



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, OCTOBER 13, 2008 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

- CALL TO ORDER** - Mayor Richard Cortez
PLEDGE - Mayor Richard Cortez
INVOCATION - Scott Crane, City Commissioner
PRESENTATION OF EXCELLENCE AWARD FROM STC TO CITY OF MCALLEN
REMARKS REGARDING AID TO GALVESTON - Pilar Rodriguez, Assistant City Manager
PROCLAMATION - *Camp McAllen Appreciation Day* – Roy Rodriguez
- *Community Planning Month* – Juli Rankin

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 September 22, 2008.
 - B) Contract between Development Corporation of McAllen, Inc. and Lower Rio Grande Valley Community Health Management Corporation for FY 2008-2009 funding for El Milagro Clinic.
 - C) Contract between Development Corporation of McAllen, Inc. and South Texas Community College for FY 2008-2009 funding for the Local Economic Development Stimulus Training Incentives.
 - D) Contract between Development Corporation of McAllen, Inc. and Affordable Homes of South Texas for FY 2008-2009 funding for new construction, permanent financing, site acquisition and home rehabilitation.
 - E) Contract between Development Corporation of McAllen, Inc. and VIDA for FY 2008-2009 funding for job training and development.
 - F) Contract between the Development Corporation of McAllen, Inc. and the McAllen Independent School District for FY 2008-2009 for the After School Enrichment Program.
 - G) Change Order No. 2 for GSA Utility Infrastructure at Anzalduas Bridge.
 - H) Change Order No. 1 and Final Reconciliation of Quantities for Curb Inlet Rehabilitation Project.
 - I) Change Order No. 2 for South 26th ½ Street Drainage Improvements.
 - J) Change Order No. 1 for Helena Avenue Drainage Improvements (South 26th to South 29th Street).
 - K) Award of Contract – Purchase of Ten (10) Motorola Digital Video Recording Systems.
 - L) Award of Contract -Purchase of Thermoplastic Material.
 - M) Authorization to revise Purchase Order to provide for additional carpet replacement at City Hall.
 - N) Ordinance amending Ordinance No. 2008-25 and Ordinance No. 2008-48 providing for an extension of the sign moratorium for an additional 180 days.
 - O) Budget Amendment Ordinance for the Downtown Services Department relating to the construction of Food Court, Vital Statistics and Passport Offices.
 - P) Resolution authorizing the acceptance of the Library’s Plan of Action and acceptance of grant funds under the Lone Star Grant Program.
 - Q) Resolution authorizing the submission of eight (8) grant applications to the Office of the Governor for funds provided through the Presidential Disaster Declaration DR-1780 for flood mitigation projects associated with Hurricane Dolly.

- R) Ordinance approving an Electric Power Purchase Agreement with Cities Aggregation Power Project (CAPP) and South Texas Aggregation Project (STAP).

2. BIDS/CONTRACTS:

- A) Approval of Third Addendum to Interlocal Agreement between City of McAllen and South Texas College relating to the transfer of 1,102 acres of land from City to College.
- B) Approval of License Agreement for use of city right-of-way for property located at 420 North 12th Street.
- C) Award of Contract – Purchase of Handheld Mobile Citation Issuing Equipment.
- D) Contract Amendment No. 4 reducing MEP Services for the McAllen New Central Fire Station/Administration/EOC Facility.
- E) Change Order Nos. 8 & 9 for Central Fire Station/Administration/EOC Facility.
- F) Award of Contract – Removal and Purchase of New Carpet for Airport.
- G) Award of Contract – Development of Food and Beverage Concession at McAllen-Miller International Airport.
- H) Selection of short list of firms to be interviewed for Airport Engineering and Planning Services.
- I) Authorization of contract extension for Grounds Maintenance Service on various City Properties.
- J) Authorization for purchase of One (1) Large Area Rotary Mower through Buy Board.

3. VARIANCES:

- A) Consider request for a sign variance at Lot A, Ware Commerce Subdivision; 3700 Buddy Owens Boulevard.
- B) Consider request for a sign variance at Lot 1, Proposed Northwest Elementary Subdivision; 2901 Incarnate Word Avenue.
- C) Consider request for a sign variance at Lot 1, Proposed La Copa Inn South 10th Street La Plaza Mall Subdivision; 2000 South 10th Street.

