



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, OCTOBER 22, 2007 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

- CALL TO ORDER** - Mayor Richard Cortez
PLEDGE - Mayor Richard Cortez
INVOCATION - John J. Ingram, City Commissioner
PROCLAMATIONS - *Domestic Violence Awareness Month* - Mary Casas
- *PTK Community Day* – Mary Jane Ramirez

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)** Authorization to Reject, Re-bid and Award bids on the following items:
 - 1. One CM Forklift (8,000 lb. lift capacity)
 - 2. One CM Forklift (4,000 lb. lift capacity)
 - 3. One CM Articulating Boom Lift
 - 4. One CM Power Sweeper Rider
- B)** Ordinance approving a Developer’s Contract for participation with Yuma Avenue Paving Improvements at Orange Heights Subdivision.
- C)** Revision of Final Reconciliation of Quantities for Bentsen Road Paving and Drainage Improvements (Frontage to FM 495).
- D)** Award of Contract – Purchase and Installation of Ten (10) Police Mobile Video Recording Systems.
- E)** Resolution accepting the Library’s Plan of Action for the 2008 Lone Star Grant and Acceptance of grant funds.
- F)** Award of Bid – Service Contract various types of Concrete Work Part II Project.
- G)** Award of Contract – Installation of Traffic Signal Electrical Conduit.
- H)** Authorization to declare the month of November 2007 as Library Amnesty Month as it relates to overdue library material.
- I)** Award of Contract – Purchase of School Flashers for Radio System.

2. BIDS/CONTRACTS:

- A)** Award of Contract – Purchase of a Dynamic Visual Messaging System.
- B)** Award of Contract – Radio Advertising Services.
- C)** Renewal of Risk Management and Agency Service Agreement with Shepard Walton King Insurance.

- D) Renewal of Lease with the Texas Department of Human Resources for building located at 2501 Maple.
- E) Award of Contract – Purchase of Refuse Containers.
- F) Selection of a Medical Director for the McAllen Fire Department.
- G) Contract Amendment No. 5 and No. 6 for Professional Engineering Services with Perez Consulting Engineers for the design of Bentsen Road Reconstruction from FM 495 to 3 Mile Line Road.
- H) Consider a Consulting Services Contract with Ismael (Kino) Flores relating to franchise fee audits.
- D) Consider an amendment to the Advance Funding Agreement with the Texas Department of Transportation for Landscaping and Irrigation Improvements on Expressway 83 from Jackson Road to Taylor Road.

3. ORDINANCES:

- A) Establishing rates for the Downtown Parking Garage.
- B) Amending Chapter 46-31 providing for clarification of the fee structure for post clean-up of illegally accumulated and dumped materials.
- C) Approving the budget and program amendment for the FY 2006 Community Development Block Grant (CDBG) Action Plan, as originally provided in Ordinance 2006-58, which would delete the Retama Village Demolition Project and reprogram these funds into the Helena Avenue Storm Sewer Improvement Project.

4. RESOLUTION:

- A) Authorizing the submission of an application to the U.S. Fish & Wildlife for a Neo-Tropical Bird Grant. **SAID ITEM WAS WITHDRAWN**

5. VARIANCE:

- A) Consider a variance request to the extension of 41st Street as part of McAllen ISD Elementary Subdivision No. 5.

6. MANAGER'S REPORT:

- A) Tax Collection Report from October 2006 to September 2007.
- B) Report on Delinquent Tax Collection by Tax Attorneys.
- C) Consider a Joint City/Post Office sponsorship of numerous Passport Fairs.
- D) Consider authorization to bid on certain Amateur Softball Association National Tournaments.
- E) Consider Health Insurance rates.
- F) Future agenda items.

7. MAYOR'S REPORT:

- A) Report on Veracruz' Governor's visit.

- B) Report on briefing held relating to the latest on the Border Security issue (Fence).
- C) Report on meeting with Regional Mobility Authority (RMA) Chairman relating to a future outerloop toll road.
- D) Report on Belize Sister City signing.

8. TABLED ITEMS:

- A) Award of Bid – Purchase and Redevelopment of a Central Park.
- B) Award of Contract – News and Gifts Concession at McAllen Miller International Airport.
- C) Consider a policy for the development of City/School Parks in McAllen.
- D) Consider entering into a contract for professional services with Rolando L. Rios and Associates, PLLC relating to the 2010 Redistricting Plan.
- E) Interlocal Agreement with the City of Hidalgo relating to law enforcement at the McAllen-Hidalgo International Bridge.

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

9. PUBLIC HEARING BEGINNING AT 6:00 PM

A) CONDITIONAL USE PERMIT

Request of Juan Manriquez, appealing the decision of the Planning and Zoning Commission of the September 18, 2007 meeting, denying a conditional use permit for one year, for a flea market, at 3 acres out of the north 20 acres of Lot 25, Block 3; 4601 South 23rd Street.

TABLED

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

10. 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 relating to an economic subsidy for Mall expansion. (Section 551.087, 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 – Evaluation of City Manager. (Section 551.074, T.G.C.)
- G) Discussion and Possible Action - Evaluation of City Attorney. (Section 551.074, T.G.C.)
- H) Discussion and Possible Action –Annual Evaluation of Fire Chief. (Section 551.074, T.G.C.)
- I) Seek City Attorney’s opinion relating to a lawsuit against the Federal Government relating to the “Wall”. (Section 551.071, T.G.C.)
- J) Consultation with City Attorney relating to Workers’ Comp./Loss Report. (Section 551.071, T.G.C.)
- K) Consultation with City Attorney relating to Motor Vehicle Accident Liability and Subrogation Claim Reports as of September 30, 2007. (Section 551.071, T.G.C.)
- L) Discussion and Possible Action - Consider a 380 Industrial Incentive Agreement for Infinity Insurance. (Section 551.087, T.G.C.)
- M) Discussion and Possible Action - Consider a 380 Industrial Incentive Agreement for Project Color Paint. (Section 551.087, T.G.C.)
- N) Consultation with City Attorney regarding acquisition of right-of-way from Irrigation District Nos. 1 and 3 for Bicentennial Avenue. (Section 551.071, T.G.C.)
- O) Seek City Attorney’s opinion relating to possible lawsuit relating to railroad crossing (Section 551.071, 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 19th day of October, 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.

Annette Villarreal, TRMC
City Secretary