



**CITY COMMISSION REGULAR MEETING
MONDAY, JANUARY 22, 2007 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

- CALL TO ORDER** - Mayor Richard Cortez
PLEDGE - Mayor Richard Cortez
INVOCATION - Aida Ramirez, City Commissioner

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 Special Meeting held December 19, 2006, and Workshop, Special and Regular Meetings held January 8, 2007.
- B) Ordinance calling the General City Election to be held May 12, 2007 to elect three City Commissioners to the Board of Commissioners (Districts 4, 5, and 6) and two Trustees (Places 2 and 3) to the McAllen Public Utility Board.
- C) Resolution urging the Texas Department of Transportation (TXDOT) to continue funding the Statewide Transportation Enhancement Program (STEP).
- D) Resolution authorizing the submission of a grant application to the National Endowment for the Humanities for the “*We the People*” Bookshelf Grant Program.
- E) Resolution accepting the TXDOT Job Access Reverse Commute (JARC) Grant for the addition of a seventh route to the Public Transit System.
- F) Resolution authorizing the submission of a grant application to the Office of the Governor for funding under the Emergency Management Performance Grant Program.
- G) Ordinance approving a budget amendment for various departments line item increases.
- H) Ordinance approving a budget amendment for an Accountant for the Sanitation Fund.
- I) Resolution approving participation in the Health Savings Retirement Plan.
- J) Subordination of Lien to the contractual agreement between the City of McAllen and Marcos and Maria Gonzales relating to Lot 1B, Golden Pond Subdivision.

2. BIDS/CONTRACTS:

- A) Contract with Hidalgo County for lease of voting equipment for the May 12, 2007 General City Election and Runoff, if necessary.
- B) Consider approval of a contract with Simon & Simon for a pylon sign for the McAllen Convention Center Palm Crossing Development.
- C) Consider approval of the Amendment to Assignment of Overriding Royalty regarding Shell Gulf of Mexico, Inc.
- D) Award of Contract – Purchase of Twenty (20) Bus Shelters.
- E) Rural Emergency Services Contract with the County of Hidalgo.

- F) Approval of a Waterline Access Agreement with Sharyland Water Supply Corp. related to CMRT Ltd. Vineyards Subdivision Phases I & II Subdivision Fire Protection.
- G) Renewal of Software Maintenance Agreement with New World Systems for the Police Department.

3. ORDINANCES:

- A) Ordinance providing for a three percent (3%) increase in the base rate of Civil Service Members of the McAllen Police Department.
- B) Amending Chapter 138 prohibiting the parking of Road Tractors, Semi-Trailers or Trucks in Residential Lots.
- C) Budget amendment providing for the matching grant for the artwork at the new Convention Center.

4. RESOLUTION:

- A) Authorizing the use of the iVotronic Voting System for General City Election of May 12, 2007 and Runoff, if necessary.

5. VARIANCES:

- A) Request for a variance to the Park Land Dedication to the City for park purposes for proposed Las Canadas Subdivision.
- B) Request for a variance to the Park Land Dedication to the City for park purposes for proposed Falling Water Subdivision.

6. MANAGER'S REPORT:

- A) Selection of a legal firm for Delinquent Tax Collection.
- B) Selection of Paid Parking Management Firm to implement paid parking at McAllen International Airport.
- C) Review and Acceptance of Quarterly Investment Report for quarter ending September 30, 2006.
- D) Consider authorization to apply for the 2007 Schools and Library E-Rate Grant Funding.
- E) Selection of "Agent of Record" for the Group Health Insurance.
- F) Appointments to the Civil Service Commission.
- G) Consider the request of the City of Reynosa for the donation of five (5) Police Cars.
- H) Future Agenda Items.

7. TABLED ITEMS:

- A) Award of Bid - Purchase of Development Services Software.
- B) Approval of Change Order No. 20 for the McAllen Convention Center Contingency Fund.
- C) Request for a variance to the subdivision requirements for Paving and Drainage Improvements along Mile 7 Road at Ruben Rodriguez Subdivision.

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

8. PUBLIC HEARING BEGINNING AT 6:00 PM:

A) REZONINGS:

TRACT ONE: Rezone from R-3A (multifamily residential apartments) District to R-3C (multifamily residential condominiums) District:

Lot 5, The Lakes Business Park Phase 3 Subdivision; 1100 East Redbud Avenue.

TRACT TWO: Rezone from A-O (agricultural and open space) District to C-2 (neighborhood commercial) District:

1.0 acre out of Lot 15, Section 280, Texas-Mexican Railway Company's Survey Subdivision; 10900 North 23rd Street.

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

C) CONDITIONAL USE PERMIT:

Request of Eddan's Enterprises, appealing the decision of the Planning and Zoning Commission at the January 2, 2007 meeting, denying a conditional use permit requested for a bar at Lot 5, Block 4, Rancho De La Fruta #2 Subdivision; 306 North McColl Road.

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

9. 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 – Police Collective Bargaining Negotiations/Cause No. C-19599-06-I: McAllen Police Officers' Union and Michael Zellers, President vs. City of McAllen.

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

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

F) Discussion and Possible Action – Consultation with City Attorney relating to Civil Service Commission Investigation and Report.

- G) Discussion and Possible Action – Consider new hotel proposal at the new Convention Center Site.
- H) Discussion and Possible Action – Consider future development of the 10 acres under the 272 Agreement for Driscoll McAllen Specialty Clinic.
- I) Discussion and Possible Action – Consider a Chapter 380 Industrial Incentive Agreement with Karlee Project.
- J) Discussion and Possible Action – Consider authorization to enter into agreement with McAllen Affordable Homes, Inc. for the sale of Lot 1, Ebony Street Addition.
- K) Discussion and Possible Action – Consider proposal by George West Kennedy Avenue from Ware Road West through Westway Mobile Home Park.
- L) Discussion and Possible Action – Consultation with City Attorney regarding McAllen Police Officers’ Union/City of McAllen Contract Negotiations.
- M) Discussion and Possible Action – Consideration of possible real estate transaction with Shell Oil relating to property at La Vista Avenue and North 1st Street.
- N) Discussion and Possible Action – Consultation with the City Attorney relating to the legal aspects concerning the selection of the legal firm for collection of delinquent taxes.
- O) Discussion and Possible Action – Motor Vehicle Accident Liability and Subrogation Claim Reports as of December 21, 2006.
- P) Discussion and Possible Action – Worker’s Comp/Loss Run Report as of December 31, 2006.
- Q) Discussion and Possible Action relating to the legislative strategy regarding Hidalgo County Water Improvement District No. 3.
- R) Discussion and Possible Action relating to the bond issue for the Anzalduas Bridge (competitive vs. negotiated).

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 19th 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