



**AGENDA**

**CITY COMMISSION REGULAR MEETING  
MONDAY, APRIL 8, 2013 – 6:00 PM  
CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

**CALL TO ORDER** - Mayor Richard Cortez

**PLEDGE OF ALLEGIANCE** - Mayor Richard Cortez

**INVOCATION** – Scott Crane, City Commissioner

**PROCLAMATIONS** – *McAllen Earth Day Festival/Vida Verde*

**1. PUBLIC HEARING:**

**A) ROUTINE ITEMS:** *[All Rezoning and Conditional Use Permits listed under this section come with a favorable recommendation from the Planning & Zoning Commission and will be enacted by one motion. However, if there is opposition at the meeting or a discussion is desired, that item(s) will be removed from the Routine Items section of the agenda and will be considered separately.]*

**1.** Rezone from A-O (agricultural-open space) District to C-4 (commercial-industrial) District: 5.20 acres out of Lot 3, Section 4, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 5800 South 10th Street.

**2.** Request of Trinity Baptist Church for a Conditional Use Permit, for life of the use, for an institutional use (church) at the 10.0 acres out of Lot 10, Section 279, Texas Mexican Railway Company Survey, Hidalgo County, Texas; 2001 Freddy Gonzalez Drive.

**3.** Request of Tina S. Rupani, appealing the decision of the Planning & Zoning Commission of the March 19, 2013 meeting, denying a Conditional Use Permit, for one year, for a party center at Lot A, Block 1, Royal Palms Subdivision, Hidalgo County, Texas; 2901 North 10<sup>th</sup> Street, Suite M.

**B) CONDITIONAL USE PERMITS:**

**1.** Request of McAllen Spanish Central SDA Church for a Conditional Use Permit, for life of the use, for an institutional use (school soccer field) at the 3.386 acres out of Lot 77, La Lomita Irrigation & Construction Company Subdivision, Hidalgo County, Texas; 6601 North Ware Road.

**2.** Request of Cynthia Perez Ramon, appealing the decision of the Planning & Zoning Commission of the March 5, 2013 meeting, denying a Conditional Use Permit, for one year, for a home occupation (office) at Lot 7-A, La Hacienda Estates Subdivision, Hidalgo County, Texas; 2900 North 29<sup>th</sup> Lane #A.

**C)** 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 25, 2013.
- B) Approval of Tax Refunds over \$500 for:
  - 1. Ventura & Maria Garza
  - 2. Jascan Construction
  - 3. BB&T Mortgage
- C) Ordinance providing for a budget amendment for Contractual Obligations associated with the Interlocal Agreement between the City of McAllen & City of Pharr for dispatch services.
- D) Ordinance designating a segment of North Broadway Street from a one-way south bound to a two-way street northbound and southbound (Vine Avenue to Tamarack Avenue).
- E) Ordinance providing for the abandonment of the west 5 ft. of the 10 ft. utility easement located on the west side of Lot 28, Heritage Manor No. 2 Subdivision (Amended); 4513 North 5<sup>th</sup> Street.
- F) Ordinance providing for the abandonment of a 0.05 acre portion of a utility easement out of an abandoned alley to the north of Lot 47, Margaret Estates Subdivision; 1004 North Ware Road.
- G) Consider approval of a variance request to the subdivision process at 6.04 acres out of Lot 25, Block 3, C.E. Hammond Subdivision; 4601 South 23<sup>rd</sup> Street.

**3. BIDS/CONTRACTS:**

- A) Award of Service Contract for Traffic Signal Loop Detector Replacement.
- B) Consider approval of Change Order No. 1 for Bicentennial Trail.
- C) Consider approval of Change Order No. 8 for Bentsen Road Paving Improvements from Pecan Boulevard (FM 495) to 3 Mile Line Road.

**4. ORDINANCES:**

- A) Budget Amendment providing for additional funding for various projects through Development Corporation.
- B) Budget Amendment for rewiring of Expressway 83 from 23<sup>rd</sup> Street to east city limit.

**5. MANAGER'S REPORT:**

- A) Report on activities at Convention Center.
- B) Future Agenda Items.

**PUBLIC COMMENT SESSION**

**6. 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 regarding economic incentives for Project Next Level. (Section 551.087, T.G.C.)
- B) Consideration and Consultation with Legal Counsel regarding Economic Development Project Pompeii. (Section 551.087 and 551.071, T.G.C.)
- C) Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)
- D) Consultation with City Attorney regarding pending lawsuit; Dahlila Guerra Casso vs. City of McAllen. (Section 551.071, T.G.C.)
- E) Consultation with City Attorney regarding Request for Proposals for old Civic Center Redevelopment. (Section 551.071, T.G.C.)
- F) Discussion and Possible Action regarding 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.)
- G) Discussion and Possible Action to consider the possible sale of 300 acres on Ware Road and Monte Cristo. (Section 551.072, T.G.C.)
- H) Discussion and Possible Action regarding economic incentives for Project Beer. (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 5<sup>th</sup> day of April, 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 28, 2013

**SUBJECT: REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-4 (COMMERCIAL-INDUSTRIAL) DISTRICT: 5.20 ACRES OUT OF LOT 3, SECTION 4, HIDALGO CANAL COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 5800 SOUTH 10<sup>TH</sup> STREET. (REZ2013-0008)**

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### **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 Military Highway and approximately 300 feet west of South 10<sup>th</sup> Street. The tract has 223 feet of frontage along South 10<sup>th</sup> Street and a depth of 678 feet for a tract size of 5.20 acres. The subject property was zoned A-O (agricultural-open space) District upon annexation in December 1989. There have been no rezoning requests on the subject property since that time. The subject property is currently vacant land. Surrounding land uses are single family residential, a Stripes convenient store, and farm land. The applicant is requesting C-4 (commercial-industrial) District for warehousing use. A subdivision plat has not been submitted for this property at this time.

The adjacent zoning is A-O (agricultural-open space) District to the west, R-1 (single family residential) District to the south, and C-3 (general business) District north and to the east. Properties to the east across South 10<sup>th</sup> Street are outside of the McAllen city limits. The adjacent properties were zoned A-O upon annexation in 1989. A 27.17 acre tract located adjacent to the south of the subject property was approved for R-1 (single family residential) District in 1989.

- The requested zoning conforms to the Industrial land use designation for the tract as indicated on the Foresight McAllen Comprehensive Plan.
- The zoning trend along Military Highway is I-1 (light industrial) District.
- The development trend along Military Highway to the west of this area includes warehouses. Rezoning would allow the expansion of industrial uses along Military Highway.
- Military Highway is a U.S. highway and truck route that is designated as a high speed arterial with 150 feet of right-of-way and is constructed with 4 travel lanes, shoulders, a left turn lane, no curb and gutter, no street lights and a posted speed limit of 55 miles per hour.
- South 10<sup>th</sup> Street is a state highway that is designated as a high speed arterial with 150 feet

of right of way and is built with 4 travel lanes, shoulders, a left turn lane, no curb and gutter, and a posted speed limit of 55 miles per hour.

- A recorded subdivision plat and approved site plan are required prior to issuance of building permits.

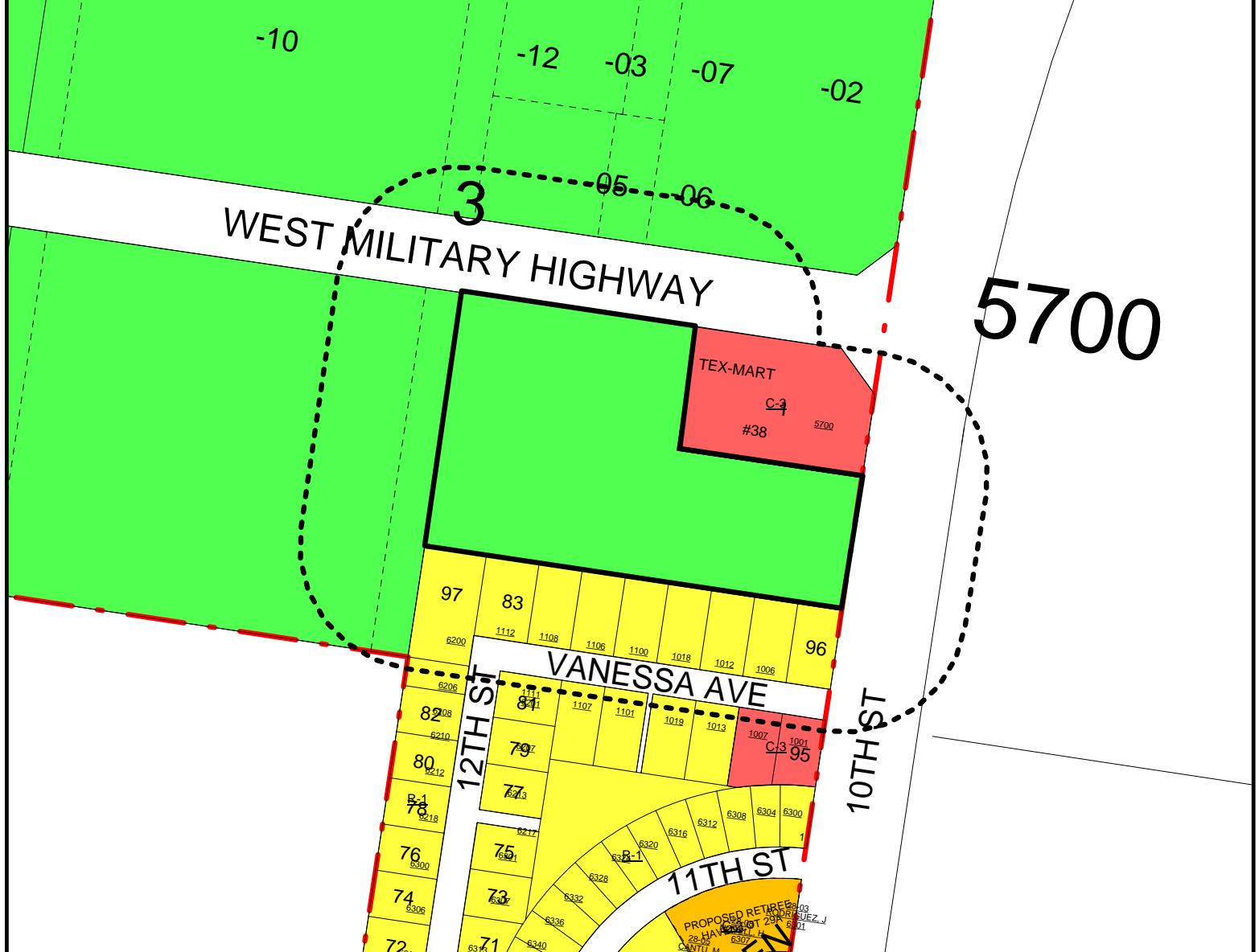
### **OPTIONS:**

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 lesser area.
4. Disapprove the request.

### **RECOMMENDATION:**

At the Planning & Zoning Commission meeting of March 19, 2013 no one appeared in opposition to the rezoning request. An applicant representative was present. The Board voted unanimously to recommend approval of the rezoning request with five members present and voting.

# CANAL COMPANY SUBDIVISION



**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**4**

LEGEND

SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

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



# ANAL COMPANY SUBDI

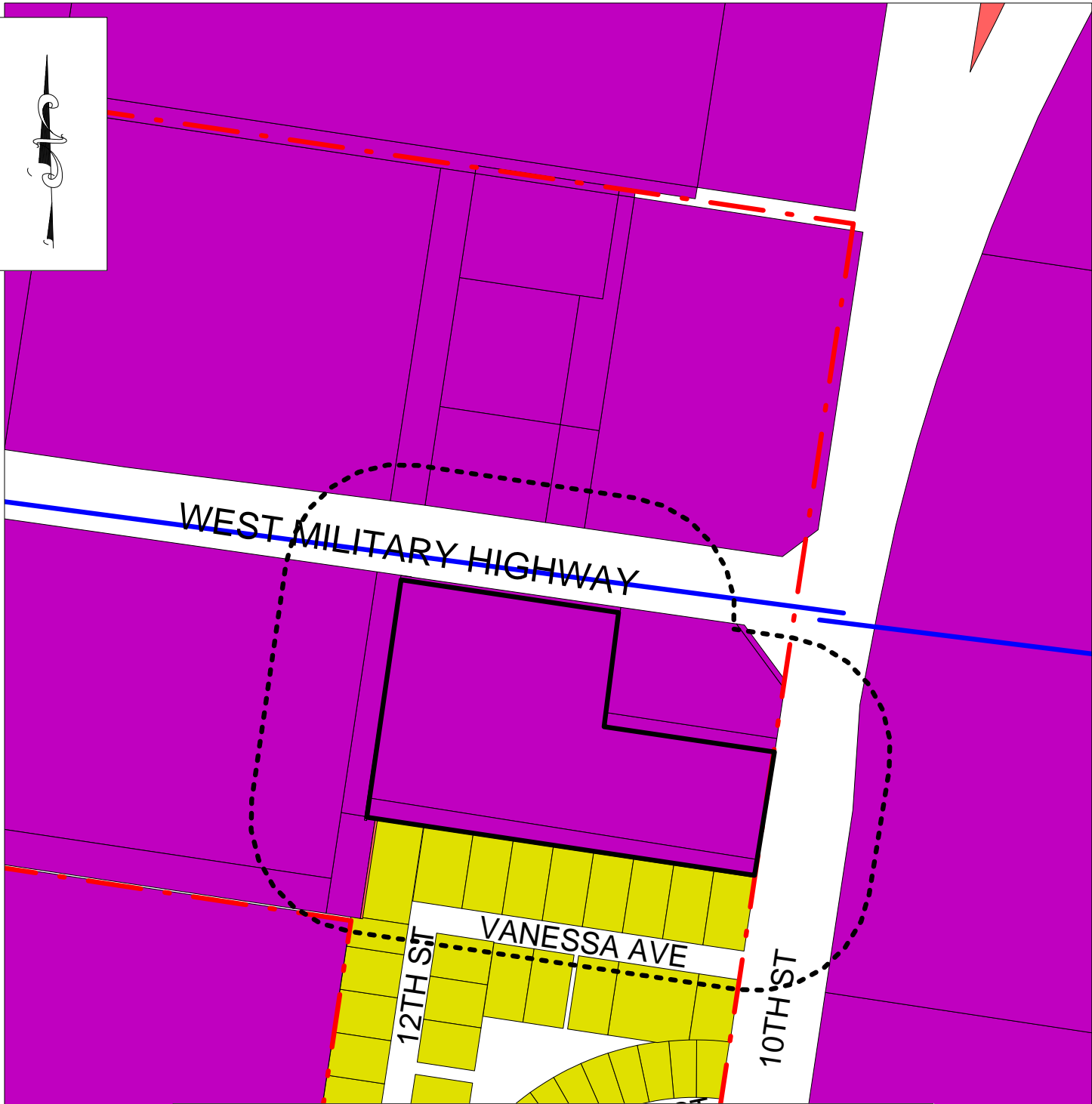
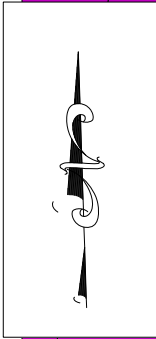
3  
WEST MILITARY HIGHWAY

TEX-MART  
#38

97 83 96  
VANESSA AVE  
82 81 95  
12TH ST 79 77  
78  
76 75  
74 73  
11TH ST  
PROPOSED RETIREE HAVEN LOT 29A

	<b>CITY OF McALLEN</b> PLANNING DEPARTMENT	<b>AERIAL MAP</b> SCALE: N.T.S.	<b>4</b>
 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  
REZ2013-0008**

 City of McAllen Planning Dept - 972-7050  
[www.mcallen.net](http://www.mcallen.net)

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>    X    </u>	AGENDA ITEM	<u>    1A2    </u>
UTILITY BOARD	<u>          </u>	DATE SUBMITTED	<u>    4/02/13    </u>
PLANNING & ZONING BOARD	<u>          </u>	MEETING DATE	<u>    4/08/13    </u>
OTHER	<u>          </u>		

1. Agenda Item:     Conditional Use Permit      
\_\_\_\_\_  
\_\_\_\_\_

2. Party Making Request:     Trinity Baptist Church    

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

Request of Trinity Baptist Church for a Conditional Use Permit, for life of the use, for an Institutional Use (church) at the 10.0 acres out of Lot 10, Section 10, Texas Railway Company Survey Subdivision; 2001 Freddy Gonzalez Drive.

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>    4/2/2013    </u>	<u>    Yes    </u>
b) <u>                                </u>	<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 and Zoning Ordinances, Fire Department, building permit and paving permit requirements.

9. Advisory Board:     X     Approved      Disapproved      None  
Recommend approval of the request for the life of the use, subject to compliance with the Subdivision and Zoning Ordinances, Fire Department, building permit and paving permit requirements.

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:** April 2, 2013

**SUBJECT: REQUEST OF TRINITY BAPTIST CHURCH FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH) AT THE 10.0 ACRES OUT OF LOT 10, SECTION 279, TEXAS MEXICAN RAILWAY COMPANY SURVEY SUBDIVISION; 2001 FREDDY GONZALEZ DRIVE.**

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**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 site of Freddy Gonzalez Drive, approximately 560 ft. east of North 23<sup>rd</sup> Street, and is zoned R-1 (single family residential) District and A-O (agricultural & open space) District. The adjacent zoning is R-1 District to the east and west and A-O District to the north and south. The surrounding land uses include vacant land, single family residential homes, and Cavazos Elementary school. An institutional use is permitted in an R-1 and A-O zone with a conditional use permit and in compliance with requirements.

The property is part of Trinity Heights Subdivision, which got preliminary approval by Planning and Zoning Commission on March 5, 2013. Currently the site is vacant. The applicant proposes to construct a 9,275 sq. ft. one story building on the property. The floor plan submitted shows the main sanctuary, six classrooms, two kid's rooms, and the restrooms. Based on the maximum seating capacity of 220, 55 parking spaces are required; 74 parking spaces are being provided. The schedule for worship services will be Sunday at 9:00 a.m. to 12:00 p.m. The office and classroom hours vary but will be available Monday thru Saturday.

A preliminary site plan was submitted; however, a detailed site plan will need to be reviewed to determine specific requirements at the time of the building and paving permits, and site plan approval. A building and right of way permit will be required and the parking areas must meet all the requirements for landscaping, access, etc. 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 Freddy Gonzalez Drive 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. Based on the maximum seating capacity of 220, 55 parking spaces are required; 74 parking spaces are being provided;
- 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. A 6 ft. opaque will be required on the east and west sides.

**OPTIONS:**

1. Approve the conditional use permit for life of the use.
2. Approve the conditional use permit for one year.
3. Table the item for additional information.
4. Disapprove the request.

## **RECOMMENDATION:**

The request was heard at the March 19, 2013 Planning and Zoning Commission meeting. There was no one present to speak in opposition. The applicant's representative, Steve Spoor, was present.

Ms. Sonia Falcon asked if the property was adjacent to the elementary school and the days of services for the church. The board also discussed the widening and future right of way for Freddy Gonzalez Drive.

Mr. Steve Spoor stated that the current property owner was conveying the 10.0 acres of his property for the church use. However, he will retain ownership of the property to the east, where his house is located and to the west of the proposed church location. The services for the church are primarily on Sundays. The right of way and widening of Freddy Gonzalez Drive will all be done through a Subdivision Plat.

Following discussion, the board unanimously voted to recommend approval of the conditional use permit for the life of the use subject to compliance with the Subdivision and Zoning Ordinance, paving, Fire Department and building requirements. There were five members present and voting.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AREA MAP**


















 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)

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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.*





# PEÑA ENGINEERING

1001 WHITEWING · P.O. BOX 4320  
(956) 682-8812 · McALLEN, TEXAS 78502 · FAX (956) 631-PENA



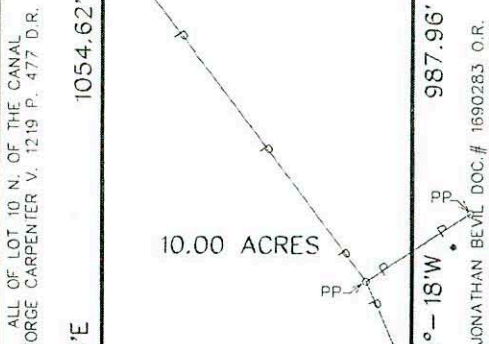
RUDY

SCALE: 1"=200'  
CAD: TEXMEX279

V. 24 P. 170 D.R.  
Q FREDDY GONZALEZ Dr.  
426.52'  
S 80°-42'E



BASIS OF BEARING IS THE NORTH LINE OF LOT 9 AND 10 SEC. 279 TEXAS-MEXICAN RAILWAY CO. SURVEY V. 24 P. 170 D.R. HIDALGO COUNTY TEXAS.

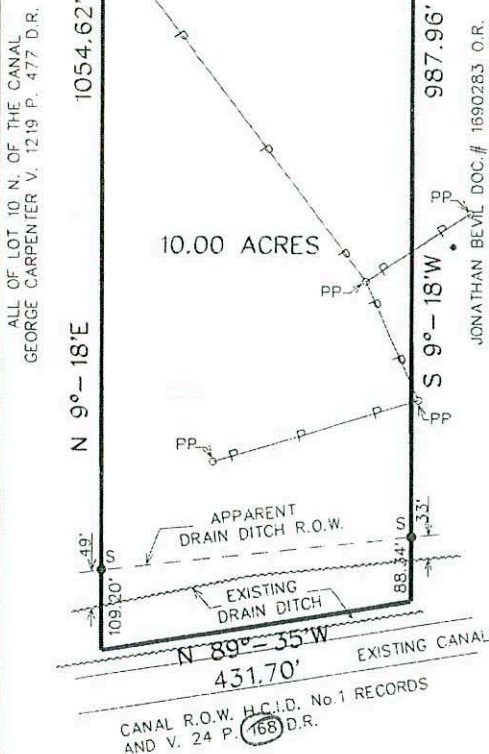


10.00 ACRES

NOTE:  
SURVEY PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT WHICH MAY SHOW EASEMENTS OF RECORD THAT MAY AFFECT THE PROPERTY.

