



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, SEPTEMBER 9, 2013 – 5:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Jim Darling

PLEDGE OF ALLEGIANCE - Mayor Jim Darling

INVOCATION – Hilda Salinas, Mayor Pro Tem

PROCLAMATIONS – *Constitution Week* – Rio Grande Chapter, National Society Daughters of the American Revolution

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. Tract One: Rezone from A-O (Agricultural-Open Space) District to C-3 (general business) District: 25.559 acres out of Lot 15, Block 1, C.E. Hammonds Subdivision, Hidalgo County, Texas; 5700 North 23rd Street. Tract Two: Rezone from A-O (Agricultural-Open Space) District to C-3 (general business) District: 1.61 acres out of Lot 15, Block 1, C.E. Hammonds Subdivision, Hidalgo County, Texas; 5720 North 23rd Street.
2. Rezone from R-2 (Duplex-Fourplex Residential) District to C-3 (general business) District: Lot 14 & 15, Block 5, College Heights Subdivision, Hidalgo County, Texas; 2214 & 2212 Ithaca Avenue.
3. Request of Jose Luis Adame Jr. on behalf of McAllen Careers Institute, for a Conditional Use Permit, for life of the use, for an institutional use (vocational school) at Lots 1-6, Block 3, Harry Young's Subdivision and the NW 3.75 acres out of Lot 3, Quimby Subdivision, Hidalgo County, Texas; 1101 East Dallas Avenue.
4. Request of Jose E. Guzman on behalf of Dress Code Entertainment, LLC, 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 Lots 1-4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suite M.
5. Request of Paula Rodriguez on behalf of Coco Bongo Sport Bar #2, appealing the decision of the Planning & Zoning Commission of the August 20, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at the 1.24 acres out of Lot 2, Block 11, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 5524 North 10th Street.

- 6. Request of Thomas B. Whitehouse, for a Conditional Use Permit, for life of the use, for an institutional use (church) at Lot 26, Oak Tree Subdivision, Hidalgo County, Texas; 7601 North Ware Road.
 - 7. Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.
- B) Public Hearing on Fiscal Year 2013-2014 City of McAllen Proposed Budget.
 - C) Public Hearing on 2013 City of McAllen Proposed Tax Rate.

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) Approval of Change Order No. 1 & Final Reconciliation of Quantities for the removal, purchase and installation of three (3) Lebert HVAC Units.
- C) Consideration and action for approval of a Deduct Change Order for the purchase of three (3) Tractors and Mower Equipment.
- D) Consideration and action for authorization to remove 3rd Quarter Fiscal Year 2011-2012 Uncollectible Sanitation Accounts from the ledger.
- E) Award of Contract for the purchase of meals for inmates.
- F) Award of Contract for Roadway Illumination Assembly Installation.
- G) Resolution authorizing the acceptance of grant funds from the Texas Department of Transportation through its Selective Traffic Enforcement Program (STEP) Fiscal Year 2014.
- H) Resolution authorizing the transfer of a 0.0116 acre tract of land identified as RGV-MCS-4011E at McAllen International Bridge.
- I) Authorization to enter into an Interlocal Agreement with 19 partners spanning the Rio Grande Valley in order to fulfill the program requirements of the U.S. Department of Homeland Security Federal Emergency Management Agency FY 2012 Assistance to Firefighters Grant Award.

3. **BIDS/CONTRACTS:**

- A) Consideration and approval of Contract Amendment No. 3 for additions and renovations to the McAllen Public Safety Building Project.
- B) Award of Contract for one (1) new and used Compact Wheel Loader and one (1) Dozer Refurbishment.
- C) Consideration and action for authorization to purchase seven (7) sculptures and seven (7) donor stones from Douglas Clark for Quinta Mazatlan Sculpture Trail.

- D) Award of Contract for the construction of an irrigation pond, irrigation system, installation of an irrigation canal fill line and installation of a design master fence at Morris RDF.
- E) Consideration and action for approval of an Interlocal Agreement with the University of Texas-Pan American for Ecological Research at the McAllen Nature Center.
- F) Award of Contract for Ground Maintenance for various city properties.
- G) Consideration and action for approval of an Interlocal Agreement with McAllen ISD to facilitate improvements of the Memorial Veterans' Stadium and provide for the lease of the stadium from McAllen ISD.

4. **RESOLUTION** providing for the nomination of a candidate to the Hidalgo County Appraisal District Board of Directors.

5. **VARIANCE** request to the subdivision requirement at a 1.00 acre tract of land out of Lots 19 and 20, Section 229, Texas-Mexican Railway Company's Survey; 4309 8 ½ Mile Road.

6. **MANAGER'S REPORT:**

- A) Appointment of a Representative and Alternate Representative to Amigos Del Valle Inc. Board of Directors, for Fiscal Year 2013-2014.
- B) Consideration and action for authorization to execute any and all documents related to "1115" Program regarding health care assistance for the establishment of the Medical School in Hidalgo County and that complies with the direction given by the City Commission.
- C) Consideration and action for authorization to increase entrance fees for Quinta Mazatlan beginning January 1, 2014.
- D) Future Agenda Items.

7. **MAYOR'S REPORT** on Mayor's Business Council.

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 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) Consultation with City Attorney regarding litigation matter; Arnaldo Ramirez, et al vs. City of McAllen. (Section 551.071, T.G.C.)
- G) Consultation with City Attorney regarding Litigation Cause No. CL-13-2119-E; Juan Alvarez vs. City of McAllen. (Section 551.071, T.G.C.)
- H) Consideration of a 380 Economic Incentive Agreement for Grupo Feruan, LLC. (Sections 551.087 and 551.071, T.G.C.)
- I) Consultation with City Attorney regarding potential claim by G.R. Birdwell Company. (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.

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 **6th** day of **September, 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