



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, JULY 22, 2013 – 6:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Jim Darling

PLEDGE OF ALLEGIANCE - Mayor Jim Darling

INVOCATION – John Ingram, City Commissioner

PROCLAMATIONS – *National Night Out* – Police Chief Rodriguez

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.]*

Request of Alma Y. Salinas, appealing the decision of the Planning & Zoning Commission of the June 18, 2013 meeting, denying a Conditional Use Permit, for one year, for a banquet hall at Lot 2 and 3, Block 46, McAllen Addition Subdivision, Hidalgo County, Texas; 512 South 12th Street.

B) REZONING:

Rezone from C-1 (office building) District to C-3 (general business) District: Lots 1, 2, and 3, Re-Subdivision of Lots 1, 2, and 3, Williams Subdivision, Hidalgo County, Texas; 3000, 3004, and 3008 North 23rd Street (REZ2013-0017)

- 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 Workshops held June 24th, July 8th and Regular Meeting held July 8, 2013.

- B)** Consider authorization to award a contract to *PublicStuff* for 311 service request software.

- C) Resolution authorizing the submission of a grant application to the Apache Foundation for funding under the Fiscal Year 2013 Tree Grant Program.
- D) Consider approval of revised Interlocal Agreement with Hidalgo County for development of Ware Road from 3 Mile to 5 Mile.
- E) Consider approval of an Advanced Funding Agreement with TXDOT for Ware Road from 3 Mile to 5 Mile.
- F) REMOVED FROM AGENDA
- G) Ordinance amending the McAllen Code of Ordinances, Chapter 2 *Administration*; providing for a change in meeting times of City Commission meetings.
- H) Consider approval of Deduct Change Order No. 1 for information technology infrastructure at the new Main Library.
- I) Consider approval of the Federal Workstudy Agreement with the University of Texas Pan American for Fiscal Year 2013-14.
- J) Approval of Tax Refunds over \$500:
 - 1. Entravision Communications LLC.
 - 2. International Bank
- K) Resolution authorizing the tax resale of certain properties:
 - 1. Lot 58, Idela Park, Unit #3
 - 2. Lot 3, Block 14, Alta Mira Subdivision
 - 3. Lot 4, Block 20, Alta Mira Subdivision
 - 4. Lot 2, Block 1, Retama Terrace
 - 5. Lot 9, Block 40, McAllen Addition
 - 6. Lot 6, Block 10, Town of North McAllen
 - 7. Lot 24, Block 9, Colonia Hermosa #2
- L) Authorization to purchase one (1) Radio Communications Repeater on behalf of the Rio Grande Valley Communications Group (RGVCG) and funded through the FY 2011 State Homeland Security Program Grant.
- M) Confirmation of members to various city advisory boards.

3. BIDS/CONTRACTS:

- A) Consideration and Possible Action on a contract for legal services relating to reconfiguration of the City's 800 MGz Public Safety Radio System as ordered by the FCC.
- B) Award of Contract for the purchase of network equipment for Development Services Center.

4. ORDINANCES:

- A) Budget Amendment to fund PFC Application #6.
- B) Abandoning a portion of a utility easement containing 0.1538 acres and being the east 10.00 feet of the west 20.00 feet of south 669.96 feet of Lot 13, Section 278, Texas-Mexican Railway Company; 1121 Providence Avenue.
- C) Abandoning the following street and alley right-of-ways: 1) alley north of east Beaumont Avenue and east of South "K" Center Street; 2) East Beaumont Avenue east of South "K" Center Street; 3) alley east of South "K" Center Street and south of Beaumont Avenue and north of Chicago Avenue, but retaining a 20 ft. utility easement over the tract of land being abandoned; 4) an "L" shaped utility easement out of Lot 1, Burns Motors Subdivision, south of Beaumont Avenue touching the corner of Chicago Avenue and

entirely north of southern boundary of Chicago Avenue; and 5) a 0.43 acre tract of land out of Lot "A", Boggus Subdivision II, and out of Lot 1, Burns Motors Subdivision, and out of Lots 8-17, Whalens Acres, but retaining a utility easement over the tract of land being abandoned: 1300 East Business Highway 83 and 1225 East Dallas Avenue.

