



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, MARCH 25, 2013 – 6:00 PM
CITY COMMISSION CHAMBERS; 3RD 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 10th - 2nd 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 2nd 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 redevelopment. (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.

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 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

Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza, III Chairman, Planning & Zoning LG III

DATE: March 18, 2013

SUBJECT: 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. (REZ2013-0005)

GOAL:

Zoning regulations must be adopted in accordance with *Foresight McAllen* and designed to 1) lessen congestion, 2) secure safety from fire and other dangers, 3) promote health and general welfare, 4) provide adequate light and air, 5) prevent overcrowding of land 6) avoid undue concentration of population, 6) facilitate the adequate provision of transportation, water, sewers, school, parks, and other public requirements and 7) protect and preserve places and areas of historical, cultural or architectural importance or significance. L.G.C. Section 211.004.

BRIEF DESCRIPTION:

The property is located on the southwest corner of Lindberg Avenue and 6th Street. The property has approximately 279 feet of frontage on Lindberg Avenue with depth of 471 feet for a tract size of 3.01 acres. The property was zoned to R-3C (multifamily residential condominium) District in November 2005 but was never developed. There have been no rezoning requests on the property since that time. The property is currently vacant. The applicant is requesting rezoning to R-3A for apartment use. A subdivision plat under the name of Napa Heights Subdivision has been submitted to the Planning Department and received preliminary approval by Planning and Zoning Commission at the meeting of February 19, 2013. A feasibility plan has not been submitted.

The adjacent zoning is C-1 (office building) District to the north, east, and west, R-3C (multifamily residential condominium) District to the east, and C-3 (general business) District to the south. Surrounding land uses are condominiums, single family dwellings, offices, United Blood Services, New Horizons Church, and vacant land.

- The requested zoning does not conform to the Auto Urban Single Family land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. Rezoning the property to R-3A District will allow development of multifamily apartments.
- The proposed zoning is consistent with multifamily residential development trends for this area.

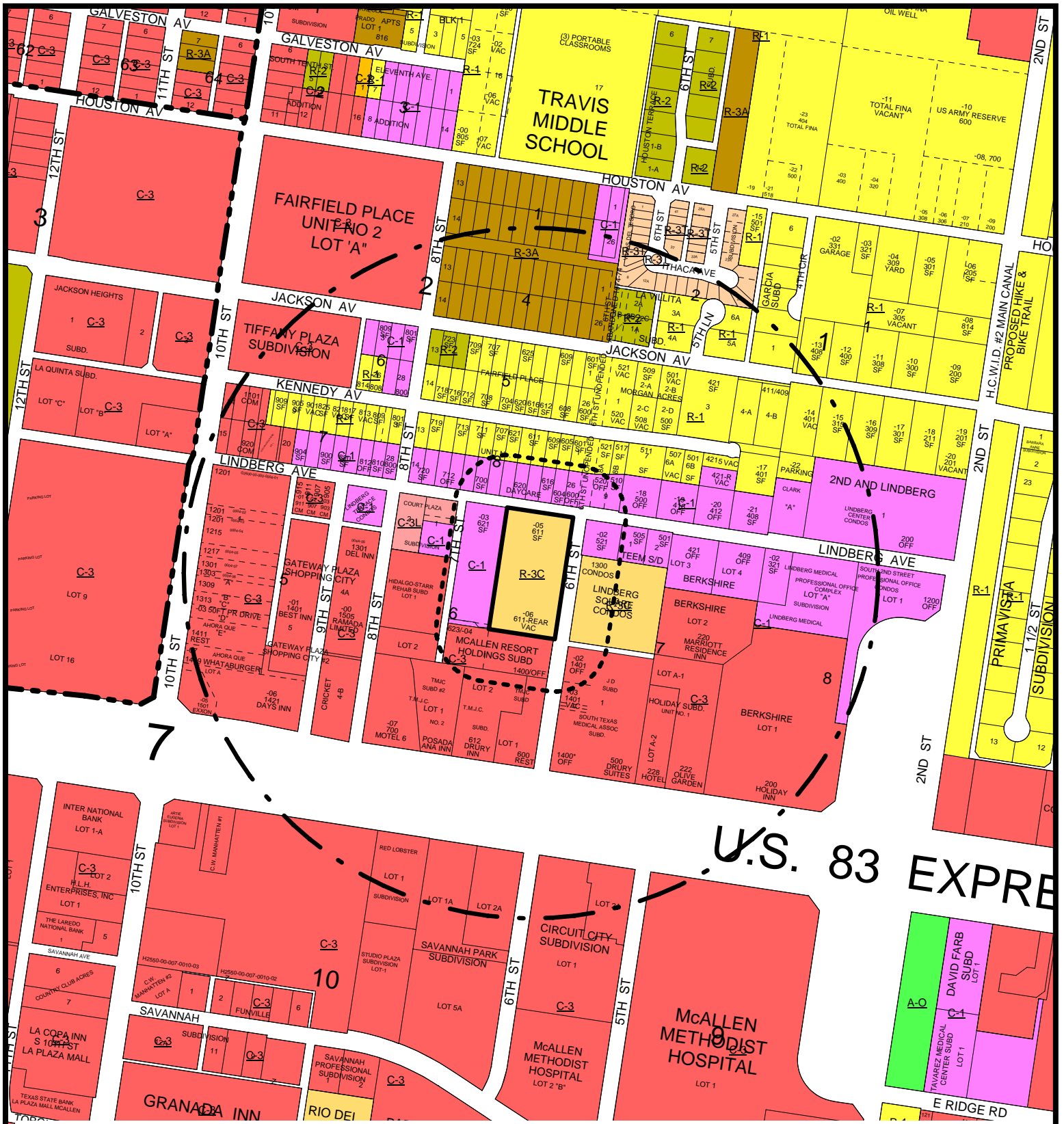
- The maximum number of apartment units permitted on the subject property in an R-3A District ranges from 131 1-bedroom units to 87 3-bedroom units. The number of vehicle trips generated would be 864 to 574 trips per day based upon 6.59 trips per apartment unit.
- Lindberg Avenue is a local street with 40 feet of right-of-way and is constructed with 2 travel lanes, and curb and gutter.
- 6th Street is a local street with 55 feet of right-of-way and is constructed with 2 travel lanes, and curb and gutter.
- A masonry screen eight feet in height is required where a multifamily use has a side or rear property line in common with a single family use or zone.
- Parkland dedication or fees in lieu of parkland dedication comprising \$700 per dwelling unit is required prior to recording a subdivision plat.
- A recorded subdivision plat and approved site plan are required prior to issuance of any building permit.

OPTIONS:

1. Approve the rezoning request.
2. Table the item for a) consideration by a full board, b) additional information, c) additional time for applicant and adjacent property owners to meet on zoning issues or d) further study by the Planning and Zoning Commission of rezoning the area.
3. Disapprove the rezoning request and approve an alternate zoning district.
4. Disapprove the rezoning request.

RECOMMENDATION:

At the Planning & Zoning Commission meeting of March 5, 2013 no one appeared in opposition to the rezoning request. The Board voted unanimously to recommend approval of the rezoning request with five members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: 1" = 500'



SUBJECT PROPERTY

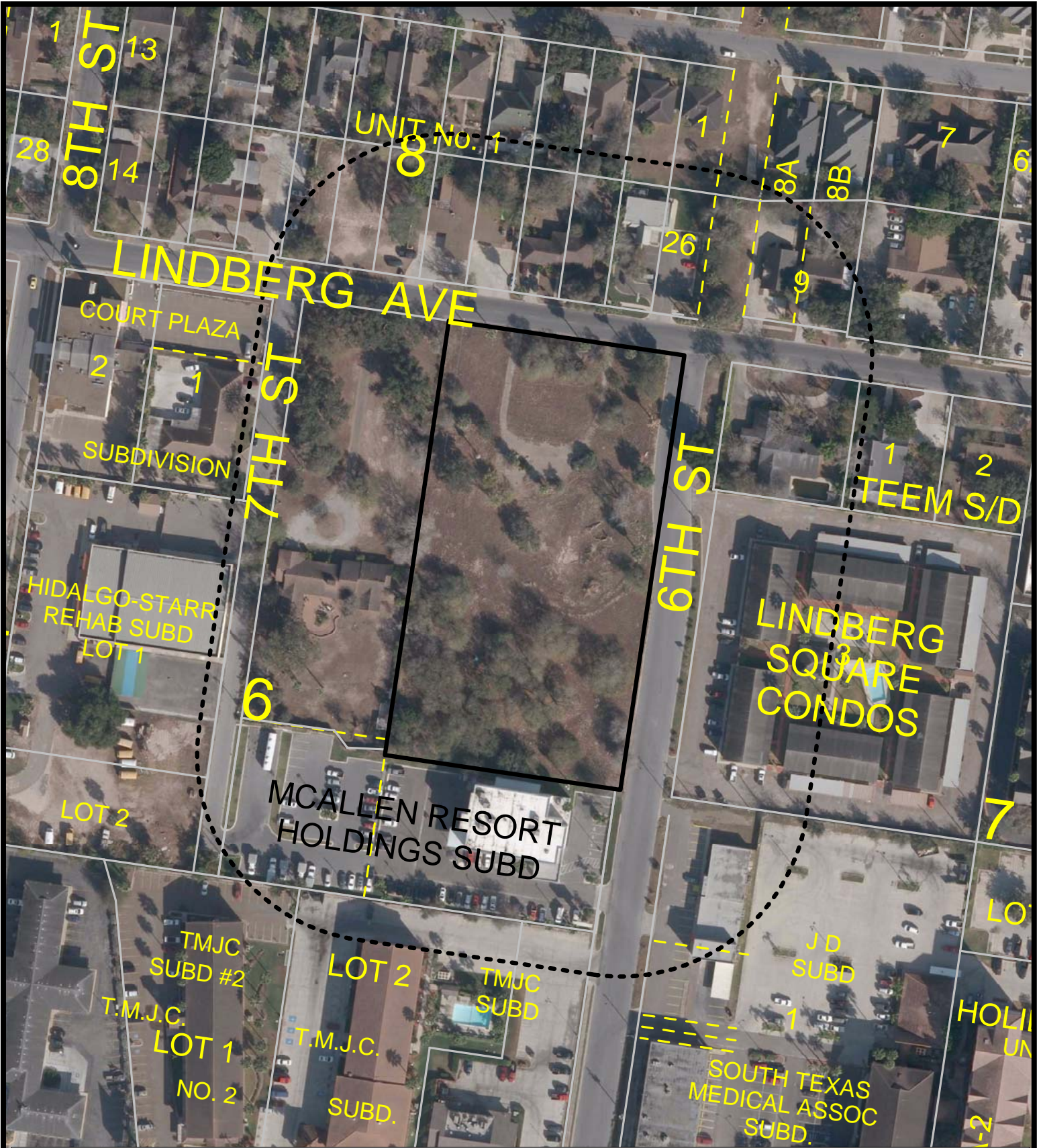
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLICATE-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

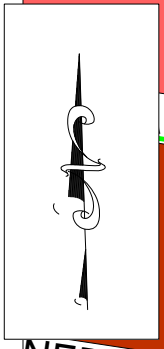
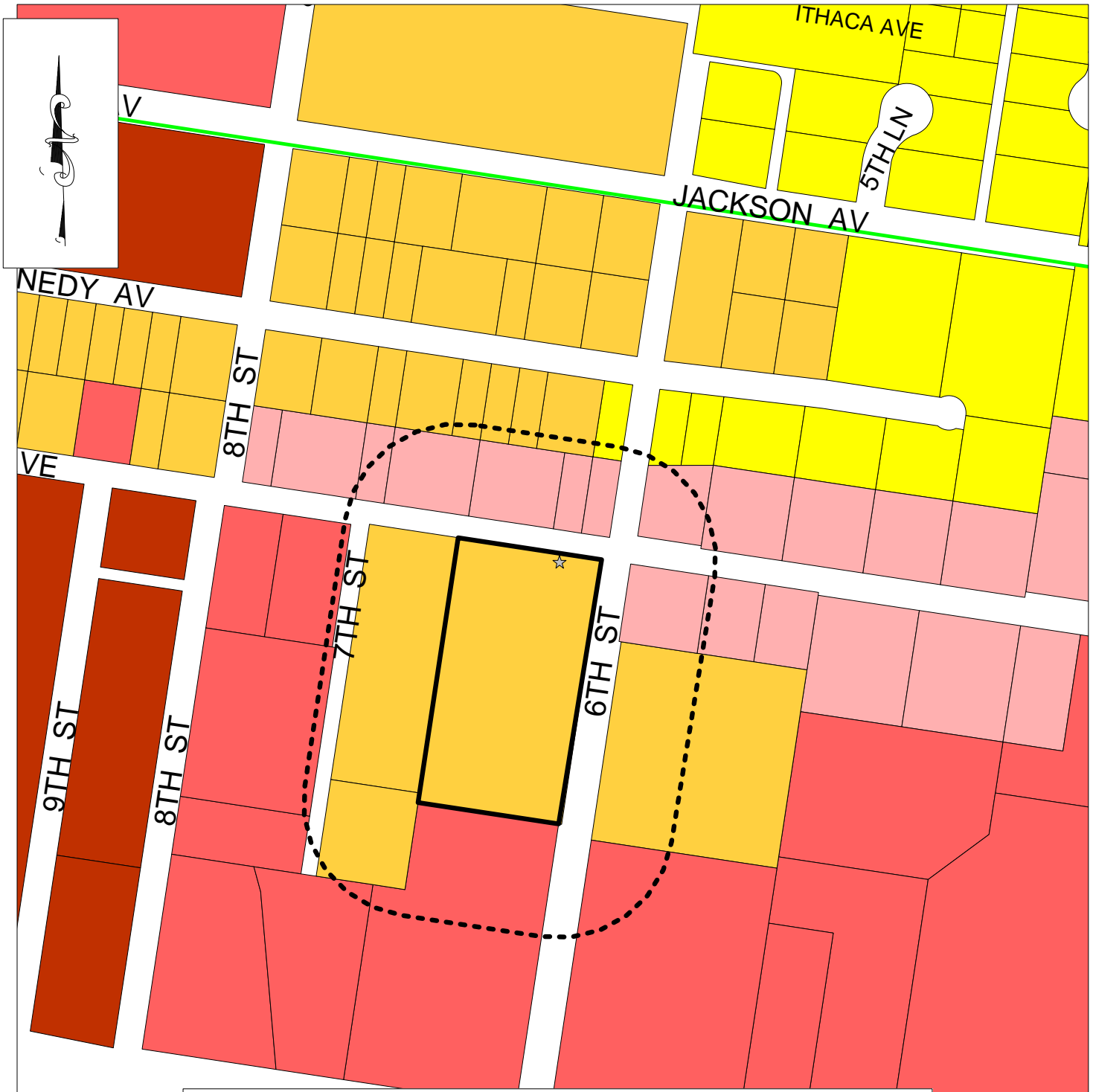
AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1 INCH = 2,000 FEET
APPROVED: SEPTEMBER 13, 2010

FORESIGHT McALLEN COMPREHENSIVE PLAN

FUTURE LAND USE PLAN

- | | |
|---------------------------------|------------------------------------|
| VAC - VACANT | SCM - SUBURBAN COMMERCIAL |
| EST - ESTATE | URC - URBAN CENTER |
| SUBR - SUBURBAN RESIDENTIAL | UCH - URBAN CENTER HIGH |
| AUSF - AUTO URBAN SINGLE FAMILY | IND - INDUSTRIAL |
| USF - URBAN SINGLE FAMILY | SPUS - SPECIAL USES, CIVIC, PUBLIC |
| AUMF - AUTO URBAN MULTIFAMILY | PRK - CITY PARKS |
| UMF - URBAN MULTIFAMILY | OPS - OPEN SPACE |
| UMX - URBAN RESIDENTIAL MIXED | AGR - AGRICULTURE |
| AUCM - AUTO URBAN COMMERCIAL | WTBY - WATER BODIES |

THOROUGHFARE PLAN

- | |
|--------------------------------|
| GRADE SEPARATION (INTERCHANGE) |
| EXPRESSWAY 350' |
| PARKWAY 350' |
| HI-SPEED ARTERIAL 150' |
| PRINCIPAL ARTERIAL 120' |
| MINOR ARTERIAL 100' |
| COLLECTOR 80' |
| ALTERNATIVE ALIGNMENT |
| McALLEN CITY LIMITS |
| McALLEN ETJ |

A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC

J.S.

**NOTICE
REZONING**

For

This Property

REZ2013-0005

 City of McAllen Planning Dept - 681-1250
www.mcallen.net

Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza III, Chairperson, Planning and Zoning Commission L.G.

DATE: March 19, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE MARCH 5, 2013 MEETING DEYING THE REQUEST OF JACOB J. ZAMORA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT 1, MEJIA SUBDIVISION; 2000 NOLANA AVENUE.

GOAL:

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

BRIEF DESCRIPTION:

The property is located at the northwest corner of Nolana Avenue and Bicentennial Drive and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, east and west and A-O (agricultural – open space) District to the south. Surrounding land uses include the commercial businesses, offices, restaurants, bars, multi-family residences, the International Museum of Arts & Science (IMAS), and vacant land. A bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit was approved by the City Commission on September 29, 2009 with a variance to the 600 ft. distance requirement. The permit since then has been renewed annually with a variance to the distance requirement by the City Commission. The last approval by the City Commission was on February 13, 2012. The applicant is proposing to continue to operate a bar (Jackie O's) with an outdoor patio area. The proposed hours of operation are seven days a week from 5:00 p.m. to 2:30 a.m.

Attached is the police report indicating service calls from February 2012 until present. The Health and Fire Departments have inspected and cleared the establishment. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least

600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residentially zones & uses and the International Museum of Arts & Science (IMAS);

- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has access to Nolana Avenue and Bicentennial Drive and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial plaza on the property. The plaza is a mixture of retail, fast food restaurants, and bars. At this time there are two fast food restaurants (Dominos & Billy's BBQ), retail (laundry matt, beauty salon, & Direct TV), and two vacant spaces that have been used as bars. Based on the current uses, 34 parking spaces are required and 125 spaces are provided on site. The proposed bar and outdoor patio area would require 51 parking spaces for a total of 85 spaces for the plaza, leaving 40 available. If the vacant spaces become available for other bars, they would each require 46 parking spaces (total 92 spaces) and parking would need to be provided. If additional parking is needed, the proposed bar submitted a parking agreement in August 26, 2009 allowing shared parking with a property to the west. The parking agreement will help satisfy the parking requirement for the establishment and is valid with an expiration date of August 24, 2014 (five year term);
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment is 282 persons.

OPTIONS:

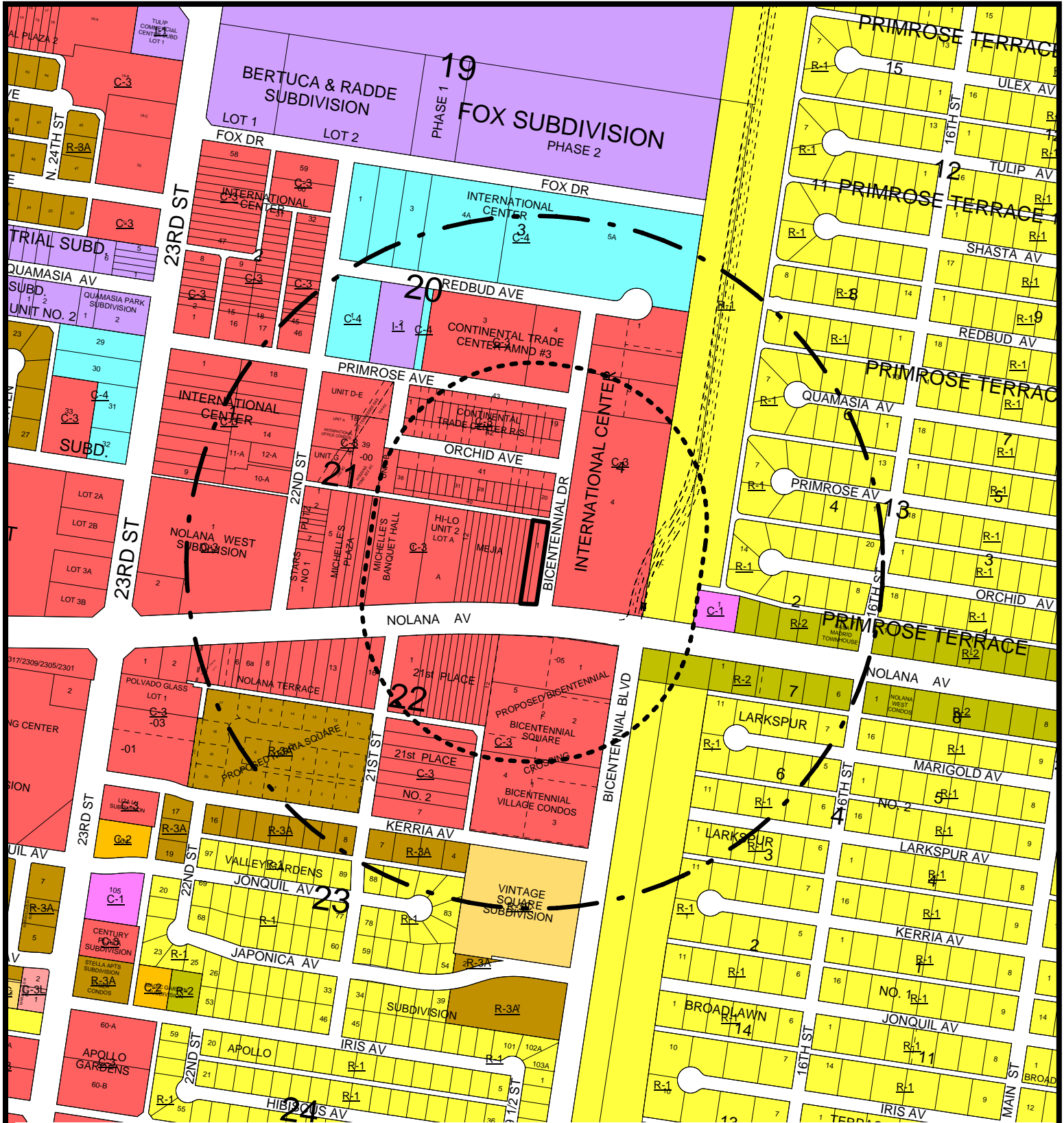
1. Disapprove the Conditional Use Permit.
2. Table the item for additional information.

RECOMMENDATION:

The request was considered at the March 5, 2013 Planning and Zoning Commission meeting.

There was no one present in opposition of the request. A representative for the applicant was present.

Following discussion, the board unanimously voted to disapprove the request due to noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance, but with a favorable recommendation for a variance to be granted to the distance requirement, and subject to the added conditions for extra security, nightly trash pickup, and area being lighted. There were four members present and voting. The applicant has submitted a letter of appeal.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: 1" = 500'



SUBJECT PROPERTY

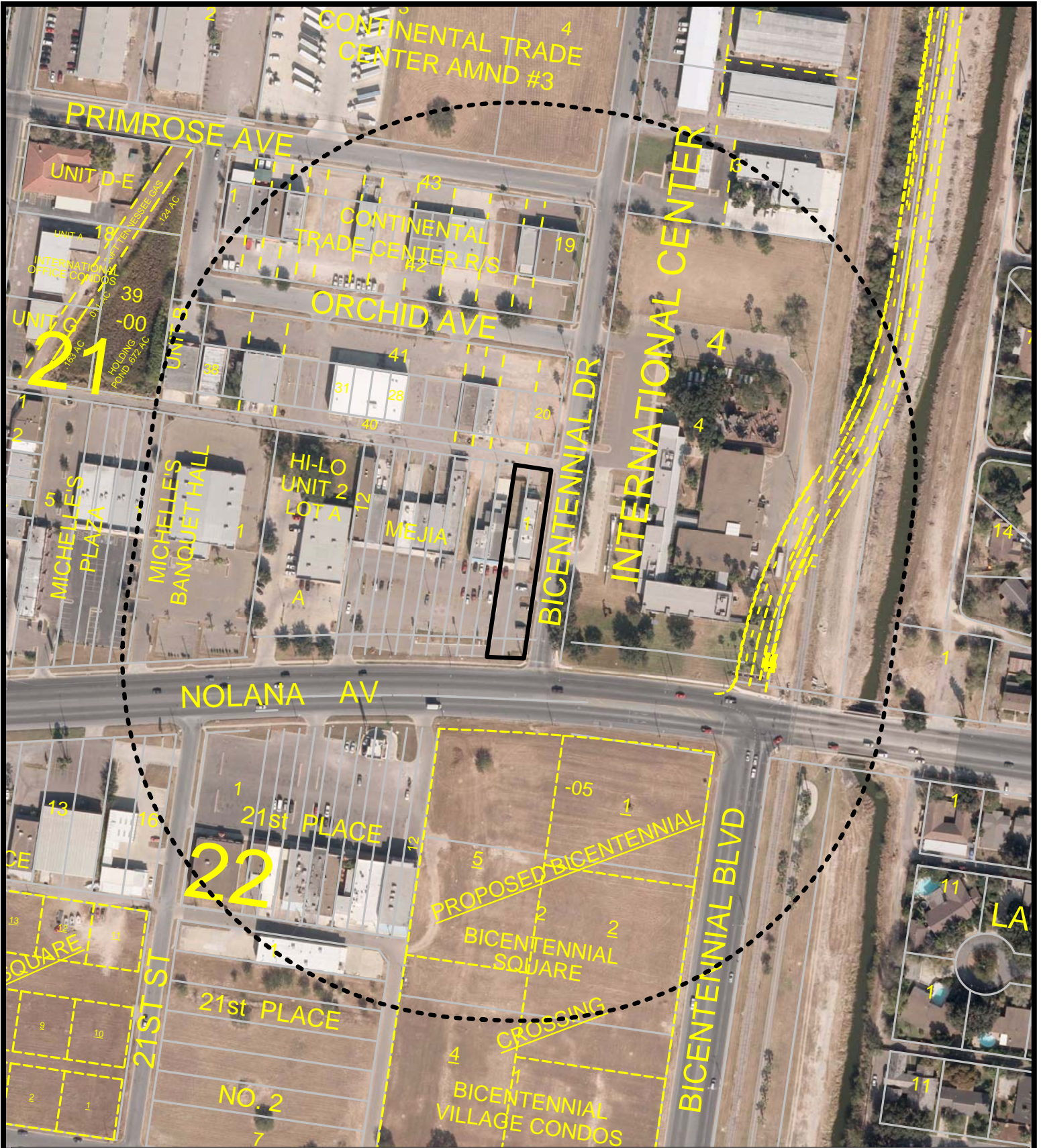
600 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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CITY OF McALLEN
 PLANNING DEPARTMENT

AERIAL MAP
 SCALE: N.T.S.

 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



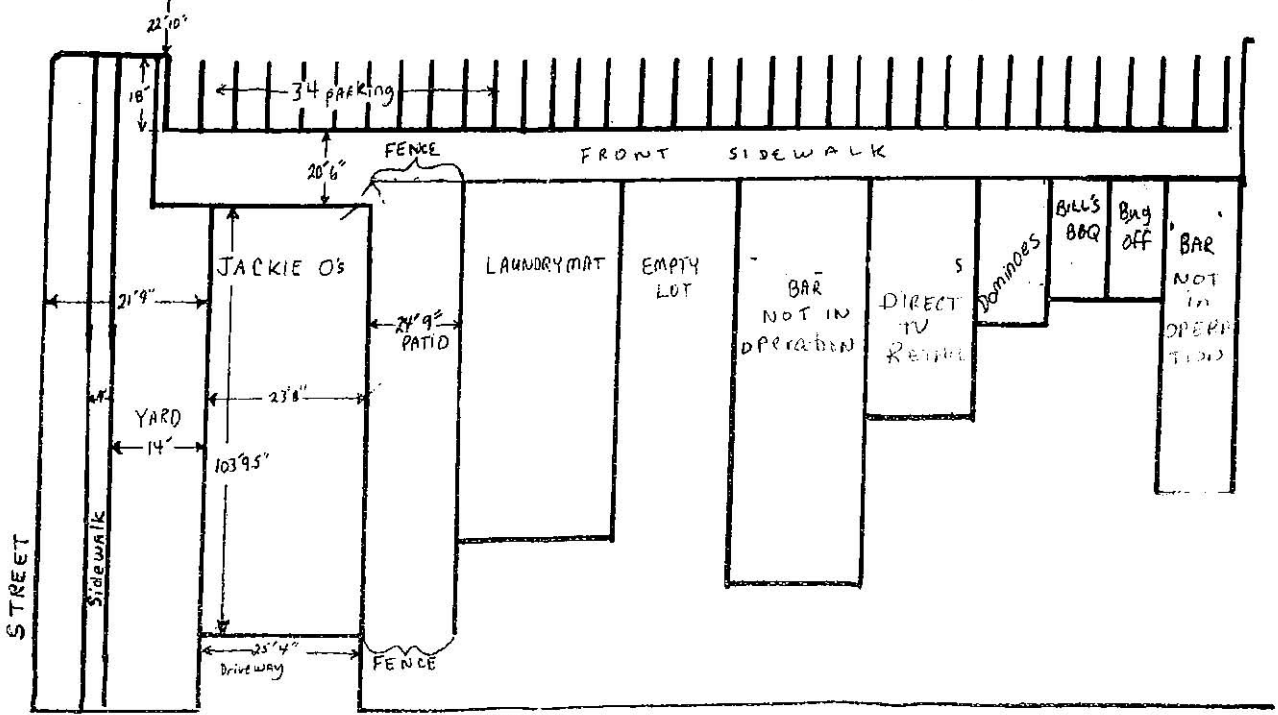
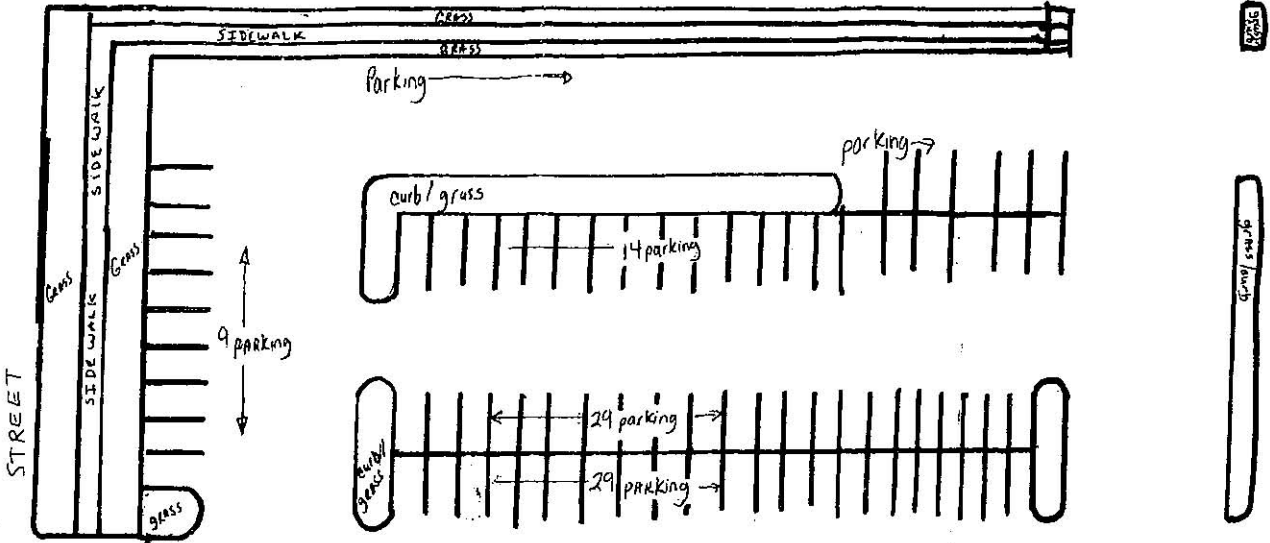
on ground survey and represent approximate relative location of property boundaries.

Jackie O's
 2000 Nolana
 (Mejra #1 Lot 1)

NOLANA

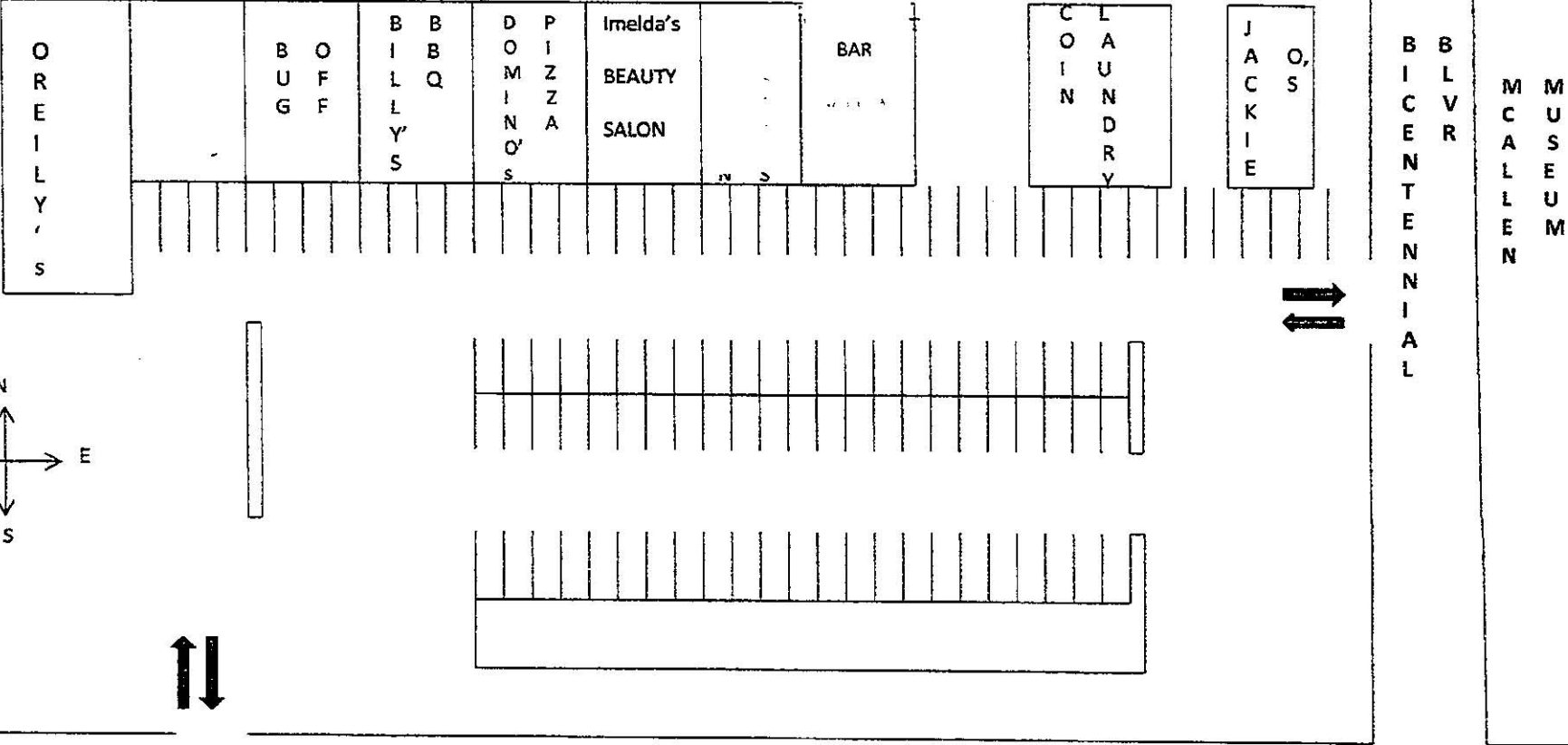
Site Plan

North ↓



Restaurant Bar Santa Maria

Sub Division Map

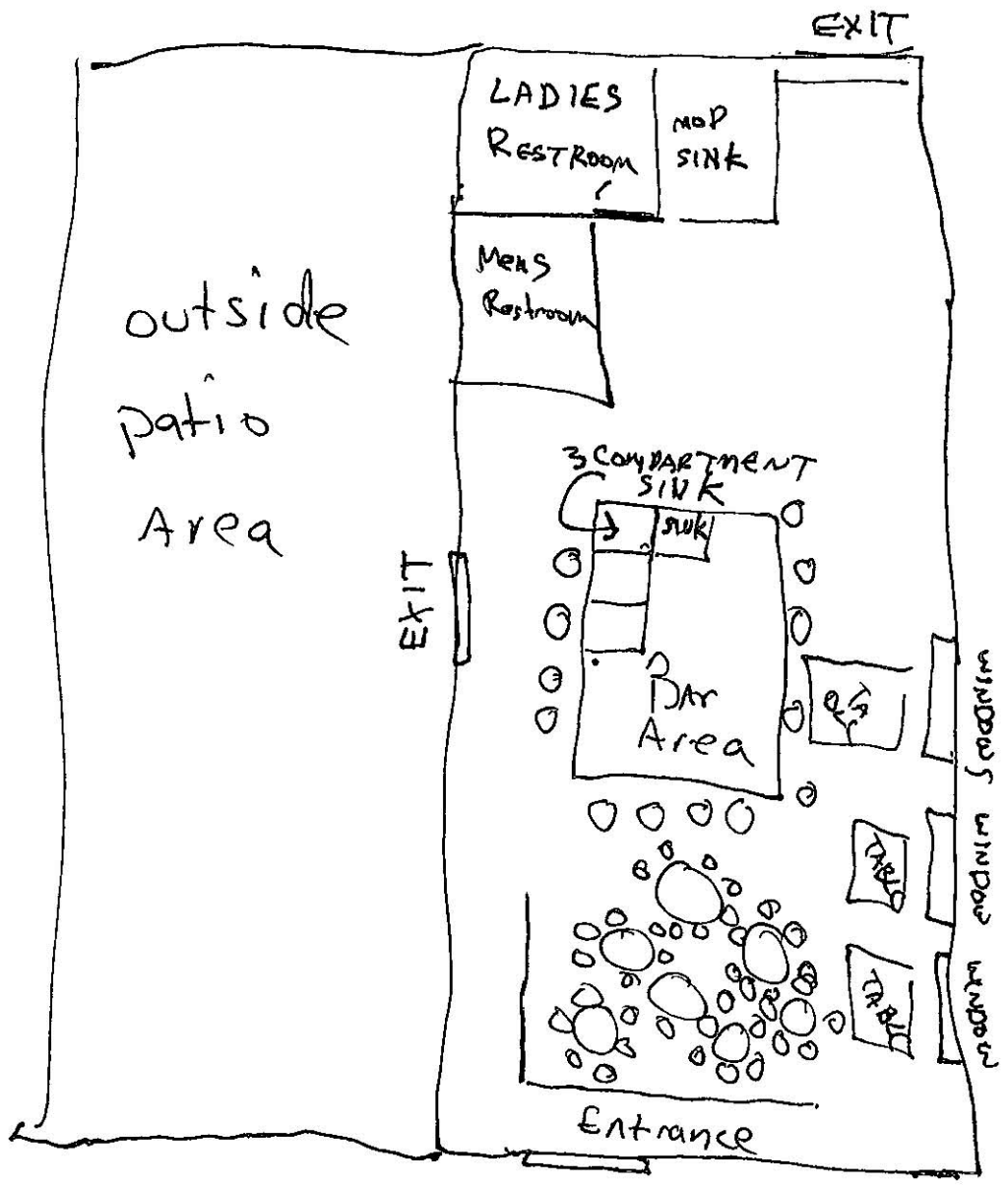


NOLANA AVENUE

Jackie O's

2000 NOLANA
McAllen, TX 78504
SITE PLAN

N
W E
S



Parking Agreement

O'Reilly Auto Parts located at 2024 Nolana Loop, McAllen, Texas, 78504, agrees to allow Jackie O's LLC located at 2000 Nolana Ave, McAllen, Texas, 78504 to use up to 59 parking spaces as needed for a Period of five (5) years ending Aug. 24, 2014.

Jackie O's LLC will provide signage indicating that extra parking is available as stated above.

X


O'Reilly's Rep

Printed

X

Leonel Martinez

Jackie O's Rep

Jacob Zamora



JACOB ZAMORA

Date

8/26/09

Date

8/26/09

8/26/09



Reynaldo Sanchez
Store Manager

PROUD MEMBER OF



www.oreillyauto.com

2024 Nolana
McAllen, TX 78504
Work Phone: (956)687-7828
Fax: (956)687-9500


CE



OZARK AUTOMOTIVE DISTRIBUTORS

DATE: February 29 2012

O'Reilly Auto Parts located at 2024 Nolana, McAllen Texas 78504, agrees to allow Jackie O'S LLC located at 2000 Nolana, McAllen TX to use up to 59 parking spaces as needed for a period of (5) five years ending August 24, 2014. Jackie O'S LLC will provide signage indicating the extra parking is available as stated above.


O'reilly's Rep

Jackie's Rep

McAllen Police Department
 Re: CFS - 2000 W Nolana Av
 Feb 2012 - Feb 2013

DATE	TIME	INCH	INCIDENT TYPE
4/16/2012	16:09	201200034373	ACCIDENT, MAJOR
ACCIDENT, MAJOR Count			1
4/7/2012	15:01	201200031165	ALARMS
10/24/2012	20:40	201200101507	ALARMS
11/10/2012	10:33	201200107225	ALARMS
11/22/2012	9:02	201200111402	ALARMS
12/23/2012	8:36	201200122269	ALARMS
2/9/2013	16:30	201300013393	ALARMS
ALARMS Count			6
8/17/2012	1:53	201200077219	ASSAULT
10/1/2012	17:38	201200093241	ASSAULT
2/15/2013	2:16	201300015231	ASSAULT
ASSAULT Count			3
4/1/2012	0:42	201200028650	BURG VEH REPORT
10/20/2012	2:05	201200099766	BURG VEH REPORT
12/2/2012	2:15	201200114697	BURG VEH REPORT
BURG VEH REPORT Count			3
2/20/2012	8:11	201200015025	CMS Warrant
CMS Warrant Count			1
11/16/2012	21:44	201200109581	CRIME AGAINST PERSON
CRIME AGAINST PERSON Count			1
9/14/2012	14:43	201200087264	CRIMES AGAINST PROPERTY
9/14/2012	13:49	201200087243	CRIMES AGAINST PROPERTY
11/18/2012	13:37	201200110149	CRIMES AGAINST PROPERTY
CRIMES AGAINST PROPERTY Count			3
3/15/2012	22:04	201200022847	DESTRUCTION/DAMAGE/VANDALISM
DESTRUCTION/DAMAGE/VANDALISM Count			1
4/1/2012	0:02	201200028631	DISTURBANCE
5/4/2012	2:24	201200040668	DISTURBANCE
7/19/2012	23:23	201200067285	DISTURBANCE
7/20/2012	2:41	201200067323	DISTURBANCE
9/29/2012	1:47	201200092305	DISTURBANCE
12/22/2012	2:38	201200121775	DISTURBANCE
1/26/2013	2:20	201300008338	DISTURBANCE
DISTURBANCE Count			7
3/18/2012	2:07	201200023566	DRIVING UNDER THE INFLUENCE (DUI)
7/6/2012	2:13	201200062471	DRIVING UNDER THE INFLUENCE (DUI)
9/9/2012	2:12	201200085420	DRIVING UNDER THE INFLUENCE (DUI)
12/26/2012	1:53	201200123235	DRIVING UNDER THE INFLUENCE (DUI)

McAllen Police Department

Re: CFS - 2000 W Nolana Av

Feb 2012 - Feb 2013

DATE	TIME	INCH	INCIDENT TYPE
DRIVING UNDER THE INFLUENCE (DUI) Count			4
7/7/2012	1:08	201200062831	DRUG/NARCOTIC VIOLATIONS
1/14/2013	14:48	201300004523	DRUG/NARCOTIC VIOLATIONS
DRUG/NARCOTIC VIOLATIONS Count			2
3/18/2012	2:07	201200023566	DRUNKENNESS
3/28/2012	23:43	201200027053	DRUNKENNESS
7/7/2012	1:08	201200062831	DRUNKENNESS
9/16/2012	0:06	201200087865	DRUNKENNESS
1/5/2013	3:25	201300001419	DRUNKENNESS
1/26/2013	0:21	201300008306	DRUNKENNESS
DRUNKENNESS Count			6
2/16/2012	23:29	201200013954	LOUD NOISE COMPLAINT
2/17/2012	0:57	201200013976	LOUD NOISE COMPLAINT
LOUD NOISE COMPLAINT Count			2
3/18/2012	2:07	201200023566	MINOR ACCIDENT
7/4/2012	22:19	201200061915	MINOR ACCIDENT
MINOR ACCIDENT Count			2
2/15/2013	2:16	201300015231	MOTOR VEHICLE THEFT
MOTOR VEHICLE THEFT Count			1
4/4/2012	18:28	201200030073	REQUEST OFFICER
5/26/2012	13:30	201200048577	REQUEST OFFICER
9/22/2012	7:12	201200089987	REQUEST OFFICER
1/15/2013	9:05	201300004714	REQUEST OFFICER
REQUEST OFFICER Count			4
3/30/2012	4:16	201200027668	TRAFFIC HAZARD
TRAFFIC HAZARD Count			1
1/14/2013	14:48	201300004523	Traffic Stop
5/22/2012	11:49	201200047110	Traffic Stop
Traffic Stop Count			2
Grand Count			50

To Whom it may concern

Jackie O'SLLC Respectfully Appeals
planning and zoning commission's disapproved
conditional use permit. from 3/5/13. Meeting
at 2000 Noland Avenue McAllen 78504

Thank you

JACOB ZAMORA

Jacob Zamora

proprietor

656) 451-5594



NOTICE
BAR
For
This Property
CUP2013-0037
City of McAllen Planning Dept - vol. 1250
www.mcallen.net

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 1A3 </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 3/14/13 </u>
PLANNING & ZONING BOARD	<u> </u>	MEETING DATE	<u> 3/25/13 </u>
OTHER	<u> </u>		

1. Agenda Item: Conditional Use Permit

2. Party Making Request: David Salinas

3. Nature of Request: (Brief Overview) Attachments: X Yes No

Request of David Salinas for a Conditional Use Permit, for life of the use, for a Planned Unit Development (Condo/Hotel) at all of Lots 1 and 2, Judco Subdivision, 3201 Expressway 83

4. Policy Implication: _____

5. Budgeted: Yes No N/A

Bid Amount:	<u> </u>	Budgeted Amount:	<u> </u>
Under Budget:	<u> </u>	Over Budget:	<u> </u>
		Amount Remaining:	<u> </u>

6. Alternate option costs: _____

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE <u>YES/NO</u>
------------	---------	------	------------------------------

a) <u> Julianne R. Rankin </u> Director of Planning	<u> JRR </u>	<u> 3/20/2013 </u>	<u> Yes </u>
b) _____	<u> </u>	<u> </u>	<u> </u>

8. Staff's Recommendation: Staff recommends approval of the request, for life of the use, compliance with the Subdivision, Vegetation and Zoning Ordinance .

9. Advisory Board: X Approved Disapproved None
Recommend approval of the request for the life of the use, compliance with the Subdivision, Vegetation and Zoning Ordinance.

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza III, Chairperson, Planning and Zoning Commission L.G.

DATE: March 19, 2013

SUBJECT: REQUEST OF DAVID O. SALINAS FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PLANNED UNIT DEVELOPMENT (CONDO-HOTEL/RETAIL) AT ALL OF LOTS 1 AND 2, JUDCO SUBDIVISION UNIT #2; 3201 EXPRESSWAY 83. (CUP2013-0050)

GOAL:

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

BRIEF DESCRIPTION:

The property is located on the south side of the Expressway 83, approximately 1,400 feet east of South Ware Road and is zoned C-4 (commercial industrial) District. The adjacent zoning is C-4 District to the east, R-1 (single family residential) District to the south, C-3 to the west and north. Surrounding land uses include heavy equipment sales, general business, restaurants, single family residences and Escandon Elementary School. A Planned Unit Development is permitted in a C-4 zone with an approved conditional use permit in compliance with Article IV Planned Developments of the Subdivision Ordinance.

The property currently has a truck and heavy equipment retail/commercial business on the property. The property consists of Lot 1 & Lot 2, Judco Subdivision No. 2. A revised preliminary re-subdivision was approved by the Planning and Zoning Commission on March 19, 2013. A note on the plat states that a site plan must be approved by the Planning and Zoning Commission prior to building permit issuance.

The applicant is proposing to develop a Planned Unit Development comprising a 5 story Condo/Hotel with 69 units and a commercial plaza containing retail stores and restaurants. Planned unit developments allow a variety of land uses that complement each other within the development and with existing land uses in the vicinity.

The request must comply with the requirements set forth in Section 138 Zoning Ordinance, Section 134 Subdivision Ordinance and Section 110 Vegetation Ordinance.

Specific requirements for approval are the following:

- 1) A recorded subdivision plat is required prior to issuance of conditional use permit and building permits.

