



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, APRIL 27, 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** – Scott Crane, City Commissioner

**PRESENTATION OF MCALLEN EMERGENCY RESPONSE TEAM CERTIFICATIONS**

**PROCLAMATIONS** – *National School Nurse Day* – Adalia Del Bosque – *Commissioner Salinas*

**1. JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD OF TRUSTEES:**

- A) Presentation and Approval of the Comprehensive Annual Financial Report for FY 2007-2008.
- B) Review and Acceptance of Quarterly Investment Report for quarter ended December 31, 2008.
- C) Consideration and Approval for the increase in capitalization threshold from \$2,500 to \$10,000 as recommended by Audit Investment Committee.

**END OF JOINT MEETING**

**2. 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 on March 9, 2009.
- B) Change Order No. 4 and Final Reconciliation of Quantities for South 26½ Street Drainage Improvements.
- C) Change Order No. 3 for increased pier depth and additional time to contract Celso Gonzalez Construction Inc. for McAllen Intermodal Transit Terminal and Parking Improvements.
- D) Change Order No. 6 for a sixty (60) day time extension to Jimmy Closner & Sons Contract for Anzaulduas International Bridge Toll Plaza (Civil).
- E) Budget Amendment Ordinance for construction of a Dog Park and Neighborhood Stormwater Detention Facility.
- F) Ordinance providing for abandonment of an easement containing 0.334 of an acre, being part or portion of Lot 1, Retama Village Phase II Subdivision; 2500 Jasmine Avenue.
- G) Award of Contract – Purchase of 300-Gallon Sprayer with Boom for Palmview Golf Course.
- H) Budget Amendment Ordinance providing for funding of 2009 *PalmFest*.
- I) Approval of waiver of Convention Center rental fees for the 2009 *PalmFest*.
- J) Resolution authorizing the submission of a grant application to the Texas Parks and Wildlife Department for construction of trails at Curtis Park.
- K) Approval of corrected contract amount for a neighborhood park at Zinnia and 29<sup>th</sup> Street.

- L) Resolution authorizing the use of sporting goods sales tax increase funding for Parks and Recreation programs for both local and state parks and that all TRPA funded park projects be subject to the established TPWD Competitive Scoring System.
- M) Providing for abandonment of thirty-six (36) 5 ft. easements out of Trinity Oaks Phase 1 Subdivision; 10901 North 29<sup>th</sup> Street.

**3. BIDS/CONTRACTS:**

- A) Award of Contract – Purchase of Six (6) Replacement Automated Residential Refuse Collection Trucks for Sanitation Department of Public Works.
- B) Renewal of Software Maintenance Agreement with Oracle (Peoplesoft).
- C) Award of Contact – Purchase of Sign Burner Furnace for Traffic Department.

**4. ORDINANCES:**

- A) Budget Amendment for various Fire Department line items and for participation with the State Firemen and Fire Marshals Association (SFFMA) 2009 Convention.
- B) Amending Ordinance 2008-43 providing for the provision of American Recovery Act and Reinvestment Act of 2009; Homeless Prevention and Rapid Re-Housing Program Funds.

**5. RESOLUTION:**

- A) Supporting the work of the Regional Mobility Authority and pledging its full support of the Hidalgo County Loop Project.

**6. VARIANCES:**

- A) Consider request for a variance to not require the right-of-way extension of an existing dead-end street and dead-end alley at Proposed Holiday Inn-McAllen Subdivision; 1001 South 29<sup>th</sup> Street.
- B) Re-consideration of Palms Tower Subdivision for a Parkland Dedication variance.

**7. MANAGER’S REPORT:**

- A) Consideration and Possible Action on request from TCEQ for Access Agreement.
- B) Consideration and Possible Action on City’s Identity Theft Prevention Policy and Program.
- C) Consideration and Possible Action on extension of sign moratorium.
- D) Advisory Board Appointments.
- E) Future Agenda Items.

**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 A-O (agricultural-open space) District to C-3 (general business) District: 5.18 acres out of Block 61, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 7405 North 23<sup>rd</sup> Street.
- 2) Request of Ruben Garza, for a Conditional Use Permit, for life of the use, for a guest house at Lot 2, Red Leaf Estates Subdivision, Hidalgo County, Texas; 1700 Violet Avenue.
- 3) Request of Monica R. Montilla, for a Conditional Use Permit, for life of the use, for an automotive service and repair at an irregular tract of land being the west 401.19 feet of the east 551.19 feet of the south 260 feet of the north 425 feet of Lot 62, La Lomita Irrigation Construction Company's Subdivision (proposed Montilla Subdivision), Hidalgo County, Texas; 2600 Trenton Road.

**B) REZONING:**

Rezone from R-1 (single family residential) District to C-3L (light commercial) District: Lot 9, Block 1, Orange Terrace No.1 Subdivision, Hidalgo County, Texas; 1317 Nyssa Avenue.

**C) CONDITIONAL USE PERMITS:**

1) 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.

**TABLED**

2) Request of Alfredo Naim, appealing the decision of the Planning & Zoning Commission of the April 7, 2009 meeting, denying the request for a Conditional Use Permit for one year, for a nightclub, at Lots 1-4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Street, Suite H, I & K.

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

**E)** Public Hearing to consider a Proposed Section 108 Loan Guarantee Application to aid in the financing of a 195-room full-service hotel adjacent to the Convention Center.

**F)** Public Hearing for Fiscal Year 2009-2010 Proposed Budget for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs and program and budget amendments to prior One-Year Action Plans and revisions to Citizen Participation Plan.

**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) 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 a Chapter 380 Agreement for Pediatric Neurosurgeon Program. (Section 551.087, T.G.C.)
- D) Consultation with City Attorney regarding new lawsuit: Cause No. CL-09-0952-B; Joseph Diaz vs. City of McAllen. (Section 551.071, T.G.C.)
- E) Consultation with City Attorney relating to Workers Comp/Loss Run Report as of March 31, 2009. (Section 551.071, T.G.C.)
- F) Consultation with City Attorney relating to Motor Vehicle Accident Liability and Subrogation Claim Reports as of March 31, 2009.
- G) Consultation with City Attorney regarding potential condemnation relating to Bicentennial. (Section 551.071, T.G.C.)
- H) Discussion and Possible Action relating to Tri-Wanis Ventures, LLC, for additional time and financial assistance. (Section 551.087, T.G.C.)
- I) Discussion and Possible Action relating to proposals for sale of Lot 8 or portion thereof, for 3<sup>rd</sup> Convention Center Hotel. (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.**

**C E R T I F I C A T I O N**

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 24<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



**AGENDA  
CITY COMMISSION REGULAR MEETING**

**Monday, April 27, 2009 - 4:00 PM  
McAllen City Hall  
City Commission Chambers; 3<sup>rd</sup> Floor  
1300 Houston Avenue  
McAllen, Texas 78501**

**ADDENDUM**

**SUBJECT MATTER:**

**1. MANAGER'S REPORT:**

Establishment of Committee to Review Processes at Municipal Court and Police Department.

**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 24<sup>th</sup> day of April, 2009 at 3:30 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.

Annette Villarreal, TRMC  
City Secretary