissioner Darling read and presented a proclamation for *School Board Recognition Month*.

Dr. Cayetano E. Barrera Day

Mayor Cortez read and presented a proclamation for *Dr. Cayetano E. Barrera Day*.

- 1. 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 Darling moved to approve the Consent Agenda with the exception of items 1B, 1D, 1E and 1H, and that said item be addressed separately. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

- A) Approval of Minutes for Special Meeting held August 13th, Workshops held May 11th, October 12th and October 19th, 2009 and Regular Meeting held January 11, 2010.**

Approved the minutes of the Special Meeting held August 13th, Workshops held May 11th, October 12th and October 19, 2009 and Regular Meeting held January 11, 2010, as submitted.

- B) Approval of Change Order No. 2 for Schupp Park Amphitheatre and Sunken Garden Projects.**

Staff recommended approval of Change Order No. 2 for Schupp Park Amphitheatre and Sunken Garden Projects, to Rio Valley Construction contract in the amount of \$12,466.78 and a final contract amount of \$675,010.78.

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

C) Award of Contract - Purchase of Thermoplastic Materials.

Awarded a supply contract to Ennis Paint for the Purchase of Thermoplastic Materials to be purchased on "as needed" basis for an initial term of one (1) year, pursuant to the following unit prices:

Yellow Hot Applied Thermoplastic 50# Bag \$21.125

White Hot Applied Thermoplastic 50# Bag \$23.00

D) Award of Contract - Purchase of Uninterrupted Power Supply (UPS) for EOC Operations.

Staff recommended award of contract for the Purchase of Uninterrupted Power Supply (UPS) for EOC operations through Calence using the State of Texas DIR Program contract.

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

E) Approval of Change Order No. 3 for the North McAllen Police Community Network & Training Center to facilitate necessary telecommunication requirements.

Staff recommended approval of Change Order No. 3 for the North McAllen Police Community Network & Training Center, to the 5 Star Construction contract in the amount of \$1,415, to facilitate necessary telecommunication requirements.

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

F) Approval of Tax Refunds over \$500:

1. HCA Properties Inc.

Approved a tax refund in the amount of \$903.63 to HCA Properties Inc.

2. Omar Eliud Delgadillo

Approved a tax refund in the amount of \$666.67 to Omar Eliud Delgadillo.

G) Authorization to terminate the existing City of McAllen contract for Procurement Card Services and to contract through the State of Texas Contract.

Approved authorization to terminate the existing City of McAllen Contract for Procurement Card Services and to contract through the State of Texas Contract with the same provider, JP Morgan Chase, in order to be eligible to receive certain benefits.

H) Interlocal Agreement with Hidalgo County for sharing of Geographical Information Systems (GIS) data.

Staff recommended approval of an Interlocal Agreement with Hidalgo County for sharing of Geographical Information Systems (GIS) data.

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

I) Resolution authorizing the submission of a grant application to the National Endowment for the Humanities (NEH) We the People Bookshelf, for the 2010-2011 Grant Program.

Approved a resolution authorizing the submission of a grant application to the National Endowment for the Humanities (NEH) to receive We the People Bookshelf for the 2010-2011 Grant Program.

J) Resolution amending Resolution 2009-10 and approving a revised Advanced Funding Agreement for Safe Routes to School Project Application.

Approved a resolution amending Resolution 2009-10 and approved the revised Advanced Funding

Agreement for the Safe Routes to School Project application providing that the city match an additional \$6,000.

2. BIDS/CONTRACTS:

A) Consideration of additional services by MESA Design Group for LEED Facilitation and Commissioning Services of the Classroom for Quinta Mazatlan

Staff recommended approval of additional services with MESA Design Inc. for LEED Facilitation and Commissioning Services of the Classroom at Quinta Mazatlan in the amount of \$80,750.

Commissioner Darling moved to approve the additional services as recommended. Mayor Pro Tem Ramirez seconded the motion. A discussion ensued relating to the cost and alternatives. After due consideration, staff recommended that said item be tabled to allow staff to research other alternatives. The motion and second were amended to table said item. The motion carried unanimously by those present.

B) Award of Contract - 27th & 28th Street Drainage Improvements.

Staff recommended award of contract for the Construction of a Stormwater Management System for an existing residential neighborhood on 27th and 28th Street north of Jordan Avenue, to ASAGO, LLC in the amount of \$202,115.

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

C) Award of Contract - Dove Avenue Widening; McColl to Jackson.

Staff recommended award of contract for Dove Avenue Widening from McColl east to Jackson, including a transitional area approximately 800 feet east of Jackson Road, to IOC Company, LLC in the amount of \$1,049,140.38.

Commissioner Barrera moved to award the contract as recommended. Mayor Pro Tem Ramirez seconded the motion. The vote on the motion was as follows:

- AYE: Commissioners Crane, Barrera, Ingram and Mayor Pro Tem Ramirez
- NAY: None
- ABSENT: Mayor Pro Tem Salinas
- ABSAINED: Commissioner Darling

D) Approval of Amendment No. 3 to the Sixel Consulting Air Service Development Contract.

