



**CITY COMMISSION REGULAR MEETING
MONDAY, JANUARY 14, 2013 – 6:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Richard Cortez
PLEDGE OF ALLEGIANCE - Mayor Richard Cortez
INVOCATION – Scott Crane, City Commissioner
PROCLAMATIONS – *Arbor Day* – Public Works Department
– *South Texas Heath System Day*

1. PUBLIC HEARING:

A) ROUTINE ITEMS: *[All Rezonings 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 A-O (agricultural-open space) District to R-1 (single family residential) District: 11.81 acres out of Lot 277 and a portion of canal right-of-way lying north of Lot 277, John H. Shary Subdivision, Hidalgo County, Texas; 2500 North Taylor Road.
2. Rezone from R-1 (single family residential) District to R-3T (multifamily residential townhouse) District: 8.625 acres out of Lot 13, Section 278, Texas-Mexican Railway Co. Survey, Hidalgo County, Texas; 1121 Providence Avenue.
3. Rezone from A-O (agricultural-open space) District to R-3T (multifamily residential townhouse) District: 3.59 acres out of Lot 287, John H. Shary Subdivision, Hidalgo County, Texas; 5101 Daffodil Avenue.
4. Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 1.40 acres out of Lot 287, John H. Shary Subdivision, Hidalgo County, Texas; 2916 North Taylor Road.
5. Request of Marc Martinez, appealing the decision of the Planning & Zoning Commission of the December 18, 2012 meeting, denying the Conditional Use Permit, for one year, for a bar at Lots 1, 2, 3 and 4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suites P & Q.
6. Request of City of McAllen Parks and Recreation, for a Conditional Use Permit, for life of the use, for an institutional use (soccer complex) at 20.34 acres out of Lots 105 and 106, La Lomita Irrigation & Construction Company's Subdivision, and out of Lot 1, McAllen ISD Subdivision No. 9, Hidalgo County, Texas; 4201 North 29th Street.

B) REZONING:

Rezone from C-3 (general business) District to R-3A (multifamily residential apartment) District: 1.47 acres being 0.73 acres out of Lot 1, M & T Plaza Subdivision and 0.74 acres out of Lot 96, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 2317 Zinnia Avenue. **STAFF WILL RECOMMEND SAID ITEM BE**

TABLED

- C) Ordinance amending the Zoning Ordinance of the City of McAllen as enacted on 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 Workshop held August 25th and Regular Meeting held December 10, 2012.
 - B) Tax Refunds over \$500:
 - 1. CSI Leasing, Inc.
 - 2. David Higgins and Maria R. Gaytan
 - C) Consideration and approval of donation of field lights from Westside Park to the Hidalgo County Sheriff's Posse for the Sheriff's Posse Rodeo Arena.
 - D) Award of Contract for Catastrophic Event Debris Removal.
 - E) Award of Contract for the purchase and delivery of Concrete for Public Works Department.
 - F) Award of Contract for the purchase of fifty-five (55) P25 Capable Radios through HGAC for various city departments.
 - G) Award of Contract for the purchase of thirty (30) computers through the Texas Department of Information Resources (DIR) Contract for the Police Department.
 - H) Award of Contract for Uniform Rental/Cleaning Services.
 - I) Ordinance authorizing the execution of a Developer's Contract between 495 Commerce Partners, LTD., and Future Developer's for participation cost for Jasmine Avenue Paving, Drainage and Sidewalk Improvements at 495 Commerce Center Phase XIV Subdivision.
 - J) Consideration and Possible Action on ordinance authorizing the replacement of Compass Bank, as the successor to Texas State Bank, as the paying agent/registrar for certain outstanding bond issues and the appointment of successor paying agent/registrar for such issues.
 - K) Ordinance providing for amendments to Ordinance 2012-29 to delete the McAllen Youth Soccer Association project and reprogram said funds into a new line item (Unprogrammed Funds) for redistribution.
 - L) Resolution relating to endorsing certain Texas Legislative Action regarding members of the Texas Coalition for Affordable Power (TCAP).
 - M) Resolution to the State Legislature to support the Texas Recreation and Park Account through Texas Parks and Wildlife.
 - N) Resolution authorizing the submission of a grant application and the acceptance of any grant funds from the Texas Department of Public Safety, Texas Ranger Division under the Fiscal Year 2013 Local Border Security Program.
 - O) Resolution authorizing the submission of a grant application to the Texas Department of Public Safety, Texas Division of Emergency Management for funding under the Fiscal Year 2013 Management Performance Grant Program.

