

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, February 8, 2010** at 4:00 p.m. at McAllen City Hall Third (3rd) Floor Commission Chambers, with the following present:

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

Staff: Mike R. Perez, City Manager
Kevin Pagan, City Attorney
Brent Branham, Deputy City Manager
Pilar Rodriguez, 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:

National Pancake Day - Gilbert Medina

Commissioner Ingram read and presented a proclamation for *National Pancake 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.]**

Mayor Pro Tem Ramirez moved to approve the Consent Agenda. Commissioner Ingram seconded the motion. The motion carried unanimously.

- A) Approval of minutes of Workshop held April 13, 2009 and Regular Meeting held January 25, 2010.**

Approved the minutes of the Workshop held April 13, 2009 and Regular Meeting held January 25, 2010, as submitted.

- B) Interlocal Agreement between the City of McAllen and the Hidalgo County Library System.**

Approved an Interlocal Agreement between the City of McAllen and the Hidalgo County Library Systems for funding from Hidalgo County to assist in defraying the expense of providing county library services in the amount of \$19,583.33.

- C) Change Order No. 1 for Concrete Joint Sealing 2009.**

Approved Change Order No. 1 to APPS in the amount of \$2,625, for Concrete Joint Sealing Project 2009.

- D) Award of Contract - Re-Roofing of Tax Office Building.**

Awarded a contract for Re-roofing of the Tax Office Building, to the lowest, responsive, responsible bidder, Milkins Roofing Inc., in the amount of \$143,200, with the project to be completed within thirty (30) working days.

E) Change Order No. 3 for additional construction of Zinnia and 29th Street Park.

Approved Change Order No. 3 to D.M Roth for an additional 18 days to their contract for the construction of Zinnia and 29th Street Park, for a total construction time of 298 days.

F) Ordinance providing for the abandonment of a 10 ft. utility easement along the eastside of Lot 12, Antigua Subdivision; 3213 Zenaida Avenue.

Adopted an ordinance providing for the abandonment of the 10 ft. utility easement subject to the existing 8-inch water line being relocated at the owner's expense at 1414 Jackson Avenue.

G) Ordinance providing for the abandonment of the south 3 ft. by 422 ft. of a 10 ft. utility easement out of Lots 1 thru 15, Inclusive, McAllen Industrial Drive Subdivision; 2001-2053 Industrial Drive.

Adopted an ordinance providing for the abandonment of the 10 ft. utility easement out of Lots 1 thru 15, Inclusive, McAllen Industrial Drive Subdivision; 2001-2053 Industrial Drive.

H) Ordinance providing for a ninety-day (90) moratorium on outdoor advertising signs in the proposed Arts District.

Adopted an ordinance declaring a 90-day moratorium on outdoor advertising signs in the proposed Arts District.

I) Ordinance providing for a budget amendment for the purchase of Voice-Over IP Phone System for the Police Department.

Adopted an ordinance providing for a budget amendment in the amount of \$187,712 for the purchase of Voice Over IP Phone System for the Police Department.

2. BIDS/CONTRACTS:

A) Award of Contract - Concessionaire Services for public events at disclosed locations.

Staff recommended award of multiple service contracts for Concessionaire Services for public events at disclosed locations as follows:

Lugo's Concession for Westside Park Softball Complex in the amount of \$9,000/year; De Leon Soccer Complex in the amount of \$6,012/year; and Municipal Ball Park \$9,612/year.

M.E.M Concession for Bicentennial Soccer Complex \$250/month = \$3,000/year

Reject Bids and enter into an Interlocal Agreement with McAllen Boys & Girls Club for Los Encinos Swimming Pool (Fields) and Suarez Park.

Staff noted for the record that a contract would not be awarded to the highest bidder at the Municipal Pool as it operates only during the months of May - August; further, staff's recommendation is to allow the McAllen Boys & Girls Club to operate the concession at this site subject to keeping this and the other two sites clean and emptying the trash cans. Staff added that a written response was received from the Club Director agreeing to the conditions.

Commissioner Ingram moved to award the contracts as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

B) Award of Contract - Purchase of Enterprise Resource Planning (ERP) Software.

Staff recommended award of contract for the purchase of an Enterprise Resource Planning Software (ERP) (Microsoft Dynamics GP Software Licenses) through the State of Texas DIR contract with Dell Inc. in the amount of \$452,105.39 including one year of software maintenance and authorized staff to go out for Requests for Proposals for the installation.