4. MAYOR'S REPORT:

- A) Report on *Palmfest*.

5. MANAGER'S REPORT:

- A) Final Review of 2007-2008 Goals and Objectives.
- B) Advisory Board Appointment to Ambulance Evaluation Committee.
- C) Board Appointment to the McAllen Housing Authority by Mayor Cortez.
- D) Discussion and Action relating to scheduling Time Warner Cable Public Hearings.
- E) Approval of write-off of bad debt for NSF Checks from various departments.
- F) Authorization to advertise Requests for Proposals for a Historic Preservation Plan and Design Guidelines.
- G) Authorization to remove 4th Quarter FY 06-07 and 1st and 2nd Quarters FY 07-08 Uncollectible Sanitation Accounts from General Ledger.
- H) Future Agenda Items.

6. 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.
- C) Change Order No. 2 – Paving and Drainage Improvements for Wisconsin Avenue (2nd Street to east City limits).
- D) Authorization of a contract with Jacobs Consultancy for the Runway Extension Feasibility Study and Benefit Cost Analysis.
- E) Authorization to open single bid and Consider Award of Bid for the Purchase Two (2) Fire Pumpers.

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) **ROUTINE ITEMS:** *[All Rezonings 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 A-O (agricultural-open space) District to C-1 (office building) District: 2.49 acres out of Lot 58, La Lomita Irrigation and Construction Company’s Subdivision, Hidalgo County Texas; 3201 Trenton Road.
- 2) Rezone from A-O (agricultural-open space) District to C-2 (neighborhood commercial) District: 1.67 acres out of Lots 15 and 16, Block 1, C.E. Hammonds Subdivision, Hidalgo County Texas; 5700 North 23rd Street.
- 3) Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 9.52 acres out of Lot 4, Block 5, A.J. McColl Subdivision, Hidalgo County, Texas; 1813 North Jackson Road.
- 4) Rezone from R-3A (multifamily residential apartments) District to R-3T (multifamily residential townhouse) District: 0.75 acres out of 1.634 acres out of Lot 9, Wayne Courts Subdivision, Hidalgo County, Texas; 3600 North 6th Street.
- 5) Rezone from A-O (agricultural-open space) District to R-1 (single family residential) District: The north 151.2 feet of the south 651.91 feet of the west 288.1 feet of Lot 151, La Lomita Irrigation and Construction Company’s Subdivision, Hidalgo County, Texas; 701 South Bentsen Road.

B) CONDITIONAL USE PERMIT:

Request of Jose Luis Garcia, for a conditional use permit for one year, for an automotive service and repair (tire shop), at Lot 35, Balboa Acres Subdivision; 4512 South 23rd Street.

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

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

8. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072, SECTION 551.074 (PERSONNEL MATTERS), AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

- A) Discussion and Possible Action relating to economic incentives for Project Gold Star. (Section 551.087, T.G.C.)
- B) Discussion and Possible Action - Evaluation of City Manager and Department Heads. (Section 551.074, T.G.C.)
- C) Consultation with City Attorney relating to Master Lease Agreement to establish a Dual Customs Facility. (Section 551.071, T.G.C.)
- D) Consideration and Discussion with City Attorney regarding Lawsuit Cause No. C-2184-01-G; Lydia Cantu and Manuel Trigo vs. City of McAllen, Texas, et al. (Section 551.071, T.G.C.)
- E) Consultation with City Attorney regarding Cause No. C-902-01-F; Michael Zellers, et al. vs. City of McAllen et al. (Section 551.071, T.G.C.)
- F) Consultation with City Attorney regarding Lawsuit Cause No. CCD-1489-A; City of McAllen vs. Kyong T. Chong. (Section 551.071, T.G.C.)
- G) Consultation with City Attorney regarding new lawsuit: Mary Jane Cheever vs. City of McAllen. (Section 551.071, T.G.C.)
- H) Consultation with City Attorney regarding Time Warner Cable Customer Service matters. (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 10th day of October 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