### LEGEND

- S - SET 1/2" DIAMETER IRON ROD
- F1 - FOUND 1/2" DIAMETER IRON ROD
- R.O.W. - RIGHT-OF-WAY
- E.O.A. - EDGE OF ASPHALT
- PP - POWER POLE
- FH - FIRE HYDRANT
- P - POWER POLE LINE
- H.C.I.D. No.1 - HIDALGO COUNTY IRRIGATION DISTRICT No.1
- M.R. - MAP RECORDS
- D.R. - DEED RECORDS
- O.R. - OFFICIAL RECORDS
- N.E.C. - NORTHEAST CORNER



Seller's

BUYER'S NAME: GEORGE CARPENTER

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel Number 480334 0325 D  
Map Revised: May 17, 2001

- Zone "A" - This is to certify that this property is in a flood prone area.
- Zone "B" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- Zone "X" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements except as shown on this plat. © copyright 2013 PEÑA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, In conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this survey. Survey valid only if print has original seal and signature. This certification is made to the herein named client, it is not transferable nor certified to any future owner or future lending institution, This plat is not certified for any future real estate transaction.

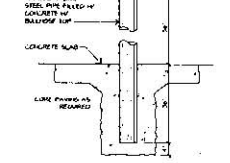
LEGAL DESCRIPTION: A 10.00 acre tract of land out of Lot 10 Section 279  
TEXAS MEXICAN RAILWAY CO. SURVEY, Hidalgo County, Texas.

ACCORDING TO THE MAP RECORDED IN VOLUME 24 PAGE 168  
OF THE DEED RECORDS OF HIDALGO COUNTY, TEXAS.

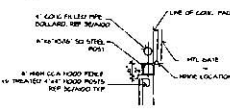
02-07-2013  
DATE

Pablo Peña III  
REG. PROFESSIONAL LAND SURVEYOR No. 5242

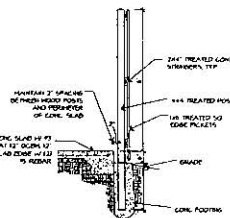
RE



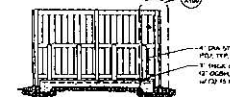
**3B BOLLARD DETAIL**  
N.T.S. 1/2" = 1'-0"



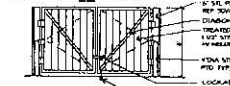
**3D GATE POST PLAN DETAIL**  
1/2" = 1'-0"



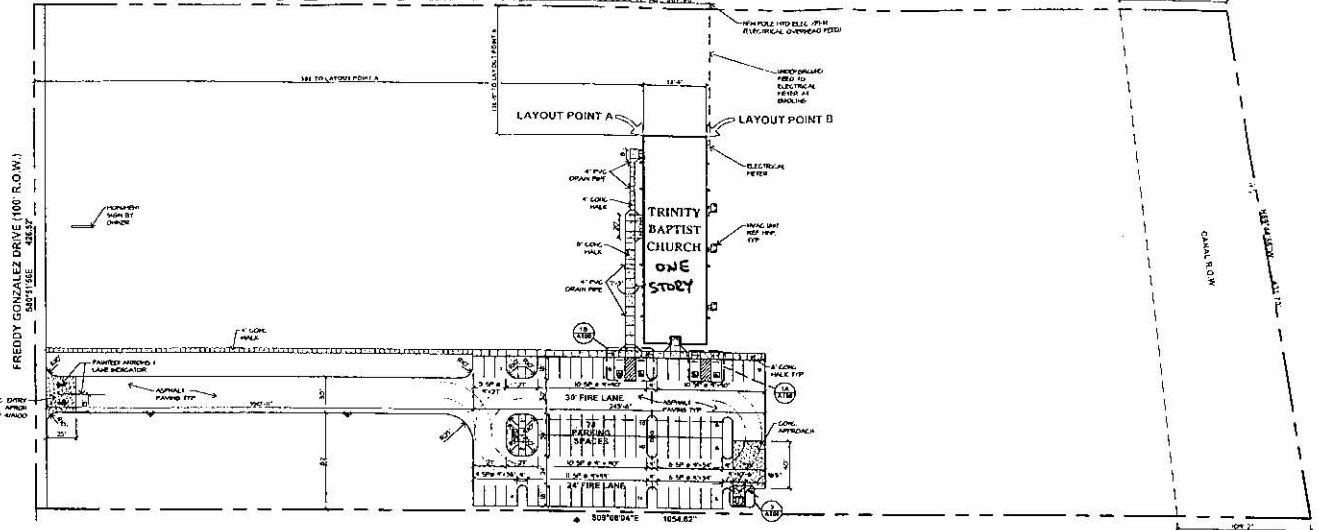
**3C WOOD FENCE SECTION @ TRASH ENCLOSURE**  
1/2" = 1'-0"



**3B TRASH ENCLOSURE SECTION**  
1/8" = 1'-0"

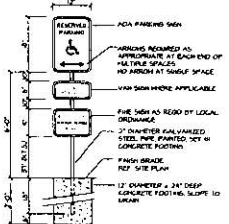


**3A FRONT ELEVATION @ TRASH ENCLOSURE**  
1/8" = 1'-0"

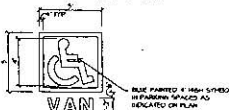


**1 SITE PLAN**  
1" = 40'

- NOTES:**
- THE OWNER SHALL BE RESPONSIBLE FOR SELECTING THE CORRECTLY SIZED OF CURBSTONE NECESSARY TO COVER ALL THE TRASH ENCLOSURE BY THE DEMONSTRATION.
  - PROMOTE THE 40' LONG TRUCK APPROACH PAV. OR SPACE FOR TRUCK HANDLING.
  - APPROACH & ENCLOSED AREA TO BE 1/2" TRAMP CONC. PAVING.
  - A PAVED-PAVING HERE DOB TO BE IN THE PRESENCE OF THE ENCLOSED AREA FOR SIGNAGE AS REQUIRED.



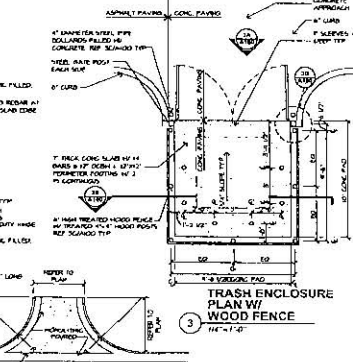
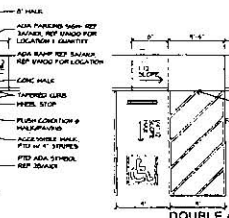
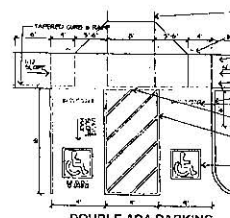
**2A ADA PARKING SIGN**  
N.T.S.



**2B ADA PARKING SYMBOL**  
N.T.S.



**2 TYPICAL ADA CURB RAMP DETAIL**  
1/8" = 1'-0"



**4 CONCRETE DRIVEWAY APRON**  
N.T.S.

RECEIVED

FEB 21 2013

Initial: *[Signature]*




LABUNSKI ASSOCIATES ARCHITECTS & ENGINEERS

TRINITY BAPTIST CHURCH ARCHITECTURAL SITE PLAN





**NOTICE  
INSTITUTIONAL  
For  
This Property  
CUP2013-0051**

 City of McAllen Planning Dept - 681-1250  
[www.mcallen.net](http://www.mcallen.net)





## Memo

**TO:** Mike R. Perez, City Manager

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

**DATE:** April 02, 2013

**SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE MARCH 19, 2013 MEETING DENYING THE REQUEST OF TINA S. RUPANI FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A PARTY CENTER AT LOT A, BLOCK 1, ROYAL PALMS SUBDIVISION; 2901 NORTH 10<sup>TH</sup> STREET, SUITE M.**

**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 west side of North 10<sup>th</sup> Street, approximately 240 ft. south of Esperanza Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, west, and south, R-1 (single family residential) District to the west and C-1 (office building) District to the south. Surrounding land uses include commercial businesses, single family residential, and Lacks Furniture Store. A Party Center is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

Currently there is a multi-tenant commercial plaza on the property. The plaza is a mixture of retail, restaurants, office and Lacks Furniture Store. At the moment half of the suites are vacant. The applicant is proposing to operate a Party Center from one of the vacant suites; the 2,070 sq. ft. suite will accommodate parties and events. The hours of operation are from 12:00 p.m. to 9:00 p.m. Monday thru Sunday. Based on the current uses, approximately 236 parking spaces are required; 295 spaces are provided on site as part of the common parking area. The proposed 2,070 sq. ft. party center would require 21 parking spaces for a total of 257 spaces for the plaza, leaving 38 available.

The Health and Fire Departments have inspected and cleared the establishment which is in compliance with health and safety codes and regulations. A police report was not requested since the establishment has not been in operation. 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 North 10<sup>th</sup> Street;
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, restaurants, office and Lacks Furniture Store. Based on the current uses, approximately 236 parking spaces are required; 295 spaces are provided on site as part of the common parking area. The proposed 2,070 sq. ft. party center would require 21 parking spaces for a total of 257 spaces for the plaza, leaving 38 available;
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.

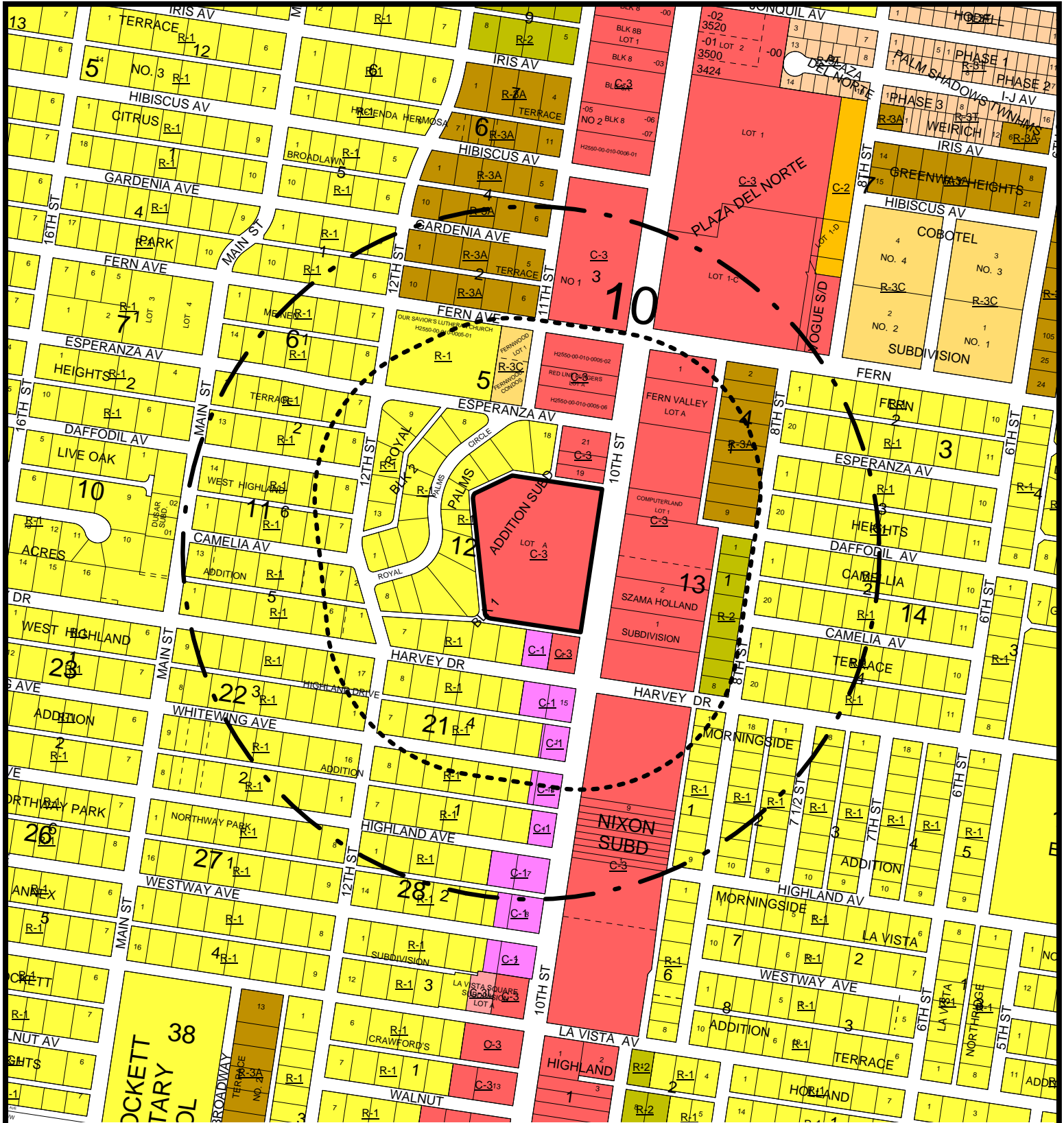
**OPTIONS:**

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

**RECOMMENDATION:**

The request was heard at the March 19, 2013 Planning and Zoning Commission meeting. There was no one present in opposition of the request. 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. There were five 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

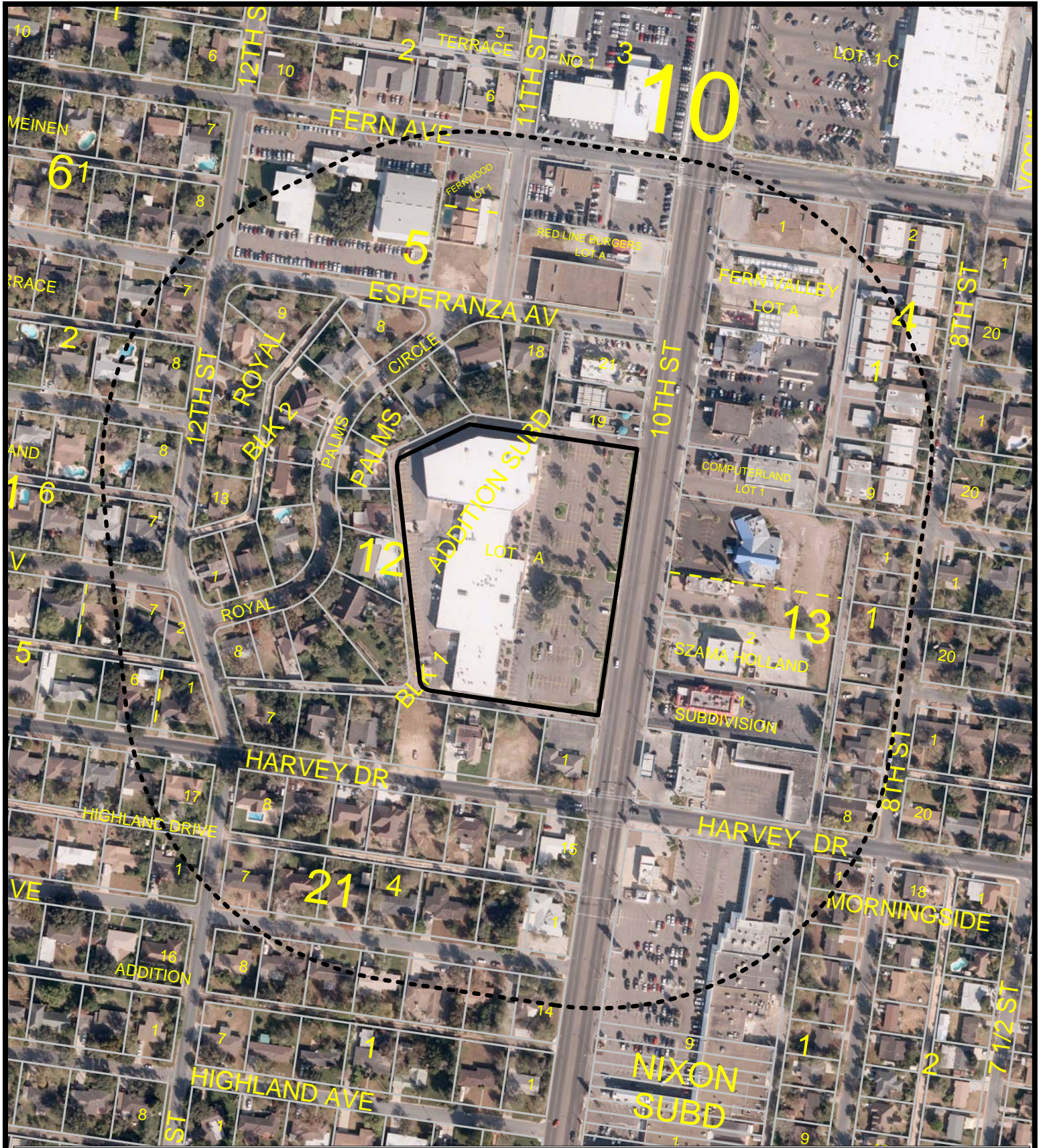
1/4 MILE RADIUS

**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)

*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

 600 FT. NOTIFICATION BOUNDARY

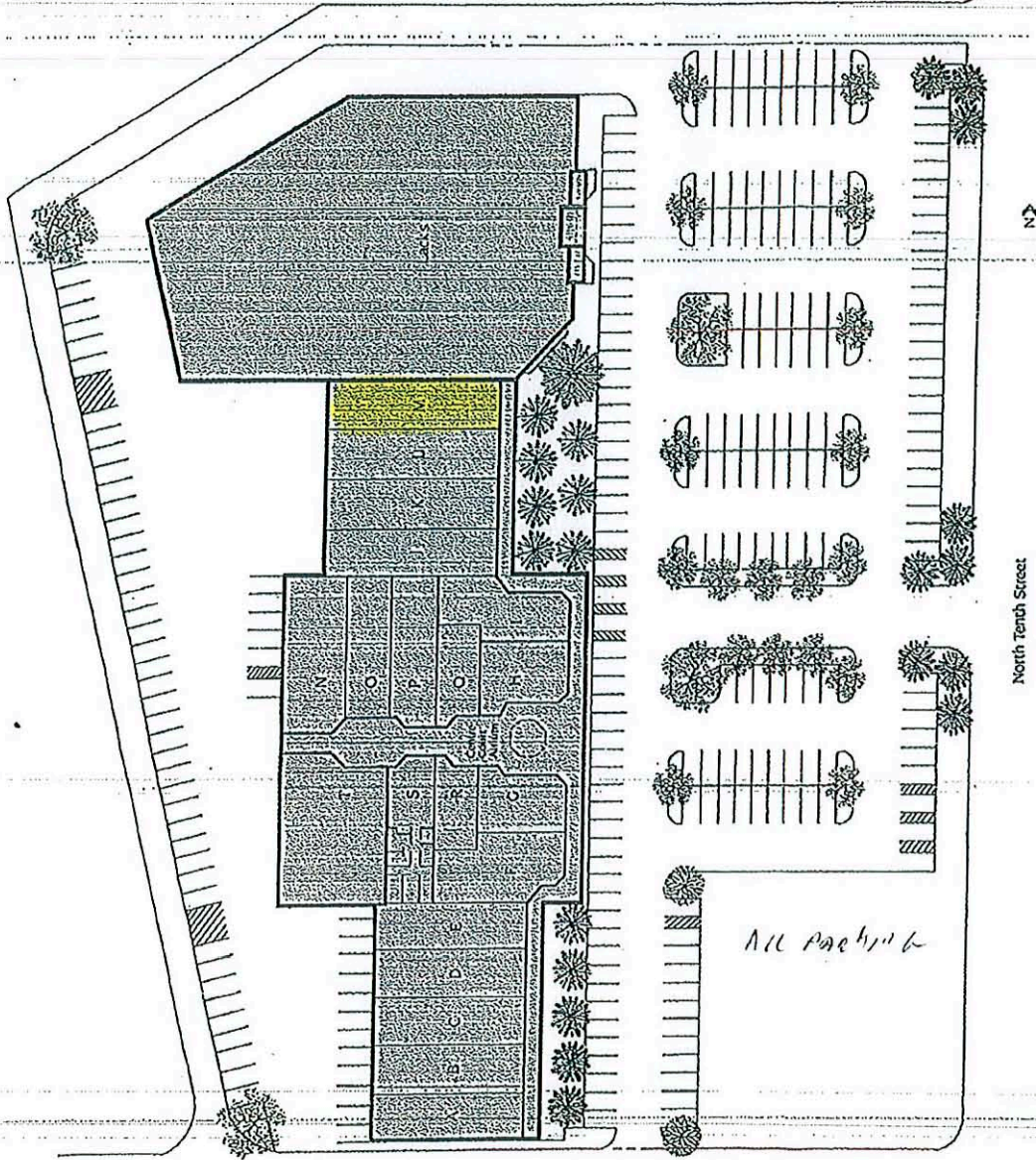


*on ground survey and represent approximate relative location of property boundaries.*



# ROYAL PALMS SITE

## EXHIBIT B





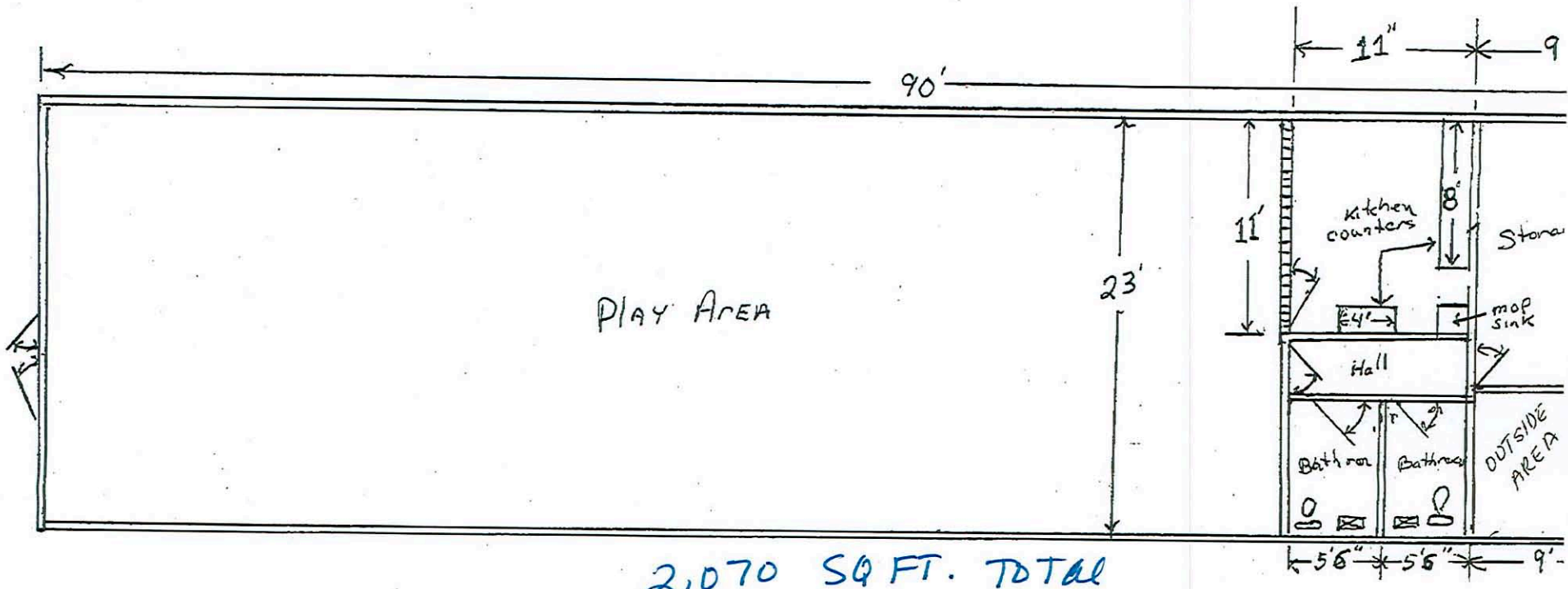


# Party House Proposed


RECEIVED

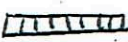
MAR 01 2013

Initial: 



2,070 SQ FT. TOTAL

Existing 

NEW 

$\frac{1}{8}'' = 1'$

Adding  
 11' wall  
 metal 2"x4"  
 1/2" drywall  
 3.0 Interior door



3/21/13

I want to Appeal the decision  
made by PNZ on March 19<sup>th</sup>  
For Location 2901 North 10<sup>th</sup> street  
Suite M McAllen TEXAS 78501

Mala-S. Valecha





City of McAllen  
PLANNING DEPT.