Commissioner Barrera moved to award the contract as recommended and authorized staff to go out for RFPs for installation. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

3. RESOLUTION:

Authorizing the submission of a grant application to Office of the Governor - Criminal Justice Division, for funding under the FY 2009-2010 Edward Byrne Memorial Justice Assistance Formula Grant Program.

Staff recommended approval of a resolution authorizing the submission of a grant application to the Office of the Governor - Criminal Justice Division, for funding under the FY 2009-2010 Edward Byrne Memorial Justice Assistance Formula Grant Program in the revised amount of \$250,000 with a local match requirement of approximately \$67,000 to be funded from Forfeiture Funds, for a total project cost of approximately \$317,000.

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

4. MANAGER'S REPORT:

A) Advisory Board Appointments.

Appointments were made as follows:

Airport Advisory Board:

The following individuals were nominated for reappointment: Paul Veale, Brad Benter, Donato Medina, Mark Talbot and Juan A. Gama.

Commissioner Ingram nominated Roberto Gutierrez.

Ambulance Board:

The following individuals were nominated for reappointment: Joe Garza, Ben D. Smith, John Clemen and Curtis Lee Roberson.

Building Board of Adjustments & Appeals:

The following individuals were nominated for reappointment: Ricardo Salinas and Onesimo Martinez.

Commissioner Ingram nominated Hugo Avila.

Community Development:

The following individuals were nominated for reappointment: Omar Quintanilla, Jason McKay and Janet Mathews-Landeros.

Civic Center Advisory Board:

The following individuals were nominated for reappointment: Ben D. Smith, Eva Tavarez, Bobby Guerra, Patricia Gonzalez Razo, Melinda D. Bosquez, Sarah Thomas and Andrea Rodriguez.

Mayor Cortez nominated Russell Walker.

Golf Course Advisory Board:

The following individuals were nominated for reappointment: Jesus M. Saenz and Ruben Bosquez.

Historic Preservation Council:

The following individuals were nominated for reappointment: Dan Block, Chris Pennington, Ann C. Tafel and Carolyn Nelson.

Commissioner Barrera nominated Dr. Cayetano C. Barrera and Mayor Pro Tem Ramirez nominated Simon Solorio.

Keep McAllen Beautiful:

Mary Campos was nominated for reappointment.

Mayor Pro Tem Salinas nominated Bobby Guerra and Mayor Pro Tem Ramirez nominated Kate Ramirez.

McAllen Library Board:

The following individuals were nominated to remain on the board for leadership and continuity until completion of the new library: Vernon Weckbacker, Rebecca Millan, Margaret Rose Guerra, Floyd Seale and Melinda D. Bosquez.

Parks & Recreation Board:

The following individuals were nominated for reappointment: Kay Jancik, Aurora V. Martinez, Donna Rodriguez and Joe Brown.

Mayor Pro Tem Salinas nominated Armando Salinas and Commissioner Ingram nominated Brian Lewis.

Planning and Zoning Board:

The following individuals were nominated for reappointments: Ronnie Tavarez, Rodolfo Molina and Jose R. Cabeza de Vaca.

Mayor Cortez nominated Rudy Elizondo and Commissioner Barrera nominated Leonel Garza III.

Quinta Mazatlan Board:

The following individuals were nominated for reappointment: Karen Hunke and Jane Kittleman.

Senior Citizens' Center Board:

The following individuals were nominated for reappointment: Amy Arrellano, Rose Mary Zamora, Rosendo Villagran, Joe Gonzalez and Johnny Mercado.

Traffic Commission:

The following individuals were nominated for reappointment: David Perez, Leo Marroquin, Juan J. Nassif, Miles Mullin and Dr. Lawrence Gelman.

Commissioner Ingram nominated Troy Gearhart.

Zoning Board of Adjustments & Appeals:

The following individuals were nominated for reappointment: David Salinas and Jesus Barba.

Mayor Pro Tem Ramirez nominated Sonia Falcon.

Heart of the City of McAllen Improvement Corporation:

Abdala Kalifa was nominated for reappointment.

Commissioner Ingram moved to appoint all nominees made for the various boards. Commissioner Crane seconded the motion. The motion carried unanimously.

B) Future Agenda Items.

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

- February 22nd - Actuarial Retiree Health Insurance
- Library Funding
- March 8th - Sports Complex and Tennis Center
- April 12th - Unified Development Code

5. TABLED ITEMS:

- A) Consideration of additional services by MESA Design Group for LEED Facilitation and Commissioning Services of the Glassroom for Quinta Mazatlan. Tabled 1/25/10**

Mayor Pro Tem Salinas moved to remove said item from the table. Mayor Pro Tem Ramirez seconded

the motion. The motion carried unanimously.