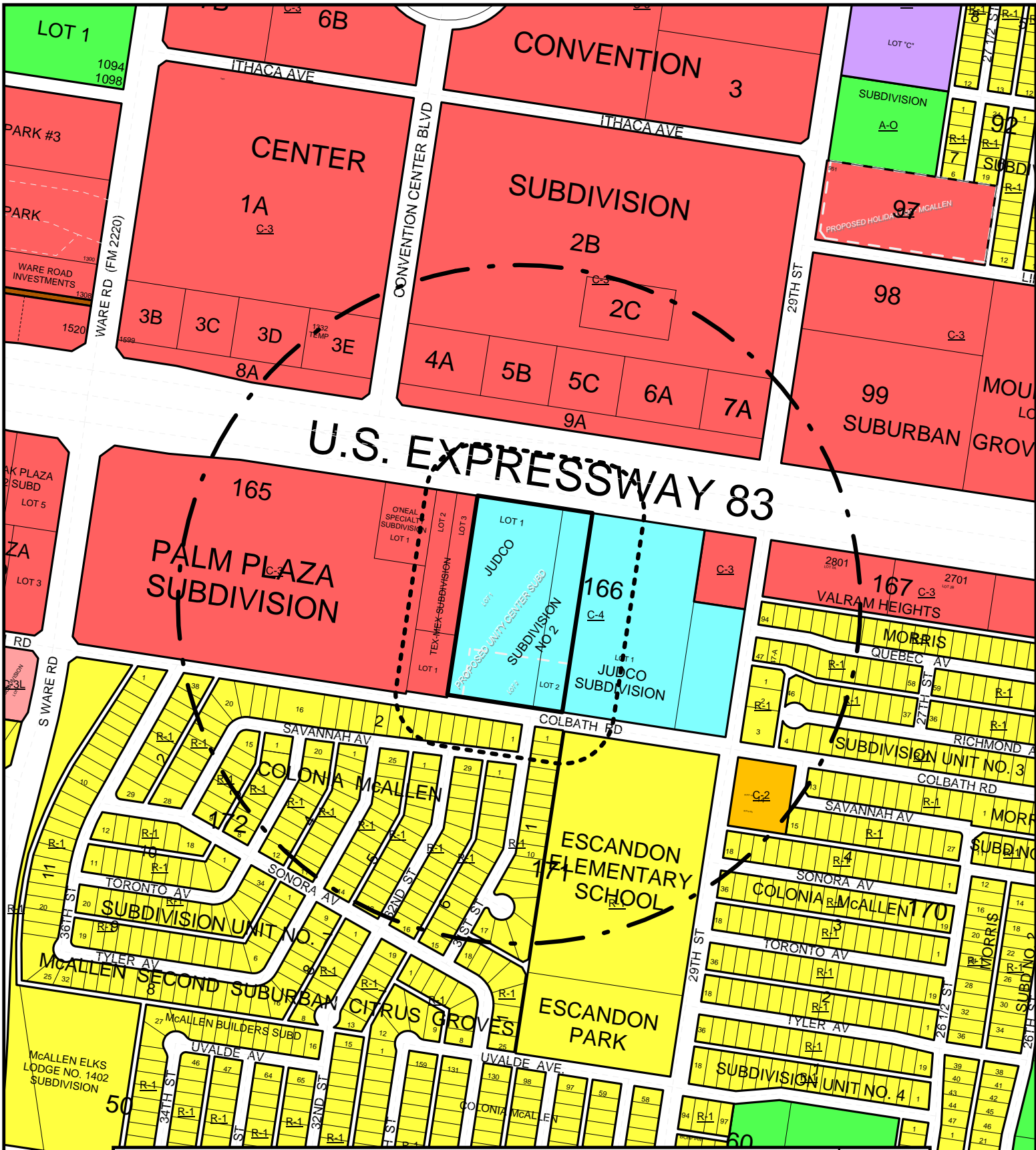
- 2) An approved site plan by Planning and Zoning Commission is required prior to issuance of building permit.
- 3) FAA approval of building height is required.
- 4) Site plan needs to show sidewalks along Expressway 83 Eastbound Frontage Road and Colbath Road.
- 5) Site plan needs to show a minimum of 10% landscaping of 8.07 acres, or 35,153 square feet landscape area provided with a minimum of 57 – 2 ½ inch caliper, or 29 – 4 inch caliper non-palm trees 10 feet in height, or 92 palms trees with 6 feet clear trunk comprising a maximum of 80% of the tree requirement. The required number of trees may be reduced by using native, non-palm trees and larger caliper trees. The minimum planting area is required to be 40 square feet for landscape area credit. Landscaped areas with trees within 50 feet of any parking space need to be shown on the site plan. Also, buffers to screen dumpster locations need to be shown on the site plan.
- 6) Site plan needs to show 749 parking spaces based upon 69,993 square feet of retail floor space, 37,592 square feet of restaurant floor space and 69 condo/hotel suites in compliance with existing parking ordinance; 550 parking spaces provided. The Board of Commissioners may approve 646 required parking spaces based upon the proposed MDC parking requirements and credits. Not more than 50% of parking spaces for restaurant may be used jointly with retail stores not operated during the same hours. Parking spaces not located on the same property shall be located within 500 feet of the property with a written agreement for a minimum of 5 years.
- 7) A recorded property owner's association is needed prior to recorded plat.
- 8) Owner, Engineer and Surveyor certificate and signature block need to be shown on the PUD site plan.

OPTIONS:

1. Approve the conditional use permit subject to specified conditions.
2. Approve the conditional use permit subject to modified conditions.
3. Table the item for additional information.
4. Disapprove the request.

RECOMMENDATION:

At the March 19, 2013 Planning and Zoning Commission meeting, no one appeared in opposition to the request for a planned unit development. Ms. Evalyn Cano spoke on behalf on her grandparents, Maria and Esteban Guerra, who reside at 3112 Savannah Avenue. She requested information concerning closing Colbath Road during construction. Mr. David Salinas indicated the project would be fenced as part of the construction and that Colbath Road would not be closed during construction. He said the project cost is estimated at \$50 million and would take about 2 years to complete construction. The developers have an option to purchase the balance of the property to the east. After a brief discussion, the board voted unanimously to recommend approval of the request with 4 members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

SUBJECT PROPERTY
 200 FT. NOTIFICATION BOUNDARY
 1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



U.S. EXPRESSWAY 83

PLAZA VISION

JUDCO
SUBDIVISION
NO. 2
PROPOSED UNITY CENTER SUBD

JUDCO SUBDIVISION

COLONIA McALLEN

ESCONDON ELEMENTARY



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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**NOTICE
PUD
For
This Property
CUP 2013-0050**

City of McAllen Planning Dept - 681-1220
www.mcallen.net

U.S. EXPRESSWAY 83
(300.0' R.O.W.)

P.O.
JUD
N.W.

S81°18'50"E

450.00'

335.00'

115.00'

10.0' UTILITY, LANDSCAPE & DRAINAGE EASEMENT

102.00

10.0' UTILITY EASEMENT

103.00

10.0' UTILITY EASEMENT

10.0' UTILITY EASEMENT

10.0' UTILITY EASEMENT

10.0' UTILITY EASEMENT

104.00

LOT 1

277,003.26 SQUARE FEET
6.36 GROSS ACRES

10.0' UTILITY EASEMENT

105.00

10.0' UTILITY EASEMENT

JUDCO SUBDIVISION
UNIT NO. 2
(INSTRUMENT NO. 2901260,
H.C.M.R.)

LOT 1
261,582.87 SQUARE FEET
6.01 GROSS ACRES

LOT 2
89,800.86 SQUARE FEET
2.06 GROSS ACRES

10.0' LANDSCAPE & DRAINAGE EASEMENT

106.00

10.0' UTILITY EASEMENT

10.0' UTILITY EASEMENT

10.0' UTILITY EASEMENT

10.0' UTI VOL. 29.

107.00

N08°37'20"E

S81°18'50"E

391.31'

S08°37'20"W

LOT 2

74,380.17 SQUARE FEET
1.71 GROSS ACRES

N08°41'10"E

190.00'

190.00'

10.0' UTILITY, LANDSCAPE & DRAINAGE EASEMENT

110.00

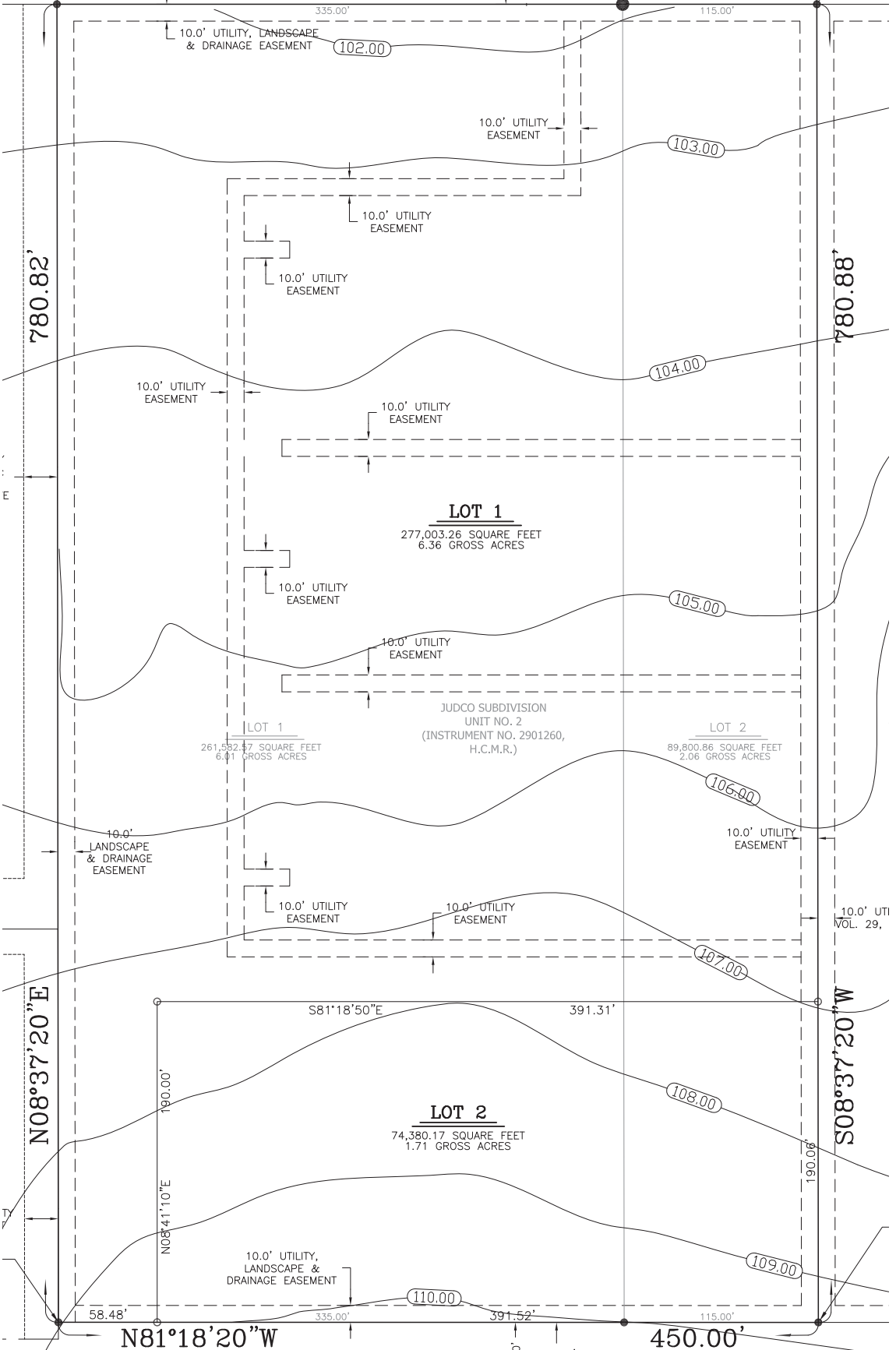
109.00

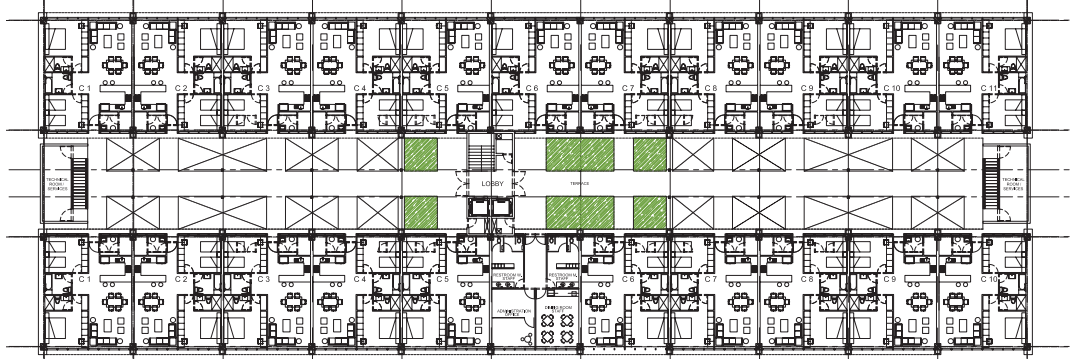
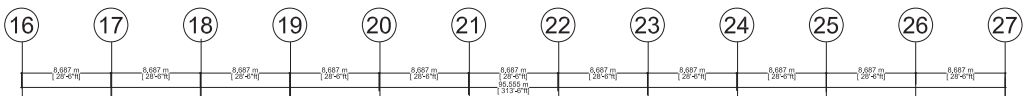
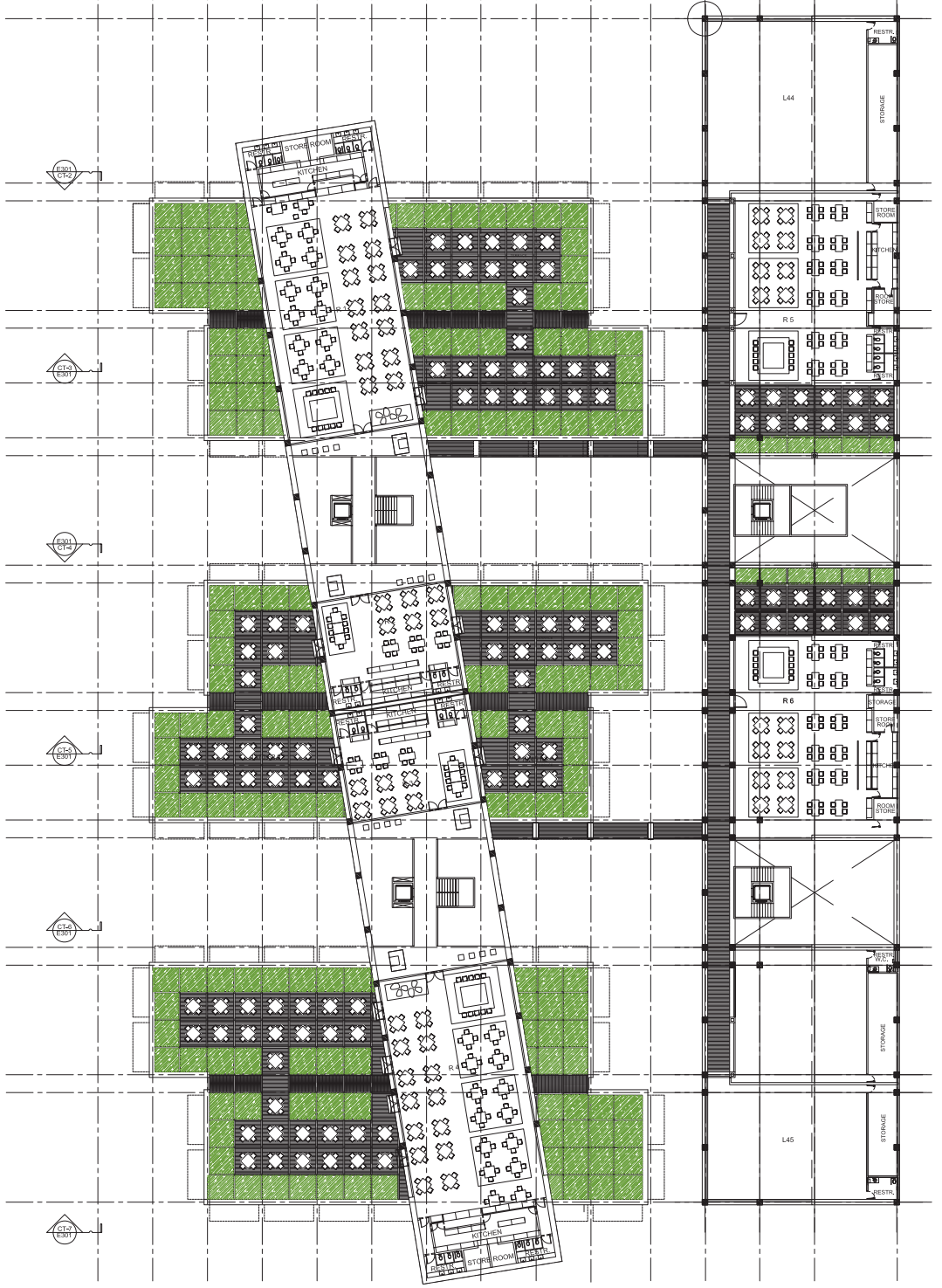
N81°18'20"W

450.00'

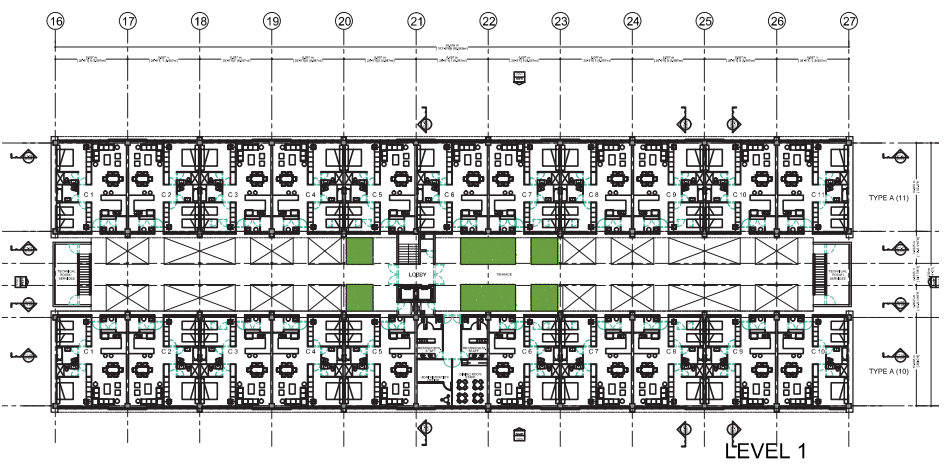
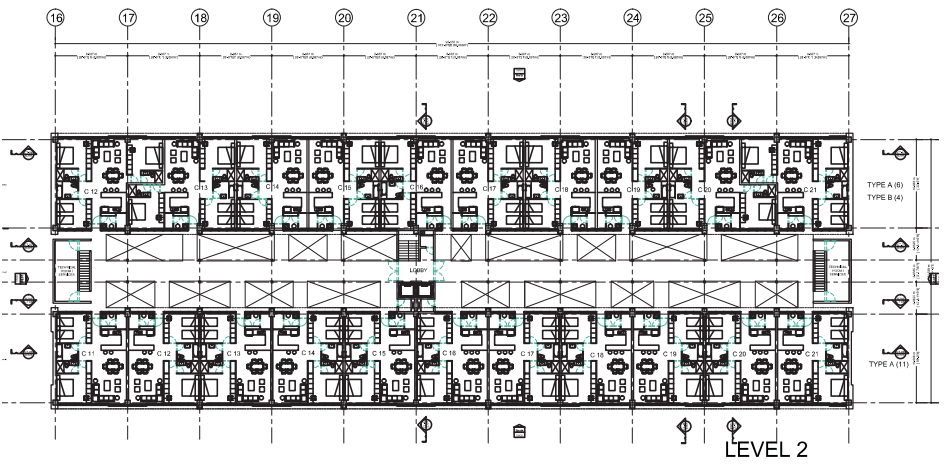
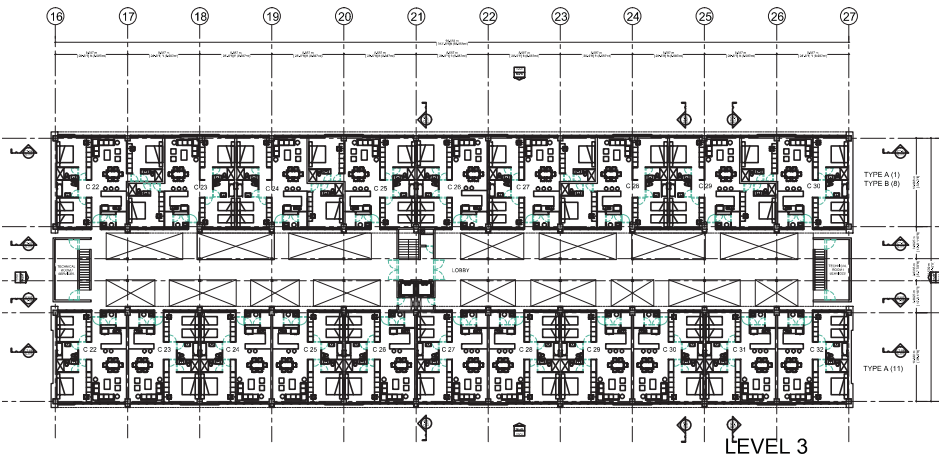
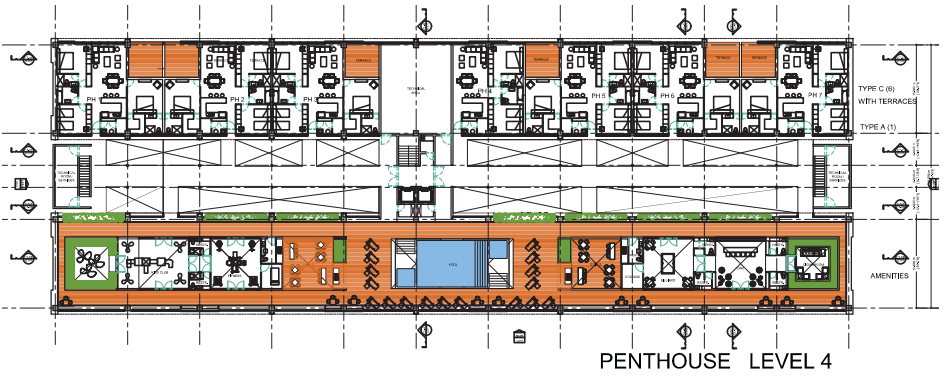
SOUTH LINE LOT 166 COLBATH ROAD
(60.0'-70.0 R.O.W.)

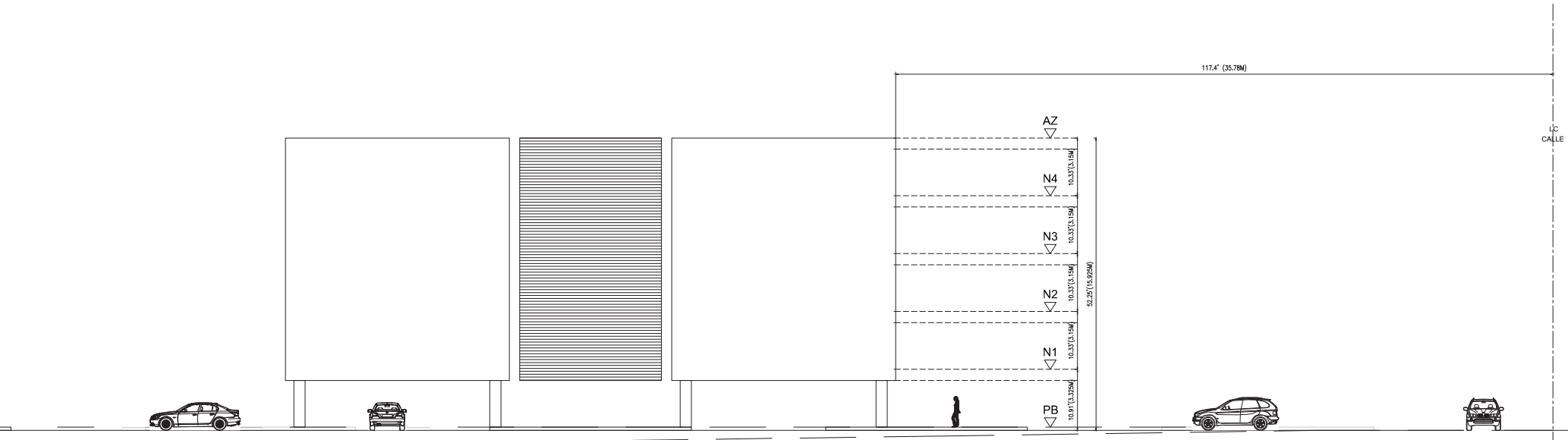
40.0'
70.0'
TOTAL R.O.W.





LEVEL 1





ELEVACION LATERAL

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 1B1
DATE SUBMITTED 3/04/13
MEETING DATE 3/25/13

1. **Agenda Item:** Rezoning Request

2. **Party Making Request:** _____

3. **Nature of Request: (Brief Overview) Contract:** Yes No

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.

4. **Policy Implication:** Zoning Ordinance

5. **Budgeted:** Yes X No N/A

Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____

If over budget how will it be paid for: _____

6. **Alternate option/costs:** _____

7. **Routing:**

	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	<u>Julianne R. Rankin</u> Director of Planning	<u>JR</u>	<u>2/19/13</u>	<u>Yes</u>
b)	_____	_____	_____	_____

8. **Staff's Recommendation:** Approval

9. **Advisory Board:** Approved Disapproved X None
Planning and Zoning tabled this request on February 5th & 19th and remained tabled on March 5, 2013. It will be heard at the P & Z meeting of March 19, 2013 and remained tabled.

10. **City Attorney:** KP Approved Disapproved None

11. **Manager's Recommendation:** MRP Approved Disapproved None

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 1B2
DATE SUBMITTED 3/18/13
MEETING DATE 3 /25/13

1. **Agenda Item:** Rezoning Request

2. **Party Making Request:** Timothy Wilkins

3. **Nature of Request: (Brief Overview) Contract:** Yes No
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.

4. **Policy Implication:** Zoning Ordinance

5. **Budgeted:** Yes X No N/A

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____

If over budget how will it be paid for: _____

6. **Alternate option/costs:** _____

7. **Routing:**

	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	<u>Julianne R. Rankin</u> Director of Planning	<u>JRR</u>	<u>03/18/13</u>	<u>Yes</u>
b)	_____	_____	_____	_____

8. **Staff's Recommendation:** Approval

9. **Advisory Board:** X Approved Disapproved None

10. **City Attorney:** KP Approved Disapproved None

11. **Manager's Recommendation:** Approved MRP Disapproved None

Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza III, Chairman, Planning & Zoning LG III

DATE: March 18, 2013

SUBJECT: 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. (REZ2013-0006)

GOAL:

Zoning regulations must be adopted in accordance with *Foresight McAllen* and designed to 1) lessen congestion, 2) secure safety from fire and other dangers, 3) promote health and general welfare, 4) provide adequate light and air, 5) prevent overcrowding of land 6) avoid undue concentration of population, 6) facilitate the adequate provision of transportation, water, sewers, school, parks, and other public requirements and 7) protect and preserve places and areas of historical, cultural or architectural importance or significance. L.G.C. Section 211.004.

BRIEF DESCRIPTION:

The property is located at the southeast corner of Bicentennial Boulevard and Savannah Avenue. The subject property consists of two lots and has 109 feet of frontage along Savannah Avenue with a depth of 110 feet for a tract size of 11,995 feet. The property was zoned to R-1 (single family residential) district upon comprehensive zoning in 1979. A city initiated rezoning for all of South Main Street Subdivision in 2002 was cancelled after neighborhood opposition. The tract is currently vacant. The applicant is requesting C-3 (general business) District for commercial use. A feasibility plan for a proposed use has not been submitted.

The adjacent zoning is R-1 (single family residential) District to the east and south and C-3 (general business) District to the north and west. In 2005, a rezoning request for R-2 (duplex-fourplex) District for Lots 8 and 9, Block 4, was disapproved. Four rezoning requests to C-3 (general business) District were approved to C-3 District in South Main Street Subdivision for lots adjacent Main Street. In 1984 a rezoning request for C-3 District zoning for a tract at the northeast corner of Savannah Avenue and Bicentennial Avenue was approved and is the site for Security Self Storage and vacant commercial buildings. Surrounding land uses are single family residential, Security Self Storage, commercial uses and Boeye Reservoir.

- The requested zoning conforms to the Auto Urban Commercial land use designation for the tract as indicated on the Foresight McAllen Comprehensive Plan.
- The zoning trend along this area of Bicentennial Boulevard is C-3 (general business) District. Boeye Reservoir located to the west is the site of a proposed mixed use development.
- Savannah Avenue is a minor collector street with 60 feet of right-of-way, 40 feet of pavement with two traffic lanes and two parking lanes, curb and gutter, and no sidewalks.
- A buffer eight feet in height is required where a nonresidential use is adjacent to a single

family use or district.

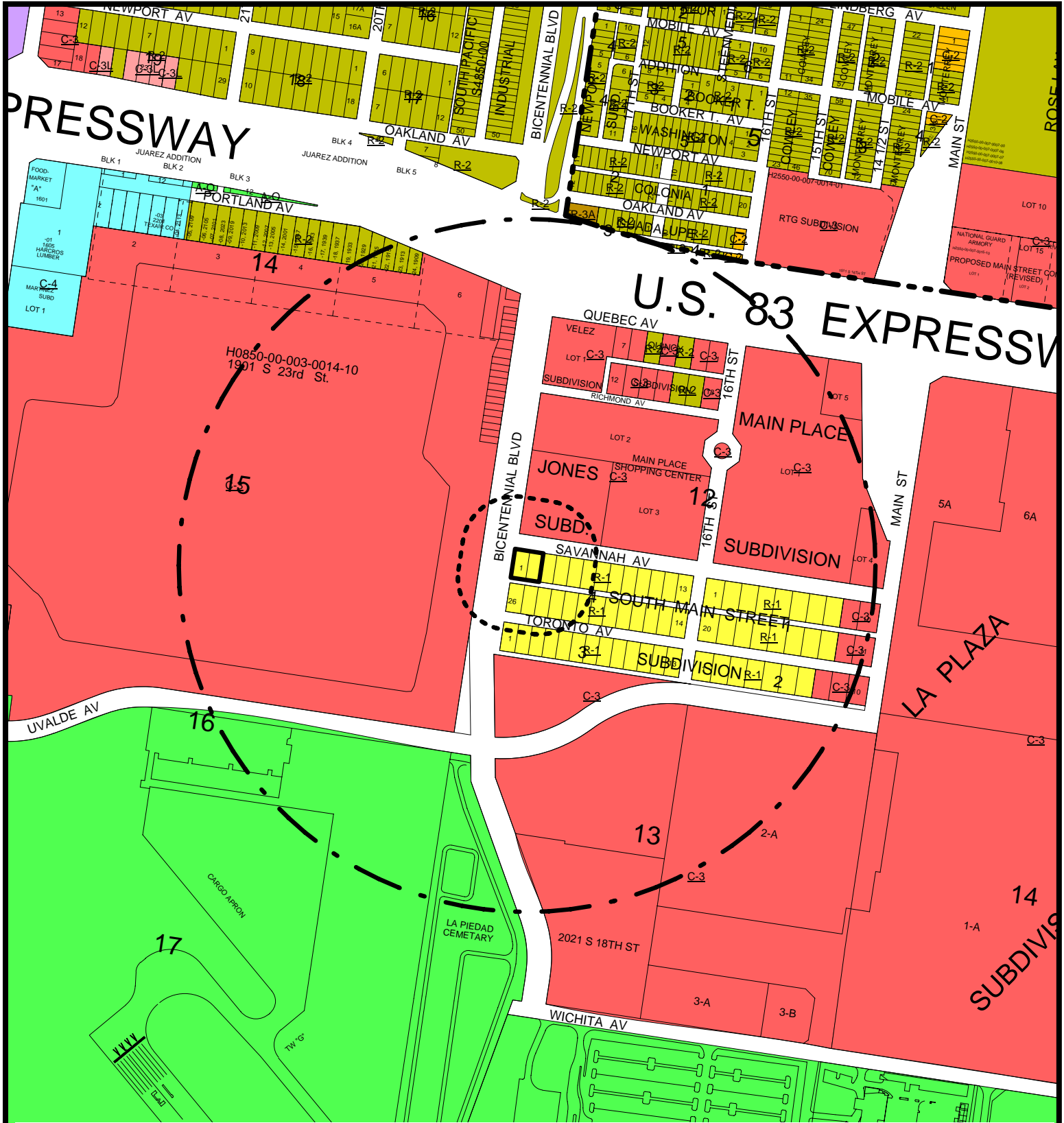
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal.

OPTIONS:

1. Approve the rezoning request.
2. Table the item for a) consideration by a full board, b) additional information, c) additional time for applicant and adjacent property owners to meet on zoning issues or d) further study by the Planning and Zoning Commission of rezoning the area.
3. Approve the rezoning request for a less intense zoning district.
4. Disapprove the request.

RECOMMENDATION:

At the Planning and Zoning Commission meeting of March 5, 2013 several residents appeared to learn more about the rezoning. Ms. Irene Martinez, 1701 Savannah Avenue, stated that her concern was increase in property taxes and traffic. Chairman Garza III commented that her property would still be appraised by the taxing district as single family. The Board voted unanimously to recommend approval of the rezoning request with five members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT

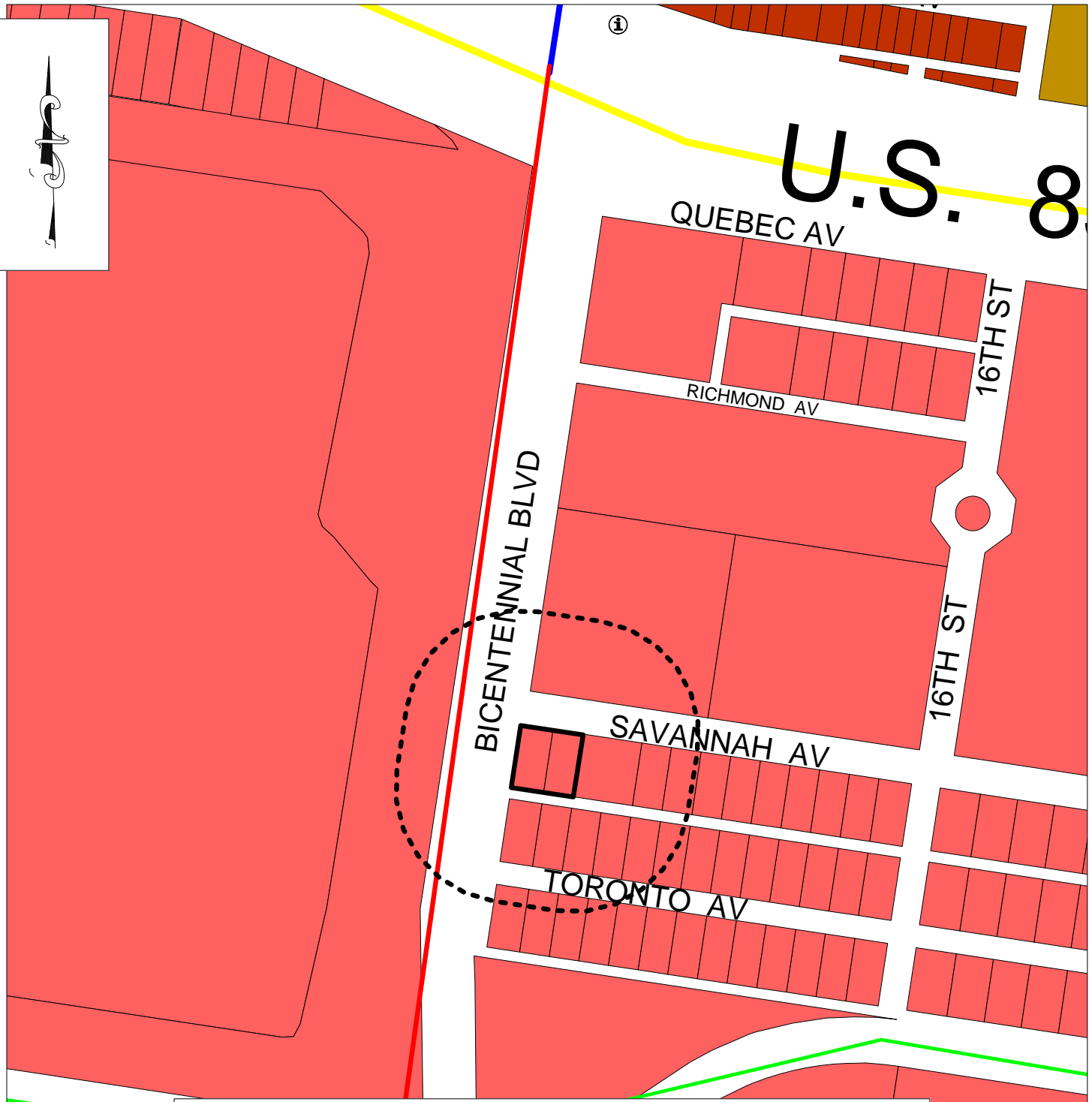
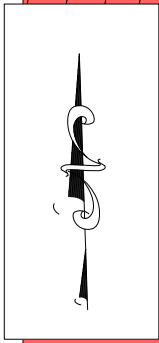
AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

FORESIGHT McALLEN COMPREHENSIVE PLAN

- FUTURE LAND USE PLAN**
- VAC - VACANT
 - EST - ESTATE
 - SUBR - SUBURBAN RESIDENTIAL
 - AUSF - AUTO URBAN SINGLE FAMILY
 - USF - URBAN SINGLE FAMILY
 - AUMF - AUTO URBAN MULTIFAMILY
 - UMF - URBAN MULTIFAMILY
 - UMX - URBAN RESIDENTIAL MIXED
 - AUCM - AUTO URBAN COMMERCIAL


- SCM - SUBURBAN COMMERCIAL
- URC - URBAN CENTER
- UCH - URBAN CENTER HIGH
- IND - INDUSTRIAL
- SPUS - SPECIAL USES, CIVIC, PUBLIC
- PRK - CITY PARKS
- OPS - OPEN SPACE
- AGR - AGRICULTURE
- WTBY - WATER BODIES

LEGEND
SCALE: 1 INCH = 2,000 FEET
APPROVED: SEPTEMBER 13, 2010

- THOROUGHFARE PLAN**
- ① GRADE SEPARATION (INTERCHANGE)
 - EXPRESSWAY 350'
 - PARKWAY 350'
 - HI-SPEED ARTERIAL 150'
 - PRINCIPAL ARTERIAL 120'
 - MINOR ARTERIAL 100'
 - COLLECTOR 80'
 - ALTERNATIVE ALIGNMENT
 - MCALLEN CITY LIMITS
 - MCALLEN ETJ

A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC

**NOTICE
REZONING
For
This Property
REZ2013-0006**

 City of McAllen Planning Dept - 681-1250
www.mcallen.net

Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza III, Chairman, Planning & Zoning LG III

DATE: March 18, 2013

SUBJECT: 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. (REZ2013-0007)

GOAL:

Zoning regulations must be adopted in accordance with *Foresight McAllen* and designed to 1) lessen congestion, 2) secure safety from fire and other dangers, 3) promote health and general welfare, 4) provide adequate light and air, 5) prevent overcrowding of land 6) avoid undue concentration of population, 6) facilitate the adequate provision of transportation, water, sewers, school, parks, and other public requirements and 7) protect and preserve places and areas of historical, cultural or architectural importance or significance. L.G.C. Section 211.004.

BRIEF DESCRIPTION:

The property is located along the south side of Newport Avenue approximately 132 feet east of South 23rd Street. The tract consists of one lot and has 50 feet of frontage along Newport Avenue with a depth of approximately 128 feet for a tract size of 6,442 square feet. This tract was zoned R-2 (duplex-fourplex residential) district upon comprehensive zoning in 1979. In September 2012 a rezoning request for this property to C-3 District was withdrawn. A single family residence is located on the property. The applicant is requesting C-3 (general business) District for expansion of the existing First Cash Pawn business located to the southwest. A contract for the sale of the property is pending rezoning. A petition in opposition was submitted and represents 23.8% of property ownership within a 200 foot radius.

The adjacent zoning is R-2 (duplex-fourplex residential) District to the east, and C-3 (general business) District to the north, west, and south. In 2002, a rezoning request for C-3 (general business) District for an auto sales use on Lots 10 & 11, Block 19 located adjacent to the east resulted in disapproval of C-3 zoning and the property is currently vacant. Surrounding land uses are single family residential to the east, American auto sales, First Cash Pawn, the J Gonzalez Law Firm, auto repair, auto paint, and vacant lots.

- The requested zoning does not conform to the Urban Residential Mixed land use designation for the tract as indicated on the Foresight McAllen Comprehensive Plan. Urban Residential Mixed allows residential and retail for redevelopment areas.
- The zoning along Newport Avenue to the east is R-2 (duplex-fourplex residential) District. Adjacent land uses are primarily commercial to the north, south, and west. The requested zoning is in alignment with commercial zoning to the south.
- Newport Avenue is a local residential street with 50 feet of right-of-way, 30 feet of pavement, curb and gutter.

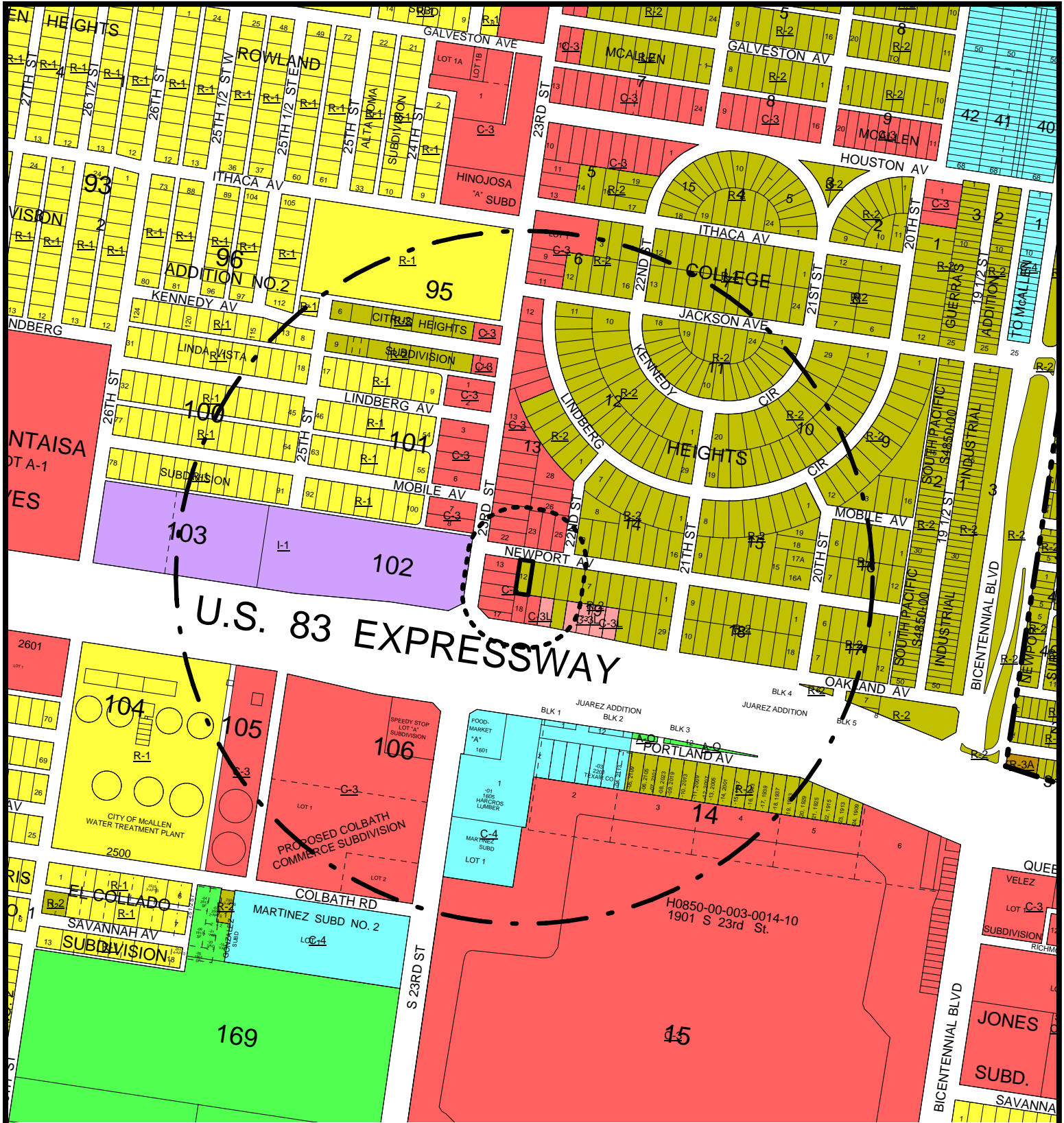
- A buffer is required where a nonresidential use has a side property line in common with a residential use or zone.
- Single family residences located to the north of the subject property are zoned C-3 (general business) District and are surrounded by commercial uses.
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal.
- A site plan in compliance with buffers, landscaping, and off-street parking is required prior to issuance of building permits or certificate of occupancy.

OPTIONS:

1. Approve the rezoning request.
2. Table the item for a) consideration by a full board, b) additional information, c) additional time for applicant and adjacent property owners to meet on zoning issues or d) further study by the Planning and Zoning Commission of rezoning the area.
3. Approve the rezoning request for a less intense zoning district.
4. Disapprove the request.