**NOTICE  
PARTY ROOM  
For  
This Property  
CUP2013-0054**  
City of McAllen Planning Dept - 681-1250  
www.mcallen.net

LACS

LACS

DJ9-N874



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  1B1  </u>
UTILITY BOARD	<u>          </u>	DATE SUBMITTED	<u>  4/02/13  </u>
PLANNING & ZONING BOARD	<u>          </u>	MEETING DATE	<u>  4/08/13  </u>
OTHER	<u>          </u>		

1. Agenda Item:   Conditional Use Permit    
\_\_\_\_\_  
\_\_\_\_\_

2. Party Making Request:   McAllen Spanish Central SDA Church  

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

Request of McAllen Spanish Central SDA Church for a Conditional Use Permit, for life of the use, for an Institutional Use (school soccer field) at 3.386 acres out of Lot 77, La Lomita Irrigation & Construction Company Subdivision; 6601 North Ware 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>  4/2/2013  </u>	<u>  Yes  </u>
b) _____	_____	_____	_____

8. Staff's Recommendation: Staff recommends approval of the request, for life of the use, subject to conditions as noted, compliance with the Subdivision and Zoning Ordinance, and Fire Department requirements.

9. Advisory Board:   X   Approved        Disapproved        None  
Recommend approval of the request for one year only.

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:** April 2, 2013

**SUBJECT: REQUEST OF MCALLEN SPANISH CENTRAL SDA CHURCH, FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, FOR AN INSTITUTIONAL USE (SCHOOL SOCCER FIELD) AT 3.386 ACRES OUT OF LOT 77, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6601 NORTH WARE 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 northwest corner of North Ware Road and Nightingale Avenue and is zoned A-O (agricultural & open space) District. The adjacent zoning is A-O District to the north and east, C-3 (general business) District to the south, and R-1 (single family residential) District to the west. The surrounding land uses include single family residential, commercial businesses, and a church. An institutional use is permitted in an A-O zone with a conditional use permit and in compliance with requirements.

The property currently is vacant. This property is part of the Seventh Day Adventist Church. The applicant is proposing a soccer field for the church/school and related uses on the property. The church/school has utilized the property for soccer practice in the past. The request for the conditional use permit would bring the property into conformance with the zoning ordinance.

The soccer field dimensions are 216 ft. by 324 ft. There will be a 15 ft. high net fence on the west side to avoid the soccer balls from going to adjacent residential properties. A 4 ft. chain-link fence is proposed on Nightingale Avenue and North Ware Road to avoid the soccer balls from going to the roads. The soccer field is proposed to be used for practice only. There will be no tournaments\games with outside teams. The applicant stated that 1.) There is no fixed seating proposed; 2.) No buildings are going to be constructed; and 3.) Restrooms and parking will be provided thru the church/school facility.

The Fire Department has inspected and cleared the property. Staff has received a visit from an adjacent neighbor, with concerns dealing with the hours of operation, bathroom facilities, parking, orientation of the soccer balls, and if it's for practice only. 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 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 fronts North Ware Road and Nightingale Avenue;
- 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. Practice is only for school\church purposes – the church's parking lot will be available;
- 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 those allowed by the Fire Marshal and Building Official at the time of permit issuance; and
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

**OPTIONS:**

1. Approve the Conditional Use Permit, for one year.
2. Table the item for additional information.
3. Disapprove the request.

**RECOMMENDATION:**

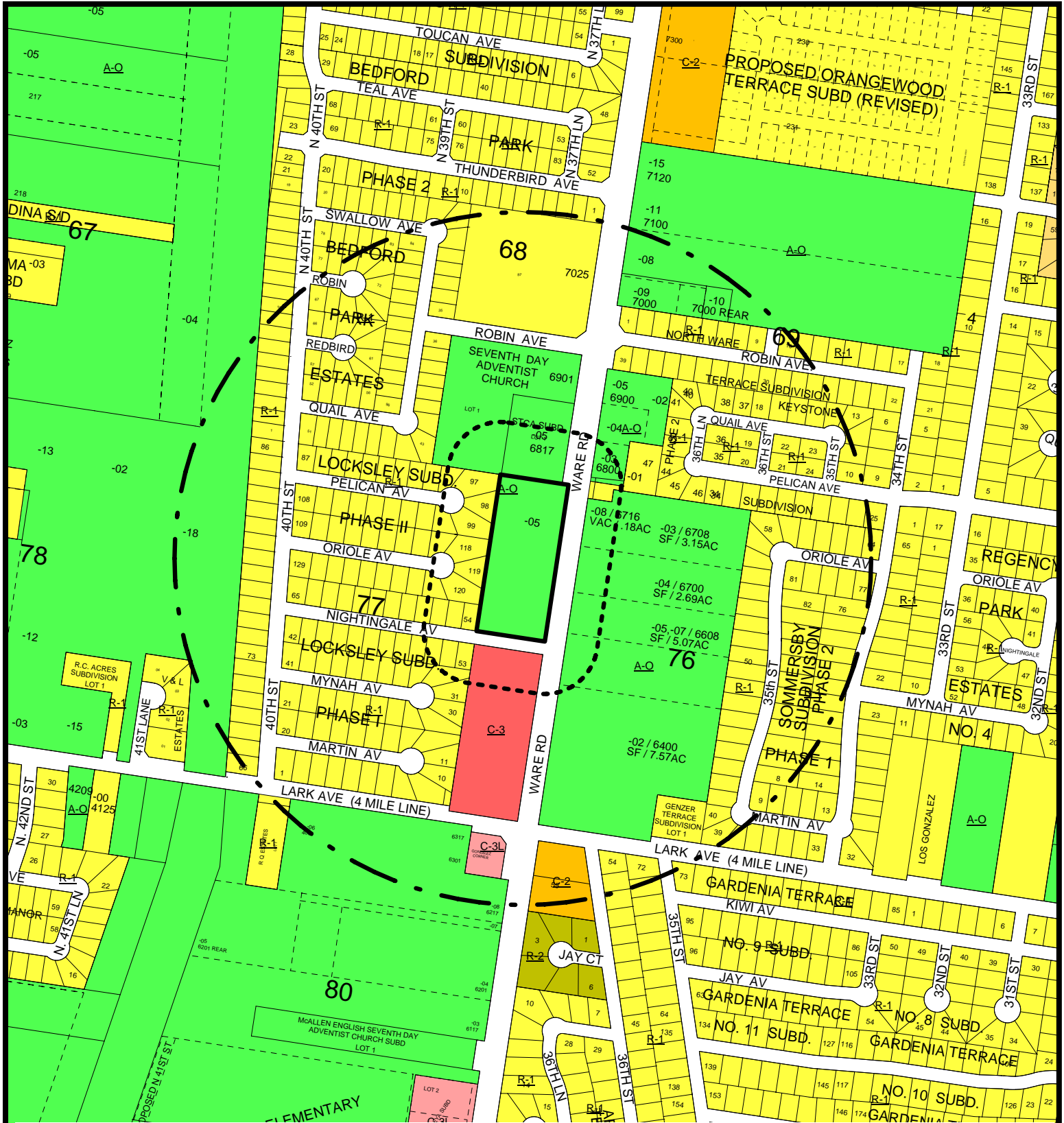
The request was heard at the March 19, 2013 Planning and Zoning Commission meeting. There was some one present to speak. Mr. Carlos Diaz, the application was present at the meeting.

Mr. Quirino Caro, President of the Home Owners Association was present. He inquired if the soccer field would be utilized only by the church/school during school hours and the reteaming of the soccer balls to residential homes.

The board expressed concerns with soccer fields abutting residential homes. Mr. Garza advised the applicant that because of complaints from neighbors next to other soccer fields in the city, that a recommendation for approving the conditional use permit for one year may be appropriate. This would allow time for the soccer field to operate and

determine if there were any complaints from the neighbors before approving the permit for the life of the use.

Following discussion, the board unanimously voted to recommend approval of the conditional use permit for the life of the use subject to compliance with the Subdivision and Zoning Ordinance, paving, Fire Department and building requirements. There were 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-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)	(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.*





# ART SALINAS

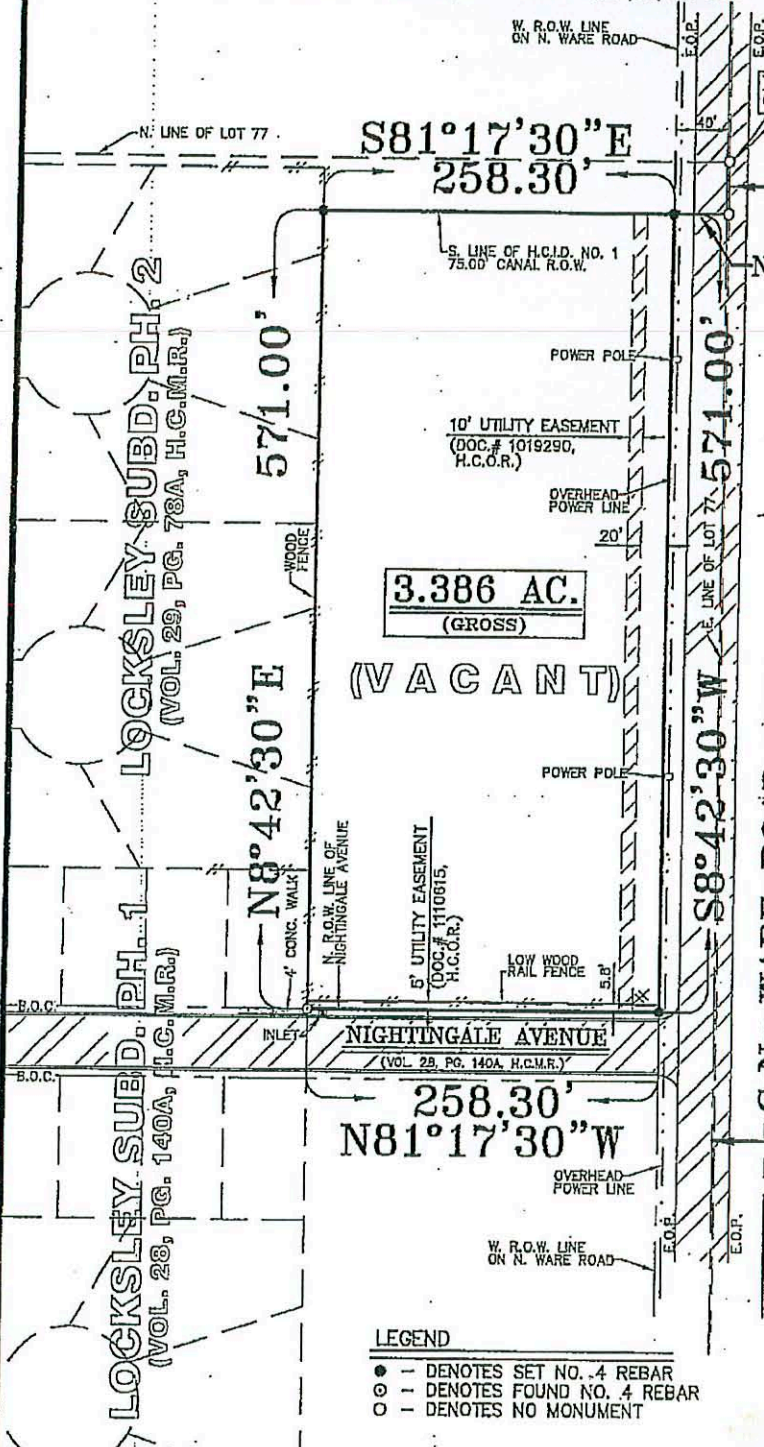
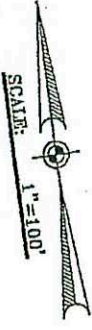
## ENGINEERING & SURVEYING

1624 DOVE AVENUE,

McALLEN, TEXAS 78504

PH: (956) 818-5565

FAX: (956) 818-5540



N.E. CORNER OF LOT 77

S81°17'30"E  
258.30'

S8°42'30"W  
37.50'

N81°17'30"W  
41.70'

571.00'

S. LINE OF H.C.I.D. NO. 1  
75.00' CANAL R.O.W.

10' UTILITY EASEMENT  
(O.C.# 1019290,  
H.C.O.R.)

3.386 AC.  
(GROSS)

(VACANT)

N8°42'30"E

5' UTILITY EASEMENT  
(O.C.# 1110615,  
H.C.O.R.)

NIGHTINGALE AVENUE  
(VOL. 29, PG. 140A, H.C.M.R.)

258.30'  
N81°17'30"W

571.00'

N. WARE ROAD  
(F.M. 2220-VOL 695, PG. 556, D/R)

### LEGEND

- - DENOTES SET NO. 4 REBAR
- - DENOTES FOUND NO. 4 REBAR
- - DENOTES NO MONUMENT

FLOOD ZONE CERTIFICATION: The property shown herein lies in Zone C. Zone C areas are areas of "minimal flooding" and are not designated flood prone areas as per F.E.M.A. Flood Insurance Rate Map Panel Number 48024-0401-C dated 11-16-82.

- PLAT NOTES:
1. There are no discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or any overlapping of improvements except as shown on this plat.
  2. This survey, plat is prepared in connection with Title Policy G.F. # \_\_\_\_\_ and does not constitute a title. This survey is for the exclusive use of the client named herein and may not be copied or transferred to another party without the express written consent of the surveyor.
  3. This survey must contain an original seal and signature to be valid as per Section 661.46 and Section 603.26 of the "The Professional Land Surveying Practices Act".
  4. This is a standard survey and does not include the location of underground utility, irrigation and/or gas lines.
  5. Easements, rules, regulations and rights in favor of HIDALGO COUNTY IRRIGATION DISTRICT NO. 1, (Blanket)
  6. Subject to any oil, gas and mineral leases of record.
  7. Bearing taken: "LA LOMITA IRRIGATION & CONSTRUCTION CO. SURVEYOR"
- DEBORAH L. TEXAS CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTISTS

THIS IS TO CERTIFY TO THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE STANDARD LAND SURVEY ON THE GROUND OF PROPERTY WHICH IS LOCATED AT \_\_\_\_\_ N. WARE ROAD, In McALLEN, TEXAS, DESCRIBED AS FOLLOWS: A 3.386-ACRE TRACT OF LAND OUT OF LOT SEVENTY-SEVEN (77), LA LOMITA IRRIGATION & CONSTRUCTION CO. SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGES 67-68; DEED RECORDS, HIDALGO COUNTY, TEXAS. (SEE METES AND BOUNDS DESCRIPTION)

10-39318  
Job No.

06-09-10  
Date

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Registered Professional Land Surveyor No. 4802



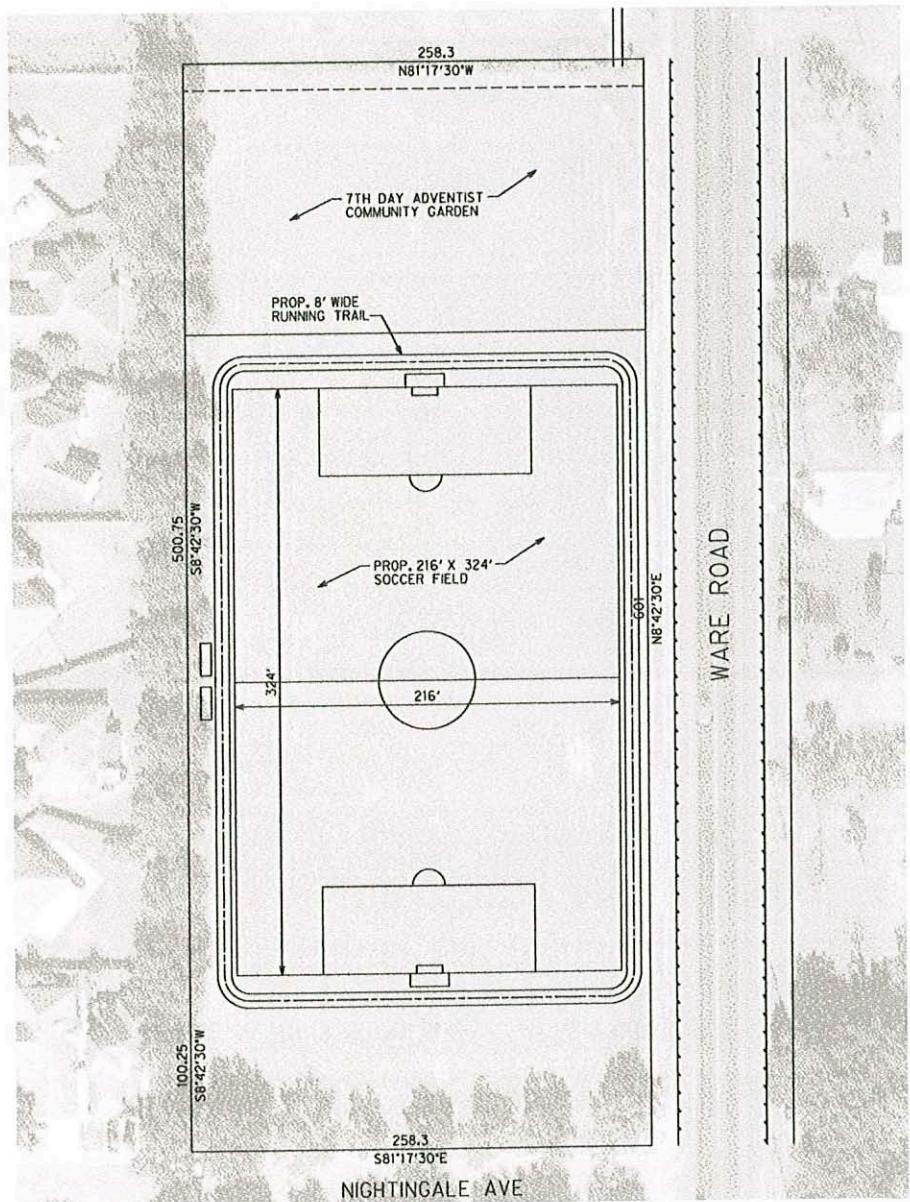
"Diaz, Marcos" <mDiaz@halff.com>  
To: dzmark\_81@yahoo.com, Cc: Sergio Balboa  
Soccer Fields

Pastor,

Este es un esquema de la cancha de futbol con una pista de caminar de ocho pies de ancho.

Marcos Diaz P.E. 

HALFF ASSOCIATES, INC.  
5000 West Military, Suite 100  
McAllen, Texas 78503  
Phone 956-664-0286  
Fax 956-664-0282  
www.halff.com





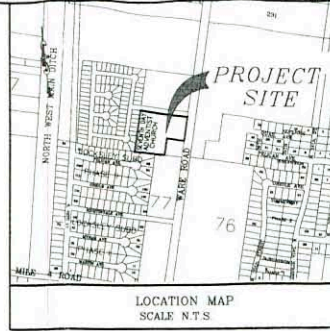


SITE CIVIL DRAINAGE PLAN  
PARKING LOT IMPROVEMENTS

LOT 1, SEVENTH DAY  
ADVENTIST CHURCH  
PARKING LOT ADDITION  
MCCALLEN, TEXAS

Scale	1"=100'
Prepared By	R.B.
Checked By	E.S.
Drawn By	R.B.
Project No.	

C-1



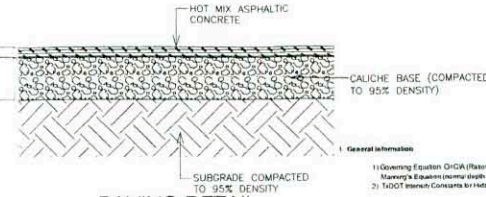
**LEGAL DESCRIPTION**  
BEING LOT 1, SEVENTH DAY ADVENTIST CHURCH SUBDIVISION, AS RECORDED IN VOL. 36, PG. 4, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

**FEMA FLOOD ZONE**  
THIS DEVELOPMENT IS IN FEMA FLOOD ZONE "C" AREAS OF MINIMAL FLOODING. COMMUNITY PANEL NO. 480334 0400 C MAP REVISED; NOVEMBER 16, 1982



SCALE: 1"=100'

- LEGEND:**
- TW - TOP OF WALK
  - TP - TOP OF PAVEMENT
  - TC - TOP OF CURB
  - FL - FLOW LINE
  - TB - TOP OF BANK
  - H.P. - HIGH POINT
  - MEP - MATCH EXIST PVMT.



