



**CITY COMMISSION REGULAR MEETING
TUESDAY, MAY 29, 2007 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

- CALL TO ORDER** - Mayor Richard Cortez
PLEDGE - Mayor Richard Cortez
INVOCATION - Scott Crane, City Commissioner
PROCLAMATION - *Homeownership Month* – Luis Figueroa and Sam Saldivar

1. Approval of minutes of Regular Meeting held April 9th, Special Meeting held May 2nd, Regular Meeting held May 14th, and Special Meeting held May 17, 2007.

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) Award of Contract – Purchase of Hardware for the Accela Development Services Project.
 - B) Renewal of Tire Service Contract with Oyervides Tire Service for an additional one year.
 - C) Award of Contract – Purchase of Replacement Public Internet Computers for Main and Palm View Libraries.
 - D) Renewal of Procurement Card Contract with JP Morgan Chase for an additional five years.
 - E) Award of Contract – Purchase of Traffic Control Products/Material.

3. **BIDS/CONTRACTS:**
 - A) Award of Contract – Purchase of Traffic Control Signal Heads and LED Vehicle Signal Modules (LED Bulbs).
 - B) Award of Contract – Oil, Gas and Mineral Rights Lease for 14.989 acres, being Lot 1, Wal-Mart Subdivision.
 - C) Contract Amendment No. 2 with Melden and Hunt, Inc. for Engineering Services for the Balboa Acres Outfall Project.
 - D) Waterline Access Agreement with Sharyland Water Supply Company for San Jose Ranch Subdivision.
 - E) Reconsideration of Airport Parking Facilities Management Agreement providing language relating to termination provisions.

4. **ORDINANCES:**
 - A) Approving the FY 2007-08 Budget for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs and the deletion and Reprogram of FY 2004 Cotton Gin Design Project Funds into FY 2007-2008 Reprogram Line.

- B) Budget Amendment for Billing Charges and Credit Card Fees in the Sanitation Fund.
- C) Amending the McAllen Code, Chapter 74, Article III, to address Rental Fees for Parks.
- D) Amending the McAllen Code, Chapter 110, Article I, relating to Tree Preservation.

5. RESOLUTIONS:

- A) Expressing official intent to reimburse costs of the Anzalduas Bridge Project from Toll Bridge System Revenue Bonds to be issued by the City and other matters related thereto.
- B) Authorizing the acceptance of Airport Improvement Program (AIP) Grant from the Federal Aviation Administration (FAA).

6. VARIANCES:

- A) Variance request to allow an off-premise sign at McAllen Convention Center Subdivision.
- B) Variance request to allow an off-premise sign at Lots 1A & 2A, McAllen Convention Center Subdivision.
- C) Variance request to allow an off-premise sign at Lot 5, Proposed Stone Oak Plaza Phase II.
- D) Variance request to the Park Land Dedication Ordinance for Villaggio Subdivision.

7. MANAGER'S REPORT:

- A) Consider change of operating days at Quinta Mazatlan.
- B) Consider approval of color schemes for the McAllen Downtown Parking Garage.
- C) Discussion of the Interim Report regarding the evaluation of 90-day trial of Med-Care's Advance Paramedic Tiered Response on the City's north side.
- D) Bad Debt Write-Off in the Sanitation Account for 3rd and 4th Quarters.
- E) Future agenda items.

8. MAYOR'S REPORT:

- A) Report on fence along the border.
- B) Status Report on legislation related to Water District.

9. TABLED ITEMS:

- A) Award of Bid – Purchase and Redevelopment of a Central Park.
- B) Variance request to the right-of-way dedication requirement for North Main Street at 5.08 acres out of Lot 2 and Lot 3, Ebony Heights Citrus Groves Unit 1.

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

10. PUBLIC HEARING BEGINNING AT 6:00 PM:

A) REZONINGS:

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

1.26 acres out of the east of Lot 25, Wayne Court Subdivision and the east 159.1 feet of Lot 1, Daffodil Gardens Subdivision, Unit 1; 500 Harvey Drive.

TRACT TWO: Rezone from A-O (agricultural and open space) District to R-1 (single family residential District):

A tract of land being 19.320 acres out of Lot 13, Block 278, Texas-Mexican Railway Company Survey Subdivision; 9325 North 10th Street.

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

C) CONDITIONAL USE PERMITS:

1) Request of Daniel Cavazos, for a conditional use permit, for life of the use, for an automotive service and repair shop at Lots 1, 2, and 3, Block 1, South McAllen Addition Subdivision; 803 South Bicentennial Boulevard.

2) Request of neighbors, appealing the decision of the Planning and Zoning Commission of the May 1, 2007 meeting, approving a conditional use permit request for a home occupation (daycare) at Lot 10, Los Leones Subdivision; 4517 Quince Avenue.

3) Request of Havana Club and Grill, appealing the decision of the Planning and Zoning Commission of the May 1, 2007 meeting, denying a conditional use permit request for a bar at 1.425 acres out of Lot 2, Block 8, Steel and Pershing Subdivision; 500 East Nolana Avenue.

4) Request of Mario Von Chong, for a conditional use permit, for life of the use, for a parking facility at Lot 7, Block 3, Pecan Acres Subdivision; 903 Orange Avenue.

TABLED

5) 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. **TABLED**

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

11. 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 – 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 Michael Zellers, et al. President vs. City of McAllen.
- C) Discussion and Consideration of McAllen Firefighters’ Union arbitration action.
- D) Discussion and Possible Action – Consider approval of a Request for Proposal for the sale of Lots 6 and/or 7 at the Convention Center for a full service hotel.
- E) Discussion and Possible Action relating to the purchase and redevelopment of a Central Park.
- F) Discussion and Possible Action relating to the sale of La Lomita Lot 19.
- G) Discussion and Possible Action – Purchase Agreement for Lots 9 & 10, Convention Center Subdivision.
- H) Discussion and Possible Action – Consider land acquisition for Bicentennial Boulevard from Trenton Road north to SH 107.
- I) Discussion and Possible Action – Workers Comp/Loss Run Report as of April 30, 2007.
- J) Discussion and Possible Action of Arbitration Award in the City of McAllen, vs. S&B Infrastructure, LTD.

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.

C E R T I F I C A T I O N

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 25th day of May, 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