



**CITY COMMISSION REGULAR MEETING
MONDAY, JANUARY 8, 2007 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

- CALL TO ORDER** - Mayor Richard Cortez
PLEDGE - Mayor Richard Cortez
INVOCATION - Hilda Salinas, City Commissioner
PROCLAMATIONS - *School Board Recognition Month* – Richard Moore

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.]*

- A) Approval of minutes of Workshop, Special Joint Meeting and Regular Meetings held December 11, 2006.
- B) Ratification of Emergency Purchase for Security Access Equipment at McAllen International Airport.
- C) Consideration of Amendment No. 1 to the Advance Funding Agreement with the Texas Department of Transportation for drainage upgrade at SH 107 from FM 2220 (Ware Road) to FM 1926 (Depot Road).
- D) Approval of Change Order No. 1 and Final for 2006 Fence Improvements at various locations.
- E) Award of Contract - Purchase of CodeRED Emergency Telephone Notification System.
- F) Budget Amendment Ordinance for Ball Field Lights at Municipal Park and De Leon Soccer Fields.
- G) Resolution adopting the 2006 City of McAllen Appraisal Roll with the amounts of city tax entered by the Tax Assessor.
- H) Amendment to Lease Agreement with the Lower Rio Grande Valley Development Council for additional space at Old City Hall.
- I) Authorization to enter into a Ground Lease Agreement with Nextel Partners, Inc. for a cell tower.
- J) Resolution authorizing the submission of a grant application to the U.S. Department of Homeland Security for the Fire Prevention and Safety Grants Program.
- K) Consider approval of reimbursement resolution for Main Library Relocation Project.

2. BIDS/CONTRACTS:

- A) Contract Amendment for Professional Engineering Services with Perez Consulting Engineers for the design of Bentsen Road Reconstruction from FM 495 to 3 Mile Line Road.
- B) Award of Contract – Purchase of One (1) Current Model Baling Machine.
- C) Award of Contract – Purchase of Six Refuse Trucks.

- D) Approval of Change Order No. 19 for the McAllen Convention Center Contingency Fund.
- E) Approval of Change Order No. 20 for the McAllen Convention Center Contingency Fund.

3. VARIANCES:

- A) Request for a variance to allow Lot 2C, McAllen Convention Center Subdivision not fronting a public street.
- B) Request for an off-premise sign for church purposes located at the southeast corner of Kendlewood and 23rd Street.
- C) Request for a variance to the subdivision requirements for Paving and Drainage Improvements along Mile 7 Road at Ruben Rodriguez Subdivision.
- D) Request for a variance relating to landscaping and other development issues for development at Dove and 10th Street.

4. MANAGER'S REPORT:

- A) Tax Collection Report for period of September, 2006 to November, 2006.
- B) Delinquent Tax Collection Report by Tax Attorneys.
- C) Consideration and Action relating to support for Bryan Pointe Cemetery in the City's ETJ.
- D) Approval of Write-off of outstanding 2006 checks.
- E) Consider the appointment of an Agent of Record to Group Health Insurance.
- F) Future Agenda Items.

5. TABLED ITEMS:

- A) Consider approval of rental rates charged by the City for certain leases at McAllen International Airport.
- B) Award of Bid - Voice-Over Internet Protocol Telephone System for the new Convention Center, Public Works and City Hall.
- C) Award of Bid - Purchase of Development Services Software.

THE CITY COMMISSION HAS THE PREROGATIVE TO RECESS INTO EXECUTIVE SESSION PRIOR TO 6:00 PM

6. PUBLIC HEARING BEGINNING AT 6:00 PM:

A) REZONINGS:

TRACT ONE: Rezone from A-O (agricultural and open space) District to C-3 (general business) District:

South 13.87 acres out of Lot 9, southeast ¼ of Section 6, Hidalgo Canal Company Subdivision; 3501 South 10th Street.

