



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, OCTOBER 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, City Commissioner  
**PRESENTATION ON PALMFEST**  
**PROCLAMATIONS** - *Palmfest Volunteer Appreciation Day* – Elva Cerda

**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 Meetings held September 22<sup>nd</sup> and October 13, 2008.
- B) Resolution amending Joint Resolution 2008-30A (City) and 2008-02 (PUB) relating to authorized signatories and other matters under the City of McAllen Depository Contract with First National Bank.
- C) Resolution adopting the *Cover the Border* Hazard Mitigation Action Plan for the Rio Grande Border.
- D) Authorization to enter into an Interlocal Agreement with the Cities of Edinburg, Pharr, Mission, and Linn-San Manuel Volunteer Fire Departments, to fulfill the program requirements of the United States Department of Homeland Security/Federal Emergency Management Agency Assistance to Firefighters Grant.
- E) Award of Contract – Farm Lease on all of Lots 9 and 10 Section 5, Hidalgo Canal Company’s Subdivision lying east of SH 336 containing 47.53 acres, net.
- F) Award of Contract – Pay Telephone Service Provider for the Bus Terminal.
- G) Resolution authorizing the submission of a grant application to the Office of the Governor, under the Justice Assistance Grant Program, to fund the operations of the Stealth Crime Control Shift Program.
- H) Resolution authorizing the submission of a grant application to the U.S. Fish and Wildlife Service, for funding under the 2008 North American Wetland Conservation Act Small Grant Program for landscaping for the Morris Regional Detention Facility.

**2. BIDS/CONTRACTS:**

- A) Award of Contract – Development of Food and Beverage Concession at the McAllen International Airport.
- B) Authorization to purchase computers through the State of Texas, Department of Information Resources (DIR) Program.
- C) Approval of Contract Amendment No. 3 for Additional Services for New Main Library.

- D) Award of Contract – Various Municipal Projects 2007-2008 Architectural Design Services to Negrete & Kolar Architects.
- E) Award of Contract – Various Municipal Projects 2007-2008 Architectural Design Services to Alamo Architects.
- F) Award of Contract – Various Municipal Projects 2007-2008 Architectural Design Services to Amtech Building Sciences.
- G) Award of Contract – Various Municipal Projects 2007-2008 Architectural Design Services to Milnet Architectural Services.
- H) Award of Contract – Various Municipal Projects 2007-2008 Architectural Design Services to Tag International.
- I) Selection of firm to perform Engineering and Planning Services for the Airport.
- J) Change Order No. 2 for McAllen Fire Station No. 7.
- K) Change Order No. 1 for Schupp Park Amphitheater and Sunken Garden.

**3. ORDINANCES:**

- A) Budget Amendment for the New Central Fire Station for funding of furniture, fixtures and equipment.
- B) Budget Amendment for the Business Plan Projects.

**4. RESOLUTION:**

- A) Supporting the locking in of Electric Prices and authorizing contracts for electricity.

**5. VARIANCES:**

- A) Consider request for a sign variance at Lot 89, Block 2, Hammond Subdivision; 3416 Ash Avenue.
- B) Consider request for a sign variance at the south 135.47 ft. of Lot 1, Madden Subdivision; 2021 North 23<sup>rd</sup> Street.
- C) Consider request for a sign variance at Lot 4, Wal-Mart Subdivision No. 2; 1410 South Jackson Road.
- D) Consider request for a sign variance at Lot E, 7.6 ft. of outlot 5 & 1, 2, 3 & 4 of outlot 6 of a resubdivision of the south ½ of Lot 15, Block 8, Hidalgo Canal Company Subdivision; 420 Ash Avenue.

**6. MANAGER'S REPORT:**

- A) Board Appointment to the McAllen Housing Authority by Mayor Cortez.
- B) Reconsideration of abandonment request for Candle Flower Subdivision Unit III.
- C) Consideration of Tax Refunds over \$500 for:
  - 1. Zorba Outlet
  - 2. Transport International Pool
  - 3. Espana Construction and Development
  - 4. Munoz, Sergio & Blanca E.
- D) Presentation of Tax Collection Report ending September 30, 2008.
- E) Report on Delinquent Tax Collection ending September 30, 2008.

- F) Consideration of Sharyland ISD's request for joint polling location pursuant to State Law.
- G) 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) 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**

**8. PUBLIC HEARING BEGINNING AT 6:00 PM**

**A) CONDITIONAL USE PERMITS:**

- 1) Request of Abasto Corporation, for a conditional use permit for life of use, for a mobile home (office), at Lot 4, The Warehouse Kingdom Subdivision; 2101 Military Highway.
- 2) Request of Val Verde Vegetable Inc., for a conditional use permit for five (5) years, for a mobile home (office), at Lot 9, McAllen Northwest Industrial #2 Subdivision; 2200 Trophy Drive.
- 3) Request of Juan J. Santos, appealing the decision of the Planning & Zoning Commission of the October 7, 2008 meeting, denying the request of a conditional use permit for one year, for a bar, at Lot A-1, Nolana Tower Shopping Center Subdivision; 400 Nolana Avenue, Suites I, J and K.
- 4) Request of Lorena Calderon, appealing the decision of the Planning and Zoning Commission of the September 16, 2008 meeting, denying the request for a conditional use permit for one year, for a bar, at Lot 1, Alonzo Barrera Subdivision; 2711 South 23<sup>rd</sup> Street.

**END OF PUBLIC HEARING**

**PUBLIC COMMENT SESSION**

**9. 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 – Consider Economic Incentives for Project Alpha. (Section 551.087, T.G.C.)
- C) Discussion and Possible Action – Consider Economic Incentives for Project Beta. (Section 551.087, T.G.C.)

- D) 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.)
- E) Consultation with City Attorney regarding new lawsuit; Cause No.-2393-08-C; Ruben Navarro vs. Ismael Cruz and City of McAllen. (Section 551.071, T.G.C.)
- F) Consultation with City Attorney regarding legal claim from Bill FitzGibbons. (Section 551.071, T.G.C.)
- G) Consultation with City Attorney relating to Workers Comp/Loss Run Report as of September 30, 2008. (Section 551.071, T.G.C.)
- H) Consultation with City Attorney relating to Motor Vehicle Accident Liability and Subrogation Claim Reports as of September 30, 2008. (Section 551.071, T.G.C.)
- I) 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.**

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 24<sup>th</sup> 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