



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, APRIL 22, 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

PROCLAMATIONS – *Elder Abuse/Silver Ribbon Month* – Samm Mercado/Gustavo Salinas

- *Motorcycle Safety Month* – Robert Toney

- *Medical Laboratory Professionals Week* – Dave Almquist

- *Generation Texas Day* – Barbara Jean Garza

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.]*

Rezone from R-3T (multifamily residential townhouse) District to R-3A (multifamily residential apartment) District: .75 acres out of Lot 9, Wayne Courts Subdivision, Hidalgo County, Texas; 3512 North 6th Street.

B) REZONINGS:

Rezone from R-2 (duplex-fourplex residential) District to C-3 (general business) District: the east 77.7 feet of Lot 5 and the west 17 feet of Lot 7, Hollenbeck Subdivision, Hidalgo County, Texas; 824 Uvalde Avenue. **ITEM WITHDRAWN**

C) CONDITIONAL USE PERMIT:

Request of Beatriz Garcia, appealing of the decision of the Planning & Zoning Commission of the April 2, 2013 meeting, denying Conditional Use Permit, for one year, for a party center at Lot all of Block 4, North Center Subdivision, Hidalgo County, Texas; 1700 North 10th Street, Suite K.

- 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 April 8, 2013.
- B) Change Order No. 1 & Final Reconciliation of Quantities for the Drainage Improvements at South 10th Street & Toronto Avenue.
- C) Change Order No. 3 and Final Reconciliation of Quantities 2012-2013 Single Repaving Machine.
- D) Resolution authorizing the acceptance of grant funds from the Texas Department of Transportation FY 2013 Selective Traffic Enforcement Program *Click It or Ticket* Campaign.
- E) Ordinance providing for a budget amendment to the General Deprecation Fund for the purchase of a current model (CM) 25 Foot Slide Slope Mower for Drainage Department of Public Works.
- F) Confirmation and Appointment of nominee to Library Advisory Board.
- G) Interlocal Agreement with Hidalgo County for the South Texas Hurricane Conference.
- H) Interlocal Agreement with Hidalgo County to transfer equipment for the Regional Radio System.

3. **BIDS/CONTRACTS:**

- A) Consider approval of Change Order No. 1 for the Bicentennial Trail.
- B) Authorization to reject single bid and consideration of options on Palmview Golf Course Pedestrian Bridge Replacement Project.
- C) Consideration of additional funding for asbestos abatement for the McAllen Development Center Renovations.

4. **ORDINANCES:**

- A) Providing for the abandonment of the north 4 ft. of the 10 ft. utility easement located on the south side of Lots 42 & 43, Sendero Ranch Estates Subdivision; 5301 & 5300 North 46th Street.
- B) Budget Amendment from Development Corporation Funds for the Golf Course Irrigation Improvements.

5. **MANAGER'S REPORT:**

- A) Annual Report by Mayor's Youth Advisory Council.
- B) Review of Quarterly Investment for the Quarter ended December 31, 2012.
- C) Construction Update on Terminal Expansion Project.
- D) Status Report on Parks and Recreation Construction Projects.
- E) Status Report on various city projects through March 31, 2013.
- F) Advisory Board Appointments.
- G) Future Agenda Items.

PUBLIC COMMENT SESSION

6. 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 regarding economic incentives for Project Next Level. (Section 551.087, T.G.C.)
- B) Consideration and Consultation with Legal Counsel regarding Economic Development Project Pompeii. (Section 551.087 and 551.071, 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 Request for Proposals for old Civic Center Redevelopment. (Section 551.071, T.G.C.)
- E) Consultation with City Attorney regarding new lawsuit; CL-13-1108-G Mary Cunningham vs. City of McAllen. (Section 551.071, T.G.C.)
- F) Consultation with City Attorney regarding new lawsuit; C-1602-13-F; Andres Rodriguez vs. City of McAllen. (Section 551.071, T.G.C.)
- G) Consultation with City Attorney relating to Motor Vehicle Accident Liability and Subrogation Claim Reports as of March 31, 2013. (Section 551.071, T.G.C.)
- H) Consultation with City Attorney relating to Workers' Comp/Loss Run Report as of March 31, 2013. (Section 551.071, T.G.C.)
- I) Consultation with City Attorney regarding contractual issues related to Convention Center. (Section 551.071, T.G.C.)
- J) Discussion and Possible Action to consider the possible sale of 300 acres on Ware Road and Monte Cristo. (Section 551.072, T.G.C.)
- K) Discussion and Possible Action for Right of First Refusal with Border Capital Bank regarding 1.17 acres out of Lot 1, Block 15, Steele & Pershing Subdivision now know as Lot 1A, Ridge Commerce Subdivision. (Section 551.072, T.G.C.)
- L) Consideration and approval to proceed with acquisition of property at 2401 N. 24th Street under the FEMA Repetitive Flood Claims Grant Program FY 12-003 and under request for authorization for City Manger to act as agent for the City to execute Purchase Agreement. (Section 551.072, T.G.C.)
- M) Discussion and Possible Action on award of bid proposal for sale of Lot 11B, McAllen Convention Center. (Section 551.072, T.G.C.)
- N) Discussion and Possible Action regarding making an offer to acquire a 12.29 acre tract of land, more or less, out of Lot 3, Block 5, Hidalgo Canal Company. (Section 551.072, T.G.C.)
- O) Consultation with City Attorney regarding pending lawsuit; Dahlila Guerra Casso vs. City of McAllen. (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 19th day of April, 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