

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, September 9 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, Mayor Pro Tem Aida Ramirez, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, Commissioner Veronica Vela Whitacre

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.

PROCLAMATION - CONSTITUTION WEEK

Mayor Pro Tem Ramirez read and presented a proclamation for *Constitution Week*.

1. PUBLIC HEARING:

Mayor Darling called the Public Hearing to order.

- A) ROUTINE ITEMS:** *[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 Darling asked if anyone was present to speak in opposition to the items listed under this section of the agenda. Mr. Charlie Balderas spoke in opposition to Item 1A-2.

Mayor Pro Tem Ramirez moved to approve the items listed on the Routine Items section of the agenda with exception of Item 1A-2 which would be addressed separately. Commissioner Ingram seconded the motion. The motion carried unanimously.

1. TRACT ONE: REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 25.559 ACRES OUT OF LOT 15, BLOCK 1, C.E. HAMMONDS SUBDIVISION, HIDALGO COUNTY, TEXAS; 5700 NORTH 23RD STREET. TRACT TWO: REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 1.61 ACRES OUT OF LOT 15, BLOCK 1, C.E. HAMMONDS SUBDIVISION, HIDALGO COUNTY, TEXAS; 5720 NORTH 23RD STREET.

Approved a C-3 zoning at 5700 North 23rd Street (Tract One) and C-3 zoning at 5720 North 23rd Street (Tract Two), as per Planning and Zoning Commission.

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

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

Mayor Darling asked if anyone was present to speak in favor of the rezoning request. The applicants, Carla and Jose Solis, spoke in favor of the rezoning request.

A lengthy discussion was held.

After due consideration, Commissioner Ingram moved to disapprove the rezoning request. Mayor Pro Tem Ramirez seconded the motion. The vote on the motion was as follows:

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

The motion failed to carry due to tie vote.

A subsequent motion was made by Commissioner Crane to table said item. Commissioner Pebley seconded the motion. The motion carried unanimously.

3. REQUEST OF JOSE LUIS ADAME JR. ON BEHALF OF MCALLEN CAREERS INSTITUTE, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (VOCATIONAL SCHOOL) AT LOTS 1-6, BLOCK 3, HARRY YOUNG'S SUBDIVISION AND THE NW 3.75 ACRES OUT OF LOT 3, QUIMBY SUBDIVISION, HIDALGO COUNTY, TEXAS; 1101 EAST DALLAS AVENUE.

Approved a Conditional Use Permit, for life of the use, at 1101 East Dallas Avenue, as per Planning and Zoning Commission, subject to the Zoning Ordinance, Subdivision Ordinance, Fire Department and building permit requirements. The school must 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 fronts South "J" Street 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. Based on the number of classrooms and offices, 12 parking spaces are required for the use. The remainder of the building requires 21 spaces and 35 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.

4. REQUEST OF JOSE E. GUZMAN ON BEHALF OF DRESS CODE ENTERTAINMENT, LLC, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE AUGUST 6, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHT CLUB AT LOTS 1-4, THE DISTRICT AT MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 3300 NORTH MCCOLL ROAD, SUITE M.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for a night club, at 3300 North McColl, as per Planning and Zoning Commission, subject to added conditions for extra security and nightly trash pickup. 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;

- 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 access to North McColl Road and East Fern Avenue, and does not generate traffic onto residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, a restaurant (La Pampa) and three nightclubs. Based on the square footage and current uses, excluding La Pampa and existing nightclubs, to run simultaneously during business hours (8 a.m. to 7 p.m.), 140 parking spaces are required. The proposed nightclub would require an additional 51 parking spaces; 274 parking spaces are provided on the common parking area in the front and rear of the building. For the businesses that are after hours (La Pampa and the existing and proposed nightclubs) to run simultaneously, 303 parking spaces are required. There is a mutual access agreement, which allows the use of parking and access in and across Lots 1 through 5, 6A, 6B of The District of McAllen Subdivision and Lot 9, 10, and 11 of The District of McAllen Phase II Subdivision. The 22 parking spaces will be utilized from Lot 6A;
- 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. Should this permit be granted, then the condition of keeping litter at a minimum on this property and on adjacent properties be maintained; 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 the time of building permit.

