



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, NOVEMBER 10, 2008 – 4:00 PM**  
**CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

- CALL TO ORDER** - Mayor Richard Cortez  
**PLEDGE & VETERANS' RECOGNITION** - Mayor Richard Cortez  
**INVOCATION** - Aida Ramirez, City Commissioner  
**PRESENTATION BY SHELL EXPLORATION AND PRODUCTION COMPANY**  
**PROCLAMATION** - *Veterans' Day*  
- *Dr. Lauro Guerra Day* – Dr. Lauro Guerra  
- *Texas Recycles' Day* – Carlos Sanchez

**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 October 13<sup>th</sup> and Regular Meeting held October 27, 2008.
- B) Approval of Software Maintenance Agreement with New World Systems for Public Safety System.
- C) Approval of Master Lease Agreement for Airport Cargo Facility.
- D) Change Order No. 3 – GSA Utility Infrastructure at Anzalduas Bridge Wastewater Improvements.
- E) Budget Amendment Ordinance providing for Paving and Drainage Improvements for Ash Avenue, Wisconsin Avenue, Main Street and Auburn Avenue.
- F) Change Order No. 3 for an additional 22 calendar days for McAllen Fire Station No. 7.
- G) Award of Contract – Trimming and Peeling of Tall Palm Trees.
- H) Award of Contract – Purchase of Self-Contained Breathing Apparatus.
- I) Award of Contract – Janitorial Services for Fire Administration and EOC Building.

**2. BIDS/CONTRACTS:**

- A) Approval of Interlocal Agreement with the University of Texas Pan American (UTPA) for Police Services.
- B) Award of Contract – Anzalduas International Bridge Toll Plaza Architectural Improvements.
- C) Change Order No. 1 for Anzalduas International Bridge Toll Plaza (Site Work).
- D) Contract with URS to conduct a Terminal Capacity Study at the McAllen Miller International Airport.
- E) Change Order No. 10 for Proposal Request No. 17 & 18 for the Central Fire Station/Administration/EOC.

- F) Architectural Contract Amendment No. 5 with PBS&J for a credit the City for the Central Fire Station/Administration/EOC.
- G) Award of Contract – McAllen Intermodal Transit Terminal & Parking Improvements.
- H) Approval of Contract with HNTB for the Airport General Engineering Consultant Services.
- I) Award of Contract – Purchase of Procurement Software.
- J) Award of Contract – Purchase of Radios for Fire Department.

**3. ORDINANCES:**

- A) Providing for the adoption of the International Code Council Building Codes, 2006 Edition and the 2008 National Electrical Code.
- B) Authorizing assignment of City Note to retain Tax Exempt Status.
- C) Budget Amendment providing for revisions to the 2008-09 Development Corporation Budget to reflect expenses for the New PUB Raw Water Reservoir.
- D) Removing the physician requirement for the position of the City Health Director.

**4. RESOLUTION:**

- A) Establishing the McAllen 2010 Census Complete Count Committee to encourage McAllen residents to fully participate in the 2010 Census.
- B) Suspending the effective date of Texas Gas Service Company's requested rate change for an additional 45 days.

**5. VARIANCES:**

- A) Consider request for a sign variance at Lot 5, Stone Oak Plaza Phase II Subdivision; 3701 U.S. Expressway 83.
- B) Consider request for a sign variance at Lots 1 & 2 Frontier Development Company Subdivision; 2624 Pecan Boulevard.
- C) Consider request for a variance to the requirement for frontage to public right-of-way for Lots 2 & 3, Jackson Crossing Center Subdivision.

**6. MANAGER'S REPORT:**

- A) Appointment to the McAllen Housing Authority Board of Directors by Mayor Cortez.
- B) Update on Border Issues.
- C) Monthly Construction Report for Anzalduas International Bridge Project.
- D) Discussion and Possible Action on closing a portion of 17<sup>th</sup> Street on specific days.
- E) Future Agenda Items.

**7. MAYOR'S REPORT:**

- A) Report on the outcome of the Police Union lawsuit.
- B) Report on the Mayor's Youth Advisory Board.

**8. TABLED ITEMS:**

- A) Award of Contract – Various Municipal Projects 2007-2008 Architectural Design Services to Negrete & Kolar Architects.
- B) Award of Contract – Various Municipal Projects 2007-2008 Architectural Design Services to Alamo Architects.
- C) Award of Contract – Various Municipal Projects 2007-2008 Architectural Design Services to Amtech Building Sciences.
- D) Award of Contract – Various Municipal Projects 2007-2008 Architectural Design Services to Milnet Architectural Services.
- E) Award of Contract – Various Municipal Projects 2007-2008 Architectural Design Services to Tag International.
- F) Reconsideration of abandonment request for Candle Flower Subdivision Unit III.

**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 ITEM:** *[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.]*

Rezone from R-2 (duplex-fourplex residential) District to C-3 (general business) District: Lots 1, 2, 3, 4 and the north 25 feet of Lot 5, Block 3, Nelson Addition Subdivision, Hidalgo County, Texas; 901, 913, and 917 South 15<sup>th</sup> Street and 1419 Ithaca Avenue.

- B) **REZONING:**

Rezone from C-2 (neighborhood commercial) District to C-3 (general business) District: Lot 52, Forest Valley Subdivision No. 2, Hidalgo County, Texas; 3700 Dove Avenue.

- C) **CONDITIONAL USE PERMITS:**

1) Request of Humberto A. Patch, appealing the decision of the Planning & Zoning Commission of the October 7, 2008 meeting, denying the request for a conditional use permit for one year for a home occupation (swimming lessons), at Lot 5, Trenton North subdivision; 1416 Thunderbird Avenue.

2) Request of Rana's Sports Club, LLC, appealing the decision of the Planning & Zoning Commission of the October 7, 2008 meeting, denying the request for a conditional use permit for one year, for a bar, at Lot 1, Nolana West Subdivision; 2200 West Nolana Avenue, Suites 2232 and 2234.

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

**END OF PUBLIC HEARING**

**PUBLIC COMMENT SESSION**

**10. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY) 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) Consultation with City Attorney regarding new lawsuit: Cause No. C-2543-08-D; Steve Mahan, Sylvia Mahan, and Julian Lopez Construction, Inc. vs. City of McAllen Zoning Board of Adjustments & Appeals. (Section 551.071, T.G.C.)
- C) 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.)
- D) Consultation with City Attorney relating to the use of ball fields for professional sports. (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 7<sup>th</sup> day of November 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