Staff recommended approval of Amendment No. 3 to the Sixel Consulting Air Service Development Contract for a multi-year agreement to represent the airport at Air Service Conferences with an annual retainer fee of \$10,000 plus \$1 per passenger attained for successful new or expanded air service for a period of two years after the new or expanded service begins.

Mayor Pro Tem Ramirez moved to approve the amendment as recommended. Commissioner Darling seconded the motion. A lengthy discussion ensued relating to the proposed incentive-based contract. A recommendation was made to table said item until the contract language is determined. After due consideration, the motion and second were amended to table said item. The motion carried unanimously by those present.

E) Authorization of Professional Services Contract with Rodd and Associates for the City Branding Campaign.

Staff recommended authorization to enter into a Professional Services Contract with Rodd & Associates for the City Branding Campaign in the amount of \$148,838.

Commissioner Barrera moved to approve the contract as recommended. Mayor Pro Tem Ramirez seconded the motion. Concerns were expressed about the advertising budget. After due consideration, the vote on the motion was as follows:

- AYE: Commissioners Crane, Barrera, Darling and Mayor Pro Tem Ramirez
- NAY: Commissioner Ingram

ABSENT: Mayor Pro Tem Salinas

ABSTAINED: None

F) Authorize Professional Services to determine renovation/upgrade study of McAllen Memorial Stadium.

Staff recommended authorization to enter into a Professional Services Contract with Rike-Ogden-Figueroa Architects (ROFA) to conduct a feasibility report on McAllen Memorial Stadium improvements/renovations with a fee not to exceed \$25,000 to be split 50/50 with the school district.

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

3. MANAGER'S REPORT:

A) Presentation of Financial Report ending Fiscal Year 2008-2009.

Staff gave a presentation of the Financial Report ending Fiscal Year 2008-2009.

No action required.

B) Advisory Board Appointments.

Appointments were made as follows:

Airport Advisory Board:

The following individuals were nominated for reappointment: David Rutledge, Joe Califa, George Hinkle, Joaquin Zamora and Edgar Lopez.

Commissioners Crane and Ingram deferred their nominations.

Ambulance Board:

The following individuals were nominated for reappointment: Manuel Ramon, Carlos E. Tello and Kenneth Schaaf.

Commissioners Crane and Ingram deferred their nominations.

Building Board of Adjustments & Appeals:

The following individuals were nominated for reappointment: Jaime Enriquez, Avelino Olivarez and Ronnie Cruz.

Commissioners Crane and Ingram deferred their nominations.

Community Development:

Roxanne Salinas was nominated for reappointment.

Commissioner Ingram nominated Alfredo Montanaro. Commissioner Crane deferred his nominations.

Civic Center Advisory Board:

The following individuals were nominated for reappointment: Hiram Burguete, Carol Munoz, Ramiro Vela and Elizabeth Guerra.

Mayor Pro Tem Ramirez nominated Jose Gonzalez. Commissioners Crane and Ingram deferred their nominations.

Development Corporation:

Mayor Cortez nominated David R. Guerra.

Golf Course Advisory Board:

The following individuals were nominated for reappointment: Carlos Michael Myers and Tim Davis.

Mayor Pro Tem Ramirez nominated Marcos de Luna. Commissioners Crane and Ingram deferred their nominations.

Historic Preservation Council:

Alejandro Moreno Jr. was nominated for reappointment.

Commissioners Crane, Ingram, Barrera and Mayor Pro Tem Ramirez deferred their nominations.

Keep McAllen Beautiful:

The following individuals were nominated for reappointment: John Washington and Michelle Romero.

Commissioner Ingram nominated Carol Goulsby. Commissioners Crane and Mayor Pro Tem Ramirez deferred their nominations.

McAllen Library Board:

Ruben Cavazos was nominated for reappointment. The following individuals were nominated to remain on the board to keep continuity until completion of new library: Ruben Cavazos, Sylvia Klein, Elvia Rios and Jane Talbot.

Mayor Cortez nominated JoAnn Gonzalez. Commissioners Crane and Ingram deferred their nominations.

Parks & Recreation Board:

The following individuals were nominated for reappointment: Floyd Seale, Valerie Calvillo, Larry Safir, Jaime "Jim" Ramon, Morgan Talbot and Rolando Ayala.

Commissioners Crane and Ingram deferred their nominations.

Planning and Zoning Board:

Sylvia Hinojosa was nominated for reappointment.

Commissioners Crane, Barrera, Ingram and Mayor Cortez deferred their nominations.

Quinta Mazatlan Board:

Rick Guerra was nominated for reappointment.

Mayor Pro Tem Ramirez nominated Pete Espinosa. Commissioners Crane and Barrera deferred their nominations.

Senior Citizens' Center Board:

The following individuals were nominated for reappointment: Joe H. Mangelsdorf, Maxine Polvado and Minerva Mercado.