N. WARE ROAD  
(F.M. 2220)

**APPROVED FOR CONSTRUCTION**  
**PAVING & DRAINAGE**  
City of McAllen Engineering Dept.

By: [Signature] Date: 08-27-12

**OVERALL DETENTION PROVIDED**  
PROPOSED DETENTION POND "A" = 7,812 SF  
TOTAL AVAILABLE VOLUME OF EXISTING PONDS=15,028 SF  
**TOTAL DETENTION PROVIDED ON-SITE=22,840 CF**

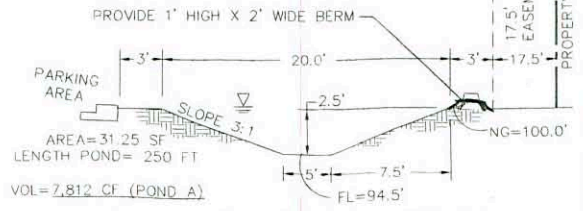
**50 YEAR STORM WATER DETENTION REQUIREMENTS**

Time (minutes)	1.50 in. (1.5)	2.50 in. (2.5)	Vol. (c.f.)	Qmax (10 yr) (c.f.s)	Vol. exist. (c.f.)	Vol. stored (c.f.)
5	15.87	39.02	11,708	7.5	2,280	9,428
10	10.83	31.14	18,884	7.5	4,500	14,384
15	9.10	28.17	23,560	7.5	6,750	16,810
20	7.91	22.73	27,284	7.5	9,000	18,284
25	7.01	20.21	30,323	7.5	11,250	19,073
30	6.34	18.23	32,815	7.5	13,500	19,315
35	6.00	16.64	35,024	7.5	15,750	19,274
40	6.25	15.34	36,821	7.5	18,000	18,821

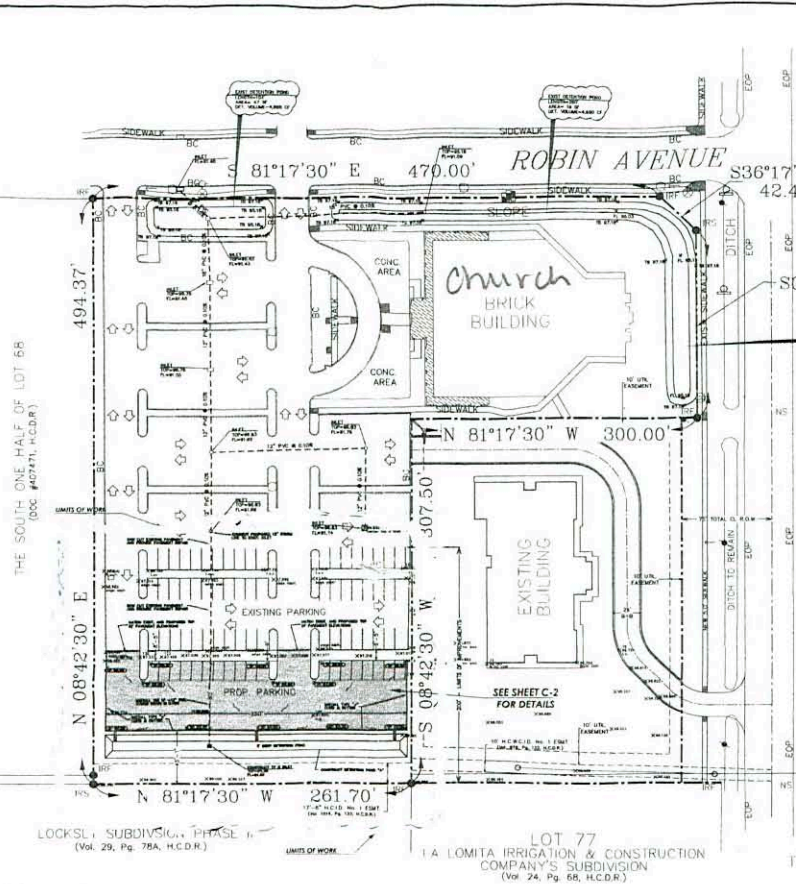
In accordance with the City of McAllen Drainage Policy, the peak 50 year rate for runoff for this development will be mitigated to the existing 10-year storm water runoff. A total of 19,315 cubic-feet of storm water runoff will be required to be retained.



REV. 8/27/12  
Rene Barrera  
Licensed Professional Engineer # 86862



**DETENTION SWALE DETAIL "A"**  
(NTS)



- GENERAL NOTES:**
- BOUNDARY INFORMATION BASED ON SURVEY PERFORMED BY OTHERS, THIS IS NOT A BOUNDARY SURVEY.
  - LOCATION OF UTILITIES ARE APPROXIMATE. FIELD VERIFICATION WILL BE REQUIRED PRIOR TO ALL CONSTRUCTION. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY CONFLICTS TO UTILITIES.
  - CONTRACTOR TO OBTAIN CONSTRUCTION PERMIT FROM THE CITY OF MCCALLEN PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.
  - ALL WALKWAYS AND ENTRANCES TO BUILDING TO MEET CURRENT ADA REQUIREMENTS.
  - TRAFFIC CONTROL TO MEET CURRENT TxDOT MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
  - ANY UTILITY EXCAVATION OVER 4.0' IN DEPTH FROM NATURAL GROUND TO PROVIDE TRENCH SAFETY EXCAVATION PROTECTION.
  - REFER TO ARCHITECTURAL DIMENSION CONTROL PLAN FOR ALL DIMENSIONS.
  - CONTRACTOR TO CONFIRM LOCATION OF UTILITY SERVICE CONNECTIONS PRIOR TO CONSTRUCTION AND SHALL CONFIRM ENTRANCE LOCATION TO BUILDING.
  - REFER TO ARCHITECTURAL PLANS FOR PAVEMENT DESIGN.

THE SOUTH ONE HALF OF LOT 68  
(OCC. #402741, H.C.D.R.)

LOCKSLY SUBDIVISION, PHASE II  
(Vol. 29, Pg. 78A, H.C.D.R.)

LOT 77  
LA LOMITA IRRIGATION & CONSTRUCTION COMPANY'S SUBDIVISION  
(Vol. 24, Pg. 66, H.C.D.R.)



**NOTICE  
INSTITUTIONAL**  
For  
**This Property**  
**CUP2013-0036**  
City of McAllen Planning Dept - 681-1250  
[www.mcallen.net](http://www.mcallen.net)





## Memo

**TO:** Mike R. Perez, City Manager

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

**DATE:** April 2, 2013

**SUBJECT: APPEAL THE DECISION OF THE PLANNIG AND ZONING COMMISSION OF THE MARCH 5, 2013 MEETING DENYING THE REQUEST OF CYNTHIA PEREZ RAMON FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (OFFICE) AT LOT 7-A, LA HACIENDA ESTATES SUBDIVISION; 2900 NORTH 29<sup>TH</sup> LANE #A.**

---

**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 east side of North 29<sup>th</sup> Lane, approximately 410 ft. north of Harvey Drive and is zoned R-3T (townhouses) District. The adjacent zoning is R-3T District to the north and south, R-1 (single family residential) Districts to the east, and R-3A (apartments) District to the west. Surrounding land uses include single and multi-family residences. A home occupation is permitted in an R-3T zone with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to operate an office for medical records for an ambulance business from the existing residence. The proposed hours of operation are Monday through Saturday 8 a.m. to 5 p.m. There will be no customers visiting the residence. However, employees that drive the ambulance vehicles on occasions go by to rest, eat, and pick up paper work. The ambulance vehicles are parked on the street, but do not stay overnight. The applicant stated that her main office is located at 508 S. 23<sup>rd</sup> Street. The main office is where the ambulances are parked (three), cleaned, and checked.

Should the conditional use permit be approved, the applicant would be required to sign the certificate acknowledging and agreeing to the conditions of the permit. The occupation may not be operational until issuance of the certificate. The Fire Department has inspected the residence and has met all the minimum standards and applicable ordinances. The business must comply with requirements set forth in Section 138-118(1) of the Zoning Ordinance and other specific requirements as follows:



- 1) The home occupation must be clearly secondary to the residential use. The applicant does not live at the residence; however, an employee resides at the residence;
- 2) No signs are permitted. No signs are proposed;
- 3) There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling;
- 4) There shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises. The applicant is proposing additional employees, approximately 6 employees. Two employees are there in the office while the others are ambulance drivers. The applicant stated that 3 days out of the week no one is there in the office;
- 5) There shall be no outside storage of materials or products. The applicant proposes no outside storage;
- 6) The permitted use shall not create frequent or heavy traffic, not greater than ten percent (10%) of the average load per hour as determined by the city traffic engineer. The applicant is proposing to operate the occupation for office use only and no clients will be visiting the home occupation;
- 7) No retail sales (items can be delivered). No retail sales proposed;
- 8) No additions to the residence or accessory building specifically to accommodate the business. The applicant proposes no additions or accessory building to accommodate the business;
- 9) The business must take place in the primary residential structure on the property rather than in a detached garage or separate accessory building. The occupation is proposed to take place in the primary residential structure; and
- 10) The activity must take place at the location of which the permit was issued.

**OPTIONS:**

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

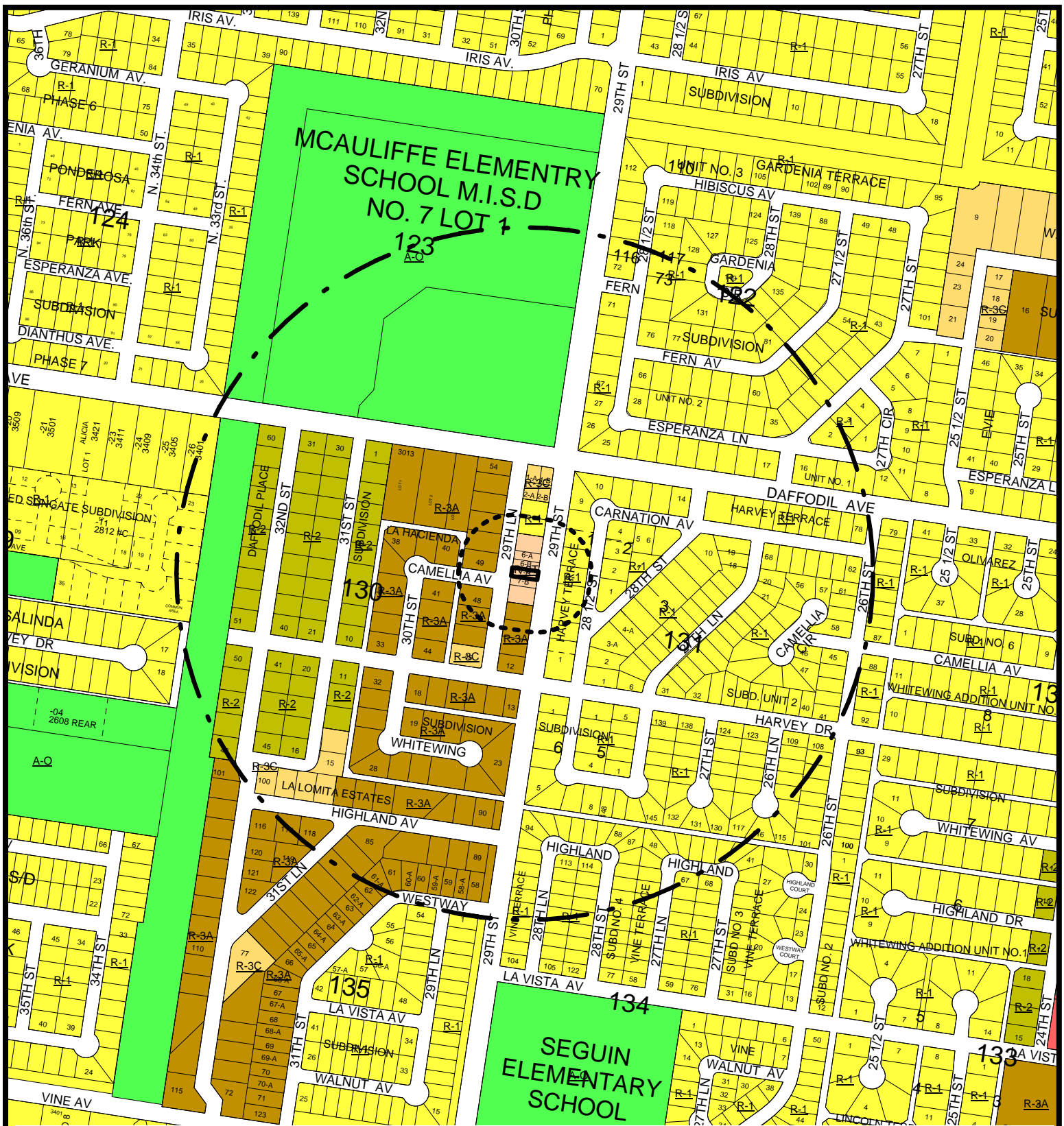
**RECOMMENDATION:**

The request was considered at the March 5, 2013 Planning and Zoning Commission meeting. There was no one present to speak in opposition. Ms. Cynthia Perez Ramon, the applicant was present.

Ms. Ramon stated that the residence was being proposed as a satellite office to meet HIPPA guidelines as a record keeping site for an ambulance business. She stated that she was the owner of the business, but that an employee was living at the location. She indicated that there would be no impact on traffic by ambulances since they would only be at the site when the drivers are dropping off laptops and while the employees eat/rest at the location. Neighbors had been visited by the applicant to inquire if they would have any problems with the ambulances and they stated no. When the ambulances are parked at the location, they park on Camelia Avenue.

The board had concerns with the applicant not living at the location and the conditional use permit (home occupation) being for an established business and not for a small business that is just starting.

Following discussion, the board unanimously voted to disapprove the request due to noncompliance with requirement #1 (applicant does not live at the location) and #4 (exceeds the number of employees) of Section 138-118(1) 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-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

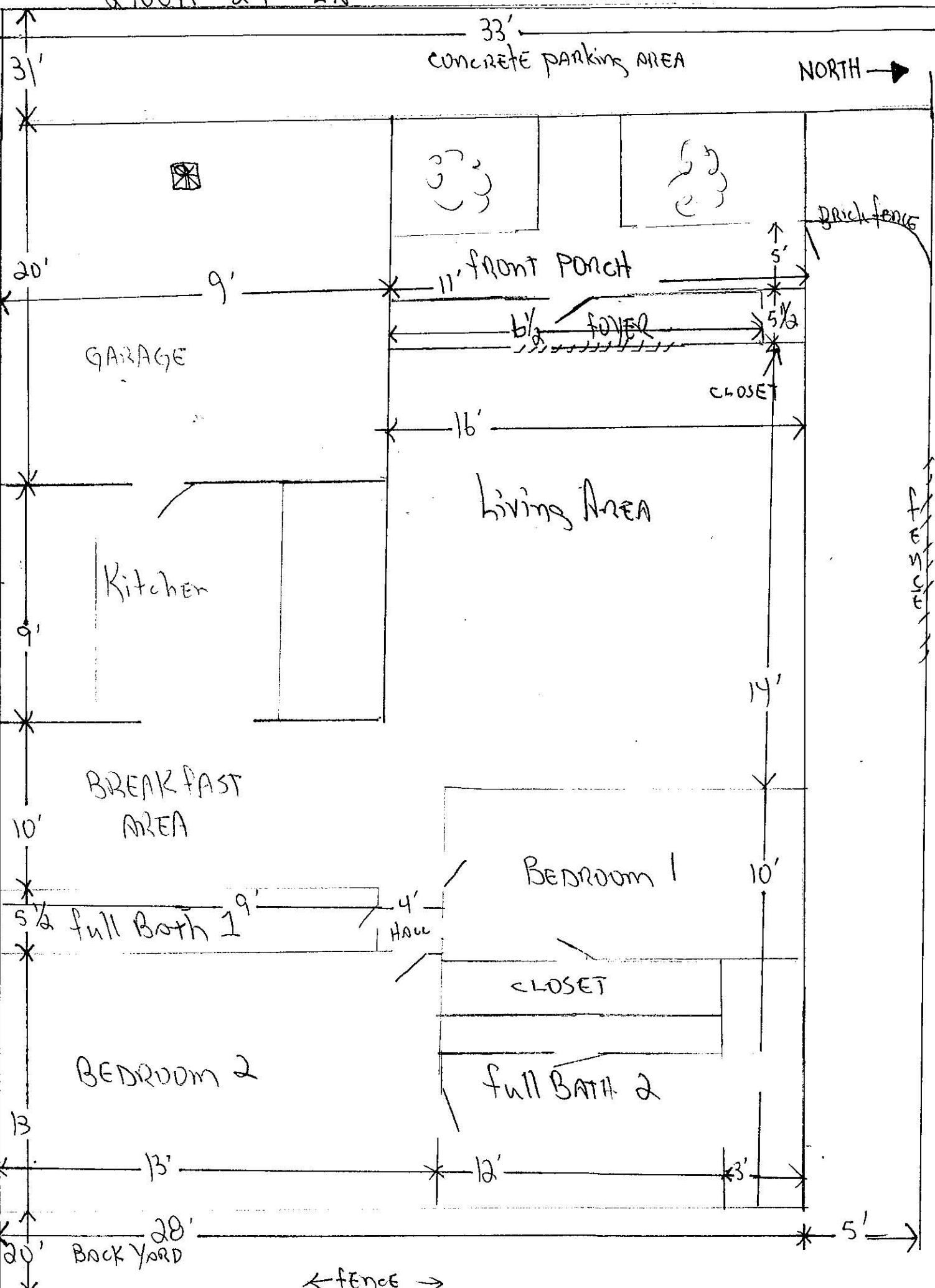


*on ground survey and represent approximate relative location of property boundaries.*

2900A 27th LN

33' CONCRETE PARKING AREA

NORTH →



1/2 HALF of Duplex

FIRE WALL

BRICK FENCE

← fence →



## Maria Garcia


---

**From:** Cynthia P. Ramon <cindypramon@sbcglobal.net>  
**Sent:** Wednesday, March 06, 2013 4:22 PM  
**To:** Maria Garcia  
**Subject:** March 6, 2013

March 6, 2013

I Cynthia Perez Ramon would like to appeal the decision made by the City of McAllen Planning & Zoning on March 5, 2013

If you have any questions call me at 956-624-9681



Sent from my iPhone





2800A

**NOTICE  
HOME BUSINESS  
For  
This Property  
CUP2013-0026**

City of McAllen Planning Dept - 681-1250  
[www.mcallen.net](http://www.mcallen.net)

TEXAS  
BHC-2223



**CITY OF MCALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

1C  
03/27/13  
04/08/13

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 YES/NO</u>
a) _____ Kevin D. Pagan City Attorney	_____	_____	_____
b) _____ Julianne Rankin Director of Planning		<u>4-1</u>	<u>Yes</u>

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

9. Advisory Board: X 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 5.20 ACRES OUT OF LOT 3, SECTION 4, HIDALGO CANAL COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM A-O (AGRICULTURAL - OPEN SPACE) DISTRICT TO C-4 (COMMERCIAL - INDUSTRIAL) 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 I: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from A-O (agricultural - open space) District to C-4 (commercial - industrial) District:

A 5.20 acre tract of land lying in the North 482 feet of the East  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of Lot 3, Section 4, Hidalgo Canal Company Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

COMMENCING at the Southeast corner of said Lot 3, said corner lies inside South 10<sup>th</sup> Street (S.H. 336);

THENCE, North 08 Deg. 33 Min. 02 Sec. East, inside South 10<sup>th</sup> Street (S.H. 336) and along the East line of said Lot 3, a distance of 178.0 feet to a point;

THENCE, North 81 Deg. 25 Min. 30 Sec. West, a distance of 54.25 feet to a found  $\frac{1}{2}$  inch iron rod on the West line of South 10<sup>th</sup> Street (S.H. 336) for the Point of Beginning and the Southeast



corner;

THENCE, continuing North 81 Deg. 25 Min. 30 Sec. West, a distance of 678.45 feet to a found ½ inch iron rod for the Southwest corner;

THENCE, North 08 Deg. 38 Min. 06 Sec. East, a distance of 422.0 feet to a found ½ inch iron rod on the South right-of-way line of F.M. 1016 for the Northwest corner;

THENCE, South 81 Deg. 33 Min. 40 Sec. East, along the South right-of-way line of F.M. 1016, a distance of 377.08 feet to a found ½ inch iron rod for a North exterior corner, said corner is also known as the Northwest corner of Tex-Mart #38 Subdivision;

THENCE, South 08 Deg. 26 Min. 20 Sec. West, along the West line of Tex-Mart #38 Subdivision, a distance of 200.0 feet to a found 5/8 inch iron rod with plastic cap at the Southwest corner of Tex-Mart #38 Subdivision for an interior corner;

THENCE, South 81 Deg. 33 Min. 40 Sec. East, along the South line of Tex-Mart #38 Subdivision, a distance of 299.83 feet to a found 5/8 inch iron rod with plastic cap at the Southeast corner of Tex-Mart #38 Subdivision for the Northeast corner, said corner lies on the West right-of-way line of South 10<sup>th</sup> Street (F.M. 336);

THENCE, South 08 Deg. 24 Min. 54 Sec. West, (South 08 Deg. 33 Min. 02 Sec. West-deed call), along the West right-of-way line of South 10<sup>th</sup> Street (F.M. 336), a distance of 223.61 feet to the POINT OF BEGINNING, containing 5.20 acres of land, more or less.

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

SECTION III: 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 IV: 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 V: 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 8th day of April, 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 April 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 25, 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  
Aida Ramirez, Mayor Pro Tem  
Scott Crane, Commissioner  
Marcus C. Barrera, Commissioner  
John Ingram, Commissioner  
Jim Darling, Commissioner

Staff: Mike R. Perez, City Manager  
Kevin Pagan, City Attorney  
Brent Branham, Deputy City Manager  
Roy Rodriguez, Assistant City Manager/PUB General Manager  
Wendy Smith, Assistant City Manager  
Annette Villarreal, City Secretary  
Yvette Barrera City Engineer  
Jerry Dale, Finance Director  
Susan Lozano, Deputy Finance Director  
Victor Rodriguez, Police Chief  
Juli Rankin, Director of Planning  
Omar Rodriguez, Convention Center Director  
Phil Brown, Director of Aviation  
Sally Gavlik, Director of Parks and Recreation  
Kate Horan, Library Director  
Elvira Alonzo, Deputy Public Works Director  
Sandra Zamora, Director of Purchasing

**CALL TO ORDER**

Mayor Cortez called the meeting to order.

**PRESENTATIONS**

**TRAPS ONE STAR PROGRAMMING DAY**

Parks Staff was recognized for receiving the TRAPS award.

**TEXAS POOL COUNCIL AWARD**

Parks Staff was recognized for receiving the TRAPS award.

**EAGLE SCOUT DAY**

Mr. Ryan Bluhm was recognized for his work at Bill Schuup Park in his quest to achieve Eagle Scout designation.

**PROCLAMATIONS:**

***MCALLEN SAFE DIGGING MONTH***

Commissioner Ingram read and presented a proclamation for *McAllen Safe Digging Month*.

***SEXUAL ASSAULT AWARENESS MONTH***

Mayor Pro Tem Salinas read and presented a proclamation for *Sexual Assault Awareness Month*.

***REGISTER TO VOTE CAMPAIGN***

Commissioner Darling read and presented a proclamation for *Register to Vote Days*.

***COMMUNITY DEVELOPMENT WEEK/FAIR HOUSING MONTH***

Commissioner Crane read and presented a proclamation for *Community Development Week/Fair Housing Month*.

