



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, AUGUST 11, 2008 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

- CALL TO ORDER** - Mayor Richard Cortez
PLEDGE - Mayor Richard Cortez
INVOCATION - Scott Crane, City Commissioner
REMARKS - Hidalgo County Judge J.D. Salinas III
PROCLAMATION - *FBI Day* – John A. Johnson, Assistant Special Agent In-Charge

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 Workshop held June 9th, and Regular Meetings held June 9th, June 23rd, July 14th and July 28, 2008.
- B) Change Order No. 1 for Ash Avenue Improvements.
- C) Change Order No. 1 for McAllen Fire Station No. 7.
- D) Award of Contract – Purchase of Tactical Body Armor.
- E) Change No. 1 for GSA Utility Infrastructure at Anzalduas Bridge.
- F) Resolution authorizing the participation in the South Texas Auto Theft Enforcement Task Force and entering into an Interlocal Agreement with the City of Brownsville to enforce the program.

2. BIDS/CONTRACTS:

- A) Authorization for Additional Services Request for the City Hall I.T./Generator Improvements.
- B) Award of Contract – City Hall I.T.Department/Emergency Generator Improvements.
- C) Approval of License Agreement with Cantu Construction Company to allow for the construction of nine parking spaces on a portion of City right-of-way (N. Broadway north of Hackberry Avenue).
- D) Award of Contract – Farm Lease for the following tracts:
Tract 1: 86 acres out of Section 231, Texas-Mexican Railway Company Survey, Hidalgo County, Texas
Tract 2: 187 acres described as Lots 1-5, inclusive, Block 1: Lots 1-11, inclusive, Block 5, M and M Subdivision, as recorded in Vol. 8, Page 20 Map Records, Hidalgo County, Texas.
- E) Contract Amendment No. 1 for the North McAllen Police Community Network/Training Center.
- F) Award of Bid – Purchase of Rapid Air Shelter Trailer.
- G) Award of Bid – Purchase of Gas Powered Precision Spray Vehicle.
- H) Award of Contract – Purchase of One (1) Large Area Rotary Mower.
- I) Award of Contract – Purchase of Toll Collection System for the Anzalduas and McAllen-Hidalgo Toll Bridge.

3. VARIANCE:

- A) Consider request for a sign variance at Lots 1-4, Block 3, Kehm Subdivision, Lots 1-4 & 21-24, Block 1, Rio Grande Securities No. 1 Subdivision, a 1.16 acre tract of land out of Lot 3, Hidalgo Canal Company Subdivision and a portion of railroad right-of-way located between 10th Street and 8th Street on the north side of U. S. Business 83; 701 & 901 U. S. Business 83.

4. MANAGER'S REPORT:

- A) Discuss 2008 City of McAllen Effective and Rollback Tax Rate; Take Record Vote; and Schedule Public Hearings.
- B) Authorization to declare abandoned aircraft as surplus property.
- C) Review Landscape Improvements at Bill Schupp Park and Authorization to rebid project.
- D) Report by Lauro Solis on AEP's response during Hurricane Dolly.
- E) Future Agenda Items.

5. TABLED ITEMS:

- A) Consideration of extension of Lease Agreement with Douglas Clark dba Rio Bravo Art Foundry for building located at 700 North Main Street.
- B) Consider approval of Public Art Policy.

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

6. PUBLIC HEARING BEGINNING AT 6:00 PM

- A) **ROUTINE ITEMS:** *[All Rezoning and Conditional Use Permits listed under this section come with a favorable recommendation from the Planning & Zoning Commission and will be enacted by one motion. However, if there is opposition at the meeting or a discussion is desired, that item(s) will be removed from the Routine Items section of the agenda and will be considered separately.]*

- 1) Initial zoning to A-O (agricultural-open space) District: 18.45 acres out of Lot 13, Section 279, Texas-Mexican Railway Company Survey, and 10.62 acres out of Lot 6, E.M. Card Survey; 2800 Oxford Avenue.
- 2) Initial zoning to R-1 (single-family residential) District: 2.20 acres out of Lot 47, La Lomita Irrigation and Construction Company Subdivision; 8312-8400 North 29th Street.
- 3) Initial zoning to R-1 (single-family residential) District: 4.70 acres out of Lot 51, La Lomita Irrigation and Construction Company Subdivision; 3200 to 3212 Auburn Avenue.
- 4) Rezone from A-O (agricultural-open space) District to R-1 (single-family residential) District: 0.53 acres out of Lot 219, Pride O' Texas Subdivision; 6916 North Bentsen Road.
- 5) Request of Mike R. Perez on behalf of the City of McAllen, for a conditional use permit for life of use, for an Institutional Use (police station), at Lot 1, Northwest Police Center Subdivision; 2800 Oxford Avenue.

