



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, AUGUST 12, 2013– 5:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Jim Darling

PLEDGE OF ALLEGIANCE - Mayor Jim Darling

INVOCATION – Veronica Vela Whitacre, City Commissioner

PROCLAMATION – McAllen All Stars-8u Girls' Softball Team Day

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 C-3 (general business) District to R-3A (multifamily residential apartment) District: Lot 5, Block 42, McAllen Addition Subdivision, Hidalgo County, Texas; 504 South 16th Street.

2. Rezone from A-O (agricultural open-space) District to C-4 (commercial industrial) District: a 30' x 110' tract of land out of Lot 25, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas; 4601 South 23rd Street.

3. Request of Elida Moreno, appealing the decision of the Planning & Zoning Commission of the July 16, 2013 meeting, denying a Conditional Use Permit, for one year, for a banquet hall at Lot 1, Nolana Heights Subdivision, Hidalgo County, Texas; 601 East Nolana Avenue.

B) 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 27th – 29th and July 22nd and Regular Meeting held July 22, 2013.

B) Award of Supply Contact for the Purchase of Lubricants.

C) Authorization to accept FTA Grant TX-90-Y017-00 for Transit Capital and Preventive Maintenance Projects.

- D) Consider approval of an Interlocal Agreement with the City of Mission & Hidalgo County for development of Taylor Road from U.S. Expressway 83 to 1300 feet north of Dove Avenue.
- E) Consider approval of Change Order No. 3 and Final Reconciliation of Quantities for purchase & delivery of Type “D” Hot Mix Asphaltic Concrete (HMAC) Fiscal Year 2012-2013.
- F) Consider approval of a variance to the subdivision process requirement at the east ½ of Lot 18, all of Lot 19, and the west 35 ft. of Lot 20, Block 8, Fairfield Place Subdivision; 700 Lindberg Avenue.
- G) Consider approval of a variance to right-of-way dedication requirement for North Park Estates, Lot A-1 Subdivision; 1700 Dove Avenue.
- H) Award of Contract for Drilling Services for installation of Traffic Electrical Conduit.
- I) Authorization to enter into an Interlocal Agreement with the City of Brownsville to participate in the Fiscal Year 2013-2014 South Texas Auto Theft Enforcement Task Force.
- J) Ordinance amending the McAllen Code of Ordinances, Chapter 102, providing for an amendment of the posted speed limit on Pecan Boulevard between 10th Street and 23rd Street.
- K) Ordinance adopting the settlement of Texas Gas Service Cost of Service Filing.
- L) Ordinance amending the McAllen Code of Ordinances, Chapter 102, providing for an amendment of the posted speed limit on 2nd Street between Trenton Road and Hobbs Drive.
- M) Resolution authorizing the submission of a grant application to the University of North Texas Libraries’ Digital Projects Unit, Portal to Texas History, for funding under the Fiscal Year 2013 Rescuing Texas History Program.
- N) Ordinance providing for a budget amendment associated with the Interlocal Agreement between the Cities of McAllen and Mission and Hidalgo County for Taylor Road extension.
- O) Confirmation and appointment to the Senior Citizens Advisory Board.

3. BIDS/CONTRACTS:

- A) Authorization to open the single bid and consider award of contract for the Palm View Golf Course Irrigation System Refurbishment Phase 2 – Installation of Irrigation System Components.
- B) Award of Contract for Irrigation System Refurbishment Phase 1 for Palm View Golf Course.
- C) Award of Contract for the purchase and installation of Surveillance Cameras on seven (7) Metro Shelters.
- D) Award of Contract for the purchase of three (3) Cutaway Buses for the Transit Department.
- E) Consider approval of an Interlocal Agreement with Palm Valley Animal Center for the operation of a Regional Animal Shelter.
- F) Consider approval of Change Order No. 5 for the McAllen Miller International Airport Terminal Expansion Project.
- G) Consider approval of Amendment No. 14 to the HNTB General Engineering Contract for Design and Bidding Services for EMAS Project at the McAllen-Miller International Airport.
- H) Award of Contract for 2013 Pavement Fog Seal.
- I) Authorization to open the single bid and consider award of contract for 2013 Pavement Preservation.
- J) Change Order No. 4 for the McAllen Development Center for various items.
- K) Consider extension of annual maintenance and support services for CIS Infinity and Tele-Works software.

4. **ORDINANCE** providing for a budget amendment for funding of additional projects in the Capital Improvement Fund.
5. **RESOLUTIONS:**
 - A) Supporting Mayor Darling for President-Elect of the Texas Municipal League.
 - B) Authorizing the submission of a loan application to the Texas Water Development Board for the South Wastewater Treatment Plant (SWWTP) Upgrade Construction.
6. **MANAGER’S REPORT:**
 - A) Presentation of Performing Arts Center Preliminary Design.
 - B) Future Agenda Items.
7. **MAYOR’S REPORT** on the joint governmental meeting schedule.
8. **TABLED ITEMS:**
 - A) Amending the McAllen Code of Ordinances, Chapter 50. Fireworks; relating to the regulation and permitting of public fireworks displays.
 - B) 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.

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) Discussion of City Manager evaluation. (Section 551.074, T.G.C.)
 - B) Consultation with City Attorney regarding a Development Agreement with Property Commerce for the old Civic Center Redevelopment. (Sections 551.071 and 551.072, T.G.C.)
 - C) Discussion and Possible Action regarding economic incentives for Project Phoenix. (Sections 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. (Sections 551.072 and 551.071, T.G.C.)
 - E) Consideration of and Consultation with City Attorney regarding economic incentives for Project Magnet. (Sections 551.087 and 551.071, T.G.C.)
 - F) 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.)

- G) Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)
- H) 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.)
- I) 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.)
- J) Consultation with City Attorney regarding pending lawsuit; Dahlia Guerra Casso vs. City of McAllen. (Section 551.071, T.G.C.)
- K) Consultation with City Attorney regarding Town Lake. (Section 551.071, T.G.C.)
- L) Consultation with City Attorney regarding litigation matter; Arnaldo Ramirez, et al vs. City of McAllen. (Section 551.071, T.G.C.)
- M) Discussion and Possible Action regarding purchase of right-of-way for the development and construction of K Center Street from Nolana Avenue to 1,260' south of this intersection. (Section 551.072, T.G.C.)
- N) Discussion and Possible Action regarding entering into a sales contract and authorization for City Manager to complete the transaction to acquire Lot 2, Block 2, Whitewing Addition Unit No. 1 , and addition to the City of McAllen, Hidalgo County, Texas and approve resolution. (Section 551.072, T.G.C.)
- O) Discussion and Possible Action regarding making an offer to acquire one of the two tracts out of Lots 11 & 12, Section 4 or Lot 3 Section 5, Hidalgo Canal Company's Subdivision. (Section 551.072, T.G.C.)
- P) Discussion and Possible Action regarding economic incentives for Project Mountain Lion. (Sections 551.087 and 551.071, T.G.C.)
- Q) Discussion and Possible Action regarding economic incentives for Project Fresh. (Sections 551.087 and 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 9th day of August, 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