5. REQUEST OF PAULA RODRIGUEZ ON BEHALF OF COCO BONGO SPORT BAR #2, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE AUGUST 20, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT THE 1.24 ACRES OUT OF LOT 2, BLOCK 11, HIDALGO CANAL COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 5524 NORTH 10TH STREET.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for a bar, at 5524 North 10th Street, as per Planning and Zoning Commission. 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. from the nearest residence and Bill Schupp Park;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The bar is located on a major arterial, North 10th Street and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the 3,526 sq. ft. space (inside) 36 parking spaces are required; 36 spaces are provided on site.
- 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 allowable number of persons for this established is set at 188.

6. REQUEST OF THOMAS B. WHITEHOUSE, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH) AT LOT 26, OAK TREE SUBDIVISION, HIDALGO COUNTY, TEXAS; 7601 NORTH WARE ROAD.

Approved a Conditional Use Permit, for an institutional use, at 7601 North Ware Road, as per Planning and Zoning Commission, subject to compliance with the Zoning Ordinance, Fire Department and building permit requirements. The proposed use must 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 proposed location will have direct access to North Ware Road;
- 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 28 parking spaces previously proposed, the seating capacity is limited to 112 persons in the main sanctuary; however, a new site plan must be submitted showing the parking and maneuvering spaces with dimensions to reflect onsite improvements;
- 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 those allowed by the Fire Marshal and Building Official at the time of permit issuance; and
- 7) Sides adjacent to commercially and residentially-zoned or used properties shall be screened by a 6 ft. opaque fence. A 6 ft. opaque fence is required on the west and south side of the property; it is provided on site.

7. AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN AS ENACTED MAY 29, 1979.

Adopted the Zoning Ordinance for the approved tract.

B) PUBLIC HEARING ON FISCAL YEAR 2013-2014 CITY OF MCALLEN PROPOSED BUDGET.

Mayor Darling asked if there was anyone to comment on the Fiscal Year 2013-2014 City of McAllen Proposed Budget. No one appeared. Mayor Darling declared the Public Hearing closed on this item.

C) PUBLIC HEARING ON 2013 CITY OF MCALLEN PROPOSED TAX RATE.

Mayor Darling asked if there was anyone to comment on the 2013 City of McAllen Proposed Tax Rate. No one appeared. Mayor Darling declared the Public Hearing closed on this item.

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.]*

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

A) APPROVAL OF MINUTES FOR VARIOUS MEETINGS.

Approved the minutes of the Regular Meeting held August 26th, Special Meeting held August 26th and Workshops held April 8th and August 28, 2013. Additionally, approved outstanding minutes for 2012 for Workshops held August 27th and September 10, 2012.

B) APPROVAL OF CHANGE ORDER NO. 1 & FINAL RECONCILIATION OF QUANTITIES FOR THE REMOVAL, PURCHASE AND INSTALLATION OF THREE (3) LEBERT HVAC UNITS.

Approved Change Order No. 1 & Final Reconciliation of Quantities, for the removal, purchase and installation of three (3) Lebert HVAC Units, in the deduct amount of \$4,500 and zero (0) additional working days, for a final contract amount of \$106,0000 and unadjusted final contract time of 60 working days.

C) CONSIDERATION AND ACTION FOR APPROVAL OF A DEDUCT CHANGE ORDER FOR THE PURCHASE OF THREE (3) TRACTORS AND MOWER EQUIPMENT.

Approved a deduct change order in the amount of \$1,238.47, due to a decrease in BuyBoard pricing on the purchase of three (3) tractors and mower equipment.

D) CONSIDERATION AND ACTION FOR AUTHORIZATION TO REMOVE 3RD QUARTER FISCAL YEAR 2011-2012 UNCOLLECTIBLE SANITATION ACCOUNTS FROM THE LEDGER.

Authorized the removal of 3rd Quarter Fiscal Year 2011-2012 Uncollectible Sanitation Accounts from the ledger, in the amount of \$6,749.67, which represents 0.18% of the total revenues.

E) AWARD OF CONTRACT FOR THE PURCHASE OF MEALS FOR INMATES.

