



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, AUGUST 10, 2009 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – Jim Darling, City Commissioner

PROCLAMATION – *Anita S. Ozuna Day* – Yolanda Ozuna - *Commissioner Darling*

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

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 July 13, 2009.
 - B) Approval of Amendment No. 1 to the Jacobs Engineering Contract to conduct an engineering review of an additional alternative for the relocation of 10th Street and perform Life-Cycle Cost Analysis for vehicle tunnel alternative.
 - C) Approval of Change Order No. 5 for Anzalduas International Bridge Southbound Facilities (architectural).
 - D) Approval of Change Order No. 6 for Anzalduas Bridge Crossing for additional compensation for fencing.
 - E) Approval of Change Order No.7 for Anzalduas International Bridge Crossing to supply pre-cast traffic barriers.
 - F) Ordinance providing for a Budget Amendment in the amount of \$7,970.00 for the matching funds for the Glass Pulverizer.
 - G) Award of Bid for a Construction Contract for Irrigation Improvements for Garza Park.
 - H) Ordinance providing for a Budget Amendment for the General Fund increasing expenditures.
 - I) Contract Amendment No. 7 increasing the survey and testing allowance for the Main Library with Boultinghouse, Simpson Architects.
 - J) Award of Contract - Purchase of one (1) Current Model (Asphalt) Crack Sealer for the Streets and Drainage Department of Public Works.
 - K) Approval of Contract for Amendment No. 3 for Expense Reimbursement Fees for Northwest McAllen Police Community Network/Training Center for TAG International.
 - L) Award of Bid - Purchase of Mobile Broadband Data Service for all City Departments through the State of Texas Department of Information Resources (DIR) Program.
 - M) Consideration of right- of-way dedication on proposed Nelson Block 3A Subdivision.
 - N) Award of Contract - Temporary Employment Services.

2. BIDS/CONTRACTS:

- A) Consideration of request to negotiate a scope of services and fee schedule with the five firms for Surveying Services 2009-2010.
- B) Consideration and approval of agreement between City of McAllen and Hidalgo County Water Improvement District #3 for authorization of Bicentennial Blueline Drain Ditch Widening.
- C) Award of Contract - Purchase of One (1) Current Model Herbicide Sprayer for Streets and Drainage Department of Public Works.
- D) Contract clarification for Boultinghouse, Simpson Architects – Basic Contract and Contract Amendment No. 6 for the McAllen Main Library.

3. ORDINANCE:

- A) Authorization to Permanently Amend the Downtown Parking Garage Rates.

4. RESOLUTION:

- A) Authorizing the submission of a grant application package to the U.S. Department of Commerce, National Telecommunications and Information Administration (NTIA), Broadband Technology Opportunities Program (BTOP).

5. MANAGER'S REPORT:

- A) Discuss 2009 City of McAllen Effective and Rollback Tax Rate; Take Record Vote; and Schedule Public Hearings.
- B) Appointment of member to the McAllen Housing Authority Board by Mayor Cortez.
- C) Future Agenda Items.

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

6. PUBLIC HEARING BEGINNING AT 6:00 PM

- A) **ROUTINE ITEMS:** *[All Rezonings 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: 1.94 acres out of Lot 149, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 3801 West Business Highway 83 (rear).

2) Rezone from C-3L (light commercial) District to C-3 (general business) District: 3.37 acres out of Long Park Subdivision Phase 2, Hidalgo County, Texas; 1100 Dove Avenue.

3) Rezone from A-O (agricultural-open space) District to C-3 (general business) District: Lot 4 all of that part lying west of 10th Street, Ford Subdivision, Hidalgo County, Texas; 3000 South 10th Street.

4) Request of Rudy G. Carr, for a Conditional Use Permit, for life of the use, for a single family dwelling at the west 160 feet of the north 60 feet of Lot 177, John H. Shary Subdivision, Hidalgo County, Texas; 1401 South Taylor Road.

B) CONDITIONAL USE PERMIT:

Request of Raul Noe Garcia, appealing the decision of the Planning & Zoning Commission of the July 21, 2009 meeting, denying the request for a Conditional Use Permit for one year, for a lounge at Lots 1-5, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suite L.

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

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

7. 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 relating to economic incentives for Embassy Suites Hotel. (Section 551.087, T.G.C.)
- E) Consultation with City Attorney regarding new lawsuit; Cause No. C-1744-09-H; Donna Thorne vs. City of McAllen. (Section 555.071, T.G.C.)
- F) Consultation with City Attorney regarding to the Regional Mobility Authority Board. (Section 555.071, 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 7th day of August, 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/

Perla Zamora, TRMC
Deputy City Secretary