



**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, OCTOBER 26, 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

**PROCLAMATIONS** – *PalmFest Volunteer Appreciation Day* – Elva Cerda – *Commissioner Darling*

**PRESENTATION** – Eric Ellman, Los Caminos Del Rio

**PRESENTATION OF 2009 COMMUNITY OF YEAR AWARD**

**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 for Regular Meetings held August 24<sup>th</sup> and September 28<sup>th</sup>, 2009.
- B) Award of Contract - Annual Surveying Services 2009-2010.
- C) Change Order No. 1 for North McAllen Community Network & Training Center.
- D) Consideration of License Agreement allowing Holy Spirit Catholic Church to construct and maintain a sculpture.
- E) Renewal of New World Systems Software Maintenance Agreement for continued support and maintenance of the City of McAllen's Public Safety System.
- F) Authorization to rescind awarded contract with Cisco Maintenance.
- G) Resolution authorizing the acceptance of the Lone Star Grant through the Texas State Library and Archives Commission for the Library.
- H) Award of Contract – Armored Car Services.
- I) Award of Contract – Purchase of Tires.
- J) Approval of Agency Contracts with the Development Corporation of McAllen, Inc.
- K) Ordinance amending the McAllen Code of Ordinances Chapter 102, Article II Administration, Division 2, Section 102-43 relating to Traffic Commission Scope.
- L) Ordinance providing for the abandonment of a 15 ft. utility easement, being 0.221 acre strip of land out of Block 3, M & M Subdivision; 14101 N. Rooth Road.

**2. BIDS/CONTRACTS:**

- A) Approval of Change Order No. 1 for Installation of WiFi Equipment Downtown.
- B) Approval of Change Order No. 9 for Anzalduas International Bridge Toll Plaza.
- C) Award of Contract - Construction of Boeye Reservoir Relocation Project.
- D) Renewal of Legislative Contract with Joe Garcia dba The Garcia Group.
- E) Award of Contract - Purchase of Fifty (50) Laptops and Eighty (80) Docking Stations with Extended Warranty for Police Department.

**3. ORDINANCES:**

- A) Amending the speed limit on North and South 10<sup>th</sup> Street.

- B) Providing for Developer's Contract for participation with Lark Avenue Paving and Drainage Improvement Costs at CandleFlower Subdivision Unit III.

**4. RESOLUTIONS:**

- A) Authorizing the submission of a grant application to the Texas Comptroller of Public Accounts for funding under the Transportation Energy Efficiency Traffic Signal Synchronization or Replacement Program.
- B) Authorizing the submission of a grant application to the Texas Comptroller of Public Accounts, for funding under the Distributed Renewable Energy Technology Program.

**5. MANAGER'S REPORT:**

- A) Consideration and approval of "City of McAllen Standard Design Guide for Public Infrastructure Improvements".
- B) Presentation of 2009-2010 Proposed City of McAllen Capital Improvements.
- C) Consideration and Possible Action to approve amendment to S.T.AP. By-Laws.
- D) Future Agenda Items.

**6. MAYOR'S REPORT:**

- A) Post-Event Report of 2009 PalmFest.

**7. TABLED ITEM:**

- A) 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**

**8. 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-1 (single family residential) District to C-3L (light commercial) District: .63 acres out of Lot 62, La Lomita Irrigation & Construction Company Subdivision, Hidalgo County, Texas; 7600 North 29<sup>th</sup> Street.

2) Rezone from A-O (agricultural-open space) District to C-3L (light commercial) District: 2.69 acres out of Lot 62, La Lomita Irrigation & Construction Company Subdivision, Hidalgo County, Texas; 2701 Trenton Road.

- B) **REZONING:**

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. **TABLED**

- C) **CONDITIONAL USE PERMITS:**

- 1) Request of Myegs, Inc., appealing of the decision of the Planning & Zoning Commission at the October 6, 2009 meeting denying the Conditional Use Permit, for one year, for a bar at Lots 6 and 7, 21<sup>st</sup> Place Subdivision; 2013 Nolana Avenue.
- 2) Request of Cin Cin, appealing of the decision of the Planning & Zoning Commission at the October 6, 2009 meeting denying the Conditional Use Permit, for one year, for a bar at Lot A, Nolana Tower Shopping Center Subdivision; 400 Nolana Avenue, Suite H-1.
- 3) 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. **TABLED**

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

## **END OF PUBLIC HEARING**

## **PUBLIC COMMENT SESSION**

- 9. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY) AND SECTION 551.074 (PERSONNEL MATTERS).**
- 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 a 380 Industrial Incentive Contract for Project Stars & Stripes. (Section 551.087, T.G.C.)
  - F) Consultation with City Attorney regarding new lawsuit; Cause No. CL-09-2847-F; Jenaro Luevano vs. City of McAllen. (Section 551.071, T.G.C.)
  - G) Consultation with City Attorney regarding Motor Vehicle Accident Liability and Subrogation Claim Reports as of September 30, 2009. (Section 551.071, T.G.C.)
  - H) Consultation with City Attorney regarding the Workers Comp/Loss Run Report as of September 30, 2009. (Section 551.071, T.G.C.)
  - I) Discussion and Possible action relating to purchase of property at 121 N. 21<sup>st</sup> Street. (Section 551.072, T.G.C.)
  - J) Discussion and Possible Action relating to a Chapter 380 Agreement for Project Buckeye. (Section 551.087, T.G.C.)
  - K) Consultation with City Attorney regarding legal issues related to Police and Fire Collective Bargaining Issues. (Section 551.071, T.G.C.)
  - L) Discussion and Possible Action – Evaluation of City Manager. (Section 551.074, 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**

**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 23<sup>rd</sup> 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/

Perla Zamora, TRMC  
Deputy City Secretary