Awarded a contract for the Purchase of Meals for Inmates (delivered) to Rex Café & Bakery, in the amount of \$7.48 total cost daily.

F) AWARD OF CONTRACT FOR ROADWAY ILLUMINATION ASSEMBLY INSTALLATION.

Awarded a contract for Roadway Illumination Assembly Installation to Austin Traffic Signal Construction Co. LP, in the amount of \$115,705, to include Alternate Bid No. 1 in the amount of \$7,380 and a total of \$123,085.

G) RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH ITS SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) FISCAL YEAR 2014.

Approved a resolution authorizing the acceptance of grant funds from the Texas Department of Transportation through its Selective Traffic Enforcement Program (STEP) Fiscal Year 2014.

H) RESOLUTION AUTHORIZING THE TRANSFER OF A 0.0116 ACRE TRACT OF LAND IDENTIFIED AS RGV-MCS-4011E AT MCALLEN INTERNATIONAL BRIDGE.

Approved a resolution authorizing the transfer of a 0.0116 acre tract of land identified as RGV-MCS-4011E at McAllen International Bridge.

I) AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH 19 PARTNERS SPANNING THE RIO GRANDE VALLEY IN ORDER TO FULFILL THE PROGRAM REQUIREMENTS OF THE U.S. DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY FY 2012 ASSISTANCE TO FIREFIGHTERS GRANT AWARD.

Approved an Interlocal Agreement with 19 partners spanning the Rio Grande Valley in order to fulfill the program requirements of the U.S. Department of Homeland Security Federal Emergency Management Agency, FY 2012 Assistance to Firefighters Grant Award.

3. BIDS/CONTRACTS:

A) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT NO. 3 FOR ADDITIONS AND RENOVATIONS TO THE MCALLEN PUBLIC SAFETY BUILDING PROJECT.

Staff recommended approval of Contract Amendment No. 3 with Milnet Architectural Services, PLLC, for additions and renovations to the McAllen Public Safety Building, in an amount not to exceed \$25,000, which represents 5% of the construction cost.

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

B) AWARD OF CONTRACT FOR ONE (1) NEW AND USED COMPACT WHEEL LOADER AND ONE (1) DOZER REFURBISHMENT.

Staff recommended award of contract for the purchase of One (1) New and Used Compact Wheel Loader to Romco Equipment Company, in the amount of \$75,946 and one (1) Dozer refurbishment to Border Engine Rebuilders, in the amount of \$73,000, subject to a budget amendment in the amount of \$23,000.

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

C) CONSIDERATION AND ACTION FOR AUTHORIZATION TO PURCHASE SEVEN (7) SCULPTURES AND SEVEN (7) DONOR STONES FROM DOUGLAS CLARK FOR QUINTA MAZATLAN SCULPTURE TRAIL.

Staff recommended approval of the purchase of seven (7) Sculptures and seven (7) Donor Stones from Douglas Clark for Quinta Mazatlan Sculpture Trail in the amount of \$54,750.

Mayor Pro Tem Salinas moved to approve the purchase as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

D) AWARD OF CONTRACT FOR THE CONSTRUCTION OF AN IRRIGATION POND, IRRIGATION SYSTEM, INSTALLATION OF AN IRRIGATION CANAL FILL LINE AND INSTALLATION OF A DESIGN MASTER FENCE AT MORRIS RDF.

Staff recommended award of contract for the Construction of an Irrigation System, Installation of a Design Master Fence at Morris RDF, to Valley Garden Center, in the amount of \$709,000.

A lengthy discussion ensued. After due consideration, staff was asked to bring back additional information relating to the cost of a fountain and decorative columns similar to Municipal Park.

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

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

Staff reported on the cost of the requested fountain to be \$5,000 and \$15,000 for decorative columns for every 50 feet of fencing.

Commissioner Crane moved to award the contract as recommended and instructed staff to bring back a change order for the fountain with LED lighting as well as the decorative columns every 50 feet of fence. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

E) CONSIDERATION AND ACTION FOR APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE UNIVERSITY OF TEXAS-PAN AMERICAN FOR ECOLOGICAL RESEARCH AT THE MCALLEN NATURE CENTER.

