



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, SEPTEMBER 24, 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
- PROCLAMATION** - *Hispanic Heritage Month* – Cynthia Sakulenzki  
- *Fire Prevention Week* – Deputy Chief/Fire Marshal Charles Quijas  
- *Palm Fest Celebration Days* – Elva Cerda  
- *National Breast Cancer Awareness Week* – Rosa Serda  
- *Alzheimer’s Month* – Roxana Swinford  
- *Customer Service Week* – Pablo Rodriguez

**1. SPECIAL JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD:**

**PUBLIC HEARING**

- A) Public Hearing on the City of McAllen Proposed Budget for Fiscal Year 2007-2008.

**END OF PUBLIC HEARING**

- B) Order adopting the McAllen Public Utility Proposed Budget for Fiscal Year 2007-2008.
- C) Ordinance adopting the City of McAllen Proposed Budget for Fiscal Year 2007-2008.
- D) Ratification of Property Tax Increase reflected in the City of McAllen Proposed Budget for Fiscal Year 2007-2008.
- E) Ordinance adopting the City of McAllen Tax Rate and Levying Ad Valorem taxes for 2007.
- F) Consider Award of Excess Workers’ Compensation Insurance, Renewal for Property-Casualty Insurance and Third-Party Administrative Service Contract.
- G) Approval of Plan Amendments to the City’s Group Health Insurance, PPO Access Contract, Stop Loss Reinsurance Contract and Third-Party Administrative Service.
- H) Resolution providing for the Annual Review and Approval of the City’s Investment Policy.
- I) Order/Ordinance amending City Ordinances Section 106-82 and Section 106-86 providing for an increase to the travel meters and tapping charges.
- J) Consider approval of proposed increase of security deposits for residential customers as recommended by Minute Order of the McAllen Public Utility Board.
- K) Subordination of Lien to the contractual agreement originally between the City of McAllen and 107 Joint Venture, L.L.C. for refinancing of loan by new owners with Rio Bank.

- L) Ordinance adjusting toll rates at McAllen-Hidalgo International Toll Bridge for vehicle and pedestrian traffic.

## END OF JOINT MEETING

- 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 Regular Meeting held August 13<sup>th</sup>, Workshop held August 20<sup>th</sup> and Regular Meeting held August 27, 2007.
  - B) Award of Contract – Purchase of Two (2) Sky Watch Deterrence & Surveillance Units.
  - C) Award of Contract – Purchase of Camera and Video Equipment for McAllen Cable Network Department.
  - D) Interlocal Agreement with the Lower Rio Grande Valley Development Council for dispersal of the TXDOT funds for Public Transit Operations.
  - E) Change Order #1 – Balboa Acres Outfall Project.
  - F) Resolution accepting a Transportation Security Administration (TSA) Cooperative for Law Enforcement Officer (LEO) reimbursement at the McAllen Miller International Airport.
  - G) Award of Bid – Purchase of One (1) Brush Chipping Machine and Declaration of one (1) used city-owned Brush Chipping Machine as surplus property.
  - H) Resolution amending Resolution No. 2007-26 relating to the Victim Coordinator and Liaison Grant Program, in order to reflect with the Agency Award.
  - I) Resolution amending Resolution No. 2007-14 relating to the FY 2008 Selective Traffic Enforcement Program Grant, in order to reflect with the Agency Award.
  - J) Award of Contract – Grinding of Brush and Wood Waste Services.
  - K) Resolution authorizing the acceptance of a Federal Transit Administration (FTA) Grant for Transit Capital and Operating Projects.
  - L) Resolution authorizing the submission of an application to the Office of the Governor and to act as the fiscal agent for funds to support a Regional Hazardous Materials Response Team Training Project by the Hidalgo County Local Emergency Planning Committee.
  - M) Confirmation of Advisory Board Appointment to Library Board.
- 3. **BIDS/CONTRACTS:**
  - A) Award of Contract – Airport Automobile Rental Concessions.
  - B) Award of Contract – News and Gifts Concession at McAllen Miller International Airport.
  - C) Award of Contract – Automatic Teller Machine (ATM) Service at new Convention Center.
  - D) Award of Contract – Oil, Gas, and Mineral Lease Proposal for 36.92 acres out of Lot 30-12, West Addition to Sharyland Subdivision.
  - E) Award of Contract – Farm Lease Contract for the northwest corner of 5 Mile Line and 29<sup>th</sup> Street.
  - F) Consider Extension of lease between the City of McAllen and Douglas Clark dba Rio Bravo Art Foundry.

