



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, FEBRUARY 25, 2013 – 6:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – Jim Darling, City Commissioner

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 A-O (agricultural-open space) District to C-4 (commercial industrial) District: 4.94 acres out of Lot 25, Block 3, C.E. Hammond’s Subdivision, Hidalgo County, Texas; 4601 South 23rd Street (Rear).

2. Rezone from C-3 (general business) District to R-3A (multifamily residential apartments) District: 1.49 acres out of the west 120 feet of Lot 66 and a 20-foot alley adjacent to the west of Lot 66, Jackson Meadows Subdivision, Hidalgo County, Texas; 1413 East Keeton Avenue.

3. Rezone from I-1 (light industrial) District to I-2 (heavy industrial) District: 81.44 acres out of Lots 10, 11, and 12, Block 5, Rio Bravo Plantation Company Subdivision, Hidalgo County, Texas; 6800 South 23rd Street.

4. Request of Dagoberto Quintanilla, appealing the decision of the Planning & Zoning Commission of the February 5, 2013 meeting, denying a Conditional Use Permit, for one year, for a nightclub at the north 120 ft. of the west 237.8 ft. of the west 2.40 acres of the south ½ of the north ½ of Lot 16, Block 3, C. E. Hammond Subdivision, Hidalgo County, Texas; 2203 South 23rd Street.

5. Request of Maria C. Hernandez on behalf of Rana’s Sports Club, LLC, appealing the decision of the Planning & Zoning Commission of the February 5, 2013 meeting, denying a Conditional Use Permit, for one year, for a nightclub at Lot 1, Nolana West Subdivision, Hidalgo County, Texas; 2200 Nolana Avenue, Suites 2232 and 2234.

6. Request of Joel L. Ozuna, appealing the decision of the Planning & Zoning Commission of the February 5, 2013 meeting, denying a Conditional Use Permit, for one year, for a home occupation (office) at the west 89 feet of Lot 12 and the south ½ of the west 89 feet of Lot 11, Block 17, North McAllen Subdivision, Hidalgo County, Texas; 502 North 11th Street.

B) REZONING:

Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartments) District: Lot 18, Janice Addition #1 Subdivision, and Lot 9, Janice Addition #2 Subdivision, Hidalgo County, Texas; 1107 Tamarack Avenue and 1102 Sycamore Avenue. **STAFF WILL RECOMMEND THAT SAID ITEM BE TABLED**

C) CONDITIONAL USE PERMITS:

1. Request of Jeff G. Stolpa on behalf of Stripes #9641, for a Conditional Use Permit, for life of the use, for a portable building (storage) at Lot 1, Cassandra Subdivision, Hidalgo County, Texas; 3618 Pecan Boulevard, Suite A. **STAFF WILL RECOMMEND THAT SAID ITEM BE TABLED**

2. Request of Jeff G. Stolpa on behalf of Stripes #9644, for a Conditional Use Permit, for life of the use, for a portable building (storage) at Lot 1, Nolana Terrace Subdivision, Hidalgo County, Texas; 3920 North 23rd Street. **STAFF WILL RECOMMEND THAT SAID ITEM BE TABLED**

3. Request of Jeff G. Stolpa on behalf of Stripes #9104, for a Conditional Use Permit, for life of the use, for a portable building (storage) at 0.80 acres out of Lot 76, R.E. Horn's Addition to McAllen First Suburban Citrus Grove Subdivision, Hidalgo County, Texas; 1520 South Ware Road. **STAFF WILL RECOMMEND THAT SAID ITEM BE TABLED**

4. Request of Jeff G. Stolpa on behalf of Stripes #7318, for a Conditional Use Permit, for life of the use, for a portable building (storage) at Lots 1 and 2, Block 64, Original Townsite of McAllen Subdivision, Hidalgo County, Texas; 720 South 10th Street. **STAFF WILL RECOMMEND THAT SAID ITEM BE TABLED**

5. Request of Jeff G. Stolpa on behalf of Stripes #2234, for a Conditional Use Permit, for life of the use, for a portable building (storage) at Lot 1, J.G. Ortegon Unit No. 2 Subdivision, Hidalgo County, Texas; 4600 South 23rd Street. **STAFF WILL RECOMMEND THAT SAID ITEM BE TABLED**