RECOMMENDATION:

At the Planning & Zoning Commission meeting of March 5, 2013 Ms. Dalinda Garcia was present representing her parents who reside on Newport Avenue. Ms. Garcia stated that opposition to the rezoning is because most of the residents in this area are elderly and have lived there long before Cash Pawn was established. Ms. Garcia stated that rezoning the subject property to C-3 District would encourage other property owners in the area to request similar commercial zoning creating increased traffic and noise. Ms. Garcia stated that this was the second attempt at rezoning this property. She stated that she had met with the project engineer Mr. Carlos Garza to discuss the expansion plans by First Cash Pawn. Mr. Carlos Garza, project engineer, spoke in favor of the rezoning. He indicated that he could not speak for the previous rezoning attempt which was withdrawn in September 2012 by the applicant, since he had not been involved in that rezoning request. Mr. Garza indicated that the applicant was aware of the concerns by the residents and voiced by Ms. Garcia. In response to increased traffic and traffic noise concerns, Mr. Garza stated that there would be no access to Newport Avenue. The Board voted unanimously to recommend disapproval of the rezoning request with five members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

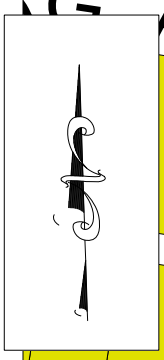
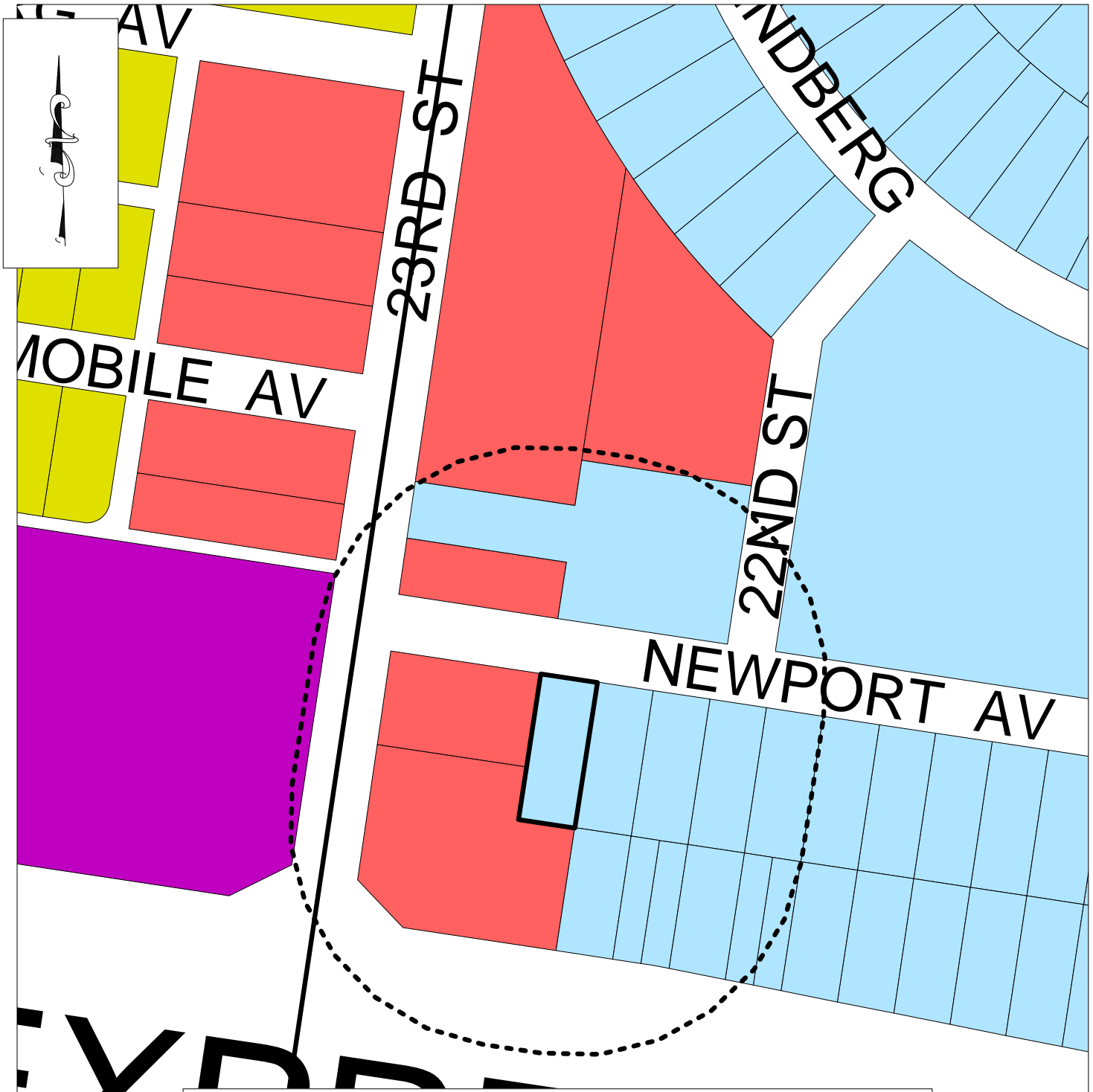
AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1 INCH = 2,000 FEET
APPROVED: SEPTEMBER 13, 2010

FORESIGHT McALLEN COMPREHENSIVE PLAN

FUTURE LAND USE PLAN

- | | |
|---------------------------------|------------------------------------|
| VAC - VACANT | SCM - SUBURBAN COMMERCIAL |
| EST - ESTATE | URC - URBAN CENTER |
| SUBR - SUBURBAN RESIDENTIAL | UCH - URBAN CENTER HIGH |
| AUSF - AUTO URBAN SINGLE FAMILY | IND - INDUSTRIAL |
| USF - URBAN SINGLE FAMILY | SPUS - SPECIAL USES, CIVIC, PUBLIC |
| AUMF - AUTO URBAN MULTIFAMILY | PRK - CITY PARKS |
| UMF - URBAN MULTIFAMILY | OPS - OPEN SPACE |
| UMX - URBAN RESIDENTIAL MIXED | AGR - AGRICULTURE |
| AUCM - AUTO URBAN COMMERCIAL | WTBY - WATER BODIES |

THOROUGHFARE PLAN

- | |
|--------------------------------|
| GRADE SEPARATION (INTERCHANGE) |
| EXPRESSWAY 350' |
| PARKWAY 350' |
| HI-SPEED ARTERIAL 150' |
| PRINCIPAL ARTERIAL 120' |
| MINOR ARTERIAL 100' |
| COLLECTOR 80' |
| ALTERNATIVE ALIGNMENT |
| McALLEN CITY LIMITS |
| McALLEN ETJ |

A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS OR ESTABLISH ZONING DISTRICT BOUNDARIES. SEC. 219.005 LGC

**NOTICE
REZONING
For**

**This Property
REZ2013-0007**

**/// City of McAllen Planning Dept - 681-1250
www.mcallen.net**



STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 1C </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 3/19/13 </u>
PLANNING & ZONING BOARD	<u> </u>	MEETING DATE	<u> 3/25/13 </u>
OTHER	<u> </u>		

1. **Agenda Item:** Conditional Use Permit

2. **Party Making Request:** Leticia Alvarez

3. **Nature of Request: (Brief Overview) Attachments:** X Yes No
Appeal the decision of the Planning and Zoning Commission of the March 5, 2013 meeting denying the request of Leticia Alvarez, for a Conditional Use Permit, for one year, for an Outdoor Commercial Recreation (soccer field) at 1.41 acres of Lot 151, La Lomita (HOIT) Subdivision, Hidalgo County, Texas: 501 South Bentsen Road.

4. **Policy Implication:** _____

5. **Budgeted:** Yes No N/A

Bid Amount:	<u> </u>	Budgeted Amount:	<u> </u>
Under Budget:	<u> </u>	Over Budget:	<u> </u>
		Amount Remaining:	<u> </u>

6. **Alternate option costs:** _____

7. **Routing:**

NAME/TITLE	INITIAL	DATE	CONCURRENCE <u>YES/NO</u>
a) <u> Julianne R. Rankin </u> Director of Planning	<u> JRR </u>	<u> 3/19/2013 </u>	<u> No </u>
b) <u> </u>	<u> </u>	<u> </u>	<u> </u>

8. **Staff's Recommendation:** Disapproval of the request based on non-compliance to requirement # 3 (distance to residential uses) of the Zoning Ordinance.

9. **Advisory Board:** Approved X Disapproved None

10. **City Attorney:** Approved Disapproved KP None

11. **Manager's Recommendation:** Approved MRP Disapproved None

Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza III, Chairperson, Planning and Zoning Commission L.G.

DATE: March 19, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE MARCH 5, 2013 MEETING DENYING THE REQUEST OF LETICIA ALVAREZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN OUTDOOR COMMERCIAL RECREATION USE (SOCCER FIELD) AT 1.41 ACRES OF LOT 151, LA LOMITA (HOIT) SUBDIVISION; 501 SOUTH BENTSEN ROAD.

GOAL:

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

BRIEF DESCRIPTION:

The property is located at the southeast corner of Erie Avenue and South Bentsen Road and is zoned R-1 (single family residential) and A-O (agricultural and open space) Districts. The adjacent zoning is A-O District to the north, east and west, and R-1 (single family residential) District to the south. Surrounding land uses include single family residences and vacant land. An outdoor commercial recreational use is allowed in an A-O zone with a Conditional Use Permit and in compliance with requirements.

A conditional use permit for this use was approved for one year, on October 10, 2011 by the City Commission with variances and restrictions as follows: A variance to the distance requirement from a residence; allowing only the construction of restrooms on site without subdividing the property, no concession stand or other construction; allowing the usage of the large and one small soccer field; hours of operation to conclude at 11:00 p.m. during the week; comply with landscaping; allow the use with a Conditional Use Permit in an R-1 zone; and other Zoning Ordinance standards. Currently there are two soccer fields on this property.

On November 26, 2012 Code Enforcement conducted an inspection due to a complaint from an adjacent neighbor for loud noise and drinking on the premises. While there, Code Enforcement observed that the conditional use permit was expired and that prepackaged items were being sold.

A new applicant submitted an application, which was disapproved, but with a favorable recommendation by the Planning and Zoning Commission on January 16, 2013. The board also recommended granting the permit for 6 months with added conditions including the installation of a security gate at the entrance of the parking lot; fixing the

nets on the southeast side; no trespassing to private property; and canopy to be removed or obtain proper building permits. The applicant had submitted a letter of appeal; however, the request was subsequently withdrawn.

The owner, which is the applicant, proposes to continue to operate the outdoor commercial recreation (soccer field) on the property. The hours of operation of the soccer field will be from 5 p.m. – 11:00 p.m. Monday thru Friday, 8 a.m. – 10 p.m. on Saturday and 10 a.m. – 8 p.m. on Sunday.

Staff has received an email from a neighbor with complaints with soccer balls going to residential properties, the noise and no security in the site. Prior to the meeting the neighbor did call that she was not going to make the meeting but wanted to voice her opposition. The neighbor had attended the previous meeting with the other applicant as well.

During an inspection, staff observed that the owner was covering the sand field with grass, the nets on the southeast fixed, and that the canopy had been removed. The conditional use permit was approved for only two soccer fields (one large field and one small field). Should the new grass area be used as a soccer field, the permit will need to be amended, additional parking provided and comply with other additional requirements.

During the initial permit process it was established that for the main soccer field 30 parking spaces are required and for the smaller soccer field 14 parking spaces are required. This includes players, coaches and referees. The applicant has 30 seats which require 7 additional parking spaces for a total of 51 parking spaces required; 51 are provided on site. The property has access along S. Bentsen Road.

The establishment must comply with the Zoning Ordinance and recommended requirements in the application as follows:

- 1) No form of pollution shall emanate beyond the immediate property line of the permitted use. This includes lighting, littering and noise which may include sound systems or PA's;
- 2) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use;
- 3) The proposed use shall not be located within 300 ft. of residential uses. This property is located within 300 feet of a residentially zoned area to the south, west and east;
- 4) Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence. A 6 ft. opaque fence is provided in all directions of the property;
- 5) The proposed use shall comply with the Off-street Parking and loading Ordinance and make provisions to prevent the use of street parking especially in residential areas. It was established that for the main soccer field 30 parking spaces are required and for the smaller soccer field 14 parking spaces are required. This includes players, coaches and referees. The

applicant has 30 seats which require 7 additional parking spaces for a total of 51 parking spaces required; 51 are provided on site;

- 6) The proposed use shall comply with the City of McAllen Health Ordinances regulating food preparation and public lavatories. Bathroom facilities are provided on site;
- 7) Lighting shall be shielded from residentially zoned or used property;

OPTIONS:

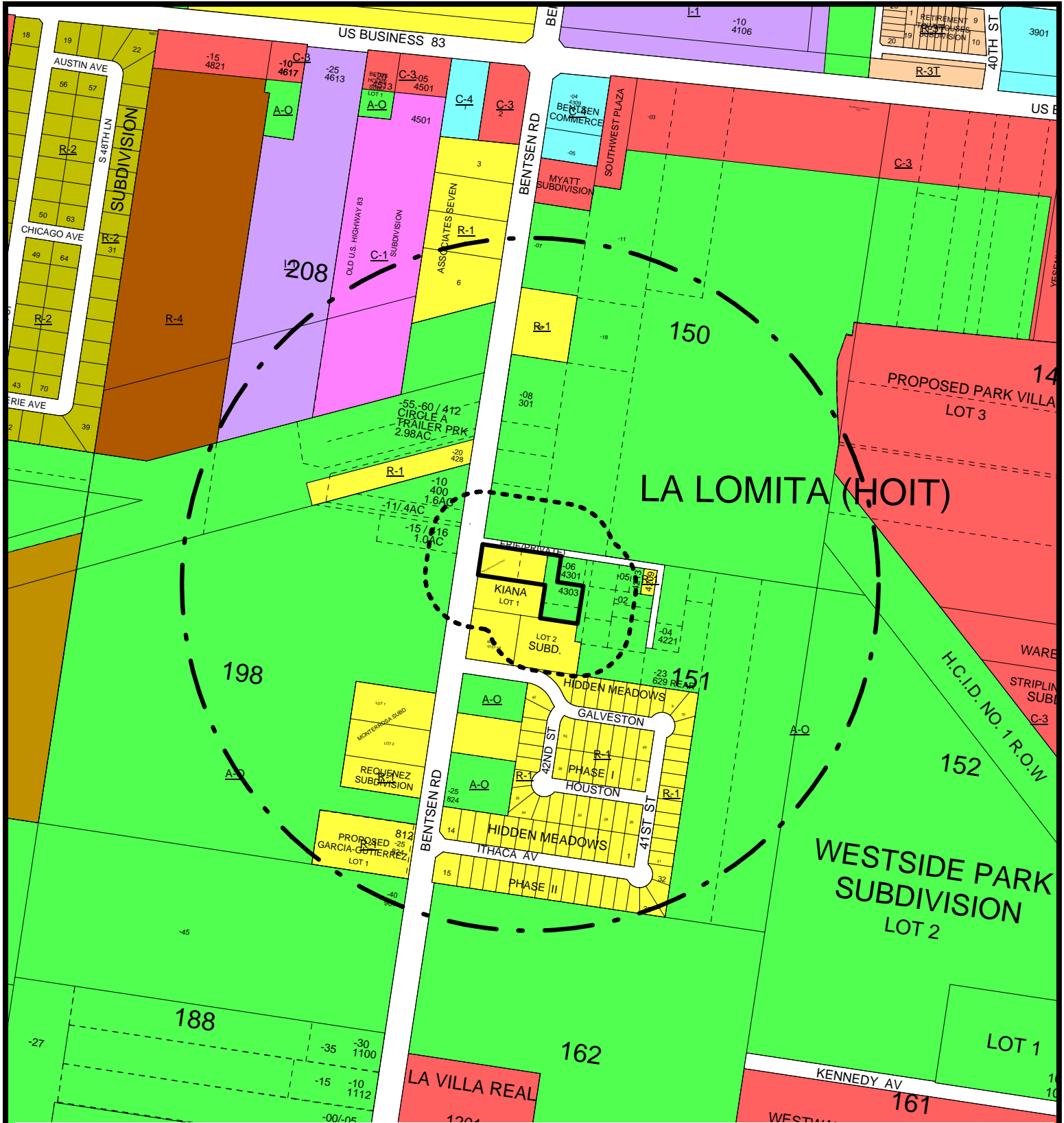
1. Approve the conditional use permit.
2. Table the item for additional information.
3. Disapprove the request.

RECOMMENDATION:

The request was discussed at the March 5, 2013 Planning and Zoning Commission meeting. There was no one present in opposition of the request and the applicant was present.

Chairperson Mr. Garza inquired why there was a change of applicant and that the board has concerns with the establishment operating without a current conditional use permit, and the complaints of the neighbors. Ms. Alvarez indicated that the previous applicant no longer wanted to proceed with the business. She stated that as the new owner of the property she was applying for the permit herself and would be operating the business.

Following discussion, the board unanimously voted to disapprove the request due to noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance. There were four members present and voting. The applicant has submitted a letter of appeal.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: 1" = 500'



SUBJECT PROPERTY

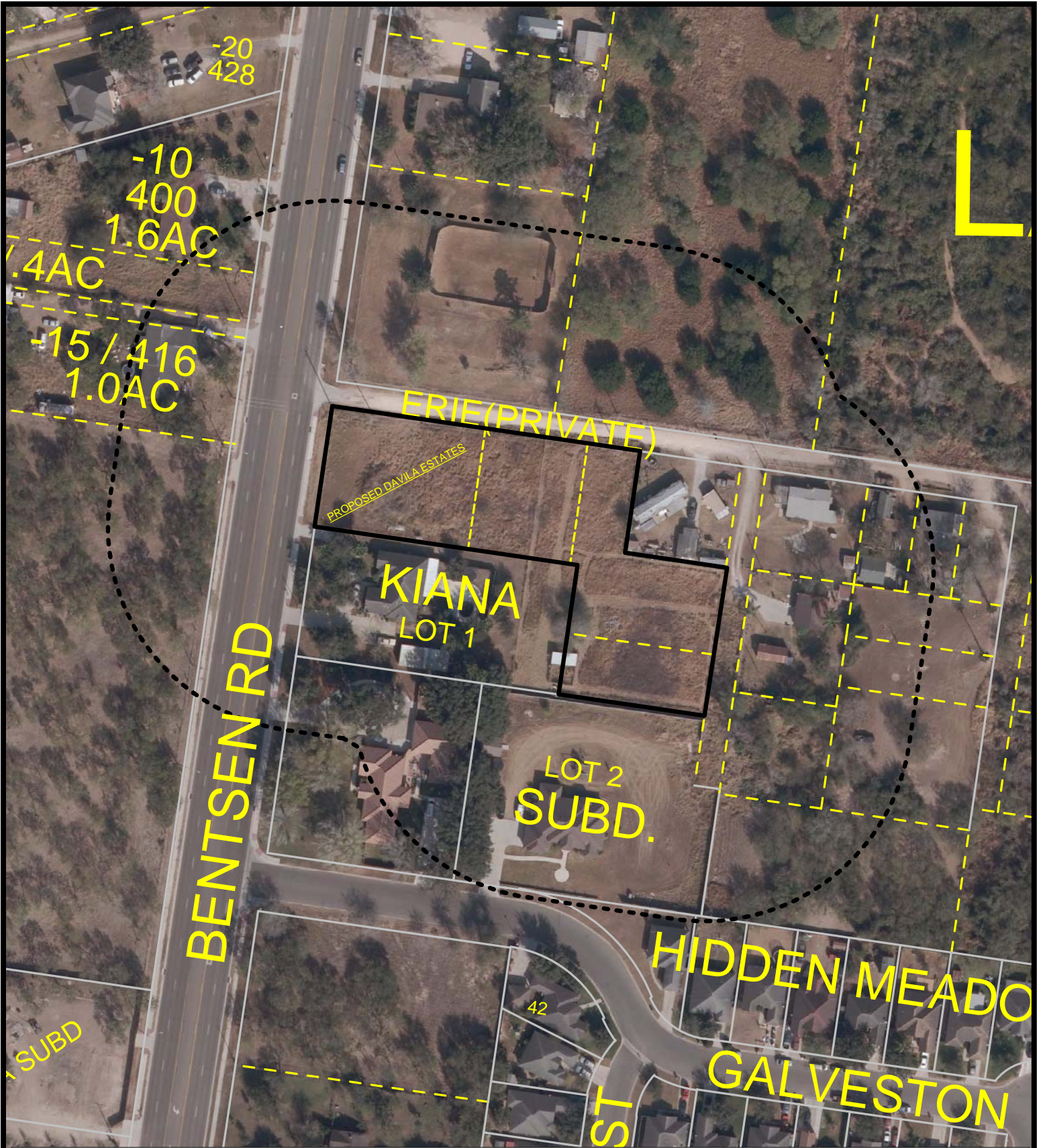
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	I-3 (SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

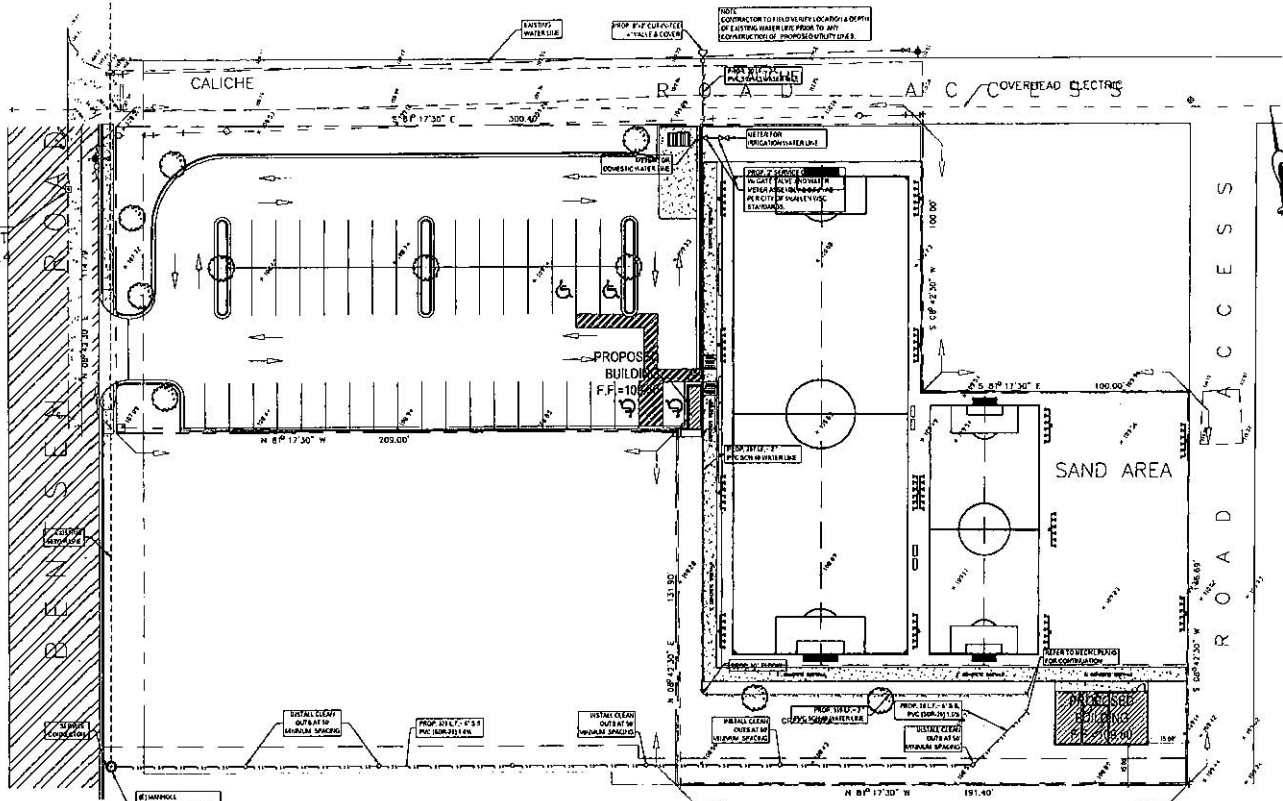
 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



on ground survey and represent approximate relative location of property boundaries.

INLET
106
88



NOTES
 1) CONTRACTOR TO FIELD VERIFY LOCATION & DEPTH OF EXISTING WATER LINES PRIOR TO ANY CONSTRUCTION OF PROPOSED UTILITY LINES
 2) CONTRACTOR TO FIELD VERIFY LOCATION & DEPTH OF EXISTING SEWER LINES PRIOR TO STARTING ANY CONSTRUCTION OF PROPOSED UTILITY LINES



501 S. Bentsen Rd

2-22-13

IP: 66.136.101.177

Subject: Soccer Park on Bentsen Rd.

Comments:

My name is Nora Garza and I live on 4200 W. Galveston Ave. My house is right behind the soccer field. I have gone to the city meetings to oppose to this park because of security .People keeps getting in my yard for balls and the noise is also an issue . I have 4 kids who needs their rest for school the following day. But for one reason or other they end up with the permit. My main concern is security of course, without exagerating I keep my phone and a pepper spray on hand just in case. I dont think thats fair for me or for my kids. Im sure there are other neighbors bothered too but I speak for myself. In March 5th is the next meeting for their permit and I am begging you please dont grant that . I will attend to that meeting .(and just so you know they have games almost every night with NO permit) Mcallen is growing fast I know we need parks just not too close to houses. Please call me if you need more info @956-655-5692. Thank You.


6 - Marzo - 13

Yo Leticia Alvarez apelo a la desrocion
de planeacion de la junta del 5 de
Marzo para el outdoor commercial
recreation localisado en Sol Bentsen

Leticia Alvarez.

Tel- 278-67-49

**NOTICE
OUTDOOR RECREATION
For
This Property
CUP2013-0031**

 City of McAllen Planning Dept - 681-1250
www.mcallen.net

CITY OF MCALLEN
STANDARDIZED RECOMMENDATION FORM

1D

03/18/13
03/25/13

CITY COMMISSION X
 UTILITY BOARD _____
 PLANNING & ZONING BOARD _____
 OTHER _____

AGENDA ITEM _____
 DATE SUBMITTED _____
 MEETING DATE _____

1. Agenda Item: Zoning Ordinance

2. Party Making Request: Kevin D. Pagan, City Attorney

3. Nature of Request: (Brief Overview) Attachments: X Yes _____ No
Ordinance Amending the Zoning Ordinance


4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____

6. Alternate option costs: _____

7. Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
a) _____ Kevin D. Pagan City Attorney	_____	_____	_____
b) _____ Julianne Rankin Director of Planning		<u>3-19</u>	<u>Yes</u>

8. Staff Recommendation: Subject to approval of rezoning by City Commission

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. City Attorney: KDP Approved _____ Disapproved _____ None

11. Manager's Recommendation: MRP Approved _____ Disapproved _____ None

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT 3.01 ACRES OUT OF LOT 6, SECTION 7, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM R-3C (MULTIFAMILY RESIDENTIAL CONDOMINIUM) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT; THAT LOTS 1 & 2, BLOCK 4, SOUTH MAIN STREET SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT; THAT LOT 12, BLOCK 19, COLLEGE HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT; THAT LOT 18, JANICE ADDITION #1 SUBDIVISION, AND LOT 9, JANICE ADDITION #2 SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTI-FAMILY RESIDENTIAL APARTMENTS) DISTRICT AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, TEXAS, THAT:

SECTION 1: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from R-3C (multifamily residential condominium) District to R-3A (multifamily residential apartments) District:

A 3.016 acre tract of land, more or less,

out of Lot 6, Section 7, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast corner of said Lot 6 located on intersection with the Easterly projection of the South right-of-way line of Lindberg Avenue, with the East line of said Lot 6 located in South 6th Street, for the Northeast corner and Point of Beginning;

THENCE, South 08 Deg. 42 Min. 10 Sec. West, coincident with the East line of said Lot 6, a distance of 471.0 feet to a nail set in the asphalt section of said South 6th Street for the Southeast corner;

THENCE, North 81 Deg. 18 Min. 50 Sec. West, coincident with the Easterly projection of the North line of Lot 1, South Texas Eye Clinic Subdivision, a distance of 25.0 feet pass a ½ inch diameter iron rod found on intersection with the West right-of-way line of said South 6th Street, continuing to a distance of 279.0 feet in all to a ½ inch diameter iron rod set with yellow cap marked "SEA 5782" for the Southwest corner;

THENCE, North 08 Deg. 42 Min. 10 Sec. East, along a line parallel to the East line of said Lot 6, a distance of 471.0 feet to a ½ inch diameter iron rod set with a yellow cap marked "SEA 5782" on intersection with the North line of said Lot 6, same being the South right-of-way line of said Lindberg Avenue, for the Northwest corner.

THENCE, South 81 Deg. 18 Min. 50 Sec. East, coincident with the North line of said Lot 6 and the South right-of-way line of said Lindberg Avenue, a distance

of 234.0 feet pass an "X" cut found in concrete on the West right-of-way line of said South 6th Street, at a distance of 279.0 feet in all to the POINT OF BEGINNING, containing 3.016 gross acres of land, more or less.

SECTION II: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned 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.

SECTION III: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from R-2 (duplex-fourplex residential) District to C-3 (general business) District:

Lot 12, Block 19, College Heights
Subdivision, Hidalgo County, Texas.

SECTION IV: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from R-1 (single family residential) District to R-3A (multi-family residential apartments) District:

Lot 18, Janice Addition #1 Subdivision,
and Lot 9, Janice Addition #2
Subdivision, Hidalgo County, Texas.

SECTION V: This Ordinance shall become effective immediately upon its passage and publication in accordance with the law.

SECTION VI: This Ordinance shall be and remain in full force and effect from and after its passage by the Board of Commissioners and the caption of this Ordinance shall be published according to Section 2-56 of the Code of Ordinances of the City of McAllen.

SECTION VII: If any part or parts of this Ordinance are found to be invalid

or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

SECTION VIII: This ordinance shall not be published in the Code of Ordinances of the City of McAllen, Texas as it is not amendatory thereof, however, it shall be cited in the appropriate appendix of the Code of Ordinances.

CONSIDERED, PASSED and APPROVED this 25th day of March, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of March 2013.

CITY OF MCALLEN

By: _____
Richard Cortez, Mayor

ATTEST:

By: _____
Annette Villarreal, City Secretary

Approved as to form:

By: _____
Kevin D. Pagan, City Attorney

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, March 11, 2013, at 6:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Richard Cortez
Hilda Salinas, Mayor Pro Tem
Marcus C. Barrera, Commissioner
John Ingram, Commissioner
Jim Darling, Commissioner

Absent: Aida Ramirez, Mayor Pro Tem
Scott Crane, Commissioner

Staff: Mike R. Perez, City Manager
Kevin Pagan, City Attorney
Brent Branham, Deputy City Manager
Wendy Smith, Assistant City Manager
Annette Villarreal, City Secretary
Yvette Barrera City Engineer
Ramon Navarro, Deputy City Engineer
Victor Rodriguez, Police Chief
Juli Rankin, Director of Planning
Rigo Villarreal, Bridge Director
Carla Rodriguez, Grants Administrator
Elizabeth Suarez, Transit Director
Sally Gavlik, Director of Parks and Recreation
Carlos Sanchez, Public Works Director
Sandra Zamora, Director of Purchasing
Perla Zamora, Deputy City Secretary

CALL TO ORDER

Mayor Cortez called the meeting to order.

PROCLAMATION

AMERICAN RED CROSS MONTH

Commissioner Barrera read and presented a proclamation for *American Red Cross Month*.

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.]

Commissioner Ingram moved to approve the items listed on the Routine Items section of the agenda. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

Mayor Cortez asked if anyone was present to speak in opposition to the items listed under this section of the agenda. No one appeared in opposition.

1. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: NORTH ½ OF LOT 9 AND R/S OF THE WEST PART OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 2615 SOUTH 23RD STREET.

Approved the C-3 zoning at 2615 South 23rd Street, as per Planning and Zoning Commission.

2. REQUEST OF CHURCH OF THE GOOD SHEPHERD FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH AND RELATED ACTIVITIES) AT THE 10.432 ACRES OUT OF THE NORTH 18.28 ACRES OUT OF LOT 3, BLOCK 5, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS; 1200 EAST LA VISTA AVENUE.

Approved the Conditional Use Permit for life of the use, for an institutional use at 1200 East La Vista Avenue, as per Planning and Zoning Commission. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property proposes direct access to E. La Vista Avenue and it does not generate traffic into residential areas;
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to the capacity for the building; and
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

3. REQUEST OF JOSE LUIS FUENTES, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE FEBRUARY 19, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT THE WEST 330 FEET OF THE SOUTH 198 FEET OF THE

**NORTH 308.88 FEET OF LOT 48-9, WEST ADDITION TO SHARYLAND
SUBDIVISION, HIDALGO COUNTY, TEXAS; 9125 HIGHWAY 107, SUITE
3.**

Granted a variance and approved a Conditional Use Permit for one year, for a bar at 9125 Highway 107, Suite 3, as per Planning and Zoning Commission, subject to paving the parking lot before issuance of the Conditional Use Permit and providing extra security one hour beyond closing, nightly trash pick-up and enough lighting in the area. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses and a church;
- 2) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. At this time there is two retail stores (Botanica & Imagine Adult Gift Shop), a church (Templo Cristiano), and an office (Lee's Loading Services), and two vacant suites. Based on the approximate square footages, 39 parking spaces are required. Additional parking for the church is required based on one parking space for every 4 seats in the sanctuary. The proposed 1,410 sq. ft. bar would require 19 parking spaces for a total of 58 spaces for the proposed bar, office, and retail. During inspection, staff observed that there is asphalt with loose gravel and no striping in the existing parking area. Staff has received a preliminary proposed parking layout with 64 parking spaces provided;
- 3) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
- 4) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 5) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 6) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The allowable number of persons will be determined at time of building permit.

**4. REQUEST OF ARMANDO RODRIGUEZ, APPEALING THE DECISION
OF THE PLANNING & ZONING COMMISSION OF THE FEBRUARY 19,
2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE
YEAR, FOR A KIDS EVENT CENTER AT LOT 7, LAS CAÑADAS
SUBDIVISION, HIDALGO COUNTY, TEXAS; 2914 SOUTH JACKSON
ROAD.**

Granted a variance and approved a Conditional Use Permit, for one year, for a kid's event center, at 2914 South Jackson Road, as per Planning and Zoning Commission. The establishment must also comply with requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residentially zoned properties;
- 2) The property must be as close as possible to a major arterial and shall no generate traffic onto residential sized streets. The establishment has direct access to South Jackson Road;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. At this time there is a law office occupying one of the suites. The overall site plan was calculated as 22,400 sq. ft. of office space with 115 parking spaces required; 175 parking spaces provided. Based on the 2,950 sq. ft. suite 30 parking spaces are required;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment will be determined at time of building permit.

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. TABLED

Said item remained 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. TABLED

Staff recommended that said item be removed from the table and agenda as said item was withdrawn.

Commissioner Ingram moved to remove said item from the table and agenda. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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. TABLED

Staff recommended that said item be removed from the table and agenda as said item was withdrawn.

Commissioner Ingram moved to remove said item from the table and agenda. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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. TABLED

Staff recommended that said item be removed from the table and agenda as said item was withdrawn.

Commissioner Ingram moved to remove said item from the table and agenda. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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. TABLED

Staff recommended that said item be removed from the table and agenda as said item was withdrawn.

Commissioner Ingram moved to remove said item from the table and agenda. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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. TABLED

Staff recommended that said item be removed from the table and agenda as said item was withdrawn.

Commissioner Ingram moved to remove said item from the table and agenda. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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. TABLED

Staff recommended that said item be removed from the table and agenda as said item was withdrawn.

Commissioner Ingram moved to remove said item from the table and agenda. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

D) AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN AS ENACTED MAY 29, 1979.

Commissioner Darling moved to adopt the Zoning Ordinance for the approved tracts. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

E) PUBLIC HEARING TO CONSIDER A VARIANCE FROM SECTION 6-2 OF THE ALCOHOLIC BEVERAGE CODE, FOR MARC MARTINEZ, AT LOTS 1-4, THE DISTRICT AT MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 3300 NORTH MCCOLL ROAD, SUITES P & Q.

Staff recommended approval of the variance to the Alcohol Beverage Code at 3300 North McColl Road, Suite P & Q.

Mayor Cortez asked if there was anyone to speak in opposition to the request. No one appeared. Mayor Cortez declared the public hearing closed on this matter.

F) CONSIDER APPROVAL OF A VARIANCE REQUEST FROM SECTION 6-2 OF THE ALCOHOLIC BEVERAGE CODE AT LOTS 1-4, THE DISTRICT AT MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 3300 NORTH MCCOLL ROAD, SUITES P & Q.

Commissioner Barrera moved to approve the variance as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

END OF PUBLIC HEARING

Mayor Cortez declared the public hearing closed.

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.]*

Commissioner Barrera moved to approve the items listed on the Consent Agenda with exception of item 2E and that said item be addressed separately. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 25, 2013.

Approved the minutes of Regular Meeting held February 25, 2013, as submitted.

- B) CONSIDER APPROVAL OF LEASE AGREEMENT WITH HIDALGO COUNTY ELECTIONS ADMINISTRATOR FOR THE USE OF THE IVOTRONIC VOTING SYSTEM FOR THE GENERAL AND SPECIAL CITY ELECTION TO BE HELD MAY 11, 2013. *APROBACIÓN DE UN CONTRATO CON EL DEPARTAMENTO DE ELECCIONES DEL CONDADO DE HIDALGO PARA EL USO DEL SISTEMA DE VOTACIÓN IVOTRONIC PARA LA ELECCIÓN GENERAL Y ESPECIAL DE LA CIUDAD QUE SE EFECTUARA EL 11 DE MAYO, 2013.***

Approved a lease agreement with Hidalgo County Elections Administrator for the use of iVotronic Voting System for the General and Special City Election to be held May 11, 2013.

Fue aprobado el contrato con el Departamento de Elecciones del Condado de Hidalgo para el uso del sistema de votación iVotronic para la Elección General y Especial de la Ciudad que se efectuara el 11 de Mayo, 2013.

- C) TAX REFUND OVER \$500 TO ALONZO CANTU.**

Approved a tax refund of \$514.08 to Alonzo Cantu.

- D) AUTHORIZATION TO SUBMIT YEARLY CERTIFICATIONS & ASSURANCES TO THE FEDERAL TRANSIT ADMINISTRATION.**

Approved the submission of the Yearly Certifications & Assurances to the Federal Transit Administration which would enable the City to receive FTA funds in FY 2012-2013.

- E) CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE LRGVDC FOR THE DIVISION OF TXDOT FUNDING FOR FY 2012-2013.**

Staff recommended approval of an Interlocal Agreement with the LRGVDC for the Division of TXDOT funding for FY 2012-2013 with funding formula of 70/30 split, with the city receiving 30%.

Questions were asked.

After due consideration, Commissioner Barrera moved to approve the agreement pending execution of an Interlocal Agreement approving the division of FTA funds at 70% to the City and 30% to the LRGVDC for operating funds. Commissioner Ingram seconded the motion. The motion carried unanimously by those present

- F) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF SIXTEEN (16) DIGITAL VIDEO RECORDING UNITS.**

Awarded a contract to Utility Associates, Inc., through the H-GAC Contract, for the purchase and installation of sixteen (16) Digital Video Recording Units in the amount of \$94,743.

G) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF INTERNAL CONNECTIONS (CABLING) AT PALM VIEW BRANCH LIBRARY.

Awarded a contract for the purchase and installation of Internal Connections (cabling) at Palm View Branch Library to Insight Public Sector, Inc. in the amount of \$104,079.64 to be funded through an E-Rate Grant of \$83,263.71 with a local match requirement of \$20,815.93.

H) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF INTERNAL CONNECTIONS (CABLING) AT LARK BRANCH LIBRARY.

Awarded a contract for the purchase and installation of Internal Connections (cabling) at Lark Branch Library to Insight Public Sector, Inc. in the amount of \$104,079.64 to be funded through an E-Rate Grant of \$83,263.71 with a local match requirement of \$20,815.93.

I) AWARD OF CONTRACT FOR INTERNET AND TELEPHONE RECURRING SERVICES AT MCALLEN PUBLIC LIBRARY.

Awarded a contract to Telephone, LLC for Internet and Telephone Recurring Services at McAllen Public Library to meet Universal Service Administration Company's E-Rate Grant guidelines. The E-Rate grant will fund \$21,770.88 with a local match requirement of \$5,442.72 for a total award of \$27,213.60.

J) AWARD OF CONTRACT FOR THE PURCHASE OF JANITORIAL PRODUCTS.

Awarded a contract for the purchase of Janitorial Products for a period of one year. Additionally, authorized the option to extend the contract for two (2) additional years, in one year increments, subject to City Manager approval and subject to the performance of the successful vendor being satisfactory and the unit prices remaining unchanged.

K) AWARD OF SUPPLY CONTRACT FOR THE PURCHASE OF COPY PAPER.

Awarded a contract to National Packaging Corporation for the purchase of Copy Paper. for a period of one year. Additionally, authorized the option to extend for two (2) additional years, in one year increments, subject to City Manager approval and subject to the performance of the successful vendor being satisfactory and the unit prices remaining firm.

L) AWARD OF CONTRACT FOR TIRE REPAIR SERVICES.

Awarded a contract for Tire Repair Services for a period of one year. Additionally, authorized the option to extend for four (4) additional years, in one year increments, subject to City Manager approval and subject to the performance of the successful vendor being satisfactory and the unit prices remaining unchanged.

M) AWARD OF SERVICE CONTRACT FOR GRINDING OF BRUSH AND WOOD WASTE.

Awarded a contract for Service Contract for Grinding of Brush and Wood Waste to Austin Wood Recycling, for Base Bid 2 in the amount of \$0.94/CY and Alternate Bid 1 (Double Grinding) in the amount of \$1.50/CY, for a one year period. Additionally, authorized the option to extend the contract for four (4) additional years, in one year increments, subject to City Manager approval and subject to the performance of the successful vendor being satisfactory and the unit prices remaining unchanged.

- N) CONSIDER APPROVAL OF CHANGE ORDER NO. 1 FOR THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE N.B. PEDESTRIAN CANOPIES PROJECT.**

Approved Change Order No. 1 for the McAllen-Hidalgo International Bridge N.B. Pedestrian Canopies Project in the amount of \$7,800, for a revised contract amount of \$723,080, and 30 additional days to the contract time.

- O) CONSIDER APPROVAL OF A LICENSE AGREEMENT WITH THE U.S. GENERAL SERVICES ADMINISTRATION FOR IMPROVEMENTS AT THE ANZALDUAS LAND PORT OF ENTRY.**

Approved a License Agreement with the U.S. General Services Administration for improvements at the Anzalduas Land Port of Entry.

- P) RESOLUTION REQUESTING THE UNITED STATES TO PURSUE ORDERS AND AGREEMENTS WHEREBY MEXICO FORMALIZES A COMPLIANCE PROGRAM UNDER THE 1944 WATER TREATY.**

Approved a resolution requesting the United States to pursue orders and agreements whereby Mexico formalizes a Compliance Program under the 1944 Water Treaty.

- Q) RESOLUTION ACKNOWLEDGING AND SUPPORTING THE ADOPTION OF LEGISLATION CONSOLIDATING THE UNIVERSITY OF TEXAS-PAN AMERICAN, THE UNIVERSITY OF TEXAS AT BROWNSVILLE AND REGIONAL ACADEMIC HEALTH CENTER.**

Approved a resolution acknowledging and supporting the adoption of legislation consolidating the University of Texas-Pan American, the University of Texas at Brownsville and Regional Academic Health Center.

- R) RESOLUTION ACCEPTING GRANT AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, TEXAS DEPARTMENT OF PUBLIC SAFETY, FOR FUNDS PROVIDED THROUGH THE PRESIDENTIAL DISASTER DECLARATION DR-1931 (PROJECT #13) FROM HURRICANE ALEX FOR FLOOD MITIGATION PROJECTS.**

Approved a resolution accepting a grant award from the Federal Emergency Management Agency, Texas Department of Public Safety, for funds provided through the Presidential Disaster Declaration DR-1931 (Project #13) from Hurricane Alex for flood mitigation projects. The grant amount is in the amount of \$636,717 with a local match requirement of \$212,239, for a total project cost of \$848,956,

which will replace approximately 4,000 linear feet of an undersized storm water pipe system on Quince Avenue from Northwest Blueline Ditch to 27th Street.

- S) RESOLUTION ACCEPTING GRANT AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, TEXAS DEPARTMENT OF PUBLIC SAFETY, FOR FUNDS PROVIDED THROUGH THE PRESIDENTIAL DISASTER DECLARATION DR-1931 (PROJECT #11) FROM HURRICANE ALEX FOR FLOOD MITIGATION PROJECTS.**

Approved a resolution accepting grant award from the Federal Emergency Management Agency, Texas Department of Public Safety, for funds provided through the Presidential Disaster Declaration DR-1931 (Project #11) from Hurricane Alex for flood mitigation projects. The grant amount is in the amount of \$473,412 with a local match requirement of \$157,804, for a total project cost of \$631,216, which will replace approximately 3,000 linear feet of an undersized storm water pipe system on 4th and 6th Street from Harvey Avenue to Fern Avenue.

- T) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, IN PARTNERSHIP WITH KEEP MCALLEN BEAUTIFUL, TO THE 2013 KEEP AMERICA BEAUTIFUL/UNITED PARCEL SERVICE COMMUNITY TREE PLANTING GRANT PROGRAM.**

Approved a resolution authorizing the submission of a grant application, in partnership with Keep McAllen Beautiful, to the 2013 Keep America Beautiful/United Parcel Services Community Tree Planting Grant Program. The amount requested is \$5,000 with no local match requirement to go towards the purchase of 350 – 400 3-Gallon trees.

- U) RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO KABOOM! UNDER THE PLAYFUL CITY USA PROGRAM.**

Approved a resolution authorizing the submission of an application to Kaboom! Under the Playful City USA Program which would enable the City of McAllen to eligible for “Let’s Play” grants.

- V) ORDINANCE INSTITUTING A 90-DAY MORATORIUM ON THE ISSUANCE OF PUBLIC FIREWORKS DISPLAYS.**

Adopted an ordinance instituting a 90-day Moratorium on the issuance of permits for public displays of fireworks.

- W) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE MCALLEN NATURE CENTER PARK FOR FIRST YEAR OF PARK OPERATIONS.**

Adopted an ordinance providing for a budget amendment in the amount of \$112,000 for the McAllen Nature Center Park for first year of park operations.

- X) CONFIRMATION AND APPOINTMENT OF NOMINEE TO THE CIVIC CENTER ADVISORY BOARD.**

Confirmed the appointment of Alex Lamela to the Civic Center Advisory Board.

3. BIDS/CONTRACTS:

A) AWARD OF CONTRACT FOR SECURITY GUARD SERVICES.

Staff recommended award of contract to American Investigations & Security International for Security Guard Services with a proposed rate of \$10.00/hour for Non-Armed Security Guards and \$11.39/hr. for Armed Security Guards. The term of the contract is for a period of one year with the option to extend for two (2) additional years, in one year increments and subject to City Manager approval, subject to the performance of the successful vendor being satisfactory and the hourly rates remaining unchanged.

Representatives from the top two companies addressed the Commission.

After due consideration, Commissioner Darling moved to table said item for discussion in Executive Session under Section 551.071 T.G.C. Consultation with City Attorney. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

After Executive Session, Commissioner Darling moved to remove said item from the table. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

Commissioner Darling moved to award the contract as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR THE PURCHASE OF THIRTY-TWO (32) 2013 VEHICLES.

Staff recommended award of contract for the purchase of thirty-two (32) 2013 Vehicles as follows:

Items 1a, 2b, 3b, 4a, 4b, 5a, 5c, 7, 9 to Randell Reed's Prestige Ford in the amount of \$445,795

Items 1b, 2a to Caldwell Country Ford in the amount of \$115,423

Items 3a, 6 to Philpot Motors in the amount of \$114,170

Items 5b, 8 to Caldwell Country Chevrolet in the amount of \$244,629

Additionally, recommended the rejection of item 10a and authorization to rebid the item.

Mayor Pro Tem Salinas moved to award the contract as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

C) CONSIDER APPROVAL OF CHANGE ORDER NO. 2 AND FINAL RECONCILIATION OF QUANTITIES FOR PAVING AND DRAINAGE IMPROVEMENTS AT THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE.

Staff recommended approval of Change Order No. 2 and Final Reconciliation of Quantities for Paving and Drainage Improvements at the McAllen-Hidalgo International Bridge, in the amount of \$1,223.20 for a revised contract amount of \$967,985.40 and no additional contract time.

Commissioner Barrera moved to approve the change order as recommended. Commissioner Darling seconded the motion. The motion carried unanimously by those present.

D) CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH HIDALGO COUNTY FOR DEVELOPMENT OF WARE ROAD FROM 3 MILE TO 5 MILE.

Staff recommended approval of an Interlocal Agreement with Hidalgo County for development of Ware Road from 3 Mile to 5 Mile.

The City Commission expressed their appreciation toward County Commissioner Joseph Palacios for his support and assistance on this project.

Commissioner Barrera moved to approve the agreement as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

E) CONSIDER APPROVAL OF CHANGE ORDER NO. 7 FOR BENTSEN ROAD PAVING IMPROVEMENTS FROM PECAN BLVD. TO 3 MILE LINE ROAD.

Staff recommended approval of Change Order No. 7 for the Bentsen Road Paving Improvements Project from Pecan Boulevard to 3 Mile Line Road for an additional 30 days to the contract time, for a revised contract time of 236 working days.

Commissioner Barrera moved to approve the change order as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

4. VARIANCE REQUEST TO THE SUBDIVISION PROCESS REQUIREMENT AT 0.35 ACRES OUT OF LOT 10, LA LOMITA IRRIGATION AND CONSTRUCTION CO. SUBDIVISION; 11605 NORTH LA LOMITA ROAD.

Staff recommended approval of the variance to the subdivision process requirement at 11605 North La Lomita Road subject to the dedication of 20 feet of right-of-way along N. La Lomita Road.

Commissioner Darling moved to approve the variance as recommended. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

5. MANAGER'S REPORT:

A) PRESENTATION OF DELINQUENT TAX COLLECTION REPORT FOR 1ST QUARTER 2012-2013.

Attorney Kelly Salazar with Linebarger Goggan Blair & Sampson, LLP, gave a report on delinquent tax collection for 1st Quarter 2012-2013.

B) REQUEST FROM IMAS TO CITY OF MCALLEN FOR FUNDING AND TECHNICAL ASSISTANCE TO CREATE A PERMANENT RENEWAL ENERGY EXHIBIT.

Mr. Joseph Bravo from IMAS requested approval of funding and technical assistance in the amount of \$62,500 to create a Permanent Renewal Energy Exhibit.

Questions were asked. A lengthy discussion ensued. Staff recommended tentatively approving the funding amount as to allow the submission of the grant application which would be subject to further review.

After due consideration, Commissioner Barrera moved to approve request based on City Managers recommendation. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

C) FUTURE AGENDA ITEMS.

Staff briefly reviewed the upcoming workshops items: Performing Arts Center; Quinta Mazatlan Master Plan; and Convention Center Activities.

6. TABLED ITEMS:

A) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF SYNTHETIC SOCCER/FOOTBALL FIELD AT DELEON NORTH SOCCER COMPLEX.

Commissioner Barrera moved to remove said item from the table. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

Staff recommended award of contract for the purchase and installation of Synthetic Soccer/Football Field at DeLeon North Soccer Complex to Field Turf, in the amount of \$726,594.

Questions were asked about the quality of the two top products that were bid. A lengthy discussion ensued. Staff was instructed to go back and review the products and return with a recommendation.

After due consideration, Commissioner Barrera moved to re-table the item. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR DEMOLITION OF FORMER SAM HOUSTON ELEMENTARY.

Said item remained tabled.

PUBLIC COMMENT SESSION

Sherman Paul Griffin addressed the City Commission.

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)**

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Items 7A and 7D; Section 551.071 Consultation with Attorney for Items 7B, 7C, 7D and 7E; and Section 551.072 Deliberation regarding Real Property for Item 7A.

Commissioner Barrera moved to accept the recommendation for the basis of the discussion in Executive Session under the sections cited by the City Attorney. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

Mayor Cortez recessed the meeting at 7:14 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 8:07 pm and announced the action on Executive Session items.

- 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.)**

No action.

- B) CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE CONTRACT WITH VIANOVO RELATING TO INTERNATIONAL BRIDGE FACILITIES. (SECTION 551.071, T.G.C.)**

No action.

