



AGENDA

CITY COMMISSION REGULAR MEETING MONDAY, OCTOBER 28, 2013 – 5:00 PM CITY COMMISSION CHAMBERS; 3RD FLOOR

CALL TO ORDER - Mayor Jim Darling

PLEDGE OF ALLEGIANCE - Mayor Jim Darling

INVOCATION – Trey Pebley, City Commissioner

PROCLAMATIONS –*Superhero Bowl Day* - Big Brothers/Big Sisters organization

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-1 (single family residential) District to R-3A (multifamily residential apartment) District: Lot 18, Janice Addition and Lot 9, Janice Addition No. 2 Subdivision, Hidalgo County, Texas; 1107 Tamarack Avenue and 1102 Sycamore Avenue.

2. Request of Harmodio Diaz Granados on behalf of Premium Automotive Services, for a Conditional Use Permit, for life of the use, for an automotive service and repair (mechanic shop) at Lots 20 and 21, Broadway North Subdivision, Hidalgo County, Texas; 711 Dove Avenue.

3. Request of Blanca I. Cantu, for a Conditional Use Permit, for life of the use, for a single family dwelling at Lot 1, Trevino's Acres Subdivision and 0.56 acres out of Lot 2, Block 8, A.J. McColl Subdivision, Hidalgo County, Texas; 2000 South Jackson Road.

4. Request of Eduardo O. Cantu, appealing the decision of the Planning & Zoning Commission of the October 1, 2013 meeting, denying a Conditional Use Permit, for one year, for a banquet hall at Lots 10 thru 19, Block 1, Las Cañadas Subdivision, Hidalgo County, Texas; 3000 through 3020 South Jackson Road.

5. Request of Blanca I. Cantu, appealing the decision of the Planning & Zoning Commission of the October 1, 2013 meeting, denying a Conditional Use Permit, for one year, for a dance hall at Lot 1, Trevino's Acre Subdivision and 0.56 acres out of Lot 2, Block 8, A.J. McColl Subdivision, Hidalgo County, Texas; 2000 South Jackson Road.

6. Request of Rebekah Zamora, appealing the decision of the Planning & Zoning Commission of the October 1, 2013 meeting, denying a Conditional Use Permit, for one year, for a lounge at Lot 2, Martin Plaza Subdivision, Hidalgo County, Texas; 6401 North 10th Street.

7. Request of Daniel R. Duran, appealing the decision of the Planning & Zoning Commission of the October 16, 2013 meeting, denying a Conditional Use Permit, for one

year, for a bar at Lots 1 thru 5, Michelle's Plaza Subdivision, Hidalgo County, Texas; 2104 Nolana Avenue.

8. Request of Javier A. Chapa, appealing the decision of the Planning & Zoning Commission of the October 16, 2013 meeting, denying a Conditional Use Permit, for one year, for an automotive service and repair (tire shop) at Lots 5 and 6, South 23rd Business Park Subdivision, Hidalgo County, Texas; 4910 South 23rd Street.

B) REZONING:

Rezone from R-1 (single family residential) District to C-3 (general business) District: the west 17 feet of Lot 2 and all of Lot 3, Block 5, Orange Terrace Subdivision No. 3, Hidalgo County, Texas; 1005-1011 Orange Avenue.

C) CONDITIONAL USE PERMIT:

Request of Cipriano Barsenas Jr., for a Conditional Use Permit, for life of the use, for a guest house at Lot 26, Block 1, Retama Terrace Subdivision, Hidalgo County, Texas; 1220 North 27th Street.

