



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, MARCH 11, 2013 – 6:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – Hilda Salinas, Mayor Pro Tem

PROCLAMATION – *American Red Cross Month* - Cynthia Guerra

1. PUBLIC HEARING:

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.]*

1. Rezone from A-O (agricultural-open space) District to C-3 (general business) District: north ½ of Lot 9 and R/S of the west part of Lot 18, Block 3, C.E. Hammond’s Subdivision, Hidalgo County, Texas; 2615 South 23rd Street.

2. Request of Church of the Good Shepherd for a Conditional Use Permit, for life of the use, for an institutional use (church and related activities) at the 10.432 acres out of the north 18.28 acres out of Lot 3, Block 5, A.J. McColl Subdivision, Hidalgo County, Texas; 1200 East La Vista Avenue.

3. Request of Jose Luis Fuentes, appealing the decision of the Planning & Zoning Commission of the February 19, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at the west 330 feet of the south 198 feet of the north 308.88 feet of Lot 48-9, West Addition to Sharyland Subdivision, Hidalgo County, Texas; 9125 Highway 107, Suite 3.

4. Request of Armando Rodriguez, appealing the decision of the Planning & Zoning Commission of the February 19, 2013 meeting, denying a Conditional Use Permit, for one year, for a kids event center at Lot 7, Las Cañadas Subdivision, Hidalgo County, Texas; 2914 South Jackson Road.

B) REZONING:

Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartments) District: Lot 18, Janice Addition #1 Subdivision, and Lot 9, Janice Addition #2 Subdivision, Hidalgo County, Texas; 1107 Tamarack Avenue and 1102 Sycamore Avenue.

TABLED

C) CONDITIONAL USE PERMITS:

1. Request of Jeff G. Stolpa on behalf of Stripes #9641, for a Conditional Use Permit, for life of the use, for a portable building (storage) at Lot 1, Cassandra Subdivision, Hidalgo County, Texas; 3618 Pecan Boulevard, Suite A. **TABLED**
2. Request of Jeff G. Stolpa on behalf of Stripes #9644, for a Conditional Use Permit, for life of the use, for a portable building (storage) at Lot 1, Nolana Terrace Subdivision, Hidalgo County, Texas; 3920 North 23rd Street. **TABLED**
3. Request of Jeff G. Stolpa on behalf of Stripes #9104, for a Conditional Use Permit, for life of the use, for a portable building (storage) at 0.80 acres out of Lot 76, R.E. Horn's Addition to McAllen First Suburban Citrus Grove Subdivision, Hidalgo County, Texas; 1520 South Ware Road. **TABLED**
4. Request of Jeff G. Stolpa on behalf of Stripes #7318, for a Conditional Use Permit, for life of the use, for a portable building (storage) at Lots 1 and 2, Block 64, Original Townsite of McAllen Subdivision, Hidalgo County, Texas; 720 South 10th Street. **TABLED**
5. Request of Jeff G. Stolpa on behalf of Stripes #2234, for a Conditional Use Permit, for life of the use, for a portable building (storage) at Lot 1, J.G. Ortegon Unit No. 2 Subdivision, Hidalgo County, Texas; 4600 South 23rd Street. **TABLED**
6. Request of Jeff G. Stolpa on behalf of Stripes #7304, for a Conditional Use Permit, for life of the use, for a portable building (storage) at the north 110.0 feet of the east 150.0 feet of Lot 25, Block 2, C.E. Hammonds Subdivision, Hidalgo County, Texas; 1225 North 23rd Street. **TABLED**

- D) Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.
- E) Public Hearing to consider a variance from Section 6-2 of the Alcoholic Beverage Code, for Marc Martinez, at Lots 1-4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suites P & Q.
- F) Consider approval of a variance request from Section 6-2 of the Alcoholic Beverage Code at Lots 1-4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suites P & Q.

END OF PUBLIC HEARING

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.]*
 - A) Approval of Minutes of Regular Meeting held February 25, 2013.
 - B) Consider approval of Lease Agreement with Hidalgo County Elections Administrator for the use of the iVotronic voting system for the General and Special City Election to be held May 11, 2013. *Aprobación de un contrato con el Departamento de Elecciones del Condado de Hidalgo para el uso del sistema de votación iVotronic para la elección general y especial de la ciudad que se efectuara el 11 de Mayo, 2013.*
 - C) Tax Refund over \$500 to Alonzo Cantu.

