

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, February 22, 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 Hilda 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.

**PROCLAMATION:**

**Crockett Elementary 60th Anniversary –Mariselda Morales**

Commissioner Darling read and presented a proclamation for *David Crockett Elementary 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 item 1A and that said item be addressed separately. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

- A) **Approval of minutes of Workshop held November 23, 2009, Workshop and Regular Meeting held February 8, 2010.**

A correction to the Regular minutes of February 8, 2010 was noted as it relates to vote on Item 6B which should reflect that Mayor Cortez voted AYE. Commissioner Crane moved to approve the minutes subject to the correction noted on the particular set. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

- B) **Award of Contract - Removal/Purchase/Installation of Cargo Bay Doors.**

Awarded a contract to Harlingen Door Co. for the Removal/Purchase/Installation of Cargo Bay Doors in the amount of \$32,794.

- C) **Change Order No. 9 Anzalduas International Bridge Southbound Facilities (architectural) Project.**

Approved Change Order No. 9 to Rio Valley Construction for the Anzalduas International Bridge Southbound Facilities Project for a deduct amount of \$155,000 for a revised contract amount of \$2,418,315.57.

- D) **Award of Contract - Anzalduas International Bridge Southbound Toll Facilities Monument Sign.**

Awarded a contract for the Anzalduas International Bridge Southbound Toll Facilities Monument Sign to CRC Design Consultants in the amount of \$43,950.

- E) Interlocal Agreement with Hidalgo County Head Start Program for renewal of lease on a portion of the Sam Houston School site.**

Approved an Interlocal Agreement with Hidalgo County Head Start Program for renewal of lease on a portion of the Sam Houston School site subject to a 60-day clause.

- F) Ordinance providing for a budget amendment to the Sanitation Depreciation Fund providing for the purchase of Two (2) Side Loaders for the Public Works Commercial Department.**

Adopted an ordinance providing for a budget amendment to the Sanitation Depreciation Fund in the amount of \$409,292 for the purpose of funding the purchase of two (2) Side Loaders for the Public Works Commercial Department.

- G) Ordinance providing for an amendment to the Downtown Parking Garage Rates.**

Adopted an ordinance amending the Downtown Parking Garage Rates Ordinance as it relates to:

1) The hours that the \$5.00 flat rate is offered 7:00 pm to 3:00 am; 2) a change in contract parking options providing for 20 monthly contracts for bus terminal patrons @ \$3.00/mo. and 3) the addition of a validation program for food court patrons offering up to 1 hour of free parking for patrons who spend at least \$5.00 in one of the food court restaurants.

- H) Ordinance providing for the abandonment of a portion of Beaumont Avenue lying between Block 2 and Block 4, Best Courts Subdivision.**

Adopted an ordinance providing for the abandonment of a portion of Beaumont Avenue lying between Block 2 and Block 4, Best Courts Subdivision.

- I) Ordinance providing for a budget amendment to the General Depreciation Fund for the purchase of a Herbicide Truck for the Public Works Drainage Department.**

Adopted an ordinance providing for a budget amendment to the General Depreciation Fund in the amount of \$120,961.26 for the purpose of funding the purchase of Herbicide Truck for the Public Works Drainage Department.

- J) Ordinance providing for a budget amendment for additional funding for the Purchase and Installation of Playground Equipment and Bound Rubber Surfacing at Zinnia and 29th Street Park.**

Adopted an ordinance providing for a budget amendment in the amount of \$62,439 for the Purchase and Installation of Playground Equipment and Bound Rubber Surfacing at Zinnia and 29th Street Park.

## **2. BIDS/CONTRACTS:**

- A) Consideration of approving a Waterline Access Agreements with Sharyland Water Supply for three subdivisions.**

Staff recommended approval of three (3) Waterline Access agreements with Sharyland Water Supply for three subdivisions.

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

- B) Interlocal Agreement with the City of Hidalgo for Water and Sewer Services.**

Staff recommended approval of an Interlocal Agreement between the City of McAllen and City of Harlingen for Treated Water and Sewer Services for Valle de los Tesoros, Ltd's proposed horse race track.

Commissioner Barrera moved to table said item for Executive Session under Section 551.071 Consultation wity Attorney. Mayor Pro Tem Ramirez seconded the motion. The motion carried

unanimously.

After Executive Session, Mayor Pro Tem Ramirez moved to remove said item from the table. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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

**3. ORDINANCE:**

**A) Amending Ordinance 2008-43A providing for approval of FY 2008-09 Community Development Block Grant (CDBG) and Community Development Block Grant ARRA (CDBG-R) Amendments.**

Staff recommended adoption of an Ordinance 2008-43A providing for approval of FY 2008-09 CDBG and DDBG-ARRA Amendments associated with the South 26th Street Storm Sewer Improvements (CDBG-R) providing for a scope of work to allow for improvements to the water and sewer lines. Additionally amending the budget and program amendment of S. 21st Street Storm Sewer Construction Phase IIA providing for the creation of 21st Street Water/Sewer Construction Project in the area bound by Bicentennial Blvd., 23rd Street, Business 83 and Expressway 83.

