



EDINBURG CITY COUNCIL
CITY OF EDINBURG, HIDALGO COUNTY, TEXAS

Location: City of Edinburg
City Hall-Council Chambers
415 West University Dr.
Edinburg, Texas 78541
MAY 03, 2016

REGULAR MEETING AGENDA
6:00 PM

I. CALL TO ORDER, ESTABLISH QUORUM

- A. Prayer.
- B. Pledge of Allegiance.

II. CERTIFICATION OF PUBLIC NOTICE

III. PUBLIC COMMENTS

The Mayor and City Council allow for a specific portion of the City Council Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please complete the Public Comments Form which will be located outside of the City Council Chambers and submit the completed form to the City Secretary prior to the commencement of the City Council Meeting. We ask for everyone's cooperation in following this procedure.

IV. PRESENTATION

- A. Presentation Recognizing City of Edinburg Parks and Recreation Department Youth Boys Basketball League Champions for Ages 5-6, 7-8, 9-10 and 6th Grade. [Joe Filoteo, Director of Parks and Recreation]

V. PROCLAMATIONS

- A. Presentation of Proclamations Recognizing:
 - 1. May 2016 as Motorcycle Awareness Month.
 - 2. Edinburg North High School Golden Spurs Dance Team.

VI. PUBLIC HEARINGS

- A. Hold Public Hearing and Consider Ordinances Providing for the Comprehensive Plan Amendment from Auto-Urban Uses to Neighborhood Commercial Uses and the Rezoning Request from Neighborhood Conservation 7.1 (NC 7.1) District to Commercial Neighborhood (CN) District, Being the East Half of Lot 2 and all of Lot 3, Canton Heights Unit 1, Located at 923 East Canton Road, as Requested by Paul Morales. **(Requires 4/5 vote by City Council to overturn Planning & Zoning Commission Action)** [Jesus Saenz, Director of Planning & Zoning]

- B. Hold Public Hearing and Consider Ordinances Providing for the Comprehensive Plan Amendment from Suburban Uses to Urban Uses and the Rezoning Request from Suburban Residential (S) District to Urban Residential (UR) District, Being a 1 Acre Tract of Land, out of the West 5 Acres of the South (1/2) of Lot 13, Section 276, Texas-Mexican Railway Company's Survey, Located at the Northeast Corner of the Intersection of South Mon Mack Road and Sprague Street, as Requested by Walter R. Verdugo. **(Requires 4/5 vote by the City Council to overturn Planning & Zoning Commission Action)** [Jesus R. Saenz, Director of Planning & Zoning]

- C. Hold Public Hearing and Consider Ordinances Providing for the Comprehensive Plan Amendment from Urban Uses to Neighborhood Commercial Uses and the Rezoning Request from Neighborhood Conservation 7.1 (NC 7.1) District to Commercial Neighborhood (CN) District, Being Lots 8 and 9, Block 5, East Addition to the City of Edinburg, Located at 523 North 22nd Avenue, as Requested by Julia Salinas. **(Requires 4/5 vote by City Council to overturn Planning & Zoning Commission Action)** [Jesus R. Saenz, Director of Planning & Zoning]

- D. Hold Public Hearing and Consider Ordinance Providing for the Special Use Permit for the On-Premise Consumption of Alcoholic Beverages and Late Hours, Being Lot 9 West Manor Subdivision, Located at 1653 West University Drive, as Requested by Jessica Castillo. [Jesus R. Saenz, Director of Planning and Zoning]

- E. Hold Public Hearing and Consider Ordinance Providing for the Special Use Permit for the On-Premise Consumption of Alcoholic Beverages and Late Hours for Mayrin Banquet Hall LLC, Being Lot 3 Mayrin Subdivision, Located at 1101 East Alberta Road, as Requested by Martin Villanueva. [Jesus R. Saenz, Director of Planning and Zoning]

- F. Hold Public Hearing and Consider Variance to the Unified Development Code Article 12, Signs, Division 12.300 On-Premise Signs, Maximum Sign Area, Being All of Lots 1-4, West Manor Subdivision, Located at 1603 W. University Drive, as Requested By Gulf Coast Sign Company. [Jesus R. Saenz, Director of Planning & Zoning]

VII. VARIANCES

- A. Consider Variance Request to the City's Unified Development Code as Follows: Article 3 - Plat and Site Plan Design, for Sugar Mill Estates Phase 1, Lot 1, Being a 3.81-Acre Tract of Land out of Lots 7 & 8, Section 242, Texas-Mexican Railway Company's Survey, Located on the west side of Jeni Rey Lane, South Shavano Drive, as Requested by Quintanilla, Headley and Associates, Inc. [Jesus R. Saenz, Director of Planning and Zoning].

