

**AMENDED AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, JULY 23, 2007 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

- CALL TO ORDER** - Mayor Richard Cortez
PLEDGE - Mayor Richard Cortez
INVOCATION - John Ingram, City Commissioner

1. ELECTION OF MAYOR PRO TEM

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) Approval of Minutes for Workshops held May 14th, May 29th and Regular Meeting held July 9, 2007.
- B) Award of Contract - Painting of Passenger Boarding Bridges.
- C) Award of Contract – Purchase of Safety Products.
- D) Authorization for the purchase of hardware for the Accela Development Services Project through the State of Texas, Department of Information Resources (DIR) Program.
- E) Award of Contract – Purchase of Tires.
- F) Consider participation in the pro rata share of expenses related to the review and litigation of the filing of proposed rate increase by Texas Gas Service.

3. BIDS/CONTRACTS:

- A) Change Order No. 3 – Modify Electrical Service for HVAC Equipment for the McAllen Downtown Parking Garage.
- B) Award of Construction Contract - McAllen Public Works Canopy Improvements.
- C) Contract Amendment with Kendig-Keast Collaborative to complete the Market and Fiscal Impact Analysis with the Foresight Master Plan Update.

4. RESOLUTIONS:

- A) Authorizing the submission of a grant application to the Texas Forest Service for funding under the 2007 Urban Forestry Partnership Grant Program for an Urban Forester.
- B) Authorizing the submission of a grant application to the Texas Parks and Wildlife for rehabilitation and adaptive reuse of the old Water Plant at 2nd Street and Business 83 for public recreational purposes.

5. ORDINANCES:

- A) Abandoning a 10 ft. by 263.22 ft. of North Cynthia Avenue road right-of-way along the east side of Lot A, Right-Away-Foods, Inc. Subdivision.
- B) Abandoning a 46 ft. by 1,260 ft. of South 29th Street road right-of-way along the west side of Lots 1 thru 7, Botello Industrial Park Subdivision.

6. MANAGER'S REPORT:

- A) Consider request from the McAllen Chamber of Commerce to fund the Income Tax Credit Program.
- B) Presentation of Tax Collection Report from March - June 2007.
- C) Presentation of Ag-Use Rollback Collections.
- D) Presentation of Delinquent Tax Collection Report by Tax Attorneys from February - June 2007.
- E) Authorization to cease negotiations and re-solicit for Statement of Qualifications for Construction Materials Engineering Services 2006-2007.
- F) Selection of architectural firm for Park Design Services for Reynolds Park site and authorization to begin negotiations.
- G) Consider funding request from International Museum of Arts and Sciences (IMAS) relating to AAM Accreditation.
- H) Report on July 16, 2007 Storm.
- I) Future agenda items.

7. TABLED ITEMS:

- A) Award of Bid – Purchase and Redevelopment of a Central Park.
- B) Ordinance amending the McAllen Code, Chapter 110, Article I, relating to Tree Preservation.
- C) Final Review and Approval of Compensation Study.
- D) Appointments to the Heart of the City Board.

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-1 (single family residential) District to C-1 (office building) District:

South ½ of Lot 5, and all of Lot 6, Virginia Terrace #1 Subdivision, and Lots 1-7, and the west ½ of Lot 8, Virginia Terrace #2 Subdivision; 917 South McColl Road and 711 to 901 East Jackson Avenue.

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

1.83 acres out of Lot 57, La Lomita Irrigation & Construction Company Subdivision; 7824 North Ware Road.

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

C) CONDITIONAL USE PERMITS:

1) Request of Hugo A. Ramirez, appealing the decision of the Planning and Zoning Commission at the July 3, 2007 meeting, denying a conditional use permit for one year, for a night club at Lot 1, Nolana West Subdivision; 2200 West Nolana Suite 2210.

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. **TABLED**

D) PUBLIC HEARING TO CONSIDER AMENDMENTS TO FORESIGHT MCALLEN; THOROUGHFARE PLAN:

1) Removing 29th Street from Military Highway to the North Levee of the Banker Floodway.

2) Removing Colbath Road as a Major Collector from 23rd Street to 26th Street.

3) Removing Yuma Avenue as a Major Collector from Col. Rowe Boulevard to Jackson Road.

4) Changing designation of 2nd Loop from Col. Rowe Boulevard to 10th Street from a Minor Arterial to a Major Collector.

E) Adoption of Ordinance providing for an Amendment to Foresight McAllen; Thoroughfare Plan.

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION:

9. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 CONSULTATION WITH ATTORNEY, SECTION 551.072 DELIBERATIONS ABOUT REAL PROPERTY, SECTION 551.074, PERSONNEL MATTERS, SECTION 551.076 AND ECONOMIC DEVELOPMENT, SECTION 551.087.

A) Consultation with City Attorney regarding McAllen Firefighters' Union Collective Bargaining.

B) Discussion and Possible Action relating to the purchase and redevelopment of a Central Park.

C) Discussion and Possible Action – Purchase Agreement for Lots 9 & 10, Convention Center Subdivision.

D) Consultation with City Attorney regarding Cause No. C-1959-06-I; McAllen Police Officers' Union and Michael Zellers, President vs. City of McAllen, Texas (Law suit relating to Collective Bargaining and Ballot Proposition).

- E) Discussion and Possible Action – Consider acquisition of land for expansion of Dove Avenue between McColl Road and Jackson Road.
- F) Discussion and Possible Action – Worker’s Comp/Loss Run Report as of June 30, 2007.
- G) Discussion and Possible Action – Motor Vehicle Accident Liability and Subrogation Claim Reports as of June 30, 2007.
- H) Consultation with City Attorney regarding update on mediation in lawsuit; Cause No. C-2854-05-D; The Insurance Company of the State of Pennsylvania vs. City of McAllen, Texas (McAllen Public Safety Building).
- I) Discussion and Possible Action – Consider 380 Industrial Incentive Contract for Metal Powder Products, LLC.
- J) Discussion and Possible Action – Consider the purchase of 5.07 acres out of Lot 7, Section 6, Hidalgo Canal Company Subdivision.
- K) Discussion and Possible Action – Review and approve sale of Lots 6 & 7, Convention Center Subdivision.
- L) Discussion and Possible Action – Consider the purchase of property on 800 North Main (Wilson Funeral Home Property).

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY’S DEPARTMENT AT 681-1020 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.

I, the Undersigned Authority, do hereby certify that the attached amended 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 **20th** day of **July, 2007** at **5:30 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