



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**TUESDAY, MAY 27, 2008 – 4:00 PM**  
**CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

- CALL TO ORDER** - Mayor Richard Cortez  
**PLEDGE** - Mayor Richard Cortez  
**INVOCATION** - Hilda Salinas, Commissioner

**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 of Workshops held January 8<sup>th</sup>, March 24<sup>th</sup>, and Regular Meetings held April 28<sup>th</sup> and May 12<sup>th</sup>, 2008.
- B) Renewal of Software Maintenance Agreement with Oracle (PeopleSoft).
- C) Consider Extension of Contract for Surveying Services 2007-2008.
- D) Authorization to enter into a one (1) year contract with South Texas Collections Joint Ventures for the Collection of Delinquent Fines, Fees and Court Costs.
- E) Ordinance providing for Developer's Contract for participation with Sprague Road Extension Improvement Costs at StoneBrair at Trinity Oaks Subdivision.
- F) Budget Amendment Ordinance providing for the purchase of a new drum for the trommel screen at Composting Facility.
- G) Ordinance providing for the abandonment of a 5ft. by 103.5 ft. portion of a 5 ft. Utility Easement along the west side of Lot 26, Saltillo at Bentsen Lake Subdivision.
- H) Ordinance providing for the abandonment of a 20 ft. alley along the west and south sides of Lot 67, Jackson Meadows Subdivision.

**2. BIDS/CONTRACTS:**

- A) Consideration of Real Estate Donation Agreement with McAllen Housing Facility Corporation.
- B) Consideration of extension of Lease Agreement with Douglas Clark dba Rio Bravo Art Foundry for building located at 700 North Main Street.
- C) Approval of Budget Increase for New McAllen Main Library and approval of Pre-Design Services to proceed to Schematic Design Phase.
- D) Award of Contract - McAllen Intermodal Transit Terminal Canopy Project.

**3. ORDINANCE:**

- A) Amending the McAllen Code, Chapter 90, providing for the modification of the Solid Waste Ordinance relating to raising rates and changes in practice operations.

**4. VARIANCES:**

- A) Consider request for a variance to the 800 ft. block length requirement at Vizcaya Subdivision.
- B) Consider request for a sign variance to allow more than the permitted number of signs on Lot A, Fairfield Place Unit No. 2 Subdivision; 901 South 10<sup>th</sup> Street.
- C) Consider request for a sign variance to allow more than the permitted number of signs on Lots 1 & 2, Proposed Ponderosa Commerce No. 1 Subdivision and additional acreage out of La Lomita Irrigation and Construction Co. Subdivision; 2901 Nolana Avenue.
- D) Consider request for a sign variance to allow more than the permitted number of signs on Lot A, Proposed La Esquina Subdivision; 1601 South McColl Road.
- E) Consider request for a sign variance to allow more than the permitted number of signs on a portion of Lots 98 & 99, McAllen Suburban Citrus Groves Subdivision and Lot A-1 Mountasia Subdivision; 1401 South 29<sup>th</sup> Street.
- F) Consider request for a sign variance to allow more than the permitted number of signs on a portion of Horn's Addition Subdivision; 1701 South Ware Road.
- G) Re-consideration of a variance from land dedication for park purposes for proposed Taylor Crossing Subdivision.

**5. MANAGER'S REPORT:**

- A) Selection of External Audit Firm.
- B) Approval of corrective action for the McAllen Shooting Range Baffle System Repair.
- C) Review and Acceptance of Quarterly Investment Report for quarter ended March 31, 2008.
- D) Advisory Board Appointments.
- E) Future Agenda Items.

**6. TABLED ITEM:**

- A) Consider the request of Diamante Village Subdivision to dedicate private streets and alleys to the City.

**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) Public Hearing to consider a proposed Annexation Service Plan for the following tracts of land:

**TRACT 1:** 18.45 acres out of Lot 13, Section 279, Texas-Mexican Railway Company Survey as recorded in Volume 24, Pages 168 & 169 Deed Records and 10.62 acres out of Lot 6, E. M. Card Survey recorded in Volume 8, Page 1, Map Records of Hidalgo County, Texas, 2800 Oxford Avenue. Voluntary.