- C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS RELATING TO FIRE CHIEF POSITION. (SECTION 551.071, T.G.C.)**

Commissioner Barrera moved to authorize the City Manager and City Attorney to offer the position of Fire Chief to Acting Chief Rafael Balderas and for the City Manager to be authorized to enter into that arrangement. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- D) CONSIDERATION AND CONSULTATION WITH LEGAL COUNSEL REGARDING ECONOMIC DEVELOPMENT PROJECT POMPEII. (SECTION 551.087 AND 551.071, T.G.C.)**

No action.

- E) CONSULTATION WITH CITY ATTORNEY REGARDING C-0790-13-H; SUZANNE AND NELSON LEWIS, JOSE SALAS, DON DESHAZO, RUTH BOSTICK, AND ANGELICA VELA VS. LEAL CONSTRUCTION COMPANY, INC. AND CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**

Commissioner Barrera moved to authorize the City Attorney and appropriate outside counsel to defend the city in this legal action. Commissioner Darling seconded the motion. The motion carried unanimously by those present.

F) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT NEXT LEVEL. (SECTION 551.087, T.G.C.)

No action.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 8:08 p.m.

Richard Cortez, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD
PLANNING & ZONING BOARD
OTHER

AGENDA ITEM **2B**
DATE SUBMITTED 3/18/13
MEETING DATE 3/25/13

1 Agenda Item: Consideration and approval of Interlocal Agreement between City of McAllen and the Hidalgo County Library System.

2 Party Making Request: LIBRARY

3 Nature of Request: (Brief Overview) Attachments: X Yes No
Interlocal Agreement allows the McAllen Public Library to receive direct funding from Hidalgo County to assist in defraying the expenses of providing county library services. The Library is budgeted to receive \$16,149.00 during 2013.

4 Policy Implication: City Commission Policy, Local Government Code.

5 Budgeted: Yes No X N/A

Budgeted Amount:

6 Alternate option costs: The Library would bear the costs from existing budget.

7 Routing:	<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
a)	<u>Kate Horan, Library Director</u>	<u>KH</u>	<u>03/18/13</u>	<u> </u>
b)	<u>Brent Branham, Deputy City Manager</u>	<u> </u>	<u> </u>	<u> </u>

8 Staff Recommendation: Motion to approve Interlocal Agreement with Hidalgo County.

9 Advisory Board: Approved Disapproved X None

10 City Attorney: KP Approved Disapproved None

11 Manager's Recommendation: MRP Approved Disapproved None



Where people & ideas meet & connect.

To: Mike R. Perez, City Manager
From: Kathleen P. Horan, Library Director KH
CC: Brent Branham, Deputy City Manager
Date: 3/18/2013
Re: Hidalgo County Library Interlocal Agreement

GOAL
Approval of Interlocal Agreement between the City of McAllen and Hidalgo County Library System.

EXPLANATION
This is the annual renewal of the City of McAllen's membership in the Hidalgo County Library System that allows the McAllen Public Library to receive funding from Hidalgo County to assist in defraying the expenses of providing county library services. The Library is budgeted to receive \$16,149.00 during 2013.

HISTORY
The McAllen Public Library has been a member of the Hidalgo County Library system since it was founded in 1971. The Hidalgo County Library System was founded to improve library services to all county residents. Funding has been used by county libraries for Internet connectivity, Integrated Library Management System costs and other uses as defined by the individual library to supplement local budgets.

- OPTIONS**
1. Approved the Interlocal Agreement with Hidalgo County.
 2. Disapprove and the Library would then bear costs from existing budget.

RECOMMENDATION
Staff recommends approving the Interlocal Agreement with Hidalgo County.

Attachment

THE STATE OF TEXAS §

COUNTY OF HIDALGO §

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN COUNTY OF HIDALGO, TEXAS AND CITY OF MCALLEN, TEXAS**

This Agreement is made effective as of this *01st* day of *March*, 2013, by and between HIDALGO COUNTY, TEXAS hereinafter referred to as "County," and the CITY OF MCALLEN, TEXAS hereinafter referred to as "City" pursuant to the provisions of the Texas Interlocal Cooperation Act, as follows:

WHEREAS, the County has established the Hidalgo County Library System (hereinafter "HCLS");

WHEREAS, the County wishes to Contract with the City for library privileges from the City's established library;

WHEREAS, pursuant to Tex. Loc. Gov't Code Section 323.011 the City understands that the City's library will assume the functions of a County library within the County;

WHEREAS, pursuant to standard HCLS operating procedures, HCLS acquires library materials, supplies and services, electronic database services, audiovisual equipment, and computer hardware, software and other resources for library services for the free use of City's library by residents of rural areas of the County;

WHEREAS, the County and City desire to clarify the terms and conditions of the operation of HCLS, and to provide direct funding to City in certain circumstances;

WHEREAS, the County finds that the City is suitably organized to provide efficient and effective free library services to County residents under Chapter 323; and

WHEREAS, the County therefore desires to expend funds to assist City in with the expenses of establishing, operating and maintaining its free library in the County.

NOW THEREFORE, for and in good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the County and the City hereby agree as follows:

1. The County shall budget an estimated amount each year for the following fiscal year and allocate such amount from the County's General Fund as payment for various libraries of County of which City library is one. Such estimated amount will be

allocated to County libraries in accordance with a formula established, reviewed and approved by HCLS. This allocation formula shall be reviewed and approved annually at the beginning of the County fiscal year by HCLS meeting in regular-session. Funds disbursed to the City shall be in consideration for the City agreeing that the City's library will assume the functions of a county library within Hidalgo County. Funds disbursed to the City pursuant to this paragraph and HCLS provisions shall be used by City only for the City library to purchase contractual services and library materials, including but not limited to, books, supplies and services, Internet connectivity, electronic database services and connections, equipment and furnishings, and computer hardware and software.

2. The City agrees to maintain and operate its city library in accordance with the standards of the State of Texas, the State Library System Act and Local Government Code Chapter 323. The City specifically covenants to assure that the librarian of the City's library meets the minimum standards established by Texas State Library and Archives Commission ("State Library"), including any and all certification mandated by the State Library. The City further agrees to cooperate with the County in any programs, promotions or interlocal initiatives in furtherance of the purposes of HCLS.

3. The City agrees to supervise the activities and operation of its library and agrees to assume full responsibility and liability for any and all activities conducted under the terms of this Agreement.

4. The City library personnel shall not be entitled to any of the benefits of an employee of the County, including, but not limited to, County fringe benefits or the County Civil Service program.

5. This Agreement shall continue until December 31, 2013; or until amended, replaced or terminated in accordance with Chapter 323. Either party may terminate this Agreement by providing six (6) months' advance written notice to the other party. The parties agree that any property acquired under this Agreement is subject to division upon termination of this contract in accordance with Texas Local Government Code Section 323.011(c). Upon termination of this Agreement, any property acquired under this Agreement shall remain in the possession of the City in the City library and the City agrees to take any and all necessary measures to ensure that such property is safeguarded from theft and/or damage.

6. The City agrees to give County and its authorized representatives access to, and the right, to examine, excerpt and transcribe all books, accounts, records, reports, files and other papers, documents, things, or property belonging to or in use by the City in relation to its library operations for so long as such are maintained by City.

7. Conflict of Applicable Law: Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there is any conflict between any provision of their Agreement and any present or future law, ordinance, or administrative, executive or judicial regulation, order or decree, or

amendment thereof, contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event the affected provision(s) of this Agreement shall be modified only to the extent necessary to bring them within the legal requirements and only during the time such conflict exists.

8. No Waiver: No waiver by any party hereto of any breach of any provision of the Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.

9. Entire Agreement: This Agreement contains the entire contract between the parties hereto and each party acknowledges that neither has made (either directly or through any agent or representative) any representation or agreement in connection with this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing executed by City and County, and not otherwise.

TEXAS LAW TO APPLY. THIS AGREEMENT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND ALL OBLIGATION OF THE PARTIES CREATED HEREUNDER ARE PERFORMABLE IN HIDALGO COUNTY, TEXAS. THE PARTIES HEREBY CONSENT TO PERSONAL JURISDICTION IN HIDALGO COUNTY, TEXAS.

10. Notice. Except as may be otherwise specifically provided in this Agreement, all notices, demands, requests or communication required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid and addressed to the parties at the addresses set forth below, or at such other addresses as may have been theretofore specified by written notice delivered in accordance herewith:

If to County: County of Hidalgo
Attention: Ramon Garcia, Hidalgo County Judge
302 W. University Dr.
Edinburg, Texas 78539

If to City: City of McAllen, Texas
Attn: City Manager
1300 Houston Ave
McAllen, Texas 78501

Each notice, demand, request or communication which shall be delivered or mailed in the manner described above shall be deemed sufficiently given for all purposes at such time as it is personally delivered to the addressee or, if mailed, at such time as it is deposited in the United States mail.

11. Additional Documents. The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this Agreement.

12. Successors. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns where permitted by this Agreement.

13. Assignment. This Agreement shall not be assignable.

14. Headings. The headings and captions contained in this Agreement are solely for convenience reference and shall not be deemed to affect the meaning or interpretation of any provision of paragraph hereof.

15. Gender and Number. All pronouns used in this Agreement shall include the other gender, whether used in the masculine, feminine or neuter gender, and singular shall include the plural whenever and so often as may be appropriate.

16. Authority to Execute. The execution and performance of this Agreement by City and County have been duly authorized by all necessary laws, resolutions corporate action, and this Agreement constitutes the valid and enforceable obligations of City and County in accordance with its terms

17. Governmental Purpose. Each party hereto is entering into this agreement for the purpose of providing for governmental services or functions and will pay for such services out of current revenues available to the paying party as herein provided.

18. Commitment of Current Revenues Only. In the event that, during any term, hereof, the governing body of any party does not appropriate sufficient funds to meet the obligations of such party under this Agreement, then any party may terminate this Agreement upon ninety (90) days written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of each party hereto pursuant to the provisions of Tex. Loc. Govt. Code Ann. §271.903.

[SIGNATURE PAGE TO FOLLOW]

WITNESS THE HANDS OF THE PARTIES this day of Mar. 01, 2013.

HIDALGO COUNTY, TEXAS

Ramon Garcia
Ramon Garcia, Hidalgo County Judge

APPROVED BY
COMMISSIONERS' COURT
ON: 3/1/13

ATTEST:
Arturo Guajardo, Jr.
Arturo Guajardo, Jr., County Clerk

CITY OF MCALLEN, TEXAS

Richard Cortez, Mayor

ATTEST:

By: _____
_____, City Secretary

APPROVED AS TO FORM:


ATLAS, HALL & RODRIGUEZ, LLP

By: Stephen L. Crain
Stephen L. Crain

By: _____
Kevin Pagan, City Attorney



**ENGINEERING DEPARTMENT
MEMORANDUM**

To: Mike R. Perez, City Manager
From: Yvette Barrera, PE, City Engineer 
Date: March 18, 2013
Subject: Award of Contract – Various Types of Concrete Work Contract 2012-2013 (Project No. 02-13-SC01-200)

Goal

Consideration and approval of award of contract for the Various Types of Concrete Work Contract 2012-2013.

Explanation

At the bid opening on February 21, 2013 two bids were received for the Various Types of Concrete Work Contract 2012-2013. The award is a service/construction contract for a one year term with an option to extend the contract for two additional years.

Attached is last year's prior cost; however, some items are newly added and do not have past price history. On one occasion, an equal unit price was bid by two or more bidders. The local government code provides that in tied bid situations that the local bidder over a nonresident bidder be awarded the bid.

Neither company is local therefore, item 26 will be awarded to Artillery, L.L.C., and D & G Energy and they will be alternating assignments.

COMPANY NAME	LOCATION	AWARDED ITEMS
Artillery	Edinburg, Texas	1,7-14, 23-24, 26, 31-36, 39-41, 47, 53-65, 76-78
D & G Energy Corp.	San Juan, Texas	2-6, 15-22, 25-30, 37-38, 42-52, 66-75, 77-78

Options

Approve or reject Award of Contract.

Recommendation

Based on review by this office, award of multiple service contracts for the term of one year is recommended to **Award contract to Artillery**, from Edinburg, Texas, for items **1,7-14, 23-24, 26, 31-36, 39-41, 47, 53-65, 76-78; D&G Energy Corp.**, from McAllen, Texas, for items **2-6, 15-22, 25-30, 37-38, 42-52, 66-75, 77-78; as the lowest and responsive bidders. Items 47, 77 and 78 are applicable to all awarded contractors at the proposed rates.**

In addition, we respectfully request authorization to terminate such contract(s) with City Manager approval and re-award affected item(s) to the next low bidder meeting the requirements of the specifications, in the event that an awarded vendor fails to meet or perform under the terms and conditions of their Service Contract.

Solicitation: 02-13-SC01-200 Service Construction Contract for Various Types of Concrete Work 2012-13
Bid Opening: February 21, 2013 at 2:00 PM
Location: Conference Room (2nd floor) McAllen City Hall

No.	Description	QTY	FY 11-12 PRICING	D & G ENERGY SAN JUAN, TX.	ARTILLERY LLC. EDINBURG, TX.	Percent Difference (2011-2012 vs 2012-2013)
1	COMPLETE IN PLACE 4 THICK SIDEWALK WITH 6x6 No. 6 WELDED WIRE MESH	SF	\$4.90	\$6.25	★ \$6.00	22.45%
2	REMOVE AND REPLACE 4 THICK SIDEWALK WITH 6x6 No. 6 WELDED WIRE MESH	SF	\$7.50	★ \$7.75	\$8.25	3.33%
3	REMOVE SIDEWALK	SF	\$2.75	★ \$2.75	\$7.50	0.00%
4	COMPLETE IN PLACE ADA COMPLIANT RAMP PER PLANS, ALL RAMP TYPES	EA	\$445.00	★ \$445.00	\$750.00	0.00%
5	REMOVE AND REPLACE ADA COMPLIANT RAMP PER PLANS, ALL RAMP TYPES	EA	\$545.00	★ \$545.00	\$850.00	0.00%
6	COMPLETE IN PLACE TYPE 'A' INLET (UP TO 8 FT DEPTH)	EA	\$2,800.00	★ \$700.00	\$4,250.00	-75.00%
7	REMOVE AND REPLACE TYPE 'A' INLET (UP TO 8 FT DEPTH)	EA	\$4,100.00	\$5,000.00	★ \$4,850.00	18.29%
8	COMPLETE IN PLACE TYPE 'CC' INLET (UP TO 8 FT DEPTH)	EA	\$3,000.00	\$5,600.00	★ \$4,900.00	63.33%
9	REMOVE AND REPLACE TYPE 'CC' INLET (UP TO 8 FT DEPTH)	EA	\$4,300.00	\$6,300.00	★ \$5,500.00	27.91%
10	COMPLETE IN PLACE TYPE 'C' INLET (UP TO 8 FT DEPTH)	EA	\$2,800.00	\$5,000.00	★ \$4,500.00	60.71%
11	REMOVE AND REPLACE TYPE 'C' INLET (UP TO 8 FT DEPTH)	EA	\$4,300.00	\$5,600.00	★ \$5,300.00	23.26%
12	COMPLETE IN PLACE TYPE 'F' INLET (UP TO 8 FT DEPTH)	EA	\$2,800.00	\$6,900.00	★ \$5,800.00	107.14%
13	REMOVE AND REPLACE TYPE 'F' INLET (UP TO 8 FT DEPTH)	EA	\$4,300.00	\$7,500.00	★ \$6,500.00	51.16%
14	REMOVE GRATE INLET AND REPLACE WITH TYPE 'F' INLET (UP TO 8 FT DEPTH)	EA	\$4,500.00	\$7,500.00	★ \$7,000.00	55.56%
15	COMPLETE IN PLACE INSTALL INLET, ALL INLET TYPES (DEPTH 8 FT)	EA	\$940.00	★ \$1,500.00	\$9,500.00	59.57%
16	REMOVE AND REPLACE ALL INLET TYPES (DEPTH 8 FT)	EA	\$1,180.00	★ \$1,200.00	\$10,500.00	1.69%
17	REMOVE INLET, ALL TYPES (UP TO 8 FT DEPTH)	EA	\$800.00	★ \$1,200.00	\$1,500.00	50.00%
18	REMOVE INLET, ALL TYPES (DEPTH 8 FT)	EA	\$1,120.00	★ \$1,200.00	\$3,000.00	7.14%
19	COMPLETE IN PLACE ALL INLET TYPES WITH 5-FT INLET EXTENSION (UP TO 8 FT DEPTH)	EA	\$1,800.00	★ \$2,100.00	\$7,000.00	16.67%
20	REMOVE AND REPLACE ALL INLET TYPES WITH 5-FT INLET EXTENSION (UP TO 8 FT DEPTH)	EA	\$2,600.00	★ \$2,600.00	\$8,000.00	0.00%
21	COMPLETE IN PLACE ALL INLET TYPES WITH 5-FT INLET EXTENSION (DEPTH 8 FT)	EA	N/A	★ \$3,100.00	\$10,500.00	N/A
22	REMOVE AND REPLACE ALL INLET TYPES WITH 5-FT INLET EXTENSION (DEPTH 8 FT)	EA	N/A	★ \$2,500.00	\$12,000.00	N/A
23	COMPLETE IN PLACE 48 STORM SEWER MANHOLE (UP TO 8 FT DEPTH)	EA	\$2,475.00	\$3,900.00	★ \$3,500.00	41.41%
24	REMOVE AND REPLACE 48 STORM SEWER MANHOLE (UP TO 8 FT DEPTH)	EA	\$3,250.00	\$4,500.00	★ \$4,000.00	23.08%
25	COMPLETE IN PLACE 48 STORM SEWER MANHOLE (DEPTH 8 FT)	EA	\$3,500.00	★ \$3,900.00	\$4,000.00	11.43%
26	REMOVE AND REPLACE 48 STORM SEWER MANHOLE (DEPTH 8 FT)	EA	\$4,000.00	★ \$4,500.00	★ \$4,500.00	12.50%
27	COMPLETE IN PLACE TYPE 'M' MANHOLE (UP TO 8 FT DEPTH)	EA	N/A	★ \$7,500.00	\$10,000.00	N/A
28	REMOVE AND REPLACE TYPE 'M' MANHOLE (UP TO 8 FT DEPTH)	EA	N/A	★ \$8,500.00	\$10,700.00	N/A
29	COMPLETE IN PLACE TYPE 'M' MANHOLE (DEPTH 8 FT)	EA	N/A	★ \$10,000.00	\$12,500.00	N/A
30	REMOVE AND REPLACE TYPE 'M' MANHOLE (DEPTH 8 FT)	EA	N/A	★ \$11,000.00	\$14,000.00	N/A

Solicitation: 02-13-SC01-200 Service Construction Contract for Various Types of Concrete Work 2012-13
Bid Opening: February 21, 2013 at 2:00 PM
Location: Conference Room (2nd floor) McAllen City Hall

No.	Description	QTY	FY 11-12 PRICING	D & G ENERGY SAN JUAN, TX.	ARTILLERY LLC. EDINBURG, TX.	Percent Difference (2011-2012 vs 2012-2013)
31	COMPLETE IN PLACE ADJUST EXISTING MANHOLE INCLUDING ADJUSTMENT RINGS AND RELATED APPURTENANCES	EA	\$720.00	\$1,100.00	★ \$750.00	4.17%
32	COMPLETE IN PLACE ADJUST EXISTING WATER VALVE INCLUDING ALL NECESSARY MATERIALS AND RELATED APPURTENANCES	EA	N/A	\$1,500.00	★ \$650.00	N/A
33	COMPLETE IN PLACE 18 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (UP TO 8 FT DEPTH)	LF	\$30.00	\$75.00	★ \$70.00	133.33%
34	COMPLETE IN PLACE 24 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (UP TO 8 FT DEPTH)	LF	\$40.00	\$98.00	★ \$90.00	125.00%
35	COMPLETE IN PLACE 30 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (UP TO 8 FT DEPTH)	LF	\$50.00	\$110.00	★ \$105.00	110.00%
36	COMPLETE IN PLACE 36 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (UP TO 8 FT DEPTH)	LF	\$60.00	\$140.00	★ \$135.00	125.00%
37	COMPLETE IN PLACE 42 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (UP TO 8 FT DEPTH)	LF	N/A	★ \$150.00	\$160.00	N/A
38	COMPLETE IN PLACE 48 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (UP TO 8 FT DEPTH)	LF	\$75.00	★ \$160.00	\$210.00	113.33%
39	COMPLETE IN PLACE 18 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (DEPTH 8 FT)	LF	\$38.00	\$76.00	★ \$75.00	97.37%
40	COMPLETE IN PLACE 24 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (DEPTH 8 FT)	LF	\$48.00	\$96.00	★ \$95.00	97.92%
41	COMPLETE IN PLACE 30 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (DEPTH 8 FT)	LF	\$58.00	\$112.00	★ \$110.00	89.66%
42	COMPLETE IN PLACE 36 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (DEPTH 8 FT)	LF	\$68.00	★ \$130.00	\$140.00	91.18%
43	COMPLETE IN PLACE 42 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (DEPTH 8 FT)	LF	N/A	★ \$140.00	\$170.00	N/A
44	COMPLETE IN PLACE 48 REINFORCED CONCRETE PIPE, C-76, CLASS III, O RING RUBBER GASKET JOINT (DEPTH 8 FT)	LF	\$90.00	★ \$160.00	\$215.00	77.78%
45	REMOVE RCP PIPE, ALL SIZES (UP TO 8 FT DEPTH)	LF	\$18.50	★ \$70.00	\$200.00	278.38%
46	REMOVE RCP PIPE, ALL SIZES (DEPTH 8 FT)	LF	\$28.00	★ \$80.00	\$400.00	185.71%
47	TRENCH PROTECTION SYSTEM AS PER OSHA REQUIREMENTS (THIS LINE ITEM SHALL BE AWARDED TO MULTIPLE CONTRACTORS AS DEEMED NECESSARY)	LF	N/A	\$50.00	★ \$20.00	N/A
48	COMPLETE IN PLACE 18 CURB GUTTER	LF	\$10.00	★ \$15.00	\$18.00	50.00%
49	REMOVE AND REPLACE 18 CURB GUTTER	LF	\$14.00	★ \$16.00	\$21.00	14.29%
50	COMPLETE IN PLACE 24 CURB GUTTER	LF	\$12.00	★ \$18.00	\$20.00	50.00%
51	REMOVE AND REPLACE 24 CURB GUTTER	LF	\$16.00	★ \$19.00	\$22.00	18.75%
52	REMOVE CURB AND GUTTER, ALL WIDTHS	LF	\$8.00	★ \$7.25	\$15.00	-9.38%

Solicitation: 02-13-SC01-200 Service Construction Contract for Various Types of Concrete Work 2012-13
Bid Opening: February 21, 2013 at 2:00 PM
Location: Conference Room (2nd floor) McAllen City Hall

No.	Description	QTY	FY 11-12 PRICING	D & G ENERGY SAN JUAN, TX.	ARTILLERY LLC. EDINBURG, TX.	Percent Difference (2011-2012 vs 2012-2013)
53	COMPLETE IN PLACE 18 REINFORCED CONCRETE RETAINING WALL	LF	\$44.00	\$56.00	★ \$54.00	22.73%
54	COMPLETE IN PLACE 24 REINFORCED CONCRETE RETAINING WALL	LF	\$51.00	\$66.00	★ \$64.00	25.49%
55	COMPLETE IN PLACE 30 REINFORCED CONCRETE RETAINING WALL	LF	\$58.00	\$71.00	★ \$70.00	20.69%
56	COMPLETE IN PLACE 36 REINFORCED CONCRETE RETAINING WALL	LF	\$66.00	\$81.00	★ \$80.00	21.21%
57	COMPLETE IN PLACE REINFORCED CONCRETE SLOPED END TREATMENT FOR 18 AND 24 PIPE	EA	\$925.00	\$3,300.00	★ \$3,000.00	224.32%
58	REMOVE AND REPLACE REINFORCED CONCRETE SLOPED END TREATMENT FOR 18 AND 24 PIPE	EA	\$1,600.00	\$4,500.00	★ \$3,500.00	118.75%
59	COMPLETE IN PLACE REINFORCED CONCRETE SLOPED END TREATMENT FOR 30 AND 36 PIPE	EA	\$1,600.00	\$4,500.00	★ \$4,300.00	168.75%
60	REMOVE AND REPLACE REINFORCED CONCRETE SLOPED END TREATMENT FOR 30 AND 36 PIPE	EA	\$2,100.00	\$5,700.00	★ \$5,500.00	161.90%
61	COMPLETE IN PLACE 6 RIP RAP WITH 6x6 No. 6 WELDED WIRE MESH	SY	\$57.00	\$105.00	★ \$99.00	73.68%
62	COMPLETE IN PLACE 4 RIP RAP WITH 6x6 No. 6 WELDED WIRE MESH	SY	\$47.00	\$99.00	★ \$92.00	95.74%
63	COMPLETE IN PLACE 6' REINFORCED CONCRETE VALLEY GUTTER	LF	\$31.00	\$33.00	★ \$32.50	4.84%
64	REMOVE AND REPLACE 6' REINFORCED CONCRETE VALLEY GUTTER	LF	\$39.00	\$45.00	★ \$44.50	14.10%
65	COMPLETE IN PLACE 6 REINFORCED CONCRETE PAVEMENT (3000 PSI @ 28 DAYS WITH No. 4 BARS @ 12 OCEW)	SF	\$6.10	\$8.00	★ \$7.50	22.95%
66	REMOVE AND REPLACE 6 REINFORCED CONCRETE PAVEMENT (3000 PSI @ 28 DAYS WITH No. 4 BARS @ 12 OCEW)	SF	\$10.80	★ \$10.80	\$11.50	0.00%
67	COMPLETE IN PLACE 8 REINFORCED CONCRETE PAVEMENT (4000 PSI @ 28 DAYS WITH No. 4 BARS @ 12 OCEW)	SY	\$75.00	★ \$75.00	\$88.00	0.00%
68	REMOVE AND REPLACE 8 REINFORCED CONCRETE PAVEMENT (4000 PSI @ 28 DAYS WITH No. 4 BARS @ 12 OCEW)	SY	\$102.00	★ \$102.00	\$112.00	0.00%
69	COMPLETE IN PLACE 12 REINFORCED CONCRETE PAVEMENT (3000 PSI @ 28 DAYS WITH No. 4 BARS @ 12 OCEW)	SY	N/A	★ \$152.00	\$170.00	N/A
70	REMOVE AND REPLACE 12 REINFORCED CONCRETE PAVEMENT (3000 PSI @ 28 DAYS WITH No. 4 BARS @ 12 OCEW)	SY	N/A	★ \$172.00	\$195.00	N/A
71	COMPLETE IN PLACE ASPHALT PAVEMENT. 2 HMAC, 8 PREPARED FLEX BASE AND 6 PREPARED SUBGRADE OR MATCH EXIST PAVEMENT SECTION, WHICHEVER IS GREATER	SY	\$70.00	★ \$70.00	\$85.00	0.00%
72	REMOVE AND REPLACE ASPHALT PAVEMENT. 2 HMAC, 8 PREPARED FLEX BASE AND 6 PREPARED SUBGRADE OR MATCH EXIST PAVEMENT SECTION, WHICHEVER IS GREATER	SY	\$99.00	★ \$90.00	\$98.00	-9.09%
73	REMOVE ASPHALT PAVEMENT	SY	\$22.00	★ \$22.00	\$40.00	0.00%
74	CLEAN AND SEAL CONCRETE PAVING JOINTS AND CRACKS WITH CLASS 8 SEALANT PER TXDOT SPECIFICATION 438	LF	N/A	★ \$3.50	\$4.00	N/A









CITY OF McALLEN

DEPICTS RECOMMENDED VENDOR: 

Solicitation: 02-13-SC01-200 Service Construction Contract for Various Types of Concrete Work 2012-13

Bid Opening: February 21, 2013 at 2:00 PM

Location: Conference Room (2nd floor) McAllen City Hall

No.	Description	QTY	FY 11-12 PRICING	D & G ENERGY SAN JUAN, TX.	ARTILLERY LLC. EDINBURG, TX.	Percent Difference (2011-2012 vs 2012-2013)
75	CLEAN AND SEAL CONCRETE PAVING JOINTS AND CRACKS GREATER THAN 1/2 DEPTH WITH CLASS 8 SEALANT AND BACKER ROD PER TXDOT SPECIFICATION 438	LF	N/A	 \$5.00	\$5.50	N/A
76	EXCAVATION AND GRADING	CY	\$6.00	\$10.80	 \$10.50	75.00%
77	BOND RATE FOR PERFORMANCE BOND	EA	N/A	 4%	 5%	N/A
78	BOND RATE FOR PAYMENT BOND	EA	N/A	 4%	 5%	N/A

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD
OTHER

AGENDA ITEM 2d
DATE SUBMITTED 03/18/13
MEETING DATE 03/25/13

1. Agenda Item: **Award of Contract - Various Municipal Projects (SOQ No. 09-12-S78-286) Structural Design Services.**

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No

Consideration and Authorization for Award of Contract for Various Municipal Projects for Structural Design Services to Chanin Engineering, Hinojosa Engineering, and Solorio & Associates at the existing rates.

4. Policy Implication: City Commission Policy, Local Government Code

5. Budgeted: Yes No X N/A

6. Alternate Option/Costs N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u> YB </u>	<u> 3/19/13 </u>	<u> YES </u>
b.) Roel "Roy" Rodriguez, P.E. Asst. City Manager/General Manager	<u> RR </u>	<u> 3/19/13 </u>	<u> YES </u>
c.) J.W. Dale, Director of Finance	<u> JD </u>	<u> 3/19/13 </u>	<u> YES </u>
d.) Sandra Zamora, CPM, Dir. Of Purchasing	<u> SZ </u>	<u> 3/19/13 </u>	<u> YES </u>

8. Staff Recommendation: **Award contract with each firm at the existing rates.**


9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None



CITY OF MCALLEN
ENGINEERING DEPARTMENT
MEMORANDUM

To: Mike Perez, City Manager
From: Yvette Barrera, PE, City Engineer 
Date: March 19, 2013
Subject: **Award of Contract – Various Municipal Projects (SOQ No. 09-12-S78-286)
Structural Desing Services**

Goal

Consider and approve Award of Contract Various Municipal Projects for Structural Design Services.

Explanation

On January 28, the following firms were selected to negotiate services for Various Municipal Projects for Structural Design services:

- Chanin Engineering
- Hinojosa Engineering
- Solorio and Associates

Projects will be assigned to each awarded firm on a rotation basis. The SOQ provided a list of types of projects that may be anticipated.

The City is proposing to contract with each firm for an annual contract that may be extended for one (1) additional year. The existing hourly rates are proposed to be extended for this contract term. All firms have accepted the existing rates.

Principle	HR	\$ 145.00
Project Manager	HR	\$ 115.00
Engineer, P.E.	HR	\$ 100.00
E.I.T., Graduate Engineer	HR	\$ 75.00
Designer	HR	\$ 60.00
Technician	HR	\$ 50.00
Clerical	HR	\$ 30.00
Expenses	EA	ATCOST

Staff recommends that the City Commission award contracts with each firm at the existing rates shown above.

Options

Approve or reject Award of Contract for Structural Design Services.

Recommendation

Staff recommends Award of Contact for Various Municipal Projects for Structural Design Services to the following firms: Chanin Engineering, Hinojosa Engineering, and Solorio and Associates.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD
OTHER

AGENDA ITEM 2e
DATE SUBMITTED 03/18/13
MEETING DATE 03/25/13

1. Agenda Item: **Award of Contract - Various Municipal Projects (SOQ No. 09-12-S78-286) Mechanical, Electrical, Plumbing and Fire Protection (MEP) Services**

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No

Consideration and Authorization for Award of Contract for Various Municipal Projects for MEP Services to DBR Engineering, Half Associates and S&B Infrastructure at the existing rates.

4. Policy Implication: City Commission Policy, Local Government Code

5. Budgeted: Yes No X N/A

6. Alternate Option/Costs N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u> YB </u>	<u> 3/19/03 </u>	<u> YES </u>
b.) Roel "Roy" Rodriguez, P.E. Asst. City Manager/General Manager	<u> RR </u>	<u> 3/19/03 </u>	<u> YES </u>
c.) J.W. Dale, Director of Finance	<u> JD </u>	<u> 3/19/03 </u>	<u> YES </u>
d.) Sandra Zamora, CPM, Dir. Of Purchasing	<u> SZ </u>	<u> 3/19/03 </u>	<u> YES </u>

8. Staff Recommendation: **Award contract with each firm at the existing rates.**


9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None



**CITY OF MCALLEN
ENGINEERING DEPARTMENT
MEMORANDUM**

To: Mike Perez, City Manager
From: Yvette Barrera, PE, City Engineer 
Date: March 19, 2013
Subject: Award of Contract – Various Municipal Projects (SOQ No. 09-12-S78-286)
Mechanical, Electrical, Plumbing and Fire Protection (MEP) Services

Goal

Consider and approve Award of Contract Various Municipal Projects for MEP Services.

Explanation

On January 28, the following firms were selected to negotiate services for Various Municipal Projects for MEP services:

- DBR Engineering Consultants
- Halff Associates
- S&B Infrastructure

Projects will be assigned to each awarded firm on a rotation basis. The SOQ provided a list of types of projects that may be anticipated.

The City is proposing to contract with each firm for an annual contract that may be extended for one (1) additional year. The existing hourly rates are proposed to be extended for this contract term. S&B Infrastructure has agreed to the rates, however the other remaining firms have not. Their requested rates are attached for your review.

Services	Unit	Hour Rates
Principle	HR	\$ 145.00
Project Manager	HR	\$ 115.00
Engineer, P.E.	HR	\$ 100.00
E.I.T., Graduate Engineer	HR	\$ 75.00
Designer	HR	\$ 60.00
Technician	HR	\$ 50.00
Clerical	HR	\$ 30.00
Expenses	EA	AT COST

Staff recommends that the City Commission award contracts with each firm at the existing rates shown above. If the selected Consultant does not accept the rates, staff recommends ceasing negotiations with such firm.

Options

Approve or reject Award of Contract for MEP Services.

Recommendation

Staff recommends Award of Contract for Various Municipal Projects at the existing rates. If such rates are not accepted by the selected firms, staff recommends ceasing negotiations with such firm.

CITY OF MCALLEN
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
 UTILITY BOARD _____
 OTHER _____

AGENDA ITEM 2F
 DATE SUBMITTED 03/18/13
 MEETING DATE 03/25/13

1. Agenda Item: **Budget amendment of \$32,000 for upgraded fencing and \$44,900 for the additional columns at Municipal Park. Project No. 300-8708-466-66.30 CPO703.**

2. Party Making Request: **PARKS AND RECREATION DEPARTMENT**

3. Nature of Request: (Brief Overview) Attachments: X Yes ___ No
This item brings to the Commission a budget amendment for \$32,000 for upgraded fencing and \$44,900 for the columns to be added to the fence at Municipal Park.

4. Policy Implication: **LOCAL GOVERNMENT CODE**

5. Budgeted: Yes ___ No: **A budget Amendment is required**

Original Budget	0
General Fund Balance	\$32,000.00 – 011-0000-290-99.00
General Fund Balance	\$44,900.00 – 011-0000-290-99.00

6. Alternate Option/Costs: To not provide either of the services.

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	<u>S. Gavlik, Dir. Parks&Rec</u>	<u> sg </u>	<u> 03-18-13 </u>	<u> Yes </u>
b)	<u>D. Melaas, Dep. Dir. PARD</u>	<u> dm </u>	<u> 03-18-13 </u>	<u> Yes </u>
c)	<u>Sandra Zamora, Purch. Dir.</u>	_____	_____	_____
d)	<u>Jerry Dale, Dir. Finance</u>	_____	_____	_____
e)	<u>B. Branham, Dep. C. M.</u>	_____	_____	_____

8. Staff Recommendation: **Staff requests the budget amendment of \$32,000 and \$44,900 be approved.**

9. Advisory Board: ___ Approved ___ Disapproved ___ None

10. City Attorney: KP Approved ___ Disapproved ___ None

11. Manager's Recommendation: MP Approved ___ Disapproved ___ None

12. Action Taken: _____

MEMORANDUM**city of mcallen****RECREATION**

To: MIKE R. PEREZ, CITY MANAGER

From: SALLY GAVLIK, DIRECTOR

Subject: BUDGET AMENDMENT – UPGRADED FENCING FOR MUNICIPAL PARK

Date: MARCH 18, 2013

COMMENT**GOAL:**

To provide a budget amendment to offset the cost for the upgraded fencing (\$32,000) and to add columns along the fence at Municipal Park (\$44,000), Project No. 300-8708-466-66.30 CPO703.

DISCUSSION:

The Parks and Recreation Department secured bids for new fencing at Municipal Park. At the request of the Commission there was a standard fence style and an upgraded designer fence style considered. The Commission approved the upgraded designer fencing which resulted in an increase contract cost of \$32,000. (Project No. 01-13-C08-178, Hurricane Fence - Original Contract Amount of \$91,473). Pending approval of additional work as requested by City Commission for placement of columns, submitted under separate cover, in the amount of \$44,900 for a "Revised" Contract Amount of \$136,373.)

There are two budget amendments for this project, upgraded fencing in the amount of \$32,000, and the budget amendment for the columns in the amount of \$44,900.

RECOMMENDATION:

The Parks and Recreation Department recommends approval of the budget amendment in the amount of \$32,000 for fencing at Municipal Park and the budget amendment for \$44,900 for the columns along the fence at Municipal Park from the General Fund Balance.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2012/2013 EFFECTIVE OCTOBER 1, 2012, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$32,000 FOR UPGRADING FENCING AT MUNICIPAL PARK

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2012/2013. Such budget was effective October 1, 2012 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2012/2013 budget but have been received by the governmental body since that date.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, TEXAS, THAT:

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2012/2013 which became effective October 1, 2012 as set out in Ordinance 2012-60 adopted on September 24, 2012 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION II: The City Manager as Budget Officer shall provide for the filing of a true copy of this Budget Amendment in the office of the County Clerk, Hidalgo County, Texas.

SECTION III: This Ordinance shall be effective after its passage and execution in accordance with the law.

SECTION IV: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen Section 2-56. **Publication of ordinances.**

SECTION V: The City Secretary of the City of McAllen is hereby directed not to publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not

amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

SECTION VI: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 25th day of March, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this day of March, 2013.

CITY OF McALLEN, TEXAS

Richard F. Cortez, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

**CITY OF McALLEN
BUDGET AMENDMENT REQUEST FORM
FISCAL YEAR 2013**

DATE OF ENTRY	
ENTRY MADE BY	
JOURNAL ENTRY #	
AA UPDATE DATE	
To be assigned by Finance Dept.	

FUND: General

DEPARTMENT: Parks

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
300	8708	466	66.30	CP0703	Municipal Park Improvements	\$ 60,000	\$ 32,000		\$ 92,000
011	0000	290	99.00	n/a	General Fund Balance (Don't Post)	39,047,718		32,000	39,015,718
011	9010	499	74.06	n/a	Operating Transfer Out/Capital Improvement Fund	1,230,000	32,000		1,262,000
300	0000	391	04.00	n/a	Transfers In/General Fund	1,230,000		32,000	1,262,000
TOTALS						\$ 41,567,718	\$ 64,000	\$ 64,000	\$ 41,631,718

(Round up all amounts to the nearest hundred dollars)

JUSTIFICATION: \$32,000 was needed due to City Commission approval at 2/11/13 meeting of alternative fencing substituting the original wrought iron on the south side of the park.

Department Head Approval

[Signature] 3-19-13

Signature Date

Finance Department

Signature Date

City Manager

Signature Date

ORDINANCE NO. 2012-_____

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2012/2013 EFFECTIVE OCTOBER 1, 2012, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$44,900 FOR FENCING AND OTHER IMPROVEMENTS AT MUNICIPAL PARK

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2012/2013. Such budget was effective October 1, 2012 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2012/2013 budget but have been received by the governmental body since that date.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, TEXAS, THAT:

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SECTION V: The City Secretary of the City of McAllen is hereby directed not to publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not

amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

SECTION VI: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 25th day of March, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this day of March, 2013.

CITY OF McALLEN, TEXAS

Richard F. Cortez, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

**CITY OF McALLEN
BUDGET AMENDMENT REQUEST FORM
FISCAL YEAR 2013**

DATE OF ENTRY	
ENTRY MADE BY	
JOURNAL ENTRY #	
AA UPDATE DATE	
To be assigned by Finance Dept.	

FUND: General

DEPARTMENT: Parks

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
300	8708	466	66.30	CP0703	Municipal Park Improvements	\$ 92,000	\$ 44,900		\$ 136,900
011	0000	290	99.00	n/a	General Fund Balance (Don't Post)	39,015,718		44,900	38,970,818
011	9010	499	74.06	n/a	Operating Transfer Out/Capital Improvement Fund	1,262,000	44,900		1,306,900
300	0000	391	04.00	n/a	Transfers In/General Fund	1,262,000		44,900	1,306,900
TOTALS						\$ 41,631,718	\$ 89,800	\$ 89,800	\$ 41,721,518

(Round up all amounts to the nearest hundred dollars)

JUSTIFICATION: An additional \$44,900 will be needed for columns along the fence at Municipal Park.

Department Head Approval

Sally Sawicki
Signature _____ Date _____

Finance Department

Signature _____

Date _____

City Manager

Signature _____

Date _____



Department of Aviation
MEMO

To: Mike R. Perez, City Manager
Thru: Brent Branham, Deputy City Manager
From: Philip K. Brown, Director of Aviation
Date: March 18, 2013
Subject: Budget Amendment

In October 2012, the City Commission approved an incentive plan to induce Aeromar Airlines to initiate nonstop air service between Mexico City and McAllen. Part of the incentive plan was to provide advertising assistance in the amount of \$100,000 to promote the service.

The 2012/2013 Aviation Department budget was approved by the City Commission before this plan was approved. This budget amendment appropriates the money for the advertising program. The advertising plan commits 75% of the money to be spent in the Mexico City market by Aeromar, for which Aeromar will be reimbursed by the Aviation Department upon the presentation of receipts. The remaining 25% will be spent in the Rio Grande Valley with the McAllen Chamber of Commerce leading the effort.

Staff recommends approval.

*ok per agreement
w/ AEROMAR
Jan 4, 2013 letter of
intent.*

AB Brown

**CITY OF McALLEN
BUDGET AMENDMENT**

FUND: Airport

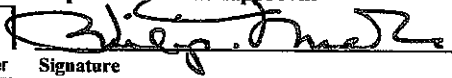
To be assigned by Finance Dept.

DEPARTMENT: Administration

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Beginning/Revised Budget	Debit	Credit	Revised Budget
550	4860	444	63	46	Promotions	\$ 120,000	\$ 100,000	\$ -	\$ 220,000
					Fund Balance	\$ 3,883,862	\$ -	\$ 100,000	\$ 3,783,862
TOTALS						\$ 4,003,862	\$ 100,000	\$ 100,000	\$ 4,003,862

(Round up all amounts to the nearest hundred dollars)

Justification: Budget amendment for the Aeromar advertising agreement not previously identified in the budget. The agreement between Aeromar and the City of McAllen requires the City to reimburse Aeromar \$75,000 and the chamber \$25,000 for advertising pertaining to Aeromar's inaugural flight.

Department Head Approval
 031813
 Signature _____ Date _____

Finance Department
 Signature _____ Date _____

City Manager's approval is necessary for transfers to purchase Capital Outlay.

City Manager
 Signature _____ Date _____

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
ADVISORY BOARD _____

AGENDA ITEM 3a
DATE SUBMITTED 03/15/13
MEETING DATE 03/25/13

1. Agenda Item: **AUTHORIZATION TO OPEN SINGLE BID AND CONSIDERATION OF AWARD ON PALMVIEW MUNICIPAL GOLF COURSE PEDESTRIAN BRIDGE REPLACEMENT PROJECT (PROJECT NO.03-13-C11-74)**

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No

Authorization to open single bid and consider award on Palmview Municipal Golf Course Pedestrian Bridge Replacement Project.

4. Policy Implication: City Commission Policy, Local Government Code.

5. Budgeted: X Yes No N/A

Funding Source: **300-8708-466-66-30 CP 1302**

Project Estimate: \$ 128,000.00

6. Alternate Option/Costs N/A

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Yvette Barrera, P.E.,CFM, City Engineer</u>	<u> YV </u>	<u> 03/19/13 </u>	<u> YES </u>
b.)	<u>Roy Rodriguez, PE, General Manager Assistant City Manager</u>	<u> RR </u>	<u> 03/19/13 </u>	<u> YES </u>
c.)	<u>Jerry Dale,CPA, Finance Director</u>	<u> JD </u>	<u> 03/19/13 </u>	<u> YES </u>
d.)	<u>Carlos Espinosa, Dir. of Palview Golf Course</u>	<u> CE </u>	<u> 03/19/13 </u>	<u> YES </u>
e.)	<u>Sandra Zamora, CPM, Dir. Of Purch. & Cont.</u>	<u> SZ </u>	<u> 03/19/13 </u>	<u> YES </u>

8. Staff Recommendation: Approve authorization to open single bid and consider award should single bid be under \$128,000.00.

9. Advisory Board: Approved Disapproved None
(open)

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None



ENGINEERING DEPARTMENT
MEMORANDUM

To: Mike R. Perez, City Manager

From: Yvette Barrera, P.E., CFM, City Engineer

A handwritten signature in blue ink, appearing to read "Yvette R.", positioned to the right of the "From:" line.

Date: March 15, 2013

Subject: Authorization to Open Single Bid and Consideration of Award on Palmview Municipal Golf Course Pedestrian Bridge Replacement Project
(Project No. 03-13-C11-74)

Goal

Authorization to open single bid and consideration of award on Palmview Municipal Golf Course Pedestrian Bridge Replacement Project.

Explanation

On March 07, 2013, the Purchasing and Contracting Department received a single bid from McAllen Construction, from McAllen, TX, on the above-mentioned project. The project was estimated at \$128,000.00.

Staff is requesting that the single bid be opened and if within 10% of the estimated amount, staff is requesting that consideration be given to award the contract. The contract is scheduled to be completed 110 working days after notice to proceed is issued (90 days to manufacture and deliver; 20 days to assemble and erect).

Options

Approve or disapprove single bid opening request.

Recommendation

Staff recommends approval to open single bid and consideration of award should the bid be under \$128,000.00.

STANDARDIZED RECOMMENDATION FORM

3B

CITY COMMISSION X
 UTILITY BOARD _____
 PLANNING & ZONING BOARD _____
 OTHER _____

AGENDA ITEM _____
 DATE SUBMITTED 3/18/13
 MEETING DATE 3/25/13

1. Agenda Item: Discussion and Possible Action of License Agreement with S 10th – 2nd Partners, Ltd. for a parking area on a tract of land out of Lot 9 and Lot 16, Block 6, Hidalgo Canal Co. Subdivision of Porciones 64, 65 and 66, Hidalgo County, Texas for the 2nd Street Hike & Bike Trail

2. Party Making Request: Mike R. Perez, City Manager

3. Nature of Request: (Brief Overview) Attachments: X Yes No

Consideration of License Agreement to construction and maintenance a parking area on a tract of land out of Lot 9 and Lot 16, Block 6, Hidalgo Canal Co. Subdivision of Porciones 64, 65 and 66, Hidalgo County, Texas for the 2nd Street Hike & Bike Trail.

4. Policy Implication: _____

5. Budgeted: Yes No X N/A

6. Alternate Option/Costs N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) _____	_____	_____	_____
b.) _____	_____	_____	_____

8. Staff Recommendation: _____

9. Advisory Board: Approved Disapproved None

10. City Attorney: Approved Disapproved None

11. Manager's Recommendation: ^{MRP} Approved Disapproved None

Memo

To: Mike R. Perez, City Manager

From: Jeanie Backor, Land Acquisition Deputy Director JB

Date: **March 15, 2013**

RE: **License Agreement- S 10th – 2nd Partners, Ltd.
A 0.998 acre tract of excess right-of-way out of Lot 9 and Lot 16,
Block 6, Hidalgo Canal Co. Subdivision of Porciones 64, 65 and
66, Hidalgo County, Texas (see Exhibit “A”)**

GOAL: To execute License Agreement.

EXPLANATION: Residents who are using the 2nd Street Hike and Bike Trail are currently driving over the curb to park on the above referenced property. Potential hazards may arise, and the current owner has offered to enter into a license agreement with the City for its use as a parking area. Attached is License Agreement for the construction and maintenance of a parking area for the 2nd Street Hike & Bike Trail

OPTIONS: Approve the License Agreement, or reject the request.

RECOMMENDATIONS: We are looking for guidance from the City Commission.

THIS AGREEMENT is made by and between City of McAllen, a municipal corporation of Hidalgo County, Texas (hereinafter referred to as "City") and **S 10TH - 2ND PARTNERS, LTD.**, a Texas Limited Partnership (hereinafter collectively referred to as "Licensor") acting by and through their authorized representatives.