6. Request of Jeff G. Stolpa on behalf of Stripes #7304, for a Conditional Use Permit, for life of the use, for a portable building (storage) at the north 110.0 feet of the east 150.0 feet of Lot 25, Block 2, C.E. Hammonds Subdivision, Hidalgo County, Texas; 1225 North 23rd Street. **STAFF WILL RECOMMEND THAT SAID ITEM BE TABLED**

7. Request of Jeff G. Stolpa on behalf of Stripes #9632, for a Conditional Use Permit, for life of the use, for a portable building (storage) at the east 200 feet of Lots 1 & 2, and the east 200 feet of the north 12 feet of Lot 3, Block 2, T.H.E. ENTERPRISE Subdivision, Hidalgo County, Texas; 4839 North 10th Street. **WITHDRAWN**

8. Request of Jeff G. Stolpa on behalf of Stripes #9625, for a Conditional Use Permit, for life of the use, for a portable building (storage) at Lot 1, Lar-Lin Unit No. 2 Subdivision, Hidalgo County, Texas; 721 North McColl Road. **WITHDRAWN**

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 Regular Meeting held February 11, 2013.
- B) Approval of Change Order No. 6 for Bentsen Road Paving Improvement from Pecan Blvd. (FM 495) to 3 Mile Line Road.
- C) Approval of Change Order No. 4 & Final Reconciliation of South 21st Street Drainage Improvements, Phase III.
- D) Consider approval of the Revised Library Weeding Policy.
- E) Approval of Tax Refund over \$500 for First National Bank.
- F) Ordinance amending the Water Conservation and Drought Contingency Plan approved on September 24, 2012.
- G) Ordinance amending the McAllen Code of Ordinances, Chapter 102, Article V, Division 3, Section 102-188, Subsection (B) providing for an amendment of the posted speed limit on 29th Street between Pecan Boulevard and Oxford Avenue.
- H) Ordinance amending the McAllen Code of Ordinances, Chapter 102, Article V, Division 3, Section 102-188, Subsection (B) providing for an amendment of the posted speed limit on Ware Road between Pecan Boulevard and Business Highway 83.
- I) Resolution authorizing the submission of a grant application to the Institute of Museum and Library Services for funding under the Fiscal Year 2014 Impact Grant Program.

3. **BIDS/CONTRACTS:** Item was withdrawn.

4. **VARIANCES:**

- A) Request for variance to allow proposed Lot 11B, McAllen Convention Center Subdivision, to develop without frontage on a street; 700 Convention Center Boulevard.
- B) Request for variance to allow the 50 ft. lot frontage requirement, Villagio Phase II Subdivision; 1121 Providence Avenue.

5. **MANAGER'S REPORT:**

- A) Advisory Board Appointments.
- B) Presentation of Tax Collection Report from October 1, 2012 to January 31, 2013.
- C) Status Report on various city projects through January 31, 2013.
- D) Status Report on Parks and Recreation Construction Projects.
- E) Construction Update on Terminal Expansion Project.
- F) Report on activities at Convention Center.
- G) Future Agenda Items.

6. **TABLED ITEMS:**

- A) Award of Contract for the Purchase and Installation of Synthetic Soccer/Football Field at DeLeon North Soccer Complex.

- B) Award of Contract for Demolition of former Sam Houston Elementary and the Old Central Fire Station.

PUBLIC COMMENT SESSION

- 7. **EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT)**
 - A) Consultation with City Attorney regarding Economic Development project “Stripes”. (Section T.G.C. 551.087 and 551.071)
 - B) Discussion and Possible Action regarding economic incentives for Project Beer. (Section 551.087, T.G.C.)
 - C) Discussion and Possible Action regarding economic incentives for Project Shade. (Section 551.087, T.G.C.)
 - D) Discussion and Possible Action regarding economic incentives for Project House. (Section 551.087, T.G.C.)
 - E) Discussion and Possible Action regarding Initial Review of Civic Center Redevelopment Proposals. (Section T.G.C. 551.087, 551.071 and 551.072, T.G.C.)
 - F) Consultation with City Attorney regarding Cause No. C-0367-13-E; O.E. Investments Ltd, and Othal E. Brand, Jr. vs. Marjorie Lynn Brand Ferrell, Individually as a Successor Trustee of the Kathryn L. Brand Revocable Management Trust. (Section 551.071, T.G.C.)
 - G) Consultation with City Attorney regarding legal aspects relating to Fire Chief Position. (Section 551.071, T.G.C.)
 - H) Discussion and Possible Action to consider the sale of Lot 11 (b), Convention Center Subdivision. (Section 551.072 and 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 22nd day of February, 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