**1. PUBLIC HEARING:**

Mayor Cortez called the Public Hearing to order.

- 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.]*

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.

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

- 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.**

Approved the R-3A zoning at 611 Lindberg Avenue, as per Planning and Zoning Commission.

- 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.**



Approved a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a bar at 2000 Nolana Avenue, as per Planning and Zoning Commission. Conditions of the Conditional Use Permit include providing for extra security, nightly trash pickup, and area being lighted. 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 & 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 at 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.

**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.**

Approved the Conditional Use Permit, for life of the use, at 3201 Expressway 83, as per Planning and Zoning Commission. The request must also comply with the requirements set forth in Section 138 Zoning Ordinance, Section 134 Subdivision Ordinance and Section 110 Vegetation Ordinance, as well as the specific requirements as follows:

- 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 landscaped 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 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 five (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.

**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**

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

Commissioner Barrera remove said item from the table and agenda as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**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.**

Staff recommended approval of the C-3 zoning at 1721 & 1717 Savannah Avenue as per the Planning and Zoning Commission.

Mayor Cortez asked if anyone was present to speak in opposition of the rezoning request. No one appeared.

Commissioner Barrera moved to approve the C-3 zoning as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**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.**

Staff recommended disapproval of the C-3 zoning at 2213 Newport Avenue as per Planning and Zoning Commission.

Mayor Cortez asked if anyone was present to speak in favor of the rezoning request. The following individuals spoke in favor: Carlos Garza and Homer Garza. Ms. Evalyn Cano spoke in opposition.

A lengthy discussion was held relating to traffic.

After due consideration, Commissioner Ingram moved to disapprove the rezoning request. Mayor Pro Tem Ramirez seconded the motion. The vote on the motion was as follows:

AYES: Commissioners Ingram, Crane, Darling, Barrera and Mayor Pro Tem Ramirez  
NAYS: None  
ABSENT: None  
ABSTAINED: Mayor Pro Tem Salinas

**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.**

Staff recommended disapproval of the Conditional Use Permit, for one year, for an outdoor commercial recreation (soccer field) at 501 South Bentsen Road as per the Planning and Zoning Commission.

Mayor Cortez asked if anyone was present to speak in favor of the Conditional Use Permit. The following individuals spoke in favor: Leticia Alvarez, Sergio Zavala and Pablo Cardenas. Staff and City Commissioners expressed concerns of various neighbors in opposition of the permit.

Questions were asked of staff.

After due consideration, Mayor Pro Tem Ramirez moved to disapprove the Conditional Use Permit as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

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

Commissioner Crane moved to adopt the Zoning Ordinance for the approved tracts. Commissioner Ingram seconded the motion. The motion carried unanimously.



## 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 Darling moved to approve the items listed on the Consent Agenda with exception of item B and that said item be addressed separately. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**A) APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 11, 2013.**

Approved the minutes of Regular Meeting held March 11, 2013, as submitted.

**B) INTERLOCAL AGREEMENT BETWEEN THE CITY OF MCALLEN AND HIDALGO COUNTY LIBRARY SYSTEM FOR FUNDING TO DEFRAY EXPENSES OF PROVIDING COUNTY LIBRARY SERVICES.**

Staff recommended approval of an Interlocal Agreement between the City of McAllen and Hidalgo County Library System for funding to defray expenses of providing County Library Services.

Questions were asked about the allocation of funds from the County. Staff was instructed to seek a higher funding allocation in the future due to the high volume of customers that the main library serves.

Commissioner Darling moved to approve the agreement as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**C) AWARD OF CONTRACT FOR VARIOUS TYPES OF CONCRETE WORK 2012-2013.**

Awarded a contract for various types of Concrete Work 2012-2013 to multiple vendors for a one year period with the option to extend for two additional years as follows:

- Artillery LLC for items 1, 7-14, 23-24, 26, 31-36, 39-41, 47, 53-65, 76-78
- D&G Energy Corp. for items 2-6, 15-22, 25-30, 37-38, 42-52, 66-75, 77-78

**D) AWARD OF CONTACT FOR VARIOUS MUNICIPAL PROJECTS.**

Awarded a contract for various municipal projects for Structural Design Services for a one year period with the option to extend for one additional year, as follows: Chanin Engineering, Hinojosa Engineer, and Solorio & Associates. The contract would be subject to acceptance of the existing rates.

**E) AWARD OF CONTRACT FOR VARIOUS MUNICIPAL PROJECTS MECHANICAL, ELECTRICAL, PLUMBING AND FIRE PROTECTION (MEP) SERVICES.**

Awarded a contract for variance municipal projects Mechanical, Electrical, Plumbing and Fire Protection (MEP) Services for a one year period with the option to extend for one additional year, as follows: DBR Engineering, Halff Associates, and S&B Infrastructure. The contract would be subject to acceptance of the existing rates.

**F) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR UPGRADED FENCING AND ADDITIONAL COLUMNS AT MUNICIPAL PARK.**

Adopted an ordinance providing for a budget amendment for upgraded fencing in the amount of \$32,000 and additional columns at Municipal Park in the amount of \$44,900.

**G) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR AEROMAR ADVERTISING.**

Adopted an ordinance providing for a budget amendment for Aeromar Advertising in the amount of \$100,000.

**3. BIDS/CONTRACTS:**

**A) AUTHORIZATION TO OPEN SINGLE BID AND CONSIDERATION OF AWARD ON PALMVIEW MUNICIPAL GOLF COURSE PEDESTRIAN BRIDGE REPLACEMENT PROJECT.**

Staff recommended authorization to open the single bid received from McAllen Construction for the Palmview Municipal Golf Course Pedestrian Bridge Replacement Project.

Commissioner Darling moved to authorize the opening of the single bid. Commissioner Barrera seconded the motion. The motion carried unanimously.

Staff announced a base bid amount of \$246,300 and requested that staff be allowed to review the bid and if appropriate, bring back the item at a future meeting.

**B) CONSIDER APPROVAL OF A LICENSE AGREEMENT WITH S 10<sup>TH</sup> - 2<sup>ND</sup> PARTNERS LTD. FOR PARKING AREA ON A TRACT OF LAND OUT OF LOT 9 AND LOT 16, BLOCK 6, HIDALGO CANAL COMPANY SUBDIVISION OF PORCIONES 64, 65 AND 66, HIDALGO COUNTY, TEXAS FOR THE 2<sup>ND</sup> STREET HIKE AND BIKE TRAIL.**

Staff recommended approval of a License Agreement with S. 10<sup>th</sup> -2<sup>nd</sup> Partners LTD, for parking area for the 2<sup>nd</sup> Street Hike and Bike Trail.

Commissioner Ingram moved to approve the agreement as recommended. Commissioner Darling seconded the motion. The motion carried unanimously.

**C) CHANGE ORDER NO. 4 FOR MCALLEN MILLER INTERNATIONAL AIRPORT TERMINAL EXPANSION PROJECT.**

Staff recommended approval of Change Order No. 4 in the amount of \$17,736 and 14 calendar days for the McAllen Miller International Terminal Expansion Project.

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

**D) CONSIDER AUTHORIZATION TO RESCIND AWARD OF PURCHASE CONTRACT FOR PURCHASE OF NEW 2013 VEHICLES FOR VARIOUS CITY DEPARTMENTS AND MCALLEN PUBLIC UTILITIES.**

Staff recommended rescinding the award of contract to Randell Reed's Prestige Ford for Item 2B and award the contract on said item to Caldwell Country Ford, in the amount of \$21,004.

Commissioner Ingram moved to rescind the award and award the contract as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**E) AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) PRE-OWNED MODEL TROMMEL SCREEN FOR THE COMPOSTING FACILITY OF PUBLIC WORKS.**

Staff recommended award the contract for the Purchase of One (1) Pre-owned Model Trommel Screen for the Composting Facility of Public Works to McCourt & Sons Equipment, in the amount of \$237,750 plus \$30,725 for optional equipment, for a total purchase price of \$268,475.

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

**F) AWARD OF CONTRACT FOR REMOVAL/PURCHASE AND INSTALLATION OF THREE (3) LEBERT HVAC SYSTEMS TO INCLUDE HAIL GUARDS FOR CENTRAL FIRE STATION.**

Staff recommended award of contract for the Removal/Purchase and Installation of Three (3) Lebert HVAC Systems to include Hail Guards for the Central Fire Station, to Texair Company, Inc., in the amount of \$110,500.

Mayor Pro Tem Ramirez moved to award the contract as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

**G) AWARD OF CONTRACT FOR MCALLEN DEVELOPMENT RENOVATIONS.**

Staff recommended award of contract for the Development Services Facility renovations, to Peacock General Contractors, Inc., in the amount of \$1,979,000.

Commissioner Ramirez moved to award the contract as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

**H) CONSIDER REQUEST TO REBID THE INTERNATIONAL MUSEUM OF ARTS AND SCIENCE (IMAS) FAÇADE AND SITE IMPROVEMENTS PROJECT.**



Staff recommended authorization to reject the bid for the IMAS Façade and Site Improvements Project from All Pro Contractors and authorization to rebid the project after staff reviews the drawings and specifications in an effort to reduce the cost. Additionally, staff recommended authorization to make a demand on the bid bond.

Commissioner Barrera moved to approve staff's recommendation. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**I) CONSIDER APPROVAL OF CONTRACT AMENDMENT NO. 1 FOR ADDITIONS AND RENOVATIONS TO THE MCALLEN PUBLIC SAFETY BUILDING PROJECT.**

Staff recommended approval of Contract Amendment No. 1 with Milnet Architectural Services PLLC for additions and renovations to the McAllen Public Safety Building Project. Not to exceed \$200,000 for furniture and not to exceed \$24,000 for architectural fees.

Questions were asked relating to fees.

Mayor Pro Tem Salinas moved to approve the amendment as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**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.**

Staff recommended approval of Change Order No. 1 to Hurricane Fence Company, in the amount of \$44,900 and additional work days for the addition of columns to the fencing along Tamarack at Municipal Park.

Commissioner Barrera moved to approve change order as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**K) CONSIDERATION AND APPROVAL OF NEW PERFORMING ARTS CENTER DEVELOPMENT DESIGN AND AUTHORIZATION TO PROCEED TO CONSTRUCTION DOCUMENT PHASE.**

Staff recommended approval of the new Performing Arts Center Development Design and recommended authorization to proceed to Construction Document Phase to include the three alternates discussed at the earlier workshop (Covered walkway to adjacent hotel; East Parking Lot; and Vaquero Park) for an aggregate amount of \$1,600,621 and a revised fixed limit construction cost of \$35,557,465. Additionally, staff recommended approval of a change to the compensation to the architect on contract to be the least of 8.75% of actual construction cost or \$3,859,999.

Commissioner Crane moved to approve staff's recommendation. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

**4. ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE REMOVAL, PURCHASE AND INSTALLATION OF THREE (3) LEBERT HVAC SYSTEMS TO INCLUDE GUARDS.**

Staff recommended adoption of an ordinance providing for a 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.

Commissioner Ingram moved to adopt the ordinance as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**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.**

Staff recommended approval of a variance request to relocate an existing sign to an off-premise and LED sign up to 672 sq. ft. at 3101 Expressway 83.

Mayor Pro Tem Ramirez moved to approve the variance as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

- B) CONSIDER VARIANCE REQUEST TO ALLOW AN ADDITIONAL FREESTANDING SIGN AT LOT 21, NORTH EAST CROSSING SUBDIVISION; 107 NOLANA AVENUE.**

Staff recommended disapproval of a variance to allow an additional freestanding sign at 107 Nolana Avenue.

Commissioner Crane moved to disapprove the variance as recommended. Commissioner Darling seconded the motion. The motion carried unanimously.

- C) CONSIDER APPROVAL OF A VARIANCE FOR A FEE IN LIEU OF DEDICATED PARK LAND FOR NAPA HEIGHTS.**

Staff recommended approval of a variance for a fee in lieu of dedicated park land for Napa Heights in the amount of \$50,400 calculated at \$700 for each of the 72 dwelling units.

Commissioner Ingram moved to approve the variance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

- D) CONSIDER APPROVAL OF A VARIANCE FOR A FEE IN LIEU OF DEDICATED PARK LAND FOR UNITY CENTER.**

Staff recommended approval of a variance for a fee in lieu of dedicated park land for Unity Center in the amount of \$24,500 based on 35 of the 69 designated units. Additionally, approval would be contingent on a legal and binding note on the deed thru conditions of the "PUD", that if the remaining units are sold as 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 a lump sum or collected over a 24 month period thru individual water meter billing.

Commissioner Darling moved to approve the variance including the note on the plat as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

**6. MANAGER'S REPORT:**

**A) PRESENTATION AND APPROVAL OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY 2011-2012.**

Mr. Santos Fraga with Padgett Stratemann and Co. LLP, presented the Comprehensive Annual Financial Report for FY 2011-2012 and reviewed the Management Letter.

Commissioner Barrera moved to accept the report and Management Letter as presented. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**B) STATUS REPORT ON VARIOUS CITY PROJECTS THROUGH FEBRUARY 28, 2013.**

Staff gave a status report on various city projects.

Report only. No action required.

**C) STATUS REPORT ON PARKS AND RECREATION CONSTRUCTION PROJECTS.**

Staff gave a status report on Parks and Recreation construction projects.

Report only. No action required.

**D) CONSTRUCTION UPDATE ON TERMINAL EXPANSION PROJECT.**

Staff gave a status report on the Terminal Expansion Project.

Report only. No action required.

**E) REPORT ON ACTIVITIES AT CONVENTION CENTER.**

Said item was deferred to the next meeting.

**F) FUTURE AGENDA ITEMS.**

The items for upcoming workshops were briefly reviewed: Convention Center activities; Roads and Highways; and Development Code.

**7. TABLED ITEMS:**

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

Mayor Pro Tem Ramirez moved to remove said item from the table. Commissioner Barrera seconded the motion. The motion carried unanimously.



Staff recommended that the bid for the purchase and installation of Synthetic Soccer/Football Field at DeLeon North Soccer Complex be rejected and that staff be authorized to go out for bids again.

Mayor Pro Tem Ramirez moved to reject the bid as recommended and authorized staff to rebid the project. Commissioner Barrera seconded the motion. The motion carried unanimously.

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

Mayor Pro Tem Ramirez moved to remove said item from the table. Commissioner Barrera seconded the motion. The motion carried unanimously.

Staff recommended that the bid for the demolition of the former Sam Houston Elementary be rejected and allow the McAllen Housing Authority to pursue development of the property which would provide for the demolition of this site.

Mayor Pro Tem Ramirez moved to reject the bid as recommended. Commissioner Barrera seconded the motion. The motion carried unanimously.

**END OF PUBLIC HEARING**

No one appeared.

**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).**

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 8A, 8B, 8C, 8I and 8K; Section 551.071 Consultation with Attorney for Items 8C, 8D, 8E, 8F, 8G, and 8J; and Section 551.072 Deliberation regarding Real Property for Item 8A and 8H.

Commissioner Darling 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 8:15 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 9:15 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 was taken.

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

No action was taken.

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

Mayor Pro Tem Ramirez moved to authorize staff and the Mayor to take action as discussed in Executive Session. Commissioner Barrera seconded the motion. The motion carried unanimously.

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

No action was taken.

- 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.)**

Commissioner Barrera moved to authorize the City Attorney or appropriate outside counsel to defend the city in the lawsuit. Commissioner Ingram seconded the motion. The motion carried unanimously.

- 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.)**

Commissioner Barrera moved to authorize the City Attorney or appropriate outside counsel to defend the city in the lawsuit. Commissioner Ingram seconded the motion. The motion carried unanimously.

- G) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL CLAIM RELATED TO PAVING ISSUE. (SECTION 551.071, T.G.C.)**

Commissioner Crane moved to authorize the City Attorney to analyze the claim and take the action as discussed in Executive Session. Commissioner Barrera seconded the motion. The motion carried unanimously.

- 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.)**

No action was taken.

- I) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT FLASH. (SECTION 551.087, T.G.C.)**

Commissioner Barrera moved to authorize MEDC Director and City Staff to continue discussions with the developer as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously.

**J) CONSULTATION WITH CITY ATTORNEY REGARDING REQUEST FOR PROPOSALS FOR OLD CIVIC CENTER RE-DEVELOPMENT. (SECTION 551.071, T.G.C.)**

Commissioner Barrera moved to authorize staff to contact the three developers for second round interviews as discussed in Executive Session. Commissioner Crane seconded the motion. The motion carried unanimously.

**K) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT INDUSTRIAL. (SECTION 551.087, T.G.C.)**

Commissioner Barrera moved to authorized MEDC to extend the offer for economic incentives for Project Industrial as per direction given in Executive Session. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 9:18 p.m.

\_\_\_\_\_  
Richard Cortez, Mayor

Attest:

\_\_\_\_\_  
Annette Villarreal, TRMC/CMC, CPM  
City Secretary



STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u>      ✓      </u>	AGENDA ITEM	<u>      2B1      </u>
UTILITY BOARD	<u>                  </u>	DATE SUBMITTED	<u>      4/1/2013      </u>
PLANNING & ZONING BOARD	<u>                  </u>	MEETING DATE	<u>      4/8/2013      </u>
OTHER	<u>                  </u>		

1 Agenda Item: Property Tax Refunds

\_\_\_\_\_

\_\_\_\_\_

2 Party Making Request: Martha Guel, Tax Assessor

3 Nature of Request: (Brief Overview) Attachments:       ✓       Yes

Over \$500.00 refund for Ventura & Maria Garza

Amount of refund \$ 551.95

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>
a) <u>Martha Guel Tax Assessor</u>	<u>mg</u>	<u>04/01/13</u>
b) _____	_____	_____

8 Staff Recommendation: To grant refund in order to comply with PTC Sec. 31.11

9 Advisory Board:        Approved        Disapproved        None

10 City Attorney:   KP   Approved        Disapproved        None

11 Manager's Recommendation:   MRP   Approved        Disapproved        None

**MCALLEN TAX OFFICE MEMO**

Date: 4/1/13  
To: Mayor Richard F. Cortez and City Commission  
Through: Mike R. Perez, City Manager  
From: Martha Guel, Tax Assessor *M.G.*  
Re: \$500.00 Refunds

After the supplements from the Appraisal District for the month of March, we need your approval on the following refunds:

Name	Amount Paid	Corrected Levy	Refund	Change Reason
Ventura & Maria Garza	551.95	-0-	551.95	Granted over-65 & 100% disabled vet.
Jascan Construction	1,240.20	626.78	613.42	Error in Assessment
B.B.&T Mortgage	522.84	-0-	522.84	Granted 100% Disabled Vet. Expt.

Please let me know if you have any questions.

# APPLICATION FOR TAX REFUND

Collecting office name <b>City of McAllen Tax Office</b>	Collecting tax for: (taxing units)  <b>City of McAllen</b>
Present mailing address (number and street) <b>P O Box 220/311 N 15th St</b>	Phone (area code and number) <b>(956)681-1330</b>
City, town or post office, state, ZIP code <b>McAllen TX 78505-0220</b>	

**To apply for a tax refund, the taxpayer must complete the following.**

<b>Step 1:</b>	Owner's name <b>GARZA, VENTURA &amp; MARIA</b>
<b>Owner's name and address</b>	Present mailing address (number and street) <b>509 N 31ST ST</b>
	City, town or post office, state, ZIP code <b>MCALLEN TX 78501</b>
	Phone (area code and number)

<b>Step 2:</b>	Legal description (or attach copy of the tax bill or tax receipt): <b>GERONIMO LOT 22</b>
<b>Describe the property</b>	Address or location of property: _____
	Account number of property: <b>G3400-00-000-0022-00</b> OR Tax receipt number: _____

<b>Step 3:</b>	Name of Taxing Unit from Which Refund is Requested	Year for Which Refund is Requested	Date of the Tax Payment	Amount of Taxes Paid	Amount of Tax Refund Requested
<b>Give the tax payment information</b>	1. <u>CITY OF MCALLEN</u>	<u>2012</u>	<u>1/14</u> / <u>2013</u>	\$ <u>273.12</u>	\$ <u>273.12</u>
<i>COB/12</i>	2. <u>CITY OF MCALLEN</u>	<u>2011</u>	<u>12/21</u> / <u>2011</u>	\$ <u>278.83</u>	\$ <u>278.83</u>
<i>2/16/11</i>	3. _____	_____	_____ / _____	\$ _____	\$ _____
	4. _____	_____	_____ / _____	\$ _____	\$ _____
	5. _____	_____	_____ / _____	\$ _____	\$ _____
	Taxpayer's reason for refund (attach supporting documentation): <b>GRANTED OVER 65/DVHS EXEMPTION</b>				
	<b>03-12-13ng</b>				

<b>Step 4:</b>	"I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct."	
<b>Sign the form</b>	sign here	Date of application for tax refund <b>3/21/2013</b>
	If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.	

