



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, FEBRUARY 9, 2009 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – Hilda Salinas, City Commissioner

PROCLAMATION – *National Engineer’s Week* – Martin Vila

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 26, 2009.
 - B) Ordinance/Order calling the General City Election to be held May 9, 2009 to elect a Mayor and Three (3) City Commissioners to the Board of Commissioners (Districts 1, 2, and 3) and Two (2) Trustees (Places 1 and 4) to the McAllen Public Utility Board of Trustees.
Ordenanza/Orden convocando una elección general en la Ciudad de McAllen que se efectuara el día 9 de mayo de 2009, para elegir un Presidente Municipal y tres (3) Comisionados para la mesa directiva de comisionados y dos (2) fideicomisarios para el consejo de administración de servicios públicos, para los Lugares 1 y 4.
 - C) Budget Amendment Ordinance for the purchase of Two (2) Paratransit Vans for the operation of the McAllen Express Transit and for a TxDOT Grant to reimburse one hundred percent.
 - D) Contract with Hidalgo County for lease of the iVotronic voting equipment for the May 9, 2009 General City Election and Runoff, if necessary.
Considerar el inicio de un contrato con el Condado de Hidalgo, Departamento de Elecciones, para el uso de las maquinas electrónicas para votar iVotronic para la elección que se efectuara el día 9 de mayo, de 2009 y una elección de desempate si es necesario.
 - E) Memorandum of Understanding with AEP and CLEAResult for the *Texas City Smart* Program.
 - F) Interlocal Agreement with City of Brownsville for the purchase of transit buses.
 - G) Memorandum of Agreement between Hidalgo County Metropolitan Planning Organization (MPO) and McAllen Express Transit ensuring compliance with federal transportation requirements and continuous coordination between both parties.
 - H) Interlocal Agreement between the City of McAllen and Hidalgo County Library System for funding of the Library’s Internet Connections.
 - I) Change Order No. 3 for Paving and Drainage Improvements for Wisconsin Avenue (2nd Street to east city limits).
 - J) Award of Contract – Purchase of Janitorial Products.

- K)** Resolution providing for acceptance of the TxDOT VCR Grant for the purchase of Two (2) Paratransit Vans.
- L)** Resolution approving an Advance Funding Agreement with TxDOT for *Safe Routes to School* Project.
- M)** Resolution approving the settlement of 2007 GRIP Surcharge between the City and Texas Gas Service.
- N)** Authorization to declare solid waste dumpsters as surplus and begin remarketing efforts.
- O)** Change Order No. 4 for GSA Utility Infrastructure at Anzalduas Bridge Wastewater Improvements.

2. BIDS/CONTRACTS:

- A)** Consider request for a License Agreement with Ichiban Restaurant for installation of Grease Trap in a public alley.
- B)** Change Order No. 4 for McAllen Fire Station No. 7 for additional working days and an increase to the Betterment Fund.
- C)** Consideration of Contract Amendment No. 5 to Add Alternates for the New Main Library to include a Material Handling System and corresponding architectural fees.
- D)** Consideration of Amendment No. 3 to HNTB General Engineering Contract to design and provide engineering support for the rehabilitation of Runway 13-31.
- E)** Consideration of Construction Agreement with Mexico relating to Anzalduas International Bridge Center Span.

3. VARIANCES:

- A)** Consider request for a sign variance at Lot 1, CVS Pharmacy Subdivision; 5600 North 23rd Street.
- B)** Consider request for a sign variance at Lot A, Ware Commerce Subdivision; 3700 Buddy Owens Boulevard.
- C)** Consider request for a sign variance at Lot 1, Angela's Subdivision; 2313 Harvey Drive.

4. MANAGER'S REPORT:

- A)** Consider initiative of Down Payment/Closing Cost Assistance Program of eligible City Employees.
- B)** Monthly Construction Report for the Anzalduas International Bridge Project.
- C)** Appointment of a Census Complete Count Committee.
- D)** Advisory Boards Appointments.
- E)** Future Agenda Items.

5. MAYOR'S REPORT:

- A)** Report on trip to Washington, D.C. relating to FAST Lane.
- B)** Report on the City's Centennial Celebration in 2011.

6. TABLED ITEMS:

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

7. PUBLIC HEARING BEGINNING AT 6:00 PM

A) REZONING:

Rezone from R-2 (duplex-fourplex) District to C-3 (general business) District: Lots 10 and 11, Block 6, South McAllen Addition Subdivision, Hidalgo County, Texas; 916 South 16th Street.

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

C) CONDITIONAL USE PERMITS:

1) Request of Esther F. Rodriguez, appealing the decision of the Planning & Zoning Commission of the January 6, 2009 meeting, denying the request for a conditional use permit for one year, for a portable building (security office), at Lot 1, Hidalgo- Starr Rehab Subdivision, Hidalgo County, Texas; 1301 South 8th Street.

2) Request of T-Mobile, for a Conditional Use Permit, for life of the use, for a personal wireless service facility at Lot A, Christian Fellowship Subdivision, Hidalgo County, Texas; 2201 Trenton Road.

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

8. 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 regarding Final Judgment: Arnaldo Ramirez Jr. vs. City of McAllen. (Section 551.071, T.G.C.)
- D) Consultation with City Attorney regarding new lawsuit; Cause No. CL-09-0121-B; Fernando Valbuena, et al vs. City of McAllen, Angelina Martinez, et al. (Section 551.071, T.G.C.)
- E) Discussion and Possible Action on Memorandum of Understanding with UTPA for McAllen Teaching Site. (Section 551.072, T.G.C.)
- F) 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.)

- G) 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.)
- H) Discussion and Possible Action to declare the Central Fire Station #1 located at Bicentennial and Austin as surplus property and advertise the property and building for sale. (Section 551.072, 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 6th day of February, 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