Staff recommended approval of an Interlocal Agreement with the University of Texas-Pan American for Ecological Research at the McAllen Nature Center.

Mayor Pro Tem Salinas moved to approve the agreement as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

F) AWARD OF CONTRACT FOR GROUND MAINTENANCE FOR VARIOUS CITY PROPERTIES.

Staff recommended award of multiple contracts for Ground Maintenance for Various City Properties as follows: Native Land Design, Maldonado Nursery and Landscape, HLS Landscape and Lawn Care Experts.

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

G) CONSIDERATION AND ACTION FOR APPROVAL OF AN INTERLOCAL AGREEMENT WITH MCALLEN ISD TO FACILITATE IMPROVEMENTS OF THE MEMORIAL VETERANS' STADIUM AND PROVIDE FOR THE LEASE OF THE STADIUM FROM MCALLEN ISD.

Staff recommended tabling for discussion in Executive Session for Consultation with City Attorney under Section 551.071, T.G.C.

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

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

Staff recommended authorization for the Mayor to execute an alternative License Agreement with McAllen ISD for one year to include the Palm Bowl date, if found to be in an acceptable form by the Legal Department and City Manager in consideration that the document format was changed from an Interlocal Agreement. In addition, recommended authorizing staff to set a deadline of 30 days from today to work out a final comprehensive agreement that would involve multiple dates and funding of the proposed improvements to the stadium by the City.

Commissioner Crane moved to approve the license agreement as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously.

4. RESOLUTION PROVIDING FOR THE NOMINATION OF A CANDIDATE TO THE HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS.

Staff recommended approval of a resolution providing for the nomination of an individual to the Hidalgo County Appraisal District Board of Directors.

Staff was instructed to get with the school district on their nomination to this board.

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

5. VARIANCE REQUEST TO THE SUBDIVISION REQUIREMENT AT A 1.00 ACRE TRACT OF LAND OUT OF LOTS 19 AND 20, SECTION 229, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY; 4309 8 ½ MILE ROAD.

Staff recommended disapproval of the variance request at 4309 8 ½ Mile Road.

The applicant, Ms. Lydia Luevano, spoke in favor of the variance.

After a lengthy discussion, Commissioner Ingram moved to approve the variance contingent upon the dedication of right-of-way and execution of a contractual agreement regarding utilities for the owner's share of future infrastructure improvements as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

6. MANAGER'S REPORT:

A) APPOINTMENT OF A REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO AMIGOS DEL VALLE INC. BOARD OF DIRECTORS, FOR FISCAL YEAR 2013-2014.

Staff recommended the appointment of a Representative and Alternate representative to the Amigos Del Valle Board of Directors, for Fiscal Year 2013-2014.

Commissioner Ingram moved to re-appoint Carla Rodriguez, Director of Grant Administration, as Representative and Mayor Darling as Alternate. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

B) CONSIDERATION AND ACTION FOR AUTHORIZATION TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO "1115" PROGRAM REGARDING HEALTH CARE ASSISTANCE FOR THE ESTABLISHMENT OF THE MEDICAL SCHOOL IN HIDALGO COUNTY AND THAT COMPLIES WITH THE DIRECTION GIVEN BY THE CITY COMMISSION.

Mayor Darling announced that he had a conflict on this item and would refrain from discussion and voting; subsequently, he filed a conflict form with the City Secretary. At this time, Mayor Pro Tem Ramirez presided over the meeting and item.

Staff recommended authorization to execute any and all documents related to the "1115" Program regarding Health Care Assistance for the establishment of a Medical School in Hidalgo County and that complies with the direction given by the City Commission. Staff gave a report on the subcommittee of the City Commission noting the review of the proposal with the two hospitals in McAllen and asked them to submit their plans that qualified for the "1115" Program to the Department of Health and Human Services Center for Medicare and Medicaid, for the purpose of qualifying under the program that would serve the same purpose as noted above and that the City of McAllen would be willing to consider funding the said program for the next year.

