



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, SEPTEMBER 22, 2008 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

- CALL TO ORDER** - Mayor Richard Cortez
- PLEDGE** - Mayor Richard Cortez
- INVOCATION** - Marcus Barrera, Mayor Pro Tem
- PROCLAMATION** - *Palm Fest Celebration Days* – Elva Cerda
- *Fire Prevention Week* – Deputy Chief/Fire Marshal Charles Quijas
- *Domestic Violence Awareness Month* - Mary Casas

1. JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD:

- A) Order and Ordinance amending Chapter 106 providing for Utility Rate increase.
- B) Order and Ordinance adopting the McAllen Public Utility Proposed Budget for Fiscal Year 2008-2009.
- C) Resolution providing for the Annual Review and Approval of the City’s Investment Policy.
- D) Lease Agreement with Ventex Operation Corp. for a tract of the sewer lagoon.
- E) Award of Excess Workers’ Compensation Insurance, Renewal for Property-Casualty Insurance and Third-Party Administrative Service Contract.
- F) Approval of Plan Amendments to the City’s Group Health Insurance, PPO Access Contract, Stop Loss Reinsurance Contract and Third-Party Administrative Service.
- G) Approval of 2008-09 Election to be exempted from certain requirements under HIPAA Health Insurance Portability and Accountability Act.

END OF JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD

2. 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 Special Meeting held September 2nd, Workshop and Regular Meeting held September 8, 2008.
- B) Interlocal Cooperative Agreement with the Palm Valley Animal Shelter.
- C) Award of Contract – Various Types of Concrete Work 2008.
- D) Change Order No. 1 and Final Reconciliation for 2008 Alley Reconstruction at Various Locations.

3. BIDS/CONTRACTS:

- A) License Agreement with Three Oaks Estates Subdivision for fence on right-of-way.
- B) Change Order No. 2 – Paving and Drainage Improvements for Wisconsin Avenue (2nd Street to east City limits).

- C) Authorization of payment for Emergency Fuel Purchase.
- D) Authorization for a contract with Jacobs Consultancy for the Runway Extension Feasibility Study and Benefit Cost Analysis.
- E) Award of Contract - Purchase of Aircraft Rescue and Fire Fighting Unit (ARFF).
- F) Approval of a Sign Lease with KEM Texas, Ltd. on Townsend Property on South 10th.
- G) Award of Contract – Uniform Cleaning for Fire and Police Department.
- H) Award of Bid – Schupp Park Landscape Improvements.
- I) Consider oil, gas and mineral Lease Agreement with Ventex Operation Corp. for 13.87 acres, more or less out of Lots 5 and 6, Block 2, Rio Bravo Plantation Company Subdivision; Hidalgo County, Texas.
- J) Award of Contract – Appraisal Services FY 2008-09.
- K) Award of Contract – Construction of the Food Court at the McAllen Downtown Parking Garage.
- L) Authorization to open single bid and Consider Award of Bid for the Purchase Two (2) Fire Pumps.
- M) Interlocal Agreement with Lower Rio Grande Development Council (LRGVDC) for the division of TXDOT funding for FY 08-09 for Transit Operations.

4. ORDINANCES:

- A) Increasing the authorized strength of the McAllen Police Department pursuant to FY 08-09 budget.
- B) Increasing the authorized strength of the McAllen Fire Department pursuant to FY 08-09 budget.

5. RESOLUTION:

- A) Discussing and Authorizing the tax resale of certain properties:
 1. Lot 13, Block 4, Hammond's Addition, City of McAllen
 2. Lot 104, Idela Park, Unit 3, City of McAllen
 3. Lot 6, Block 4, La Flor Addition
 4. The north one-half of Lot 24, Block 3, West Addition, an addition to the City of McAllen

6. VARIANCES:

- A) Consider a variance request for right-of-way dedication for CVS Pharmacy Subdivision on 23rd Street and Dove.
- B) Consider a variance for an off-premise sign at Lot 1-A, La Plaza Lots 1-A, 2-A, 3-A and 3-B Subdivision; 2200 South 10th Street.

7. MANAGER'S REPORT:

- A) Consider extension of parking rates at Downtown Parking Garage.
- B) Tax Refund over \$500 to McAllen Ware Ltd.
- C) Reconsideration of an appointment to Public Art Committee.
- D) Review Park Design and Consider authorization to bid for new Neighborhood Park at Zinnia and 29th Streets.
- E) Authorization to declare certain vehicles and equipment as surplus.

- F) Authorization to donate or transfer inoperable /obsolete Traffic equipment and material to Cd. Reynosa, Tamaulipas Mexico.
- G) Discussion relating to abandoned aircraft declared surplus and authorized for disposition by Public Auction.
- H) Future Agenda Items.

8. 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) Ordinance amending the Solid Waste Ordinance providing for a modification as it relates to Multi-Family Accounts.

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

9. 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) Request of Freedom Center Church, for a conditional use permit for life of use, for an institutional use (church), at Lot 54, Betty Rose Subdivision; 204 Rose Ellen Street.

2) Request of James A. Ost, for a conditional use permit for life of use, for an institutional use (church), at Lot 7, Griffin & Leslie Subdivision; 306 South 26th Street.

- B) **CONDITIONAL USE PERMITS:**

1) Request of Valerie E. Sanchez, appealing the decision of the Planning & Zoning Commission of the August 5, 2008 meeting, denying the request of a conditional use permit for one year, for a home occupation, at Lot 11, Block 1, Parkhill Estates Subdivision; 118 West Iris Avenue.

2) Request of John A. Nix, appealing the decision of the Planning & Zoning Commission of the September 2, 2008 meeting, denying the request for a conditional use permit for one year, for a bar, at Lot 1, Plaza Las Fuentes Subdivision; 5712 North 10th Street.

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

- 10. **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 Tri-Wanis Venture's request regarding the Convention Center Hotel. (Section 551.072, T.G.C.)
- B) Discussion and Possible Action relating to economic incentives for Project Gold Star. (Section 551.087, T.G.C.)
- C) Discussion and Possible Action - Evaluation of City Manager and Department Heads. (Section 551.074, T.G.C.)
- D) Consultation with City Attorney regarding potential litigation relating to Bentsen Road Project (Irrigation Improvements). (Section 551.071, T.G.C.)
- E) Consultation with City Attorney regarding Workers' Comp. Report as August 31, 2008. (Section 551.071, T.G.C.)
- F) Consultation with City Attorney relating to Cause No. C-1765-08-A; James Clopton, ET UX vs. Mayor Richard Cortez. (Section 551.071, T.G.C.)
- G) Discussion and Possible Action - Consultation with City Attorney relating to Cause No. CL-06-2058-A; City of McAllen, et al vs. Ramoncita Cisneros. (Section 551.071, T.G.C.)
- H) Consultation with City Attorney regarding Litigation: City vs. Greg Abbott, Attorney General. (Section 551.071, T.G.C.)
- I) Consultation with City Attorney regarding options on Downtown Parking Garage Improvements associated with the completion of certain items pending corrective measures. (Section 551.071, T.G.C.)
- J) Consultation with City Attorney relating to Master Lease Agreement to establish a Dual Customs Facility. (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 19th day of September 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/
 Perla Zamora, TRMC
 Deputy City Secretary