



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, OCTOBER 12, 2009 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – Hilda Salinas, Mayor Pro Tem

PROCLAMATIONS – *Cares Enough to Wear Pink Campaign* – Rogelio Rubio

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 August 10, 2009.
 - B) Tax Refunds over \$500:
 1. Edwards Abstract and Title Co.
 2. Stone Oak Development Ltd.
 3. Alonzo Cantu
 4. KB Homes Lone Star LP
 5. El Pistalon LLP
 - C) Authorization to declare certain Public Works equipment as surplus and begin auction efforts.
 - D) Approval of Change Order No. 7 for additional time days for the Anzalduas International Bridge Southbound Facilities (architectural) Project.
 - E) Award of Contract – Various Concrete Joint Sealing Project 2009.
 - F) Approval of Change Order No. 2 and Final Reconciliation of Quantities for 2009 Intersection Improvements Phase I.
 - G) Approval of Extension of Contract for Structural Services 2009-2010 for various projects.
 - H) Approval of Extension of Contract for MEP Services for various projects.
 - I) Authorization to write-off uncollected NSF Checks from various departments.
 - J) Approval of Change Order No. 1 for The Crossings Park for changes mandated by the International Building Code 2006.
 - K) Resolution authorizing the submission of a grant application to the Transportation Energy Efficiency Alternative Fuels and Technology for the purchase of energy efficiency vehicles.
 - L) Resolution authorizing the submission of a grant application to the United States Department of Homeland Security for funding under the Fiscal Year 2009-2010 Fire Prevention and Safety Grant Program.

- M) Appointment of Commissioner Marcus Barrera to serve as an alternate member on the Anzalduas International Bridge Board.

2. BIDS/CONTRACTS:

- A) Award of Contract – Re-Roofing for Fire Stations 2, 5 and 6.
- B) Award of Contract for Security Guard Services for various departments.

3. VARIANCES:

- A) Consideration of the request for a sign variance at the south 100 ft. of the north 310 ft. of the west 206 ft. of Lot 328, John H. Shary Subdivision; 4701 Buddy Owens Boulevard.
- B) Consideration of the request for a sign variance at the west 90 ft. of Lots 13 & 14, Block 12, McAllen Addition Subdivision; 101 South 15th Street.

4. MANAGER’S REPORT:

- A) Future Agenda Items.

5. MAYOR’S REPORT:

- A) Post-Event Report of 2009 PalmFest.

6. TABLED ITEMS:

- A) Approval of transfer of funds to the McAllen Chamber of Commerce for Artwork at Main Avenue and Auburn Avenue.
- B) Consideration and Approval of Supplemental Agreement No. 18 with Dannenbaum Engineering for additional Engineering/Architectural services for the “Welcome” Monument.

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 ITEM:** *[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 the City of McAllen Public Works Department, for a Conditional Use Permit, for life of the use, for an institutional use (composting facility) at 63.05 acres out of Lots

1, 4 and 5, Block 1 and Lots 1-4 and 8-11, Block 5, M & M Subdivision, Hidalgo County, Texas; 15201 North 29th Street (North Rooth Road).

B) REZONINGS:

1) Rezone from C-3 (general business) District to C-4 (commercial industrial) District: Lots 93 and 95, Retiree Haven #2 Subdivision, Hidalgo County, Texas; 1001 and 1007 Vanessa Avenue.

2) Rezone from R-1 (single family residential) District to C-3 (general business) District: Lots 32, 33 and 34, Linda Vista Subdivision, Hidalgo County, Texas; 2545, 2549 and 2553 Lindberg Avenue. **STAFF WILL RECOMMEND THAT THIS ITEM BE TABLED**

3) Rezone from C-3 (general business) District to R-3A (multifamily residential apartments) District: Lot 5, Block 42, McAllen Addition Subdivision, Hidalgo County, Texas; 504 South 16th Street. **WITHDRAWN**

C) CONDITIONAL USE PERMITS:

1) Request of Reynaldo Diaz, for a Conditional Use Permit, for life of the use, for a flea market at the north 301.50 of the west 330 feet of Lot 11, La Lomita (HOIT) Subdivision, Hidalgo County, Texas; 3612 State Highway 107. **STAFF WILL RECOMMEND THAT THIS ITEM BE TABLED**

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

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 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) Discussion and Possible Action relating to possible site trade for full service Holiday Inn & Suites Hotel. (Section 551.072, T.G.C.)
- F) Discussion and Possible Action relating to request from South Texas College (STC) for reciprocal parking located on Lot 2, Medical Treatment and Education Center Subdivision. (Section 551.072, T.G.C.)
- G) Consultation with City Attorney regarding pending litigation - Arnaldo Ramirez, et al vs. City of McAllen. (Section 551.072, T.G.C.)
- H) Consultation with City Attorney regarding lawsuit; Civil Action No. M-08-369; City of McAllen vs. Bill Fitzgibbons. (Section 555.071, T.G.C.)
- I) Consultation with City Attorney regarding contract at Convention Center. (Section 555.071, T.G.C.)
- J) Consultation with City Attorney regarding new lawsuit; Civil Action No. 7:09-CV00235; Cesar Cadena, Marcos Hernandez III, Eduardo Lugo and Manuel Vargas vs. City of McAllen. (Section 555.071, T.G.C.)
- K) Consultation with City Attorney regarding lawsuit; Civil Action No. M-06-352; Idelma Ana Saenz, et al vs. City of McAllen. (Section 555.071, T.G.C.)
- L) Consultation with City Attorney regarding lawsuit; Civil Action No. M-06-290; Alma Morales, et al vs. City of McAllen. (Section 555.071, T.G.C.)
- M) Consultation with City Attorney regarding leasing of Civic Center. (Section 551.071, T.G.C.)
- N) Discussion and Consultation with City Attorney regarding condemnation lawsuit: City of McAllen vs. Belinda and Victor Garza. (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.

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 9th day of October, 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