Mayor Cortez nominated Alexandra Yzaguire. Commissioner Barrera nominated Margie Aguilar. Commissioners Crane, Ingram and Mayor Pro Tem Ramirez deferred their nominations.

Traffic Commission:

The following individuals were nominated for reappointment: Daniel J. Tanguma, Ben Pena, Leonel Garza III, David Salinas and Nedra Kinerk.

Mayor Pro Tem Ramirez nominated Rick Montalvo. Commissioners Crane and Ingram deferred their nominations.

Zoning Board of Adjustments & Appeals:

Hiram Burgete was nominated for reappointment.

Commissioner Ingram nominated Mike Hovar. Commissioners Crane and Barrera deferred their nominations.

McAllen International Toll Bridge:

Mayor Cortez nominated Alonzo Cantu to fill the vacancy left by David Guerra.

Heart of the City of McAllen Improvement Corporation:

The following individuals were nominated for reappointment: Alida Hernandez and Salvador Gonzalez.

Mayor Pro Tem Ramirez nominated Jesse Gonzalez to Place 4 to replace Adam Lara. Commissioner Ingram deferred his nomination.

Commissioner Barrera moved to appoint all nominees made for the various boards. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

C) Future Agenda Items.

Staff briefly outlined the items to be discussed in upcoming workshops:

- February 6th - Workshop/Retreat
- February 8th - Arts District and Model Pet Ordinance
- February 22nd - Actuarial Retiree Health Insurance
- March 8th - Unified Development Code
- Report/Debriefing on the New Year's Eve Celebration

4. PUBLIC HEARING BEGINNING AT 6:00 PM

Mayor Cortez called the Public Hearing to order.

- A) ROUTINE ITEM: [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 Ingram moved to approve the items listed under the Routine Items Section of the agenda. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

Rezone from A-O (agricultural open space) District to R-1 (single family residential) District: 1.0 acre tract out of the southeast corner of Lot 288, John H. Shary Subdivision, Hidalgo County, Texas; 2601 North Bentsen Road.

Approved R-1 zoning for 2601 North Bentsen Road as recommended by Planning and Zoning Board.

- B) REZONING:**

Rezone from R-2 (duplex-fourplex residential) District to C-3 (general business) District: 0.32 acre tract out of Lots 1 and 2 and the north one-half (1/2) of Lot 3, Block 1, Nelson Addition, Hidalgo County, Texas; 1515 Houston Avenue.

Staff recommended that said item be tabled as it was tabled at the Planning and Zoning Commission meeting.

Commissioner Ramirez moved to table said item as recommended. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

- C) Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.**

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

Mayor Cortez closed the public hearing.

5. 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, Mr. Pagan recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Items 5A, 5B, 5C, 5D and 5E; Section 551.071 Consultation with Attorney for Items 5F and 5G; and Section 551.072 Deliberation Regarding Real Property for Items 5H, 5I and 5J.

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

Mayor Cortez recessed the meeting to go into Executive Session at 6:01 pm. Mayor Cortez reconvened the meeting at 8:55 pm and addressed the Public Hearing.

A) Discussion and Possible Action relating to economic incentives for Project Gold Star. (Section 551.087, T.G.C.)

Commissioner Barrera moved to authorize the City Manager to send a letter of interest as discussed in Executive Session. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

B) Discussion and Possible Action relating to Tri-Wanis Ventures, LLC, for additional time and financial assistance. (Section 551.087, T.G.C.)

No action.

C) Discussion and Possible Action relating to economic incentives for Project Big Box. (Section 551.087, T.G.C.)

No action.

D) Discussion and Possible Action relating to economic incentives for Embassy Suites Hotel. (Section 551.087, T.G.C.)

No action.

E) Discussion and Possible Action relating to economic incentives for Project Blazing Saddles. (Section 551.087, T.G.C.)

No action.

F) Consultation with City Attorney relating to Workers/Comp Loss Run Report as of November 30, 2009 and December 31, 2009. (Section 551.071, T.G.C.)

No action.

G) Consultation with City Attorney relating to Motor Vehicle Accident Liability and Subrogation Claim Reports as of December 31, 2009. (Section 551.071, T.G.C.)

No action.

H) Discussion and Possible Action relating to the sale or lease of the old Sam Houston School site for a Catholic School. (Section 551.072, T.G.C.)

Commissioner Barrera moved to authorize the City Manager to discuss various locations with the proposed school as discussed in Executive Session. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

I) Discussion and Possible Action relating to lease of property on 29th Street and Colbath. (Section 551.072, T.G.C.)

Commissioner Barrera moved to authorize the City Attorney's Office to respectfully decline the offer to lease the property. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

J) Discussion and Possible Action regarding request of South Texas College for additional property by Ridge Rd. & South McColl. (Section 551.072, T.G.C.)

Commissioner Barrera moved to authorize the City Manager to execute an agreement with South Texas College as per draft agreement presented in Executive Session. Mayor Pro Tem Ramirez 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 8:58 pm.



Richard Cortez, Mayor

Attest:



Annette Villarreal, TRMC, CPM
City Secretary