



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, DECEMBER 10, 2007 – 4:00 PM**  
**CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

- CALL TO ORDER** - Mayor Richard Cortez  
**PLEDGE** - Mayor Richard Cortez  
**INVOCATION** - John J. Ingram, City Commissioner  
**PROCLAMATIONS** - *TubaChristmas* - Jim Egger  
- *Veronica Gonzales' Day*  
- *Christmas for Kids* – Chief Victor Rodriguez

**PRESENTATION BY DR. CARDENAS (DOCTORS HOSPITAL AT RENAISSANCE)**  
**PRESENTATION BY VERONICA GALLIGAN (FIESTA MARATHON)**

- 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) Reconsideration of Award of Contract for the Purchase of Two (2) Overhead Frontload Refuse Trucks.
  - B) Authorization to declare items as surplus, obsolete, or salvage.
  - C) Award of Contract - Purchase of Concrete.
  - D) Award of Contract – Purchase of Office Products/Toner Cartridges.
  - E) Award of Contract - Purchase of Automated Residential Refuse and Recycling Containers.
  - F) Award of Contract - Purchase of One (1) CM Cab and CM Truck Mounted 40-foot Aerial Device and Chipper.
  - G) Award of Contract – Contract-Labor for the Mowing of Weedy Lots.
  - H) Budget Amendment Ordinance for funding the Urban Forester position.
  - I) Budget Amendment Ordinance for the purchase of land for expansion of parking area for Quinta Mazatlan.
  - J) Budget Amendment Ordinance for the purchase of land of existing Border Patrol facilities.
  - K) Budget Amendment Ordinance for Public Works Canopy Construction.
  - L) Resolution authorizing the submission of a grant application to the U.S. Environmental Protection Agency for funding under the Environmental Education Grant Program.
  - M) Resolution authorizing the submission of a grant application to the Institute of Museum and Library Services for funding under the Laura Bush 21<sup>st</sup> Century Librarian Grant Program.
  - N) Resolution supporting the Texas Commission on Environmental Quality Nonpoint Source Program Grant Proposal in conjunction with Texas A&M University-Kingsville and the Arroyo Colorado Watershed Protection Partnership.

- O) Resolution authorizing the submission of a grant application to the Office of the Governor for funding under the Emergency Management Performance Grant Program.
- P) Award of Contract - Purchase of Police Overhead Lightbars.
- Q) License Agreement to allow construction of a buffer fence on alley right-of-way to be maintained by homeowners association for Falling Waters Subdivision.
- R) Joint Use Agreement with six (6) property owners at Dove Point #3 Subdivision for joint use of utility easement to allow carports constructed over public utility easement.
- S) Lease Agreement with TSA through GSA for office and other related space throughout the terminal.
- T) Deduct Change Order to the Foremost Paving, Inc. Contract for Airfield Improvement Program.
- U) Consideration and approval of Supplemental Agreement to 2007 Airfield Improvement Program.

**2. BIDS/CONTRACTS:**

- A) Award of Contract – Purchase of Electronic Security System Upgrade.
- B) Subordination of a Contractual Agreement between the City and Gregorio Arriaga, ET UX, to enable Robert Kent, ET UX to obtain a loan to purchase the south 10 acres of Lot 50-11, West Addition to Sharyland.
- C) Award of Contract - Purchase of Yellow Pages Advertising.
- D) Consider a request from Shell Exploration & Production Company to drill an oil/gas well in Lot 2, Block 16, of Steele and Pershing Subdivision.
- E) Renewal of Software Maintenance Agreement with New World Systems.
- F) Renewal of Software Maintenance Agreement with H.T.E. Maintenance.
- G) Consideration and Approval of Amendment No. 17 – Supplemental Agreement #1 to HNTB Service Contract.
- H) Consideration and approval of the schematic documents and authorization to proceed with the design development documents phase of the North McAllen Police Community Network/Training Center.
- I) Rental Car License Agreement with Vanguard Car Rental USA, Inc. for Cascade Swimming Pool Parking Lot.
- J) Consideration of Contract with Terra Design Group for design of a neighborhood park at 29<sup>th</sup> Street and Zinnia.
- K) Renewal of Legislative Contract with Joe Garcia d/b/a/ The Garcia Group.
- L) Consideration and approval of Food Court Concept and relocation of Vital Statistics and Passport Division Facility to the Downtown Parking Garage.

**3. ORDINANCE:**

- A) Budget Amendment for the Downtown Services Department.

**4. RESOLUTION:**

- A) Nominating Fred Loya Insurance Agency, Inc. to the Office of the Governor through the Economic Development Bank for designation as a Qualified Business and Enterprise Project.

- B) Authorizing and Approving the Construction and Rehabilitation of Flood Control Levees with Respect to Alternative Approaches for Securing the United States-Mexico Border.

**5. MANAGER’S REPORT:**

- A) Report on MedCare-EMS Advanced Paramedic Tiered Response Program.
- B) Discussion and consideration relating to initiated study for rezoning an area of the city bounded by Business 83, Hackberry Avenue, 10<sup>th</sup> Street and Bicentennial Boulevard.
- C) Appointment of representative and alternate to the South Texas Aggregation Project (STAP).
- D) Monthly Construction Report on the Anzalduas International Crossing.
- E) Future Agenda Items.

