



AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, JANUARY 28, 2013 – 6:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – Marcus Barrera, City Commissioner

PRESENTATION on LEED Certification – Sally Gavlik

PROCLAMATIONS – *Aeromar Day* – Philip Brown

– *Crime Stoppers Month & Program of the Year* – Victor Rodriguez

– *McAllen ISD Outstanding School Board of the Year* – James Ponce

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) Request by Javier Bocanegra, for a Conditional Use Permit, for life of the use, for an automotive service and repair (tire shop) at Lots 21 and 22, Balboa Acres Subdivision, Hidalgo County, Texas; 4404 South 23rd Street.

2) Request of Christian Education Activities Corporation, for a Conditional Use Permit, for life of the use, for an institutional use (church and related activities) at 2.727 acres out of Lot 55, Section 9 Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 1803 North Main Street.

B) REZONING:

Rezone from C-3 (general business) District to R-3A (multifamily residential apartment) District: 1.47 acres being 0.73 acres out of Lot 1, M & T Plaza Subdivision and 0.74 acres out of Lot 96, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 2317 Zinnia Avenue. **TABLED**

C) CONDITIONAL USE PERMIT:

Request of City of McAllen Parks and Recreation, for a Conditional Use Permit, for life of the use, for an institutional use (soccer complex) at 20.34 acres out of Lots 105 and 106, La Lomita Irrigation & Construction Company's Subdivision, and out of Lot 1, McAllen ISD Subdivision No. 9, Hidalgo County, Texas; 4201 North 29th Street. **TABLED**

- D) 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 January 14, 2013.
 - B) Ordinance abandoning a 20 ft. alley on the south side of Lots 1 – 4, Block 7, and Block 2, Kehms’s Addition; 601 Business Highway 83.
 - C) Resolution authorizing the submission of a grant application to the Institute of Museum and Library Services, for funding under the FY 2013 Sparks! Ignition Grant Program.
 - D) Resolution authorizing the submission of a grant application to the Federal Communications Commission through the Universal Service Administration Company E-Rate Grant Program, for funding under 2013-2014 funding cycle.
 - E) Award of Contract for Bleacher Relocation at DeLeon Soccer Complex.
 - F) Consider approval of Outgoing Loan Agreement between IMAS and the City of McAllen, to house the Ann Moore Exhibit at Quinta Mazatlan.
 - G) Consider authorization to locate the “Vaquero y la Cornuda” statutes from in front of Ballroom to new Fine Arts Center.
 - H) Contract Amendment No. 1 for Surveying Services with Dannenbaum Engineering Corporation.
 - I) Change Order No. 1 for Purchase & Delivery of Type “D” Hot Mix Asphaltic Concrete (HMAC) FY 2012-2013.
 - J) Award of Contract for the Uvalde Soccer Complex Parking Improvements Project.
 - K) Change Order No. 1 for 2012-2013 Single Machine Repaving Project.
- 3. **BIDS/CONTRACTS:**
 - A) Authorization to negotiate with top ranked firms for Engineering Services for various municipal projects.
 - B) Award of Contract for IMAS Façade and Site Improvements.
 - C) Consider approval of an Interlocal Agreement with Hidalgo County Drainage District No. 1, for Bentsen Road Paving Improvements from Pecan Blvd. (FM 495) to 3 Mile Line Road.
 - D) Change Order No. 5 for Bentsen Road Paving Improvements from Pecan Blvd. (FM 495) to 3 Mile Line Road.
 - E) Consider approval of contract with OverDrive for Leased E-Content.
- 4. **ORDINANCE** amending the McAllen Code of Ordinances, Chapter 54. Health and Sanitation; Article II; by adding Mobile Food Vendor Guidelines.

5. VARIANCES:

- A) Consider request for a variance for fee in lieu of parkland for Villagio Phase II Subdivision.
- B) Consider request for a variance from block length, cul-de-sac length and secondary access for Monte Vista Subdivision.

6. MANAGER'S REPORT:

- A) Consider approval of Quinta Advisory Board Vision, Mission and Board Commitment Form.
- B) Advisory Board Appointments.
- C) Status Report on various city projects through December 31, 2012.
- D) Status Report on Parks and Recreation Construction Projects.
- E) Status Report on Airport Construction Project.
- F) Future Agenda Items.

7. TABLED ITEMS:

- A) Award of Contract for the purchase of one (1) New Current Model Diesel Cab Chassis with new 4,000 Gallon Water Tank for the Street and Drainage Department of Public Works.
- B) Ordinance providing for a budget amendment for the purpose of funding the purchase of a Water Truck for the Streets and Drainage Department.

END OF PUBLIC HEARING

PUBLIC COMMENT SESSION

8. 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 to consider project extension for McAllen Skyline, Ltd., for Embassy Suites Hotel site. (Section 551.087, T.G.C.)
- B) Discussion and Possible Action - Evaluation of City Manager, City Attorney and Municipal Court Judges. (Section 551.074, T.G.C.)
- C) Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)
- D) Consultation with City Attorney regarding new lawsuit: Cause No. CL-13-0044-G; Stacy R. Puente vs. City of McAllen, Texas. (Section 551.071, T.G.C.)
- E) Discussion with City Attorney relating to Yearly Litigation Audit Report. (Section 551.071, T.G.C.)
- F) Consultation with City Attorney relating to Motor Vehicle Accident Liability and Subrogation Claim Reports as of December 31, 2012. (Section 551.071, T.G.C.)

- G) Consultation with City Attorney relating to Workers' Comp/Loss Run Report as of December 31, 2012. (Section 551.071, T.G.C.)
- H) Consideration and Possible Action on arbitration with contractor over claim (I.O.C.). (Section 551.071, T.G.C.)
- I) Consideration and Possible Action on interpleader of funds with more than one claimant (I.O.C. & I.R.S.). (Section 551.071, T.G.C.)
- J) Discussion and Possible Action to consider approval of a resolution to determine a public necessity to acquire a tract of land 60 feet north and south and 160 feet east and west out of the northwest corner of Lot 177, John H. Shary Subdivision. (Section 551.072, 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 25th day of January, 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/CPM
 City Secretary