



**CITY COMMISSION REGULAR MEETING
MONDAY, NOVEMBER 23, 2009 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – Marcus Barrera, City Commissioner

PROCLAMATION – *Fiesta Marathon Day* – Veronica Galligan

- *Dias Festivos* – Kristy Ochoa

- *37th Annual Nutcracker Performance* – Deborah Case

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 Meeting held November 9, 2009.
- B) Authorization to declare six (6) Complete Sets of Firefighter Gear as surplus and authorization to enter into an Interlocal Agreement with the City of Alton for use of such equipment.
- C) Approval of License Agreement with Felix Cabrera to allow a portion of fence to remain in place in the alley right-of-way for 300 Kiwi Avenue.
- D) Approval of Interlocal Agreement with the Lower Rio Grande Valley Development Council (LRGVDC) for TxDOT funding for FY 2009-2010.
- E) Authorization to submit Federal Transportation Certifications and Assurances to the Federal Transportation Administration.
- F) Award of Contract – Martin Avenue Widening between N. 6th Street to N. 7th Street.
- G) Award of Contract – 26th Street Drainage Improvements.
- H) Award of Contract - Purchase of Traffic Control Products/Materials.
- I) Tax Refunds over \$500 for:
 - 1. Amreit River Valley LP.
 - 2. Khoury, Munir & Maria
 - 3. McAllen Transitional Care Center
- J) Consider extension of Down Payment/Closing Costs Assistance Program of eligible city employees.
- K) Resolution authorizing the acceptance of grant funds from the Target Community Grant Program for Fiscal Year 2009-2010.
- L) Resolution authorizing the submission of a grant application to the U.S. Environmental Protection Agency under the Fiscal Year 2009 Environmental Justice Small Grants Program.
- M) Ordinance providing for a budget amendment for the Purchase and Installation of Radio Dispatch Console Equipment.
- N) Ordinance providing for a budget amendment for Main and Auburn Paving and Drainage Improvements.
- O) Ordinance providing for a budget amendment for Architectural Fees for the design of the Veterans War Memorial Building.

2. BIDS/CONTRACTS:

- A) Award of Contract – South Texas College Blueline Improvements.
- B) Amendment to Exhibit “A” to the Master Grade Crossing Maintenance Agreement.
- C) Amendment No. 2 to the Sixel Consulting Air Service Development Contract.
- D) Award of Contract – Catastrophic Event Debris Removal.
- E) Award of Contract - Anzalduas International Bridge Toll Plaza Perimeter Fence.

3. ORDINANCES:

- A) Amending the McAllen Code of Ordinances, Chapter 1. General Provisions, to provide for a “Promise to Appear” violation for Non-Peace Officer issued citations.
- B) Amending the McAllen Code of Ordinances, Chapter 130. Signs, ending the moratorium on Changeable Electronic Variable Message (CEVM) Signs, adding special regulations for the same and allowing sign structures with more than one sign not exceeding total square footage allowed based on type of sign.
- C) Budget Amendment for Professional Services relating to Unified Development Code.

4. RESOLUTIONS:

- A) Authorizing the submission of Two (2) Project Nomination Applications to the Texas Department of Transportation, under the 2009 Statewide Transportation Enhancement Program.
- B) Authorizing the acceptance of grant funds from the Texas Department of Transportation under the Selective Traffic Enforcement Program (STEP) Impaired Driving Mobilization (IDM).
- C) Authorizing the submission of a grant application to the Texas Department of Transportation for the Safe Routes to School Grant Program under the Fiscal Year 2009-2010.

5. VARIANCE:

Consider request for a sign variance at Lots 1-A, 2-A, 3-A, Block 1, Texas State Bank Subdivision; 3900 North 10th Street.

6. MANAGER’S REPORT:

- A) Presentation of Tax Collection Report from 10/1/08 through 9/30/09.
- B) Presentation of Delinquent Tax Collection Report.
- C) Report on Holiday Events.
- D) Consider amending McAllen Design Guide for Public Infrastructure Improvements relating to grease traps.
- E) Future Agenda Items.

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.]*

Request of Esther Franz Rodriguez, for a Conditional Use Permit, for life of the use, for a gasoline service station at the southwest 150 ft. by 150 ft. of Lot 5 of the northeast ¼ of Block 7, excluding the northeast triangle, consisting of 0.08 acres, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 1501 South 10th Street.

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 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 23rd Street. **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 10th Street, Suites B & C. **TABLED**

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.

E) Public Hearing to consider adoption of the Comprehensive Historic Preservation Plan and Design Guidelines for the Las Palmas Historic District and 17th Street Downtown.

F) Public Hearing to consider adoption of an ordinance reinstating the McAllen Code Chapter 70, Offenses and Miscellaneous Provisions; Curfew Hours for Minors.

G) Consider adoption of an ordinance reinstating the McAllen Code Chapter 70, Offenses and Miscellaneous Provisions; Curfew Hours for Minors.

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 purchase of property at 2nd and 10th Streets. (Section 551.072, T.G.C.)
 - F) Discussion and Possible Action relating to McAllen Grand Plaza Hotel. (Section 551.072, T.G.C.)
 - G) Discussion and Possible Action on full service Holiday Inn site trade. (Section 551.072, T.G.C.)
 - H) Consultation with City Attorney regarding pending litigation; Manuel Trigo vs. City of McAllen. (Section 551.071, T.G.C.)
 - I) Consultation with City Attorney – Workers Comp/Loss Run Report as of October 31, 2009. (Section 551.071, T.G.C.)
 - J) Consultation with City Attorney regarding contract at Convention Center. (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 20th 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