



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, AUGUST 27, 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  
Presentation by Hidalgo County Judge J.D. Salinas, III

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 for Regular Meeting held July 23<sup>rd</sup> and Workshop held August 13, 2007.
  - B) Tax Refunds over \$500.00
    - 1. Conn’s Appliances #41
    - 2. Royal Tile Co.
    - 3. Lotus Co. PMK LLC
    - 4. Subway #22356
    - 5. JMB Paving & Seal Coating Co.
    - 6. Fresco New York Italian Restaurant
    - 7. Autozone, Inc.
    - 8. Sosa, Hugo & Carolina
    - 9. Northwood Domit Apartments
  - C) Change Order No. 2 for 20<sup>th</sup>, 21<sup>st</sup>, and 22<sup>nd</sup> Streets Storm Sewer Improvements Project.
  - D) Award of Contract - Purchase of Safety Boots.
  - E) Change Order No. 3 & Final Reconciliation of Quantities for Nolana Road Extension Paving and Drainage Improvements Project (Bentsen Road to Taylor Road).
  - F) Confirmation of appointments to various Advisory Boards.
  - G) Award of Contract - Purchase of Janitorial Products.
  - H) Ordinance approving a Developer’s Contract for participation with over-size costs of drainage improvements at Orange Heights Subdivision.
  - I) Award of Contract - Physical Evaluations for Firefighters.
2. **BIDS/CONTRACTS:**
- A) Interlocal Agreement with MISD for the installation of a Playscape at the new Blanca Sanchez Elementary School on 29<sup>th</sup> and Incarnate Word Avenue.
  - B) Award of Contract – Disaster Recovery Series System Upgrades.

- C) Award of Bid – Sale of property consisting of 1.17 acre tract of land out of Lot 1, Block 15, Steele & Pershing Subdivision.
- D) Award of Contract – Paving and Drainage Improvements for Wisconsin Avenue (2<sup>nd</sup> Street to East city limits).
- E) Authorization to open a single bid and Consider and Approve Award of Contract for Paid Parking Infrastructure for McAllen International Airport Phase I.
- F) Consideration and Approval of Cost Sharing Agreement between the City of McAllen and the Mission Redevelopment Authority establishing a payment schedule relating to the costs associated with infrastructure improvements for the Anzalduas International Crossing Border Station Facility.
- G) Consideration and Approval of proposed Contract Agreement for Architectural Services for the new Main Library.

**3. ORDINANCES**

- A) Abandoning a 10 ft. utility easement being the south 5 ft. of Lot 8 and the north 5 ft. of Lot 9, The Gables Subdivision.
- B) Abandoning a 20 ft. dedicated road right-of-way being the west 20 ft. of the south 669.96 ft. of Lot 13, Section 278, Texas-Mexican Railway Co. Survey.
- C) Budget Amendment providing for the re-allocation of the City Hotel-Motel Tax to the Convention Center Fund and redirect the General Fund transfer from the Debt Service Fund to the Capital Improvement Funds for the new Main Library.
- D) Budget Amendment reversing a previous budget amendment, which was approved for the purpose of providing funding to support the encumbrance for the construction contract for the Anzalduas International Crossing in lieu of a bond anticipation note.
- E) Budget Amendment providing for an increase in expenditures for various line items.
- F) Amending the McAllen Code of Ordinances, Chapter 54, Article V, Prohibited Smoking in certain buildings and enclosed spaces.

**4. VARIANCE:**

- A) Request for a variance to allow the height and width requirements of the Sign Ordinance for lots 22, 23 and 24, Block 19, College Heights Subdivision; 2120, 2124 and 2126 Oakland Avenue.

**5. MANAGER’S REPORT:**

- A) Report on Tropical Storm Erin and Hurricane Dean preparations.
- B) Discuss 2007 City of McAllen Tax Rate; Take Record Vote; and Schedule Public Hearings.
- C) Monthly Report on the Anzalduas Bridge Construction.
- D) Authorization to obtain Technology Consulting Services for the Emergency Operating Center, Fire Station and Traffic Operations Facility.
- E) Consideration and possible action on the proposed changes relating to the existing Health Insurance Plan.
- F) Seek directive to develop a policy relating to City/School Parks.
- G) Presentation by the Appraisal District Board relating to appraisals in McAllen.
- H) Future agenda items.

**6. 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) Request for a variance not to require the 50 ft. Francisca Avenue Road right-of-way along the south boundary of the Macias-Torres Subdivision.

**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) REZONINGS:**

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

2.066 acres out of Lot 368, John H. Shary Subdivision; 6113, 6117 and 6201 Wells Springs Road.

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

3.643 acres out of Lot 107, La Lomita Irrigation and Construction Company Subdivision; 2701 Buddy Owens Boulevard.

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

2.03 acres out of Lot 8, Block 2, Rio Bravo Plantation Company Subdivision; 4204 and 4208 South Ware Road.

**TRACT FOUR:** Rezone from C-3 (general business) District to R3-C (multifamily residential condominium) District:

3.00 acres out of Lot 15, southeast ¼, Section 7, Hidalgo Canal Company Subdivision; 700 Wichita Avenue.

**TRACT FIVE:** Rezone from C-1 (office building) District to C-3 (general business) District:

The east half of Lot 22 and all of Lots 23 and 24, Block 19, College Heights Subdivision; 2120, 2124 and 2126 Oakland Avenue.

**TRACT SIX:** Rezone from R-2 (duplex-fourplex residential) District to C-3 (general business) District:

The west half of Lot 22, Block 19, College Heights Subdivision; 2128 Oakland Avenue.

**TRACT SEVEN:** 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 Jesus F. Gonzalez, appealing the decision of the Planning and Zoning Commission at the July 17, 2007 meeting, denying a conditional use permit, for one year, for portable buildings (storage) at the north 50 feet of Lot 3, Professional Center Subdivision; 920 North Main Street (rear).

**2)** Request of Francisco Calderon, appealing the decision of the Planning and Zoning Commission at the July 17, 2007 meeting, denying a conditional use permit, for one year, for an automotive service and repair (body shop) at Lot 22, Block 4; 804 South 16 ½ Street. **TABLED**

**D)** Public Hearing to consider an Amendment to Foresight McAllen: Thoroughfare Plan; changing designation of 10<sup>th</sup> Street from 2<sup>nd</sup> Loop to Wichita Avenue from a high speed arterial to a principal arterial.

**END OF PUBLIC HEARING**

**PUBLIC COMMENT SESSION**

**8. 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) AND 551.086 (ECONOMIC DEVELOPMENT).**

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

**B)** 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).

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

**D)** Discussion and Possible Action – Review and approve sale of Lot 7, Convention Center Subdivision to Venture Assets, LTD.

**E)** Consider selling 40 acres out of Lot 152, La Lomita Irrigation & Construction Company Subdivision.

- F) Discussion and Consideration regarding new lawsuit: Cause No. C-1841-07-C, Minerva Serna De Gutierrez vs. City of McAllen and Philip K. Brown; in the 139<sup>th</sup> District Court.
- G) Discussion and Possible Action – Worker’s Comp/Loss Run Report as of July 31, 2007.
- H) Discussion with City Attorney regarding subrogation claim against Rosalinda Camarillo.
- I) Discussion and Possible Action – Airline Use and Lease Agreement Strategy & Rate Methodology.

**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.**

**CERTIFICATION**

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 24<sup>th</sup> day of August, 2007 at 2:30 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