- D) Authorization to submit yearly Certifications & Assurances to the Federal Transit Administration.
- E) Consider approval of an Interlocal Agreement with the LRGVDC for the Division of TXDOT funding for FY 2012-2013.
- F) Award of Contract for the Purchase and Installation of sixteen (16) Digital Video Recording Units.
- G) Award of Contract for the Purchase and Installation of Internal Connections (cabling) at Palm View Branch Library.
- H) Award of Contract for the Purchase and Installation of Internal Connections (cabling) at Lark Branch Library.
- I) Award of Contract for Internet and Telephone Recurring Services at McAllen Public Library.
- J) Award of Contract for the Purchase of Janitorial Products.
- K) Award of Supply Contract for the Purchase of Copy Paper.
- L) Award of Contract for Tire Repair Services.
- M) Award of Service Contract for Grinding of Brush and Wood Waste.
- N) Consider approval of Change Order No. 1 for the McAllen-Hidalgo International Bridge N.B. Pedestrian Canopies Project.
- O) Consider approval of a License Agreement with the U.S. General Services Administration for improvements at the Anzalduas Land Port of Entry.
- P) Resolution requesting the United States to pursue orders and agreements whereby Mexico formalizes a Compliance Program under the 1944 Water Treaty.
- Q) Resolution acknowledging and supporting the adoption of legislation consolidating the University of Texas-Pan American, the University of Texas at Brownsville and Regional Academic Health Center.
- R) Resolution accepting grant award from the Federal Emergency Management Agency, Texas Department of Public Safety, for funds provided through the Presidential Disaster Declaration DR-1931 (Project #13) from Hurricane Alex for flood mitigation projects.
- S) Resolution accepting grant award from the Federal Emergency Management Agency, Texas Department of Public Safety, for funds provided through the Presidential Disaster Declaration DR-1931 (Project #11) from Hurricane Alex for flood mitigation projects.
- T) Resolution authorizing the submission of a grant application, in partnership with Keep McAllen Beautiful, to the 2013 Keep America Beautiful/United Parcel Service Community Tree Planting Grant Program.
- U) Resolution authorizing the submission of an application to Kaboom! under the Playful City USA Program.
- V) Ordinance instituting a 90-day Moratorium on the issuance of public fireworks displays.
- W) Ordinance providing for a budget amendment for the McAllen Nature Center Park for first year of park operations.
- X) Confirmation and Appointment of nominee to the Civic Center Advisory Board.

3. BIDS/CONTRACTS:

- A) Award of Contract for Security Guard Services.
- B) Award of Contract for the purchase of thirty-two (32) 2013 Vehicles.
- C) Consider approval of Change Order No. 2 and Final Reconciliation of Quantities for Paving and Drainage Improvements at the McAllen-Hidalgo International Bridge.

- D) Consider approval of an Interlocal Agreement with Hidalgo County for development of Ware Road from 3 Mile to 5 Mile.
 - E) Consider approval of Change Order No. 7 for Bentsen Road Paving Improvements from Pecan Blvd. to 3 Mile Line Road.
4. **VARIANCE** request to the subdivision process requirement at 0.35 acres out of Lot 10, La Lomita Irrigation and Construction Co. Subdivision; 11605 North La Lomita Road.
5. **MANAGER'S REPORT:**
- A) Presentation of Delinquent Tax Collection Report for 1st Quarter 2012-2013.
 - B) Request from IMAS to City of McAllen for funding and technical assistance to create a permanent renewal energy exhibit.
 - C) Future Agenda Items.
6. **TABLED ITEMS:**
- A) Award of Contract for the Purchase and Installation of Synthetic Soccer/Football Field at DeLeon North Soccer Complex.
 - B) Award of Contract for demolition of former Sam Houston Elementary.

PUBLIC COMMENT SESSION

7. **EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT)**
- A) Discussion and Possible Action to consider the sale of Lot 11 (b), Convention Center Subdivision. (Section 551.072 and 551.087, T.G.C.)
 - B) Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)
 - C) Consultation with City Attorney regarding legal aspects relating to Fire Chief Position. (Section 551.071, T.G.C.)
 - D) Consideration and Consultation with Legal Counsel regarding Economic Development Project Pompeii. (Section 551.087 and 551.071, T.G.C.)
 - E) Consultation with City Attorney regarding C-0790-13-H; Suzanne and Nelson Lewis, Jose Salas, Don DeShazo, Ruth Bostick, and Angelica Vela vs. Leal Construction Company, Inc. and City of McAllen. (Section 551.071, T.G.C.)
 - F) Discussion and Possible Action regarding economic incentives for Project Next Level. (Section 551.087, T.G.C.)

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME. THE CITY

COMMISSION MAY ELECT TO GO INTO EXECUTIVE SESSION ON ANY ITEM WHETHER OR NOT SUCH ITEM IS POSTED AS AN EXECUTIVE SESSION ITEM AT ANY TIME DURING THE MEETING WHEN AUTHORIZED BY THE PROVISIONS OF THE OPEN MEETINGS ACT.

CERTIFICATION

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 8th day of March, 2013 at 3:45 pm and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/

Annette Villarreal, TRMC/CMC, CPM
City Secretary