



AGENDA

CITY COMMISSION REGULAR MEETING MONDAY, AUGUST 26, 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

1. PUBLIC HEARING:

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.]*

- A) Rezone from R-2 (duplex-fourplex residential) District to C-3 (general business) District: Lots 12, 13, and 14, Block 1, A.D. Leavell's Addition Subdivision, Hidalgo County, Texas; 506, 510, and 512 Beaumont Avenue.
- B) Rezone from C-3L (light commercial) District to R-3A (multifamily residential apartment) District: 0.32 acres out of Lots 1 and 2 and the north one-half of Lot 3, Block 1, Nelson Addition Subdivision, Hidalgo County, Texas; 1515 Houston Avenue.
- C) Request of Jesus Garcia, for a Conditional Use Permit, for life of the use, for an automotive service and repair (mechanic shop) at 0.39 acres out of Lot 245, Pride O' Texas Subdivision, Hidalgo County, Texas; 4321 Buddy Owens Boulevard.
- D) Request of Sandra Ramirez, appealing the decision of the Planning & Zoning Commission of the August 6, 2013 meeting, denying a Conditional Use Permit, for one year, for a night club at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite A-3.
- E) Request of Robert Wilson, appealing the decision of the Planning & Zoning Commission of the August 6, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at Lot A-1, Nolana Towers Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite G.
- F) Request of Jesus A. Leal on behalf of Josant Inc., appealing the decision of the Planning & Zoning Commission of the August 6, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at Lots 6 and 7, 21st Place Subdivision, Hidalgo County, Texas; 2013 Nolana Avenue
- G) Request of Jose R. Aguilar, appealing the decision of the Planning & Zoning Commission of the August 6, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at Lots 1, 2, and 3A, Sue's Place, Hidalgo County, Texas; 6500 North 10th Street, Suite I and J.
- H) Public Hearing to consider a variance from Section 6-2 of the Alcoholic Beverage Code, for Lot 10A, North McAllen, Lot 10A, Block 45 Subdivision; 210 North Main Street.
- I) Approval of a variance request from Section 6-2 of the Alcoholic Beverage Code for

- Lot 10A, North McAllen, Lot 10A, Block 45 Subdivision; 210 North Main Street.
- J) Adoption of an ordinance 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 for various meetings.
 - B) Consideration of Interlocal Agreement with County of Hidalgo to transfer equipment for the Regional Radio System to the City of McAllen.
 - C) Award of Service Contract for Mobile Truck Wash for Public Works Department.
 - D) Approval of Tax Refunds over \$500 to:
 - 1. Valero c/o POPP Hutchenson PLLC
 - 2. McAllen Components LP c/o GE/POPP Hutcheson
 - E) Resolution authorizing the submission of a grant application to the Junior League of McAllen, Inc., for funding under the Fiscal Year 2013-2014 Anniversary Fund Grant Program for a McAllen Public Library Project.
 - F) Resolution authorizing the submission of a grant application to the Junior League of McAllen, Inc. for funding under the Fiscal Year 2013-2014 Anniversary Fund Grant Program for a Parks and Recreation Project.
 - G) Confirmation and appointment of a member to the Historic Preservation Council.
3. **BIDS/CONTRACTS:**
- A) Award of Contract for the International Museum of Arts and Science (IMAS) Façade and Site Improvements.
 - B) Award of Contract for Metal Retrofit Roofing System and Office Trailers Hail Damage for Public Works Admin. and Fleet Facility.
 - C) Consider authorization to purchase furniture for the Development Services Facility through the Texas Multiple Award Schedule (TXMAS).
4. **ORDINANCES:**
- A) Calling a Special Election on November 5, 2013, authorizing the issuance of General Obligation Bonds.
 - B) Budget Amendment for the McAllen–Hidalgo International Bridge Projects.
 - C) Amending the McAllen Code of Ordinances, Chapters 2 and 138 modifying the membership and quorum for Zoning Board of Adjustment and Appeals.
5. **RESOLUTION** authorizing the submission of a Passenger Facility Charge (PFC) application for the McAllen International Airport.
6. **VARIANCE** request to the right-of-way dedication requirement; 1901 Dove Avenue.

7. MANAGER’S REPORT:

- A) Discussion of the 2013 McAllen Proposed Tax Rate; Take Record Vote; and Schedule Public Hearings.
- B) Review of Quarterly Investment Report for the quarter ended March 31, 2013.
- C) Status Report on Parks and Recreation Construction Projects.
- D) Status Report on various City Projects thru July 31, 2013.
- E) Status Report on the Terminal Expansion Construction Project.
- F) Report on Subdivisions and Development.
- G) Consideration and Action authorizing the Mayor to execute any and all documents related to “1115” Program regarding health care assistance.
- H) Future Agenda Items.

8. MAYOR’S REPORT:

- A) Report on TxDOT Proposal for city maintenance of state roads.
- B) Report on the University of Houston visit.

- 9. TABLED ITEM:** Ordinance 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

10. 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 economic incentives for Project Quadrant. (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 economic incentives for Project Red Rover II. (Sections 551.087 and 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) 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.)
 - I) Discussion and Possible Action regarding making an offer to acquire one of the two tracts out of Lot 29, Block 1, C.E. Hammond Subdivision or Lot "N", Beck Industrial Area, City of McAllen, Hidalgo County, Texas. (Section 551.072, T.G.C.)
 - J) Consultation with City Attorney regarding pending lawsuit; Dahlila Guerra Casso vs. City of McAllen. (Section 551.071, T.G.C.)
 - K) Consultation with City Attorney regarding litigation matter; Arnaldo Ramirez, et al vs. City of McAllen. (Section 551.071, T.G.C.)
 - L) Consultation with City Attorney regarding CL-13-2288-H; Margarito Ramirez vs. Luis Manuel Cruz and City of McAllen. (Section 551.071, T.G.C.)
 - M) 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 23rd 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