



**AGENDA**

**CITY COMMISSION REGULAR MEETING  
MONDAY, MARCH 25, 2013 – 6:00 PM  
CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

**CALL TO ORDER** - Mayor Richard Cortez

**PLEDGE OF ALLEGIANCE** - Mayor Richard Cortez

**INVOCATION** – Aida Ramirez, Mayor Pro Tem

**PRESENTATIONS** – TRAPS Lone Star Programming Day– Parks & Recreation

- Texas Pool Council Award – Parks & Recreation

- Eagle Scout Recognition – Ryan Bluhm

**PROCLAMATIONS** - *McAllen Safe Digging Month* – Frances Valdez

- *Sexual Assault Awareness Month* – Mujeres Unidas

- *McAllen Earth Day Festival/Vida Verde*

- *Register to Vote Campaign*

- *Community Development Week/Fair Housing Month* – Janet Matthews Landeros

**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 R-3C (multifamily residential condominium) District to R-3A (multifamily residential apartments) District: 3.01 acres out of Lot 6, Section 7, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 611 Lindberg Avenue.

**2.** Request of Jacob J. Zamora, appealing the decision of the Planning & Zoning Commission of the March 5, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at Lots 1& 2, Mejia #1 Subdivision, Hidalgo County, Texas; 2000 Nolana Avenue.

**3.** Request of David O. Salinas, P. E., for a Conditional Use Permit, for life of the use, for a Planned Unit Development (condo-hotel/retail) at all of Lot 1 and the west 83.42 feet of Lot 2, Judco Subdivision Unit #2, Hidalgo County, Texas; 3201 Expressway 83.

**B) REZONINGS:**

**1.** 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.

**TABLED**

**2.** Rezone from R-1 (single family residential) District to C-3 (general business) District: Lots 1 & 2, Block 4, South Main Street Subdivision, Hidalgo County, Texas; 1721 & 1717 Savannah Avenue.

3. Rezone from R-2 (duplex-fourplex residential) District to C-3 (general business) District: Lot 12, Block 19, College Heights Subdivision, Hidalgo County, Texas; 2213 Newport Avenue.

**C) CONDITIONAL USE PERMIT:**

Request of Leticia Alvarez, appealing the decision of the Planning & Zoning Commission of the March 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.

**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 March 11, 2013.
- B)** Interlocal Agreement between the City of McAllen and Hidalgo County Library System for funding to defray expenses of providing county library services.
- C)** Award of Contract for various types of Concrete Work 2012-2013.
- D)** Award of Contract for various Municipal Projects.
- E)** Award of Contract for various Municipal Projects Mechanical, Electrical, Plumbing and Fire Protection (MEP) Services.
- F)** Ordinance providing for a budget amendment for upgraded fencing and additional columns at Municipal Park.
- G)** Ordinance providing for a budget amendment for Aeromar Advertising.

**3. BIDS/CONTRACTS:**

- A)** Authorization to open single bid and consideration of Award on Palmview Municipal Golf Course Pedestrian Bridge Replacement Project.
- B)** Consider approval of a License Agreement with S 10<sup>th</sup> - 2<sup>nd</sup> Partners LTD. for parking area on a tract of land out of Lot 9 and Lot 16, Block 6, Hidalgo Canal Company Subdivision of Porciones 64, 65 and 66, Hidalgo County, Texas for the 2<sup>nd</sup> Street Hike and Bike Trail.
- C)** Change Order No. 4 for McAllen Miller International Airport Terminal Expansion Project.
- D)** Consider authorization to rescind award of purchase contract for purchase of new 2013 Vehicles for various city departments and McAllen Public Utilities.
- E)** Award of Contract for the purchase of one (1) Pre-Owned Model Trommel Screen for the Composting Facility of Public Works.
- F)** Award of Contract for Removal/Purchase and Installation of Three (3) Lebert HVAC Systems to include Hail Guards for Central Fire Station.
- G)** Award of Contract for McAllen Development Renovations.

- H) Consider request to rebid the International Museum of Arts and Science (IMAS) Façade and Site Improvements Project.
- I) Consider approval of Contract Amendment No. 1 for additions and renovations to the McAllen Public Safety Building Project.
- J) Consider approval of Changer Order No. 1 for the addition of columns to the fencing along Tamarack at Municipal Park and additional work days.
- K) Consideration and Approval of new Performing Arts Center Development Design and Authorization to Proceed to Construction Document Phase.

4. **ORDINANCE** providing for a budget amendment for the removal, purchase and installation of three (3) Lebert HVAC Systems to include Guards.

5. **VARIANCES:**

- A) Consider variance request to allow relocation of existing off-premise freestanding sign greater than 300 square feet for Lot 1, Judco Subdivision; 3101 Expressway 83.
- B) Consider variance request to allow an additional freestanding sign at Lot 21, North East Crossing Subdivision; 107 Nolana Avenue.
- C) Consider approval of a variance for a fee in lieu of dedicated park land for NAPA Heights.
- D) Consider approval of a variance for a fee in lieu of dedicated park land for Unity Center.

6. **MANAGER'S REPORT:**

- A) Presentation and Approval of Comprehensive Annual Financial Report for FY 2011-2012.
- B) Status Report on various city projects through February 28, 2013.
- C) Status Report on Parks and Recreation Construction Projects.
- D) Construction Update on Terminal Expansion Project.
- E) Report on activities at Convention Center.
- F) Future Agenda Items.

7. **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.

**END OF PUBLIC HEARING**

**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 and Possible Action to consider the sale of Lot 11 (b), Convention Center Subdivision. (Section 551.072 and 551.087, T.G.C.)
- B) Discussion and Possible Action regarding economic incentives for Project Next Level. (Section 551.087, T.G.C.)

- C) Consideration and Consultation with Legal Counsel regarding Economic Development Project Pompeii. (Section 551.087 and 551.071, T.G.C.)
- D) Consultation with city Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)
- E) Consultation with City Attorney regarding C-0628-13-J; Arcelia Carpio Cantu vs. City of McAllen and Celso Gonzalez Construction Inc. (Section 551.071, T.G.C.)
- F) Consultation with City Attorney regarding new lawsuit: CL-13-0708-B; Steven Bailey Maples vs. Noel De La Garza and City of McAllen. (Section 551.071, T.G.C.)
- G) Consultation with City Attorney regarding Potential Claim related to Paving Issue. (Section 551.071, T.G.C.)
- H) Discussion and Possible Action regarding making a counter offer to acquire a tract of land 60 feet north and south and 160 feet east and west out of the corner of Lot 177, John H. Shary Subdivision. (Section 551.072, T.G.C.)
- I) Discussion and Possible Action regarding economic incentives for Project Flash. (Section 551.087, T.G.C.)
- J) Consultation with City Attorney regarding Request for Proposals for old Civic Center re-development. (Section 551.071, T.G.C.)
- K) Discussion and Possible Action regarding economic incentives for Project Industrial. (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.**

**C E R T I F I C A T I O N**

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 March, 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