



AGENDA

CITY COMMISSION REGULAR MEETING MONDAY, JUNE 10, 2013 – 6:00 PM CITY COMMISSION CHAMBERS; 3RD FLOOR

CALL TO ORDER - Mayor Jim Darling
PLEDGE OF ALLEGIANCE - Mayor Jim Darling
INVOCATION – Aida Ramirez, Mayor Pro Tem
PRESENTATION – Teen Court Stipend & Scholarship
PROCLAMATIONS – *McAllen Fire Department's 100th Anniversary*

1. PUBLIC HEARING:

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-3A (multifamily residential apartments) District to C-3L (light commercial) District: 1.10 acre tract of land being the west 266.00 feet of Lot A, Northpark Estates Subdivision, Hidalgo County, Texas; 1700 Dove Avenue.

2. Request of Upscale Entertainment Group, LLC, appealing the decision of the Planning & Zoning Commission of the May 7, 2013 meeting, denying a Conditional Use Permit, for one year for a night club at Lots 1-4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suite K.

3. Request of Vicky Chmielowski, appealing the decision of the Planning & Zoning Commission of the May 21, 2013 meeting, denying a Conditional Use Permit, for one year for a bar at Lot 6, Mejia Subdivision #1, Hidalgo County, Texas; 2010 Nolana Avenue.

4. Request of Miguel A. Coy on behalf of Project X, appealing the decision of the Planning & Zoning Commission of the May 21, 2013 meeting, denying a Conditional Use Permit, for one year for a night club at Lots 1-4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suites I & J.

5. Request of Rope Investors, LLC., appealing the decision of the Planning & Zoning Commission of the May 21, 2013 meeting, denying a Conditional Use Permit, for one year for a night club at Lot 1, Robin Subdivision, Hidalgo County, Texas; 6800 North 10th Street.

B) CONDITIONAL USE PERMIT:

Request of Juan Navarro, appealing the decision of the Planning & Zoning Commission of the May 21, 2013 meeting, denying a Conditional Use Permit, for one year, for a home occupation (office/moonjump rentals) at Lot 6, Daffodil Gardens #1 Subdivision, Hidalgo County, Texas; 505 Daffodil Avenue.

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

END OF PUBLIC HEARING

THE CITY COMMISSION HAS THE PREROGATIVE TO RECESS INTO EXECUTIVE SESSION AT ANY TIME DURING THE MEETING

2. **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 May 28, 2013.
 - B) Authorization to renew Microsoft Enterprise Agreement through the State of Texas, Department of Information Resources (DIR) Program.
 - C) Award of Contract for two (2) Current Model New & Unused Triplex Riding Greens Mowers.
 - D) Award of Contract for the purchase of Lawn & Leaf Bags.
 - E) Award of Contract for Towing Services (Heavy Trucks/Equipment: > 28,000 GVW).
 - F) Award of Contract for the purchase of T-Shirts for 2013 Parks & Recreation Programs.
 - G) Award of Contract for the purchase of Playground Equipment for Los Encinos Park to meet the requirements of a *KABOOM* Grant.
 - H) Change Order No. 2 for electrical panels and step-down transformers for irrigation system and 5 additional working days for the Bicentennial Hike and Bike Trail.
 - I) Resolution authorizing the submission of a grant application to the U. S. Department of Justice, Bureau of Justice Assistance, for funding under the Fiscal Year 2013 Justice Assistance Grant Program.
 - J) Change Order No. 2 for storm drain and credits for the McAllen Development Center.
 - K) Consideration and approval of the proposed East Redbud Avenue at North “K” Center Avenue Drainage Improvements Project.
 - L) Approval of Tax Refunds over \$500:
 - 1. Conn’s #106/Conn’s Appliances Inc.
 - 2. Ware Industrial Partners LP
 - 3. Weingarten Northcross J V
 - 4. Reynaldo M. & Anita Rodriguez
 - 5. Daniel & Herminia H. Villarreal
 - 6. Imaging Center at Medpoint
 - M) Resolution approving a cooperation with the Steering Committee of Cities served by AEP TCC to review AEP TCC’s requested approval of an adjustment to its energy efficient cost recovery factor.
 - N) Consideration of a resolution recommending to Hidalgo County Commissioner’s Court alternate Vote Center locations in McAllen for the November 2013 Constitutional Amendment Election.
3. **BIDS/CONTRACTS:**
- A) Award of Contract for the purchase and installation of one (1) new Current Model Excavator Mounted Brush Cutting Attachment for the Streets and Drainage Department of Public Works.
 - B) Award of Contract for the purchase and installation of one (1) 8,000 Gallon Fuel Tank and two (2) Single Hose Dispensers.

