



**CITY COMMISSION REGULAR MEETING  
MONDAY, NOVEMBER 9, 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** – Scott Crane, City Commissioner

**PROCLAMATIONS** - *Veteran's Day* – Mayor Pro Tem Salinas

- *GIS Day* – Joanna Sanchez – Mayor Pro Tem Ramirez

- *Texas Recycles' Day* – Carlos Sanchez – Commissioner Crane

**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 October 12<sup>th</sup> and October 26, 2009.

**B)** Tax Refunds over \$500:

1) Juan D. & Susanna E. Asuaje

2) Charles & Debra Marina

3) Odwalla, Inc. (Coca Cola Co.) c/o Gordon Jenkins

4) Pan American Industrial SYCS

5) Toyota Motor Credit Corp. Tax Dept. NF24

6) Embassy Suites Hotel c/o Calmac LTD

7) RCBS, LP

8) Santa Lucia Investments, LTD

9) Norma's Jewelry c/o Norma D. Cerda

10) Stone Oak Development, LTD

11) Stone Oak Development, LTD

12) El Pistalon, LLP

**C)** Award of Contract – Purchase of Seventeen (17) Handheld Mobile Citation Devices for McAllen Police Department.

**D)** Approval of Farm Lease with Karle Farms for all of Lots 9 and 10, Section 5, Hidalgo Canal Company Subdivision.

**E)** Resolution casting votes for Appraisal District Board of Directors 2010-2011.

**F)** Ordinance providing for a budget amendment to increase the General Fund Management Fee for the Sanitation and Airport Funds.

**G)** Ordinance providing for the abandonment of the east 5 ft. of a 10 ft. utility easement on the west side of Lot 119, El Pacifico Subdivision Phase II; 3308 Southern Breeze Avenue.

**H)** Change Order No. 2 for additional time for construction of the Dog Park and Neighborhood Detention Facility.

**2. BIDS/CONTRACTS:**

**A)** Award of Contract - Bicentennial Boulevard: Nolana Avenue to Trenton Road.

- B) Award of Contract - Purchase and Installation of Security System Enhancements for McAllen Police Department.
- C) Award of Contract - Uniform Cleaning and Pressing Services for the McAllen Police and Fire Departments.
- D) Authorization to declare Two (2) 2003 Autocar Refuse Trucks as surplus and authorization to begin sale efforts via an Interlocal Agreement with the City of Weslaco.
- E) Award of Contract– Purchase and Installation of Radio Dispatch Console Equipment for Traffic Operations Department.
- F) Award of Contract – Purchase of Ten (10) Motorola Digital Video Recording Units for Patrol Cars.
- G) Award of Contract – Purchase of P25 Capable Radios for various City Departments.
- H) Rescinding awarded contract for Security Guard Services and authorization to re-solicit bids.

**3. ORDINANCE:**

- A) Amending the McAllen Code of Ordinances, Appendix “C” Franchises, by adding Section 13 modifying the Franchise Agreement with Texas Gas Service Company to conform with the terms of the Settlement Agreement approved August 14, 2009.

**4. RESOLUTION:**

- A) Supporting Edinburg CISD’s submission of a grant application to the Texas Department of Transportation for funding under the Safe Routes to School Grant for Cavazos Elementary School located in McAllen.

**5. MANAGER’S REPORT:**

- A) Discussion relating to hiring or engaging an audit firm to perform the 08-09 Audit for the City of McAllen and McAllen Public Utility.
- B) Presentation relating to upcoming Texas Border Coalition Conference.
- C) Future Agenda Items.

**6. MAYOR’S REPORT:**

- A) Report on estimate date for Anzalduas Bridge opening.
- B) Report on Special Charter Amendment Election held November 3, 2009.

**7. TABLED ITEMS:**

- A) Consideration and Approval of Supplemental Agreement No. 18 with Dannenbaum Engineering for Additional Engineering/Architectural Services for the “Welcome” Monument.
- B) Award of Contract - Annual Surveying Services 2009-2010.
- C) Consideration of License Agreement allowing Holy Spirit Catholic Church to construct and maintain a sculpture.
- D) Ordinance amending the McAllen Code of Ordinances Chapter 102, Article II Administration, Division 2, Section 102-43 relating to Traffic Commission Scope.

**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.]*

Request of Gene Clancy on behalf of Stripes 9650, for a Conditional Use Permit, for life of the use, for a gasoline service station at Lot 23, Lar-Lin Subdivision, Hidalgo County, Texas; 201 Nolana Avenue.

**B) REZONINGS:**

1) Rezone from A-O (agricultural & open space) District to C-3 (general business) District: 5.78 acres out of Lot 105, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 3501 Buddy Owens Boulevard.

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. **TABLED**

**C) CONDITIONAL USE PERMITS:**

1) Request of ATI Enterprises, Inc. for a Conditional Use Permit, for life of the use, for an institutional use (school) at Lots 1, 2, and 3, Amended Williams Subdivision and a 1.803 acre tract and land out of Lot 25, Block 1, C. E. Hammond Subdivision, Hidalgo County, Texas; 3000, 3004, 3008, and 3016 North 23<sup>rd</sup> Street. **STAFF WILL RECOMMEND THAT THIS ITEM BE TABLED**

2) Request of 3911 International, LLC, appealing the decision of the Planning & Zoning Commission of the October 20, 2009 meeting, denying a Conditional Use Permit for one year, for a nightclub at Lots 4, 5, & 6, Palms Community Center #2 Subdivision; 3911 North 10<sup>th</sup> Street, Suite B & C.

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) 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 the request by the Corps of Engineers regarding property for Army Reserve Center. (Section 551.072, T.G.C.)
- F) Discussion and Possible Action relating to the offer of site for Project Twin. (Section 551.072, T.G.C.)
- G) Consultation with City Attorney regarding condemnation matter, City of McAllen vs. Jim Melhart, et al. (Section 551.071, T.G.C.)
- H) Consultation with City Attorney regarding Special Charter Amendment Election held November 3, 2009. (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 6<sup>th</sup> day of November, 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