TRACT TWO: Rezone from A-O (agricultural & open space) District to C-3 (general business) District: **TABLED**

1.517 acres out of the south 10 acres of the north 15 acres of Lot 62, La Lomita Irrigation & Construction Company Subdivision; 2601 Trenton Road.

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

C) CONDITIONAL USE PERMITS

1) Request of David O. Salinas, for a conditional use permit, for life of the use, for a guest house at the west 25.59 ft. of Lot 29 and all of Lot 30, Block 4, West Harvey Addition Subdivision; 2224 Camellia Avenue.

2) Request of Adolfo Martinez, for a conditional use permit, for life of the use, for an automotive service and repair at Lot 19, Block 2, Poorbough Subdivision; 319 North 2nd Street.

3) Request of Michael Newell, appealing the decision of the Planning and Zoning Commission of the December 19, 2006 meeting, denying a conditional use permit requested for an automotive service and repair at Lot 18, Block 2, Poorbough Subdivision; 320 North 3rd Street.

4) Request of Julissa Zavala, appealing the decision of the Planning and Zoning Commission of the December 5, 2006 meeting, denying a conditional use permit requested for a bar at Lot 12, Mejia Subdivision; 2022 Nolana Avenue.

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

7. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 ATTORNEY-CLIENT PRIVILEGE AND PENDING OR CONTEMPLATING LITIGATION, SECTION 551.072 LAND TRANSACTION, SECTION 551.074 PERSONNEL MATTERS AND SECTION 551.087 ECONOMIC DEVELOPMENT NEGOTIATIONS.

A) Discussion and Possible Action – Attorney-Client Privilege relating to Hidalgo County Irrigation District #3 Legislative Strategy.

B) Discussion and Possible Action – Seek City Attorney’s opinion relating to the contractual relationship on the Anzalduas Bridge operation.

C) Discussion and Possible Action – Consider sale of Lot 9, Convention Center Subdivision.

D) Discussion and Possible Action – Police Collective Bargaining Negotiations/Cause No. C-19599-06-I: McAllen Police Officers’ Union and Michael Zellers, President vs. City of McAllen.

E) Discussion and Possible Action – Consider the possible acquisition of 1.1 acres out of Lot 2, Section 7, Hidalgo Canal Co. Subdivision.

F) Discussion and Possible Action – Consider the purchase of 250+ acres out of Jackson Subdivision.

- G) Discussion and Possible Action – Resolution providing for acquisition of fee title for 1.514 acres out of Lot 62, La Lomita Irrigation and Construction Company Subdivision.
- H) Discussion and Possible Action regarding litigation: Manuel Trigo and Lydia Cantu vs. City of McAllen.
- I) Discussion and Possible Action – Authorization to purchase 1.514 acres out of Lot 62, La Lomita for a Regional Drainage Detention Facility.
- J) Discussion and Possible Action – Consider the sale of Lot 19, La Lomita Subdivision.
- K) Discussion and Possible Action – Consider request by William D. Peisen on behalf of John R. Williams Trust, relating to the 27.58 acres condemned for RDF/Fire and Police Substations.
- L) Discussion and Possible Action – Consultation with City Attorney relating to Civil Service Commission Investigation and Report.
- M) Discussion and Possible Action – Consultation with City Attorney relating to an update on pending lawsuit: The Insurance Company of the State of Pennsylvania vs. City of McAllen.
- N) Discussion and Possible Action – Consider new hotel proposal at the new Convention Center Site.
- O) Discussion and Possible Action – Consider future development of the 10 acres under the 272 Agreement for Driscoll McAllen Specialty Clinic.
- P) Discussion and Possible Action – Workers Comp/Loss Run Report as of November 30, 2006.
- Q) Discussion and Possible Action – Consultation with City Attorney regarding legal aspects of moving departments and reorganizing the Organizational Chart.

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY’S DEPARTMENT AT 972-7130 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 5th day of January 2007 at 2:00 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
City Secretary