- P) Resolution authorizing the submission of a grant application from the Texas Department of Transportation through its Selective Traffic Enforcement Program (STEP) Fiscal Year 2014 Comprehensive Project.
- Q) Resolution authorizing the submission of a grant application to the United States Department of Homeland Security, Federal Emergency Management Agency for funding under the Fiscal Year 2012 Assistance to Firefighters Fire Prevention and Safety Grant Program.
- R) Resolution authorizing the submission of four (4) grant applications to the Texas Book Festival Grants for funding under the Fiscal Year 2013 Collection Enhancements and Literacy Initiative Grants Programs.
- S) Award of Contract for the purchase of five (5) Cisco Switches through Texas Cisco Department of Information Resources (DIR) Contract.

3. BIDS/CONTRACTS:

- A) Consideration and Possible Action on Collective Bargaining Agreement with McAllen Firefighter's Association.
- B) Award of Contract for Irrigation System Controllers and materials for various city landscaping projects.
- C) Award of Contract for the purchase of one (1) New Current Model Diesel Cab Chassis with new 4,000 gallon water tank for the Street and Drainage Department of Public Works.
- D) Award of Contract for the purchase and delivery of Type "D" Hot Mix Asphaltic Concrete (HMAC) FY 2012-2013.
- E) Award of Contract for 2012-2013 Single Machine Repaving Project.
- F) Change Order No. 4 for Bentsen Road Paving Improvements from Pecan Blvd. (FM 495) to 3 Mile Line Road.

4. ORDINANCES:

- A) Budget Amendment for the purpose of funding the purchase of a Water Truck for the Streets and Drainage Department.
- B) Providing for amendments to Ordinance 2010-33 and Ordinance 2011-30 increasing the scope of work for the Boys and Girls Club – Brand Center Project.

5. VARIANCES:

- A) Consideration of variance request to allow Lot 3 to develop without frontage on a street; Bentsen Industrial Subdivision.
- B) Request to allow a freestanding sign to exceed the 300 square foot maximum and allow off-premise advertising at Lot 1, Ginther Estates Subdivision; 5025 Expressway 83.
- C) Request to allow two (2) freestanding signs to exceed the 300 square feet maximum and allow off-premise advertising, at Lots 2 and 4, Shary Gateway Subdivision; 4901 and 4801 Expressway 83.

6. MANAGER'S REPORT:

- A) Consider the nomination of an inductee to the Rio Grande Valley *Walk of Fame* as part of the 2013 *BorderFest* in Hidalgo.
- B) Advisory Board Appointments.
- C) Presentation by Motorcross Group relating to city property on Monte Cristo.

- D) Future Agenda Items.

PUBLIC COMMENT SESSION

7. **EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY) AND SECTION 551.074, (PERSONNEL MATTERS).**
- A) Consultation with City Attorney regarding legal issues related to Fire Department Collective Bargaining. (Section 551.071, T.G.C.)
 - B) Consultation with City Attorney regarding Hidalgo County Water Improvement District 3. (Section 551.071, T.G.C.)
 - C) Discussion and Possible Action to consider extension request for Holiday Inn. (Section 551.087, T.G.C.)
 - D) Discussion and Possible Action to consider project extension for McAllen Skyline, Ltd., for Embassy Suites Hotel site. (Section 551.087, T.G.C.)
 - E) Discussion and Possible Action regarding economic incentives for Project Next Level. (Section 551.087, T.G.C.)
 - F) Discussion and Possible Action regarding purchase of property for 2nd and Pecan located on Block "B", The Lutheran Subdivision. (Section 551.072, T.G.C.)
 - G) Discussion and Possible Action - Evaluation of City Manager, City Attorney and Municipal Court Judges. (Section 551.074, T.G.C.)
 - H) Discussion and Possible Action regarding economic incentives for Project Welby. (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 11th day of January, 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/

Perla Zamora, TRMC/CPM
Deputy City Secretary