<b>Step 5:</b>	This tax refund is <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
<b>Tax refund determination</b>	sign here	Date <b>3/20/13</b>
	sign here _____	Date _____



Geo

Supp Group: 145

2/26/2013 10:16AM

Current Property Data as of Supp 8

Supp Code: CE

Supp Action: M

Prop ID	Owner	%	Legal Description	Values			
179149	55009	100.00 R	Geo: G3400-00-000-0022-00 GERONIMO LOT 22	Effective Acres: 0.0000	Imp HS: 42,093	Market: 63,324	
			Appraiser: A3	Operator: rcastillo	Acres: 0.0000	Land NHS: 0	Prod Loss: 0
			State Codes: A	Map ID:	Prod Use: 0	Assessed: 63,324	
			Situs: 509 N 31ST ST MCALLEN, TX	Mtg Cd:	Prod Mkt: 0	Late Ag: F	
				Ref ID1: 208525			
				Ref ID2: R179149			

Change Desc:

GRANT OA/DVHS Q/YR 2011 FILED LATE

Owner	Pct	Exemptions	Entity	Ent Pct	Statermt	Assessed	Taxable	Frozen	Tax
GARZA VENTURA & MARIA	55009	100.00	CML	100.00		63,324	0		0.00
		DVHS							
		HS							
		OV65							

Previous Property Data as of Supp: 0

Prop ID	Owner	%	Legal Description	Values			
179149	55009	100.00 R	Geo: G3400-00-000-0022-00 GERONIMO LOT 22	Effective Acres: 0.0000	Imp HS: 42,093	Market: 63,324	
			Appraiser: A3	Operator: rcastillo	Acres: 0.0000	Land NHS: 0	Prod Loss: 0
			State Codes: A	Map ID:	Prod Use: 0	Assessed: 63,324	
			Situs: 509 N 31ST ST MCALLEN, TX	Mtg Cd:	Prod Mkt: 0	Late Ag: F	
				Ref ID1: 208525			
				Ref ID2: R179149			

Change Desc:

Owner	Pct	Exemptions	Entity	Ent Pct	Statermt	Assessed	Taxable	Frozen	Tax
GARZA VENTURA & MARIA	55009	100.00	CML	100.00		63,324	63,324		0.00
		HS							

Gain or Loss of Value for:

Property: 179149 Geo: G3400-00-000-0022-00

Current				Previous			Gain / Loss		
Entity	Assessed	Taxable	Tax	Assessed	Gain	Tax	Assessed	Gain	Tax
CML	63,324	0	0.00	63,324	63,324	0.00	0	-63,324	0.00

Adj: 273.11

Current Property Data as of Supp 16

Supp Code: CE

Supp Action: M

Prop ID	Owner	%	Legal Description	Values
179149	55009	100.00 R	Geo: G3400-00-000-0022-00 GERONIMO LOT 22	Effective Acres: 0.0000 Imp HS: 43,417 Market: 64,648 Imp NHS: 0 Prod Loss: 0 Land HS: 21,231 Appraised: 64,648 Land NHS: 0 Cap: 0 State Codes: A Map ID: 0 Prod Use: 0 Assessed: 64,648 Situs: 509 N 31ST ST MCALLEN, TX Mtg Cd: 0 Prod Mkt: 0 Appraiser: A3 Operator: rcastillo Acres: 0.0000 Ref ID1: 208525 Ref ID2: R179149 Late Ag: F

Change Desc:  
GRANT OADVHS Q/YR 2011 FILED LATE

Owner	PC	Exemptions	Entity	Ent/Prop Statement	Assessed	Taxable	Taxes	Fee
GARZA VENTURA & MARIA	55009	100.00	DVHS	CML	100.00	64,648	0	0.00
			HS					
			OV85					

Previous Property Data as of Supp: 0

Prop ID	Owner	%	Legal Description	Values
179149	55009	100.00 R	Geo: G3400-00-000-0022-00 GERONIMO LOT 22	Effective Acres: 0.0000 Imp HS: 43,417 Market: 64,648 Imp NHS: 0 Prod Loss: 0 Land HS: 21,231 Appraised: 64,648 Land NHS: 0 Cap: 0 State Codes: A Map ID: 0 Prod Use: 64,648 Situs: 509 N 31ST ST MCALLEN, TX Mtg Cd: 0 Prod Mkt: 0 Appraiser: A3 Operator: rcastillo Acres: 0.0000 Ref ID1: 208525 Ref ID2: R179149 Late Ag: F

Change Desc:

Owner	PC	Exemptions	Entity	Ent/Prop Statement	Assessed	Taxable	Taxes	Fee
GARZA VENTURA & MARIA	55009	100.00	HS	CML	100.00	64,648	64,648	0.00

Gain or Loss of Value for:

Property: 179149 Geo: G3400-00-000-0022-00

	Current			Previous			Gain / Loss		
CML	64,648	0	0.00	64,648	64,648	0.00	0	-64,648	0.00

Adj. 278.82

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION

✓

AGENDA ITEM

2B2

UTILITY BOARD

\_\_\_\_\_

DATE SUBMITTED

4/1/2013

PLANNING & ZONING BOARD

\_\_\_\_\_

MEETING DATE

4/8/2013

OTHER

\_\_\_\_\_

1 Agenda Item: Property Tax Refunds

2 Party Making Request: Martha Guel, Tax Assessor

3 Nature of Request: (Brief Overview) Attachments: ✓ Yes

Over \$500.00 refund for Jascan Construction.

Amount of refund \$ 613.42

4 Policy Implication: \_\_\_\_\_

5 Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

Bid Amount: \_\_\_\_\_  
Under Budget: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_  
Over Budget: \_\_\_\_\_  
Amount Remaining: \_\_\_\_\_

6 Alternate option costs: \_\_\_\_\_

7 Routing:

NAME/TITLE

INITIALS

DATE

a) Martha Guel Tax Assessor mg 04/01/13

b) \_\_\_\_\_

8 Staff Recommendation: To grant refund in order to comply with PTC Sec. 31.11

9 Advisory Board: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

10 City Attorney: KP Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

11 Manager's Recommendation: MRP Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

COLO/12

**APPLICATION FOR TAX REFUND**

Collecting office name <b>City of McAllen Tax Office</b>	Collecting tax for: (taxing units)  <b>City of McAllen</b>
Present mailing address (number and street) <b>P O Box 220/311 N 15th St</b>	
City, town or post office, state, ZIP code <b>McAllen TX 78505-0220</b>	Phone (area code and number) <b>(956)681-1330</b>

To apply for a tax refund, the taxpayer must complete the following.

<b>Step 1:</b>	Owner's name <b>JASCAN CONSTRUCTION LLC</b>
<b>Owner's name and address</b>	Present mailing address (number and street) <b>3501 ROSEWOOD ST</b>
	City, town or post office, state, ZIP code <b>EDINGURG TX 78541</b>
	Phone (area code and number)

<b>Step 2:</b>	Legal description (or attach copy of the tax bill or tax receipt): <b>THE GARDENS AT TRINITY OAKS LOT 88</b>
<b>Describe the property</b>	Address or location of property: _____
	Account number of property: <b>T3257-00-000-0088-00</b> OR Tax receipt number: _____

<b>Step 3:</b>	Name of Taxing Unit from Which Refund is Requested	Year for Which Refund is Requested	Date of the Tax Payment	Amount of Taxes Paid	Amount of Tax Refund Requested
<b>Give the tax payment information</b>	1. <u>CITY OF MCALLEN</u>	<u>2012</u>	<u>12/04</u> / <u>2012</u>	\$ <u>1,240.20</u>	\$ <u>613.42</u>
	2. _____	_____	_____ / _____	\$ _____	\$ _____
	3. _____	_____	_____ / _____	\$ _____	\$ _____
	4. _____	_____	_____ / _____	\$ _____	\$ _____
	5. _____	_____	_____ / _____	\$ _____	\$ _____
	Taxpayer's reason for refund (attach supporting documentation): <b>INCLUSION OF PROPERTY NON-EXISTENT; SOME IMPS TRNS TO T3257-00-000-0088-00;PROPERTY SPLIT FROM T3257-00-000-0089-00 AS PER 01-15-13ng OWNERS REQUEST</b>				

<b>Step 4:</b>	"I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct."	
<b>Sign the form</b>	sign here  Signature	Date of application for tax refund <u>03/16/13</u>
	If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.	

<b>Step 5:</b>	This tax refund is <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
<b>Tax refund determination</b>	sign here  Authorized officer	Date <u>3/21/13</u>
	sign here Collector(s) of taxing unit(s) for refund applications over (insert amount for which governing body approval is required under Section 31.11, Tax Code)	Date



Supp Group: 143

Geo

12/20/2012 1:47PM

Current Property Data as of Supp 6

Supp Code: CC

Supp Action: M

Prop ID	Owner	%	Legal Description	Values			
709338	943825	100.00 R	Geo: T3257-00-000-0088-00 THE GARDENS AT TRINITY OAKS LOT 88	Effective Acres: 0.0000	Imp HS: 0	Market: 145,324	
			JASCAN CONSTRUCTION LLC	Imp NHS: 113,324	Prod Loss: 0	Appraised: 145,324	
			3501 ROSEWOOD ST	Land HS: 0	Cap: 0		
			EDINBURG, TX 78541-9444	Land NHS: 32,000	Assessed: 145,324		
			Appraiser: C2	Operator: rcastillo	Acres: 0.0000	Prod Use: 0	Late Ag: F
			State Codes: A	Map ID: 49 PG 192	Prod Mkt: 0		
			Situs: 3032 HONDO AVE MCALLEN, TX	Mtg Cd:			
				Ref ID1: 514921			
				Ref ID2: R709338			

Change Desc:

INCLUSION OF PROPERTY NON-EXISTENT;SOME IMPS TRNS TO T3257-00-000-0088-00; PROPERTY SPLIT FROM T3257-00-000-0089-00 AS PER OWNERS REQUEST

Owner	Pct	Exemptions	Entity	Ent Pct	Statemnt	Assessed	Taxable	Freeze	Tax
JASCAN CONSTRUCTION LLC	943825	100.00		CML	100.00	145,324	✓ 145,324		0.00

Previous Property Data as of Supp: 0

Prop ID	Owner	%	Legal Description	Values			
709338	971908	100.00 R	Geo: T3257-00-000-0088-00 THE GARDENS AT TRINITY OAKS LOT 88 & 89	Effective Acres: 0.0000	Imp HS: 0	Market: 287,550	
			CASTILLO NANCY	Imp NHS: 223,530	Prod Loss: 0	Appraised: 287,550	
			3100 HONDO AVE	Land HS: 0	Cap: 0		
			MCALLEN, TX 78504-6282	Land NHS: 64,020	Assessed: 287,550		
			Appraiser: D1	Operator: yrada	Acres: 0.0000	Prod Use: 0	Late Ag: F
			State Codes: A	Map ID: 49 PG 192	Prod Mkt: 0		
			Situs: 3032 HONDO AVE MCALLEN, TX	Mtg Cd:			
				Ref ID1: 514921			
				Ref ID2: R709338			

Change Desc:

Owner	Pct	Exemptions	Entity	Ent Pct	Statemnt	Assessed	Taxable	Freeze	Tax
CASTILLO NANCY	971908	100.00		CML	100.00	287,550	✓ 287,550		0.00

Gain or Loss of Value for:

Property: 709338 Geo: T3257-00-000-0088-00

Entity	Current			Previous			Gain / Loss		
	Assessed	Taxable	Tax	Assessed	Taxable	Tax	Assessed	Taxable	Tax
CML	145,324	145,324	0.00	287,550	287,550	0.00	-142,226	-142,226	0.00

Adj. 613.42

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION       ✓       AGENDA ITEM       2B3        
UTILITY BOARD \_\_\_\_\_ DATE SUBMITTED       4/1/2013        
PLANNING & ZONING BOARD \_\_\_\_\_ MEETING DATE       4/8/2013        
OTHER \_\_\_\_\_

1 Agenda Item: Property Tax Refunds  
\_\_\_\_\_  
\_\_\_\_\_

2 Party Making Request: Martha Guel, Tax Assessor

3 Nature of Request: (Brief Overview) Attachments:       ✓       Yes  
Over \$500.00 refund for B.B. & T Mortgage  
Amount of refund \$ 522.84

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>
a) <u>Martha Guel Tax Assessor</u>	<u>mg</u>	<u>04/01/13</u>
b) _____	_____	_____

8 Staff Recommendation: To grant refund in order to comply with PTC Sec. 31.11

9 Advisory Board:        Approved        Disapproved        None

10 City Attorney:   KP   Approved        Disapproved        None

11 Manager's Recommendation:   MRP   Approved        Disapproved        None

# APPLICATION FOR TAX REFUND

007/12

Collecting office name <b>City of McAllen Tax Office</b>	Collecting tax for: (taxing units)  <b>City of McAllen</b>
Present mailing address (number and street) <b>P O Box 220/311 N 15th St</b>	Phone (area code and number) <b>(956)681-1330</b>
City, town or post office, state, ZIP code <b>McAllen TX 78505-0220</b>	

**To apply for a tax refund, the taxpayer must complete the following.**

<b>Step 1:</b>	Owner's name <b>BB&amp;T MORTGAGE - TAX DEPT</b>
<b>Owner's name and address</b>	Present mailing address (number and street) <b>301 COLLEGE ST</b>
	City, town or post office, state, ZIP code <b>GREENVILLE SC 29601</b>
	Phone (area code and number) <b>864-242-8470</b>

<b>Step 2:</b>	Legal description (or attach copy of the tax bill or tax receipt): <b>CIELO VISTA PH 1 LOT 104</b>
<b>Describe the property</b>	Address or location of property: <b>3105 Vanessa Ave McAllen TX 78503</b>
	Account number of property: <b>C4439-01-000-0104-00</b> OR Tax receipt number: <b>LOAN#19155090</b>

<b>Step 3:</b>	Name of Taxing Unit from Which Refund is Requested	Year for Which Refund is Requested	Date of the Tax Payment	Amount of Taxes Paid	Amount of Tax Refund Requested
<b>Give the tax payment information</b>	1. <u>CITY OF MCALLEN</u>	<u>2012</u>	<u>1/8</u> / <u>2013</u>	\$ <u>522.84</u>	\$ <u>522.84</u>
	2. _____	_____	_____ / _____	\$ _____	\$ _____
	3. _____	_____	_____ / _____	\$ _____	\$ _____
	4. _____	_____	_____ / _____	\$ _____	\$ _____
	5. _____	_____	_____ / _____	\$ _____	\$ _____
	Taxpayer's reason for refund (attach supporting documentation): <b>GRANTED DVHS EXEMPTION</b>				
	<b>2-14-2013ng</b>				

<b>Step 4:</b>	"I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct."	
<b>Sign the form</b>	sign here <sup>Signature</sup> 	Date of application for tax refund <b>2-27-13</b>
If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.		

<b>Step 5:</b>	This tax refund is <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
<b>Tax refund determination</b>	sign here <sup>Authorized officer</sup> 	Date <b>2/27/13</b>
	sign here <sup>Collector(s) of taxing unit(s) for refund applications over (insert amount for which governing body approval is required under Section 31.11, Tax Code)</sup>	Date

Supp Group: 144

1/18/2013 10:04AM

Current Property Data as of Supp 7

Supp Code: CE

Supp Action: M

Prop ID	Owner	%	Legal Description	Values			
714551	965149	100.00 R	Geo: C4439-01-000-0104-00 CIELO VISTA PH 1 LOT 104	Effective Acres: 0.0000	Imp HS: 93,908	Market: 121,224	
CAMPOS EDGAR & ANA L 3105 VANESSA AVE MCALLEN, TX 78503-1147				Operator: jportillo	Imp NHS: 0	Prod Loss: 0	
Appraiser: L8				Acres: 0.0000	Land HS: 27,316	Appraised: 121,224	
State Codes: A				Map ID: 52 PG 117	Land NHS: 0	Cap: 0	
Situs: 3105 VANESSA TX				Mtg Cd:	Prod Use: 0	Assessed: 121,224	
				Ref ID1: 523014	Prod Mkt: 0		Late Ag: F
				Ref ID2: R714551			

Change Desc:

GRANT DVHS FILED LATE QY 2012

Owner	Pct	Exemptions	Entry	Ent Pct	Statemnt	Assessed	Taxable	Freeze	Tax
CAMPOS EDGAR & ANA L	965149	100.00		100.00		121,224	0		0.00
		DVHS	CML						
		HS							

Previous Property Data as of Supp: 0

Prop ID	Owner	%	Legal Description	Values			
714551	965149	100.00 R	Geo: C4439-01-000-0104-00 CIELO VISTA PH 1 LOT 104	Effective Acres: 0.0000	Imp HS: 93,908	Market: 121,224	
CAMPOS EDGAR & ANA L 3105 VANESSA AVE MCALLEN, TX 78503-1147				Operator: rcastillo	Imp NHS: 0	Prod Loss: 0	
Appraiser: L8				Acres: 0.0000	Land HS: 27,316	Appraised: 121,224	
State Codes: A				Map ID: 52 PG 117	Land NHS: 0	Cap: 0	
Situs: 3105 VANESSA TX				Mtg Cd:	Prod Use: 0	Assessed: 121,224	
				Ref ID1: 523014	Prod Mkt: 0		Late Ag: F
				Ref ID2: R714551			

Change Desc:

Owner	Pct	Exemptions	Entry	Ent Pct	Statemnt	Assessed	Taxable	Freeze	Tax
CAMPOS EDGAR & ANA L	965149	100.00		100.00		121,224	121,224		0.00
		HS	CML						

Gain or Loss of Value for:

Property: 714551 Geo: C4439-01-000-0104-00

Entry	Current			Previous			Gain / Loss		
	Assessed	Taxable	Tax	Assessed	Taxable	Tax	Assessed	Taxable	Tax
CML	121,224	0	0.00	121,224	121,224	0.00	0	-121,224	0.00

Adj. 522.83





**911  
FIRE &  
RESCUE**

**Fire Department**

**McAllen**



## **MEMORANDUM**

---

**TO:** Mike Perez, City Manager

**CC:** Wendy Smith, Asst. City Manager

**FROM:** Rafael Balderas, Fire Chief

**DATE:** April 1, 2013

**RE:** Firecomm

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**GOAL:**

The McAllen Fire Department is requesting approval of the Budget Amendment for Firecomm.

**BRIEF EXPLANATION OF ITEM(S):**

Contractual obligations that were not budgeted for Interlocal Agreement (ILA) between the City of McAllen & City of Pharr for dispatch services.

**OPTIONS:**

- 1.) The City Commission may choose to accept the Budget Amendment.
- 2.) The City Commission may choose to reject the Budget Amendment.

**RECOMMENDATION:**

Staff agrees with the cost of this item and wishes to recommend approval of the Budget Amendment in the amount of \$82,533 for the remaining of the fiscal year, upon your approval.

ORDINANCE NO. 2013-\_\_\_\_\_

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: \$82,533.00 FOR CONTRACTUAL OBLIGATIONS NOT BUDGETED FOR INTERLOCAL AGREEMENT WITH CITY OF PHARR FOR DISPATCH SERVICES FOR FIRE DEPARTMENT

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 8<sup>th</sup> day of April, 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 April, 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 \_\_\_\_\_  
Other Board \_\_\_\_\_

Agenda Item   2D    
Date Submitted   04/02/13    
Meeting Date   04/08/13  

1. Agenda Item: **CONSIDERATION OF REQUEST TO CONVERT NORTH BROADWAY STREET FROM A ONE-WAY SOUTHBOUND TO A TWO-WAY NORTHBOUND AND SOUTHBOUND (BEHIND CROCKETT ELEMENTARY SCHOOL)**

2. Party Making Request: Traffic Operations

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

Consideration of request to convert North Broadway Street from a one-way southbound to a two-way northbound and southbound. (Behind Crockett Elementary School)

4. Policy Implication:   City Commission approval needed.  

5. Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No   X   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:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) <u>Roel Rodriguez, P.E.</u> Asst. City Manager	<u>RR</u>	<u>4/2/13</u>	<u>  X  </u> Yes <u>  </u> No
b) <u>Yvette Barrera, P.E., CFM</u> City Engineer	<u>RN</u>	<u>4/1/13</u>	<u>  X  </u> Yes <u>  </u> No
c) <u>Eduardo Mendoza, P.E., PTOE</u> Director of Traffic Operations	<u>EM</u>	<u>4/1/13</u>	<u>  X  </u> Yes <u>  </u> No

8. Staff's Recommendation: The approval of the request to convert North Broadway Street to a two-way street northbound and southbound from Vine Avenue to Tamarack Avenue. (Behind Crockett Elementary School)

9. Advisory Board:   X   Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

10. City Attorney:   KP   Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

11. Manager's Recommendation:   MRP   Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None



**TRAFFIC DEPARTMENT**  
**MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Eduardo J. Mendoza, PE, PTOE, Director of Traffic Operations  
**Date:** March 28, 2013  
**Subject:** Request to convert North Broadway Street from a one-way southbound to a two-way street northbound and southbound (behind Crockett Elementary School)

**GOAL**

The goal is to convert North Broadway to a two-way street northbound and southbound, from Vine Avenue to Tamarack Avenue.

**BRIEF EXPLANATION OF THE ITEM(S)**

The Traffic Operations staff initiated the request to convert Broadway Street from a one-way to a two-way street. Currently Broadway Street is a one-way street southbound from Vine Avenue to Tamarack Avenue. Traffic along Broadway Avenue between Vine Avenue and Tamarack Avenue was changed to one-way in the southbound direction to assist with circulation for Davy Crockett Elementary School. The school since then, ceased to operate as a school. Traffic circulation will benefit from returning to a two-way street. Notices were advertised in the local newspaper, and letters were sent to the property owners along Broadway Street through mail and hand delivered to the owners/renters along Broadway Street notifying of the proposed change. To date we have not received any correspondence in favor or opposed to the proposed change. The McAllen Citizens' Traffic Advisory Board recommended in favor of the proposed change.

The proposed change will require the removal of existing pavement markings at the south bound approach to Tamarack Avenue and restriping to assign proper lane usage. The estimate cost for this infrastructure improvement is estimated at \$1100.00 to be covered by Traffic Operations operating budget.

**OPTIONS**

1. Approve the request to convert North Broadway Street to a two-way street northbound and southbound, from Vine Avenue to Tamarack Avenue.
2. Disapprove the request to convert North Broadway Street to a two-way street northbound and southbound from Vine Avenue to Tamarack Avenue.

**RECOMMENDATION**



Staff recommends the approval of the request to convert North Broadway Street to a two-way street northbound and southbound, from Vine Avenue to Tamarack Avenue.

**CC:** Roel Rodriguez, PE, Asst. City Manager  
Yvette Barrera, PE, CFM, City Engineer

# Broadway St. One-way to Two-way Conversion



## LEGEND

-  Existing Traffic Flow
-  Proposed Traffic Flow
-  Notification Boundary



ORDINANCE NO. 2013- \_\_\_\_\_

**AN ORDINANCE DESIGNATING AS A TWO-WAY STREET, THE SEGMENT OF NORTH BROADWAY STREET FROM VINE AVENUE TO TAMARACK AVENUE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, the City of McAllen is a home rule city incorporated under the laws of the State of Texas; and

**WHEREAS**, the Director of Traffic Operations of the City of McAllen, Texas has deemed it necessary to designate North Broadway Street from a one-way southbound to a two-way street northbound and southbound.

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

**SECTION I:** The following street or portion thereof shall be a two-way street (northbound and southbound) and the Director of Traffic Operations of the City of McAllen, Texas is hereby authorized and directed to designate two-way traffic on the street designated below within the City of McAllen according to the specifications provided in Section 102-159(e) of the Code of Ordinances of the City of McAllen and as provided by the laws of the State of Texas:

**North Broadway Street from Vine Avenue to Tamarack Avenue**

**SECTION II:** Any violation of this Ordinance shall constitute an offense and shall be punishable by a fine not to exceed \$200.00.

**SECTION III:** 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 IV:** This Ordinance shall be and remain in full force and effect from and after its passage by the Board of Commissioners, and execution by the Mayor.

**SECTION V:** 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 8<sup>th</sup> day of April, 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, and Chapter 102 of the Texas Local Government Code.

