



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, NOVEMBER 12, 2007 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

CALL TO ORDER - Mayor Richard Cortez

PLEDGE & VETERANS RECOGNITION - Mayor Richard Cortez

OFFICIAL WELCOME OF SISTER CITY IRAPUATO, GTO. DELEGATION

INVOCATION - Mayor Pro Tem Marcus Barrera

PROCLAMATIONS - *Veterans' Day*

- *Parental Involvement Week* – Raquel Garcia

- *AARP Day* – Jessica Iseman

- *McAllen Memorial Library Day*, Jose Gamez

- *Texas Recycles Week* – Carlos Sanchez

- *GIS Day* – Joanna D. Sanchez

PRESENTATION OF PLAQUE ON BEHALF OF THE 2008 EARNED INCOME TAX CREDIT OUTREACH PROGRAM

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 extend current service contract with Valley Metro Security LLC for an additional year for Security Guard Services.
- B)** Award of Contract – Sale of One (1) Used Baler.
- C)** Memorandum of Understanding between the City of McAllen and IBC Bank for funding for the Classroom at Quinta Mazatlan.
- D)** Authorization to enter into a Grant Agreement with the Meadows Foundation to accept a grant offer to assist with the construction of the Classroom at Quinta Mazatlan.
- E)** Interlocal Agreement between Texas A&M University – Kingsville and the City of McAllen for participation and representative appointment to the LRGV – TPDES Stormwater Task Force.
- F)** Award of Contract – Purchase of One (1) Current Model Hydraulic Excavator.
- G)** Authorization to utilize the contracts in place by the State of Texas for all the City's copier rental needs.
- H)** Change Order for Painting Passenger Boarding Bridges.
- I)** Budget Amendment providing for a 2007 Pierce Pumper Truck (Rollover FY 2006-2007).
- J)** Casting votes for Appraisal District Board of Directors for 2008-2009.
- K)** Approve final reconciliation of quantities – 20th, 21st and 22nd Streets Storm Sewer Improvements Project.

2. BIDS/CONTRACTS:

- A) Consider a request from Shell Exploration & Production Company to drill an oil/gas well within Drilling Block #81 (McAllen Fieldwide Unit #84 ST#2 Lot 7 [of Lot 16], SE/4 Block, 8, Hidalgo Canal Company Subdivision).
- B) Consideration and action on unleased mineral interest within the McAllen Fieldwide Unit Lots 1 (.2967 acre) and 8 (.2193 acre), Block 9, Original McAllen Townsite Subdivision.
- C) Award of Contract – Construction Materials Engineering Services for Subdivisions – Project No. 08-07-S41-47.
- D) Award of Contract – Construction Materials Engineering Services for Anzalduas Bridge.
- E) Authorization to accept a Texas Forest Service Grant and enter into a one year Grant Agreement with the Texas Forest Service for the purpose of creating an Urban Forester position.
- F) Award of Contract – Single Machine Repaving/Recycling Rejuvenate/Milling 2007-2008 Project No. 10-07-C02-58.
- G) Award of Contract – Purchase & Delivery of type “D” Hot Mix Asphaltic Concrete (HMAC) – 2007-2008.
- H) Approval of Change Order No. 5 - Allowance Redistribution toward Security Equipment and Signage.
- I) Approval of Contract Amendment No. 2 with Halff Associates to provide MEP Engineering Services for the alternate emergency power, and HVAC and Fire Protection for the Information Technology Department.

3. VARIANCES:

- A) Reconsideration of a variance request to not require the 50 ft.

4. MANAGER’S REPORT:

- A) Presentation of Monthly Construction Report for the Anzaludas Bridge.
- B) Selection of consultant for the Terminal Capacity Study.
- C) Future agenda items.

5. MAYOR’S REPORT:

- A) Report on Tamaulipas’ Governor’s visit.

6. 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) Interlocal Agreement with the City of Hidalgo relating to law enforcement at the McAllen-Hidalgo International Bridge.
- D) Consider a Consulting Services Contract with Ismael (Kino) Flores relating to franchise fees audits.

E) Award of Contract – Radio Advertising Services.

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 R-1 (single family residential) District to C-3 (general business) District:

.74 acres out of Lot A, La Cantera Estates Subdivision; 3900 Buddy Owens Boulevard.

TRACT TWO: Rezone from C-2 (neighborhood commercial) District to C-3 (general business) District:

2.98 acres out of Lot A, La Cantera Estates Subdivision; 3900 Buddy Owens Boulevard.

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

24.56 acres out of Lot 197, John H. Shary Subdivision; 901 South Taylor Road.

TRACT FOUR: Rezone from R-1 (single family residential) District to C-1 (office building) District:

Lot 6, Block 1, Redwood Park Subdivision; 1700 North 8th Street.

TRACT FIVE: Rezone from C-3 (general business) District to R-3A (multifamily residential apartments) District:

Lot 1, Block 39, McAllen Addition Subdivision; 422 South 16th Street.

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

C) CONDITIONAL USE PERMITS

1) Request of Jose Pena, appealing the decision of the Planning and Zoning Commission at the October 22, 2007 meeting, denying a conditional use permit for one year, for a bar, at Lot 1, Rhino Subdivision; 5248 North 10th Street.

2) 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**

D) Public Hearing to discuss House Bill 621 (codified at Section 11.253 of the Tax Code), which amends the Tax Code to provide for an exemption from ad valorem taxation for “goods in transit” unless a municipality opts out and to approve a Resolution and Ordinance to opt out of the exemption and continue taxing “goods in transit.”

E) Resolution and Ordinance to opt out of the exemption and continue taxing “goods in transit.”

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 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.)
- B) Discussion and Possible Action relating to the purchase and redevelopment of a Central Park. (Section 551.072, T.G.C.)
- C) Discussion and Possible Action – Review and approve sale of Lot 7, Convention Center Subdivision to Venture Assets, LTD. (Section 551.072, T.G.C.)
- D) 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.)
- E) Discussion and Possible Action – Review of Potential Economic Development Project – Code Name: McAllen Palms. (Section 551.087, T.G.C.)
- F) Consultation with City Attorney to consider legal action to enforce compliance with Zoning Ordinance’s prohibition of portable buildings (storage) without a conditional use permit at North 50’ of Lot 3, Professional Center Subdivision; 920 North Main Street (Rear). (Section 551.071, T.G.C.)
- G) Consider 380 Agreement for Fred Loya Insurance. (Section 551.087, T.G.C.)
- H) Consultation with City Attorney regarding legal issues of Sheldon Subdivision reimbursement request. (Section 551.072, 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.