



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, JANUARY 26, 2009 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – Scott Crane, City Commissioner

PRESENTATION – National Award – Keep McAllen Beautiful

PROCLAMATIONS - *Othal Brand Day*

- *School Board Recognition Month* – Mark Kent

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 January 12, 2009.
- B)** Consider an Oil, Gas and Mineral Lease covering a ¼ mineral interest at the north 6 acres of the east ½ of Lot 180, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County.
- C)** Award of Contract – Purchase of LED Vehicle Signal Modules.
- D)** Award of Contract – Installation of Traffic Signal Electrical Conduit.
- E)** Amendment No. 2 to the HNTB General Engineering Contract to conduct an Environmental Study.
- F)** Resolution authorizing the submission of a grant application to the U.S. International Boundary and Water Commission for funding under the Texas Clean Rivers Grant Program for an Environmental Education Project.
- G)** Resolution authorizing the submission of a grant application to the U. S. Department of Homeland Security under the 2008 Emergency Operations Center Grant Program for funding to purchase equipment for the Emergency Operations Center (EOC).
- H)** Resolution authorizing the submission of a grant application to the International City Management Association under the Public Library Innovations Grant for funding.
- I)** Resolution authorizing the acquisition of 2.46 acres out of the west 17.51 acres of Lot 4, Block 12, Steele & Pershing Subdivision for the development of Firemen’s Park.
- J)** Resolution authorizing the City more authority to underground utility lines.
- K)** Resolution authorizing the submission of three (3) grant applications to Texas Parks and Wildlife Department for trails, trees, and observation blinds.
- L)** Budget Amendment Ordinance for Airport Improvement Program Grant 36 (AIP 36) to conduct environmental studies and airport layout plan revision to support land acquisition for airport development.
- M)** Resolution recommending improvements to U.S. Highway 281.
- N)** Resolution approving the proposed Federal Stimulus Package.

- O) Ordinance amending the McAllen Code of Ordinances, Chapter 1. General Provisions, providing for the definition and enforcement authority of the City Enforcement Officers.

2. BIDS/CONTRACTS:

- A) Consider Change Order No. 2 for facility improvements for the McAllen Downtown Parking Garage.

3. ORDINANCES:

- A) Amending the McAllen Code of Ordinances, Chapter 6. Alcoholic Beverages, to allow the sale and consumption of alcoholic beverages in the Entertainment and Cultural Overlay District with the issuance of a Special Events Permit.
- B) Amending the McAllen Code of Ordinances, Chapter 90. Solid Waste, providing for the modification to the multi-family sanitation fee.
- C) Budget Amendment for the purchase of a Front-End Loader.

4. VARIANCES:

- A) Consider request for a sign variance at Lot 4, Sharyland Business Park Phase 1 Subdivision; 4403 Military Highway.
- B) Consider request for a sign variance at Lot 1, CVS Pharmacy Subdivision; 5600 North 23rd Street.
- C) Consider request for a sign variance at Lot 1, The Courtyard Subdivision; 5401 North 10th Street.
- D) Consider a variance for land dedication for park purposes from proposed The District of McAllen Phase III Subdivision.

5. MANAGER'S REPORT:

- A) Monthly Construction Report for the Anzalduas International Bridge Project.
- B) Appointment of a Census Complete Count Committee.
- C) Advisory Boards Appointments.
- D) Future Agenda Items.

6. MAYOR'S REPORT:

- A) Report on State of the City Event.

7. TABLED ITEMS:

- A) Reconsideration of abandonment request for Candle Flower Subdivision Unit III.
- B) Ordinance providing for the adoption of the International Code Council Building Codes, 2006 Edition and the 2008 National Electrical Code.
- C) Consider approval of RFP (Request for Proposals) for Convention Center Third Hotel and authorize staff to advertise.
- D) Selection of wording and/or phrase for branding purposes.

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) 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) Rezone from C-3L (light commercial) District to C-3 (general business) District: 1.1896 acres out of Lot 62, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County Texas; 2600 Trenton Road.
- 2) Rezone from R-1 (single family residential) District to C-1 (office building) District: 2.70 acres out of Lot 2, Block 8, A.J. McColl Subdivision, Hidalgo County, Texas; 2204 South Jackson Road.
- 3) Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 15.25 acres out of Lots 149 and 150, La Lomita Irrigation & Construction Company's Subdivision, Hidalgo County, Texas; 300 South Ware Road.
- 4) Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 7.654 acres out of Lots 149 and 150, La Lomita Irrigation & Construction Company's Subdivision, Hidalgo County, Texas; 400 South Ware Road.
- 5) Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 7.738 acres out of Lots 19 and 150, La Lomita Irrigation & Construction Company's Subdivision, Hidalgo County, Texas; 500 South Ware Road.

B) REZONING:

Rezone from C-2 (neighborhood commercial) District to C-3 (general business) District: 0.51 acres out of unnumbered lot lying east of Camino Central, Retiree Haven Unit 2 Subdivision, Hidalgo County, Texas; 6301 South 11th Street.

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

D) CONDITIONAL USE PERMITS:

- 1) Request of Collision Specialists, for a Conditional Use Permit, for life of the use, for an automotive service and repair at Lots 5 and 6, North 10th Community Center Subdivision, Hidalgo County, Texas; 3705 North 10th Street.
- 2) Request of T- Mobile, for a Conditional Use Permit, for life of the use, for a personal wireless service facility at the north 140.30 feet of the south 284.06 feet of the east 881.64 of Lot 89, La Lomita (HOIT) Subdivision, Hidalgo County, Texas; 5517 North Ware Road.

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

- 9. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT) AND SECTION 551.072 (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 Master Lease Agreement to establish a Dual Customs Facility. (Section 551.071, T.G.C.)
 - C) Consultation with City Attorney relating to Workers Comp/Loss Run Report as of November 30, 2008. (Section 551.071, T.G.C.)
 - D) Consultation with City Attorney relating to Workers Comp/Loss Run Report as of December 31, 2008. (Section 551.071, T.G.C.)
 - E) Consultation with City Attorney relating to Motor Vehicle Accident Liability and Subrogation Claim Reports as of December 31, 2008. (Section 551.071, T.G.C.)
 - F) Discussion and Possible Action on Memorandum of Understanding with UTPA for McAllen Teaching Site. (Section 551.072, T.G.C.)
 - G) Discussion and Possible Action to consider authorizing an extension to Border Capital Bank relating to property purchased from City on Ridge and McColl. (Section 551.072, T.G.C.)
 - H) Discussion and Possible Action to consider approval of the RFP (Request for Proposals) for Convention Center Third Hotel and authorize staff to advertise. (Section 551.072, T.G.C.)
 - I) Consultation with City Attorney regarding Final Judgment: Arnaldo Ramirez Jr. vs. City of McAllen. (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 23rd day of January, 2009 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