



**CITY COMMISSION REGULAR MEETING  
MONDAY, MARCH 12, 2007 – 4:00 PM  
CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

- CALL TO ORDER** - Mayor Richard Cortez
- PLEDGE** - Mayor Richard Cortez
- INVOCATION** - Scott Crane, City Commissioner
- PROCLAMATION** - *Colorectal Cancer Awareness Month* – Norma Castillo
- *Register to Vote Month* – Annette Villarreal
- *Dress for Success Week* – Monica Pena

**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)** Agreement between Avance-RGV and the City of McAllen for the Community Youth Development.
- B)** Extension of contract for ground maintenance for various City properties maintained by the Parks and Recreation Department.
- C)** Award of Contract – Purchase of Optical Fiber Fusion Splicer Project.
- D)** Interlocal Agreement with Hidalgo County allowing continued membership in the Hidalgo County Library System (HCLS).
- E)** Budget Amendment Ordinance providing for the purchase of various Trucks for Public Works.
- F)** Award of Contract – Pre-Employment Medical/Physical Evaluation and Illegal Substance Testing.
- G)** Budget Amendment Ordinance for additional funding for the purchase of a Compact Wheel Loader.
- H)** Ordinance amendment providing for an increase to the authorized strength and the classification of the Firefighters.
- I)** Budget Amendment Ordinance for the base salaries, benefits, equipment and uniforms of six Firefighters.

**2. BIDS/CONTRACTS:**

- A)** Consider amending the Agency Agreement with Valley Symphony Association in conjunction with the new Convention Center Grand Opening Event.
- B)** Consider approval of Design Development Construction for the McAllen Fire Station No. 7.
- C)** Consider an addendum to current agreement with the Services-Waters Consulting Group, Inc. regarding the Compensation Study.
- D)** Award of Bid – Purchase and Redevelopment of Central Park.
- E)** Award of Bid – Local Phone Service.
- F)** Award of Contract – Auburn Avenue and Main Street Improvements.

**3. ORDINANCES:**

- A) Amending the Bylaws and Articles of Incorporation to the Heart of the City of McAllen Improvement Corporation.
- B) Calling for an election to amend the Charter for the City of McAllen to change the quorum requirements for City Commission Meetings from 3 to 4.
- C) Calling for an election to amend the Charter for the City of McAllen to prohibit the City from using, or alternatively not require, Binding Arbitration with respect to Collective Bargaining negotiations.
- D) Calling for an election to amend the Charter for the City of McAllen to require the City to use Binding Arbitration in certain Collective Bargaining negotiations as requested by petition.

**4. VARIANCES:**

- A) Request for a sign variance proposed for a restaurant located at Lot 3, Trenton Crossing Shopping Center Phase 2 Subdivision.
- B) Request for a variance to allow less than 125 ft. offset for South 6<sup>th</sup> Street at Houston Avenue; Villas Del Tesoro Subdivision.

**5. MANAGER'S REPORT:**

- A) Review and Acceptance of the Comprehensive Annual Financial Report for FY 2005-2006.
- B) Advisory Board Appointments.
- C) Future Agenda Items.

**6. TABLED ITEMS:**

- A) Approval of Change Order No. 20 for the McAllen Convention Center Contingency Fund.
- B) Request for a variance to the subdivision requirements for Paving and Drainage Improvements along Mile 7 Road at Ruben Rodriguez Subdivision.
- C) Consider approval of a contract with Simon Properties for a pylon sign for the McAllen Convention Center Palm Crossing Development.
- D) Appointment to the Civil Service Commission.
- E) Award of Contract - Purchase of Parking Meter Electronic Mechanisms and Housings.
- F) Award of Contract - Architectural Services for the North Police Community Network/Training Center.
- G) Consider approval of the Agreement for Electrical Facilities Extension with Sharyland Utilities, L.P. for the Anzalduas Bridge site.
- H) Request for a variance not to require the subdivision process at 614 Uvalde Avenue.
- I) Award of Contract – Purchase of Development Services Software.

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

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

- A) **REZONING:**

**TRACT ONE:** Rezone from R-1 (single family residential) District to R-3T (multifamily residential townhouse) District:

.453 acres out of Lot 2, NE ¼ Section 7, Hidalgo Canal Company Subdivision and Lots A & B, Farlow Mew Subdivision, Hidalgo County, Texas; 507 Houston Avenue.

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

**C) CONDITIONAL USE PERMITS:**

**1)** Request of Adrian Santos, appealing the decision of the Planning and Zoning Commission at the February 20, 2007 meeting, denying a conditional use permit, for one year, for a bar at Lot A1, Nolana Tower Shopping Center Subdivision; 400 Nolana Avenue.

**2)** Request of John Jalili, appealing the decision of the Planning and Zoning Commission at the February 20, 2007 meeting, denying a conditional use permit, for one year, for a bar at the east 50 feet of Lots 13 & 14, Block 12, McAllen Addition Subdivision; 1415 Austin Avenue.

**D)** Public Hearing to consider City of McAllen Landmark Designation for Lots 7-14, Block 29, McAllen Addition Subdivision; 301 S. Main Street.

**END OF PUBLIC HEARING**

**PUBLIC COMMENT SESSION**

**8. 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 relating to the Collective Bargaining Agreement with the McAllen Firefighter’s Association.
- E)** Discussion and Possible Action regarding new lawsuit: Cause No. CI-1246-A, Amelia Jaramillo vs. Hermelinda and Eduardo Smith and the City of McAllen; in the County Court at Law No. 1.
- F)** Discussion and Possible Action – Consider 380 Industrial Incentive Contract with Medical Safety Technologies, Inc.
- G)** Discussion and Possible Action regarding the legal aspects of Charter Amendment Procedures.

- H) Discussion and Possible Action regarding new lawsuit: Cause No. C-311-07-A, Brenda Carrera vs. Natalia Velasquez and City of McAllen; in the 92<sup>nd</sup> District Court.

## 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 9<sup>th</sup> day of March 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