- B.** Consider Variance Request to the City's Unified Development Code as Follows: Article 7 - Plat and Site Plan Design and Article 8 - Streets, Utilities, and Drainage, for Terry Palms Subdivision No. 3, Being a 4.49 Acre Tract of Land out of Lots 1 & 2, Block 39, Santa Cruz Gardens Unit No.2, Located on the West Side of Terry Road, North of Ramseyer Road, as Requested by Quintanilla, Headley and Associates, Inc. [Jesus R. Saenz, Director of Planning & Zoning].
- C.** Consider Variance Request to the City's Unified Development Code Article 7 - Plat and Site Plan Design, and Article 8 - Streets, Utilities, and Drainage for Mon Mack Landing Phase 1 Subdivision, Being a 34.43 Acre Tract of Land out of Lot 1, Lomas Y Lagos Subdivision, Located on the West Side of Mon Mack Road and North of Sprague Road, as Requested by Melden & Hunt, Inc. [Jesus R. Saenz, Planning & Zoning Department].
- D.** Consider Variance Request to the City's Unified Development Code as follows: Article 7, Plat and Site Plan Design, for Ranchitos De San Carlos Subdivision, Being a 17.10 Acre Tract of Land out of Lots 10 & 11, R. B. Curry Survey Subdivision No. 3, Located on the East Side of 83rd Street and South of Curry Road, as Requested by R. E. Garcia and Associates [Jesus R. Saenz, Director of Planning & Zoning].

VIII. AWARDING OF BIDS

- A.** Consider Approval of Change Order No. 1 for Bid No. 2016-17, 2015-2016 Capital Improvement Projects Section 1 Street Improvements Decreasing the Contract Amount by \$156,694.54 and Authorize the City Manager to Execute Same. [Ponciano N. Longoria, P.E., C.F.M., Director of Public Works]
- B.** Consider Approval of Change Order No. 2 for Bid No. 2016-18, 2015-2016 Capital Improvement Projects Section 2 Street Improvements Decreasing the Contract Amount by \$91,479.98, and Authorize the City Manager to Execute Same. [Ponciano N. Longoria, P.E., C.F.M., Director of Public Works]
- C.** Consider Approval of Change Order No. 2 for Bid No. 2016-19, 2015-2016 Capital Improvement Projects Section 3 Street Improvements Decreasing the Contract Amount by \$184,821.20 and Authorize the City Manager to Execute Same. [Ponciano N. Longoria, P.E., C.F.M., Director of Public Works]
- D.** Consider the Purchase of Eighty (80) Tasers, Holsters and Taser Assurance Plan from TASER International Inc., in the Amount of \$155,463.78 [David White, Chief of Police]
- E.** Consider Authorizing the Purchase of Video Mobile Data Computer Systems from Coban Technologies, Inc., in the Amount of \$115,680. [David White, Chief of Police]

IX. CONTRACTUAL

- A.** Consider Authorizing the City Manager to Enter Into a Waterline Access Agreement with North Alamo Water Supply Corporation and San Mateo Investments, LLC, to

Provide Fire Protection Services for Big Horn Business Park. [Arturo Martinez, Director of Utilities]

X. RESOLUTIONS

- A.** Consider Resolution Approving the Acquisition of Surplus Property from the Texas Department of Transportation, Being Two Tracts Comprising 2.614 Acres out of Lots 17 and 18, M.L. Woods Co., Hidalgo County, Texas Located at the Southeast Intersection of Trenton Road and US HWY 281 (I-69C) in the Amount of \$1,707,990 and the Cost for the Appraisal and Survey in the Amount of \$5,750 Plus All Closing Costs and Authorize the City Manager to Execute All Documents Relating Thereto. [Ponciano N. Longoria, P.E., C.F.M., Director of Public Works]
- B.** Consider Resolution Finding that AEP Texas Central Company's Application for Approval of a Distribution Cost Recovery Factor to Increase Distribution Rates within the City should be Denied. [Ricardo Palacios, City Attorney]

XI. BUDGET

- A.** Consider Authorizing the City Manager to Appropriate Funds from the Fiscal Year 2015-2016 General Fund for the Agreement Between the City of Edinburg and Dannenbaum Engineering Regarding the Bert Ogden Arena Project Pursuant to RFQ No. 2015-003, Consultant Services for Construction Project Management. [Sonia Marroquin, Assistant City Manager]

XII. EXECUTIVE SESSION

The City Council will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirement that Meetings be Open. The City Council 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.