**TRACT 2:** 46.02 acres out of Lots 38 and 47, La Lomita Irrigation and Construction Company Subdivision as recorded in Volume 24, Page 67-68, Deed Records of Hidalgo County, Texas, 8516 to 8920 North 29<sup>th</sup> Street. Involuntary.

**TRACT 3:** 2.20 acres out of Lot 47, La Lomita Irrigation and Construction Company Subdivision as recorded in Volume 24, Page 67-68, Deed Records of Hidalgo County, Texas, 8312 to 8400 North 29<sup>th</sup> Street. Involuntary.

**TRACT 4:** 38.40 acres out of Lot 49 & Lot 50, La Lomita Irrigation and Construction Company Subdivision as recorded in Volume 24, Page 67-68, Deed Records of Hidalgo County, Texas, 2300 to 2720 Auburn Avenue, 8200 to 8300 North 29<sup>th</sup> Street. Involuntary.

**TRACT 5:** 4.70 acres out of Lot 51, La Lomita Irrigation and Construction Company Subdivision as recorded in Volume 24, Page 67-68, Deed Records of Hidalgo County, Texas, 3200 to 2720 Auburn Avenue. Involuntary.

**TRACT 6:** 10.0 acres out of Lot 39, La Lomita Irrigation and Construction Company Subdivision as recorded in Volume 24, Page 67-68, Deed Records of Hidalgo County, Texas, 9101 North 29<sup>th</sup> Street. Involuntary.

**TRACT 7:** 2.8 acres out of Lot 202 and 205, Pride O' Texas Subdivision as recorded in Volume 5, Page 58 & 59, Deed Records of Hidalgo County, Texas, 3301 Oxford Avenue, 9212 North 36<sup>th</sup> Street. Involuntary.

- B)** Approval of a Resolution providing for the adoption of the proposed Annexation Service Plan for above mentioned tracts.
- C)** Public Hearing to consider an amendment to Foresight McAllen Comprehensive Plan: Figure 5.1.2 Future Land Use Plan; changing the Land Use Designation from Auto-Urban Commercial and Urban Residential Mix to Auto-Urban Single Family Residential for the area located south of Hackberry Avenue and north of Cedar Avenue; and east of 140 feet west of 17<sup>th</sup> Street and west of 140 feet east of 16<sup>th</sup> Street; excluding the southeast 1.6 acres.
- D)** Adoption of an Ordinance providing for an amendment to Foresight McAllen Comprehensive Plan; Figure 5.1.2 Future Land Use Plan; changing the Land Use Designation from Auto-Urban Commercial and Urban Residential Mix to Auto-Urban Single Family Residential.
- E) REZONINGS:**

**TRACT ONE:** Rezone from R-2 (duplex-fourplex residential) District to R-1 (single family residential) District:

All of blocks 6, 7, 10, 11, 23, 26, 27, and 39, Lots 7-12, of Blocks 5, 12, 21, 22, and 28, Lots 1-6, of Blocks 8, 9, 25, and 40, Lots 1-3, Block 22, Lots 1-4, Block 24, North McAllen Addition; Hidalgo County, Texas; 301 to 722 North 17<sup>th</sup> Street, 301 to 721 North

16<sup>th</sup> Street, 403 to 720 North 15<sup>th</sup> Street, 1413 to 1705 Gumwood Avenue, 1512 to 1617 Ebony Avenue, 1614 Fir Avenue, and 1612 Date Palm Avenue.

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

Lots 4-6, Block 22, North McAllen Addition; 505 North 17<sup>th</sup> Street.

**TRACT THREE:** Rezone from C-2 (neighborhood commercial) District to R-1 (single family residential) District:

Lots 5-6, Block 24, North McAllen Addition; 505 North 15<sup>th</sup> Street.

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

2.29 acres out of Lot 67, Jackson Meadows Subdivision; 1412 East Keeton Avenue.

**TRACT FIVE:** Rezone from A-O (agricultural-open space) District to C-1 (office building) District:

3 acres out of Lot 3, Eureka Park Subdivision; 501 North Ware Road

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

The east 1 acre of the west 2 acres of the east 5 acres of the south 20 acres of Lot 257, John H. Shary Subdivision; 4820 Pecan Boulevard.

