



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, APRIL 13, 2009 – 4:00 PM**  
**CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

**CALL TO ORDER** - Mayor Richard Cortez

**PLEDGE OF ALLEGIANCE** - Mayor Richard Cortez

**INVOCATION** – Marcus Barrera, Mayor Pro Tem

**PROCLAMATIONS** – - *Medical Laboratory Week* – Dave Almquist – *Commissioner Darling*  
- *Community Development Week* – Omar Quintanilla – *Mayor Pro Tem Barrera*  
- *McAllen Earth Day Festival* – Rick Guerra – *Commissioner Crane*

**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)** Resolution authorizing acceptance of the American Recovery and Reinvestment Act (ARRA) Federal Transit Administration (FTA) Grant for the purchase of Seven (7) Buses.
- B)** Change Order No. 4 to provide Type 1 Markings (acrylic sealer) and payment surface preparatory work for Anzalduas International Bridge Crossing.
- C)** Change Order No. 2 for proposed Ash Avenue Paving and Drainage Improvements.
- D)** Consider renewal of lease extension between the City of McAllen and the Boys & Girls Club of McAllen regarding building located at 2620 Galveston Avenue.
- E)** Change Order No. 4 and Final Reconciliation of Quantities for the Auburn Avenue and Main Street Improvements.
- F)** Approval of Supplemental Agreement No. 16 with Dannenbaum Engineering to perform architectural/engineering services to design an enlarged mechanical yard for Anzalduas International Bridge Southbound Facilities (architectural).
- G)** Award of Contract- Purchase of Lubricants.
- H)** Award of Contract – Purchase of Furniture, Fixtures and Equipment for Fire Sub-Station No. 7.
- I)** Resolution authorizing the acceptance of grant funds from the Texas Department of Transportation (TxDOT) through the Selective Traffic Enforcement Program (STEP) for *Click It or Ticket* Campaign.
- J)** Resolution authorizing the submission of a grant application to the Office of the Attorney General of Texas for funding under the Fiscal Year 2009-2010 Victim Coordinator and Liaison Grant Program.
- K)** Resolution authorizing the submission of a grant application to the U.S. Department of Justice for funding for the purchase of Fifty (50) Laptop Computers with selected optional equipment and Eighty (80) Docking Stations for McAllen Police Department.
- L)** Award of Contract – Purchase of Furniture, Fixtures & Equipment for Finance Department.
- M)** Award of Contract – Purchase of One (1) New Current Model Skid Steer Loader for Streets and Drainage Department of Public Works.

- N) Change Order No. 1 and Betterment Fund expenditure for Anzalduas International Bridge Southbound Facilities (architectural) Project.
- O) Resolution authorizing the submission of a grant application to the Office of Governor under the Hazard Mitigation Grant Program to allow the purchase of a 1500kw Generator for the McAllen Police Department.
- P) Resolution authorizing the submission of a grant application to the Office of the Governor under the Hazard Mitigation Grant Program to allow the purchase of a 200kw Generator for Fire Station # 4.
- Q) Resolution authorizing the submission of a grant application to the U.S. Department of Justice for funding under the Recovery Act and Local Enforcement Assistance Program combating Criminal Narcotics Activity for the purchase of One (1) Van-based Surveillance Vehicle for McAllen Police Department.

**2. BIDS/CONTRACTS:**

- A) Approval of Supplemental Agreement No. 15 with Dannenbaum Engineering for the provision of landscape design services for the Anzalduas Bridge Offices and Port of Entry.
- B) Approval of Supplemental Agreement No. 14 with Dannenbaum Engineering for Anzalduas International Bridge Toll Facilities Project.
- C) Selection of Consultant for Fireman’s Park Renovation and Design of the Glassroom Environmental Education Center at Quinta Mazatlan.
- D) Change Order No. 1 for an additional twelve (12) days for the McAllen Intermodal Transit Terminal and Parking Improvements.
- E) Change Order No. 2 for Seal Coating on the northern parking area of the McAllen Intermodal Transit Terminal.
- F) Consideration and approval of Revised Master Plan for Curtis Park.
- G) Consideration and award of bid for construction of the McAllen Dog Park.
- H) Approval of contract extension for Local Telephone Service with SmartCom Telephone.
- I) Consider Renewal Software Maintenance Agreement with Accela.
- J) Selection of Consultant for Air Service Development for McAllen Miller International Airport.