- B) **REZONINGS:**

- 1) Initial zoning to R-1 (single-family residential) District: 46.02 acres out of Lots 38 and 47, La Lomita Irrigation and Construction Company Subdivision; 8516 to 8920 North 29th Street.

- 2) Initial zoning to R-1 (single-family residential) District: 38.40 acres out of Lots 49 and 50, La Lomita Irrigation and Construction Company Subdivision; 2300 to 2720 Auburn Avenue and 8200 to 8300 North 29th Street.
- 3) Initial zoning to R-1 (single-family residential) District: 10.0 acres out of Lot 39, La Lomita Irrigation and Construction Company Subdivision; 9101 North 29th Street.
- 4) Initial zoning to R-1 (single-family residential) District: 2.8 acres out of Lots 202 and 205, Pride O' Texas Subdivision; 3301 Oxford Avenue and 9212 North 36th Street.
- 5) Rezone from A-O (agricultural-open space) District to R-1 (single-family residential) District: 1.67 acres out of Lot 211, Pride O' Texas Subdivision; 7724 North Bentsen Road.

C) CONDITIONAL USE PERMIT:

Request of Cin Cin Restaurant & Lounge, appealing the decision of the Planning & Zoning Commission of the July 16, 2008 meeting, denying the request for a conditional use permit for one year, for a bar, at Lot A, Nolana Tower Shopping Center Subdivision; 400 Nolana Avenue, Ste. H-1.

D) Public Hearing to conclude annexation proceedings for the following described 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, Pages 67-68, Deed Records of Hidalgo County, Texas; 8516 to 8920 North 29th Street. Involuntary.

Tract 3: 2.20 acres out of Lot 47, La Lomita Irrigation and Construction Company Subdivision as recorded in Volume 24, Pages 67-68, Deed Records of Hidalgo County, Texas; 8312 to 8400 North 29th Street. Involuntary.

Tract 4: 38.40 acres out of Lots 49 and 50, La Lomita Irrigation and Construction Company Subdivision as recorded in Volume 24, Pages 67-68, Deed Records of Hidalgo County, Texas; 2300 to 2720 Auburn Avenue and 8200 to 8300 North 29th Street. Involuntary.

Tract 5: 4.70 acres out of Lot 51, La Lomita Irrigation and Construction Company Subdivision as recorded in Volume 24, Pages 67-68, Deed Records of Hidalgo County, Texas; 3200 to 3212 Auburn Avenue. Involuntary.

Tract 6: 10.0 acres out of Lot 39, La Lomita Irrigation and Construction Company Subdivision as recorded in Volume 24, Pages 67-68, Deed Records of Hidalgo County, Texas; 9101 North 29th Street. Involuntary.

Tract 7: 2.8 acres out of Lots 202 and 205, Pride O' Texas Subdivision as recorded in Volume 5, Pages 58-59, Deed Records of Hidalgo County, Texas; 3301 Oxford Avenue and 9212 North 36th Street. Involuntary.

- E) Adoption of second reading of the Annexation Ordinance and order publication of the ordinance for above seven (7) tracts.
- F) Adoption of Initial Zoning Ordinance.
- G) Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

7. 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) Consultation with City Attorney regarding future development of 10 acres under the 272 Agreement for Driscoll McAllen Specialty Clinic. (Section 551.072, T.G.C.)
- C) Discussion and Possible Action relating to economic incentives for Project Gold Star. (Section 551.087, T.G.C.)
- D) Discussion and Possible Action relating to economic incentives for La Plaza Mall Expansion. (Section 551.087, T.G.C.)
- E) Discussion and Possible Action - Consultation with City Attorney relating to new lawsuit; Cause No. C-1765-08-A; James Clopton, ET UX vs. Mayor Richard Cortez. (Section 551.071, T.G.C.)
- F) Discussion and Possible Action - Consultation with City Attorney relating San Antonio vs. Hotels.com Class Action Lawsuit. (Section 551.071, T.G.C.)
- G) Discussion and Possible Action - Consultation with City Attorney relating to Rio Grande Valley Silverados. (Section 551.071, T.G.C.)
- H) Discussion and Possible Action - Consultation with City Attorney relating to the possible Appeal of Award for Special Commissioners for Condemnation No. CCD. 0016-B. (Section 551.071, T.G.C.)
- I) 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.

C E R T I F I C A T I O N

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 8th day of August 2008 at 2:30 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