**TRACT SEVEN:** Historic District Overlay Zone:

Lots 7-12 of Block 5, Lots 1-12 of Block 6, Lots 1-12 of Block 7, Lots 1-6 of Block 8, Lots 1-6 of Block 9, Lots 1-12 of Block 10, Lots 1-12 of Block 11, Lots 7-12 of Block 12, Lots 7-12 of Block 21, Lots 1-12 of Block 22, Lots 1-12 of Block 23, Lots 1-6 of Block 24, Lots 1-6 of Block 25, Lots 1-12 of Block 26, Lots 1-12 of Block 27, Lots 7-12 of Block 28, Lots 7-12 of Block 37, Lots 1-12 of Block 39, Lots 1-6 of Block 40, Lots 1-3 of Block 42 and Lot 7 of Block 42, all out of the North McAllen Subdivision; 300-700 Blocks of N. 15<sup>th</sup> Street, 200-700 Blocks of N. 16<sup>th</sup> Street, 200-700 Blocks of N. 17<sup>th</sup> Street and the 1400-1700 Blocks of Cedar, Date Palm, Ebony, Fir, Gumwood and Hackberry Avenues.

- F) Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.
- G) . Adoption of ordinance establishing a Historic District Overlay Zone along North 15<sup>th</sup> Street between Hackberry and Cedar Avenue.
- H) **CONDITIONAL USE PERMITS:**
  - 1) Request of Susan Valverde, for a conditional use permit for life of the use, for

an institutional use (learning center), at Lots 8 and 9, Broadway North Subdivision; 901 Dove Avenue.

2) Request of Carmen Velez, for a conditional use permit for one year, for an outdoor commercial recreational use (soccer field), at the south 213.7 feet of the west 254.8 feet of Lot 150, John H. Shary Subdivision; 525 South Bentsen Road.

3) Request of Elida Moreno, for a conditional use permit for one year, for a dance hall, at Lot 1, Nolana Heights Subdivision; 601 East Nolana Loop.

4) Request of Paulina Aguayo Quintero, for a conditional use permit for one year, for a bar (lounge), at the east 90 feet of Lot 6, Block 20; McAllen Addition Subdivision; 200 South Broadway Street, Suite A.

## **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 551.087 (ECONOMIC DEVELOPMENT).**

- A) Discussion and Possible Action relating to the purchase and redevelopment of a Central Park. (Section 551.072, T.G.C.)
- B) 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.)
- C) Discussion and Possible Action – Consider future development of the 10 acres under the 272 Agreement for Driscoll McAllen Specialty Clinic. (Section 551.072, T.G.C.)
- D) Discussion and Possible Action relating to the purchase of right-of-way to expand Bicentennial Drainage Ditch south of Nolana. (Section 551.072, T.G.C.)
- E) Discussion and Possible Action – Consider contracting a 7.65 acre tract of land located on 23<sup>rd</sup> Street and La Vista. (Section 551.072, T.G.C.)
- F) Discussion and Possible Action relating to the purchase a 50 acre tract of land for Airport Expansion, Townsend Property. (Section 551.072, T.G.C.)
- G) Discussion and Possible Action relating to economic incentives for La Plaza Mall Expansion. (Section 551.087, T.G.C.)
- H) Discussion and Possible Action relating to economic incentives for Project Gold Star. (Section 551.087, T.G.C.)
- I) Discussion and Possible Action relating to a Chapter 380 Agreement for Tennis Court Project. (Section 551.087, T.G.C.)
- J) Consultation with City Attorney relating to the possible Appeal of Award for Special Commissioners for Condemnation No. CCD 0013-F. (Section 551.071, T.G.C.)
- K) Consultation with City Attorney regarding STAP Long Term Contract. (Section 551.071, T.G.C.)
- L) Consultation with City Attorney relating to Workers Comp/Loss Run Report as of April 30, 2008. (Section 551.071, T.G.C.)
- M) Discussion and Possible Action – Consultation with City Attorney relating to new lawsuit City of McAllen vs. Rudy Franz d/b/a STS Transportation. (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 23<sup>rd</sup> day of May, 2008 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