



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, JULY 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** – Aida Ramirez, Mayor Pro-Tem

**PRESENTATION BY SHAWN SNIDER – STATE FIREMEN’S AND FIRE MARSHAL’S ASSOCIATION**

**PROCLAMATION**–*National Therapeutic Recreation Month* – Tony Alamilla – By Mayor Pro-Tem Ramirez

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 June 8, 2009.
  - B) Approval of Change Order No. 2 and Final Reconciliation of Quantities for City Hall Emergency Generator and IT Department Improvements.
  - C) Approval of additional services with Halff Associates, Inc. for Site Investigation Activities for former Wastewater Oxidation Ponds at Ware Road and Sarah Avenue.
  - D) Consideration and approval of a permit to drill an oil/gas well in Lot 6, Block 2 of Rio Bravo Plantation Company’s Subdivision.
  - E) Award of Contract – Removal/Purchase/Installation of Cargo Bay Doors and Dock Levelers.
  - F) Approval of Memorandum of Understanding between Hidalgo County High Intensity Drug Trafficking Area Task Force (HIDTA) and the McAllen Police Department relating to the transfer of surplus equipment.
  - G) Approval of Change Order No. 1 for GSA Utility Infrastructure at Anzalduas Bridge – Offsite Drainage Improvements.
  - H) Resolution authorizing the submission of a grant application to the Department of Homeland Security, for funding under the Fiscal Year 2009 American Recovery and Reinvestment Act, Assistance to Firefighters Fire Station Construction Grant Program.
  - I) Ordinance providing for a budget amendment for transfer of funds for payment of Note for payment of land near Airport.
  - J) Approval of Contract Amendment with Halff Associates for Mechanical and Electrical Engineering Services for City Hall/IT Generator Improvements.
  
2. **BIDS/CONTRACTS:**
  - A) Amendment No. 5 to the HNTB General Engineering Contract for Environmental Study.
  - B) Authorization to open single bid and Award of Supply Contract – Irrigation Controllers and associated irrigation control items.
  - C) Change Order No. 1 for 29<sup>th</sup> & Zinnia Park in order to resolve two civil work issues.
  - D) Supplemental Agreement No. 17 with Dannenbaum Engineering for additional Engineering/Architectural Services for the Anzalduas International Bridge Project.

- E) Consider approving additional audit fees requested for FY 2007-08 Audit from Padgett, Stratemann & Co., LLP.

**3. ORDINANCE:**

- A) Regulating Valet Parking Services.

**4. RESOLUTION:**

- A) Approving a resolution of the Development Corporation of McAllen related to the submission of the Texas Leverage Fund Application for Embassy Suites and La Quinta Hotel Projects.

**5. VARIANCE:**

- A) Consideration of a sign variance at Lot 1, Trinity Methodist Subdivision; 1801 Trenton Road.

**6. MANAGER'S REPORT:**

- A) Presentation on Texas Border Coalition.
- B) Consider approval of funding request for the Earned Income Tax Credit Program.
- C) Consider authorization for the submission of Section 108 Loan Guarantee Applications for Embassy Suites and La Quinta Hotel developments.
- D) Consider authorization to develop and advertise a Request for Proposals (RFP) for the leasing of City-owned surface parking lots.
- E) Consider expanding scope of issues undertaken by McAllen Citizen's Traffic Commission Board.
- F) Presentation of Financial Report.
- G) Consider amending Padgett, Stratemann & Co., LLP Contract to provide for the review of Internal Audit Department.
- H) Future Agenda Items.

**7. MAYOR'S REPORT:**

- A) Report on 4<sup>th</sup> of July festivities.

**8. TABLED ITEM:**

- A) Approval of Amendment to Lease Agreement for the Airport News & Gift Concession Contract.

**THE CITY COMMISSION HAS THE PREROGATIVE TO RECESS INTO EXECUTIVE SESSION PRIOR TO 6:00 PM**

**9. 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.]*

Request of Iglesia Rios De Agua De McAllen, for a Conditional Use Permit for life of use, for an institutional use (church), at Lots 5 and 6, J. Villarreal Subdivision; Hidalgo County, Texas; 513 East Westway Avenue.

**B) CONDITIONAL USE PERMITS:**

1) Request of Francisco R. Ibarra, 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 assessors tracts 13 and 14 out of an unnumbered lot, Retiree Haven #1 Subdivision, Hidalgo County, Texas; 6416 South 10<sup>th</sup> Street.

2) Request of neighbors at Redbud Subdivision, appealing the decision of the Planning & Zoning Commission of the June 16, 2009 meeting, approving the request of Ruben Ramirez for a Conditional Use Permit for one year, for a bar at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 East Nolana Avenue, Suites N3-N5.

3) Request of Benjamin D. Robalino, 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 3, Lone Star National Bank Subdivision, Hidalgo County, Texas; 500 East Nolana Avenue.

**END OF PUBLIC HEARING**

**PUBLIC COMMENT SESSION**

**10. 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 relating to Tri-Wanis Ventures, LLC, for additional time and financial assistance. (Section 551.087, T.G.C.)
- C) 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.)
- D) Discussion and Possible Action relating to economic incentives for Project Big Box. (Section 551.087, T.G.C.)
- E) 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.)
- F) Discussion and Possible Action – Consideration of a 380 Industrial Incentive Contract for Project Thrust. (Section 551.087, T.G.C.)
- G) Discussion and Possible Action - Consideration of a 380 Industrial Incentive Contract for future McAllen Soccer Stadium. (Section 551.087, T.G.C.)
- H) Discussion and Possible Action relating to the possible exchange of properties for Holiday Inn Project. (Section 551.072, T.G.C.)
- I) Discussion and Possible Action – Consider accepting the donation of land consisting of five acres on North Ware Road for a Tennis Center. (Section 551.072, T.G.C.)
- J) Consultation with City Attorney regarding Appellate Cause No. 13-09-00067-CV; City of McAllen vs. Arnaldo Ramirez. (Section 551.071, T.G.C.)

- K) Consultation with City Attorney regarding legal aspects of Charter Amendment Election. (Section 551.071, T.G.C.)
- L) Consultation with City Attorney regarding possible Appeal of Award of Special Commissioners – Condemnation CCD 0001-D City of McAllen vs. Belinda & Victor Garza. (Section 551.071, T.G.C.)
- M) Consultation with City Attorney regarding legal aspects of Veterans War Memorial funding. (Section 555.071, T.G.C.)
- N) Discussion and Possible Action regarding pending lawsuit and proposed settlement; City of McAllen vs. Caremark PCS Health L.P. f/k/a Advance Health, L.P.

**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 **10<sup>th</sup>** day of **July, 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