**3. RESOLUTIONS:**

- A) Authorizing the submission of a grant application to the Texas Department of Agriculture for funding under the GO TEXAN Grants Program for the purchase promotional wrap for Public Works Department.
- B) Authorizing the submission of a grant application to the U.S. Department of Justice for funding under the Recovery act Edward Byrne Memorial Competitive Grant Program.

**4. VARIANCE:**

- A) Consideration of the request for a sign variance at Lot 3, Block 1, Palm Heights Subdivision; 902 Beech Avenue.

**5. MANAGER’S REPORT:**

- A) Authorization to remove 4<sup>th</sup> Quarter FY 07-08, Uncollectible Sanitation Accounts from the General Ledger.
- B) Authorization to declare certain vehicles and equipment as surplus and begin auction efforts.

- C) Monthly Construction Report for the Anzalduas International Bridge Project.
- D) Future Agenda Items.

**6. TABLED ITEMS:**

- A) Reconsideration of abandonment request for Candle Flower Subdivision Unit III.
- B) Selection of wording and/or phrase for branding purposes.
- C) Consideration of a Service Agreement between the City of McAllen and Homes Murphy Inc. for Benefits Consultant.

**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) **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) Request of Miguel O. Carnero, for a Conditional Use Permit, for life of the use, for an institutional use (church) at Tracts 1 and 2, less the east 481.60 feet of Tract 2, McAllen Northwest Industrial Subdivision, Hidalgo County, Texas; 2200 Industrial Drive.

2) Request of Melden and Hunt, Inc., on behalf of Holy Spirit Church, for a Conditional Use Permit, for life of the use, for an institutional use (church and related activities) at the 10.11 acre tract being the west 1060 feet of the north 415.14 feet of Lot 13, Block 1, C.E. Hammond Subdivision, Hidalgo County, Texas; 6300 North 23<sup>rd</sup> Street.

- B) **CONDITIONAL USE PERMITS:**

1) Request of Nelson De Coss Jr, appealing the decision of the Planning & Zoning Commission of the March 17, 2009 meeting, denying the request for a Conditional Use Permit for one year, for a bar, at Lots 6 and 7, 21<sup>st</sup> Place Subdivision, Hidalgo County, Texas; 2013 Nolana Avenue.

2) Request of Jacob Zamora, appealing the decision of the Planning & Zoning Commission of the March 17, 2009 meeting, denying the request for a Conditional Use Permit for one year, for a bar, at Lot 6, Mejia Subdivision, Hidalgo County, Texas; 2010 Nolana Avenue.

3) Request of Arturo Ortiz, appealing the decision of the Planning & Zoning Commission of the March 17, 2009 meeting, denying the request for a Conditional Use Permit for one year, for a bar, at the west 300 feet of the south 181.03 feet of the north 483.44 feet of Lot 2, Block 11, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 5524 North 10<sup>th</sup> Street.

- C) Public Hearing to consider amending the Code of Ordinances of the City of McAllen Chapter 138 (“Zoning”), Article V (“Districts”), Division 13 (“Heart of the City Overlay Districts”) to create the McAllen Arts District and to regulate the uses therein; amending Chapter 6 (“Alcoholic Beverages”). **CANCELLED**

- D) Adoption of ordinance amending the Code of Ordinances of the City of McAllen Chapter 138 (“Zoning”), Article V (“Districts”), Division 13 (“Heart of the City Overlay Districts”) to

create the McAllen Arts District and to regulate the uses therein; amending Chapter 6 (“Alcoholic Beverages”). **CANCELLED**

## **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)** Discussion and Possible Action to consider financial options for the sale of Lot 6, Convention Center Subdivision to Venture Assets, Ltd for Embassy Suites Hotel Project. (Section 551.087, T.G.C.)
- C)** Discussion and Possible Action relating to the purchase of various parcels from a local governmental entity. (Section 551.072, T.G.C.)
- D)** Discussion and Possible Action relating to a Chapter 380 Agreement for Pediatric Neurosurgeon Program. (Section 551.087, T.G.C.)
- E)** Consultation with City Attorney relating to Michael Zellers vs. City of McAllen Notice of Appeal. (Section 551.071, T.G.C.)
- F)** Consultation with City Attorney regarding approval of conveyance of property from McAllen Facility Corporation to the McAllen Housing Authority. (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 9<sup>th</sup> day of April, 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