**SIGNED** this \_\_\_\_ day April, 2013.

**CITY OF McALLEN**

By: \_\_\_\_\_  
**Richard F. Cortez, Mayor**

Attest:

\_\_\_\_\_  
**Annette Villarreal, City Secretary**

Approved as to form:

\_\_\_\_\_  
**Kevin D. Pagan, City Attorney**



Memo

**TO:** Mike R. Perez, City Manager

**FROM:** Julianne R. Rankin, FAICP, Director of Planning

J.R.R.

**DATE:** March 27, 2013

**SUBJECT: REQUEST TO ABANDON THE WEST 5 FT. OF THE 10 FT. UTILITY EASEMENT LOCATED ON THE WEST SIDE OF LOT 28, HERITAGE MANOR No. 2 SUBDIVISION (AMENDED); 4513 NORTH 5<sup>TH</sup> STREET.**

---

**GOAL:**

An Abandonment Request is to allow the compatible and orderly development or redevelopment of property in a way that 1) assures the area in question is no longer needed, 2) provides for new easements or rights-of-way that reflect current developments, 3) provides for the relocation of improvements when applicable, and 4) done only with clearance from all city departments & utility companies, and board approvals.

**BRIEF DESCRIPTION:**

This is a request of Samuel Trevino to abandon the west 5 ft. of the 10 ft. utility easement located on the west side of Lot 28, Heritage Manor No. 2 Subdivision (Amended). The recorded plat does not have any easements on the property. However, the applicant submitted a survey of the property indicating a 10 ft. utility/blanket easement agreement with Central Power & Light Company recorded under separate instrument. The property is located at the southwest corner of Sunflower Avenue and N. 5<sup>th</sup> Street and is zoned R-1 (single family residential) District. There is an existing single family residence on the property. Surrounding land uses include single family residences in all directions.

The basis for the request is the fact that the owner removed an existing patio and rebuilt it at the rear of the property without obtaining a building permit from the City. The applicant has since applied for a building permit for construction of the patio; however, issuance of the building permit is pending approval of the abandonment request. Should the abandonment request be approved, the applicant will also proceed to apply for a variance before the Zoning Board of Adjustments & Appeals for the encroachment into the rear yard setback prior to issuance of a building permit.

The Right-of-Way Department has notified the appropriate city departments and utility companies regarding the request. There were no objections from the respective utility companies and city departments, including any interest the City may have to abandon the west 5 ft. of the 10 ft. utility easement located on the west side of Lot 28, Heritage Manor No. 2 Subdivision (Amended).

**OPTIONS:**

1. Approve the abandonment as requested.
2. Table the item for additional information.
3. Disapprove the request.

**RECOMMENDATION:**

Staff recommends approval of abandoning the utility easement as requested.



# Memorandum

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**TO:** Planning Dept.  
Attn: Luis J. Mora, Senior Planner

**FROM:** Jeanie Backor, Right-Of-Way Dept. 

**SUBJECT:** Request to abandon abandoning the west 5 feet of the 10 foot utility easement located on the west side of Lot 28, Heritage Manor #2 Subdivision (amended), an addition to the City of McAllen, Hidalgo County, Texas  
4513 North 5<sup>th</sup> Street

**DATE:** March 19, 2013

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We are attaching responses together with the Ordinance in connection with the above request.

We are recommending approval of the abandonment.

If you need additional information, please contact me at Ext. 1189.



City of McAllen

Planning Department

1300 Houston Avenue • (956) 681-1250 • (956) 681-1279 (fax)

RIGHT-OF-WAY ABANDONMENT APPLICATION

HSD-2012-0019  
SEE REVISED DESCRIPTION OF ABANDONMENT  
2/6/13

Project Information

Legal Description LOT 28 HERITAGE MANOR #2  
McALLEN TEXAS. REQUEST TO ABANDON 10 FT UTILITY  
Subdivision Name HERITAGE MANOR #2  
Street Address 4513 N. 5th ST. McALLEN TX 78504  
Reason for Abandonment Request ABANDONMENT OF 10 FT.  
ON THE REAR PART OF LOT 28  
HERITAGE MANOR #2. (HIGHLIGHTED AREA ON  
SURVEY).

Minimum Submittal

- Application, properly completed
- \$125.00 Administrative Fee, payable at time of application, non-refundable
- \$100.00 Market value of land to be abandoned, unless increased by action of the City Commission, based on the appraised land value
- Metes and bounds description of area to be abandoned
- A survey and/or map of the area affected by abandonment request

Owner

Name SAMUEL TREVINO Telephone (956) 533-8799  
Address 4513 N. 5th ST  
City McALLEN State TX Zip 78504

Applicant

Name SAMUEL TREVINO Telephone (956) 533-8799  
Address 4513 N 5th ST  
City McALLEN State TX Zip 78504

If request involves more than one property owner, attach a separate list of owners including address, phone number and property owned.

If signature is other than owner, must attach written evidence of such authorization. If request involves more than one property owner, attached written authorization is required from each property owner.

Signature

Date

10/1/12

Owner

Authorized Agent

RECEIVED 10/1

OCT 01 2012

McAllen 59 777


February 4, 2013

My name is Sam Trevino and I reside at 4513 N. 5<sup>th</sup> street in Mcallen Texas 78504. I am requesting an Easement Abandonment of 5 feet located on the west side ( backyard ) of my Property. The 5 feet are adjacent to the alley. The 5 feet is located from the alley 5 feet into my property line. I have enclosed a copy of the land survey and I highlighted the area in Question. I met with Pokin T. Chan who is the AEP Representative on January 30<sup>th</sup> 2013 at my house and he agreed to abandon the 5 feet that I am requesting.

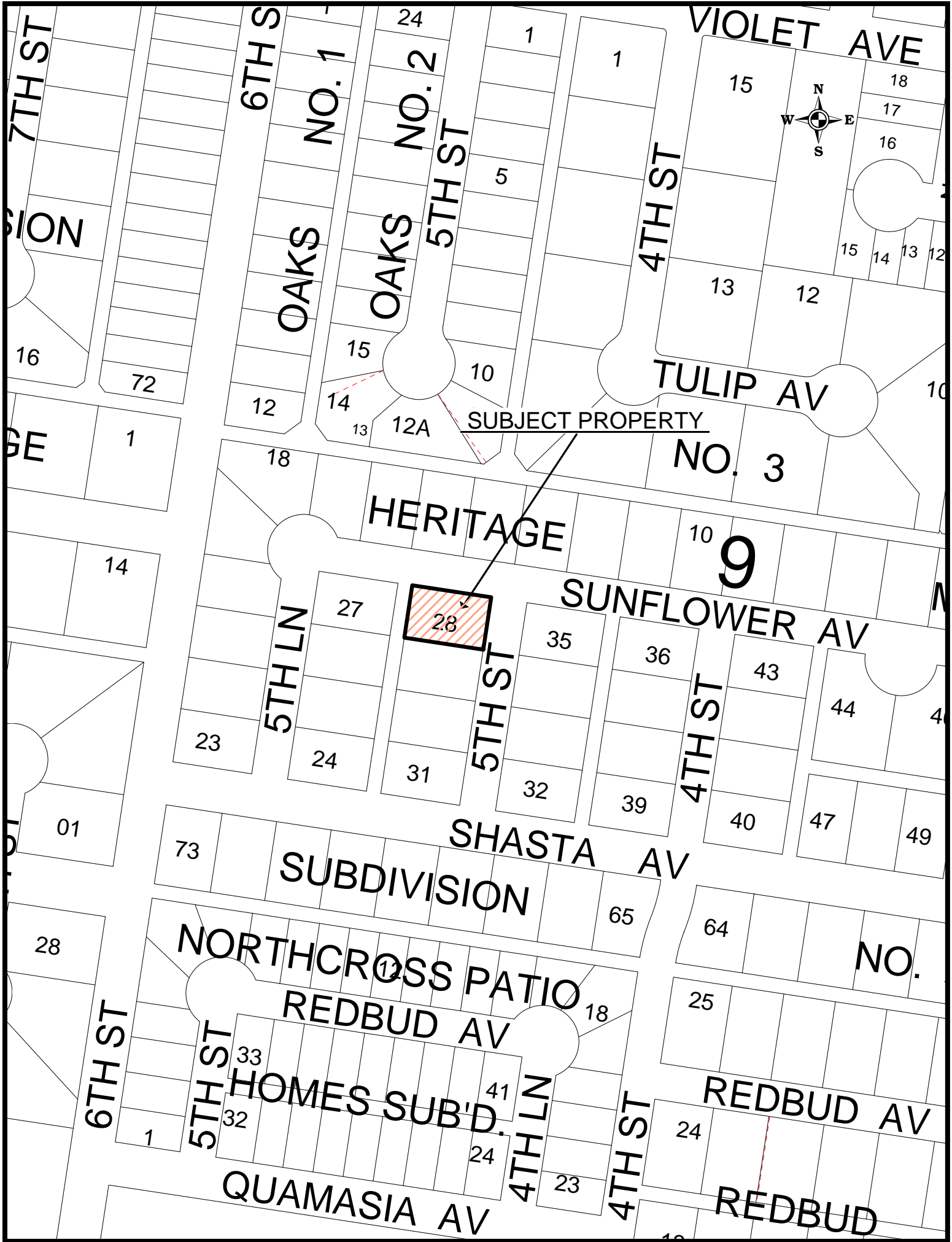
CLARIFICATION

ABANDON THE ~~5 FT~~ WEST 5 FEET  
OF THE 10 FT UTILITY EASEMENT  
THAT IS LOCATED ON THE WEST REAR  
SIDE OF LOT 28

2/6/13





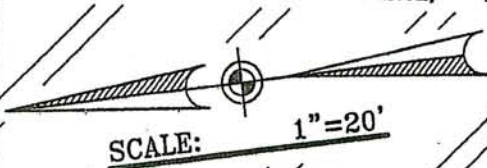






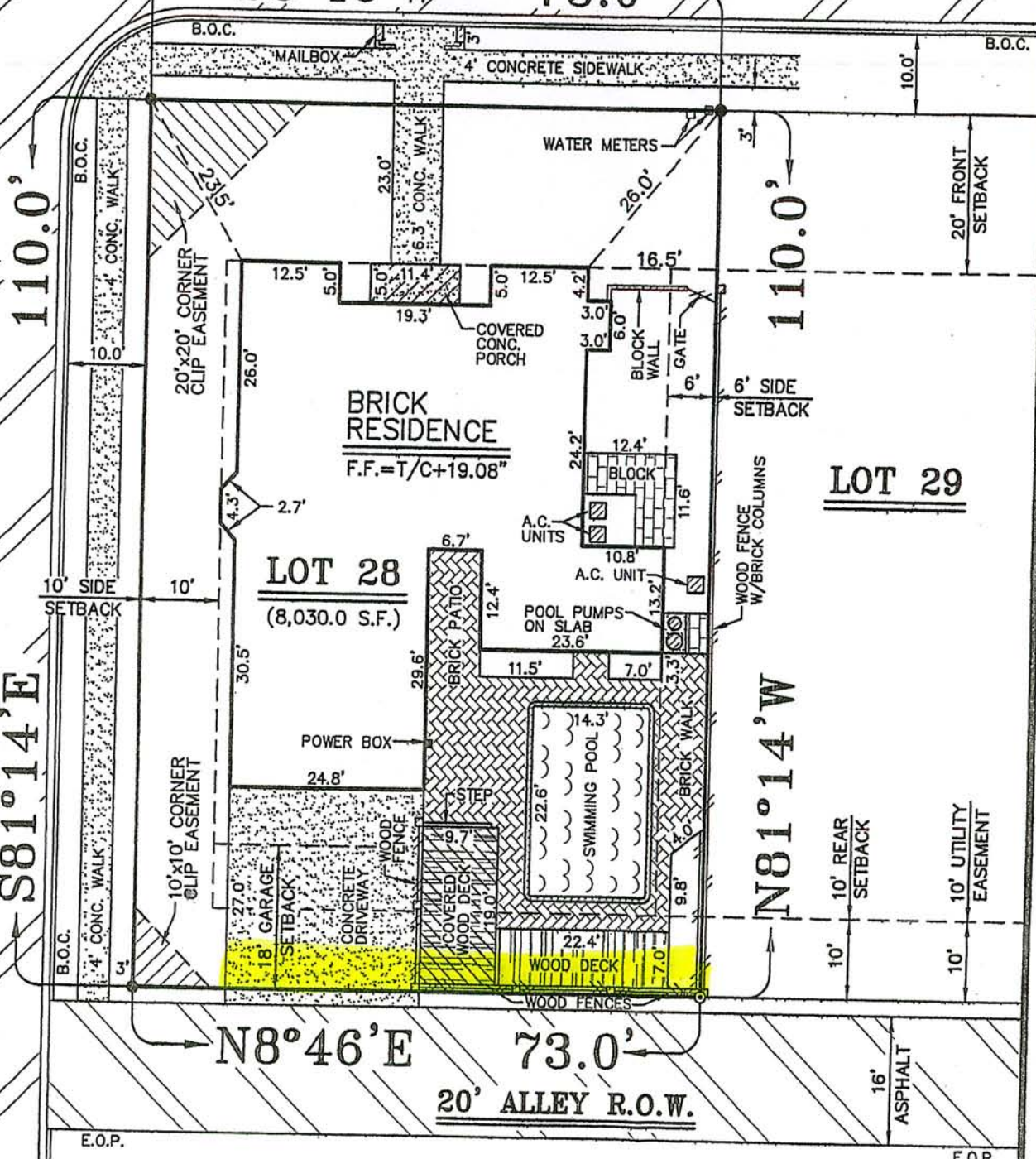
# ART SALINAS ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540



**N. 5th STREET**  
(VOL. 22, PG. 92, H.C.M.R.)

S8°46'W 73.0'



**SUNFLOWER AVE.**  
(VOL. 22, PG. 92, H.C.M.R.)

- LEGEND**
- DENOTES FOUND 1/2" ROD
  - - - DENOTES FOUND 20D NAIL
  - DENOTES NO MONUMENT

**LOT 29**

**LOT 28**  
(8,030.0 S.F.)

**BRICK RESIDENCE**  
F.F. = T/C + 19.08"

RECEIVED

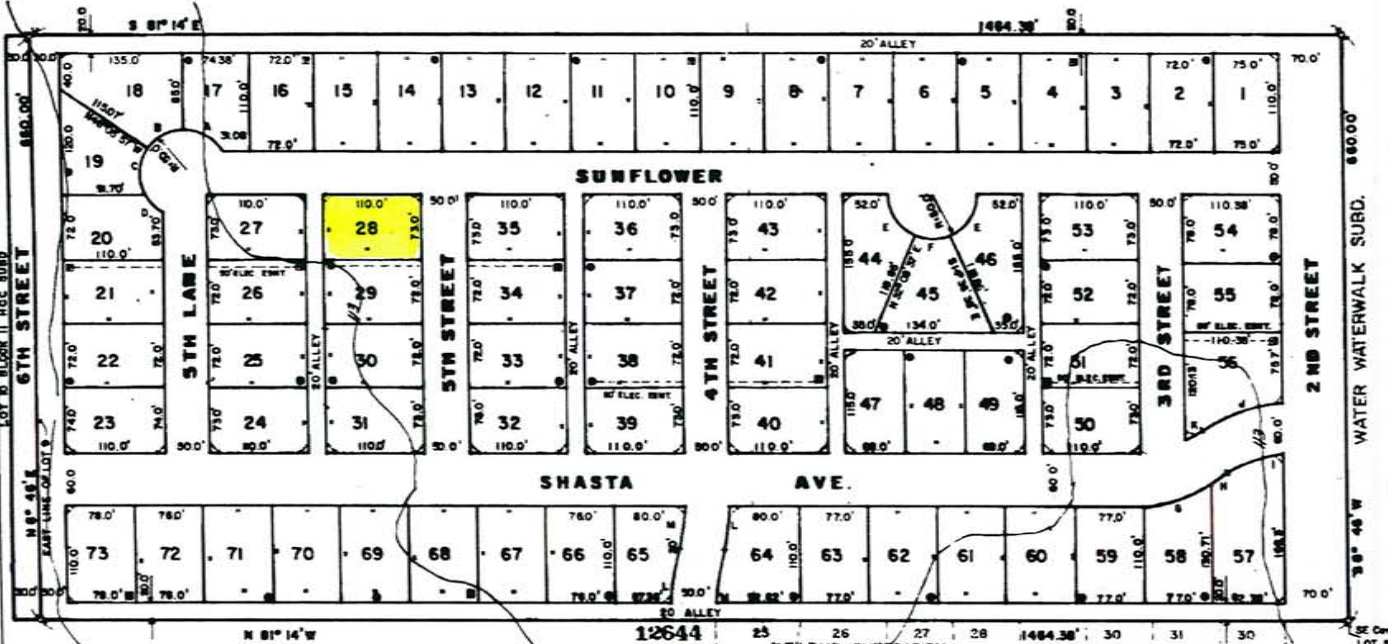
**FLOOD CERTIFICATION:** The property shown hereon lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0005-C dated 11-02-82.

**PLAT NOTES:**

- There are no discrepancies, conflict or shortages in area or boundary lines, any encroachments, or any overlapping of improvements except as shown or noted hereon.
- This survey plat is prepared in connection with Title Policy G.F. # 733566 and is for the exclusive use of the client named hereon. This survey and/or copies may not be transferred to another party without the express written consent of the surveyor.
- If this survey does not bear an original seal and signature it is **INVALID** as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.
- Easement for PIPELINE granted to HARRIS DRILLING COMPANY

*Handwritten signature and date: [Signature] 3/20/82*





**HERITAGE MANOR NO. 2 SUBDIVISION (AMENDED)**

BEING AN AMENDMENT OF HERITAGE MANOR No. 2 SUBDIVISION WHICH IS A SUBDIVISION OF THE SOUTH HALF OF LOT 9, BLOCK II, HIDALGO CANAL COMPANY'S SUBDIVISION OF PORCIONES 64, 65, & 66 HIDALGO COUNTY TEXAS, MCALEN, TEXAS (GROSS AC. 22.19)

FILED FOR RECORD THIS DATE  
 APR 7 1982

**APPROVED FOR RECORDING**  
 4-6-82

- NOTES:
- MINIMUM FLOOR ELEVATION, 18" ABOVE TOP OF CURB AT FRONT.
  - FRONT SET BACK 20'.
  - REAR SET BACK 10'.
  - SIDE SET BACK 6'.
  - LOTS 54, 55 & 56 MUST HAVE A 10' REAR SET BACK ALONG 2ND STREET. ALSO, LOTS 18, 19, 20, 21, 22 & 23 MUST HAVE A 10' REAR SET BACK ALONG 6TH STREET AND LOTS 20, 21, 22, 23 MUST HAVE A 30' FRONT SET BACK ALONG N. 5TH LANE. LOTS 18 & 19 MAY HAVE A 10' FRONT SET BACK ALONG N. 5TH LANE CUL-DA-SAC. FRONT SETBACK ALONG N. 3RD. ST. ON LOTS 54, 55, 56 MUST BE 20'.
  - CORNER LOTS MUST HAVE A 10' SIDE SET BACK.
  - CORNER CLIPS 20' x 20' AT ALL INTERSECTIONS. 10' x 10' ALLEY & STREET INTERSECTION AND AT ALLEY AND ALLEY.
  - NO GARAGE ENTRY ALLOWED ALONG N. 2ND & 6TH STREET.
  - AN OPAQUE BUFFER WILL BE REQUIRED ALONG N. 2ND. ST. ON LOTS 1, 54, 55, 56 & 57. ALONG N. 6TH STREET ON LOTS 18, 19, 20, 21, 22, 23, & 73.
  - SIDEWALKS ON BOTH SIDES OF SHASTA, E., SIDE OF 6TH ST. AND W. SIDE OF 2ND. ST.
  - 2' x 6' EASEMENT TO CENTRAL POWER & LIGHT CO. FOR PEDESTAL SPACE. SPECIFIC LOCATION SHOWN IN MAP BY THIS SYMBOL.
  - 6' x 6' EASEMENT TO CENTRAL POWER & LIGHT CO. FOR TRANSFORMER SPACE. SPECIFIC LOCATION SHOWN IN MAP BY THIS SYMBOL.
  - GARAGE DOOR SETBACK MUST BE 18'.

**CURB DATA**

- A R=50.0'  
L=40°00'  
ARC=52.38'
- B R=50.0'  
L=54°00'  
ARC=47.08'
- C R=50.0'  
L=80°00'  
ARC=66.94'
- D R=30.0'  
L=30°00'  
ARC=28.18'
- E R=50.0'  
L=66°27'24"  
ARC=58.14'
- F R=50.0'  
L=86°46'15"  
ARC=40.80'
- G R=153.50'  
L=30°00'28"  
ARC=90.88'
- H R=153.50'  
L=10°04'38"  
ARC=90.00'
- I R=93.50'  
L=40°11'08"  
ARC=68.08'
- J R=153.50'  
L=40°11'08"  
ARC=107.88'
- K R=93.50'  
L=8°24'44"  
ARC=16.0'

Recorded in Book 22 Page 92  
 of the map records of Hidalgo  
 County, Texas  
 Meiden and Hunt, Inc.  
 County Surveyors

STATE OF TEXAS  
 COUNTY OF HIDALGO

THE SIGNED OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS UNDERSIGNED HERE-  
 TO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DEDICATED TO THE USE  
 OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PAVES, WATER COURSES, DRAINS, EASE-  
 MENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION  
 THEREIN EXPRESSED.

*Ben Sirmans*  
 BENE SIRMANS

STATE OF TEXAS  
 COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED  
 BENE SIRMANS, KNOWN TO ME TO BE THE PERSON  
 WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ADOLESCED TO  
 ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN  
 EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 1 DAY OF April  
 A.D. 1982

NAME G. D'ENTREMENT  
 DANE D'ENTREMENT, Notary Public  
 HIDALGO COUNTY, TEXAS

I, THE UNDERSIGNED, CLERK OF THE CITY OF MCALEN, HEREBY CERTIFY THAT THIS  
 SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS  
 OF THIS CITY IN ACCORDANCE WITH THE CITY CHARTER.

*[Signature]*  
 CLERK OF THE CITY OF MCALEN

THIS PLAT OF HERITAGE MANOR NO. 2 SUBDIVISION WAS PREPARED BY ME AND I  
 SUBMITTER TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF  
 MCALEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 15th DAY OF April A.D. 1982

*[Signature]*  
 CHAIRMAN  
 JIM WOLFORD

STATE OF TEXAS  
 COUNTY OF HIDALGO

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM  
 AN ACTUAL SURVEY OF THE PROPERTY SHOWN HEREIN BY SUPERVISION ON THE GROUND.

