



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

- CALL TO ORDER** - Mayor Richard Cortez
PLEDGE OF ALLEGIANCE - Mayor Richard Cortez
INVOCATION - Jim Darling, City Commissioner
PROCLAMATIONS - *Monica's Angels Day* – Alfredo Montanaro
- *TubaChristmas* – Jim Egger

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 November 24, 2008.
- B) Authorization to issue purchase order for custodial services for the old Wal-Mart building on Nolana.
- C) Award of Contract – Trucking Services for the Hauling of Fill Material.
- D) Authorization of License Agreement for Bus Shelter located at 901 S. 10th Street.
- E) Resolution authorizing City Attorney and Legal Staff to administer oaths.
- F) Resolution authorizing the submission of a grant application to the Office of the Governor for funding under the Emergency Management Performance Grant Program.
- G) Resolution authorizing the submission of a grant application to the U.S. Environmental Protection Agency for funding under the Environmental Education Grant Program.
- H) Resolution authorizing the acceptance of grant funds from the Texas Department of Transportation (TxDOT) through its Selective Traffic Enforcement Program's Impaired Driving Mobilization (STEP-IDM) Campaign.
- I) Ordinance authorizing an ordinance amendment relating to the number of members on Zoning Board of Adjustments and Appeals required to take action.
- J) Award of Contract – Professional Auctioneering Services.

2. BIDS/CONTRACTS:

- A) Consideration and approval of a permit application to drill an oil/gas well in Lot 6, Block 2 of Rio Bravo Plantation Company's Subdivision.
- B) Authorization to rescind awarded contract for the McAllen Intermodal Transit Terminal Renovations and Expansion and award the bid.
- C) Change Order No. 1 for City Hall Emergency Generator and IT Department Improvements.
- D) Contract Amendment No. 4 providing for the addition to the budget for "Add Alternates" for the New McAllen Main Library and approval of Schematic Design

Service to proceed to Design Development Phase and adoption of Budget Amendment Ordinance.

E) Authorization to submit Annual Grant Application Part II to TXDOT.

F) Award of Contract – Grinding of Brush and Wood Waste Services.

3. VARIANCE:

A) Consider request for a sign variance at Lot 4, Block 280, Tex-Mex Survey Subdivision; 12212 North Rooth Road.

4. MANAGER'S REPORT:

A) Nomination of inductee to the Rio Grande Valley Walk of Fame as part of the 2009 *BorderFest*.

B) Presentation of Financial Report ending Fiscal Year 2007-2008 by Jerry Dale, Finance Director.

C) Consider request by the Heart of the City for City's participation in the New Year's Eve Event.

D) Consider approval of RFP (Request for Proposals) Convention Center Third Hotel and authorize staff to advertise.

E) Future Agenda Items.

5. TABLED ITEMS:

A) Reconsideration of abandonment request for Candle Flower Subdivision Unit III.

B) Approval of Master Lease Agreement for Airport Cargo Facility.

C) Ordinance providing for the adoption of the International Code Council Building Codes, 2006 Edition and the 2008 National Electrical Code.

D) Renewal of Software Maintenance Agreement with HTE.

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

6. PUBLIC HEARING BEGINNING AT 6:00 PM

A) CONDITIONAL USE PERMITS:

1) Request of Jung G. Kim, for a conditional use permit for life of use, for an institutional use (church), at the east 208.71 ft. of the south 391 ft. of the west 10 acres of the south 20 acres out of Lot 377, John H. Shary Subdivision; 5000 Lark Avenue.

2) Request of McAllen Art Expressions, LLC, appealing the decision of the Planning & Zoning Commission of the November 18, 2008 meeting, denying the request for a conditional use permit for one year, for a bar, at North Main Executive Plaza Building A, Unit 2; 301 North Main Street.

3) Request of Fuel Lounge & Grill, appealing the decision of the Planning & Zoning Commission of the November 18, 2008 meeting, denying the request for a conditional use permit for one year, for a bar, at the west 300 ft. of Lot 2, Block 11, Hidalgo Canal Company Subdivision; 5524 North 10th Street.

4) Request of Tinderbox/Vino 100, appealing the decision of the Planning & Zoning Commission of the November 18, 2008 meeting, denying the request for a conditional use permit for one year, for a bar, at Lot 2B, McAllen Convention Center Subdivision.; 3300 Expressway 83, Building 1200, Suite 1260.

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

7. **EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT) SECTION 551.087 AND (DELIBERATION REGARDING REAL PROPERTY).**
- A) Discussion and Possible Action relating to economic incentives for Project Gold Star. (Section 551.087, T.G.C.)
 - B) Consultation with City Attorney relating to the use of ball fields for professional sports. (Section 551.071, T.G.C.)
 - C) Consultation with City Attorney relating to the Master Lease Agreement to establish a Dual Customs Facility. (Section 551.071, T.G.C.)
 - D) Consultation with City Attorney regarding legal claim from Bill FitzGibbons. (Section 551.071, T.G.C.)
 - E) Discussion and Possible Action – Consider incentives for sale of Lot 6, Convention Center Subdivision to Laredo Skyline, Ltd. (Section 551.087, 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 5th day of **December 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