WITNESSETH:

WHEREAS, Licensor own the unimproved real property described as a **0.998 acre tract of excess right-of-way out of Lot 9 and Lot 16, Block 6, Hidalgo Canal Co. Subdivision of Porciones 64, 65 and 66, Hidalgo County, Texas** and being more particularly described on Exhibit "A" (the "Property"); and

WHEREAS, City wishes to construct or cause a parking area for the 2nd Street Hike & Bike Trail (hereinafter referred to as the "Improvements") on the Property as shown on Exhibit "A"; and

WHEREAS, City has requested the Licensor allow the use and occupancy of the Property for City's Improvements; and

WHEREAS, the City has agreed as consideration for such license to indemnify Licensor for any damages or injuries that may result as a result of the use of the Property;

NOW THEREFORE, in consideration of the sum of Ten Dollars No/100ths and the covenants contained herein and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Grant of License; Consideration:** Licensor hereby grants City a revocable license for the purpose of allowing the Improvements within the Licensed Premises and for the City to maintain and use the Improvements within the Licensed Premises.

2. **Term:** The term of this License shall be perpetual, subject, however, to termination by the City or licensor as provided herein.

3. **Non-exclusive:** This License is nonexclusive and is subject to any existing utility, drainage or communications facilities located in, on, under or upon the property.

4. **Mechanic's liens not permitted:** City shall fully pay all labor and materials used in, on or about the Licensed Premises and will not permit or suffer any mechanic's or material man's liens of any nature be affixed against the Licensed Premises by reason of any work done or materials furnished to the Licensed Premises at City's instance or request.

5. **Duration of License:** This License shall terminate and be of no further force and effect in the event City shall discontinue or abandon the use of the Improvements or in the event City shall remove the Improvements from the Licensed Premises or upon termination by Licensor whichever event first occurs..

6. **Compliance with laws:** City agrees to abide by and be governed by all laws, ordinances and regulations of any and all governmental entities having jurisdiction over the City.

7. **Indemnification:** To the extent the law allows, City shall defend, protect and keep Licensor forever harmless and indemnified against and from any penalty, or any damage, or charge, imposed for any violation of any law, ordinance, rule or regulation arising out of the use of the Licensed Premises by the City, whether occasioned by the neglect of City, its employees, officers, agents, contractors or assigns or those holding under City. City shall at all times defend, protect, indemnify and hold Licensor harmless against and from any and all loss, cost, damage, or expense, including attorney's fees arising out of or from any and all claims or causes of action resulting from the City use of the Licensed Premises and for any failure of City, their officers, employees, agents, contractors or assigns in any respect to comply with and perform all the requirements and provisions hereof.

8. **Action upon termination:** At such time as this License may be terminated for any reason whatsoever, City, upon request by Licensor, shall remove all Improvements and appurtenances owned by it, situated in, under, on or within the Licensed Premises and shall restore such Licensed Premises to substantially the condition of the Licensed Premises prior to City's encroachment at City's sole expense.

9. **Termination:** This Agreement may be terminated in any of the following ways:
- a. Written agreement of both parties;
 - b. By Licensor giving City one hundred twenty (120) days prior written notice;
 - c. By Licensor upon failure of City to perform its obligations as set forth in this Agreement;
 - d. By the City abandoning the Licensed Premises.

10. **Notice:** When notice is permitted or required by this Agreement, it shall be in writing and shall be deemed delivered when delivered in person or when placed, postage prepaid in the United States mail, certified return receipt requested, and addressed to the parties at the address set forth in Paragraph 16. Either party may designate from time to time another and different address for receipt of notice by giving notice of such change or address.

11. **Governing law:** This Agreement is governed by the laws of the State of Texas; and exclusive venue for any action shall be in the State District Court of County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court.

12. **Exhibits.** The exhibits attached to this Agreement are incorporated herein by reference.

13. **Binding effect:** This Agreement shall be binding upon and inure to the benefit of the executing parties and their respective heirs, personal representatives, successors and assigns.

14. **Entire Agreement:** This Agreement embodies the entire agreement between the parties and supersedes all prior agreements, understandings, if any, relating to the Licensed Premises and the matters addressed herein and may be amended or supplemented only by written instrument executed by the party against whom enforcement is sought.

15. **Recitals:** The recitals to this Agreement are incorporated herein by reference.

16. **Addresses.**

Licensor: S.10th – 2nd Partners, Ltd.
900 E. Lakeview Drive
McAllen, Texas 78501

Licensee: City of McAllen
P.O. 1300 Houston
McAllen, Texas 78501

EXECUTED this _____ day of _____, 2013.

LICENSOR:

S 10TH – 2ND PARTNERS, LTD.
By: MRR-GP, L.L.C., its general partner

By: _____
Name: _____
Title: _____

LICENSEE:

CITY OF McALLEN

By: _____
Mike R. Perez, City Manager

CORPORATE ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF HIDALGO §

This instrument was acknowledged before me on _____, 2013, by MIKE R. PEREZ, City Manager for the City of McAllen, a municipal corporation of the State of Texas, on behalf of said corporation.

Notary Public - State of Texas

CORPORATE ACKNOWLEDGMENT

STATE OF _____ §
COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2013, by _____, as _____ of MRR-GP, L.L.C., in its capacity as General Partner, on behalf of S 10th – 2nd Partners, Ltd., a Texas Limited Partnership, for the purposes and consideration therein expressed.

Notary Public - State of _____

Approved as to form:

Gary Henrichson, Assistant City Attorney

ATTEST:

By: _____
Annette Villarreal, TRMC/CMC, CPM,
City Secretary



"THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. "



EXHIBIT A
 HIDALGO CANAL CO. SUBD.
 LOT 9 & LOT 16, BLOCK 6, PORCIONES
 64,65, AND 66, HIDALGO COUNTY, TEXAS

SCALE:	HORZ: 1"=100'
DATE:	03/14/2013
REVISIONS	
1.	
2.	
3.	
SHEET NO.	1 OF 1

CITY OF McALLEN
STANDARD RECOMMENDATION FORM

<u>CITY COMMISSION</u>	<u> X </u>	AGENDA ITEM	<u> 3C </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 03/18/13 </u>
PLANNING & ZONING COMMISSION	<u> </u>	MEETING DATE	<u> 03/25/13 </u>
OTHER	<u> </u>		

1. Agenda Item: Change Order No.4 - McAllen Miller International Airport Terminal Expansion Project (Project No. 0811-C30-190)

2. Party Making Request: DEPARTMENT OF AVIATION *PKB*

3. Nature of Request: (Brief Overview) Attachments: X Yes No

Consideration and approval of Change Order No. 4 on the McAllen Miller International Airport Terminal Expansion Project for Don Krueger Construction Company.

4. Policy Implication: _____

5. Budgeted: X YES NO N/A

FUND: 551-8708-446.66-10

Original Contract Amount:	\$ 18,879,500.00	713 calendar days
Change Order 1-3:	\$ 304,471.00	0 calendar days
Proposed Change Order 4:	\$ 17,736.00	14 calendar days
Total Revised Contract Amount:	\$ 19,201,707.00	727 calendar days

6. Alternate option/costs:

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
Philip K. Brown Director of Aviation	<u><i>PKB</i></u>	<u>3/19/13</u>	<u> </u>
Brent Branham Deputy City Manager	<u> </u>	<u> </u>	<u> </u>

8. Staff Recommendation: Approval of Change Order No. 4 on the McAllen Miller Airport Terminal Expansion Project in the amount of \$17,736.00 and 14 calendar days, for a total revised amount of \$19,201,707.00 and 727 calendar days.

9. Advisory Board: Approved Disapproved None

10. City Attorney: *KP* Approved Disapproved None

11. Manager's Recommendation: *MRP* Approved Disapproved None

12. Action Taken: _____



MEMO

To: Mike R. Perez, City Manager

Thru: Brent Branham, Deputy City Manager

From: Philip K. Brown, Director of Aviation

Date: March 18, 2013

Subject: Change Order No.4 – McAllen Miller International Airport Terminal Expansion Project
(Project No. 08-11-C30-190)

GOAL

Consideration and approval of Change Order No.4 on the McAllen Miller International Airport Terminal Expansion Project for Don Krueger Construction Company.

EXPLANATION

As construction has progressed, several construction items have emerged. Summary is below:

1. **Sterilizer location.** Relocate a double door to allow access to the terminal ramp and away from the sterilizer area. In addition, an accessible ramp will be added for TAS compliance. **No cost or time.**
2. **Existing women's restroom, post-security.** An ambulatory stall required to comply with accessibility standards. The stalls will require retrofitting. It is proposed to replace the row of existing stalls so to look consistent. **Cost \$7,344 with no additional time.**
3. **Expansion foundation.** An abandoned concrete pipe found in conflict with the foundation and spread footings for the terminal expansion. Contractor directed to remove and dispose of the pipe and properly backfill the trench. Also, the embedment below the breezeway was found as pea gravel, which could not be used as select structural fill. Contractor directed to remove and dispose of pea gravel. **Cost \$16,659 with 2 additional days.**
4. **Electrical system.** An oversight in the feeder schedule with respect to the panel schedule occurred. Revisions were made to correct the error without a loss in time and gained a credit. **Credit \$4,510 with no additional time.**
5. **Air-conditioning and hot water.** Three 2 HP variable frequency drives are required to run pumps for air-conditioning and domestic hot water. **Cost of item \$2,470 with no additional time.**
6. **Permanent Baggage Handling Building (BHB).** Base for the demolished BHB was found to be 16-inches of asphalt pavement. The material was required to be removed for placement of select fill for the new BHB. In addition, TSA management changed after the issuance of construction and required several changes to the permanent BHB. The changes to the rooms, equipment and location of equipment and controls were incorporated into the BHB to their approval. The cost for this item is \$16,895 with no additional days. **Cost \$15,359 with 7 additional days and cost for TSA required changes \$16,895 with no additional time.**

7. **Shared Use Passenger Processing System (SUPPS).** Reconstructed ticket counters are required to prepare them for updated equipment. This item will cover 2 ticket counters not funded by the SUPPS project. **Cost \$6,995 with no additional time.**
8. **Service gas lines.** Service gas lines were able to be welded without having to provide double containment. The work was reduced and still within compliance with building codes. **Credit \$10,231 with no additional time.**
9. **Existing communications facilities.** Existing communications facilities conflicted with 5 new electrical panels and a dry type transformer. Relocated existing and proposed systems to accommodate them through the dedicated rooms. **Cost \$14,496.00 with no additional time.**
10. **Expansion slab.** Contractor recommended a thickened slab and a curb in slab for an exterior CMU wall between columns to protect from water penetration. The design consultant agreed and issued a revised drawing for the foundation. **Cost \$3,326.00 with no additional time.**
11. **Electrical appurtenances.** Coordination was made with staff to use an existing feeder to serve a new panel HAC. **Credit \$12,381 with 5 additional days.**
12. **Temporary BHB.** Cost savings were explored to retain the existing storm drain line in lieu of constructing a new proposed storm drain. After review of integrity of pipe, staff was able to work with the contractor and design team to keep the existing storm line in place and reduce costs. **Credit \$38,686 with no additional time.**
13. **Scope change.** The awarded additive alternate #3 was to provide and install 5 side-shift cabs. Four of the five existing jet bridges are mechanically unreliable and are slowly degrading. The scope would replace most of the mechanical parts of these bridges, upgrading them to a reliable condition. This item was awarded at \$317,000. **No cost increase or additional time.**

Please see attachments for exhibit of improvements and cost itemization.

OPTIONS

Approve or reject Change Order No.4.

RECOMMENDATION

Staff recommends approval of Change Order No. 4 for the Terminal Expansion Project to Don Krueger Construction Co., in the amount of \$17,736 and an additional 14 days, for a total revised contract amount of \$19,201,707.00 and 727 calendar days.

**Proposed Change Order No.4 – McAllen Miller International Airport Terminal Expansion
Project (Project No. 08-11-C30-190)**

Item No.	Description of Work	Additional Cost	Cost Credit	Time Extension
1	Sterilizer Location	\$ -		0
2	Existing women's restroom, post-security	\$ 7,344.00		0
3	Expansion Foundation	\$ 16,659.00		2
4	Electrical System		\$ 4,510.00	0
5	Air-Conditioning and Hot Water	\$ 2,470.00		0
6	Permanent Baggage Handling Building	\$ 32,254.00		7
7	Shared Use Passenger Processing System	\$ 6,995.00		0
8	Service Gas Lines		\$ 10,231.00	0
9	Existing Communications Facilities	\$ 14,496.00		0
10	Expansion Slab	\$ 3,326.00		0
11	Electrical Appurtenances		\$ 12,381.00	5
12	Temporary Baggage Handling Building		\$ 38,686.00	0
13	Scope Change (Add Alt #3)	\$ -		0
Proposed Change Order No. 4 Total =		\$	17,736.00	14

STANDARDIZED RECOMMENDATION FORM

City Commission X
Utility Board _____
Other Board _____

Agenda Item 3D
Date Submitted 03/19/13
Meeting Date 03/25/13

1. **Agenda Item:** Rescind Award of Purchase Contract for Project No. 02-13-P16-35 – ITEM 2b (1/2 Ton Extended Cab, 2WD) - Purchase of New 2013 Vehicles for various City Departments and McAllen Public Utilities

2. **Party Making Request:** Public Works

3. **Nature of Request:** (Brief Overview) Attachments: X Yes No
Request authorization to rescind award of contract to Randell Reed's Prestige Ford, Garland, Texas on the aforementioned and award to lowest bidder Caldwell Country Ford, Caldwell, Texas.

4. **Policy Implication:** City Commission, Local Government Code

5. **Budgeted:** X Yes No N/A

Bid Amount: \$21,004 Budgeted Amount: \$28,000

6. **Alternate option/costs:** _____

7. **Routing:**

<u>Name/Title</u>	<u>Initial</u>	<u>Date</u>	<u>Concurrence</u>
a.) C. Sanchez, Dir. Of PW	<u>CAS</u>	<u>03/19/13</u>	<u> YES </u>
b.) S. Zamora, CPM, Dir. Of Purchasing	_____	_____	_____
c.) W. Smith, Asst. City Manager	<u> WS </u>	<u>03/19/13</u>	<u> YES </u>
d.) J.W. Dale, CPA, Finance Director	_____	_____	_____

8. **Staff's Recommendation:** Staff recommends rescinding award of purchase contract to Randell Reed's Prestige Ford on Item 2b and award contract to Caldwell Country Ford of Caldwell, Texas at a unit cost of \$21,004.

9. **Advisory Board:** Approved Disapprove None

10. **City Attorney:** KP Approved Disapprove None

11. **City Manager:** MRP Approved Disapprove None

To: Mike R. Perez, City Manager

From: Carlos A. Sanchez, P.E., CFM, CPM, Public Works Director

Date: March 19, 2013

Subject: Rescind Award of Purchase Contract for Project No. 02-13-P16-35 – ITEM 2b (1/2 Ton Extended Cab, 2WD) - Purchase of New 2013 Vehicles for various City Departments and McAllen Public Utilities

GOAL:

Fleet Operations is seeking authorization to rescind award recommendation to Randell Reed's Prestige Ford on the above mentioned item and award to lowest bidder; Caldwell Country Ford of Caldwell, Texas.

BRIEF EXPLANATION:

On March 11, 2013, City Commission awarded the above referenced purchase contract to Randell Reed's Prestige Ford of Garland, Texas meeting all specifications. The specifications called for a V6 Cylinder Engine and the lowest bidder submitted a bid equipped with a V8 Cylinder Engine thus exceeding specification. The awarded vendor Randell Reed's Prestige Ford priced bid was \$22,860. The new recommended vendor Caldwell Country Ford of Caldwell, Texas submitted a bid for \$21,004. This represents a savings of \$1,856.

OPTIONS:

1. The City Commission may elect to rescind and re-award contract as recommended by staff.
2. The City Commission may elect to decline recommendation and proceed as previously awarded.

RECOMMENDATION:

Staff recommends rescinding award of purchase contract to Randell Reed's Prestige Ford on Item 2b and award contract to Caldwell Country Ford of Caldwell, Texas at a unit cost of \$21,004.



eBid eXchange Export

Solicitation: 02-13-P16-35 PURCHASE OF THIRTY-TWO (32) 2013 VEHICLES

Bid Opening: February 07, 2013 at 3:00 p.m.

						PHILPOT MOTORS NEDERLAND, TX	★ CALDWELL COUNTRY FORD CALDWELL, TX	RANDELL REED'S PRESTIGE FORD GARLAND, TX	GRANDE TRUCK CENTER SAN ANTONIO, TX	CALDWELL COUNTRY CHEVROLET CALDWELL, TX					
No.	Internal Ref. No.	Type	Description	UOM	QTY	Unit Price	Ext. Amount	Unit Price	Ext. Amount	Unit Price	Ext. Amount	Unit Price	Ext. Amount		
MAKE & MODEL :						2013 FORD F150	2013 FORD F150	2013 FORD F-150 EXT CAB WITH CAMPER/LEER MODEL	NO BID		2013 CHEVROLET 1/2 EXT CAB				
4	072-02	BASE	ITEM NO. 2b - ONE (1) ½ T EXT. CAB P/U TRUCKS ; 6 CYL, LONGBED, 2WD WITH CAMPER BED LINER (P-1)	EA	1	\$21,524.00	\$21,524.00	★ \$21,004.00	\$21,004.00	\$22,860.00	\$22,860.00	NO BID	NO BID	\$26,100.00	\$26,100.00
DELIVERY :						90-120 DAYS	90-120 DAYS	65-75 DAYS		N/A		NOT SPECIFIED			

STANDARDIZED RECOMMENDATION FORM

City Commission X
Utility Board _____
Other Board _____

Agenda Item 3E
Date Submitted 03/19/13
Meeting Date 03/25/13

1. **Agenda Item:** Purchase of One (1) Pre-Owned Model Trommel Screen for the Composting Facility of Public Works – Project No. 02-13-P17-21.

2. **Party Making Request:** Public Works – Sanitation Department

3. **Nature of Request:** (Brief Overview) Attachments: X Yes No
Consideration and approval of purchase of One (1) Pre-Owned Model Trommel Screen awarded to McCourt & Sons Equipment, La Grange Texas. (See attached tabulation sheet).

4. **Policy Implication:** City Commission; Local Government Code

5. **Budgeted:** X Yes No N/A

Sanitation Depreciation Fund FY '12 - '13

\$320,000.00 502-4280-446-66-20

6. **Alternate option/costs:** _____

7. **Routing:**

	<u>Name/Title</u>	<u>Initial</u>	<u>Date</u>	<u>Concurrence</u>
a.)	C. Sanchez, Dir. Of PW	<u>CAS</u>	<u>03/19/13</u>	<u>YES</u>
b.)	S. Zamora, CPM, Dir. Of Purchasing	_____	_____	_____
c.)	W. Smith, Asst. City Manager	_____	_____	_____
d.)	J.W. Dale, CPA, Finance Director	_____	_____	_____

8. **Staff's Recommendation:** Staff recommends award of purchase contract to the low bidder meeting the requirements of the specifications, McCourt & Sons Equipment of La Grange, TX for a pre-owned 2012 McCloskey 621RE Trommel Screen for a base unit cost of \$237,750. Award includes Optional Equipment bid items 4, 5, 6, and 7 for an added cost of \$30,725 for an aggregate purchase price of \$268,475. Staff recommends approval of vendor's exception to the specified load height for the hopper of 9 feet – 6 inches as this does not impact the operation of the equipment. Staff will file a supplemental claim with TML Risk Pool based on the actual replacement cost of this trommel screen and seek to increase its reimbursement up to the insured valued of \$174,900.

9. **Advisory Board:** Approved Disapprove None

10. **City Attorney:** KP Approved Disapprove None

11. **City Manager:** MRP Approved Disapprove None

TO: Mike R. Perez, City Manager
FROM: Carlos A. Sanchez, P.E., CFM, Public Works Director
DATE: March 19, 2013
SUBJECT: Award of Contract for Purchase of One (1) Pre-Owned Model Trommel Screen for the Composting Facility of Public Works. Project No. 02-13-P17-21

GOAL:

To authorize the purchase of one (1) pre-owned model Trommel Screen for the Composting Facility of Public Works.

BRIEF EXPLANATION:

This purchase will provide a replacement unit for the trommel screen that was lost in a fire in August, 2012. An insurance claim for the loss of the Trommel Screen was submitted to the Texas Municipal League Inter-Government Risk Pool. A reimbursement of \$77,450.00 has been issued to date based on the \$174,900 initial purchase cost of the unit in 2003. A supplemental insurance claim will be filed with TML to increase reimbursement based on the actual replacement cost and up to the insured valued of \$174,900.

The City's Composting Facility grinds, screens, and composts all vegetative solid waste. Approximately 30,000 cubic yards of compost and mulch are screened annually. By grinding, screening, and then composting the brush/yard trimming rather than transporting to the landfill, the City realizes a cost avoidance of approximately \$610,694.00 (FY 11-12). Additionally, the City sells the compost and mulch to landscapers, farmers, and residents. Compost and mulch sales for FY 11-12 generated over \$181,000 in revenue.

Public Works through the Purchasing & Contracting Department solicited formal bids for the purchase of One (1) New or Pre-owned Model Trommel Screen and on February 21, 2013 received a total of eight bids. Four (4) vendors submitted base and optional equipment bids for New equipment and three (3) vendors submitted a total of four (4) base and optional equipment bids for the Pre-Owned equipment.

The apparent low bidder Holt Cat does not meet the specifications as it relates to output capacity and unit's drum size. Powerscreen Texas Inc. submitted a bid for pre-owned unit which does not meet specifications; lacking equipment options that add versatility and efficiency to the unit's operation. The lowest bid meeting the specifications was submitted by McCourt & Sons Equipment of La Grange, TX for a pre-owned McCloskey 621RE Trommel Screen at a unit cost of \$237,750. The McCloskey 621RE offers the radial fines conveyor as a standard feature to the machine. When compared to the Vermeer TR521 unit as submitted by Vermeer Texas; the added cost for the radial feature puts the total bid amount for the pre-owned Vermeer TR521 at \$265,429. McCourt & Sons submitted a separate bid for a pre-owned equipment but this unit exceeded the 1,500 machine hours threshold set as a specification.

Options:

- 1) The City Commission may elect to award the purchase contract as recommended by staff below.
- 2) City Commission may elect to reject all bids and direct staff to re-bid this project.

RECOMMENDATION:

Staff recommends award of purchase contract to the low bidder meeting the requirements of the specifications, McCourt & Sons Equipment of La Grange, TX for a pre-owned 2012 McCloskey 621RE Trommel Screen for a base unit cost of \$237,750. Award includes Optional Equipment bid items 4, 5, 6, and 7 for an added cost of \$30,725 for an aggregate purchase price of \$268,475. Staff recommends approval of vendor's exception to the specified load height for the hopper of 9 feet – 6 inches as this does not impact the operation of the equipment. Staff will file a supplemental claim with TML Risk Pool based on the actual replacement cost of this unit and seek to increase reimbursement up to the insured value of \$174,900 minus the \$10,000 deductible.

A copy of the bid tabulation is attached for your review. If you should have any questions or require additional information, please advise.

**BID OPENING ON FEBRUARY 21, 2013 AT 3:00 P.M.
CITY HALL LARGE CONFERENCE ROOM (2ND FLOOR)**

Created by EAM 02/22/13/UPDATED 03/05/13 EM

PROJECT NO. 02-13-P17-21 PURCHASE OF ONE (1) NEW CURRENT MODEL TROMMEL SCREEN										POWERSCREEN TEXAS INC. LA GRANDE, TX		HOLT CAT WESLACO, TX.		★ MCCOURT & SONS EQUIPMENT LA GRANDE, TX.		★ MCCOURT & SONS EQUIPMENT LA GRANDE, TX.		MCCOURT & SONS EQUIPMENT LA GRANDE, TX.		H-GAC WAUKESHA PEARCE IND., INC. EDINBURG TX.		BUYBOARD VERMEER TEXAS- LOUISIANA ALAMO, TX.	
ITEM NO.	INTERNAL REFERENCE NO.	TYPE	DESCRIPTION	UOM	QTY	TOTAL PRICE	COMMENTS	TOTAL PRICE	COMMENTS	TOTAL PRICE	COMMENTS	TOTAL PRICE	COMMENTS	TOTAL PRICE	COMMENTS	TOTAL PRICE	COMMENTS	TOTAL PRICE	COMMENTS	TOTAL PRICE	COMMENTS		
YEAR/MFG/MODEL						2011 POWERSCREEN 2100 PHOENIX		2013 SCREEN MACHINE 612 W		2013 MCCLOSKEY 631RE NEW						NEW 2012 DOPPSTADT SM720		2013 VERMEER TR521		TIER 4			
1	515-67	BASE	BASE BID ITEM NO. 1: PURCHASE OF ONE (1) NEW AND UNUSED CURRENT MODEL (CM) TROMMEL SCREEN. SPECIFY YEAR, MAKE AND MODEL IN MANUFACTURER COLUMN. SPECIFY: WARRANTY TERMS/CONDITIONS, PARTS AND SERVICE INFORMATION, AND INSTALLATION FACILITY IN THE COMMENT AREA.	EA	1	NO BID		\$146,173.00	BASE BID#1 INCLUDES BASE BID #2	\$243,750.00	McCloskey 621RE New		NO BID		NO BID	\$257,897.90		\$251,339.00			2013 Vermeer TR521 tier4		
2	515-67	BASE	BASE BID ITEM NO. 2 (OPTIONAL EQUIPMENT): QUICK CONNECT COUPLER	EA	1	NO BID	NO CHARGE		INCLUDED WITH BASE BID #1	\$0.00	Not Applicable		NO BID		NO BID	\$7,472.00					NO RESPONSE		
3	515-67	BASE	BASE BID ITEM NO. 3 (OPTIONAL EQUIPMENT) - SPARE SCREEN DRUM: ¼" Screen Production Capacity: Compost - 100 Cubic Yards Per Hour Mulch-50 Cubic Yards Per Hour	EA	1	NO BID		\$5,900.00	3/8 screen only	\$28,233.00	McCloskey New Drum		NO BID		NO BID	\$23,705.00					6 panels 1/4 Stainless Steel Screen		
4	515-67	BASE	BASE BID ITEM NO. 4 (OPTIONAL EQUIPMENT) - RADIAL FINES CONVEYOR: 36" wide vulcanized belt supported by closely spaced picking and standard equal length idlers. Full remote control of 180° radial stockpiling and raise/lower and fold/unfold operations	EA	1	NO BID		NO BID	NOT AVAILABLE	★ \$0.00	Included on Standard 621RE		NO BID		NO BID		NO BID			\$31,929.00	Vermeer		
5	515-67	BASE	BASE BID ITEM NO. 5 (OPTIONAL EQUIPMENT) - VACUUM - WIND SIFTER Remove paper, plastics and other light fractions in fines conveyor.	EA	1	NO BID		NO BID	NOT AVAILABLE	★ \$24,350.00	21350 McCloskey Vacuum System		NO BID		NO BID	\$24,234.00	Installed on Oversized Conveyer			\$21,982.00	2010 Airlift AL200-15		
6	515-67	BASE	BASE BID ITEM NO. 6 (OPTIONAL EQUIPMENT) - WIND BREAK ATTACHMENT - FINES CONVEYOR	EA	1	NO BID		NO BID	NOT AVAILABLE	★ \$2,625.00	McCloskey Supplied		NO BID		NO BID		NO BID			\$1,000.00			
7	515-67	BASE	BASE BID ITEM NO. 7 (OPTIONAL EQUIPMENT) - REVERSIBLE FAN: For Radiator Cooling System. Specify.	EA	1	NO BID		NO BID	NOT AVAILABLE	★ \$3,750.00	Caterpillar Option for C4.4 Engine		NO BID		NO BID	\$0	Included in base price.			\$0.00	included		
YEAR/MFG/MODEL						2011 Powerscreen 2100 Phoenix						2012 MCCLOSKEY 621RE USED		2011 MCCLOSKEY 621RE USED						2012 Vermeer TR521 Tier 4 40hrs			
8	515-67	BASE	ALTERNATE ITEM NO. 1: PRE-OWNED MODEL TROMMEL SCREEN	EA	1	\$175,000.00		NO BID		NO BID	★ \$237,750.00		\$205,000.00		NO BID						\$224,500.00		
TOTAL BASE BID (INCLUDING OPTIONAL EQUIPMENT)						\$0		\$152,073		\$302,708		\$237,750		\$205,000		\$313,309				\$314,476			
ADDENDUM 1						SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED				SUBMITTED			
ADDENDUM 2						SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED				SUBMITTED			
BID BOND (5%)						CASHIERS CHECK		SUBMITTED		CASHIERS CHECK		CASHIERS CHECK		CASHIERS CHECK		CASHIERS CHECK				NOT REQUIRED			
DELIVERY						21 DAYS (USED MACHINE)		60 DAYS		21 DAYS		IMMEDIATELY		14 DAYS		10 DAYS				30-60 DAYS ARO/ 3 WKS ARO	2		
HARDCOPY SUBMITTAL						SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED				SUBMITTED			
ELECTRONIC BID SUBMITTAL						SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED		SUBMITTED				SUBMITTED			



**CITY OF MCALLEN
DEPARTMENT OF ENGINEERING
MEMORANDUM**

To: Mike R. Perez, City Manager

From: Zef Mendoza, Construction Manager

Through: Yvette Barrera, P.E., CFM, City Engineer *Yvette Barrera*

Date: March 15, 2013

Subject: Award of Contract – Removal / Purchase and Installation of three (3) Lebert HVAC Systems to include hail guards – Project #02-13-C10-119

Goal:

The Goal is to award the construction contract for the Removal / Purchase and Installation of three (3) Lebert HVAC systems to include hail guards to the low bidder.

Brief Explanation:

On Friday, February 21, 2013, the Purchasing and Contracting Department received three (3) bid proposals for the above referenced project. The project will consist of replacing one (1) 3 ton HVAC units, the installation of two (2) 8 ton Lebert HVAC units and one (1) 3 ton Lebert HVAC units. These Lebert HVAC units are specialized systems for server rooms and critical area that must be kept at certain temperatures.

A copy of the detail bid tabulation is included for your reviewing and consideration.

Below is a summary of the bid tabulation:

	Base Bid	Contingency Allowance	Total Bid Including
Contingency			
Texair Company, Inc.	\$106,000.00	\$4,500.00	\$110,500.00
Central Air & Heating Service Inc.	\$132,000.00	\$4,500.00	\$136,500.00
Victoria Air Conditioning, Ltd.	\$159,730.00	\$4,500.00	\$164,230.00

- Options:**
- 1.) - The City Commission may choose to award contract
 - 2.) - Or choose to reject bids and re advertise the project.







Recommendation – The Engineering Department recommends award of contract to the low bidder, **Texair Company, Inc.** of McAllen, Texas, for total amount of **\$110,500.00**, subject to a budget amendment.

BID OPENING: FEBRUARY 21, 2013 AT 3:00 PM

LOCATION: CONFERENCE ROOM (2nd FLOOR) McALLEN CITY HALL

PROJECT: 02-13-C10-119 McALLEN CENTRAL FIRE STATION - HVAC UPGRADE

Created by EAM 02/24/13

ITEM	DESCRIPTION	UOM	QTY	 TEXAIR COMPANY, INC. MCALLEN, TX. MCALLEN, TX	CENTRAL AIR & HEATING SERVICE INC. HARLINGEN, TX. HARLINGEN, TX	VICTORIA AIR CONDITIONING, LTD. VICTORIA, TX. VICTORIA, TX
1	BASE BID: Purchase/Installation of three (3) Lebert HVAC systems to include hail guards & removal of one existing (1) Lebert HVAC system. Labor, materials, services, & equipment necessary for completion of work shown on the drawings and the specifications.	LS	1	 \$106,000	\$132,000	\$159,730
2	BASE BID: CONTINGENCY ALLOWANCE: PLEASE ENTER \$4,500 FOR THIS LINE	LS	1	 \$4,500	\$4,500	\$4,500
TOTAL BASE BID AMOUNT:				 \$110,500	\$136,500	\$164,230
ADDENDUM NO. 1:				ACKNOWLEDGED	ACKNOWLEDGED	NOT ACKNOWLEDGED
ADDENDUM NO. 2:				ACKNOWLEDGED	ACKNOWLEDGED	NOT ACKNOWLEDGED
NUMBER OF DAYS TO COMPLETE PROJECT:				12 WEEKS	 60 WORKING DAYS	 180 DAYS
BID BOND:				SUBMITTED	SUBMITTED	SUBMITTED
ELECTRONIC BID SUBMITTED:				SUBMITTED	SUBMITTED	SUBMITTED
PAPER COPY SUBMITTED:				SUBMITTED	SUBMITTED	SUBMITTED

 Number of days to complete project is not specified in paper copy submitted by this contractor.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 3G
DATE SUBMITTED 03/19/13
MEETING DATE 03/25/13

- 1. Agenda Item: McAllen Development Center Renovations – award of contract
- 2. Party Making Request: Engineering Department
- 3. Nature of Request: (Brief Overview) Attachments: X Yes No

Consideration and approval of award of contract to the lowest, responsive, responsible bidder, Peacock General Contractors, Inc. in the amount of \$1,979,000.00 which includes the base bid plus five (5) alternates. Construction activities are scheduled to be completed within one hundred and thirty (130) working days.

- 4. Policy Implication: City Commission Policy, Local Government Code
- 5. Budgeted: X Yes No N/A Account No.: 300 8708 416 66 10 ID# BB1201
- 6. Alternate Option/Costs The City Commission may elect to reject bids and re-advertise the project.

Budget: \$ 2,180,000.00
Low Bid: \$ 1,979,000.00

7. Routing:

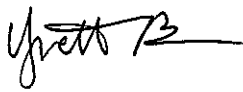
	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Yvette Barrera, PE, City Engineer</u>	<u> YB </u>	<u> 03.19.13 </u>	<u> YES </u>
b.)	<u>Sandra Zamora, Director of Purchasing</u>	<u> SZ </u>	<u> 03.19.13 </u>	<u> YES </u>
c.)	<u>J.W. Dale, Director of Finance</u>	<u> JD </u>	<u> 03.19.13 </u>	<u> YES </u>
d.)	<u>Roy Rodriguez, Assistant City Mngr.</u>	<u> RR </u>	<u> 03.19.13 </u>	<u> YES </u>

8. Staff Recommendation: **Staff recommends approval of contract to Peacock General Contractors, Inc. in the amount of \$ 1,979,000.00.**

- 9. Advisory Board: Approved Disapproved X None
- 10. City Attorney: KP Approved Disapproved None
- 11. Manager's Recommendation: MRP Approved Disapproved None



CITY OF MCALLEN
DEPARTMENT OF ENGINEERING
ARCHITECTURAL DIVISION
MEMORANDUM

To: Mike R. Perez, City Manager
From: Yvette Barrera, P.E., City Engineer 
Date: March 19, 2013
Subject: Award of Contract - McAllen Development Center Renovations

Goal
City staff recommends award of contract for general interior renovations and additions for the Old City Hall facility to the lowest, responsive, responsible bidder.

Brief Explanation
On March 14, 2013 the Purchasing and Contracting Department received four (4) bid proposals for the above referenced project. The four bidders are identified in the attached spreadsheet base bids ranged from \$ 1,953,000 to \$ 2,173,500. The apparent low bidder proposes to be complete within 130 working days.

The project consists of interior renovations composed of elevator installation, installation of new foundation, metal stud wall erection and finishing, millwork, new mechanical, electrical and plumbing systems along with miscellaneous metal and wood work and exterior lighting improvements.

A copy of the bid tabulation is attached for your review and consideration.

City staff has spoken with a representative of the apparent low bidder, Peacock Construction. They have completed several construction projects for local municipal governments.

- Options:**
- 1.) The City Commission may choose to award contract the lowest, responsive, responsible bidder.
 - 2.) The Commission may choose to reject bids and re-advertise the project.

Recommendation - Staff along with ROFA Architectural Consultants recommends award of contract to the low bidder, Peacock General Contractors, Inc. of Harlingen, Texas, for the base bid plus alternate bid items 1 through 5 for a Total Contract amount of \$1,979,000.00 allowing one hundred and thirty (130) working days to complete the work.



★ Recommended Contractor for Award

Bid Opening : March 14, 2013 at 3:00 p.m.

Updated by: eam 03/14/13

Project No. 03-13-C13-237 McAllen Development Center Renovations

						PEACOCK GENERAL CONTRACTORS, INC. ★ HURLINGEN, TX.	HIGHMARK CONSTRUCTION MCALLEN, TX.	ECON GROUP EDINBURG, TX	RIGNEY CONSTRUCTION DEVELOPMENT LLC EDINBURG, TX
LINE ITEM	CLASS ITEM	Type	Description	UOM	QTY	TOTAL AMT. BID	TOTAL AMT. BID	TOTAL AMT. BID	TOTAL AMT. BID
1	909-63	B	BASE BID: COMPLETE PROJECT- LUMP SUM AS PER PLANS, SPECIFICATIONS, AND SUMMARY.	LS	1	★ \$1,953,000.00	\$2,100,000.00	\$2,100,000.00	△ \$2,173,500.00
2	909-63	A	ALTERNATE BID NO. 1-ADD: Add windows on second floor: That amount to provide labor and material to add windows on second floor as indicated on drawings.	LS	1	★ \$4,100.00	\$3,000.00	\$3,000.00	\$3,300.00
3	909-63	A	ALTERNATE BID NO. 2-ADD: Add extruded aluminum canopy: That amount to provide labor and material to add an extruded aluminum canopy as indicated on drawings.	LS	1	★ \$15,000.00	\$12,000.00	\$13,638.00	\$13,083.00
4	909-63	D	ALTERNATE NO. 3-DEDUCT: Toilet Accessories	LS	1	★ \$0.00	-\$1,500.00	\$0.00	-\$1,816.00
5	909-63	A	ALTERNATE NO. 4-ADD: High Pressure Plastic Laminate to Millwork.	LS	1	★ \$2,900.00	\$2,400.00	\$2,673.00	\$2,552.00
6	909-63	A	ALTERNATE NO. 5-ADD: Gypsum Furr-Down at Tax Office Counter.	LS	1	★ \$4,000.00	\$5,000.00	\$3,789.00	\$3,964.00
7	909-63	A	ALTERNATE NO. 6-ADD: Specification Section 270004 Room Reservation System.	LS	1	\$40,000.00	NO BID	\$35,508.00	NO BID
TOTAL ADD ALTERNATES 1-6						\$66,000.00	\$20,900.00	\$58,608.00	\$21,083.00
GRAND TOTAL (BASE BID TO INCLUDE ALTERNATES)						\$2,019,000.00	\$2,120,900.00	\$2,158,608.00	\$2,194,583.00
GRAND TOTAL (BASE BID TO INCLUDE ALTERNATES)						★ \$1,979,000.00	\$2,120,900.00	\$2,123,100.00	\$2,194,583.00
NUMBER OF DAYS TO COMPLETE CONTRACT						130 DAYS	130 DAYS	130 DAYS	130 DAYS
BID BOND						SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED
ADDENDUMS						ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED
SUBMITTED ELECTRONIC COPY:						SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED
SUBMITTED HARD COPY:						SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 3h
DATE SUBMITTED 03/18/13
MEETING DATE 03/25/13

1. Agenda Item: International Museum of Arts and Science (IMAS) Façade and Site Improvements – Reject Bids

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No

The low bidder, All Pro Contractors, Inc. failed to execute the contract. All authorization to higher than what was budgeted for this project; staff requests authorization to re-bid.

4. Policy Implication: City Commission Policy, Local Government Code

5. Budgeted: X Yes No N/A Account No.: 110 8702 466 66 99 ID# NP1204

6. Alternate Option/Costs N/A

7. Routing:

NAME/TITLE INITIAL DATE CONCURRENCE

a.) Yvette Barrera, PE, City Engineer YB 03/19/13 YES

b.) Sandra Zamora, Director of Purchasing SZ 03/19/13 YES

c.) J.W. Dale, Director of Finance JD 03/19/13 YES

d.) Roy Rodriguez, Assistant City Mngr. RR 03/19/13 YES

8. Staff Recommendation: **Staff recommends to re-advertising the project.**

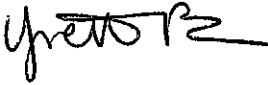
9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None



CITY OF MCALLEN
DEPARTMENT OF ENGINEERING
ARCHITECTURAL DIVISION
MEMORANDUM

To: Mike R. Perez, City Manager
From: Yvette Barrera, P.E., City Engineer 
Date: March 19, 2013
Subject: Award of Contract - IMAS Façade and Site Improvements

Goal

City staff seeks award of contract for general exterior improvements to the International Museum of Arts and Science eastern façade.

Brief Explanation

On January 28, 2013 the City Commission awarded a contract to All Pro Contractors. All Pro Contractors failed to execute the contract within the allocated time. After speaking with the representatives of the company and the architect of record, All Pro Contractors was unable to secure bonding for the job. Further attempts by staff to contact All Pro Contractors were unsuccessful.

Since all other bidders were in excess of the approved project budget, staff is recommending readvertise for this project. Additionally, City staff together with the architect, Milnet, will work on further clarifying and/or simplifying the intended design of the improvements to bring costs within budget.

Options:

- 1.) The Commission may re-advertise the project.
- 2.) The City Commission may award contract the next lowest, responsive, responsible bidder.

Recommendation - Staff along with Milnet Architectural Consultants recommends re-advertising the project.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 3i
DATE SUBMITTED 03/19/13
MEETING DATE 03/25/13

1. Agenda Item: **Additions and Renovations to the McAllen Public Safety Building Project – Consideration and Approval of Contract Amendment #1**

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No

Consideration and approval of Contract Amendment #1 to McAllen Public Safety Building Project.

4. Policy Implication: City Commission Policy, Local Government Code

5. Budgeted: X Yes No N/A Account No.: 300 8708 426 66 10 ID# BB1302 (\$2,500,000.00)

6. Alternate Option/Costs;	Original Contract	\$ 175,000.00
	<u>Proposed CA#1</u>	<u>\$ 24,000.00 (not to exceed)</u>
	Revised Contract Amount	\$ 199,000.00

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
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a.) Yvette Barrera, PE, City Engineer YB 03.19.13 YES

a.) Victor Rodriguez, Chief of Police VR 03.19.13 YES

b.) Sandra Zamora, CPM, Dir. of P & C SZ 03.19.13 YES

c.) J.W. Dale, Director of Finance JD 03.19.13 YES

d.) Roy Rodriguez, Assistant City Mngr. RR 03.19.13 YES

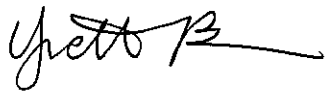
8. Staff Recommendation: **Staff recommends approval of Contract Amendment #1 with Milnet Architectural Services, PLLC for the services described in the attached proposal agreement – FF&E.**

9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer 

Date: March 19, 2013

Subject: **Additions and Renovations to the McAllen Public Safety Building project – Consideration and Approval of Contract Amendment #1**

GOAL

Staff requests consideration and approval of an amendment to the contract with Milnet Architectural Services, PLLC for a revised scope of services for the Additions and Renovations to the McAllen Public Safety Building Project.

EXPLANATION

On October 22, 2012, the City Commission awarded design services to Milnet Architectural Services, PLLC for additions and renovations to the McAllen Public Safety Building.

At this time, a request for additional services, beyond the basic services provided under the contract, is submitted for consideration. The scope of work includes inventory / assessment of existing furniture to be displaced and relocated or removed, space planning of both remodeled areas and new footprint areas, specification of new furniture, fixtures and any equipment that is required such as drinking fountains, dispensers or ice machines.

A budget for the furniture is being proposed so as not to exceed \$200,000 and the Architect of record is submitting a fee of \$24,000 for the proposed scope of work.

OPTIONS

1. Authorize staff to proceed with the amended contract as proposed.
2. Request that staff further negotiate fee structure by more clearly defining the scope of work.
3. Disapprove of request.

RECOMMENDATION

Staff recommends approval of Contract Amendment Number 1 to Milnet Architectural Services, PLLC.



PROPOSAL AGREEMENT – FF&E

City of McAllen
Additions and Renovations to the
McAllen Public Safety Building Project #08-12S73-288

Attn: Yvette Barrera, PE, CFM

Milnet Architectural Services is pleased to offer its services to the City of McAllen for the Additions and Renovations to the McAllen Public Safety Building Project #08-12-S73-288.

SCHEDULE A - SCOPE OF SERVICES

The scope of work that the project entails is for the new Furniture, Furnishings and Equipment Design and relocation of existing furniture. Reimbursable amounts will be for services such as printing of construction documents for bids. All in-house plots, faxes and communication are part of our base fee.

PROGRAMMING PHASE SERVICES

1. Gather information furnished by the Owner's designated representatives to aid the Architect in understanding the Owner's furniture, furnishings, equipment requirements and inventory of existing furniture to be relocated.

SCHEMATIC DESIGN PHASE SERVICES

1. Based on the approved written program, the Architect shall prepare the design concept for the furniture, furnishings and equipment of the Project, indicating the types and quality.
2. The Architect shall assist the Owner in the preparation of a preliminary Project schedule and estimate of the Cost of the Work.

DESIGN DEVELOPMENT PHASE SERVICES

1. Based on the approved Schematic Design, the Architect shall obtain product data and prepare illustrations for furniture, furnishings and equipment as may be appropriate for the Project, including specially designed items or elements, to indicate finished appearance and functional operation.
2. The Architect shall assist the Owner in the preparation of adjustments to the preliminary schedule and estimate of the Cost of the Work.



CONTRACT DOCUMENTS PHASE SERVICES

1. Based on the approved Design Development drawings and other documents, including schedule and estimate of the Cost of the Work, the Architect shall prepare Drawings, Specifications and other documents required to describe the requirements for the fabrication, procurement, shipment, delivery and installation of furniture, furnishings and equipment for the Project. The drawings will indicate existing furniture to be relocated by City or vendor.

BID PHASE SERVICES

1. The Architect shall assist the Owner in establishing a list of proposed vendors for furniture, furnishings and equipment.
2. The Architect shall assist the Owner in obtaining bids for furniture, furnishings and equipment.
3. The Architect shall prepare written responses to questions from vendors preparing bids and provide written clarifications and interpretations of the Quotation Documents in the form of addenda.
4. The Architect shall assist the Owner in the review of bids including conformance with the design concept expressed in the Contract Documents.
5. The Architect shall assist the Owner in awarding and preparing agreements with vendors.

CONTRACT ADMINISTRATION PHASE SERVICES

1. The Architect shall review and approve or take other appropriate action upon a Vendor's submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents.
2. The Architect shall review final placement and inspect for damage, quality, assembly and function in order to determine that furniture, furnishings and equipment are in accordance with the requirements of the Contract Documents. The Architect may recommend to the Owner acceptance or rejection of furniture, furnishings and equipment.
3. The Architect shall visit the Project premises at intervals appropriate to the stage of the Vendor's installation to become generally familiar with the progress and quality of the portion of the Work completed, and to determine, in general, if the Work observed is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. The Architect shall not have control over, charge of, or be responsible for the means, methods, techniques, sequences or procedures of fabrication, shipment, delivery or installation, or for the safety precautions and programs in connection with the Work, as these are solely the Vendor's rights and responsibilities under the Contract Documents.



SCHEDULE B - FEE

As requested, we are providing you with the following design fee for the aforementioned project:

DESCRIPTION	COST
Design Fee for Furniture, Furnishings & Equipment (FF&E)	12% of FF&E Cost & Installation (Not to exceed \$200,000.00 of actual FF&E cost and installation)

Payment shall be due net thirty (30) days upon completion, according to the following schedule:

<u>Percentage of Total Contract Billing By Phase</u>	<u>Completion Point - Tentative Dates</u>
10%	Schematic Design Set for Review.
25%	Design Development Set for Review.
40%	Construction Documents for Bids.
05%	Bidding
20%	Construction Observation.

Neither Milnet, nor their agents or employees shall be jointly, severally, or individually liable to the Client (City of McAllen), in excess of the compensation to be paid pursuant to this Agreement, by reason or any act or omission, including breach of contract or negligence not amounting to a willful or intentional wrong.

Thank you again for the opportunity to be of service. Should you have any questions regarding this proposal, please contact our company at (956) 688-5656 or via email at rudym@milnet-archservices.com

Sincerely,

Rodolfo R. Molina, A.I.A.
 President
 Milnet Architectural Services, PLLC

Client Approval:

 Print Name

 Date

 Signature

Note to Client: The Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337 or 333 Guadalupe, Suite 2-350, Austin, Texas 78701-3942, (512) 305-9000, has jurisdiction over individuals licensed under the Architect's Registration Law, Texas Civil Statutes, Articles 249a.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 35
DATE SUBMITTED 03/18/13
MEETING DATE 03/25/13

1. Agenda Item: Request to approve Change Order No. 1 to Hurricane Fence Company of Harlingen, Texas in the amount of \$44,900 for columns to be added to the fencing along Tamarack at Municipal Park and 30 additional work days.
Project Number: 300-8708-466-66.30 CPO703

2. Party Making Request: Parks and Recreation Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No

To add columns to the fencing approved by the Commission along Tamarack at Municipal Park for an approximate cost of \$44,900.