- A.** Discussion and Possible Action Regarding Legal Issues Concerning Nuisance Abatement. (§551.071 Consultation with Attorney; Closed Meeting)
- B.** Discussion and Possible Action Regarding Legal Issues Concerning Proposed Lease Agreement for Use of Soccer Fields. (§551.071. Consultation with Attorney, Closed Meeting; and §551.087 Deliberations Regarding Economic Development Negotiations, Closed Meeting.)
- C.** Discussion and Possible Action Regarding Economic Incentives Pertaining to Project Square. (§551.071. Consultation with Attorney; Closed Meeting; §551.072. Deliberation Regarding Real Property; Closed Meeting; and §551.087 Deliberations Regarding Economic Development Negotiations; Closed Meeting)
- D.** Discussion and Possible Action Regarding Economic Incentives Concerning Proposed Support Agreements Concerning La Sienna Apartments. (§551.071. Consultation with Attorney; §551.072. Deliberation Regarding Real Property;

Closed Meeting; and §551.087 Deliberations Regarding Economic Development Negotiations; Closed Meeting.)

- E. Discussion and Possible Action Regarding Pending Litigation Concerning Cause No. C-6321-15-G; Alfredo Cruz, Jr., vs. The City of Edinburg and Albert Rodriguez; in the 370th Judicial District Court; Hidalgo County, Texas. (§551.071. Consultation with Attorney; Closed Meeting.)
- F. Discussion and Possible Action Regarding Pending Litigation for Construction Defects at City Facilities as follows:
1. Case No. C-6817-14-A1 City of Edinburg (Library) vs. Descon Construction, L.P.; 92nd District Court, Hidalgo County, Texas
 2. Case No. C-6817-14-A3 City of Edinburg (City Hall) vs. Enriquez Enterprises, Velasco Construction & Development, L.P., et al; 92nd District Court, Hidalgo County, Texas
 3. Case No. C-6817-14-A4 City of Edinburg (Solid Waste treatment Center) vs. Joe Williamson Construction Company; 92nd District Court, Hidalgo County, Texas
- (§551.071. Consultation with Attorney; Closed Meeting)

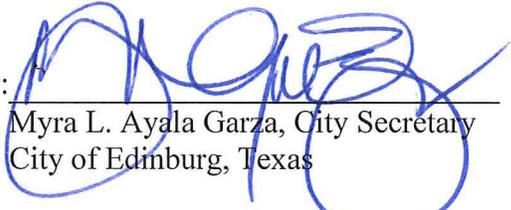
OPEN SESSION

The City Council will convene in Open Session to take necessary action, if any, in accordance with Chapter 551, Open meetings, Subchapter E, Procedures Relating to Closed Meeting, §551.102, Requirement to Vote or Take Final Action in Open Meeting.

XIII. ADJOURNMENT

I hereby certify this Notice of a City Council Meeting was posted in accordance with the Open Meetings Act, at the City Offices of the City of Edinburg, located at the 415 West University entrance outside bulletin board, visible and accessible to the general public during and after regular working hours. This notice was posted on April 29, 2016 at 4:40 p.m.

By:


Myra L. Ayala Garza, City Secretary
City of Edinburg, Texas

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. If Discussion Is Desired, That Item Will Be Removed From The Consent Agenda And Will Be Considered Separately. With Regard To Any Item, The City Council May Take Various Actions; Including But Not Limited To Rescheduling An Item In Its Entirety For A Future Date Or Time. The City Council 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.

Disability Access Statement

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary Department at (956) 388-8204 at least two business days prior to the meeting so that appropriate arrangements can be made. The accessible entrance and accessible parking spaces are located at Edinburg City Hall, 415 West University.