**6. MAYOR’S REPORT:**

- A) Report on Sentri Lane.

**7. TABLED ITEMS:**

- A) Interlocal Agreement with the City of Hidalgo relating to law enforcement at the McAllen-Hidalgo International Bridge.
- B) Adoption of Ordinance regarding tax exemptions for designated historic properties.

**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-3 (general business) District:

6.05 acres out of Lot 1, Block 4, A.J. McColl Subdivision; 1100 East Violet Avenue.

**TRACT TWO:** Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartments) District:

11.98 acres out of Lot 1, Block 4, A.J. McColl Subdivision; 1200 East Violet Avenue(Rear).

**TRACT THREE:** Rezone from A-O (agricultural-open space) District to R-2 (duplex-fourplex residential) District:

10 acre tract out of Lots 297 and 298, John H. Shary Subdivision; 3224 North Taylor Road.

**TRACT FOUR:** Rezone from R-3A (multifamily residential apartment) District to C-3 (general business) District:

Lot 11, Block 43, McAllen Addition Subdivision; 517 South 16<sup>th</sup> Street.

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

South 145 feet of Lot 7, Block 1, Palm Heights Subdivision; 808 Beech Avenue.

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

4.84 acres out of Lot 61, La Lomita Irrigation & Construction Company Subdivision; 7401 North 23<sup>rd</sup> Street.

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

**C) CONDITIONAL USE PERMIT:**

1) Request of Oswaldo Gutierrez, for a conditional use permit, for life of the use, for an institutional use (church), at Lot 3, Block 56, McAllen Addition Subdivision; 614 South 17<sup>th</sup> Street.

2) Request of Raymon Mendez for a conditional use permit, for life of the use, for a gasoline service station at Lot 1-A, Palms Community Center #2 Subdivision; 3921 North 10<sup>th</sup> Street.

3) Request of the City of McAllen for a conditional use permit, for life of the use, for an institutional use (fire station) at a 2 acre tract out of Lots 418 & 428, John H. Shary Subdivision; 8209 North Bentsen Road.

4) Request of Alvidrez Architects Inc., on behalf of the McAllen ISD, for a conditional use permit for life of the use, for an institutional use (central kitchen and maintenance facility), at Lot A, McAllen Independent School District #8 Subdivision; 4309 Warrior Avenue.

5) Request of Collision Specialists, appealing the decision of the Planning and Zoning Commission of the November 20, 2007 meeting, denying a conditional use permit, for one year, for an automotive service and repair shop at Lots 5 & 6, North 10<sup>th</sup> Street Community Center Subdivision; 3705 North 10<sup>th</sup> Street.

6) Request of Griselda Castro, appealing the decision of the Planning and Zoning Commission of the November 20, 2007 meeting, denying a conditional use permit, for one year for a home occupation (beauty salon) at the north 18 feet of Lot 56 and south 47 feet of Lot 57, Block 2, Golden Acres Retirement #4 Subdivision; 400 North 41<sup>st</sup> Street.

7) Request of Margarita S. Samano, appealing the decision of the Planning and Zoning Commission at the November 20, 2007 meeting, denying a conditional use permit, for one year for a home occupation (day care) at the east 1.17 acres out of the north 5 acres of Lot 348, John H. Shary Subdivision; 5517 North Bentsen Road.

8) Request of Jose M. Torres, for a conditional use permit, for life of the use, for a bar at Lot 2B, McAllen Convention Center Subdivision; 3300 Expressway 83, Building 1200, Suite 1270.

9) Request of Jacob Zamora, appealing the decision of the Planning and Zoning Commission at the November 20, 2007 meeting, denying a conditional use permit, for one year for a bar at Lot 6, Mejia Subdivision #1; 2010 Nolana Avenue.

- D) Public hearing on Foresight McAllen: A Growth Management Guide Plan Update Project 2025.
- E) Adoption of Ordinance adopting the provisions of the Foresight McAllen: A Growth Management Guide Plan Update Project 2025.
- F) Public hearing on the 2007 Update of the City of McAllen Parks Master Plan/Recovery Action Plan.
- G) Adoption of Ordinance approving the 2007 Parks and Recreation Master Plan/Recovery Action 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) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).**

- 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 Lots 6 & 7, Convention Center Subdivision to Venture Assets, LTD a/k/a McAllen Skyline 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 – Consider Economic Incentives for Project Gold Star. (Section 551.087, T.G.C.)
- F) Discussion and Possible Action – Consider the acquisition of all or part of Lots 9 & 10, Block 5, Hidalgo Canal Company Subdivision. (Section 551.072, T.G.C.)
- G) Discussion and Possible Action - Consider 380 Agreements for Downtown Parking Garage tenants. (Section 551.087, T.G.C.)
- H) Consultation with City Attorney regarding potential litigation with City of Brownsville Re: Border Wall. (Section 551.071, T.G.C.)
- I) Consultation with City Attorney relating to Workers Comp/Loss Run Report as of November 30, 2007. (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.**