



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, DECEMBER 14, 2009 – 4:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – John Ingram, City Commissioner

PROCLAMATIONS - *TubaChristmas* – Jim Egger
- *Christmas for Kids* – Chief Victor Rodriguez
- *Monica's Angels Day* – Alfredo Montanaro

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 23, 2009.
 - B) Consideration of Interlocal Agreement with University of Texas Pan American for the design, construction and maintenance of the Recycling Center Mascot – Curby.
 - C) Award of Contract - Purchase of Twenty-One (21) 2010 Police Pursuit Vehicles.
 - D) Consider renewal of Maintenance Agreement for InCode Computer System for Municipal Court.
 - E) Authorization to rescind awarded contract with South Texas Communication, Inc. for two (2) Radio Dispatch Consoles and be awarded to Motorola Inc.
 - F) Consideration of License Agreement with Floreria Lee Tx. Inc. to allow a grease trap in the alley behind 1010 S. 10th Street.
 - G) Consideration of License Agreement with Lower Rio Grande Valley National Wildlife Refuge regarding construction of fence along the Anzalduas Bridge.
 - H) Change Order No. 8 – Anzalduas International Bridge Southbound Facilities (architectural) project for Toll Booth Cameras.
 - I) Award of Contract for removal, purchase and installation of Carpeting for McAllen International Airport.
 - J) Nomination of inductee to the Rio Grande Valley Walk of Fame as part of the 2010 *BorderFest*.
 - K) Tax Refunds over \$500:
 1. Logicorp Enterprise/Adrade, Jorge A.
 2. Esponjas Development LTD.
 3. Sierra Title Co.
 - L) Budget Amendment for the purpose of funding the purchase of a CM 55 – Ton Special Trailer for the Public Works Drainage Department.

- M) Budget Amendment for the purpose of funding the purchase of a new Pup-Trailer for Public Works Department.
- N) Budget Amendment for the purpose of funding the purchase of a Roll-Off Truck for the Public Works Department.
- O) Approval of Supplemental Agreement 1 to the MFE Runway Rehabilitation Project Contract.
- P) Approval of Tower Lease for Regional Radio System – Public Safety Interoperable Communications (PSIC) Grant Installation.
- Q) Consideration and discussion relating to Model Pet Ordinance.

2. BIDS/CONTRACTS:

- A) Approval of Change Order No. 2 with D.M. Roth for additional time for construction of Zinnia and 29th Street.
- B) Award of Contract – Purchase of Playground Equipment and Bound Rubber Mulch Safety Surfacing.
- C) Award of Contract – Purchase of various Refuse Equipment for the Sanitation Department of Public Works.
- D) Approval of Supplemental Agreement 1 to Amendment 2 to the HNTB General Engineering Contract.
- E) Approval of Change Order No. 2 for the Irrigation Relocation relating to the Northwest McAllen Police Community Network/Training Center.
- F) Award of Contract for the purchase and installation of Audio/Visual Equipment for the Northwest McAllen Police Community Network/Training Center.
- G) Consideration and Approval of Construction Documents Services for the New Main Library and authorization to proceed with Bidding Phase.
- H) Consideration of a request to negotiate Contract – Construction Material Engineering Services 2009-2010.
- I) Request authorization to purchase additional Accela Software Licenses for City Departments.
- J) Selection of Marketing Firm for City of McAllen.

3. RESOLUTION:

Approving 2009 City of McAllen Tax Roll.

4. MANAGER’S REPORT:

- A) Review of Quarterly Investment Report ending September 30, 2009.
- B) Authorizing the submission of an application for designation of the City of McAllen as a Tree City USA.
- C) Future Agenda Items.

5. TABLED ITEM:

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

6. 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 AFB 515 Houston LLC, for a Conditional Use Permit, for life of the use, for an associated recreation at Lot 8, Villas Del Tesoro Subdivision, Hidalgo County, Texas; 609 Ithaca Avenue.

B) REZONINGS:

- 1) Rezone from R-3A (multifamily residential apartments) District to C-3 (general business) District: Lots 7, 8 and 9, Block 32, North McAllen Addition Subdivision, Hidalgo County, Texas; 418 and 420 North 11th Street.
- 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 John A. Nix, appealing the decision of the Planning & Zoning Commission of the November 17, 2009 meeting denying a Conditional Use Permit for one year, for a bar at Lot 1, Plaza Las Fuentes Subdivision; 5712 North 10th Street.
- 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 Tinderbox/Vino 100, appealing the decision of the Planning & Zoning Commission of the December 1, 2009 meeting denying a Conditional Use Permit for one year, for a bar at Lot 2B, McAllen Convention Center Subdivision; 3300 Expressway 83, Building 1200, Suite 1260.

- D)** 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), 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 economic incentives for Project Blazing Saddles. (Section 551.087, T.G.C.)
 - F)** Discussion and Possible Action relating to economic incentives for Project Blue Bird. (Section 551.087, T.G.C.)
 - G)** Discussion and Possible Action regarding a 380 Industrial Incentive Agreement for Project MotionTech. (Section 551.087, T.G.C.)
 - H)** Consultation with City Attorney regarding lawsuit; C-2184-01-G Lydia Cantu and Manuel Trigo vs. City of McAllen. (Section 551.071, T.G.C.)
 - I)** Consultation with City Attorney regarding new lawsuit; Cause No. C-3336-09-G; Amanda Herrera, et al vs. City of McAllen. (Section 551.071, T.G.C.)
 - J)** Consultation with City Attorney regarding Cause No. C-2956-09-C; Richard Garza v. Certain Underwriters at Lloyds, South and Western General Agency, Inc., Geovera Specialty Insurance Company and Edward Nino, Individually and d/b/a/ Edward Nino Insurance Agency; In the 139th District Court of Hidalgo County, Texas. (Section 555.071, T.G.C.)
 - K)** Consultation with City Attorney regarding a long term contract for a sports and entertainment venue for use of Convention Center (and/or in the vicinity). (Section 555.071, T.G.C.)
 - L)** Consultation with City Attorney regarding new lawsuit; Cause No. C-3316-09-A; Texas Association of School Boards, Inc. and Texas Association of School Boards Risk Management Fund vs. (Rogelio Roger) Garza. (Section 555.071, T.G.C.)
 - M)** Consultation with City Attorney regarding letter of engagement from Foster Quan, LLP. (Section 555.071, T.G.C.)
 - N)** Discussion and Possible Action regarding request of South Texas College for additional property by Ridge Rd. & South McColl. (Section 551.072, T.G.C.)
 - O)** Consultation with City Attorney regarding new lawsuit; Cause No. C-3474-09-G; Javier Hinojosa, et al vs. Richard Cortez and City of McAllen. (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.

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 11th day of December, 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