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

**4. MANAGER'S REPORT:**

**A) Discussion and possible adoption of program for 4th of July.**

Staff recommended approval of the proposed program changes for the 4th of July festivities at Municipal Park providing a parade route change from Main Street to Bicentennial and have moving the time of the parade to provide one continuous afternoon event leading up to the Fireworks Display Programs. A discussion was held and additional information was requested.

The Commission asked staff to bring the item back at next Regular City Commission Meeting.

**B) Appointment of director on the Regional Mobility Authority (RMA).**

Staff recommended the reappointment of Ramiro Salazar to the Regional Mobility Authority.

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

**C) Advisory Board Appointments.**

The following individuals were nominated for reappointment:

**Airport Advisory Board:**

Commissioner Barrera nominated Ben Smith.

**Community Development:**

Mayor Pro Tem Salinas nominated Margie Aguilar. Commissioner Crane nominated Steve Muenich.

**Historic Preservation Council:**

Mayor Pro Tem Ramirez nominated Jayne Salinas.

**McAllen Library Board:**

Mayor Pro Tem Salinas nominated Gretchen Chapa.

**Parks & Recreation Board:**

Commissioner Darling nominated Joe Gonzalez.

**Traffic Commission:**

Mayor Pro Tem Salinas nominated Oscar Escobedo.

**Zoning Board of Adjustments & Appeals:**

Mayor Cortez nominated Robert Morehead.

Mayor Pro Tem Ramirez moved to appoint all nominees made for the various boards. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

**D) Future Agenda Items.**

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

- Sports Complex
- Historic Preservation
- Unified Development Code
- Workshop/Retreat - April

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 6A and 6B; Section 551.071 Consultation with Attorney for Items 6C, 6D and 6E; and Section 551.072 Deliberation Regarding Real Property for Items 6F, 6G and 6H.

Commissioner Ingram moved to accept the recommendation for the basis of the discussion in Executive Session under the sections cited by the City Attorney. Commissioner Crane seconded the motion. The motion carried unanimously.

**5. PUBLIC HEARING BEGINNING AT 6:00 PM**

Mayor Cortez called the Public Hearing to order.

- A) ROUTINE ITEM: [All Rezoning 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 item listed under this section of the agenda. No one appeared in opposition. Mayor Pro Tem Ramirez moved to approve the items listed under the Routine Items Section of the agenda. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**Rezone from R-3A (multifamily residential apartments) District to C-1 (office building) District: Lot 1, Block 1, Pendergras Subdivision, Hidalgo County, Texas; 600 North Cynthia Street.**

Approved C-3 zoning for 600 North Cynthia Street as recommended by Planning and Zoning Board.

**B) REZONING:**

**Rezone from C-1 (office building) District to C-3 (general business) District: Lot 1, Trevino's Acre Subdivision, and .56 acres out of Lot 2, Block 8, A.J. McColl Subdivision, Hidalgo County, Texas; 2000 and 2020 South Jackson Road.**

Staff recommended disapproval of the C-3 zoning for 2000 and 2020 South Jackson Road, as per Planning and Zoning Board. The City Attorney recommended that said item be tabled to offer the applicant a full Commission based on the recommendation by the Planning and Zoning Board.

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

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

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

PUBLIC COMMENT: Oscar Escobedo addressed the Commission.

**6. 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).**

Mayor Cortez recessed the meeting to go into Executive Session at 4:33 pm. Mayor Cortez reconvened the meeting at 6:00 pm. Commissioner Darling excused himself from the Meeting.

- 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.)**

Commissioner Crane moved to authorize the City Attorney's Office to forward the letters regarding the extensions of the two hotels as discussed in Executive Session. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

- C) 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.)**

Mayor Pro Tem Ramirez moved to appoint the Law Firm of Cox and Smith as the leading negotiator for the City with respects to Collective Bargaining related to the Police Department and designated the Law Firm of Denton, Navarro, Rocha & Bernal as the lead negotiator for the City with respects to Collective Bargaining related to the Fire Department and that such designation shall remain in force until an official vote by the Commission. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- D) Consultation with City Attorney relating to Workers/Comp Loss Run Report as of January 31, 2010. (Section 551.071, T.G.C.)**

No action.

- E) Discussion with City Attorney regarding acquisition of property for extension of 3 Mile Line to future Bicentennial Boulevard. (Section 551.071, T.G.C.)**

No action; bring back at next meeting.

- F) 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 Crane moved to authorize the City Manager's Office to discuss the 20 acres. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- G) Discussion and Possible Action relating to acquisition or exchange of Lot 137 & Lot 138, La Lomita Subdivision. (Section 551.072, T.G.C.)**

Commissioner Crane moved to authorize the City Manager's Office to proceed with the negotiations related to the land and related projects, as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- H) Discussion and Possible Action of possible lease and/or purchase of Main Place Lot 1. (Section 551.072, L.G.C.)**

No action.

**ADJOURNMENT:**

There being no other business to come before the Commission, the meeting was adjourned at 6:27 pm.

*Richard Cortez*

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Richard Cortez, Mayor

Attest:

*Perla Zamora*

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Perla Zamora, TRMC  
Deputy City Secretary