- G) Consider extension of service contract for Uniform Cleaning and Pressing Service(s) for Police and Fire Departments.
- H) Authorization to negotiate Scope of Services and Fee Schedule for Construction Materials for Engineering Services 2007-2008.
- I) Change Order No. 4 for McAllen Downtown Parking Garage for various building infrastructure improvements.
- J) Interlocal Cooperative Agreement with Palm Valley Animal Center for the operation of a Regional Animal Shelter.
- K) Change Order No. 1, 2, 5 and Final Reconciliation of Quantities for Bentsen Road Paving and Drainage Improvements (Frontage to FM 495).
- L) Consider award of bid for basketball scoreboards and related equipment.

**4. VARIANCES:**

- A) Request for a variance to the Subdivision requirements of future paving, curb & gutter, and sidewalk improvements for Lots 1A & 1B, Golden Pond Subdivision.
- B) Request for a variance to the 800 ft. block length requirement for Fawn Crossing at Deer Park Subdivision.

**5. MANAGER’S REPORT:**

- A) Consider approval of a Task Force for the After School Program revisions and funding for 2008-2009 school year.
- B) Consider a policy for the development of City/School Parks in McAllen.
- C) Report on volunteers for the Holiday Season Light Project.
- D) Authorization to declare weeded library books and audio visual material as surplus.
- E) Authorization for the Friends of the McAllen Memorial Library to market weeded library items.
- F) Authorization for Library Staff to research wholesale resellers of weeded library items.
- G) Future agenda items.

**6. TABLED ITEMS:**

- A) Award of Bid – Purchase and Redevelopment of a Central Park.
- B) Consideration and possible action on the proposed changes relating to the existing Health Insurance Plan.

**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 C-4 (commercial industrial) District: to C-3 (general business) District:

North 375 feet of Lot 72, R.E. Horn’s Addition Subdivision; 4201 Expressway 83

**TRACT TWO:** Rezone from R-4 (mobile home and modular home) District: to C-3 (general business) District:

All of Lots 73, 74, and 75, lying south of Expressway 83; 4101 Expressway 83.

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

**C) CONDITIONAL USE PERMITS:**

**1)** Request of Eusebio Saenz, for a conditional use permit, for life of the use, for an institutional use (church related activities), at 6.0455 acres of the east 10 acres of the south 20 acres of Lot 377, John H. Shary Subdivision; 4900 Lark Avenue.

**2)** Request of Jesus F. Gonzalez, appealing the decision of the Planning and Zoning Commission of 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). **TABLED**

## **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) AND SECTION 551.074 (PERSONNEL MATTERS), ECONOMIC DEVELOPMENT, SECTION 551.087.**

- A)** Consultation with City Attorney regarding McAllen Firefighters' Union Collective Bargaining. (Section 551.071, T.G.C.)
- 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). (Section 551.071, T.G.C.)
- C)** Discussion and Possible Action relating to the purchase and redevelopment of a Central Park. (Section 551.072, T.G.C.)
- D)** Discussion and Possible Action – Review and approve sale of Lot 7, Convention Center Subdivision to Venture Assets, LTD. (Section 551.072, T.G.C.)
- E)** Discussion and Possible action - Consider the sale of 40 acres out of Lot 152, La Lomita Irrigation & Construction Company Subdivision. (Section 551.072, T.G.C.)
- F)** Discussion and Possible Action – Consider 380 Agreement for Arts Village Concept at 800 North Main and Hackberry Property. (Section 551.087, T.G.C.)
- G)** Consultation with City Attorney regarding new lawsuit; Cause No. CL-07-2945-F; Eugene E. Gavito vs. City of McAllen. (Section 551.071, T.G.C.)
- H)** Discussion and Possible Action - Evaluation of City Manager. (Section 551.074, T.G.C.)
- I)** Discussion and Possible Action - Evaluation of City Attorney. (Section 551.074, T.G.C.)
- J)** Consultation with City Attorney relating to the Worker's Comp/Loss Run Report as of August 31, 2007. (Section 551.071, T.G.C.)
- K)** Consultation with City Attorney relating to the acquisition of right-of-way for Ash Avenue between 29<sup>th</sup> Street and Ware Road. (Section 551.071, T.G.C.)

- L) Discussion and Possible Action – Consider the purchase of a 5 acre tract out of Lot 136, La Lomita Irrigation and Construction Company, to be used for a drainage detention area. (Section 551.072, T.G.C.)
- M) Discussion and Possible Action – Consider a 380 Agreement for Project Austin. (Section 551.087, T.G.C.)
- N) Discussion and Possible Action – Consider 380 Agreement for the development of a call destination. (Section 551.087, T.G.C.)
- O) Consultation with City Attorney regarding lawsuit; Cause No. C-2151-07-E; Erika Gutierrez, ET AL vs. City of McAllen and Robert Leija. (Section 551.071, T.G.C.)
- P) Discussion and Possible Action –Annual Evaluation of Fire Chief. (Section 551.074, T.G.C.)

**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 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 21<sup>st</sup> day of September, 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