4. Policy Implication: City Commission Policy, Local Government Code

5. Budgeted: X Yes No N/A

Funding Source: 300-8708-466.66-30 CP0703

Original Contract Amount	\$91,473.00
Change Order No. 1	\$44,900.00 (General Fund)
Revise Contract Amount:	\$136,373.00

6. Alternate Option/Costs: To not add the columns

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>S. Gavlik, Dir. Parks/Rec</u>	<u>sg</u>	<u>3-18-13</u>	<u>yes</u>
b.)	<u>D. Melaas, Deputy. Dir. Parks</u>	<u>dm</u>	<u>3-18-13</u>	<u>yes</u>
c.)	<u>Sandra Zamora, Dir. Purchasing</u>	_____	_____	_____
d.)	<u>Jerry Dale, Finance Director</u>	_____	_____	_____
e.)	<u>Brent Branham, Dep. City Mgr.</u>	_____	_____	_____

8. Staff Recommendation: Approval of change order No. 1 to Hurricane Fence Company in the amount of \$44,900.00 to be paid from the General Fund for columns added to the fencing at Municipal Park, and 30 additional work days.

9. Advisory Board: Approved Disapproved X None

10. City Attorney: KJ Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

MEMORANDUM

To: MIKE R. PEREZ, CITY MANAGER
From: SALLY GAVLIK, DIRECTOR
Subject: CHANGE ORDER NO. 1 – ADDITION OF COLUMNS TO THE UPGRADED FENCING FOR MUNICIPAL PARK
Date: MARCH 18, 2013

COMMENT

GOAL:

To approve the addition of columns to the fencing along Tamarack at Municipal Park and to approve the related Change Order No. 1.

DISCUSSION:

The Parks and Recreation Department secured bids for new fencing at Municipal Park. At the request of the Commission columns have been added to the design. The cost for the columns placed every 75 feet is approximately \$44,900 requiring an additional 30 workdays.

This change order request is for the additional columns that are being added to the project in the amount of \$44,900 and the additional 30 workdays.

RECOMMENDATION:

The Parks and Recreation Department recommends approval of the additional columns and the change order in the amount of \$44,900 for fencing at Municipal Park from the General Fund Balance, and an additional 30 workdays.

Patricia K. Chute

From: Sally Gavlik
Sent: Monday, March 18, 2013 1:36 PM
To: Patricia K. Chute
Subject: FW: Muni Fence

This needs to be added as an attachment to the agenda item.
sg

From: David P. Melaas
Sent: Thursday, March 14, 2013 9:39 AM
To: Sally Gavlik
Subject: FW: Muni Fence

From: Roy Garrison III [roy3@hurricanefencetx.com]
Sent: Tuesday, March 05, 2013 9:50 AM
To: David P. Melaas
Subject: Re: Muni Fence

Hello David!

I have gathered pricing for the columns and based the number off of a quantity of 25 columns, the pricing maybe different with an increase or decrease in columns. Material and labor for the columns would be \$ 1,700.00 each for 25 and we would require 25 additional posts and 100 additional brackets for the fencing at \$ 2400.00, I am including the bond fee in this pricing. Let me know if you have a different quantity and I can requote the columns. The fence panels are roughly 8' wide and I would space the columns evenly and avoid cutting the panels. We haven't seen a contract yet, what is the next step in this process?

Thank you,

Roy Garrison

Hurricane Fence Company

3440 Spur 54 P.O. Box 29

Harlingen, Texas 78551

Tel: 956-423-8364

Fax: 956-425-1306

<http://www.hurricanefencetx.com/>

From: David P. Melaas <dmelaas@mcallen.net>
To: "roy3@hurricanefencetx.com" <roy3@hurricanefencetx.com>
Sent: Monday, February 18, 2013 10:12 AM
Subject: FW: Muni Fence

Roy, the detail is attached. Please let me know a cost per column. I will get a count to you for the project.

From: Benny Cruz

Sent: Monday, February 18, 2013 10:10 AM

To: David P. Melaas
Subject: Muni Fence

Dave,

PDF you requested.

Thanks,
BC

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 3K
DATE SUBMITTED 03/19/13
MEETING DATE 03/25/13

- 1. Agenda Item: **Consideration and Approval of the New Performing Arts Center Development Design and Authorization to proceed to Construction Document Phase**
- 2. Party Making Request: Convention Facilities Department
- 3. Nature of Request: (Brief Overview) Attachments: X Yes No

Consideration and approval of Design Development Phase and authorization to proceed into the Construction Document Phase of Basic Services including increase in budget, the Fixed Limit of Budgeted Construction Cost (FLBCC), and Basis of Compensation for Architectural Services.

- 4. Policy Implication: City Commission Policy, Local Government Code
- 5. Budgeted: X Yes No N/A
Account No.: 300-8708-466.66-10 ID#BB1202
- 6. Alternate Option/Costs N/A

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Brent Branham, Deputy City Manager</u>	<u> BB </u>	<u>03.19.13</u>	<u> YES </u>
b.)	<u>Omar Rodriguez, MCC Director</u>	<u> OR </u>	<u>03.19.13</u>	<u> YES </u>

8. Staff Recommendation: **Staff recommends approval of Design Development Phase and authorization to proceed with the Construction Development Phase based on a Fixed Limit Budgeted Construction Cost of \$35,557,465 as delineated in Article 3 of the Agreement; and approval to change the Basis of Compensation for Architectural Services to be the lesser of 8.75% of actual Construction Cost or \$3,859,999 as delineated in Article 14 of the Agreement.**

- 9. Advisory Board: Approved Disapproved None
- 10. City Attorney: IP Approved Disapproved None
- 11. Manager's Recommendation: MRP Approved Disapproved None



inter-office

MEMORANDUM

city of mcallen

TO: MIKE R. PEREZ, CITY MANAGER

FROM: OMAR RODRIGUEZ, DIRECTOR

SUBJECT: NEW PERFORMING ARTS CENTER – APPROVAL OF DESIGN DEVELOPMENT PHASE

DATE: MARCH 19, 2013

Goal – Consideration and approval of the Design Development Phase and authorization to proceed with the Construction Development Phase.

History –ERO Architects began work on the project on January 13, 2012, which focused on confirmation of the City’s building program (*TPC Study – June 2011 est. cost \$39,980,000*), overall project design, and exterior building massing. On August 27, 2012 the City Commission authorized additional building elements and equipment to the program of work (Attachment – A). The Schematic Design Phase was completed on September 24, 2012, and authorization to proceed to the next phase was issued (*Est. cost \$34,721,405*). Over the last several months, the design team has been working on the Design Development Phase, which encompasses the development of the theatre interiors, overall size of the building and the character of the entire project. Accordingly, ERO Architects has presented the Design Development Documents for acceptance (*Est. cost \$33,725,827*). Additionally, the consultant has provided estimates on additional program elements for the Commission’s consideration in the amount of \$1,600,621, which would increase the Fixed Limit of Budgeted Construction cost to \$35,557,465.

As per our contract, the consultants require approval before proceeding to the next phase of design (Construction Document Phase).

Refer attached Phase Approval Form.

Options –

- 1.) Approve Design Services & authorize to proceed with the subsequent phase.
- 2.) Choose to revise the scope of work and adjust budget accordingly.

Recommendation – Staff recommends approval of Design Development Phase and authorization to proceed with a Construction Development Phase based on a Fixed Limit Budgeted Construction Cost of \$35,557,465 as delineated in Article 3 of the Agreement; and approval to change the Basis of Compensation for Architectural Services to be the lesser of 8.75% of actual Construction Cost or \$3,859,999 as delineated in Article 14 of the Agreement.

Performing Art Center Total Project Cost Estimate

McALLEN, TEXAS

PROGRAM OF WORK	Schematic Design (Estimate) Jan 23, 2012	Design Development (Estimate) Sep 24, 2012	Construction Document (Estimate) Mar 25, 2013
A Demolition	\$ -	\$ -	\$ -
B Building Shell	\$ 10,650,500	\$ 10,650,500	\$ 11,386,201
C Building Interiors	\$ 6,013,750	\$ 6,013,750	\$ 3,745,753
D Mechanical & Electrical Services	\$ 6,124,250	\$ 6,124,250	\$ 7,813,258
Total Building Element Cost A+B+C+D	\$ 22,788,500	\$ 22,788,500	\$ 22,945,212
Additional Building Elements Authorized August 27, 2012 (Attachment -A)		\$ 2,775,126	
Total Building Element Cost A+B+C+D+ Additional	\$ 22,788,500	\$ 25,563,626	\$ 22,945,212
E Performance Equipment & Seating	\$ 2,533,000	\$ 2,533,000	\$ 3,077,600
F Utilities (Allowance)	\$ 75,000	\$ 75,000	\$ 75,000
G Site work/Landscaping/Parking	\$ 425,000	\$ 425,000	\$ 3,024,304
H Extend Canopy	\$ 350,000	\$ 350,000	\$ 350,000
Sub-Total E+F+G+H	\$ 3,383,000	\$ 3,383,000	\$ 6,526,904
Canopy, Parking, & Vaquero Park Presented March 25, 2013 (Attachment - B)			\$ 1,600,621
Additional Performance Equipment Authorized August 27, 2012 (Attachment - A)		\$ 1,395,500	
Total Building Element Cost +E+F+G+H+ Additional	\$ 26,171,500	\$ 30,342,126	\$ 31,072,737
I Design/Pricing Contingency	0.00% \$ -	\$ -	\$ -
J General Conditions, overhead, Profit	10.00% \$ 2,617,150	\$ 3,034,213	\$ 3,107,274
K Cost Escalation to 3rd Quarter 2012 bid date	1.00% \$ 287,887	\$ 333,763	\$ 341,800
sub-total I+J+K	\$ 2,905,037	\$ 3,367,976	\$ 3,449,074
Total Bid Cost in 3rd QTR 2012 Dollars	\$ 29,076,537	\$ 33,710,102	\$ 34,521,811
L Construction Change Order (Betterment Fund)	3.00% \$ 872,296	\$ 1,011,303	\$ 1,035,654
FIXED LIMIT OF BUDGETED CONSTRUCTION COST (FLBCC)	\$ 29,948,833	\$ 34,721,405	\$ 35,557,465
M Architectural - Basic Services	8.75% \$ 2,620,523	\$ 3,038,123	\$ 3,111,278
N Special Consultants - Additional Services	2.50% \$ 748,721	\$ 748,721	\$ 748,721
Total Professional Services	\$ 3,369,244	\$ 3,786,844	\$ 3,859,999
O Professional Presentation Materials	lump \$ 25,000	\$ 25,000	\$ 25,000
P Reimbursable Expenses	1.00% \$ 290,765	\$ 290,765	\$ 290,765
Q Owners Expenses, Survey, Testing	1.00% \$ 290,765	\$ 290,765	\$ 290,765
Total Professional Service Expenses	\$ 606,531	\$ 606,531	\$ 606,531
Total Project Estimated Cost	\$ 33,924,607	\$ 39,114,780	\$ 40,023,995

ATTACHMENT – A
 ADDITIONAL BUILDING ELEMENTS & PERFORMANCE EQUIPMENT
 PRESENTED AUGUST 27, 2012

McAllen Performing Arts Center
 McAllen, Texas

APPROVED ADDITIONAL PROGRAM COST SUMMARY - August 27, 2012

1.0 Public Areas

1.1	Public Restrooms		
1.2	Restroom - Level 1 - Men & Women		
1.3	Restroom - Level 1 - Family		
1.4	Restroom - Level 3 - Family		
1.5	Janitor Closet - Level 3		
	Subtotal	\$	569,106

2.0 Large Hall

2.1	Mainstage	\$	683,563
2.2	Mainstage Rigging and Linesets ^E	\$	50,000
2.3	Orchestra Pit Lift 1 ^E	\$	350,000
2.4	Chair or Platform Storage (under stage)	\$	300,094
	Subtotal	\$	1,383,657

3.0 Multipurpose Room

3.1	Rehearsal Hall - multipurpose room		
3.2	Storage - Platform/misc.		
	Subtotal	\$	454,644

4.0 Orchestra Shell

4.1	Orchestra Shell ^E		
	Subtotal	\$	300,000

5.0 Public Areas

5.1	Donor/ VIP Lounge	\$	206,250
	Subtotal	\$	206,250

6.0 Primary Theatrical Equipment -(improved quality & quantity)

6.1	Variable Acoustics ^E	\$	185,000
6.2	Improved/ Increased Lighting Power and Control ^E	\$	15,500
6.4	Use of integrated video projection in theater ^E	\$	150,000
	Subtotal	\$	350,500

7.0 Large Hall

7.1	Control Room - Stage Manager		
7.2	Follow Spot Room		
	Subtotal	\$	75,375

8.0 Stage & Performer Support

8.1	General Storage		
8.2	Storage - general		
8.3	Wardrobe/ Costume		
8.4	Maintenance Shop		
8.5	Toilet/ Shower Rooms		
8.6	Restroom - offstage		
	Subtotal	\$	486,094

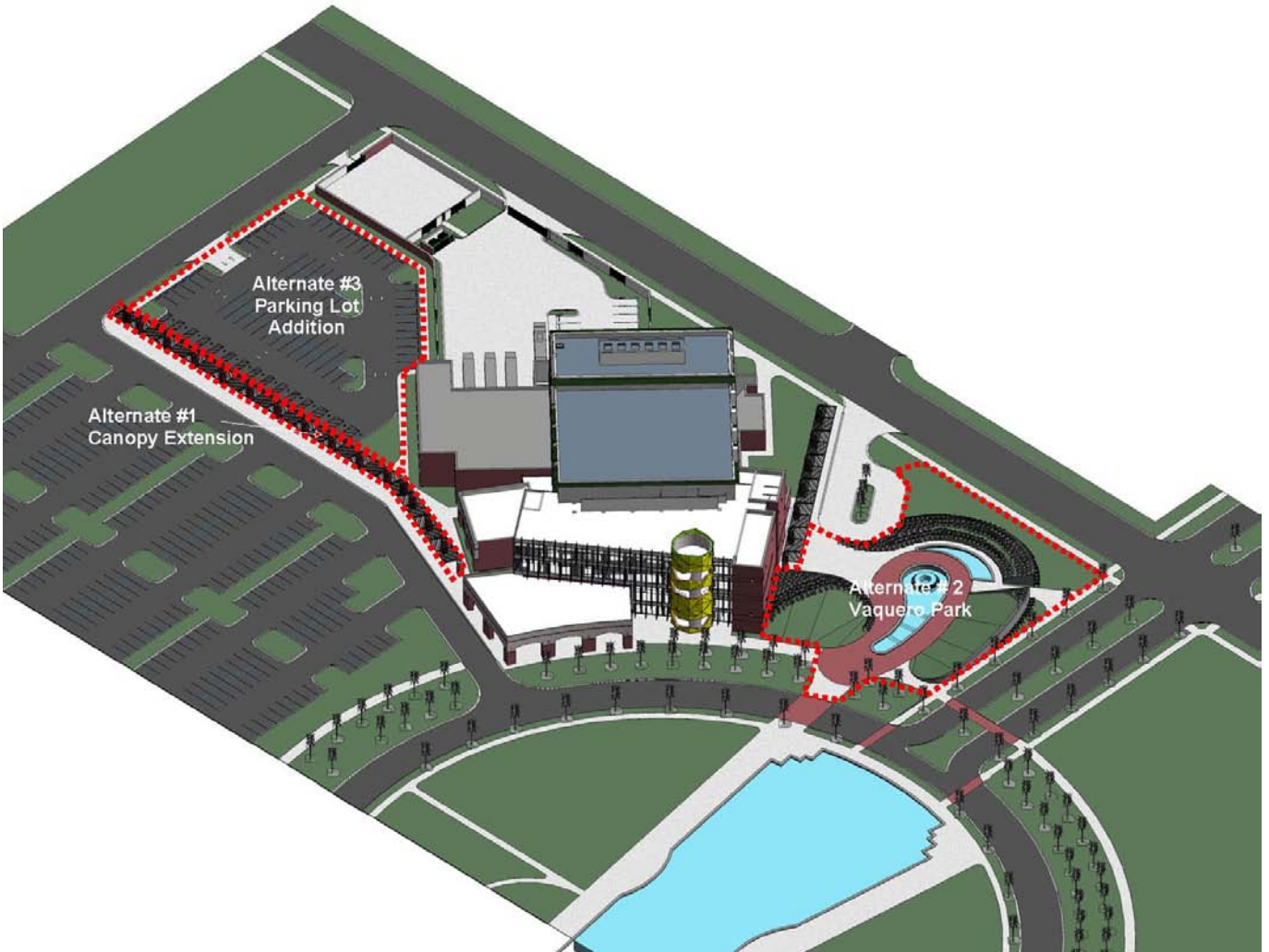
9.0 Secondary Theatrical Equipment

9.1	Improved/ increased Rigging ^E	\$	208,000
9.2	Improved/ Increased Audio/ Video ^E	\$	125,000
9.3	Improved/ Increased Theatrical Fixtures ^E	\$	12,000
	Subtotal	\$	345,000

	Subtotal - Additional Building Elements	\$	2,775,126
	Subtotal - Additional Performance Equipment ^E	\$	1,395,500
	Total	\$	4,170,626

ATTACHMENT – B
ADDITIONAL PROJECT ELEMENTS
PRESENTED MARCH 25, 2013

- | | |
|--------------------------------------|-----------|
| 1) Covered walkway to adjacent hotel | \$549,260 |
| 2) East Parking Lot | \$416,821 |
| 3) Vaquero Park | \$634,540 |



STANDARDIZED RECOMMENDATION FORM

4

CITY COMMISSION X
UTILITY BOARD _____
ADVISORY BOARD _____

AGENDA ITEM _____
DATE SUBMITTED 3/20/13
MEETING DATE 3/25/13

1. Agenda Item: BUDGET AMENDMENT - REMOVAL/PURCHASE AND INSTALLATION OF THREE (3) LEBERT HVAC SYSTEMS TO INCLUDE GUARDS-PROJECT #02-13-C10-119

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No
Consideration and approval of Budget Amendment Removal/Purchase & Installation of three Lebert HVAC Systems to include guards for the Central Fire Station

4. Policy Implication: City Commission Policy, Local Government Code.

5. Budgeted: X Yes No N/A

Funding Source:

011-2020-424-65-10 **\$ 32,490.00**
Requested Budget Amendment: **\$ 110,500.00**
Revised Account Amount **\$ 78,010.00**

6. Alternate Option/Costs: N/A

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a.) <u>Yvette Barrera, P.E.,CFM, City Engineer</u>	<u>YB</u>	<u>3-20-13</u>	<u>YCS</u>
b.) <u>Roel "Roy" Rodriguez, P.E.Asst. City Mgr</u>	_____	_____	_____
c.) <u>Jerry Dale,CPA, Finance Director</u>	_____	_____	_____
d.) <u>B.Mercado, Director of Information Technology</u>	_____	_____	_____
e.) <u>JR. Balderas, Fire Chief</u>	_____	_____	_____
f.) <u>Sandra Zamora, CPM, Director of Purchasing & Contracting</u>	_____	_____	_____

8. Staff Recommendation: Approve Budget Amendment in the amount of \$110,500 for the Removal/Purchase & Installation of three Lebert HVAC Systems to include guards for the Central Fire Station.

9. Advisory Board: Approved Disapproved None

10. City Attorney:  Approved Disapproved None

11. Manager's Recommendation:  Approved Disapproved None

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2012/2013 EFFECTIVE OCTOBER 1, 2012, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$110,500 FOR REMOVAL/PURCHASE AND INSTALLATION OF THREE (3) LEBERT HVAC SYSTEMS TO INCLUDE GUARDS PROJECT #02-13-C10-119.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2012/2013. Such budget was effective October 1, 2012 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2012/2013 budget but have been received by the governmental body since that date.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, TEXAS, THAT:

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2012/2013 which became effective October 1, 2012 as set out in Ordinance 2012-60 adopted on September 24, 2012 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION II: The City Manager as Budget Officer shall provide for the filing of a true copy of this Budget Amendment in the office of the County Clerk, Hidalgo County, Texas.

SECTION III: This Ordinance shall be effective after its passage and execution in accordance with the law.

SECTION IV: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen Section 2-56. **Publication of ordinances.**

SECTION V: The City Secretary of the City of McAllen is hereby directed not to

publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

SECTION VI: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 25th day of March, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this day of March, 2013.

CITY OF McALLEN, TEXAS

Richard F. Cortez, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION _____ X _____
UTILITY BOARD _____
PLANNING & ZONING BOARD _____
OTHER _____

AGENDA ITEM _____ 5A _____
DATE SUBMITTED _____ 03/18/13 _____
MEETING DATE _____ 03/25/13 _____

1. Agenda Item: Sign Variance

2. Party Making Request: Lamar Corporation

3. Nature of Request: (Brief Overview) Attachments: X Yes No

Variance request of Lamar Corporation to allow relocation of existing off-premise freestanding sign, greater than 300 square feet proposed as CEVMS (LED sign) to Lot 1, Judco Subdivision, 3101 Expressway 83.

4. Policy Implication: Sign Ordinance, Sections 130-82(6) & 130-110(2).

5. Budgeted: Yes No N/A

Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate option costs: _____

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE <u>YES/NO</u>
a) <u>Julianne R. Rankin</u> Director of Planning	<u>JRR</u>	<u>03/18/13</u>	<u>Yes</u>
b) _____	_____	_____	_____

8. Staff's Recommendation: Approval of relocating existing sign; approval of reduced square footage for CEVMS (LED) sign.

9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None
500 +/- square feet

Memo

TO: Mike Perez, City Manager

FROM: Julianne Rankin, Planning Director

DATE: March 18, 2013

SUBJECT: SIGN VARIANCE – LOT 1, JUDCO SUBDIVISION; 3101 EXPRESSWAY 83.

GOAL:

The intent of the Sign Ordinance is the following: 1) to enhance economic value by avoiding visual clutter, 2) to promote safety of persons and property by providing that signs do not create a hazard, 3) to reduce confusion and distraction to motorist and enhance motorist's ability to see pedestrians, obstacles, vehicles and traffic signs, 4) to enhance city impression to tourists and visitors, 5) to protect adjacent properties from the impact of lighting, size, height, and location of signs, and 6) to preserve, protect, and enhance areas of historic, architectural, scenic and aesthetic value. Section 130-3 Scope, Chapter 130 Signs, McAllen Code of Ordinance

BRIEF DESCRIPTION:

The property is located along the south side of U.S. Expressway 83 approximately 220 feet west of South 29th Street. Lot 1 has 440 feet of frontage along U.S. Expressway 83. This property and the surrounding area to the north across Expressway 83, east, and west is zoned C-4 (commercial-industrial) District. There is also C-3 (general business) District to the east. There is R-1 (single family residential) District to the south across Colbath Road.

Lots 1 & 2, Judco Subdivision No. 2 is the current site for a 672 square foot billboard sign measuring 48 feet by 14 feet. Due to redevelopment of the site and change of ownership, the billboard sign is proposed to be relocated to an adjoining lot with legal description of Lot 1, Judco Subdivision which is not part of the proposed new development. The sign will upgrade to LED Display and will maintain the same size.

The applicant is requesting two variances to allow an off premise sign and to allow the LED sign to be 672 square feet. Section 130-110 allows a maximum size of 300 square feet. Specifically, the variance is from Section 130-82(6) of the Sign Ordinance which prohibits an off-premise sign and Section 130-110(2) allows a maximum size of 300 square feet.

OPTIONS:

- 1) Disapprove variance requests.
- 2) Approve the variances as requested.
- 3) Approve an alternate square footage (500 square feet suggested by property owner).
- 4) Table the requests for further information.

RECOMMENDATION:

Staff recommends approval of the variance request relocating the existing sign and approval of reduced square footage of LED sign.



Leo Montalvo

MONTALVO LAW
PROFESSIONAL LEGAL SERVICES

March 12, 2013

Hon. Richard Cortez, Mayor
City of McAllen, Texas
1300 W. Houston
McAllen, Texas 78501

Re: Relocation of existing Lamar Sign

Dear Mayor Cortez:

Our firm has been retained by Mr. Adolfo Martinez to represent him in the relocation of the above-referenced sign which currently is at Lot 2, Judco Subdivision Unit No. 2 a/k/a 3201 W. Expressway 83, City of McAllen. Lots 1 & 2 are being sold to Mexican investors who are proposing a 15 million dollar development. Attached is a diagram depicting existing and proposed relocation.

The proposed development of Lots 1 and 2 is currently being worked on with architect and engineer on board. Closing on sale/purchase should be in early June of this year.

We are requesting that the relocation item be placed on a City Commission agenda as soon as possible. The applicant wishes to relocate the sign within the next 18 months; however, we are seeking City approval now to avoid any snags in the development of the land being sold.

Should the City need additional information, please feel free to give us a call.

cc: Mike Perez, City Mgr.
City Commissioners:
- Jim Darling
- Hilda Salinas
- Aida Ramirez
- Scott Crane
- John Ingram
- Marcus Barrera

Very truly yours,
Montalvo Law

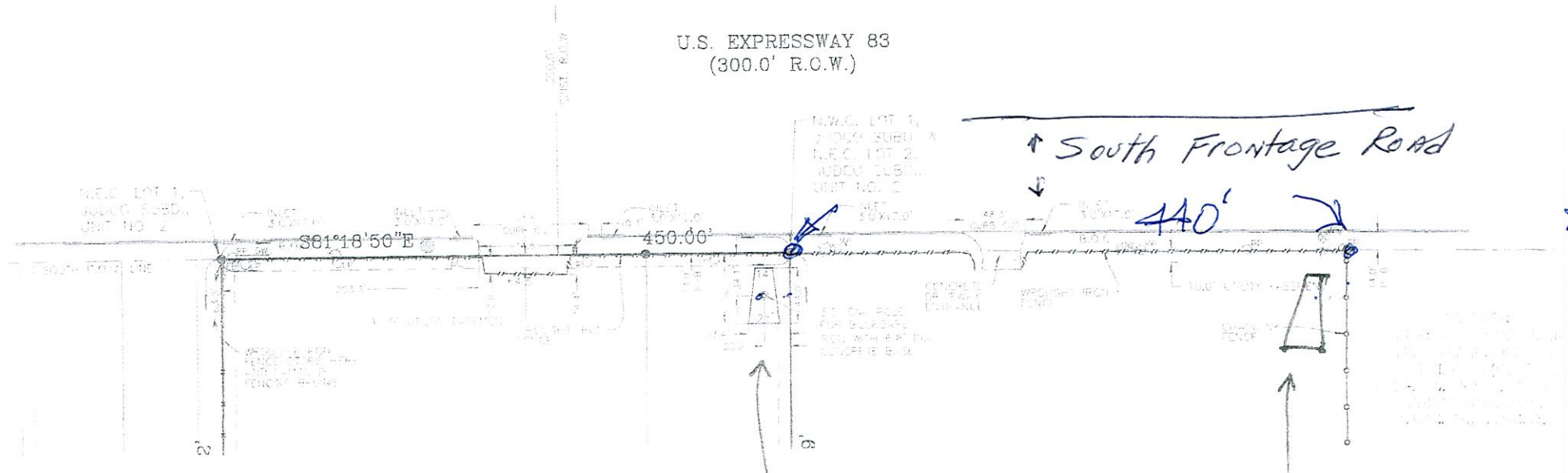
By:


Leo Montalvo

RECEIVED

MAR 15 2013

U.S. EXPRESSWAY 83
(300.0' R.C.W.)



↑ South Frontage Road

440'

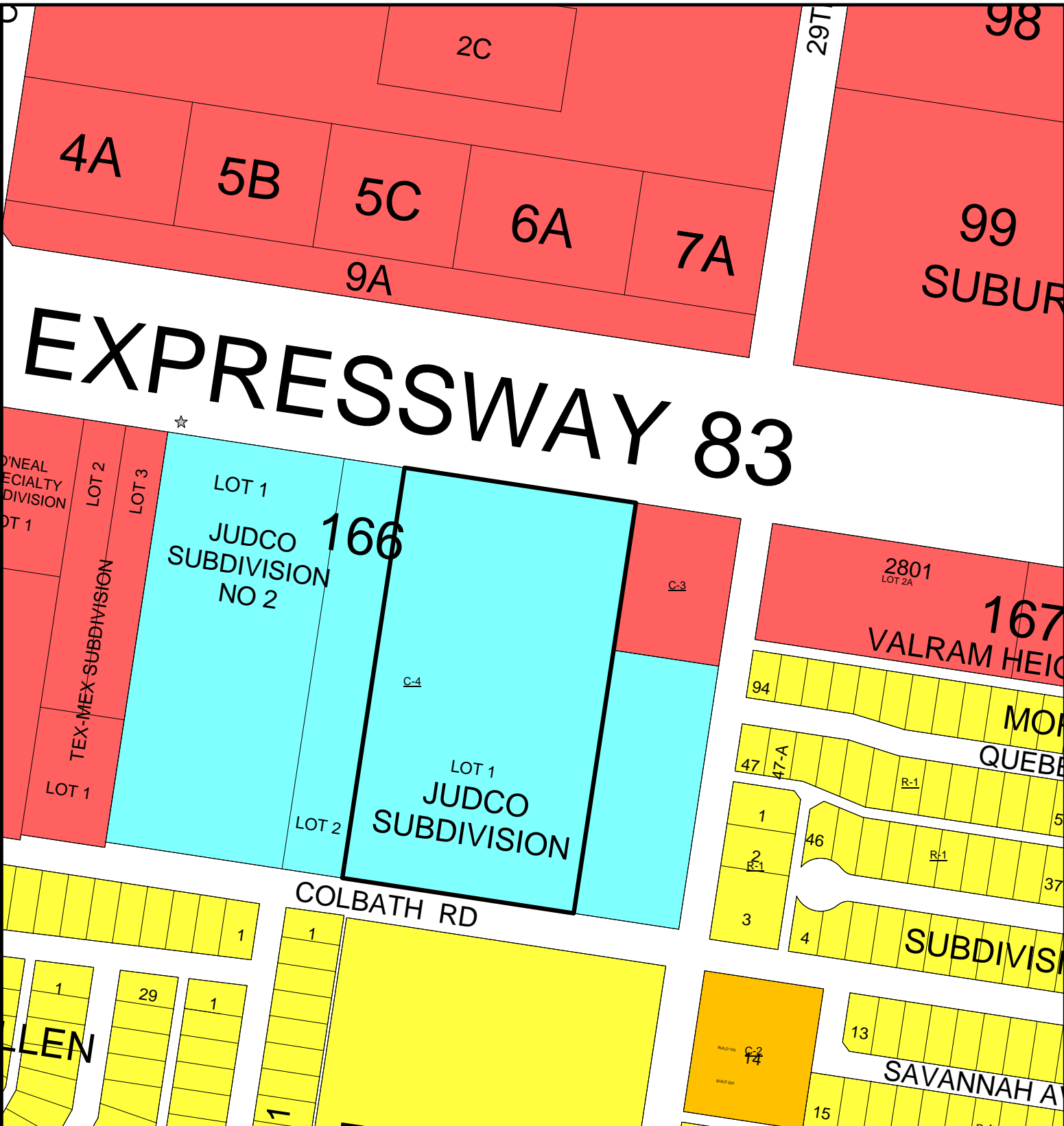
current location

Proposed re-location

Initial: _____

MAP

REC



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

4

LEGEND
SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalLEN.net>. Furthermore, This map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



4A

5B

5C

6A

7A

9A

EXPRESSWAY 83

LOT 2
LOT 3
TEX-MEX SUBDIVISION

LOT 1
JUDCO SUBDIVISION
NO 2

166

LOT 1
JUDCO SUBDIVISION

LOT 2

COLBATH RD

LOT 2A
VAL

94

47
47-A

1

2

3

46

4

1
29
1

14

13

SA

5



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

4

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

on ground survey and represent approximate relative location of property boundaries.

SONOR

36

COLONY

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
PLANNING & ZONING BOARD _____
OTHER _____

AGENDA ITEM _____
DATE SUBMITTED 5B
MEETING DATE 03/18/13
 03/25/13

1. Agenda Item: Sign Variance

2. Party Making Request: AAA Electrical Signs on behalf of North East Crossing Shopping Center

3. Nature of Request: (Brief Overview) Attachments: X Yes No

Variance request of AAA Electrical Signs on behalf of North East Crossing Shopping Center, to allow an additional freestanding sign, at Lot 21, North East Crossing Subdivision, 107 Nolana Avenue.

4. Policy Implication: Sign Ordinance, Section 130-110(2).

5. Budgeted: Yes No N/A

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____

6. Alternate option costs: _____

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE <u>YES/NO</u>
a) <u> Julianne R. Rankin </u> Director of Planning	<u> JRR </u>	<u> 3/19/13 </u>	<u> No </u>
b) _____	_____	_____	_____

8. Staff's Recommendation: Disapproval of variance request due to non-compliance with Section 130-110(2) of the Sign Ordinance.

9. Advisory Board: Approved Disapproved None

10. City Attorney: Approved Disapproved KP None

11. Manager's Recommendation: Approved MRP Disapproved None

Memo

TO: Mike Perez, City Manager
FROM: Julianne Rankin, Planning Director
DATE: March 18, 2013
SUBJECT: SIGN VARIANCE – Lot 21, North East Crossing Subdivision; 107 Nolana Avenue.

GOAL:
The intent of the Sign Ordinance is the following: 1) to enhance economic value by avoiding visual clutter, 2) to promote safety of persons and property by providing that signs do not create a hazard, 3) to reduce confusion and distraction to motorist and enhance motorist's ability to see pedestrians, obstacles, vehicles and traffic signs, 4) to enhance city impression to tourists and visitors, 5) to protect adjacent properties from the impact of lighting, size, height, and location of signs, and 6) to preserve, protect, and enhance areas of historic, architectural, scenic and aesthetic value. Section 130-3 Scope, Chapter 130 Signs, McAllen Code of Ordinance

BRIEF DESCRIPTION:
The property is located along the south side of Nolana Avenue west of 1st Street. The lot has 25 feet of frontage along Nolana Avenue. This property and the surrounding area in all directions except to the south is zoned C-3 (general business) District. Surrounding land uses include commercial uses.

As part of the existing commercial plaza development, the applicant is proposing to install one additional freestanding sign along the front of the property along Nolana Avenue. There are three existing freestanding signs for this subdivision development two of which are multitenant signs and in accordance with requirements the property falls 10 feet short in qualifying for a fourth freestanding sign. City codes allow for one freestanding sign per premises provided that an additional sign shall be permitted for each 150 feet of frontage for the premises, not to exceed three square feet in sign area for each linear foot of primary street frontage up to a maximum of 300 square feet. The subdivision property frontage is 590 feet and falls short of the requirement to allow a fourth freestanding sign by 10 feet. The sign will have a face area of 74 square feet. The maximum square footage allowed for this particular lot is 75 square feet.

This request was heard by the City Commission on October 22, 2012 and disapproved for greater than the maximum size and a fourth freestanding sign. The basis for the current request is to allow the fourth freestanding sign on Lot 21 meeting the maximum allowable size.

OPTIONS:

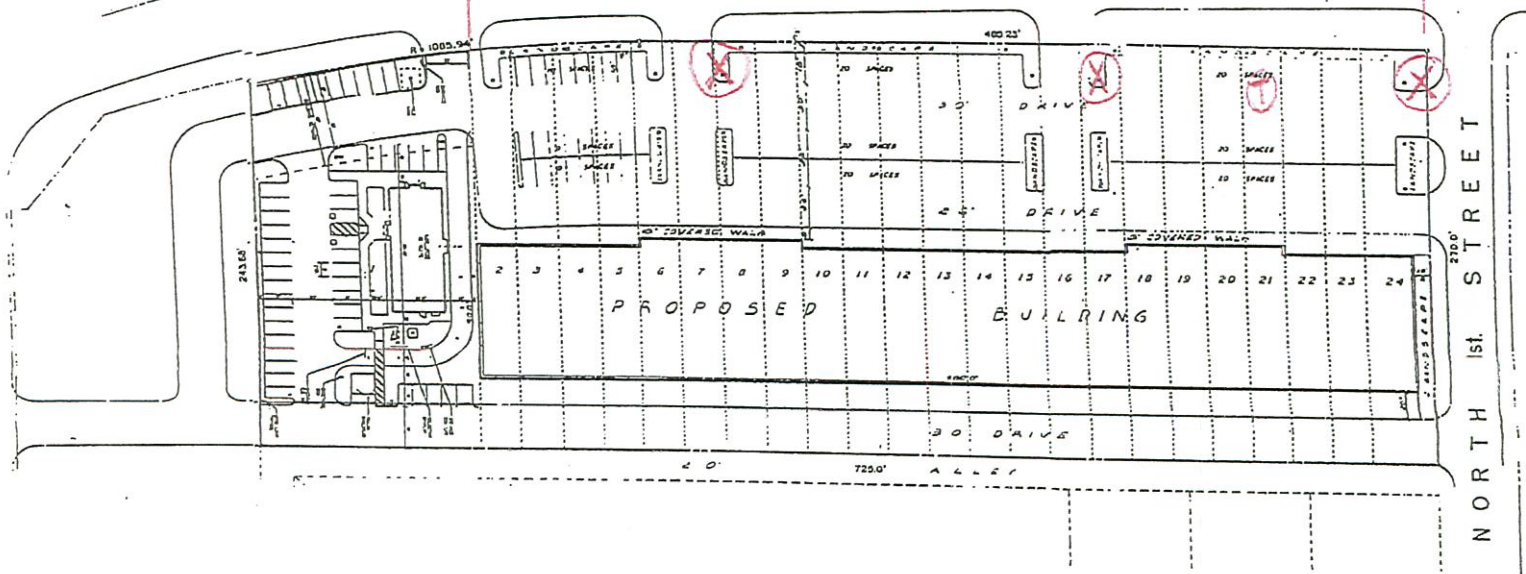
- 1) Disapprove the variance request.
- 2) Table the request for further information.
- 3) Approve the variance as requested.
- 4) Approve an alternate square footage amount or multi-tenant type.

RECOMMENDATION:

Staff recommends disapproval of the variance request.

← 590 ft. →

NOLANA AVENUE



Sign

Area	31,200 SF
SPACES REQUIRED	138
SPACES PROVIDED	148
PC REQUIRED	10,640 SF
PC AREA	2,700 SF
PC PROVIDED	10,348 SF

SITE PLAN
NORTH EAST CROSSING
 McALLEN, TEXAS

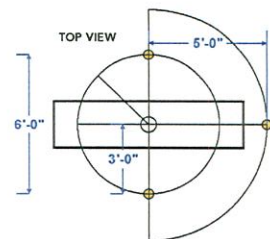
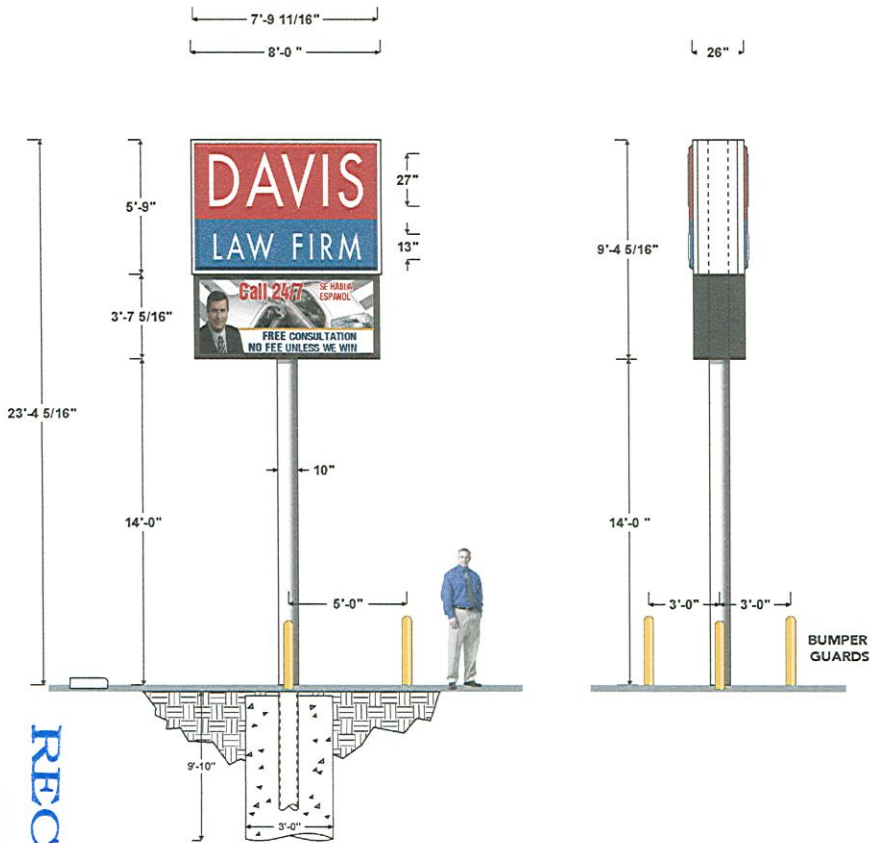
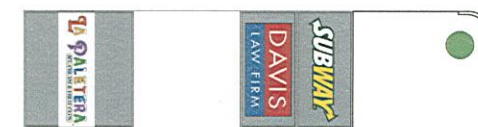
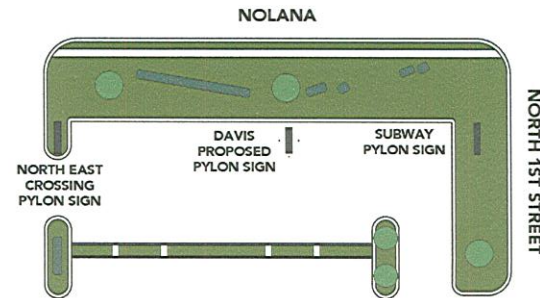
DEFORMITY

MANUFACTURE AND INSTALL (1) ONE
D/F ILLUMINATED PYLON SIGN

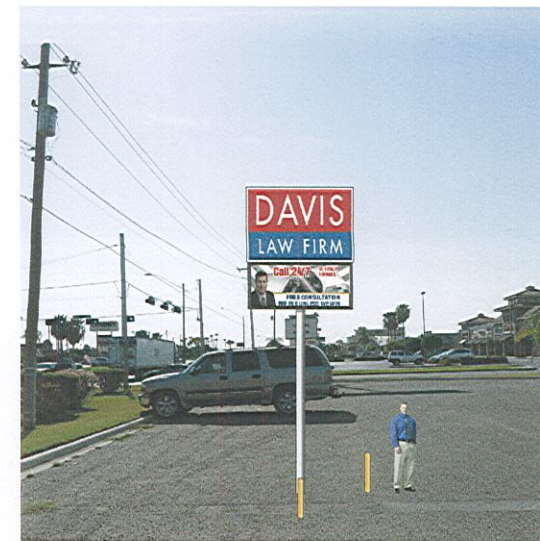
FABRICATED ALUMINUM CABINET
EXTERIOR FINISH PAINTED MATTE WHITE
PAN-FORMED ACRYLIC FACE, 2" DEEP
EMBOSSED GRAPHICS, 1/2" RAISED
INTERNALLY ILLUMINATED WITH H.O. LAMPS
POWERED BY 800mA BALLASTS

- PMS #485-C RED
- PMS #300-C BLUE

FULL COLOR EMC-AAA MODEL: INF-20-RGB
CAPABILITY: 6 LINES OF 5.5" CHARACTER TEXT
DISPLAY AREA: APPROX. 18 CHARACTERS WIDE
COLOR PROCESSING: 281 TRILLION LEVELS-M
PIXEL MATRIX: 48 x 112
LED PIXEL PITCH: 20.0 mm
BRIGHTNESS: 9600 NITS
VIEWING ANGLE: 140°
5 YRS SOFTWARE: INCLUDED
DIGITAL TEMP PROBE: INCLUDED
WIRELESS COMMUNICATION



PROPOSED LOCATION



Initial: _____

RECEIVED
MAR 15 2013

AAA ELECTRICAL SIGNS.
Since 1970
A DIV OF TESORO CORPORATION
Website: www.3asigns.com E-mail: signs@3asigns.com

Customer **JEFF DAVIS LAW FIRM**
Address **107 W. Nolana**
City **McAllen, TX**
Sales **Paul W. Sullivan**
Job Name **DAVIS LAW - INF 3 64x144**

Dwg. No. **106-2013**
Disc. No. **1**
Scale **3/16"=1'-0"**
Date **1-4-2013**
Designer **Rick Rivera**

This original drawing was created by AAA Electrical Signs. It cannot be used, copied or reproduced in any form. It is protected under Copyright Act of 1976, 17 U.S.C. (101-810).

PUBLIC NOTICE:
AAA Electrical Signs became a Div. of Tesoro Corporation of Donna, TX 78537 in 1975. WE ARE NOT AFFILIATED WITH TESORO CORPORATION (Est. 2004) IN SAN ANTONIO, TX 78229

I have studied the design drawing and find the following details to be acceptable.

Note: Colors shown are for representational purposes only. Please verify correct colors with your sales person.

CUSTOMER APPROVAL

Customer Signature / Date _____

Landlord Signature / Date _____

STATE LICENSE #18035

Phoenixville	George Christ
549-2735	887-8844
Troberta	Edmingsen
464-2221	425-2271
Yorkville	Tom Adams
725-0838	662-7631

342-3241

Buy or Lease 800-825-5376

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SPECIALTY ICE CREAM

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MARTIAL ARTS

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LOANS & MORE

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RESTAURANT

FOR LEASING
956 3953

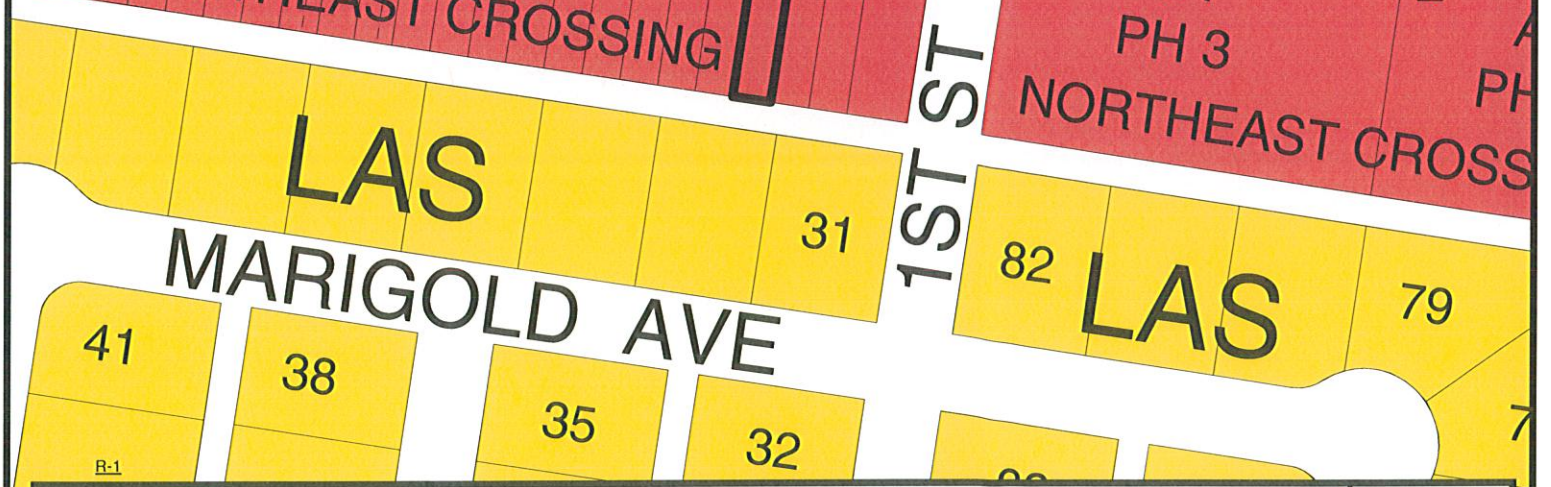
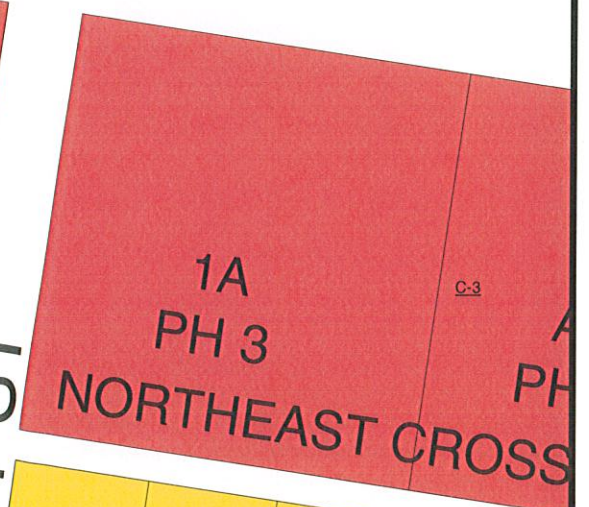
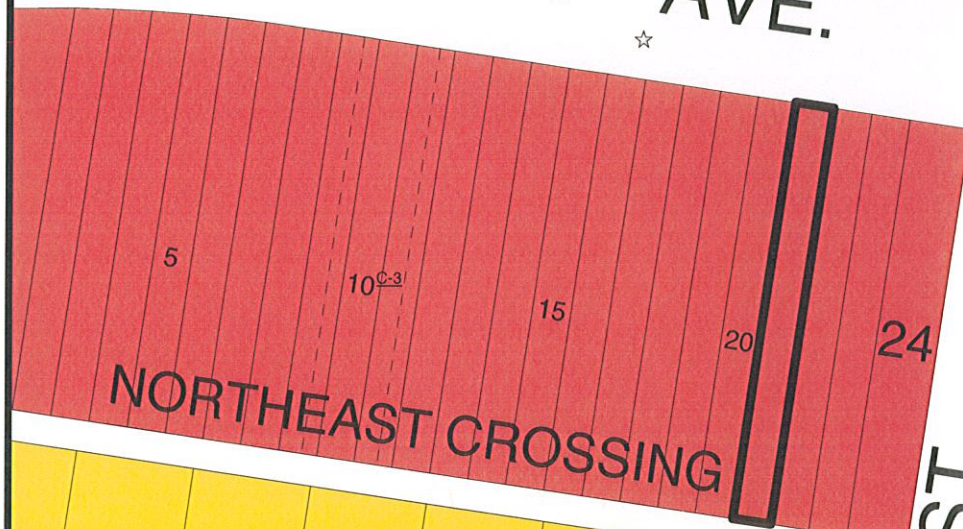


SUBDIVISION

FIRST VALLEY BANK LOT "A"

NOLANA COMMERCIAL SUBDIVISION

NOLANA AVE. ☆



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

4

LEGEND
SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



LEY
"A"

NOLA
COMME
SUBDIVI

NOLANA AVE.

