



## AGENDA

### CITY COMMISSION REGULAR MEETING MONDAY, NOVEMBER 25, 2013 – 5:00 PM CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR

**CALL TO ORDER** - Mayor Jim Darling

**PLEDGE OF ALLEGIANCE** - Mayor Jim Darling

**INVOCATION** – Veronica Vela Whitacre, City Commissioner

**PRESENTATION** of Miss McAllen Title Holders

**PROCLAMATIONS** – *41<sup>st</sup> Annual Nutcracker Ballet Production Days* – Deborah Case  
- *National Hospice Month* - Jessica 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.]*

1. Request of Leticia Alvarez, appealing the decision of the Planning & Zoning Commission of the November 5, 2013 meeting, denying a Conditional Use Permit, for one year, for an outdoor commercial recreation (soccer field) at 1.41 acres out of Lot 151, La Lomita Irrigation Construction Company Subdivision, Hidalgo County, Texas; 501 South Bentsen Road.

2. Request of Rocio Y. Solis, appealing the decision of the Planning & Zoning Commission of the November 5, 2013 meeting, denying a Conditional Use Permit, for one year, for an event center at Lots 10 & 11, The District at McAllen Phase II Subdivision, Hidalgo County, Texas; 3400 North McColl Road, Suites G and H.

#### B) REZONING:

Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 3.25 acres out of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas; 4300 Pecan Boulevard. **TABLED**

#### C) CONDITIONAL USE PERMITS:

1. Request of Rene H. Alanis, for a Conditional Use Permit, for life of the use, for a personal wireless service facility at Lot 17, Block A, Cathey Courts Subdivision, Hidalgo County, Texas; 128 Beaumont Avenue. **TABLED**

2. Request of Ernesto Lozano, appealing the decision of the Planning & Zoning Commission of the November 5, 2013 meeting, denying a Conditional Use Permit, for one year, for a night club at Lots 7 & 8, Citrus Grove Plaza Subdivision, Hidalgo County, Texas; 4037 Expressway 83, Suites 100, 105, and 110.

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 various meetings.
  - B) Consideration of multiple contracts for Appraisal Services for Fiscal Year 2013-2014.
  - C) Consideration of renewal of Software Maintenance Agreement with Tyler Technologies (Incode software) and ESRI (GIS software).
  - D) Ordinance providing for a budget amendment for the Public Safety Building Additions & Renovations for the re-roofing of the existing building to replace the hail damaged roof.
  - E) Resolution approving an Advanced Funding Agreement with the Texas Department of Transportation for Ware Road from 3 Mile to 5 Mile.
  - F) Resolution expressing official intent to reimburse costs of projects from obligations to be issued by the City of McAllen and other matters related thereto.
  - G) Resolution authorizing the submission of a grant application to the U.S. Department of Homeland Security, Federal Emergency Management Agency, for funding under the Fiscal Year 2013 Assistance to Firefighters Grant Program.
  - H) Resolution authorizing the submission of a grant application to Firehouse Subs Public Safety Foundation for funding under the Fiscal Year 2014 Grant Program.
3. **BIDS/CONTRACTS:**
- A) Award of Contract for the purchase of two (2) 35' Low Floor Buses for Metro McAllen.
  - B) Award of Contract for Electric Buses.
  - C) Award of Contract for the purchase of Computers from Dell, Inc. through the State of Texas, Department of Information Resources (DIR) Program.
  - D) Award of Contract for Professional Services for Assessment of Financial/Human Resources ERP System.
  - E) Award of Contract for Concrete Rip-Rap Improvements at Bentsen Road.
  - F) Consider approval of Change Order No. 2 for Drainage Improvements for Kendlewood Avenue from 19<sup>th</sup> Street to 22<sup>nd</sup> Street.

- G) Consider approval of an Advanced Funding Agreement with the Texas Department of Transportation for SH 336 (10<sup>th</sup> Street) medians from Trenton Road to SH 107.

**4. ORDINANCES:**

- A) Budget Amendment for East Redbud Avenue at North “K” Center Avenue Drainage Improvements Project.
- B) Budget Amendment for participation with the widening of Freddy Gonzalez between 23<sup>rd</sup> Street and 2,600 feet to the east.
- C) Budget Amendment associated with a Developer’s Contract for participation with Bicentennial Crossing Subdivision public improvements of right turn lane.

**5. MANAGER’S REPORT:**

- A) Presentation of Year-to-Date Tax Collection Report from October 1, 2012 through September 30, 2013.
- B) Presentation of Delinquent Tax Collection Report from October 1, 2012 through September 30, 2013.
- C) Status Report on Parks and Recreation Construction Projects.
- D) Status Report on various City Projects.
- E) Status Report on the Terminal Expansion Construction Project.
- F) Report on Subdivisions and Development.
- G) Consideration and approval of budget reclassification from Development Corporation of McAllen, Inc. for various City projects.
- H) 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 on award of bid proposal for the sale of Lot 11B, McAllen Convention Center. (Sections 551.072 and 551.071, T.G.C.)
- B) Discussion and Possible Action on entering into a sales contract and authorizing the City Manager to complete transaction to acquire a tract of land out of Lot 3, Block 3, A.J. McColl Subdivision, Hidalgo County, Texas. (Sections 551.072 and 551.071, T.G.C.)
- C) Discussion and Possible Action on entering into a sales contract and authorizing the City Manager to complete transaction to acquire a tract of land out of Lot 3, Block 5, Hidalgo Canal Company’s Subdivision, Hidalgo County, Texas and approve related resolution and budget amendment ordinance. (Sections 551.072 and 551.071, T.G.C.)
- D) Discussion and Possible Action authorizing the City Manager to complete transaction to acquire a tract of land out of Lot 3, Block 5, Hidalgo Canal Company’s

Subdivision, Hidalgo County, Texas and approve related resolution and budget amendment ordinance. (Sections 551.072 and 551.071, T.G.C.)

- E) Discussion and Possible action regarding making an offer to acquire a tract of land out of Lot 9, Block 24, Original Townsite, City of McAllen, Hidalgo County, Texas. (Sections 551.072 and 551.071, T.G.C.)
- F) Consultation with City Attorney regarding legal aspects of human resources process. (Section 551.071, T.G.C.)
- G) Consultation with City Attorney on potential litigation: Celso Gonzalez Construction, Inc. vs. City of McAllen, Texas/McAllen-Hidalgo Bridge Pedestrian Canopy. (Section 551.071, T.G.C.)
- H) Consideration of economic development matters. (Section 551.087, 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 22<sup>nd</sup> day of November, 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