



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, SEPTEMBER 8, 2008 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

- CALL TO ORDER** - Mayor Richard Cortez
PLEDGE - Mayor Richard Cortez
INVOCATION - Jim Darling, City Commissioner
PROCLAMATION - *Constitution Week* – Carolyn Weekley
- *Hispanic Heritage Month* – Cynthia Sakulenzki

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 Regular Meeting held August 25, 2008.
- B) Change Order No. 2 and Final Reconciliation of Quantities for the Balboa Acres and 2nd and Harvey Stormwater Pump Station Bypass.
- C) Consider renewal of lease with the McAllen Heritage Center for the use of La Placita Building.
- D) Award of Contract – Purchase of Tires.
- E) Resolution authorizing the submission of a grant application to the Junior League of McAllen, Inc. for funding under the Community Assistance Fund Grants Program.
- F) Award of Contract – Purchase of Traffic Control Products/Materials.
- G) Award of Contract – Library Magazine and Newspaper Subscriptions.

2. BIDS/CONTRACTS:

- A) Authorization to open Single Proposal for Development and Management of a Food and Beverage Concession at the McAllen-Miller International Airport.
- B) Authorization to open Single Bid and Consider Award of Bid for the purchase of an Aircraft Rescue and Fire Fighting Unit (ARFF).
- C) Change Order No. 2 for Anzalduas International Bridge Illumination.
- D) Authorization to purchase One Trencher for the Parks and Recreation Department.

3. ORDINANCES:

- A) Ordinance adopting the City of McAllen Proposed Budget for Fiscal Year 2008-2009.
- B) Ratification of property tax increase reflected in the City of McAllen Proposed Budget for Fiscal Year 2008-2009.
- C) Ordinance adopting the City of McAllen Tax Rate and Levying Ad Valorem Taxes for 2008.

4. RESOLUTION:

- A) Authorizing the acceptance of FTA Grant TX-90-X830-00 for Transit Capital and Preventive Maintenance Projects.

5. VARIANCE:

- A) Consider request for a sign variance at Lot 4, North Center Subdivision; 1700 North 10th Street.

6. MANAGER'S REPORT:

- A) Tax Refunds over \$500 for:
 - 1. Aattic II LP
 - 2. American Eagle Wheel Corp.
 - 3. The Affordable Attic III
 - 4. Lack's Store & Furniture Galleria
- B) Appointments to Public Art Committee.
- C) Future Agenda Items.

7. 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) Award of Contract – Purchase of Toll Collection System for the Anzalduas and McAllen-Hidalgo Toll Bridge.
- C) Approval of License Agreement with Google Earth for 2006 Aerial Photography.
- D) Ordinance amending the Solid Waste Ordinance providing for a modification as it relates to the Multi-Family Accounts.
- E) Consider request for an off-premise sign at Lot 1, McAllen Southwest Industrial District #4 Subdivision; 4001 West Military Highway

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) **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) Rezone from C-1 (office building) District to R-1 (single family residential) District: Lots 4- 6, Block 22, North McAllen Addition, Hidalgo County, Texas; 505 North 15th Street.
 - 2) Rezone from R-2 (duplex-fourplex residential) District to R-1 (single family residential) District: Lots 7-12, Blocks 5, 12, 21 and 28; Lots 1-6, Blocks 6, 11 and 27; Lots 1-3, Block 22, North McAllen Addition, Hidalgo County, Texas; 403 to 721 North 15th Street.

3) Historic District Overlay Zone: Lots 9-12 and the southern half of Lot 8 in Block 5; Lots 1-6 of Block 6; Lots 1-6 of Block 11; Lots 7-12 of Block 12; Lots 7-12 of Block 21; Lots 1-6 of Block 22; Lots 1-6 of Block 27; Lots 7-12 of Block 28; and Lots 7-12 of Block 37, North McAllen Subdivision, Hidalgo County, Texas; 300-721 North 15th Street except 720 North 15th Street.

B) CONDITIONAL USE PERMIT:

Request of La Casa De Mi Padre, for a conditional use permit for life of use, for an Institutional Use (church), at Lot 29, and the north ½ of Lot 30, Olivarez #1 Subdivision; 1621 North 24 ½ Street. **TABLED; WITHDRAWN BY APPLICANT 9/8/08**

- C) Public Hearing to consider the amendment to Foresight McAllen Comprehensive Plan: Figure 4.2 Thoroughfare Plan; Changing the designation of Pecan Boulevard from a High Speed Arterial with a right-of-way of 150 feet to a Principal Arterial with a right-of-way of 120 feet.
- D) Adoption of an Ordinance providing for an amendment to Foresight McAllen Comprehensive Plan: Figure 4.2 Thoroughfare Plan; Changing the designation of Pecan Boulevard from a High Speed Arterial with a right-of-way of 150 feet to a Principal Arterial with a right-of-way of 120 feet.
- E) Public Hearing to consider City of McAllen Landmark Designation for Lot 9, Block 26, McAllen Addition Subdivision, Hidalgo County, Texas; 311 South 17th Street.
- F) Adoption of an Ordinance providing for City of McAllen Landmark Designation for Lot 9, Block 26, McAllen Addition Subdivision, Hidalgo County, Texas; 311 South 17th Street.
- G) Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.
- H) Adoption of ordinance establishing a Historic District Overlay Zone along North 15th Street between Hackberry and Cedar Avenue.
- I) Public Hearing to consider a grant application to Texas Parks and Wildlife for Quinta Mazatlan and Fireman's Park.
- J) Approval of Resolution authorizing the submission of a grant application to Texas Parks and Wildlife for Quinta Mazatlan and Fireman's Park.

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), SECTION 551.074 (PERSONNEL MATTERS), 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 – Discussion of possible incentives for locating the Regional DPS Headquarters in McAllen. (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 - Evaluation of City Manager and Department Heads. (Section 551.074, T.G.C.)
- F) Consultation with City Attorney regarding Cause. No. C-902-01-F; Michael Zellers, et al. vs. City of McAllen, et al. in the 332nd District Court of Hidalgo County, Texas. (Section 551.071, T.G.C.)
- G) Consultation with City Attorney regarding proposed settlement agreements on various right-of-way acquisition law suits. (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 5th day of September 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



**AGENDA
CITY COMMISSION REGULAR MEETING**

**Monday, September 8, 2008 - 4:00 PM
McAllen City Hall
City Commission Chambers; 3rd Floor
1300 Houston Avenue
McAllen, Texas 78501**

ADDENDUM

SUBJECT MATTER:

- 1. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY)**
 - A) Consultation with City Attorney regarding potential litigation relating to Bentsen Road Project (Irrigation Improvements). (Section 551.071, T.G.C.)**

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

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Annette Villarreal, TRMC
City Secretary