EAST CROSSING

LAS
ARIGOLD AVE

1ST ST

1A
PH 3
NORTHEAST CRO

LAS



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

4

on ground survey and represent approximate relative location of property boundaries.

PARKS &

RECREATION

interoffice

MEMORANDUM

city of mcallen

To: MIKE R. PEREZ, CITY MANAGER

From: SALLY GAVLIK, DIRECTOR

Subject: NAPA Heights Subdivision

Date: MARCH 18, 2013

COMMENT

GOAL: Park access for each subdivision development

DISCUSSION: The Park Land Dedication Advisory Board met on March 18, 2013, to consider a request form OG Construction, developer for NAPA Heights to pay \$700 for each of the 72 dwelling units plated, totaling \$50,400 in lieu of the park land dedication requirement.

RECOMMENDATION: The Parks Department recommends approval of cash payment \$700 for each of the 72 dwelling units totaling \$50,400 in lieu of dedicated park-land for NAPA Heights Subdivision. Staff also approves developer's request to allow this payment of par fees to be made at time of building permit.

SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS

David Omar Salinas, P.E., RPLS
Masters of Environmental Engineering

March 19, 2013

City of McAllen
Attn: Brad Bentsen
(Via Email on 03/19/13)

**RE: NAPA Heights at 611 Lindberg Ave., McAllen
Park Fee Payment**


Dear Mr. Bentsen,

The City of McAllen Parks Board has approved proposed NAPA Heights (proposed 72-unit apartment complex) development with a recommendation to the City Council to waive the dedication of land in lieu of payment of \$ 700.00 per unit – \$ 50,400.00.

At the request of and on behalf of the developer of proposed NAPA Heights Subdivision, a request from the City of McAllen is hereby being made to allow the payment of the park fees as part of the Building Permit instead of payment of these fees prior to the recordation of the NAPA Heights subdivision plat. This request is due to financing requirements/stipulations from the developer's bank.

Please advise if you have any further questions. Thank-you.

Sincerely,
SALINAS ENGINEERING & ASSOCIATES
Consulting Engineers & Surveyors



David Omar Salinas, P.E, RPLS
Plat Engineer

DOS/dos
Attachments:

Xc: n:\subdivision\platss\napaheights.sub\bradbentsen.ltr.001.031913; file/clients



Eduardo Rodriguez
O.G. Construction Co.
222 West University Drive
Edinburg, Texas 78539

March 18, 2013

Brad A. Bentsen
Horticulture Manager
City of McAllen
1001 S. Ware
McAllen, Texas 78501

Dear Brad:

With respect to property on 611 Lindberg Ave., which we are trying to sub divide into Napa Heights sub division, I am writing you this letter to request a Variance.

We request to pay for necessary parks and recreation fees with money instead of land.

Currently the owner does not own any vacant property in surrounding areas, and taking land from property that is being sub divided would decrease the yield of apartment project to the extent as to make it unfeasible.

Thank you again for your attention on this matter.

Sincerely,

Eduardo Rodriguez
O.G. Construction Co.

NAPA HEIGHTS SUBDIVISION

AN ADDITION TO THE CITY OF MCALEN, HIDALGO COUNTY, TEXAS.

BEING A 1.014 GROSS ACRES TRACT OF LAND MORE OR LESS, OUT OF LOT 1, SECTION 6, HIDALGO
CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OF PLAT
THEREOF RECORDED IN VOLUME "D", PAGE 171, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF HIDALGO

I (WE) THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THEM RESPECTIVELY, TO THE CITY OF MCALEN, TEXAS, AND UNDER NAME TO BE DESIGNATED HEREIN FOR THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, UNDER COURSES, DRAINS, EASEMENTS, UTILITY LINES, SEWER LINES, STORM SEWERS, AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON, SHOW ON THIS PLAT AND WHICH I (WE) WILL CAUSE TO BE INSTALLED OR DESIGNATED UNDER THE SUPERVISION AND PROCESS OF THE CITY OF MCALEN, ALL IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MCALEN, TEXAS, AND AS PER THE MAP OF PLAT THEREOF RECORDED IN VOLUME "D", PAGE 171, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

OWNER: RAMON I. RODRIGUEZ
1200 SOUTH 2ND, SUITE 2A
MCALEN, TEXAS 78001

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED THE PERSON OR PERSONS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY
OF _____ 2013

WITNESSE PUBLIC IN AND FOR THE
STATE OF TEXAS
BY _____
COUNTY CLERK

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, MAYOR OF THE CITY OF MCALEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF MCALEN, TEXAS, AS PER THE MAP OF PLAT THEREOF RECORDED IN VOLUME "D", PAGE 171, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

MAYOR _____ DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN IT APPLICABLE. APPROVAL IS REQUIRED.

CHAIRMAN, PLANNING AND ZONING COMMISSION
DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID DAVID SALINAS, P.E., A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, REGISTRATION NUMBER 12 71873, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

DAVID DAVID SALINAS, P.E.
REG. PROFESSIONAL ENGINEER #1271873

STATE OF TEXAS
COUNTY OF HIDALGO

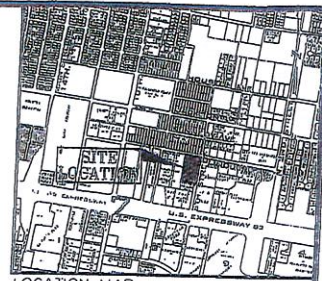
I, DAVID D. SALINAS, THE UNDERSIGNED A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

DAVID D. SALINAS, P.L.S.
REG. PROFESSIONAL LAND SURVEYOR #5782

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATION

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 48.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION. BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA, IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1



LOCATION MAP SCALE 1"=1000

METES AND BOUNDS DESCRIPTION

BEING A 1.014 GROSS ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 1, SECTION 6, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OF PLAT THEREOF RECORDED IN VOLUME "D", PAGE 171, DEED RECORDS OF HIDALGO COUNTY, TEXAS, AND BEING ALL OF THAT SAME 1.014 ACRES TRACT OF LAND THEREIN DIVIDED BY METES AND BOUNDS IN A VARIANLY 1 DEED WITH VENDORS LIGHT CONVEYANCES FROM EDWARD A. METCALF, III AND WIFE, FRANCES V. METCALF, UNTO RAMON I. RODRIGUEZ, FILED FOR RECORD ON DECEMBER 27, 1988, IN DOCUMENT NO. 8399, HIDALGO COUNTY CLERK'S OFFICE, SAID 1.014 ACRES TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- (1) THENCE SOUTH 08 DEGREES 42 MINUTES 10 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF SAID LOT 1, A DISTANCE OF 471.00 FEET TO A NAIL SET IN THE ASPHALT SECTION OF SAID 4.00 FEET STREET FOR THE SOUTHWEST CORNER OF THIS HEREBIN DESCRIBED TRACT.
- (2) THENCE NORTH 81 DEGREES 10 MINUTES 30 SECONDS WEST, COINCIDENT WITH THE EASTERLY PROJECTION OF THE NORTH LINE OF LOT 1, SOUTH TEXAS EYE CLINE SUBDIVISION, AN ADDITION TO THE CITY OF MCALEN, AS PER THE MAP OF PLAT THEREOF RECORDED IN VOLUME 24, PAGE 88-A, MAP RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 21.8 FEET TO A 1/2" DIAMETER IRON ROD FOUND ON INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID 4.00 FEET STREET, CONTINUING TO A DISTANCE OF 27.0 FEET IN ALL TO A 1/2" DIAMETER IRON ROD SET WITH YELLOW CAP MARKED "SEA 384" FOR THE SOUTHWEST CORNER OF THIS HEREBIN DESCRIBED TRACT.
- (3) THENCE NORTH 03 DEGREES 43 MINUTES 10 SECONDS EAST, ALONG A LINE PARALLEL TO THE EAST LINE OF SAID LOT 1, A DISTANCE OF 171.00 FEET TO A 1/2" DIAMETER IRON ROD SET WITH YELLOW CAP MARKED "SEA 384" ON INTERSECTION WITH THE NORTH LINE OF SAID LOT 1, SAME BEING THE SOUTH RIGHT-OF-WAY LINE OF SAID LINDBERG AVE FOR THE NORTHWEST CORNER OF THIS HEREBIN DESCRIBED TRACT.
- (4) THENCE SOUTH 81 DEGREES 10 MINUTES 30 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1 AND THE SOUTH RIGHT-OF-WAY LINE OF SAID LINDBERG AVE, A DISTANCE OF 214.00 FEET TO AN "X" MARK FOUND IN CONCRETE ON THE WEST RIGHT-OF-WAY LINE OF SAID 4.00 FEET STREET, AT A DISTANCE OF 27.00 FEET IN ALL TO THE POINT OF BEGINNING, CONTAINING 1.014 GROSS ACRES OF LAND, MORE OR LESS.

BEARING SOURCE SAID WARRANTY SET WITH VENDORS' LIEIN SUBDIVISION A TSN APPROPRIATE SUBMITTALS AND BOUNDS DESCRIPTION (23)

RECEIVED
MAR 04 2013

NAPA HEIGHTS SUBDIVISION

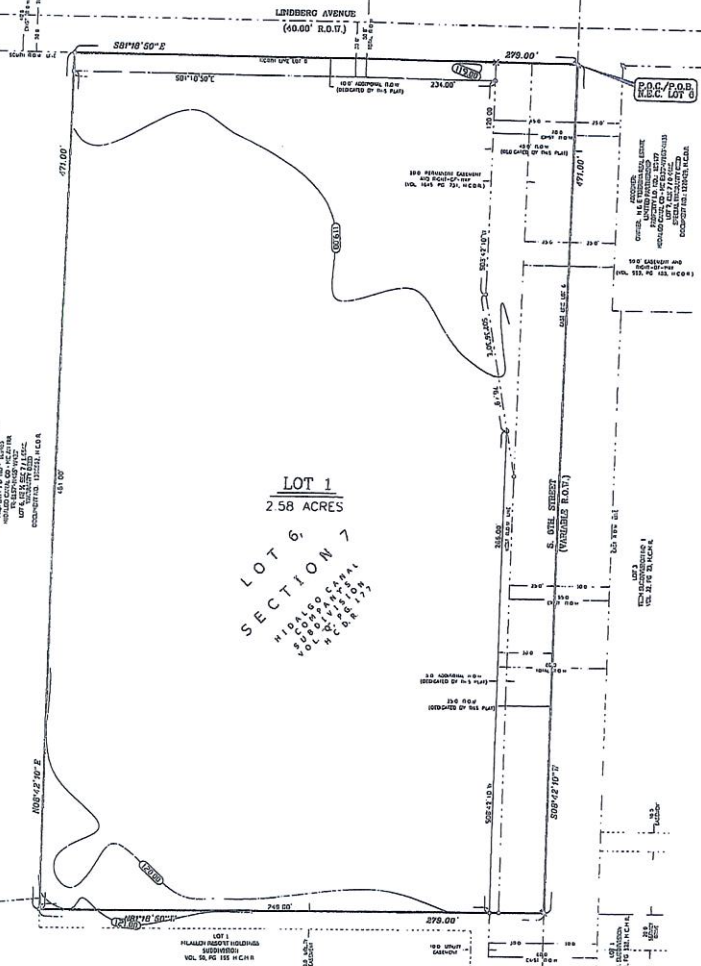
PREPARED BY: DAVID D. SALINAS, P.L.S.
DATE OF PREPARATION: MARCH 4, 2013
OWNER: RAMON I. RODRIGUEZ
1200 SOUTH 2ND, SUITE 2A
MCALEN, TEXAS 78001

SEA

SALINAS ENGINEERING & ASSOCIATES

CONSULTING ENGINEERS & SURVEYORS

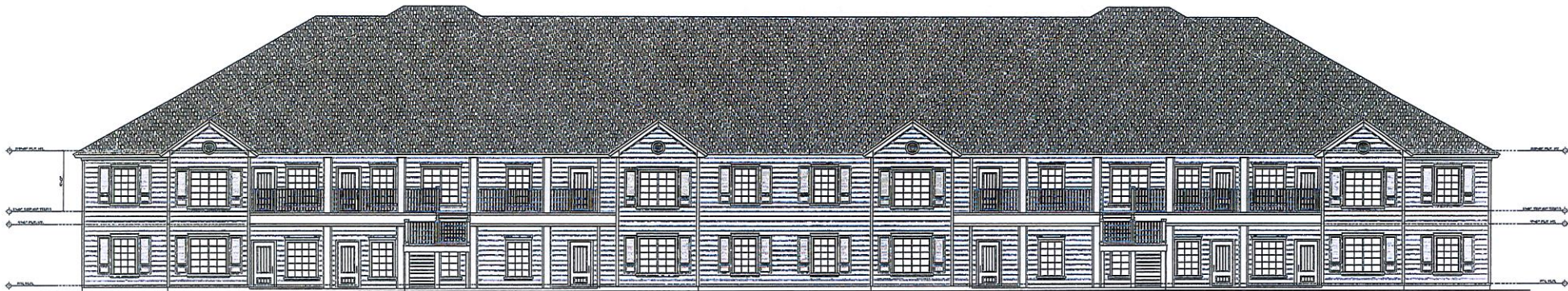
OFFICE: DALLAS, TEXAS
(214) 620-8000 (214) 620-1000 FAX



NAME	ADDRESS	CITY & ZIP	PHONE	FAX
DONALD RAMON I. RODRIGUEZ	1200 SOUTH 2ND, SUITE 2A	MCALEN, TEXAS 78001	(261) 343-7380	NONE
FRANCIS V. METCALF III	2221 DACEYSON AVE.	MCALEN, TEXAS 78001	(261) 687-8081	(261) 688-1489
DAVID D. SALINAS	2221 DACEYSON AVE.	MCALEN, TEXAS 78001	(261) 682-7000	(261) 688-1489

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF WITHIN RELIEF BY THE CITY OF MCALEN ONLY & BY NO OTHERS UNDER THE AUTHORITY OF DAVID DAVID SALINAS, P.E., TEXAS REG. NO. 1271873 ON MARCH 4, 2013. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

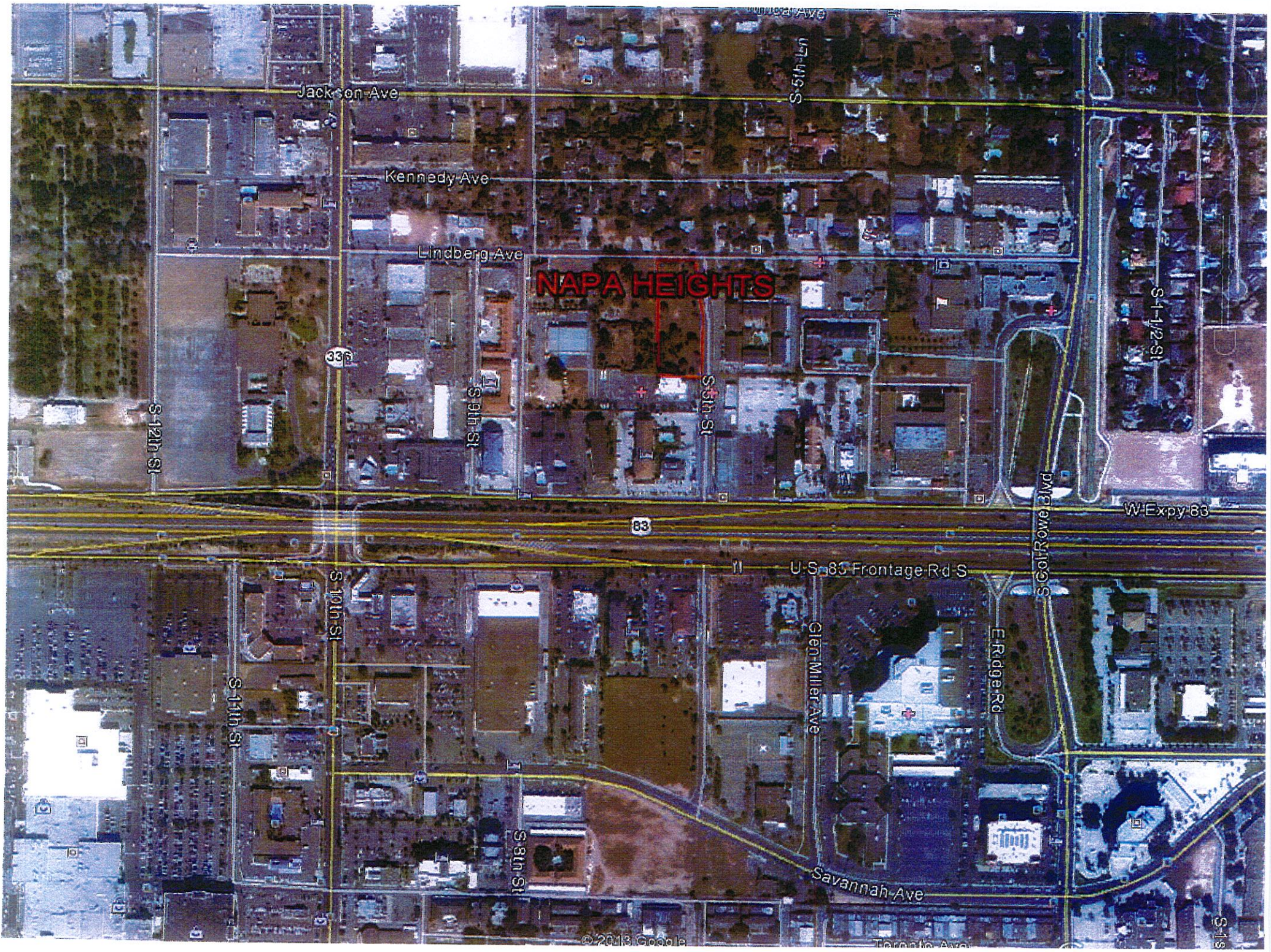
BY _____ DATE _____



D **DISTINCTIVE**
DRAFTING & DESIGN LLC.

2404 S. EXPRESSWAY BY SUITE #11
HARLINGEN, TX 78552
OFFICE: (956) 425-7040
FAX: (956) 425-7714

① **FRONT ELEVATION**
SCALE: N.T.S.



NAPA HEIGHTS

Jackson Ave

Kennedy Ave

Lindberg Ave

33B

S 12th St

S 9th St

S 5th St

S 14 1/2 St

W Expy 83

83

U.S. 85 Frontage Rd S

S 10th St

S 11th St

S 8th St

Glen Miller Ave

E Ridge Rd

S Col Rowe Blvd

Savannah Ave

NPAP HEIGHTS



NE to SW from Lindburg @ 6th Street



SE to NW from 6th Street



Midway on Property from 6th Street



NW to SW from 6th Street

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION _____
 UTILITY BOARD _____
 PLANNING & ZONING BOARD _____
 OTHER _____

 X

AGENDA ITEM _____
 DATE SUBMITTED 5D
 MEETING DATE 3/19/2013
 3/25/2013

1 Agenda Item: Consideration of applicable fees for for Unity Center, a Condo/Hotel development.

2 Party Making Request: Parks and Recreation Department

3 Nature of Request: (Brief Overview) Attachments: X Yes No

- a. The Park Land Dedication Advisory Board met March 18, 2013, and recommends to approve consideration of applicable park fees due for Unity Center, a 69 unit Condo/Hotel development at a 50 / 50 split between permanent type residence and hotel type occupancy to pay \$700 per permanent type dwelling unit.
- b. Unity Center, a 0.41 acre Condo/Hotel multifamily district composed of 69 dwelling units is part of a 8.07 mixed use development located on the south side of Expressway 83 approximately 1,400 feet east of South Ware Road. The developer is proposing to develop a Planned Unit Development comprising of a 5 story Condo/Hotel and a commercial plaza containing retail stores and restaurants. The park fees due for this development would be \$24,500 based on 35 dwelling units considered to be of permanent type residence. The remaining units would be taxed at hotel/motel rates. Due to reference C-4 Zoning (Commercial-Industrial) R-3 (multifamily/residential) type living isn't allowable according to Chapater 74-2 Article 1 - City of McAllen Park Land Dedication and Park Development.
 Under conditions of the "PUD" if at a later date, sale is made or audit proves that more than the original 35 units are proven to be of permanent type dwelling units, said units will be subject to \$700 park fees payable in lump sum or collected over a 24 month period thru individual water meter billing. This would be placed as a legal and binding attachement on the deed.

4 Policy Implication: Local Government Code

5 Budgeted: Yes X No N/A

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____

6 Alternate option costs: _____

7 Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE</u>
			<u>YES/NO</u>
a) <u> S. Gavliik, Director </u>	<u> sg </u>	<u> 3-19-20 </u>	<u> YES </u>
b) <u> J. Rankin, Director Planning </u>	_____	_____	_____
c) <u> B. Branham, Dept. C.M. </u>	_____	_____	_____

8 Staff Recommendation: Accept park fees of \$24,500 based on 35 of the 69 designed dwelling units. With placement of a legal and binding note on the deed thru conditions of the "PUD", if remaining units are sold for permanent type dwelling units or if thru audit, are determined to be of permanent type dwelling units, park fees of \$700 per unit are due in lump sum or collected over a 24 month period thru individual water meter billing.

9 Advisory Board: X Approved _____ Disapproved _____ None _____

10 City Attorney: GH Approved _____ Disapproved _____ None _____

11 Manager's Recommendation: MRP Approved _____ Disapproved _____ None _____


PARKS &

RECREATION

interoffice

MEMORANDUM

city of mcallen

To: MIKE R. PEREZ, CITY MANAGER
From: SALLY GAVLIK, DIRECTOR 
Subject: Unity Center
Date: MARCH 18, 2013

COMMENT

GOAL: Park access for each subdivision development.

DISCUSSION: The Park Land Dedication Advisory Board met on March 18, 2013, to consider recommendation of acceptable park fees figured at \$700 for 35 of the 69 platted dwelling units totaling \$24,500.

RECOMMENDATION: The Parks Department recommends approval of \$24,500 for 35 of the 69 designed units. With placement of a legal and binding note on the deed thru conditions of the "PUD", if any of the remaining 34 units are sold for permanent type dwelling units or if thru audit, are determined to be of permanent type dwelling units, park fees of \$700 are due in lump sum or collected over a 24 month period thru individual water meter billing.

CITY OF McALLEN
PARKS AND RECREATION DEPARTMENT

SUBDIVISION REVIEW COMMITTEE

Subdivision Name: Unity Center

Date Application Submitted to Planning Department: December 20, 2012

Location: South side of Expressway 83 + 1,400 ft East of South Ware Road

Bordered on the North by: Expressway 83

Bordered on the East by: Art's Trucks & Equipment Sales

Bordered on the South by: Colbath Road

Bordered on the West by: Commercial Retail / Warehouses

Existing Zoning: C-4 Existing Land Use: Heavy Equipment Sales

Proposed Zoning: C-4 Proposed Land Use: Mixed Use

Total Acreage: 8.07 (2.07) Required Land (Acres) Dedication: 0.41

Number of Lots: 62 Units Fee in Lieu of Land: \$43400.00

Owner: Adolfo Martinez Telephone Number: 956-279-5018

Developer: Same

Contact Person: David Salinas, PE Telephone Number: 956-682-9081

Engineer: David Salinas, PE

Contact Person: David Salinas Telephone Number: 956-682-9081

Is it more than 1/4 mile to the nearest park? Yes _____ No X

Is the subdivision adjacent to any of the following?: Yes X No _____

Dedicated or proposed parkland

Schools (Public or Private) _____

Institutions (Churches) _____

Federal, State or County Property

Easements (Gas, Irrigation or Drainage)

Proposed or Existing Trails

Is the lot size less than 6000 square feet? Yes X No _____

Are there more than 4 units per acre? Yes X No _____

Is this a phased development of more than 15 acres? Yes _____ No X

Are there any unique characteristics of the site? Yes X No _____

If so, what are they? Curently equipment storage for Art's Trucks & Equipment Sales

RECOMMENDATION: _____ DATE: _____

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: March 13, 2013

SUBJECT: REQUEST OF DAVID O. SALINAS FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PLANNED UNIT DEVELOPMENT (CONDO-HOTEL/RETAIL) AT ALL OF LOTS 1 AND 2, JUDCO SUBDIVISION UNIT #2; 3201 EXPRESSWAY 83. (CUP2013-0050)

GOAL:

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

BRIEF DESCRIPTION:

The property is located on the south side of the Expressway 83, approximately 1,400 feet east of South Ware Road and is zoned C-4 (commercial industrial) District. The adjacent zoning is C-4 District to the east, R-1 (single family residential) District to the south, C-3 to the west and north. Surrounding land uses include heavy equipment sales, general business, restaurants, single family residences and Escandon Elementary School. A Planned Unit Development is permitted in a C-4 zone with an approved conditional use permit in compliance with Article IV Planned Developments of the Subdivision Ordinance.

The property currently has a truck and heavy equipment retail/commercial business on the property. The property consists of Lot 1 & Lot 2, Judco Subdivision No. 2. There is a preliminary re-subdivision in process. A note on the plat states that a site plan must be approved by the Planning and Zoning Commission prior to building permit issuance.

The applicant is proposing to develop a Planned Unit Development comprising a 5 story Condo/Hotel and a commercial plaza containing retail stores and restaurants. Planned developments allow a variety of land uses that complement each other within the development and with existing land uses in the vicinity.

The request must comply with the requirements set forth in Section 138 Zoning Ordinance, Section 134 Subdivision Ordinance and Section 110 Vegetation Ordinance.

Specific requirements for approval are the following:

- 1) Recorded subdivision plat required prior to issuance of conditional use permit and building permits.
- 2) Approved site plan by Planning and Zoning Commission required prior to issuance of

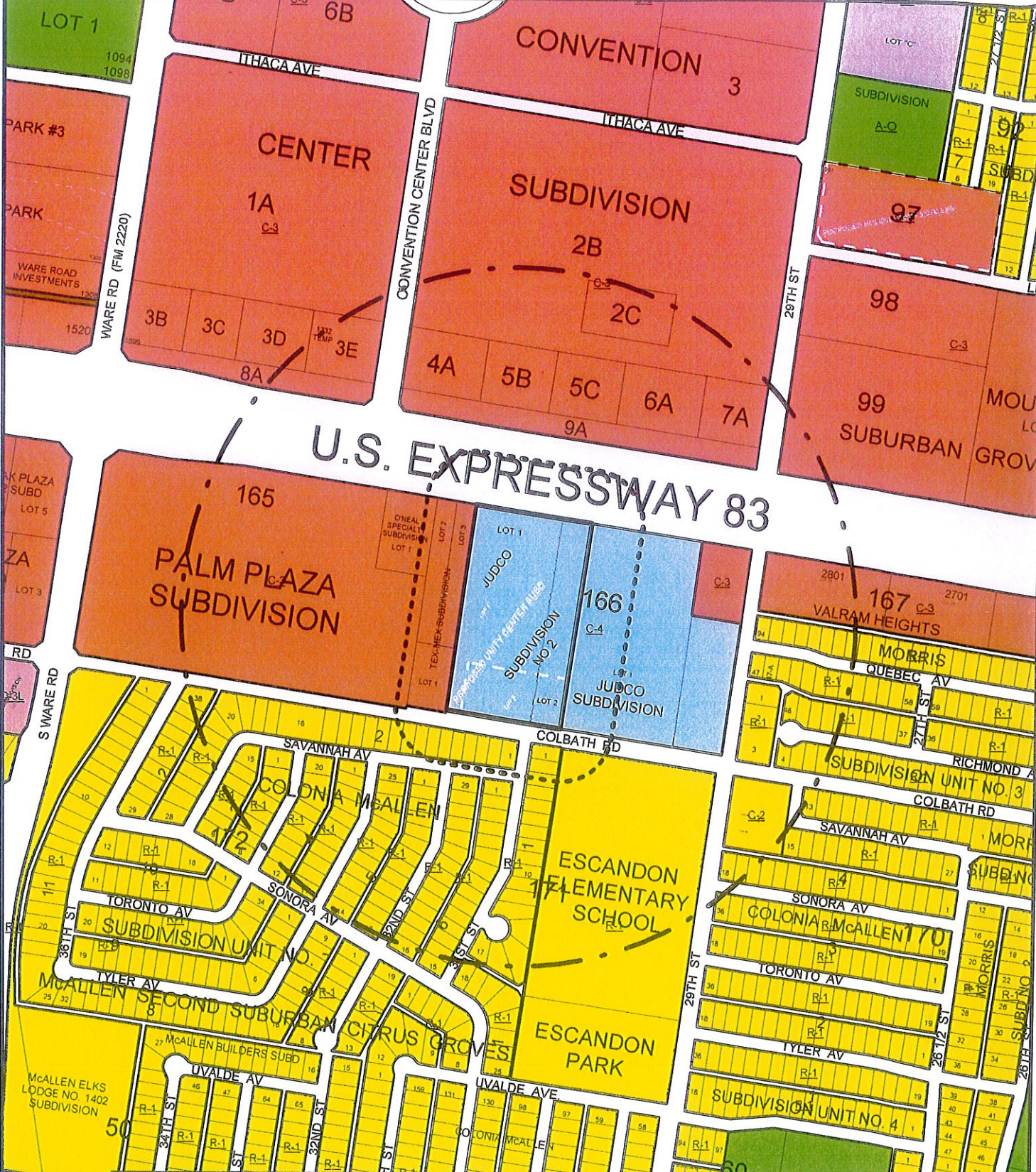
- building permit.
- 3) FAA approval of building height.
 - 4) Show sidewalks along Expressway 83 Eastbound Frontage Road and Colbath Road.
 - 5) Show a minimum of 10% landscaping of 8.07 acres, or 35,153 square feet landscape area provided with a minimum of 57 – 2 ½ inch caliper, or 29 – 4 inch caliper non-palm trees 10 feet in height, or 92 palms trees with 6 feet clear trunk comprising a maximum of 80% of the tree requirement. The required number of trees may be reduced by using native, non-palm trees and larger caliper trees. The minimum planting area is 40 square feet for landscape area credit. Show landscaped areas with trees within 50 feet of any parking space. Show buffers to screen dumpster locations.
 - 6) Show 715 parking spaces based upon 69,993 square feet of retail floor space, 37,592 square feet of restaurant floor space and 62 condo/hotel suites in compliance with existing parking ordinance; 550 parking spaces provided. The Board of Commissioners may approve 639 required parking spaces based upon the proposed MDC parking requirements and credits. Not more than 50% of parking spaces for restaurant may be used jointly with retail stores not operated during the same hours. Parking spaces not located on the same property shall be located within 500 feet of the property with a written agreement for a minimum of 5 years.
 - 7) Recorded property owner's association prior to recorded plat.
 - 8) Owner, Engineer and Surveyor certificate and signature block on PUD site plan.

OPTIONS:

1. Approve the conditional use permit subject to specified conditions.
2. Approve the conditional use permit subject to modified conditions.
3. Table the item for additional information.
4. Disapprove the request.

RECOMMENDATION:

Staff recommends approval of the planned unit development request subject to the conditions noted above.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

(AGRICULTURAL & OPEN SPACE)	(APARTMENTS)	(MOBILE HOMES)	(GENERAL BUSINESS)	(LIGHT INDUSTRIAL)
(SINGLE FAMILY RESIDENTIAL)	(CONDOMINIUMS)	(OFFICE BUILDING)	(LIGHT COMMERCIAL)	(HEAVY INDUSTRIAL)
(DUPLIX-FOURPLEX)	(TOWNHOUSES)	(NEIGHBORHOOD COMMERCIAL)	(COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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U.S. EXPRESSWAY 83

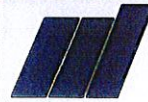
PLAZA VISION

PROPOSED UNITY CENTER SUBD

COLONIA McALLEN

COLBATH RD

ESCANDON ELEMENTARY



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



NE to SW from Expressway 83 Frontage

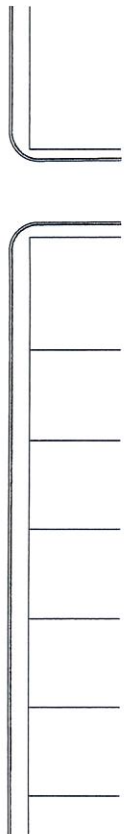
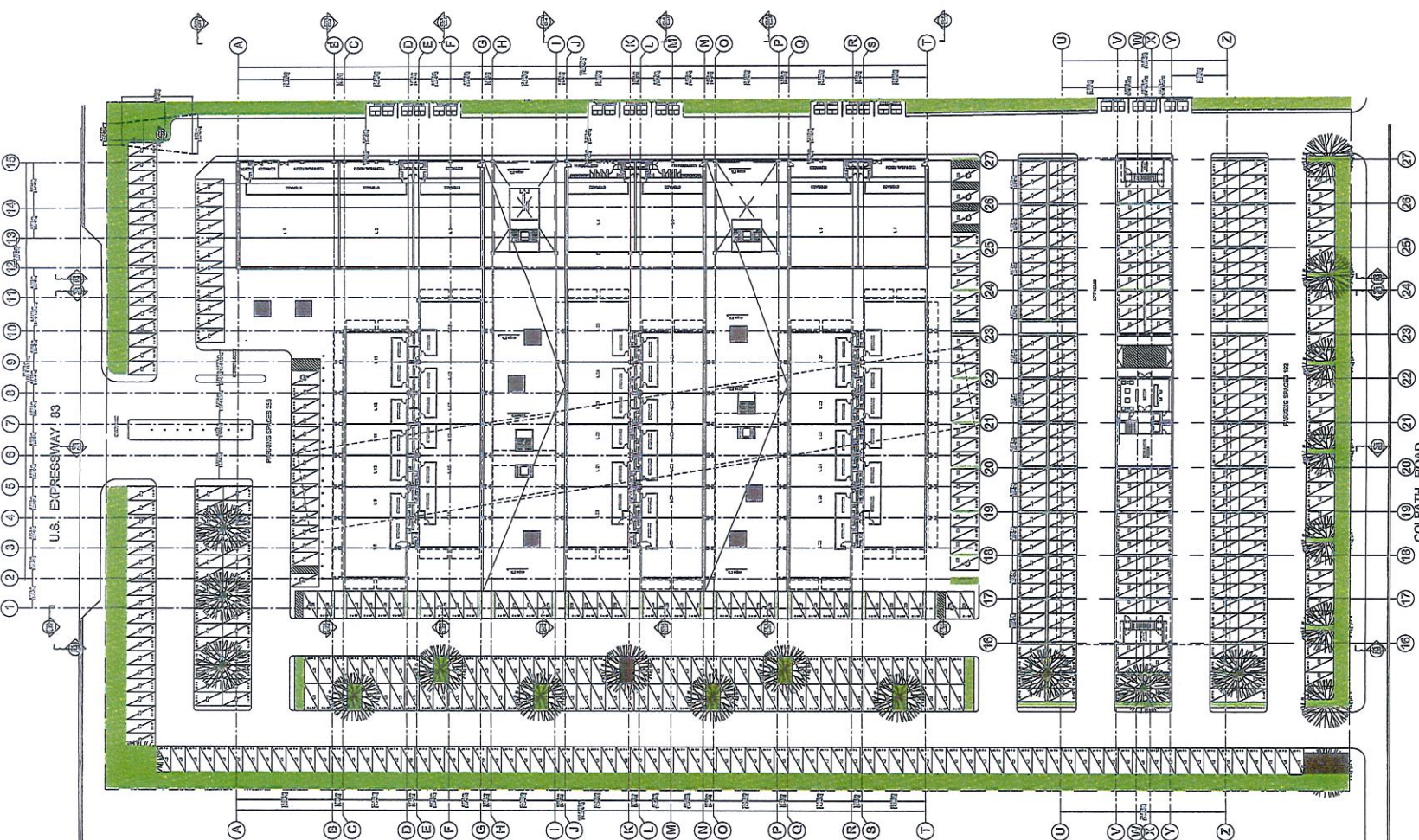
UNITY CENTER



N to S from Colbath



NW to SE from Expressway 83 Frontage



U.S. EXPRESSWAY 83

COLBATH ROAD

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 6b
DATE SUBMITTED 03/18/13
MEETING DATE 03/25/13

1. Agenda Item: Project Status Report through February 28, 2013.

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes _____ No

 Project Status Report for February 28, 2013.

4. Policy Implication: City Commission Policy, Local Government Code

5. Budgeted: _____ Yes _____ No X N/A

6. Alternate Option/Costs N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u> YB </u>	<u> 3/19/13 </u>	<u> YES </u>
b.) Roel "Roy" Rodriguez, P.E. Asst. City Manager/General Manager	<u> RR </u>	<u> 3/19/13 </u>	<u> YES </u>

8. Staff Recommendation: Project Status through February 28, 2013.

9. Advisory Board: _____ Approved _____ Disapproved X None

10. City Attorney: _____ Approved _____ Disapproved KP None

11. Manager's Recommendation: _____ Approved _____ Disapproved MRP None



ENGINEERING DEPARTMENT
MEMORANDUM

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer

A handwritten signature in black ink, appearing to read "Yvette Barrera".

Date: March 18, 2013

Subject: Project Status Report through February 28, 2013

Please find attached a list of various projects that are currently under construction and for which the Engineering Department performs Construction Management services. The work depicted is work performed through February 28, 2013.

The following projects are included:

1. Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line
2. McAllen-Miller International Airport Stormwater Pump Station Upgrade
3. Toronto & S. 10th Street Drainage Improvements
4. Northbound Pedestrian Canopy
5. HVAC System Repairs
6. 2012-2013 Annual Repaving Project
7. 10th and Dove Avenue Intersection Improvements

Construction Status Report for work performed through February 28, 2013

1) Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line

Project consists of paving infrastructure improvements along the future widening of Bentsen Road, connection of Vine Ave across the corridor and local drainage improvements.

Contractor:	IOC Company, LLC	
Original Contract:	\$ 4,879,306.99	160 working days
Change Orders:	\$ 437,533.00	46 working days
Revised Contract:	\$ 5,316,839.99	206 working days
Completion Date:	May 2013	

Construction Status: Construction continues with pavement construction and traffic control as crews work along the west side of the corridor. Concrete curb, subgrade and flexible base preparation is progressing. Various utilities have been adjusted in preparation for the pavement. Contractor is now working the west side from south to north throughout the project limits. The project is approximately 60% complete and scheduled for completion in May.



Flex-base is primed in preparation of laying asphalt from Pecan to Westway along the west side of Bentsen Rd (looking north).

2) McAllen-Miller International Airport Stormwater Pump Station Upgrade

SCOPE OF WORK: The proposed project involves removal of an existing stormwater pump station that was placed in service in the 1950's and the installation of a new larger capacity pump station with an emergency backup generator. This project is a FEMA Hazard Mitigation Grant Program (HMGP) project with 75% federal funding and 25% local funding.

CONTRACTOR: Ferguson Service Systems, Inc.
Original Contract: \$385,320.00 130 working days
Change Orders: \$ 1,140.00 0 working days
Current Contract: \$386,460.00 130 working days
Completion Date: February 5, 2013.

CONSTRUCTION STATUS: Notice to Proceed was issued April 3, 2012. Work commenced on Wednesday, May 16, 2012. All structural and electrical improvements are completed. Emergency generator has been delivered and installed. Currently waiting for delivery of turbine pump (anticipated end of March) to complete the project. All other work complete to the extent possible pending delivery of the pump.

SITE PLAN:



Status as of end of February. Major structural components complete, transformer pad and electrical conduits complete. All piping complete. Generator in place, awaiting delivery of pump.

3) Toronto & S. 10th Avenue Drainage Improvements

SCOPE OF WORK: The proposed project involves construction of storm water system improvements, curbing and pavement repair along S. Toronto Avenue from S. 10th Street, east and along S. 9th Street between Toronto Avenue (north) and Toronto Avenue (south).

CONTRACTOR: Rojas Construction and Paving
Original Contract: \$135,494.03 70 working days
Change Orders: \$ 0.00 0 working days
Current Contract: \$135,494.03 70 working days
Completion Date: May 8, 2013.

CONSTRUCTION STATUS: Notice to Proceed was issued January 3, 2013. Work commenced on Thursday, January 24, 2013. Contractor has completed installation of all culverts and structures and has initiated pavement restoration activities.

SITE PLAN:



Curbing installation along S. 9th complete and base compaction in process.

4) Northbound Pedestrian Canopy

SCOPE OF WORK: The project proposes installation of a canopy on the east side of the southbound bridge. The canopy will be extending 530'-0" north to the Administration building. The work consists of a purchase and installation of a one story canopy including complete structural framing (columns, rafters, rail, bracing), pre-finished Curved Tee Panel covered roof, fasteners accessories and other components and material required for complete installation.

CONTRACTOR: Celso Gonzalez Construction, Inc.
Original Contract: \$716,000.00 120 working days
Change Orders: \$ 7,080.00 30 working days
Current Contract: \$382,536.50 86 working days

Note: Completion Date – April 9, 2013

The Notice to Proceed (NTP) was issued to Celso Gonzalez Construction on August 21, 2012. The project is currently 70% completed and new completion date is April 9, 2013.



5) HVAC System Repairs

SCOPE OF WORK: This project consists of replacing eleven (11) HVAC Systems and eighteen (18) Condenser Coil HVAC Systems for a total Twenty Nine (29) existing HVAC Systems as specified, located thru-out McAllen, Texas.

CONTRACTOR: Central Air & Heating Service

Original Contract: \$174,760.00

Completion Date: March 15, 2013

CONSTRUCTION STATUS: The Notice to Proceed (NTP) was issued to Frank Matz III, President of Central Air & Heating Service Inc on December 20, 2012. The project is 100% completed as of March 15, 2013.

New Unit – Old Police Department



New Condenser Unit – Lark Community Center

6) **2012-2013 Annual Repaving Project**

SCOPE OF WORK: This project involves recycling the top 1” of asphalt pavement and placing 1” of new asphalt on top of the recycled inch.

CONTRACTOR:	Cutler Repaving Inc	
Original Contract:	\$1,386,100.40	65 working days
Change Orders:	\$ 272,453.60	0 working days
Current Contract:	\$1,658,554.00	65 working days
Completion Date:	May 8, 2013	

CONSTRUCTION STATUS: City Commission Awarded the Contract for Construction on January 14, 2013. Notice to Proceed was issued February 1, 2013 and work was started on February 5, 2013. The repaving contractor currently has three crews, 1 milling crew and 2 repaving crews, working in various parts of the City to complete the project. Contractor is currently repaving Taylor Rd and repaving streets in the 12th and Fern area.



Typical view of street after curb milling and prior to repaving operations.



Typical view of completed street.

7) Dove Avenue Widening at 10th Street

SCOPE OF WORK: This project consisted of widening the pavement along the north side of Dove Avenue along the northwest corner of Dove Avenue and 10th Street. This eastbound approach to 10th Street consisted of four lanes and a center two-way left-turn lane. This additional pavement will allow for the addition of an eastbound right-turn lane on Dove Avenue.

CONTRACTOR: United Contractors Services


Contract: \$46,899.00 45 working days

Completion Date: April 9, 2013

CONSTRUCTION STATUS: The project is 90% complete. As pictured above, the new asphalt has been implemented and driveways built. Currently the contractor is building the proper ADA compliant ramps at each driveway and at the corner. The final concrete pour is scheduled for this week. The Traffic Operations staff began to implement the new pavement markings last week. The new east bound right turn lane was been added with the proper lane assignment signs and pavement markings. Through this week the rest of the pavements marking should completed.



Dove Avenue looking west from 10th Street.

To: MIKE R. PEREZ, CITY MANAGER
From: SALLY GAVLIK, DIRECTOR 
Subject: PROJECT UPDATES
Date: MARCH 18, 2013

COMMENT

This month the Parks and Recreation Department will highlight the following projects:

Bicentennial Trail Extension

The lighting on the north side of Trenton along the trail has been completed. The irrigation contractor is still working on the trenching and piping. The contractor has re-spaced the rotor heads as they were in the wrong locations.

Morris Park

Engineering is designing the irrigation pond and fill lines.

DeLeon Soccer Fields

Ground breaking was held on March 12, 2013. All the underground utilities have been installed. This was done during spring break to not interfere with the school schedule. The pond is being dug and the dirt is being moved to other areas in the park. The pre-construction meeting was held with the bleacher contractor. The primary contractor is working to get all insurances so the main construction work can begin.

Westside Park Ballfields

The art project has been installed at the park. The baseball was designed in house and welded by department staff.

Uvalde Park

The restroom structure is completed and the interior will be completed by the end of the month

Baseball Complex

Site survey requested through Engineering.

Airport Landscaping Upgrade

Airport staff reviewing plans for new landscaping for the entrance of the airport.

McHigh Tennis Courts

The department provided cosmetic improvements to the facility during spring break. This included painting, new fixtures, and roof repairs.