- C) Award of Contract for the purchase of a Pierce Arrow XT Custom Rescue Pumper for the Fire Department.
- D) Award of Contract for Fireman’s Park Lake Liner.
- E) Consideration and Approval of Contract Amendment #2 to McAllen Public Safety Building Project.
- F) Award of Contract for the purchase of one (1) new Model Diesel, Crew Cab & Chassis Truck with Chipper Forestry Body.
- G) Consideration of Change Order No. 1 to URS Work Order No. 5 – Construction Administration.
- H) Consideration of a License Agreement for construction, landscape & maintenance of front porch area within City of McAllen right-of-way for 424 Vermont Avenue.

4. ORDINANCES:

- A) Granting Texas Gas Service Company the right, privilege and franchise to use streets, alleys, thoroughfares and other public ways to operate and maintain a natural gas distribution system in the City of McAllen.
- B) Budget amendment for the purchase of a Pierce Arrow XT Custom Rescue Pumper.
- C) Budget amendment to the Sanitation Fund for the purpose of funding the purchase of a Chipper Forestry Truck for the Brush Department.
- D) Budget amendment to the Internal Services Fund for the purpose of funding the purchase and installation of a Fuel Tank Upgrade at the Public Works Facility.

5. **VARIANCE** request to the subdivision process at the west 117 ft. of the east 488 ft. of a resubdivision of the north 10 acres of the south 20 acres of the combined Block 2 and Lot 11, Block 4, M&M Subdivision; 2925 Valcosta Sr.

6. MANAGER’S REPORT:

- A) Consider authorization to submit an FTA grant application for the construction of a Downtown Trolley Park & Ride.
- B) Advisory Board Appointments.
- C) Future Agenda Items.

7. **MAYOR’S REPORT** on the Rio Grande Regional Water Authority Program regarding the Mexico–U.S. Treaty.

8. **TABLED ITEM:** Award of Contract for Food and Beverage Concession at the McAllen International Airport.

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) Consultation with City Attorney regarding Development Agreement with Property Commerce for old Civic Center Redevelopment. (Section 551.071, T.G.C.)

- B) Discussion and Possible Action regarding economic incentives for Project Next Level. (Section 551.087, T.G.C.)
- C) Discussion and Possible Action on award of bid proposal for the sale of Lot 11B, McAllen Convention Center. (Section 551.072, T.G.C.)
- D) Consultation with City Attorney regarding possible economic development for Project Canterbury. (Section 551.071, T.G.C. & Section 551.087, T.G.C.)
- E) Discussion and Possible Action regarding City Economic Job Development for Custom Engineered Wheels. (Section 551.087, T.G.C.)
- F) Consultation with City Attorney regarding Dark Fiber Lease. (Section 551.071, T.G.C.)
- G) Consider possible use or transfer of City property located on Ware Road and Monte Cristo for economic development. (Section 551.072, T.G.C.)
- H) Discussion and Possible Action regarding land donation for Sam Houston Housing Authority Project at old Sam Houston School site. (Section 551.071, T.G.C.)
- I) Discussion and Possible Action regarding making an offer to acquire a 20 acre tract, more or less, out of Lot 98, La Lomita Subdivision. (Section 551.072, T.G.C.)
- J) Discussion and Possible Action regarding an offer to acquire a 5 acre tract, more or less, out of Lot 39-11, West Addition to Sharyland, Hidalgo County, Texas. (Section 551.072, T.G.C.)
- K) Discussion and Possible Action regarding the acquisition of 3.14 acre tract and 11.53 acre tract out of Lot 150, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas and approval of resolution. (Section 551.072, T.G.C.)
- L) Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (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 7th day of **June, 2013** 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/CMC, CPM
City Secretary