



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, JUNE 22, 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** – Jim Darling, City Commissioner

**1. Election of Mayor Pro Tem.**

**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) Ordinance providing for an amendment to the McAllen Code of Ordinances Chapter 46, Article VI, Section 46-174, increasing the minimum amount of insurance for property damage from \$1 million to \$5 million for both drilling and/or producing wells.
- B) Resolution authorizing the submission of a grant application to the Texas Department of Housing and Community Affairs for a Weatherization Assistance Program for low-income families.
- C) Resolution designating Roel Rodriguez as an Investment Officer.
- D) Award of Contract – Purchase of Network Equipment for Police Department.
- E) Award of Contract – Purchase of Cash Counting System for the Anzalduas International Bridge.
- F) Award of Contract – Purchase of One (1) Current Model Trencher with Backhoe.
- G) Confirmation of Advisory Board Appointments.
- H) Ordinance providing for the abandonment of a 0.12 acre tract being the east 20 ft. of the 40 ft. dedicated road adjacent to Irrigation District #2 Main Canal Right-of-Way; said track lying west of a portion of Lot 3, Block 11, Steele & Pershing Subdivision; 141 Pecan Boulevard.
- I) Approval of Interlocal Agreement with LRGVDC for Three (3) Loaner Buses to assist with MET Operations.

**3. BIDS/CONTRACTS:**

- A) Authorization to rescind the awarded purchase contract from MES of Two (2) Complete Sets of Hurst Jaws of Life, Generator and Reel for Fire Department and authorization for staff to solicit formal sealed bids.
- B) Award of Contract - Architectural and Landscape Design Services for Quinta Mazatlan Classroom Environmental Education Center and Firemen’s Park Renovations.
- C) Approval of Change Order No. 3 for Food Court at McAllen Downtown Parking Garage.
- D) Approval of Amendment No. 4 to the HNTB General Engineering Contract for Airport Security Evaluation System.
- E) Award of Contract – Reconstruction of Balboa Park.
- F) Approval of Amendment to Lease Agreement for the Airport News & Gift Concession Contract.

- G) Award of Contract – Purchase of Furniture, Fixtures and Equipment for Anzalduas Bridge.
- H) Award of Contract - Purchase of Burn-Off Furnace.

**4. VARIANCES:**

- A) Consideration of sign variance for Lots 7 & 8, Palmas Community Center #2 Subdivision; 3827 North 10<sup>th</sup> Street.

**5. MANAGER’S REPORT:**

- A) Consideration and Approval of the McAllen Convention Center’s proposed Consumer Show Incentive Policy.
- B) Appointments to the McAllen Housing Authority Board by Mayor Cortez.
- C) Presentation of Quarterly Investment Report.
- D) Future Agenda Items.

**6. TABLED ITEMS:**

- A) Consideration and approval of the increase in capitalization threshold from \$2,500 to \$10,000 as recommended by Audit Investment Committee.
- B) Resolution authorizing the submission of FY 2008-2009 Section 108 Loan Guarantee Application to aid in the financing of a 195-room full-service hotel adjacent to the Convention Center.

**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) Rezone from A-O (agricultural-open space) District to R-1 (single family residential) District: 1.13 acres of the north 10 acres of the south 20 acres of Lot 11, Block 4, M. and M. Subdivision, Hidalgo County, Texas; 3201 Courtney Palms Drive.
  - 2) Request of Rev. Mark J. Kach, for a Conditional Use Permit, for life of the use, for an institutional use (church) at Lot 55, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 1803 North Main Street.
  - 3) Request of Beatriz Carballo Sanchez, for a Conditional Use Permit, for life of the use, for a single family dwelling at Lot 2, Block 41, North McAllen Subdivision, Hidalgo County, Texas; 217 North 17<sup>th</sup> Street.
- B) **REZONINGS:**
  - 1) Rezone from R-1 (single family residential) District to R-2 (duplex-fourplex residential) District: Lot 25, Block 2, Colonia McAllen #2 Subdivision, Hidalgo County, Texas; 2116 South 26<sup>th</sup> Street. **TABLED**

- 2) Rezone from R-2 (duplex-fourplex residential) District to C-4 (commercial industrial) District: Lots 39 and 40, Block 5, D. Guerra's Addition Subdivision, Hidalgo County, Texas; 401 South 21<sup>st</sup> Street. **TABLED; WITHDRAWN**
- 3) 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. **TABLED;WITHDRAWN**

**C) CONDITIONAL USE PERMITS:**

- 1) Request of Gerardo M. Rodriguez Jr. on behalf of South Texas College, for a Conditional Use Permit, for life of the use, for an institutional use (parking facility) at Lots 4 through 10, Buena Vista Subdivision Unit 1, Hidalgo County, Texas; 2900-3008 West Pecan Boulevard. **WITHDRAWN**
- 2) Request of Samuel Avila & Roberto Urbina Jr., appealing the decision of the Planning & Zoning Commission of the June 16, 2009 meeting, denying the request for a Conditional Use Permit for one year, for a bar, at Lot 1, Nolana West Subdivision, Hidalgo County, Texas; 2200 West Nolana Avenue, Suite 2212.
- 3) Request of Juan A. Martinez, appealing the decision of the Planning & Zoning Commission of the June 2, 2009 meeting, denying the request for a Conditional Use Permit for one year, for a bar, at Lot A-1, Nolana Tower Shopping Center Subdivision, Hidalgo County, Texas; 400 West Nolana Avenue, Suite I, J, and K.

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

**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 Tri-Wanis Ventures, LLC, for additional time and financial assistance. (Section 551.087, T.G.C.)
  - D) Discussion and Possible Action – Consideration of a 380 Agreement relating to a proposed new business to be located at 111 S. 15<sup>th</sup> Street. (Section 551.087, T.G.C.)
  - E) Discussion and Possible Action relating to economic incentives for Project Big Box. (Section 551.087, T.G.C.)
  - F) Discussion and Possible Action relating to proposals for the sale of Lot 8 or a portion thereof, for 3<sup>rd</sup> Convention Center Hotel. (Section 551.087, T.G.C.)
  - G) Discussion and Possible Action – Consider approval of Memorandum of Understanding Agreement with UTPA for McAllen Teaching Center. (Section 551.087, T.G.C.)
  - H) Consultation with City Attorney relating to Workers Comp/Loss Run Report as of May 31, 2009. (Section 551.071, T.G.C.)

- I) Consultation with City Attorney regarding Settlement Proposal of pending lawsuit: City of McAllen vs. Bill Fitzgibbons. (Section 551.071, T.G.C.)
- J) Consultation with City Attorney regarding new lawsuit: Cause No. C-1602-09-J; Amado Cano, et al vs. City of McAllen and McAllen Fire Chief Rogelio Rubio. (Section 551.071, T.G.C.)
- K) Consultation with City Attorney regarding potential condemnation relating to Bicentennial and Water District No. 3. (Section 551.071, T.G.C.)
- L) Discussion and Possible Action relating to the possible exchange of properties for Holiday Inn Project. (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 19<sup>th</sup> day of June, 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