5. **RESOLUTION** authorizing the submission of a grant application to the U.S. Department of Transportation under the Small Community Air Service Development Program.
6. **VARIANCES:**
 - A) Consider a variance to the Sign Ordinance to allow a changeable electronic variable message sign on South 12th Street at Lot 9, Block, 50, McAllen Addition Subdivision; 609 South 12th Street.
 - B) Consider a variance to the Sign Ordinance to allow a changeable electronic variable message sign in a C-3L District at Lots 22, 23 & 24, Block 19, College Heights Subdivision; 2120 Oakland Avenue.
7. **MANAGER'S REPORT:**
 - A) REMOVED FROM AGENDA
 - B) Status Report on Parks and Recreation Construction Projects.
 - C) Status Report on various city projects through June 30, 2013.
 - D) Status Report on Terminal Expansion Construction Project.
 - E) Report on Subdivisions and Development.
 - F) Future Agenda Items.
8. **MAYOR'S REPORT:**
 - A) Report on UT Pan AM/UT Brownsville merger.
 - B) Report on Medical School.
9. **TABLED ITEM:** Amending the McAllen Code of Ordinances, Chapter 50. Fireworks; relating to the regulation and permitting of public fireworks displays.

PUBLIC COMMENT SESSION

10. **EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).**
 - A) Discussion of City Manager evaluation. (Section 551.074, T.G.C.)
 - B) Consultation with City Attorney regarding Development Agreement with Property Commerce for old Civic Center Redevelopment. (Section 551.071 and 551.072, T.G.C.)
 - C) Discussion and Possible Action regarding economic incentives for Project Phoenix. (Section 551.087 and 551.071, T.G.C.)
 - D) Discussion and Possible Action on award of bid proposal for the sale of Lot 11B, McAllen Convention Center. (Section 551.072 and 551.071, T.G.C.)

- E) Consideration of and Consultation with City Attorney regarding economic incentives for Project Magnet. (T.G.C. 551.087 and 551.071)
- F) Consultation with City Attorney regarding a possible buyout of STS Transportation. (Section 551.071, T.G.C.)
- G) 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.)
- H) Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)
- I) Discussion and Possible Action regarding Arbitration Claim #002-LZZ-R2D. (Section 551.071, T.G.C.)
- J) Discussion and Possible Action regarding the acquisition of 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.)
- K) Discussion and Possible Action regarding the acquisition of 16.60 acre tract of land, more or less, out of Lot 3, Block 5, Hidalgo Canal Company and a 4.87 acre tract , more or less, out of Lot 14, Bock 6, Hidalgo Canal Company. (Section 551.072, T.G.C.)
- L) Discussion and Possible Action regarding the acquisition of 0.95 acre tract of land, more or less, out of Lot 7, Block 5, Hidalgo Canal Company and a 7.99 acre tract of land, more or less, out of Lots 7, & 8, Block 5, Hidalgo Canal Company. (Section 551.072, T.G.C.)
- M) Consultation with City Attorney regarding Workers Comp/Loss Run Report as of June 30, 2013. (Section 551.071, T.G.C.)
- N) Consultation with City Attorney relating to Motor Vehicle Accident Liability and Subrogation Claim Reports as of June 30, 2013. (Section 551.071, T.G.C.)
- O) Consultation with City Attorney regarding possible city intervention in PUC Docket No. 41606: Joint Application of Electric Transmission Texas, LLC and Sharyland Utilities, LP to amend their Certificates of Convenience and Necessity for the proposed North Edinburg to Loma Alta Double-Circuit 345 kV Transmission Line in Hidalgo and Cameron Counties, Texas. (Section 551.071, T.G.C.)
- P) Discussion and Possible Action regarding a 380 Economic Incentive Agreement for Project Buddy. (Section 551.087 and 551.071, T.G.C.)
- Q) Discussion and Possible Action regarding the purchase of property at 214 N. 16th Street. (Section 551.072, T.G.C.)
- R) Consultation with City Attorney regarding Litigation Cause No. C-289-00-B; No. 13-09-00067-CV Arnaldo Ramirez, Jr. vs. City of McAllen. (551.071, T.G.C.)
- S) Discussion and Possible Action regarding a 0.874 acre tract of land out of Lot 8, Block 6 Hidalgo Canal Company's Subdivision, Hidalgo County, Texas. (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 19th day of July, 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