At this time the CEOs for McAllen Medical Center and Rio Grande Regional Hospitals, Elmo Lopez Jr. and Chris Rivera, respectively, addressed the Commission in support of the program.

Commissioner Ingram moved to approve staff's recommendation contingent on approval by the overseeing agency, CMS or otherwise, for the DSRIP Regional Healthcare Partnership (RHP) Plan 5 Category 1 Infrastructure Development projects associated with Project ID Number 160709501, for Demonstration Year 1 (DY1), as it relates to the funding commitment by the City. Commissioner Pebley seconded the motion. The vote on the motion was as follows:

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

C) CONSIDERATION AND ACTION FOR AUTHORIZATION TO INCREASE ENTRANCE FEES FOR QUINTA MAZATLAN BEGINNING JANUARY 1, 2014.

Staff recommended approval of the proposed entrance fee increases for Quinta Mazatlan to \$3.00 for adults and \$2.00 for children and seniors, beginning January 1, 2014.

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

D) FUTURE AGENDA ITEMS.

The items for upcoming workshops were briefly reviewed: Conduct Interviews for Construction Management for Police Department additions; Airport Interior Design; Palm Bowl; Entry Monuments; Buffering; General Insurance; Procurement Policy; and Monthly Joint Meetings with Governmental Entities.

7. MAYOR'S REPORT ON MAYOR'S BUSINESS COUNCIL.

Mayor Darling gave a report on the Mayor's Business Council noting that nominations from the Commission would be sought to complete a 15-member council.

PUBLIC COMMENT SESSION

No one appeared to speak.

8. 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 Items 8C, 8E and 8H; Section 551.071 Consultation with Attorney for Items 3G, 8B, 8C, 8D, 8E, 8F, 8G, 8H and 8I; Section 551.072 Deliberation regarding Real Property for Items 8B and 8D; and Section 551.074 (Personnel Matters) for Item 8A.

Commissioner Whitacre announced that she had a conflict with item 8D and would abstain from discussion and voting on said item; subsequently, a conflict form was filed with the City Secretary.

Commissioner Ingram 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 Ramirez seconded the motion. The motion carried unanimously.

Mayor Darling recessed the meeting at 6:22 pm to go into Executive Session. Commissioner Whitacre excused herself from the meeting at 8:15 pm. Mayor Darling reconvened the meeting at 8:26 pm and addressed item 3G followed by the action on Executive Session items.

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

No action.

B) CONSULTATION WITH CITY ATTORNEY REGARDING ECONOMIC INCENTIVES FOR PROJECT QUADRANT. (SECTIONS 551.071 AND 551.072, T.G.C.)

No action.

C) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT PHOENIX. (SECTIONS 551.087 AND 551.071, T.G.C.)

No action.

D) 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.

E) CONSIDERATION OF AND CONSULTATION WITH CITY ATTORNEY REGARDING ECONOMIC INCENTIVES FOR PROJECT MAGNET. (SECTIONS 551.087 AND 551.071, T.G.C.)

No action.

F) CONSULTATION WITH CITY ATTORNEY REGARDING LITIGATION MATTER; ARNALDO RAMIREZ, ET AL VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

No action.

G) CONSULTATION WITH CITY ATTORNEY REGARDING LITIGATION CAUSE NO. CL-13-2119-E; JUAN ALVAREZ VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Ramirez moved to authorize the City Attorney or appropriate outside counsel to defend the City in this lawsuit. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

H) CONSIDERATION OF A 380 ECONOMIC INCENTIVE AGREEMENT FOR GRUPO FERUAN, LLC. (SECTIONS 551.087 AND 551.071, T.G.C.)

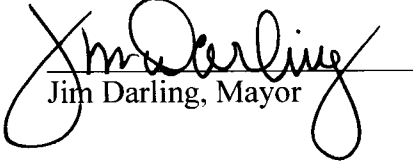
Mayor Pro Tem Ramirez moved to authorize city staff to offer economic incentives as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

I) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL CLAIM BY G.R. BIRDWELL COMPANY. (SECTION 551.071, T.G.C.)


No action.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 8:30 p.m.


Jim Darling, Mayor

Attest:


Annette Villarreal, TRMC/CMC, CPM
City Secretary