



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, JULY 27, 2009 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – John Ingram, City Commissioner

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 Meetings held March 23rd, April 13th and April 27, 2009.
 - B) Consideration of License Agreement with Jorge Salcines to allow a balcony to overhang over the sidewalk in front of the building located at 109 South 17th Street.
 - C) Change Amendment No. 1 providing for a contract extension with Hardy, Heck, Moore, Inc. for a Historic Preservation Plan and Design Guidelines.
 - D) Award of Contract – Purchase of Automotive Truck Parts.
 - E) Award of Bid – Purchase of One (1) Modular Frame and Panel Scenery.
 - F) Consideration of License Agreement with South Texas College to allow use of right-of- way for parking.
 - G) Change Order No. 2 and Final Reconciliation of Quantities for the Purchase and Delivery of Type “D” Hot Mix Asphaltic Concrete (HMAC).
 - H) Consider rescinding awarded contract for the purchase of Furniture, Fixtures & Equipment for the Anzalduas Bridge and authorization to re-solicit bids.
 - I) Consideration of one year contract for Ground Maintenance for Expressway 83 from Taylor Road to Jackson Road.
 - J) Ordinance amending the McAllen Code of Ordinances Chapter 82 Personnel, Section 82-40 providing for an increase in the percentage of deposits in Texas Municipal Retirement System.
 - K) Ordinance extending the Sign Moratorium until January 25, 2010.
 - L) Resolution authorizing the participation in the South Texas Auto Theft Enforcement Task Force and entering into an Interlocal Agreement with the City of Brownsville to enforce the program.
 - M) Authorization to submit Annual Grant Application Part 1 to the Texas Department of Transportation to obtain public transportation funding.
 - N) Approval of Tax Refunds over \$500 to:
 1. General Electric Credit
 2. Coca Cola Enterprises, Inc.
 3. Extended Stay
 4. Tallygenicom
 5. Edwards Abstract & Title Co.
 6. Southwest Oil

7. Stan Hannaman
8. Shearer, Sergio
9. McAllen Components LP

2. BIDS/CONTRACTS:

- A) Award of Contract - Purchase of Illuminated Cross Street Garland Decorations.
- B) Award of Bid – Voice Over IP Telephone Equipment and Installation Services for the Police Department.
- C) Change Order No. 2 and Final Reconciliation of Quantities for Single Machine Repaving/Recycling/Rejuvenate/Milling 2008-2009.
- D) Change Order No. 4 for Anzalduas International Bridge Southbound Facilities (architectural).
- E) Reconsideration of Contract Amendment No. 4 with Halff Associates for MEP Engineering Services for McAllen City Hall/I.T. Generator Improvements.
- F) Consideration of Memorandum of Understanding between South Texas College and City of McAllen relating to Basic Fire Certificate Program.
- G) Selection of Consultant Services for Traffic Operations Building Expansion Design.
- H) Award of Contract – Purchase of Seven (7) Transit Buses for McAllen Express Transit (MET).

3. ORDINANCE:

- A) Budget Amendment for the purchase of Transit Buses for McAllen Express Transit (MET).

4. RESOLUTION:

- A) Authorizing the tax resale of certain properties:
 1. Lot 22, Whispering Winds Subdivision, an addition to the City of McAllen.
 2. Lot 23, Whispering Winds Subdivision, an addition to the City of McAllen.
 3. Lot 24, Whispering Winds Subdivision, an addition to the City of McAllen.
 4. Lot 1, Block 31, McAllen Original Townsite.
 5. Lots 15 and 16, Block 3, Beatty and Folsom Subdivision.
 6. Lot 130, Idela Park Subdivision, Unit 1, an addition to the City of McAllen.
 7. Lot 21, Montebello Subdivision, Unit 2.
 8. Lot 4, Block 1, Colonia McAllen #1.
 9. Lot 2, Block 33, Hammond’s Addition, an addition to the City of McAllen.
 10. The south 30 ft. of Lot “A”, J.T.C. Enterprises Subdivision, an addition to the City of McAllen.

5. VARIANCES:

- A) Consideration of the request for a sign variance at Lot 1, Block 2, College Addition Subdivision; 402 South 23rd Street.
- B) Consideration of the request for a sign variance at Lot 1, McAllen, Elementary #5 Subdivision; 3900 Goldcrest Avenue.

6. MANAGER’S REPORT:

- A) Monthly Construction Report on Anzalduas Bridge.

- B) Report on Legislative Session by Lobbyist and Director of Government Affairs.
- C) Future Agenda Items.

7. MAYOR’S REPORT:

- A) Report on proposed Truck & Trailer Ordinance.
- B) Report on proposed Sign Ordinance.

8. TABLED ITEMS:

- A) Authorization to open single bid and Award of Supply Contract – Irrigation Controllers and associated irrigation control items.
- B) Ordinance regulating Valet Parking Services.

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.]*

1) Rezone from R-3A (multifamily residential apartments) District to C-3 (general business) District: 1.41 acres out of Lot 1, Block 4, A.J. McColl Subdivision, Hidalgo County, Texas; 1104 East Violet Avenue.

2) Rezone from C-3 (general business) District to R-3A (multifamily residential apartments) District: 2.65 acres out of Lot 1, Block 4, A.J. McColl Subdivision, Hidalgo County, Texas; 1200 East Violet Avenue.

3) Rezone from A-O (agricultural-open space) District to C-1 (office building) District: 2.19 acres out of Lot 4, Block 3, A.J. McColl Subdivision, Hidalgo County, Texas; 5121 North Jackson Road.

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

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

10. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

- 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 relating to economic incentives for Project Big Box. (Section 551.087, T.G.C.)
- D) Discussion and Possible Action - Consideration of a 380 Industrial Incentive Contract for future McAllen Soccer Stadium. (Section 551.087, T.G.C.)
- E) Discussion and Possible Action relating to economic incentives for Embassy Suites Hotel. (Section 551.087, T.G.C.)
- F) Consultation with City Attorney regarding legal aspects of a Charter Amendment Election. (Section 551.071, T.G.C.)
- G) Discussion and Possible Action regarding filing lawsuit in pending Subrogation Claim against Fernando C. Nino. (Section 555.071, T.G.C.)
- H) Consultation with City Attorney regarding City of McAllen challenge in District Court of Hidalgo County Appraisal District Appraisal Rolls. (Section 555.071, T.G.C.)
- I) Discussion and Possible Action regarding new lawsuit: Cause No. CL-09-2004-F; MPOU vs. City of McAllen and Chief Victor Rodriguez. (Section 555.071, T.G.C.)
- J) Consultation with City Attorney regarding Workers Compensation / Loss Run Report as of June 30, 2009. (Section 551.071, T.G.C.)
- K) Consultation with City Attorney regarding Motor Vehicle Liability and Subrogation Claim Reports as of June 30, 2009. (Section 551.071, T.G.C.)
- L) Discussion and Possible Action – Seek City Attorney’s opinion relating to Police and Fire Collective Bargaining Contracts. (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.

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 24th 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