Bicentennial Trail Extension



Bicentennial Trail Extension



Bicentennial Trail Extension









DeLeon



WESTSIDE

SOFTBALL

COMPLEX



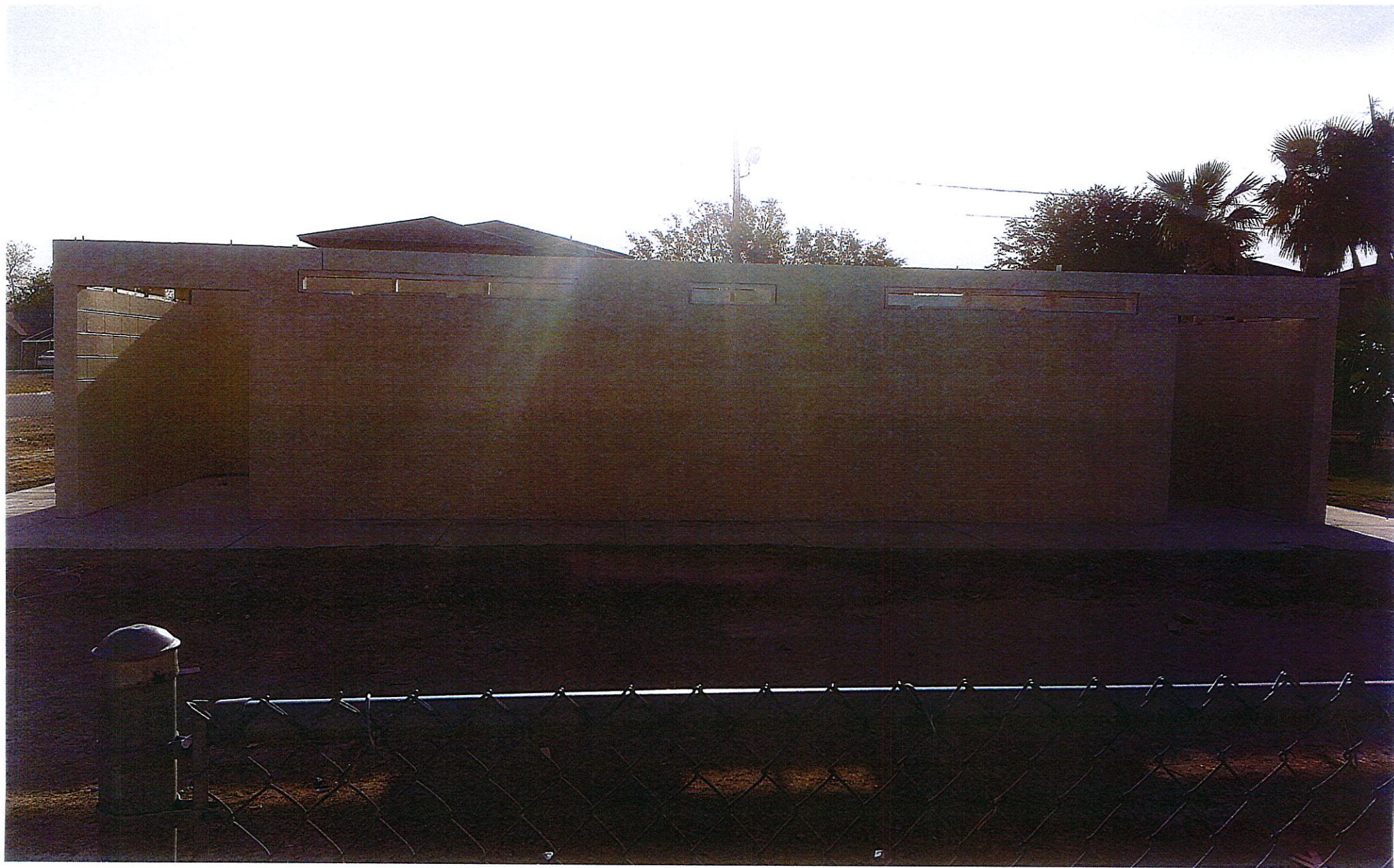
WESTSIDE
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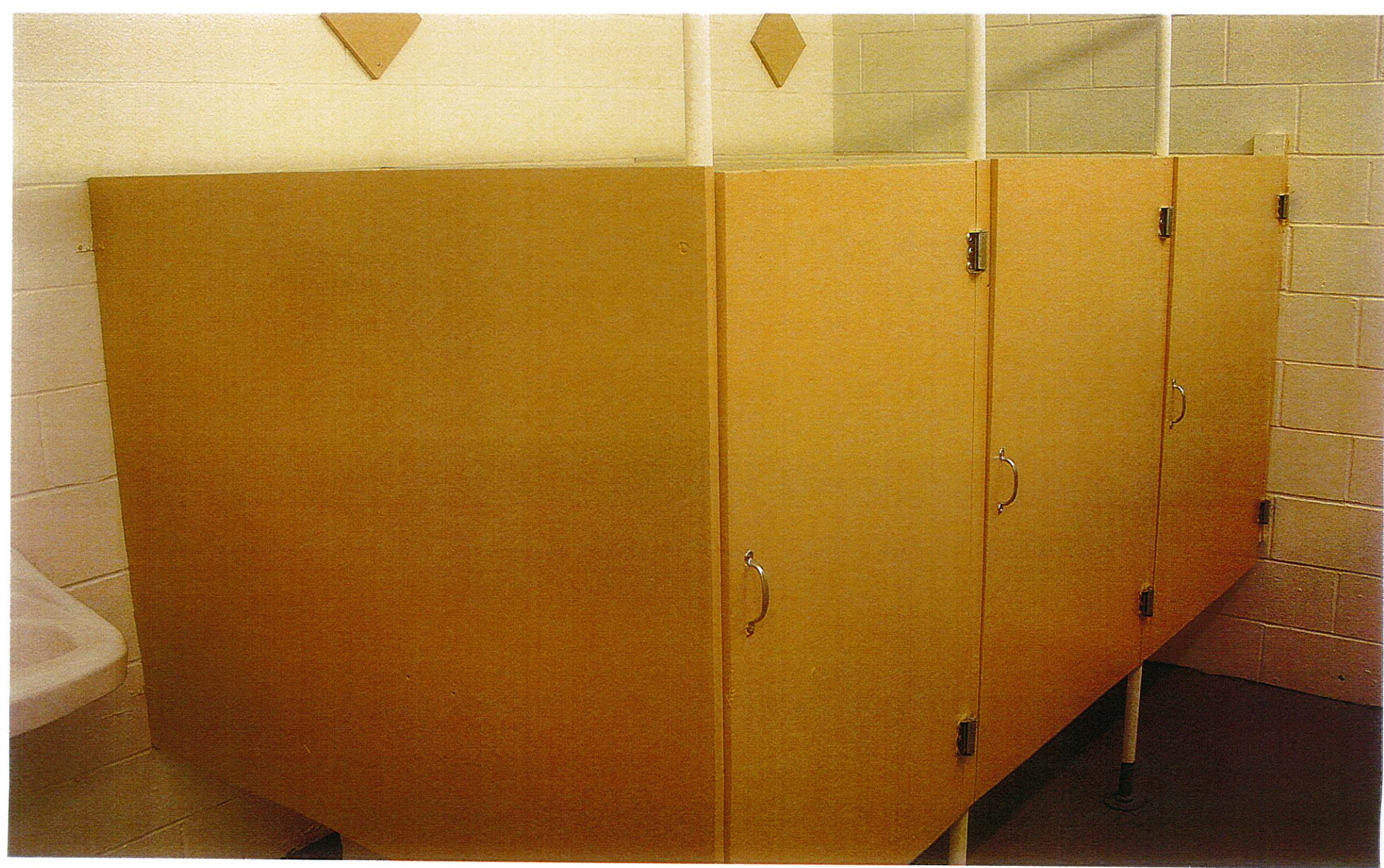
Uvalde



Uvalde



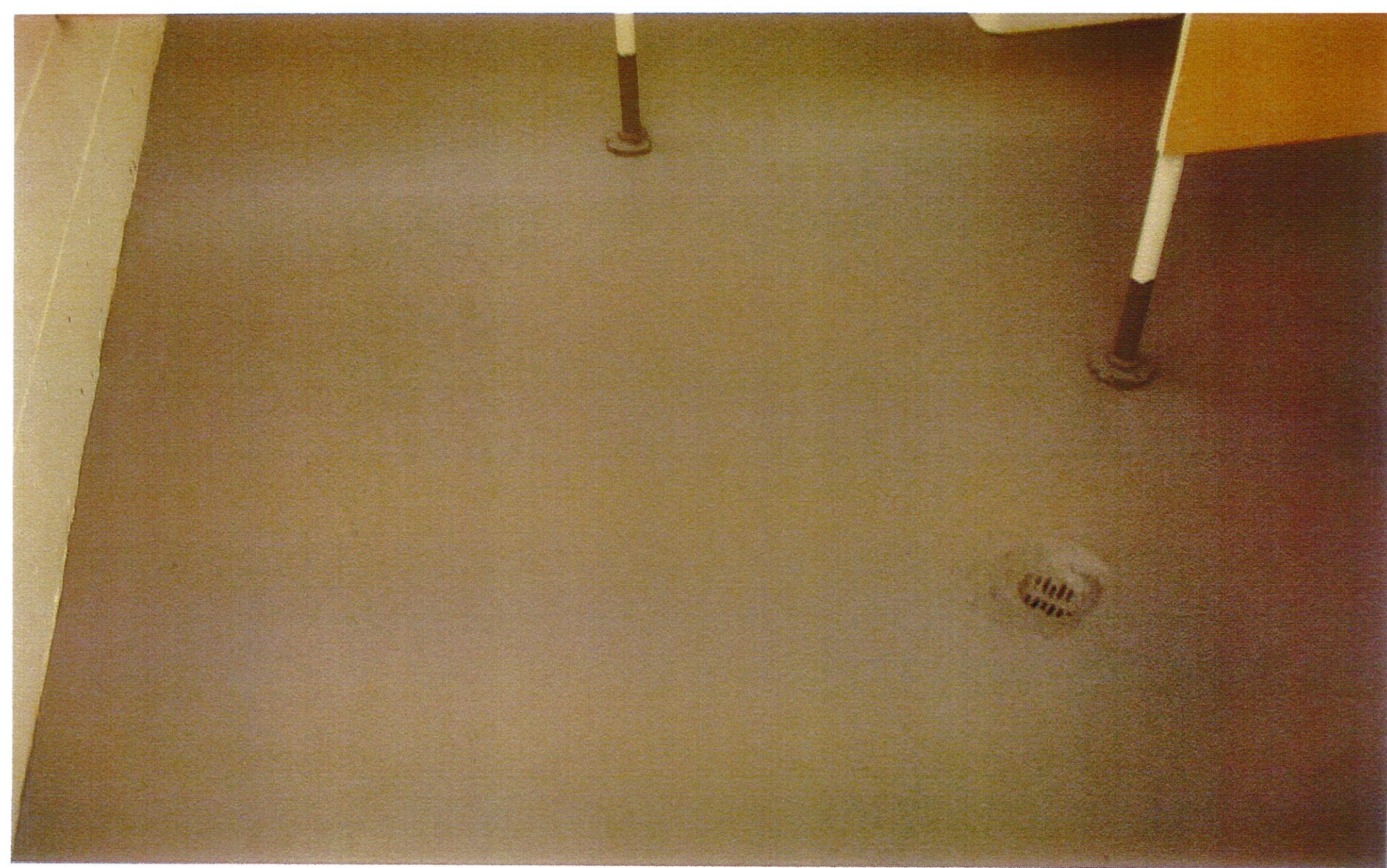
MCA High



MCA High



McA High



McA High

Airport Construction Status Report through March 25, 2013

Terminal Expansion Project

The Project is the expansion of the existing terminal and ramp at the McAllen Miller International Airport. It consists of adding approximately 55,000 square feet of new terminal, renovation of approximately 40,000 square feet of terminal, addition of a new passenger boarding bridge, a new and expanded baggage handling facility for outbound baggage, and upgrades to the airport central plant equipment and infrastructure.

Contractor:	Don Krueger Construction Company, Inc.	
Original Contract:	\$18,879,500	713 calendar days
Change Orders:	\$ 304,471	0 calendar days
Revised Contract:	\$19,183,971	713 calendar days
Completion Date:	March 2014	

Project Finance Summary

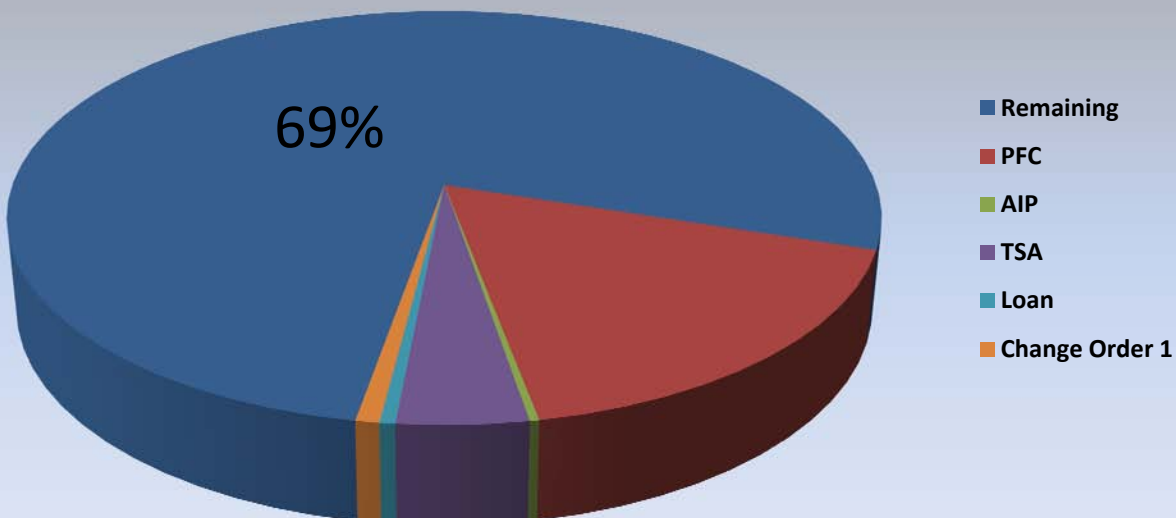
Used to Date	\$ 5,969,191.00
Remaining	\$ 13,214,780.00

Funding Sources:

PFC	\$ 4,242,441.91
AIP 42	\$ 74,380.90
TSA	\$ 1,041,663.71
Inter Department Loan	\$ 122,924.21
Operating	\$ 189,320.75**

**Change Order #1 (Improvements to Cargo Ramp) Reimbursable through AIP 43

Terminal Expansion Funding



Construction Status:

The project continues as the first floor of new terminal addition is worked on and preparation of the second floor. The columns have all been placed, beams being attached to the columns and to the existing terminal building. Electrical and data underslab work was completed; storm drain pipe for roof drains is complete, perimeter wall and foundation for first floor terminal expansion is complete. The baggage handling system facility pad was completed with footings and columns on south side of temporary customs walkway complete. Project time and budget metrics:

Percent of Project Complete (Time)	45%
Percent of Project Complete (Budget)	31%

The Project, through coordination with staff and contractor, is on schedule for completion in March 2014.

Overview of Terminal Expansion



Installation of Sterilizer



Construction of Mechanical Pad on First Floor of Terminal Expansion



Concrete Pour for Columns at Baggage Handling Building



Installation of Storm Pipe for Roof Drains at Terminal Expansion



Construction of Perimeter Wall Baggage Handling Building



Installation of Air Handler Units into First Floor Mechanical Room

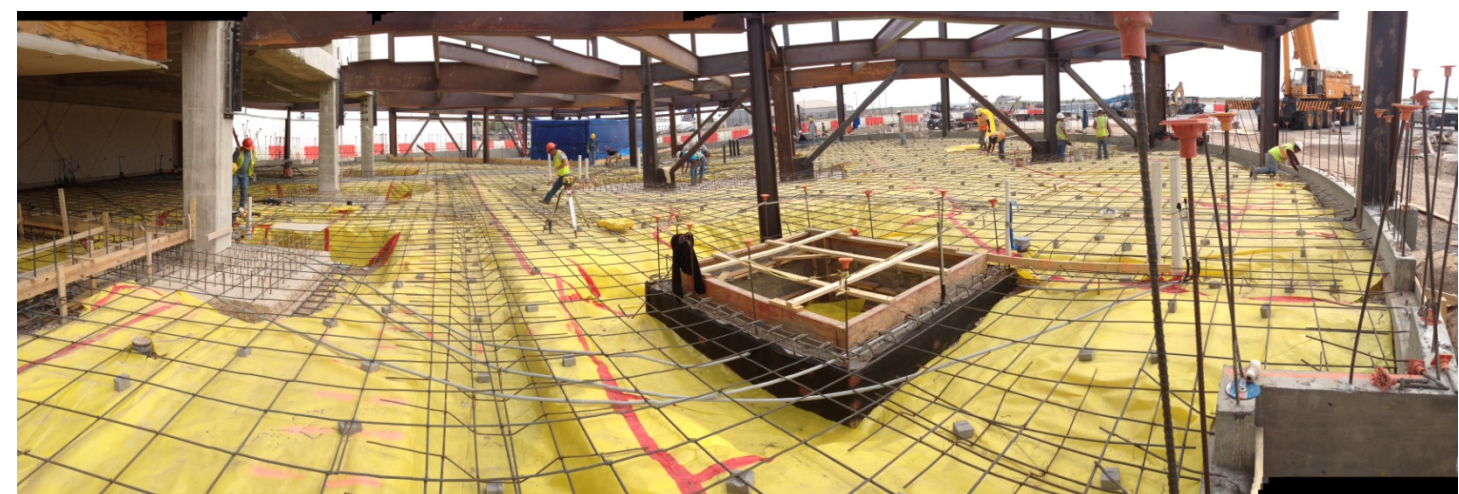


Plumbing Installation at Baggage Handling Building



Page 5 of 6

Preparation of Vapor Barrier and Steel Layout for First Floor Concrete Pour at Terminal Expansion



Concrete Pour of First Floor Terminal Addition



Concrete Finishing of First Floor Terminal Addition



CITY OF MCALLEN

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 6E
DATE SUBMITTED 3/15/13
MEETING DATE 3/25/13

- 1. Agenda Item: **Report of Activities at the Convention Center**
- 2. Party Making Request: **Convention Facilities Department**
- 3. Nature of Request: (Brief Overview) Attachments: X Yes No
- 4. Policy Implication: **LOCAL GOVERNMENT CODE**
- 5. Budgeted: Yes No N/A X
- 6. Alternate Option/Costs: **N/A**

7. Routing:

	<u> NAME/TITLE </u>	<u> INITIAL </u>	<u> DATE </u>	<u> CONCURRENCE </u>
a).	<u> O.Rodriguez, Director MCC </u>	<u> </u>	<u> 2/19/13 </u>	<u> YES </u>
b).	<u> </u>	<u> </u>	<u> </u>	<u> </u>
c).	<u> </u>	<u> </u>	<u> </u>	<u> </u>

- 8. Staff Recommendation: **Report only.**
- 9. Advisory Board: **N/A**
- 10. City Attorney: Approved Disapproved X None
MRP
- 11. Manager's Recommendation: Approved Disapproved X None
KP
- 12. Action Taken: _____



inter-office
MEMORANDUM
city of mcallen

TO: MIKE R. PEREZ, CITY MANAGER
FROM: OMAR RODRIGUEZ, DIRECTOR
SUBJECT: February Report
DATE: March 15, 2013

CONVENTION CENTER:

The month of February the Convention Center hosted 29 events with an attendance of 20,761 people. Events to note were five Consumer shows held, which included the World Travel Expo presented by Chuck Olsen Tours, the All Valley Boat Show presented by the Lower Rio Grande Valley Boat Association, the 2012 Rio Grande Valley Quilt Show, the Snowbird Extravaganza presented by Medipac International, and the Valley Wedding Pages 10th Anniversary Wedding Show. Also, taking place was the television debut for Top Ranks' "Fight Nights" on the Univision's new television channel UniMAS, as well as South Texas Fighting Championships 24.

Sales activity showed 45 leads (inquiries for rental) and 38 new reservations confirmed for \$80,833 in future rental revenue.

Operating revenue covered 49% of expenses for the month with revenues of \$118,785 and expenditures of \$243,171. Hotel Occupancy Tax revenue for the month was \$163,691 covering the operating deficit of \$ (124,386).

AUDITORIUM:

The Auditorium hosted nine events with an attendance of 10,115 people. Performances presented by the Valley Symphony Orchestra, Vikki Carr, Adal Ramones, UTPA Mariachi and McAllen Community Concerts.

Operations revenues covered 145% of expenses for the month with revenues of \$41,923 and expenditures of \$29,009.



**Convention Facilities Department
Monthly Report FY1213
February 1 - 28, 2013**

Convention Center	Month	YTD	2011-2012 YTD	% Change
Events ¹	29	191	193	-1.0%
Bookings ²	165	970	1017	-4.6%
Occupied Square Foot Days ³ (OSFD) %	31%	35%	38%	-7.7%
Attendance	20,761	200,184	193,717	3.3%
Convention/Conference/Tradeshows	0	3	9	-66.7%
Consumer Show(s)	5	17	14	21.4%
Other meetings...	24	171	170	0.6%
Revenue ⁴ (operating less Hotel Occupancy Tax subsidy)	\$ 118,784.78	\$ 726,809.47	\$ 689,356.58	5.4%
Expenditures (operating less capital/depreciation)	\$ 243,170.75	\$ 1,437,776.59	\$ 1,220,172.53	17.8%
Profit (Loss) ⁵	\$ (124,385.97)	\$ (710,967.12)	\$ (491,452.66)	44.7%
Transfer-in Hotel Occupancy Tax	\$ 163,691.16	\$ 979,874.71	\$ 789,074.88	24.2%
Excess (deficiency) of revenues over expenses after transfers:	\$ 39,305.19	\$ 268,907.59	\$ 297,622.22	-9.6%
Dollar of operation recovered by revenue	\$ 0.49	\$ 0.51	\$ 0.56	-10.5%
Centerplate				
Banquet Event Orders (Gross Revenue)	\$ 116,615.45	\$ 726,144.03	\$ 770,329.32	-5.7%
Commission to City	\$ 26,782.18	\$ 173,505.49	\$ 183,867.33	-5.6%
Auditorium				
Events ¹	9	25	23	8.7%
Bookings ²	15	61	41	48.8%
Occupied Square Foot Days ³ (OSFD) %	52%	44%	30%	45.3%
Attendance	10,115	51,218	46,860	9.3%
Revenue ⁴ (operating less Hotel Occupancy Tax subsidy)	\$ 41,923.17	\$ 192,551.11	\$ 159,623.41	20.6%
Expenditures (operating less capital/depreciation)	\$ 29,009.43	\$ 131,063.28	\$ 72,840.72	79.9%
Profit (Loss) ⁵	\$ 12,913.74	\$ 61,487.83	\$ 86,782.69	-29.1%
Transfer-in Hotel Occupancy Tax	\$ 78,910.11	\$ 282,956.00	\$ 194,435.68	45.5%
Excess (deficiency) of revenues over expenses after transfers:	\$ 91,823.85	\$ 344,443.83	\$ 281,218.37	22.5%
Dollar of operation recovered by revenue	\$ 1.45	\$ 1.47	\$ 2.19	-33.0%
Sales:				
Leads	45	225	301	-25.2%
New Reservations (confirmed)	38	193	167	15.6%
Conversion of Lead to Confirmed	84%	87%	55%	57.6%
New Reservations (rental revenue confirmed)	\$ 80,833.36	\$ 483,529.44	\$ 384,205.86	25.9%

Notes:

1. An event is defined as the collective booking of space for one client for one event. (example: A conference booking multiple rooms, over multiple days would be counted as one (1) event, just as a luncheon for a quarterly meeting would be counted as one (1) event.)
2. A booking is defined as the occupancy of a single space for a day. (Example: A conference that leases the Exhibit Hall for three (3) days would be counted as three (3) bookings.)
3. Occupancy is calculated as the ratio of occupied square foot days (OSFD) to available square foot days (ASFD). These two terms refer to the gross square feet of exhibit space occupied or rented during the year as a percent of the total amount of space available for rent. OSFD is calculated as the product of total exhibit space utilized per event and the number of event days (including move-in/ move-out). ASFD is calculated as the product of total exhibit space and 365 days. (Monthly ASFD is calculated as the product of total exhibit space and the number of days occurring that month.)
4. Revenues do not include Hotel Occupancy Tax Transfers or Sales of Land. Expenditures do not include capital outlay purchases.
5. The City charges a 7% Hotel Occupancy Tax paid for by visitors using McAllen hotels. This tax is dedicated to the operation of the Convention Center, the Auditorium and the McAllen Chamber of Commerce's Convention & Visitor's Bureau. Profit/Loss is related only to operational revenues/expenses. General Fund Tax Revenues are NOT used to subsidize the Convention Center or Auditorium operations.

CONVENTION CENTER
EVENT SCHEDULE

Saturday, February 02, 2013

- Palm Valley Animal Center Puppy Love Gala
- Top Rank, Inc. Tecate Presents Texas Boxing

Sunday, February 03, 2013

- Medipac [US] International Inc Snow Bird Extravaganza

Monday, February 04, 2013

- City of McAllen Performing Arts Center Coordination Workshop
- Medipac [US] International Inc Snow Bird Extravaganza
- XS Legacy LLC XS-Champions Ballroom B

Tuesday, February 05, 2013

- City of McAllen Performing Arts Center Coordination Workshop
- Medipac [US] International Inc Snow Bird Extravaganza

Wednesday, February 06, 2013

- LRGV Boat Association All Valley Boat
- Robertson Auto Auction

Thursday, February 07, 2013

- LRGV Boat Association All Valley Boat

Friday, February 08, 2013

- LRGV Boat Association All Valley Boat Show

Saturday, February 09, 2013

- XS Legacy LLC
- LRGV Boat Association All Valley Boat Show

Sunday, February 10, 2013

- LRGV Boat Association All Valley Boat

Tuesday, February 12, 2013

- Region One ESC "Turning High Poverty Schools into High Performing Schools"
- Business Event Advisors BBVA Compass Bank
- XS Legacy LLC XS Legacy

Thursday, February 14, 2013

- Rio Grande Valley Quilt Guild 2013 Quilt Show
- South Texas College College-Wide Development Day

Friday, February 15, 2013

- South Texas College College-Wide Development Day
- Rio Grande Valley Quilt Guild 2013 Quilt Show

Saturday, February 16, 2013

- Rio Grande Valley Quilt Guild 2013 Quilt Show

Sunday, February 17, 2013

- The Valley Wedding Pages 10th Anniversary
- 4 Life Leadership Training

Monday, February 18, 2013

- Life Choices Unlimited Conference
- McAllen Convention Center Advisory Board Meeting

Tuesday, February 19, 2013

- Life Choices Unlimited Conference
- Pharmacy Care Valley Education Meeting
- XS Legacy Meeting

Wednesday, February 20, 2013

- Life Choices Unlimited Conference

Thursday, February 21, 2013

- McAllen Economic Development Corporation Monthly Board Meeting
- City of McAllen Food Handlers Certification
- IDEA Public Schools Job Fair 2013

Friday, February 22, 2013

- South Texas Fighting Championship STFC 24

Saturday, February 23, 2013

- Chuck Olson Tours & Cruises World Travel Expo
- XS Legacy Meeting
- Teach for America Meeting

Monday, February 25, 2013

- PSJA ISD 25th Annual Secondary Credit Accrual Workshop
- City of McAllen Performing Arts Center Coordination Workshop

Tuesday, February 26, 2013

- City of McAllen Performing Arts Center Coordination Workshop
- Border Patrol Drill Team Exercise
- Centerplate Santos-Garcia Wedding Tasting

Wednesday, February 27, 2013

- McAllen Mayor's Prayer Luncheon

Thursday, February 28, 2013

- XS Legacy Meeting

CIVIC CENTER AUDITORIUM
EVENT SCHEDULE

Friday, February 01, 2013

- Ballet Folklorico UT Pan American REHEARSAL

Saturday, February 02, 2013

- Ballet Folklorico UT Pan American Alegria 2013

Thursday, February 07, 2013

- Melba's McAllen Dance Theater REHEARSAL

Friday, February 08, 2013

- Melba's Inc. Rehearsal Auditorium

Saturday, February 09, 2013

- Melba's McAllen Dance Theater Performance
- First Row Productions Adal Ramones

Sunday, February 10, 2013

- McAllen Community Concert Side Street Strutters

Thursday, February 14, 2013

- Grace Community Church Vikki Carr Concert m

Sunday, February 17, 2013

- Ice House Promotions La Chupitos

Thursday, February 21, 2013

- McAllen Community Concert Daniel Rodriguez

Friday, February 22, 2013

- ConArte presents Jorge Cuevas

Tuesday, February 26, 2013


- Valley Symphony Orchestra REHEARSAL

Wednesday, February 27, 2013

- Valley Symphony Orchestra REHEARSAL

Thursday, February 28, 2013

- Valley Symphony Orchestra Concert # 5

To: MIKE R. PEREZ, CITY MANAGER
From: SALLY GAVLIK, DIRECTOR 
Subject: DELEON NORTH SOCCER COMPLEX EXPANSION
Date: MARCH 11, 2013 & MARCH 25, 2013

COMMENT

Goal:
To approve a Buy Board contract for the purchase and installation of synthetic soccer/football field at DeLeon North Soccer Complex with Field Turf, a Tarkett Sports Company from Montreal, Canada for Field Turf Classic 57 in the amount of \$726,594.00.

Discussion:
Commission approved the Master Plan for the construction of the DeLeon North Soccer Complex Expansion with an overall project budget of \$4,783,000.00. An element of the design was the synthetic stadium field that will be used for both soccer and football. Staff has solicited proposals through the Texas Buy Board. The original request resulted in one proposal from Field Turf, a Tarkett Sports Company in the amount of \$726,594.00.

However, the Parks and Recreation Department now has two proposals – Field Turf and Hellas. Both have Rio Grande Valley representatives, and offices in Texas. The Field Turf product is manufactured by Field Turf. The Hellas product is manufactured by a different company and furnished to Hellas. Field Turf provides product to the University of Texas at Austin, Texas A&M University at College Station, Kingsville, and Corpus Christi, and Texas Tech. In additional, they provide product to numerous other colleges around the country and several NFL fields.

Locally, Weslaco ISD which has a Hellas field voted to use Field Turf for the new field, even though it cost more than the Hellas product as it was recommended by the coaches for the safety of the youth. Field Turf has a lower incident of injuries to players than the Hellas product. The Parks and Recreation Department called the US Soccer Association to find out which product they would recommend. The informed the department that they had built 55 fields with Field Turf and had another 15 scheduled for this year. Field Turf is the only product they use and they believe it to be a superior product.

McAllen ISD has a Hellas field at McHigh Stadium. This stadium needs to be replaced and it is either seven (7) or eight(8) years old. Edinburg is building a Hellas field. After the bid was awarded to replace an existing field there was a problem with the subsurface and change orders were required and the field now cost approximately \$900,000. Both companies have the same warranty and the same third party insurance coverage. The method of installation is similar for both companies. The difference is in how the turf is manufactured. In discussions with those who have Field Turf the life of their fields is longer than the eight (8) year warranty.

The Hellas product was submitted at a cost of \$689,966.00. The difference in the two products

is \$27,628.00. The Parks and Recreation Department is not recommending that we take the low bid. Hellas did not respond to the original request to have information submitted for the synthetic turf field. It was only after Field Turf had submitted their proposal and the item was placed on the agenda with the cost noted, that Hellas requested the opportunity to submit a proposal. The Hellas price came in lower but they had an unfair advantage over Field Turf as they already knew what price Field Turf had submitted.

While both companies are listed on the Texas Buy Board, not all of their services are included so to get a complete total for a project all components have to be identified. This is due to the individual nature of the field development or replacement.

Recommendation:

The Parks and Recreation Department recommends approval of a Texas Buy Board contract with Field Turf, a Tarkett Sports Company, in the amount of \$726,594.00. This is the first synthetic turf field the City of McAllen will be installing. Field Turf has met all the requirements of the department, submitted information in a timely manner and has a superior product as noted by the US Soccer Association. The Parks and Recreation Department believes that this complex is to be an attraction for the community and should have the best quality field available.

Chuck Bailey, Vice President
2407 Beeleigh Court
Cedar Park, Texas 78613
(512) 632-9181
Chuck.Bailey@fieldturf.com

March 13, 2013

Sally Gavlik
Director of Parks & Recreation
City of McAllen
1000 South Ware Road
McAllen, Texas 78501

Dear Ms. Gavlik,

For the last year the City of McAllen and FieldTurf have been working on the DeLeon Soccer Project. Together we designed the base, drainage, field, and proper turf product for this location. McAllen has had full access to all of our resources and it has been a great team effort. Our goal was to put McAllen in the best possible situation to win a grant from the US Soccer Foundation. Unfortunately, we were not awarded the grant so everyone refocused and worked toward Plan B. With this news, Fieldturf revisited the project and reached out to all involved and was able to discount the price by \$54,850. Fieldturf appreciates your hard work and research that is associated with the purchase of a synthetic playing field. We are also very happy that your research has led you to the Fieldturf product like thousands of others have done. I have included information on Fieldturf that is helpful in the decision process.

The Company

- FieldTurf has been operating continuously for over 15 years. Our history as the inventor of infilled artificial turf is well documented, but what's important is that we've spent the necessary investment in innovation to stay ahead of the competition.
- FieldTurf is owned by the \$2 Billion Tarkett Group, and backed by \$60 Billion KKR. To speak to our financial strength, our bonding capacity is over \$75 million. We are more than capable of handling a project of this magnitude.
- During our time in business over 30 companies have entered and left the industry. This highlights the risk in dealing with some industry partners. In fact, there are over 500 fields installed currently in America that do not have any warranty protection. The solution? FieldTurf provides all of our clients with the best insured warranty in the business. Our annual aggregate is \$32,000,000 per year.

Our Experience

FieldTurf is clearly the #1 choice of all sports. Whether it is at the professional level where 22 of 32 NFL teams have selected FieldTurf, or the NCAA where over 100 universities play their home games on FieldTurf, or even at the high school level where dozens of state champions have played on our surface.

FieldTurf's safety, performance and durability levels are far superior to any other system. As the world's largest synthetic turf company, FieldTurf is installed in most major stadiums. But there is no difference between a high profile FieldTurf field and one installed in a small town. For every pro or college field we build, we install the same quality field at 150 schools and municipal facilities.


Our Product

Fieldturf is a vertically integrated company that controls the process from beginning to end which is critical in quality control. The Fieldturf state of the art 500 k sq ft manufacturing facility is the only triple ISO certified plant in the market. The Fieldturf fiber is specifically designed for sports use and is the most durable high quality fiber in the market. Our tri-layered infill system is unique to the market and offers 2-5 more pounds of infill per sq ft (200-500k lbs more infill on a field of your size). The patented drain system is also the only one of its type in the market. It is inherently porous and allows water to pass through the system over twice as fast as competitive systems.

Installation

Fieldturf also uses our own crews and considered the best and most skilled in the industry. The Southwest Region has 8-10 full time crews that have been involved in many prestigious installs over the years (University of Texas, Texas Tech, Harlingen, Brownsville, Indianapolis Colts, and Houston Texans).

These are exciting times for the city of McAllen and we are extremely happy to be in conversation about taking your project to another level. The decision being considered is a big and important one and I hope this information provided is helpful. Please let us know if we can help you with any other details.

Sincerely,

Chuck Bailey, VP

MEMORANDUM

To: MIKE R. PEREZ, CITY MANAGER

From: SALLY GAVLIK, DIRECTOR

Subject: DELEON NORTH SOCCER COMPLEX EXPANSION

Date: MARCH 11, 2013



6-15
6-22
7-11/7-11

COMMENT

Goal:

To approve a buy board contract for the purchase and installation of synthetic soccer/football field at DeLeon North Soccer Complex with Field Turf, a Tarkett Sports Company from Montreal, Canada for Field Turf Classic 57 in the amount of \$ 726,594.00.

Discussion:

Commission approved the Master Plan for the construction of the DeLeon North Soccer Complex Expansion with an overall project budget of \$4,783,000.00. An element of the design was the synthetic stadium field that will be used for both soccer and football. Staff has solicited proposals through the Texas Buy Board. The original request resulted in one proposal from Field Turf, a Tarkett Sports Company in the amount of \$726,594.00.

However, the Parks and Recreation Department now has two proposals – Field Turf and Hellas. Both have Rio Grande Valley representatives, and offices in Texas. The Field Turf product is manufactured by Field Turf. The Hellas product is manufactured by a different company and furnished to Hellas. Field Turf provides product to the University of Texas- Austin, Texas A&M University – College Station, Kingsville, and Corpus Christi; and Texas Tech. In addition, they provide product to numerous other colleges around the country and several NFL fields.

Locally, Weslaco ISD which has a Hellas field voted to use Field Turf for their new field, even though it cost more than the Hellas product as it was recommended by the coaches for the safety of the youth. Field Turf has a lower incident of injuries to players than the Hellas product. The Parks and Recreation Department called the US Soccer Association to find out which product they would recommend. They informed the department that they had built 55 fields with Field Turf and had another 15 scheduled for this year. Field Turf is the only product they use and they believe it to be a superior product.

McAllen ISD has a Hellas field at McHigh Stadium. This stadium needs to be replaced and it is either seven (7) or eight (8) years old. Edinburg is building a Hellas field. After the bid was awarded to replace an existing field there was a problem with the subsurface and change orders were required and the field now cost approximately \$900,000. Both companies have the same warranty and the same third party insurance coverage. The method of installation is similar for both companies. The difference is in how the turf is manufactured. In discussions with those who have Field Turf the life of their fields is longer than the eight (8) year warranty.

The Hellas product was submitted at a cost of \$698,966.00. The difference in the two products is

\$27,628. The Parks and Recreation Department is not recommending that we take the low bid. Hellas did not respond to the original request to have information submitted for the synthetic turf field. It was only after Field Turf had submitted their proposal and the item was placed on the agenda with the cost noted, that Hellas requested the opportunity to submit a proposal. The Hellas price came in lower but they had an unfair advantage over Field Turf as they already knew what price Field Turf's had submitted.

While both companies are listed on the Texas Buy Board, not all of their services are included so to get a complete total for a project all components have to be identified. This is due to the individual nature of the field development or replacement.

Recommendation:

The Parks and Recreation Department recommends approval of a Texas Buy Board contract with Field Turf, a Tarkett Sports Company, in the amount of \$726,594.00. This is the first synthetic turf field the City of McAllen will be installing. Field Turf has met all the requirements of the department, submitted information in a timely manner and has a superior product as noted by the US Soccer Association. The Parks and Recreation Department believes that this complex is to be an attraction for the community and should have the best quality field available.



FieldTurf

A Tarkett Sports Company

January 18, 2013

**PRICING PROPOSAL FOR CITY OF MCALLEN – DELEON SOCCER COMPLEX - TEXAS
BUYBOARD PROPOSAL – CONTRACT #391-12**

FieldTurf is pleased to offer to supply and install the following high performance artificial infilled grass surface.

Field Name	De Leon North Soccer Expansion		
Turf System	FieldTurf Revolution FieldTurf Classic-57 FieldTurf XM-57 FieldTurf XT57		
Square Footage	Approx. 93,600sf		
Field Markings	Football and Soccer		
Price	FieldTurf Revolution	\$ 736,594.00	
	FieldTurf Classic-57	\$ 726,594.00	
	FieldTurf XM-57	\$ 712,059.00	
	FieldTurf XT57	\$ 702,368.00	

Product Details

FieldTurf, the worldwide leader in artificial turf, is pleased to offer the FieldTurf systems, with the following product characteristics:

REVOLUTION:

Pile Height: 2.25 inches
Infill Weight: 8.4 lbs / ft²

Pile Weight: 36oz / sqy
Total System Weight: 1,266 oz / sqy

CLASSIC-57:

Pile Height: 2.25 Inches
Infill Weight: 8 lbs/sq.ft.

Pile Weight: 33 oz./sq.yd.
Total System Weight: 1263 oz./sq.yd.

XM57:

Pile Height: 2.25 inches
Infill Weight: 6.0 lbs / ft²

Pile Weight: 33oz / sqy
Total System Weight: 916 oz / sqy



FieldTurf

A Tarkett Sports Company

XT57:

Pile Height: 2.25 inches
Infill Weight: 6.0 lbs / ft²

Pile Weight: 33oz / sqy
Total System Weight: 916 oz / sqy

The FieldTurf Quality Guarantee

To achieve unmatched quality and level of performance, we have invested heavily in modernizing our plants with the latest fiber manufacturing, coating and tufting technologies along with top manufacturing talent, and specialized installation equipment. Our dedicated CAD-based design department supports customization for each client, and our experts ensure timely delivery and installation on every project.

The world leader in artificial turf innovation is ISO 9001, ISO 14001 and OHSAS 18001 certified for its leadership in quality, environment and safety management systems. FieldTurf's Calhoun facility represents the only artificial turf manufacturing operation in North America to have received these ISO certifications.

FieldTurf has taken the necessary steps to ensure that your project will run smoothly and that the quality promised will be the quality delivered.

Price Includes:

- a) Mobilization, supervision and layout of our work.
- b) Excavation and shape as required to achieve required subgrade elevations
- c) Import, place and compact 12" of select fill
- d) Form and pour new concrete perimeter curbs at field perimeter
- e) Furnish and install new 2" x 4" treated wood turf nailer
- f) Furnish and install 20 mil. impermeable liner
- g) Furnish and install perimeter drainage system -12" perf. HDPE & fittings extended to within 10ft outside limits of FieldTurf
- h) Stone Profile (4.5" of ¾" Base Stone and 1.5" of 3/8" Finish Stone)
- i) Site restoration
- j) Laser grade and compact final grades
- k) One year warranty on civil work
- l) Installation of the artificial in-filled grass surface upon an existing suitable base;
- m) Buy Board Fees
- n) Performance and Payment Bond fees
- o) An 8 Year third party insured manufacturer warranty on the artificial grass surface
- p) A Parker field sweeper and a GroomRight field groomer
- q) Installation of inlaid football markings
- r) Installation of inlaid soccer markings
- s) The price is subject to an increase without notice in the event that there is an increase in raw materials, freight, or direct expenses in manufacturing or installing the grass surface



FieldTurf

A Tarkett Sports Company

Price does not include:

- a) Unless otherwise specified, does not include any G-max testing of the finished FieldTurf playing surfaces.
- b) The supply of manholes or clean-outs or grates, or supply of the manhole covers that are not required within the limits of proposed FieldTurf; and downstream treatment structures that may be deemed necessary upon SWP3 Engineering reviews and approvals.
- c) Irrigation and layout.
- d) Electrical work.
- e) Repair of any un-marked utilities excluded.
- f) Relocation, removal or repairs of existing utilities that are un-marked.
- g) Testing by others.
- h) Site security
- i) Asphalt paving
- j) Relocation, removal and repair of existing utilities not limited to electrical conduits, power poles, water, sewer, gas, cable, telephone, owner placed conduits or communication feeds within the field of play
- k) Design services and construction documentation, including, but not limited to: conceptual drawings/preliminary design; construction drawings; storm water management; submittal reviews and processing; architectural/engineering inspections; soil borings; professional survey; and as-built drawings.
- l) All applicable taxes, union labor or other labor law levies.


The price is valid for a period of 90 days. The price is subject to increase if affected by an increase in raw materials, freight, or other manufacturing costs, a tax increase, new taxes, levies or any new legally binding imposition affecting the transaction. The price of the base preparation is subject to increase in the event FieldTurf encounters any of the following site conditions: soil contamination; bedrock; unknown utilities; underground springs; unstable or unsuitable ground; and any concealed or unknown conditions.

Please feel free to reach out to any member of our project team with questions about our offer:

Lisa Nettles
Project Administrator
PH: 512.778.9447
lnettles@fieldturf.com

Vince Sebo
Regional Sales Manager
PH: 832.370.7104
Vince.Sebo@fieldturf.com

Thank you again for your interest in FieldTurf, we look forward to working with you.

Per: 
Charles Cook – VP of Construction and Installation
FieldTurf USA, Inc.



FieldTurf

A Tarkett Sports Company

Conditions

Notwithstanding any other document or agreement entered into by FieldTurf in connection with the supply and installation only of its product pursuant to the present bid proposal, the following shall apply:

- a) This bid proposal and its acceptance is subject to strikes, accidents, delays beyond our control and *force majeure*;
- b) Final payment shall be upon the substantial completion of FieldTurf's obligations;
- c) Accounts overdue beyond 30 days of invoice date will be charged at an interest rate of 1.5% per month (19.56% per annum);
- d) FieldTurf requires a minimum of 21 days after receiving final approvals on shop drawings to manufacture, coordinate delivery and schedule arrival of installation crew. Under a typical field size and scenario, FieldTurf further requires approximately 75 days unencumbered access to the field to complete the field, subject to weather, other delays beyond the control of FieldTurf and *force majeure*.
- e) FieldTurf requires a suitable staging area. Staging area must be square footage of field x 0.12, have a minimum access of 15 feet wide by 15 feet high, and, no more than 100ft from the site. A 25 foot wide by 25 foot long hard or paved clean surface area located within 50 feet of the playing surface shall be provided for purposes of proper mixing of infill material. Access to any field will include suitable bridging over curbs from the staging area to permit suitable access to the field by low clearance vehicles.
- f) This proposal is based on a single mobilization. If the site is not ready and additional mobilizations are necessary, additional charges will apply.
- g) FieldTurf shall be accountable for its negligence but shall not be bound by any penalty clauses.
- h) FieldTurf shall be entitled to recover all costs and expenses, including attorney fees, associated with collection procedures in the event that FieldTurf pursues collection of payment of any past due invoice.
- i) All colors are to be chosen from FieldTurf's standard colors.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 7b
DATE SUBMITTED 03/20/13
MEETING DATE 03/25/13

- 1. Agenda Item: Demolition of Former Sam Houston Elementary-- Award of Contract
- 2. Party Making Request: Engineering Department
- 3. Nature of Request: (Brief Overview) Attachments: X Yes No

Consideration and approve award of contract for Former Sam Houston Elementary to the lowest, responsive, responsible bidder, R.L. Abatement in the amount of \$233,900.00 to be completed within 40 days.

4. Policy Implication: City Commission Policy, Local Government Code

5. Budgeted: X Yes No N/A Account No.:

Budgeted:	\$ 150,000.00
110 8702 466 66 99 ID# NP1304	\$ 75,000.00
300 8716 416 66 99 ID# NP1301	\$ 51,000.00
 Sam Houston Demolition:	 \$ 233,900.00
 <u>Over</u> Budget:	 \$107,900.00

6. Alternate Option/Costs The City Commission may elect to reject bid and re-advertise the project.

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Yvette Barrera, PE, City Engineer</u>	<u>YB</u>	<u>3-20-13</u>	<u>YES</u>
b.)	<u>Sandra Zamora, Director of Purchasing</u>	_____	_____	_____
c.)	<u>J.W. Dale, Director of Finance</u>	_____	_____	_____
d.)	<u>Roy Rodriguez, Assistant City Mngr.</u>	_____	_____	_____

8. Staff Recommendation: **Staff recommends approval of contract to the low bidder to RL Abatement in the amount of \$ 233, 900.00**


9. Advisory Board: Approved Disapproved None

10. City Attorney: MRP Approved Disapproved None

11. Manager's Recommendation: KP Approved Disapproved None



**CITY OF MCALLEN
DEPARTMENT OF ENGINEERING
MEMORANDUM**

To: Mike R. Perez, City Manager
From: Yvette Barrera, P.E., CFM, City Engineer 
Date: March 20, 2013
Subject: Award of Contract – Demolition of Former Sam Houston Elementary

Goal

City staff intends award of contract for asbestos abatement and general demolition of the Former Sam Houston Campus site to the lowest, responsive, responsible bidder.

Brief Explanation

On February 6, 2013 the Purchasing and Contracting Department received five (5) bid proposals for the above referenced project. The five bidders are identified in the attached spreadsheet. The project consists of asbestos abatement and general demolition of all building foot prints (above grade and below), flat work as shown on the drawings and then grading and seeding.

Bids ranged from \$ 233,900 to \$ 400,000 for the Sam Houston Elementary site. The perceived low bidder for the Former Sam Houston Elementary job proposes to be complete the demolition within 40 working days. A copy of the bid tabulation is attached for your review and consideration.

Options:

- 1.) The City Commission may choose to award contract to the lowest, responsive, responsible bidder.
- 2.) The Commission may choose to reject bids and re-advertise the project.

Recommendation – The Engineering Department staff recommends award of contract to the low bidder, RL Abatement in the amount of \$ 233,900.00 to be completed within 40 working days.



BID OPENING: FEBRUARY 06, 2013 AT 4:00 PM
 LOCATION: Conference Room

PROJECT NO. 02-13-C09-211 PROJECT " A " - DEMOLITION OF OLD SAM HOUSTON ELEMENTARY; PROJECT " B " - DEMOLITION OF OLD CENTRAL FIRE STATION

BIDDERS :	R.L. ABATEMENT WESLACO, TX	CAMACHO DEMOLITION LLC CORPUS CHRISTI, TX	LaSALLE AFFORDABLE BUILDERS, LLC SAN ANTONIO, TX	J.T.B. SERVICES INC. HOUSTON, TX	SOUTH PLAINS CONTRACTING, INC. ADKINS, TX
BASE BID: PROJECT "A" - FORMER SAM HOUSTON ELEMENTARY - ABATEMENT DEMOLITION - TOTAL FOR REMOVAL AND DISPOSAL OF APPROXIMATELY 37,000 SQUARE FEET OF ASBESTOS TILE AND MASTIC, 2,800 SQUARE FEET OF ASBESTOS CHALK BOARDS AND 3,000 LINEAR FEET OF ASBESTOS PIPE INSULATION AND OTHER COMPONENTS AS MAY BE DESCRIBED IN THE APPLICABLE ASBESTOS SURVEY REPORT.	\$49,900.00	\$82,000.00	\$65,000.00	\$111,285.00	\$80,000.00
BASE BID: PROJECT "A" - FORMER SAM HOUSTON ELEMENTARY - GENERAL DEMOLITION - TOTAL DEMOLITION AND DISPOSAL OF APPROXIMATELY 96,000 SQUARE FEET OF BUILDING FOOT PRINT TO INCLUDE BELOW-GRADE STRUCTURES TO A DEPTH OF 3 FEET.	\$184,000.00	\$191,000.00	\$245,120.00	\$210,000.00	\$320,000.00
PROJECT "A" - NO. OF DAYS TO COMPLETE THE ABATEMENT DEMOLITION AFTER NTP	15	45	10	22	30
PROJECT "A" - NO. OF DAYS TO COMPLETE THE GENERAL DEMOLITION AFTER NTP	25	75	35	60	90
TOTAL FOR PROJECT " A "	\$233,900.00	\$273,000.00	\$310,120.00	\$321,285.00	\$400,000.00
BASE BID: PROJECT "B" - OLD CENTRAL FIRE STATION - ABATEMENT DEMOLITION - TOTAL FOR REMOVAL AND DISPOSAL OF ASBESTOS CEILING TEXTURE AND ASBESTOS PIPE INSULATION ABOVE CEILING.	\$1,300.00	\$4,000.00	\$1,300.00	\$8,970.00	\$4,000.00
BASE BID" PROJECT "B" - OLD CENTRAL FIRE STATION - GENERAL DEMOLITION - TOTAL DEMOLITION AND DISPOSAL OF APPROXIMATELY 12,177 SQUARE FEET OF BUILDING FOOT PRINT TO INCLUDE PIERS OF DEPTHS TO 6 FEET OF VARIOUS DIAMETERS AND ALL OTHER BELOW-GRADE STRUCTURES TO A DEPTH OF 3 FEET.	\$49,600.00	\$20,000.00	\$32,077.19	\$60,033.00	\$44,000.00
PROJECT "B" - NO. OF DAYS TO COMPLETE THE ABATEMENT DEMOLITION AFTER NTP	3	5	45	5	5
PROJECT "B" - NO. OF DAYS TO COMPLETE THE GENERAL DEMOLITION AFTER NTP	10	15	120	24	15
TOTAL FOR PROJECT " B "	\$50,900.00	\$24,000.00	\$33,377.19	\$69,003.00	\$48,000.00
GRAND TOTAL PROJECT "A" AND "B"	\$284,800.00	\$297,000.00	\$343,497.19	\$390,288.00	\$448,000.00
BID BOND	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED
ADDENDUM	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	NOT ACKNOWLEDGED