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)** Award of Contract for the purchase of materials for the Pedestrian Bridge Rehabilitation at Palm View Golf Course.
- C)** Consider approval of Contract Amendment No. 5 for the Development Center.
- D)** Consider approval of a Second Amendment to the Interlocal Agreement with Hidalgo County to transfer equipment for the Regional Radio System to City of McAllen.
- E)** Authorization to declare a certain vehicle as surplus and authorize the donation of vehicle to the City of Reynosa, Tamaulipas Mexico via an Interlocal Agreement.
- F)** Consider approval of a change order for the purchase and installation of one (1) 8,000 Gallon Fuel Tank and two (2) Single Hose Dispensers.
- G)** Award of Contract for 1,000 96-Gallon Black Refuse Carts and 1,000 96-Gallon Blue Recycling Carts and authorization for additional purchase during the fiscal year.
- H)** Ordinance providing for a budget amendment to the Inter-Departmental Services Fund for the purchase of one (1) 8,000 Gallon Fuel Tank and two (2) Hose Dispensers.
- I)** Ordinance providing for a budget amendment to the Sanitation Fund for the purchase of one (1) Compact Wheel Loader.

- J) Ordinance providing for a budget amendment to the General Fund for the purchase of an Excavator Mounted Cutting Attachment.
- K) Ordinance providing for a budget amendment to the General Depreciation Fund for the refurbishment of one (1) Komatsu Dozer.
- L) Ordinance providing for a budget amendment to the Sanitation Depreciation Fund for the purchase of two (2) Front Load Refuse Trucks.
- M) Ordinance approving the Assignment and Transfer of Franchise to ONE Gas Inc.
- N) Resolution authorizing the submission of a grant application to American Forests for funding under Fiscal Year 2014 Global ReLeaf Grant Program.
- O) Resolution authorizing the submission of a grant application to the Texas Historical Commission for funding under the Fiscal Year 2014 Certified Local Government Grant Program.

3. BIDS/CONTRACTS:

- A) Consider the request for city participation with widening of Freddy Gonzalez between 23rd Street and 2,600 ft. to the east.
- B) Consider authorizing staff to negotiate a contract with the top ranked firm for Architectural Design Services for additional restroom facilities at De Leon North Soccer Facility.
- C) Award of Contract for Purchase and Installation of Additional Permanent Bleacher Seating at DeLeon North Soccer Complex.
- D) Consider approval of Stadium License Agreement with McAllen Independent School District.
- E) Consider approval of an agreement between the Development Corporation of McAllen, Inc. and RGV Foundation.

4. ORDINANCE providing for a budget amendment for Gonzalez Elementary Playscape.

5. RESOLUTIONS:

- A) Casting votes for Hidalgo County Appraisal District Board of Directors for 2014-2015.
- B) Supporting Proposition 6 of the November 5, 2013 Constitutional Amendment Election relating to the creation of the State Water Implementation Fund for Texas and the State Water Implementation Revenue Fund for Texas to assist in the financing of priority projects in the state water plan to ensure the availability of adequate water resources.

6. MANAGER'S REPORT:

- A) Consider authorization to pay taxes to Hidalgo Irrigation District #1 for De Leon Park, Garcia Park, Nature Center and Daffodil Park.
- B) Status Report on Parks and Recreation Construction Projects.
- C) Status Report on various City Projects thru September 30, 2013.
- D) Status Report on the Terminal Expansion Construction Project.
- E) Report on Subdivisions and Development.
- F) Report on convention activities by McAllen Convention and Visitors Bureau.
- G) Designation of a Commission Representative to the IMAS Board of Directors.
- H) Future Agenda Items.

7. TABLED ITEMS:

- A) Discussion and possible action regarding a waiver of penalty and interest on delinquent taxes for Sinbon Electronics Co. Ltd., Cause No. T-1113-12-J.
- B) Variance request to the subdivision requirement process at the east 137 ft. of the north 10 acres of the south 20 acres of combined Lot 11, Block 4 and Block 2, M & M Subdivision; 2901 Valcosta Service Road.

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 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) Consultation with City Attorney regarding Case No. 13-09-00067-CV; City of McAllen vs. Arnaldo Ramirez. (Section 551.071, T.G.C.)
- D) Consultation with City Attorney regarding Litigation Cause No. C-5842-13-D; Angel L. Escalante vs. City of McAllen. (Section 551.071, T.G.C.)
- E) Consultation with City Attorney regarding C-1572-13-D; Miguel Cruz, et al. vs. City of McAllen. (Section 551.072, T.G.C.)
- F) 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.

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 **25th** day of **October,** **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