



**CITY COMMISSION REGULAR MEETING  
MONDAY, APRIL 9, 2007 – 4:00 PM  
CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

- CALL TO ORDER** - Mayor Richard Cortez  
**PLEDGE** - Mayor Richard Cortez  
**INVOCATION** - Hilda Salinas, City Commissioner  
**PROCLAMATIONS** - *CDBG Week* and *Fair Housing Month* – Sam Saldivar, Jr.  
- *National Crime Victim’s Right Week* – Chief Rodriguez  
- *National Architecture Week* – Carmen Perez Garcia

**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 held February 26<sup>th</sup>, Workshop and Regular Meetings held March 26<sup>th</sup>, and Special Meeting held April 2, 2007.
- B) Memorandum of Agreement (MOA) with the Federal Aviation Administration (FAA) for equipment leases.

**2. BIDS/CONTRACTS:**

- A) Award of Contract – Anzalduas International Bridge.
- B) Change Order No. 3 – Bentsen Road Paving and Drainage Improvements (Frontage to FM 495).
- C) Change Order No. 1 – Nolana Road Extension Paving and Drainage Improvements (Bentsen Road to Taylor Road).
- D) Award of Contract – Purchase of LED Illuminated Street Name Signs.

**3. VARIANCE:**

- A) Request to allow Lots 3C & 3D not fronting a public street; Lots 3B, 3C, 3D and 3E, McAllen Convention Center Subdivision.

**4. MANAGER’S REPORT:**

- A) Approval of shortlist of Architects for interview for the new Main Library.
- B) Future Agenda Items.

**5. TABLED ITEMS:**

- A) Appointment to the Civil Service Commission.
- B) Variance request to not require the subdivision process at 614 Uvalde Avenue.
- C) Award of Bid – Purchase and Redevelopment of Central Park.

- D) Amending the McAllen Code, Chapter 134, “Subdivisions” relating to Requirements for Alleys.

**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) REZONING:**

**TRACT ONE:** Rezone from A-O (agricultural & open space) District to R-1 (single family residential) District:

The east 100 ft. of the west 420 ft. of the south 121.9 ft. of Lot 243, and the east 100 ft. of the west 420 ft. of the north 123 ft. of Lot 244, Pride of Texas Subdivision; 4313 Kingdom Avenue.

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

**C) CONDITIONAL USE PERMITS:**

1) Request of La Rueda Tires and Wheels, for a conditional use permit, for life of the use, for an automotive service and repair at Lots 6, 7 and 8 and the west 17.75 feet of Lot 9, East McAllen Business District Subdivision; 415 West Hwy 83.

2) Request of Nextel Partners, for a conditional use permit, for life of the use, for a personal wireless service facility at Lot 38, Block 1, Hammond Subdivision; 1950 Maple Avenue.

3) Request of City Breeze, Inc., appealing the decision of the Planning and Zoning Commission of the March 6, 2007 meeting, denying a conditional use permit, for one year, for a bar and grill at the west 300 ft. of the south 181.03 ft. of the north 483.44 ft. of Lot 2, Block 11, Hidalgo Canal Company Subdivision; 5524 North 10<sup>th</sup> Street.

- D) Public Hearing to consider an amendment to Foresight McAllen: Physical Development Plan; Changing the Extra-Territorial Jurisdiction (ETJ) boundary line excluding an 87.84 acre tract located at the northwest corner of South Jackson Road and Thomas Road. **TABLED**

- E) Public Hearing to consider an Ordinance Amendment to further limit the number of poultry and fowl that may be kept within the City of McAllen. **TABLED**

- F) Public Hearing to consider a resolution approving the Proposed Annexation Service Plan relating to eight tracts:

Tract 1: 33.679 acres out of Lot 1, Block 5, Rio Bravo Plantation Company’s Subdivision, Hidalgo County, Texas; (A/K/A Lots 1-18, F1-9, R/S McAllen Produce Terminal Market Subdivision, Lots 3A & 4A, amended plat, Lots 5A, 5B

& 5C, amended plat, condominiums A1-36, B1-56, C1-56, D1-28 and E1-34), 2501 Military Highway. Voluntary.

Tract 2: 42.85 acres out of Lots 1 and 2, Block 5, Rio Bravo Plantation Company's Subdivision, Hidalgo County, Texas; (A/K/A Botello Industrial Park Lots 1-29) 6400 South 28<sup>th</sup> Street. Voluntary.

Tract 3: 10.61 acres out of Lot 7, Block 5, Rio Bravo Plantation Company's Subdivision, Hidalgo County, Texas; (A/K/A Lot 1, McAllen Southwest Industrial District Unit 6, Vacated and R/S as Lot 1, McAllen Southwest Industrial District Unit 7) 6801 South Bentsen Road. Voluntary.

Tract 4: Lot 1, Sharyland Business Park Phase 1 Subdivision; 6801 South International Boulevard. Involuntary.

Tract 5: Lot 9, Sharyland Business Park Subdivision; 4900 George McVay Drive. Voluntary.

Tract 6: Lot 18, Sharyland Business Park Phase 2 Subdivision; 5601 Military Highway. Voluntary.

Tract 7: Lot 32, Block 3, C. E. Hammond Subdivision, 6601 South 23<sup>rd</sup> Street. Voluntary.

Tract 8: 81.44 acres out of Lots 10, 11 and 12, Block 5, Rio Bravo Plantation Company Subdivision, 6800 South 23<sup>rd</sup> Street. Voluntary.

- G) Public Hearing on the proposed needs and budget for the Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME).

## END OF PUBLIC HEARING

## PUBLIC COMMENT SESSION

### 7. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 CONSULTATION WITH ATTORNEY, SECTION 551.072 DELIBERATIONS ABOUT REAL PROPERTY, SECTION 551.073 DELIBERATIONS ABOUT GIFTS AND DONATIONS, SECTION 551.074 PERSONNEL MATTERS, SECTION 551.076 DELIBERATIONS ABOUT SECURITY DEVICES AND SECTION 551.086 ECONOMIC DEVELOPMENT.

- 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-1959-06-I: McAllen Police Officers' Union and Michael Zellers, President vs. City of McAllen including new severed case Cause

No. C-1959-06-I: McAllen Police Officers' Union and Micahel Zellers, et al. 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 – Review proposals for the Convention Center Hotel.
- F) Discussion and Possible Action relating to potential litigation against the City of Edinburg relating to drainage.
- G) Discussion and Possible Action regarding new lawsuit: Cause No. CL-07-103-F, Priscilla Quintero vs. City of McAllen; in the County Court at Law No. 6.
- H) Discussion and Possible Action relating to the purchase and redevelopment of a Central Park.
- I) Discussion and Possible Action relating to the sale of La Lomita Lot 19.
- J) Discussion and Possible Action relating to a Foreign Trade Zone project over \$500,000.

## 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 5<sup>th</sup> day of April 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