Staff recommended approval of LEED Initiatives for Quinta Mazatlan Glass Room as follows: 1) additional services with MESA Group in the amount of \$20,750 for coordination and design changes; 2) new contract with Halff Associates, Inc. in the amount of \$24,900 to include the registration fees to the USGBC; and 3) new contract with Facility Performance Associates in the amount of \$23,600 for commissioning to include travel and energy modeling. A total project cost of \$68,250.

Questions were asked. After due consideration, Commissioner Darling moved to approve the additional services and new contracts for the project as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

B) Approval of Amendment No. 3 to the Sixel Consulting Air Service Development Contract. Tabled 1/25/10

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

Staff recommended approval of Amendment 3 to the Sixel Consulting Air Service Development Contract for a multi-year agreement to represent the Airport at Air Service Conferences with Option II - providing for an annual retainer in the amount 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 with a maximum of \$80,000 for each qualifying new route or capacity increase.

Questions were asked. After due consideration, Commissioner Darling moved to approve the amendment with Option II as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

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 7A, 7B and 7C; Section 551.071 Consultation with Attorney for Items 7D and 7F; and Section 551.074 Personnel Matters for Item 7E.

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 Salinas seconded the motion. The motion carried unanimously.

Mayor Cortez recessed the meeting to go into Executive Session at 4:25 pm. Mayor Cortez reconvened the meeting at 5:56 pm and addressed the Public Hearing followed by any action on Executive Session items.

6. 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.]**

Request of Elizabeth O. Nielsen, on behalf of Southwest Key Programs, Inc., for a Conditional Use Permit, for life of the use, for an institutional use (school) at 0.91 acres out of Lots 5 & 6, Ford's Subdivision, Hidalgo County, Texas; 3017 South 10th Street.

Staff recommended approval of the Conditional Use Permit, for life of the use, at 3017 South 10th Street as per Planning and Zoning Board subject to the following conditions: providing security, prohibiting sex offenders at the school, and acknowledging and accepting that this property is within the 65 & 70 DNL (day/night level) noise contours as identified by the airport's noise exposure map. Additionally, must comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential-sized streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property has access to South 10th Street and Bales Road, and students are transported by vans.
- 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 the nine classrooms and offices, 14 parking spaces are required for the use and 26 are provided on-site;

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 an 8 ft. masonry wall.

Ms. Nielsen, Legal Counsel on behalf of S W Key Program objected to the condition of the Planning and Zoning Board relating to the prohibition of sex offenders at the facility. She emphasized that the students would be bused to and from the facility and would be observed at all times.

Commissioner Barrera moved to approve the Conditional Use Permit without the sex offender condition. Commissioner Darling seconded the motion. A discussion ensued. After due consideration, the motion and second were amended to approve the Conditional Use Permit for one year without the sex offender condition. The motion carried unanimously.

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. TABLED

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

Staff recommended disapproval of the C-3 zoning as per Planning and Zoning Board and alternatively, approve C-3L zoning.

Commissioner Barrera moved to approve the C-3L zoning as recommended. Commissioner Ingram seconded the motion. The vote on the motion was as follows:

AYE: Commissioners Barrera, Crane, Mayor Pro Tem Ramirez and Mayor Cortez

NAY: Commissioners Darling, Ingram and Mayor Pro Tem Salinas

ABSENT: None

ABSTAINED: None

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

Commissioner Barrera moved to adopt the Zoning Ordinance for the approved tract. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

Mayor Cortez closed the public hearing.

PUBLIC COMMENT

Lupe Chavez addressed the Commission.

7. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY) AND SECTION 551.074 PERSONNEL MATTERS.

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

No action.

- 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 Embassy Suites Hotel. (Section 551.087, T.G.C.)**

No action.

- D) Consultation with City Attorney relating to McAllen Police Officers' Union and McAllen Fire Fighter's Association Collective Bargaining Agreements. (Section 551.071, T.G.C.)**

No action.

- E) Discussion and Possible Action - Evaluation of City Manager. (Section 551.074, T.G.C.)**

Commissioner Barrera moved to authorize the Mayor to approve the reimbursement for the classes for the City Manager as per policy. Commissioner Crane seconded the motion. The motion carried unanimously.

- F) Discussion with City Attorney regarding work provided by Regional Investment Center Attorneys. (Section 551.071, T.G.C.)**

No action.


ADJOURNMENT:

There being no other business to come before the Commission, the meeting was adjourned at 6:30 pm.



Richard Cortez, Mayor

Attest:



Annette Villarreal, TRMC, CPM
City Secretary

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