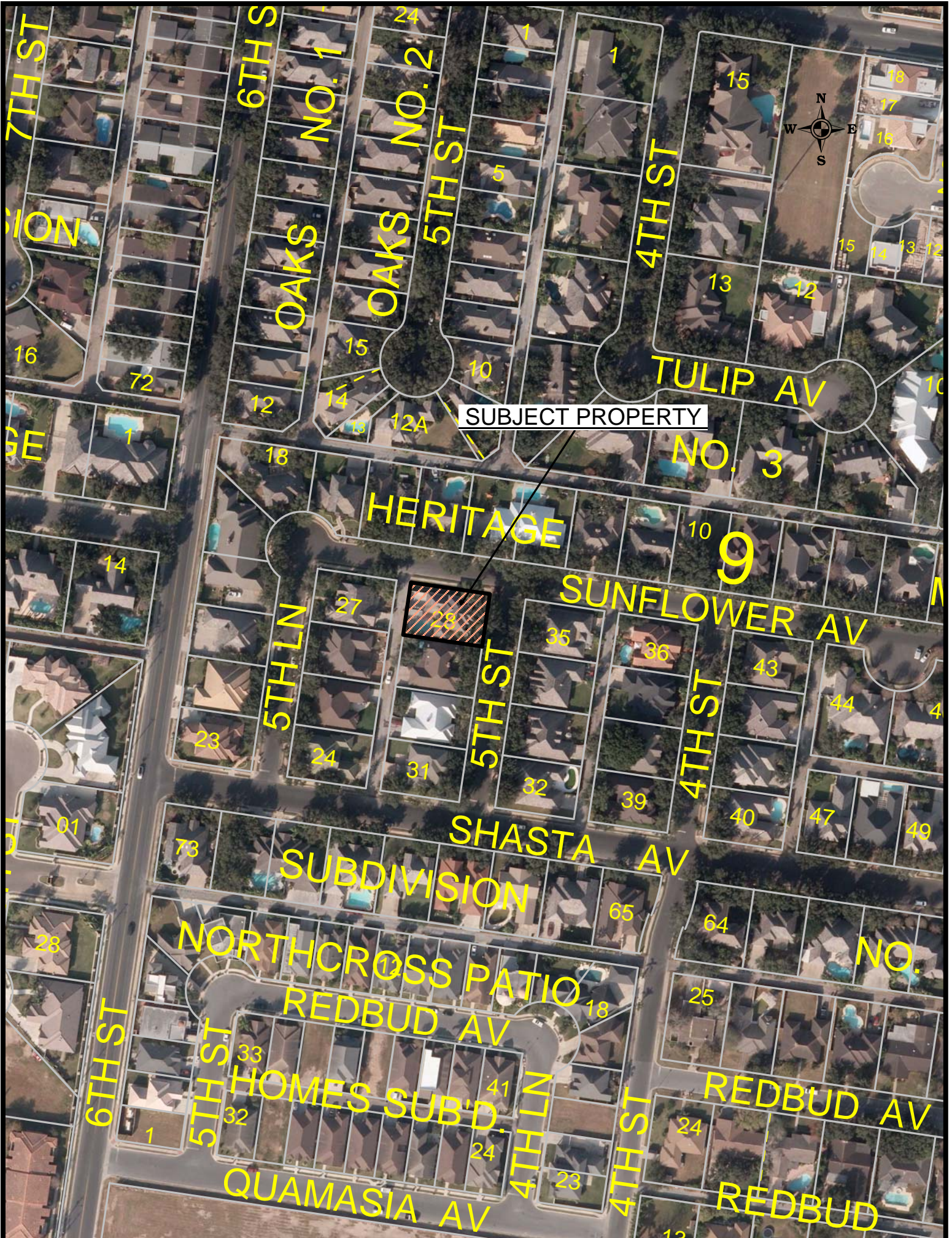
*[Signature]*  
 REGISTERED PROFESSIONAL SURVEYOR  
 JOE HEBBARD

GIVEN TO ME UNDERSIGNED BEFORE ME THIS 1 DAY OF April  
 1982  
 A.D. DANE G. D'ENTREMENT  
 Notary Public, State of Texas  
 My Commission Expires 10-22-85

*[Signature]*  
 DANE G. D'ENTREMENT  
 HIDALGO COUNTY, TEXAS

*[Handwritten initials]*





SUBJECT PROPERTY





ORDINANCE NO. 2013-\_\_\_\_\_

AN ORDINANCE ABANDONING THE WEST 5 FEET OF THE 10 FOOT UTILITY EASEMENT LOCATED ON THE WEST SIDE OF LOT 28, HERITAGE MANOR #2 SUBDIVISION (AMENDED), AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 92, MAP RECORDS, HIDALGO COUNTY, TEXAS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

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

**SECTION I:** That the west 5 feet of the 10 foot utility easement located on the west side of Lot 28, Heritage Manor #2 Subdivision (amended), an addition to the City of McAllen, Hidalgo County, Texas is hereby declared to be abandoned by the City of McAllen as being of no use to the public; shown on EXHIBIT "A" attached hereto and incorporated herein.

**SECTION II:** That the above described portion of the utility easement is no longer used by or useful to the public and the vacating of such portion of the utility easement will relieve the City from maintenance and expenses relating thereto.

**SECTION III:** Upon the effective date, the City Manager is hereby authorized to record this ordinance in the Official Records of Hidalgo County, Texas, upon the payment of \$100, which said sum represents the market value of the property herein abandoned and vacated. This action shall be to the benefit of the adjoining property owner(s) of said portion of the utility easement as their interests are reflected according to law.

**SECTION IV:** The abandonment of the City of McAllen's and the public's interest in the property described herein has been accomplished in accordance with Chapter 272 of the Local Government Code and all other laws, statutes, ordinances or constitutional provisions applicable to such abandonments.

**SECTION V:** This Ordinance shall become effective upon signature.

**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.



**SECTION VII:** This ordinance shall not be published in the Code of Ordinances of the City of McAllen, Texas, as it is not amendatory thereof.

**SECTION VIII:** This ordinance shall be and remain in full force and effect from and after its passage by the Board of Commissioners and execution by the City.

**CONSIDERED, PASSED and APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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 and Chapter 102 of the Texas Local Government Code.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

CITY OF McALLEN

By: \_\_\_\_\_  
Richard F. Cortez, City Mayor

ATTEST:

By: \_\_\_\_\_  
Annette Villarreal, City Secretary

CORPORATE ACKNOWLEDGMENT

STATE OF TEXAS §  
COUNTY OF HIDALGO §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, \_\_\_\_\_ of the City of McAllen, Texas, a municipal corporation of the State of Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as an act of said corporation for the purposes and consideration therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public - State of Texas

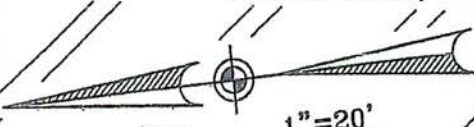
Approved as to form:

\_\_\_\_\_  
Gary Henrichson, Assistant City Attorney



# ART SALINAS ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5585 FAX: (956) 618-5540



SCALE: 1" = 20'

## N. 5th STREET

(VOL. 22, PG. 92, H.C.M.R.)

S8°46'W 73.0'

### SUNFLOWER AVE.

(VOL. 22, PG. 92, H.C.M.R.)

- LEGEND
- DENOTES FOUND 1/2" ROD
  - - - DENOTES FOUND 20D NAIL
  - DENOTES NO MONUMENT

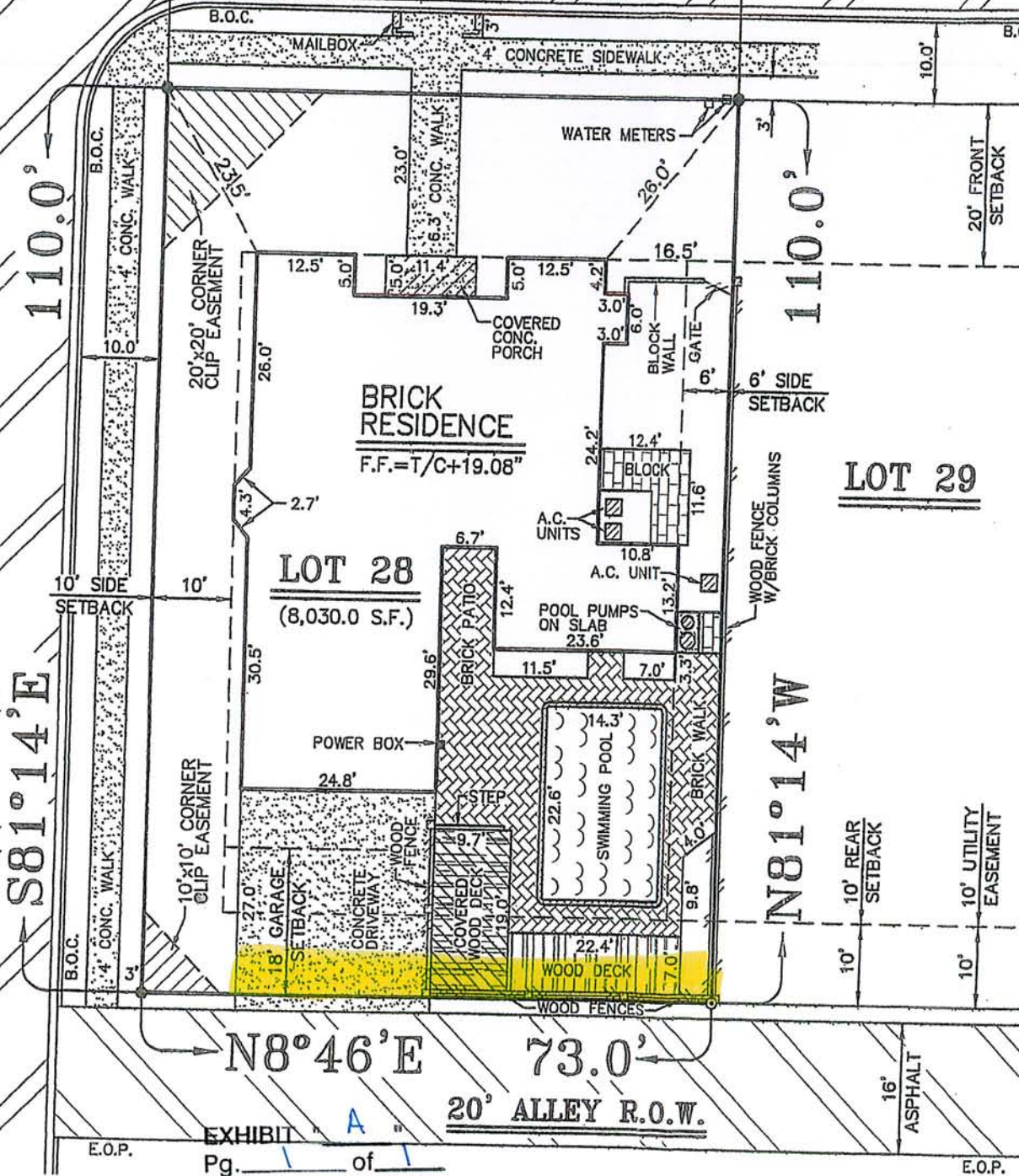


EXHIBIT A  
Pg. of

RECEIVED

**ZOD CERTIFICATION:** The property shown hereon lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood as per FEMA Flood Insurance Rate Map Panel No. 480343-0005-C dated 11-02-82.

**NOTES:**  
There are no discrepancies, conflict or shortages in area or boundary lines, any encroachments, or any overlapping of improvements except as shown or noted hereon.  
This survey plat is prepared in connection with Title Policy G.F. # 733566, and is for the exclusive use of the client named hereon.  
If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.  
Easement for PIPELINE granted to HARRIS PIPELINE COMPANY

*Handwritten signature and date: [Signature] 11/10/03*



## Memo

**TO:** Mike R. Perez, City Manager

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

**DATE:** April 2, 2013

**SUBJECT: REQUEST OF TRINITY BAPTIST CHURCH FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH) AT THE 10.0 ACRES OUT OF LOT 10, SECTION 279, TEXAS MEXICAN RAILWAY COMPANY SURVEY SUBDIVISION; 2001 FREDDY GONZALEZ DRIVE.**

---

**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 site of Freddy Gonzalez Drive, approximately 560 ft. east of North 23<sup>rd</sup> Street, and is zoned R-1 (single family residential) District and A-O (agricultural & open space) District. The adjacent zoning is R-1 District to the east and west and A-O District to the north and south. The surrounding land uses include vacant land, single family residential homes, and Cavazos Elementary school. An institutional use is permitted in an R-1 and A-O zone with a conditional use permit and in compliance with requirements.

The property is part of Trinity Heights Subdivision, which got preliminary approval by Planning and Zoning Commission on March 5, 2013. Currently the site is vacant. The applicant proposes to construct a 9,275 sq. ft. one story building on the property. The floor plan submitted shows the main sanctuary, six classrooms, two kid's rooms, and the restrooms. Based on the maximum seating capacity of 220, 55 parking spaces are required; 74 parking spaces are being provided. The schedule for worship services will be Sunday at 9:00 a.m. to 12:00 p.m. The office and classroom hours vary but will be available Monday thru Saturday.

A preliminary site plan was submitted; however, a detailed site plan will need to be reviewed to determine specific requirements at the time of the building and paving permits, and site plan approval. A building and right of way permit will be required and the parking areas must meet all the requirements for landscaping, access, etc. 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 Freddy Gonzalez Drive 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. Based on the maximum seating capacity of 220, 55 parking spaces are required; 74 parking spaces are being provided;
- 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. A 6 ft. opaque will be required on the east and west sides.

**OPTIONS:**

1. Approve the conditional use permit for life of the use.
2. Approve the conditional use permit for one year.
3. Table the item for additional information.
4. Disapprove the request.

## **RECOMMENDATION:**

The request was heard at the March 19, 2013 Planning and Zoning Commission meeting. There was no one present to speak in opposition. The applicant's representative, Steve Spoor, was present.

Ms. Sonia Falcon asked if the property was adjacent to the elementary school and the days of services for the church. The board also discussed the widening and future right of way for Freddy Gonzalez Drive.

Mr. Steve Spoor stated that the current property owner was conveying the 10.0 acres of his property for the church use. However, he will retain ownership of the property to the east, where his house is located and to the west of the proposed church location. The services for the church are primarily on Sundays. The right of way and widening of Freddy Gonzalez Drive will all be done through a Subdivision Plat.

Following discussion, the board unanimously voted to recommend approval of the conditional use permit for the life of the use subject to compliance with the Subdivision and Zoning Ordinance, paving, Fire Department and building requirements. There were 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-1 (SINGLE FAMILY RESIDENTIAL)	R-2 (DUPLEX-FOURPLEX)	R-3A (APARTMENTS)	R-3C (CONDOMINIUMS)	R-3T (TOWNHOUSES)	R-4 (MOBILE HOMES)	C-1 (OFFICE BUILDING)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-3 (GENERAL BUSINESS)	C-3L (LIGHT COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	I-1 (LIGHT INDUSTRIAL)	I-2 (HEAVY 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.*





# PEÑA ENGINEERING

1001 WHITEWING · P.O. BOX 4320  
(956) 682-8812 · McALLEN, TEXAS 78502 · FAX (956) 631-PENA



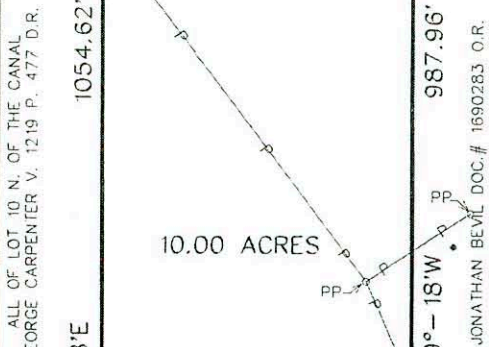
RUDY

SCALE: 1"=200'  
CAD: TEXMEX279

V. 24 P. 170 D.R.  
Q FREDDY GONZALEZ Dr.  
426.52'  
S 80°-42'E



BASIS OF BEARING IS THE NORTH LINE OF LOT 9 AND 10 SEC. 279 TEXAS-MEXICAN RAILWAY CO. SURVEY V. 24 P. 170 D.R. HIDALGO COUNTY TEXAS.

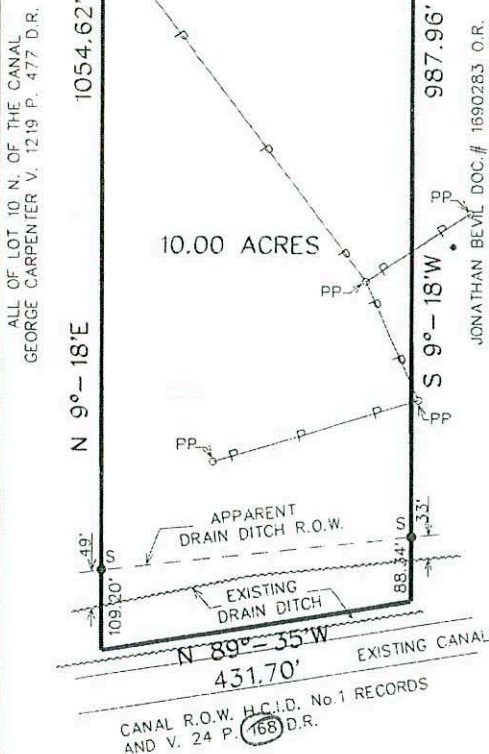


NOTE:  
SURVEY PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT WHICH MAY SHOW EASEMENTS OF RECORD THAT MAY AFFECT THE PROPERTY.

10.00 ACRES

### LEGEND

- S - SET 1/2" DIAMETER IRON ROD
- F1 - FOUND 1/2" DIAMETER IRON ROD
- R.O.W. - RIGHT-OF-WAY
- E.O.A. - EDGE OF ASPHALT
- PP - POWER POLE
- FH - FIRE HYDRANT
- P-P - POWER POLE LINE
- H.C.I.D. No.1 - HIDALGO COUNTY IRRIGATION DISTRICT No.1
- M.R. - MAP RECORDS
- D.R. - DEED RECORDS
- O.R. - OFFICIAL RECORDS
- N.E.C. - NORTHEAST CORNER



Seller's

BUYER'S NAME: GEORGE CARPENTER

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel Number 480334 0325 D  
Map Revised: May 17, 2001

- Zone "A" - This is to certify that this property is in a flood prone area.
- Zone "B" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- Zone "X" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements except as shown on this plat. © copyright 2013 PEÑA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, In conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this survey. Survey valid only if print has original seal and signature. This certification is made to the herein named client, it is not transferable nor certified to any future owner or future lending institution, This plat is not certified for any future real estate transaction.

ADDRESS:

LEGAL DESCRIPTION: A 10.00 acre tract of land out of Lot 10 Section 279 TEXAS MEXICAN RAILWAY CO. SURVEY, Hidalgo County, Texas.

ACCORDING TO THE MAP RECORDED IN VOLUME 24 PAGE 168 OF THE DEED RECORDS OF HIDALGO COUNTY, TEXAS.

02-07-2013

DATE

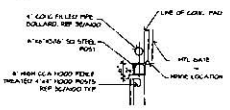
*Pablo Peña III*

PABLO PEÑA III

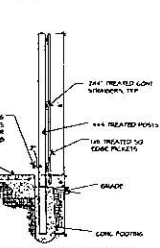
REG. PROFESSIONAL LAND SURVEYOR No. 5242

RE

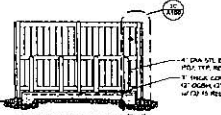
**3B BOLLARD DETAIL**  
N.T.S. 1/2" = 1'-0"



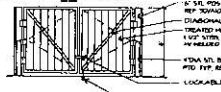
**3D GATE POST PLAN DETAIL**  
1/2" = 1'-0"



**3C WOOD FENCE SECTION @ TRASH ENCLOSURE**  
1/2" = 1'-0"



**3B TRASH ENCLOSURE SECTION**  
1/2" = 1'-0"

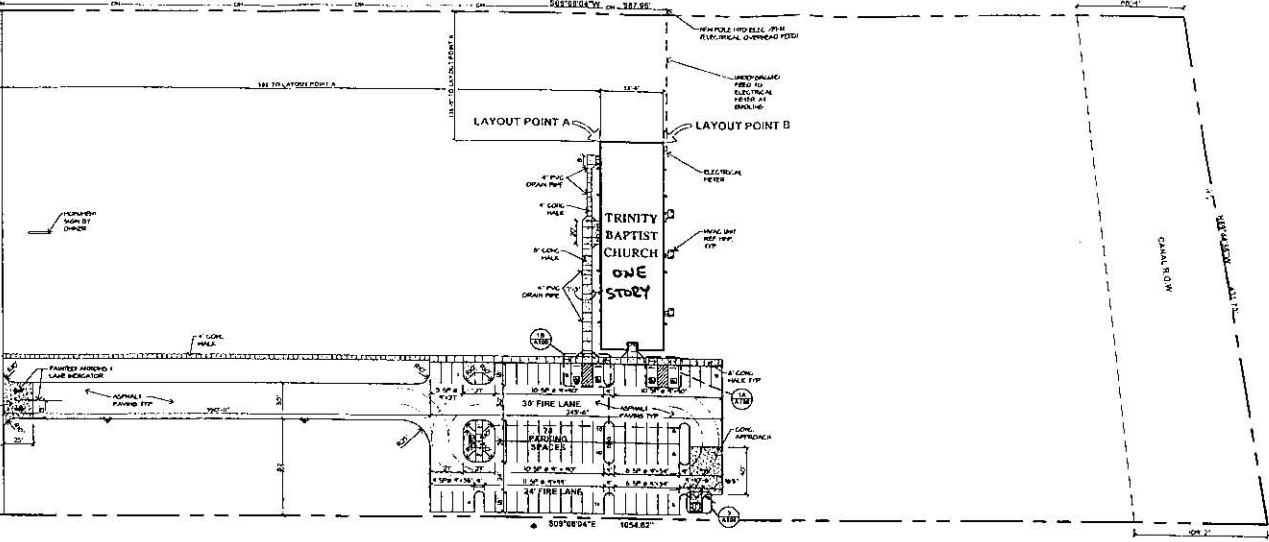


**3A FRONT ELEVATION @ TRASH ENCLOSURE**  
1/2" = 1'-0"

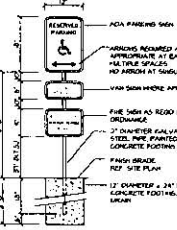


FREDDY GONZALEZ DRIVE (100' R.O.W.)

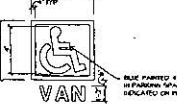
CONC DRIVE APPROX 10' WIDE



- NOTES:**
- THE OWNER SHALL BE RESPONSIBLE FOR SELECTING THE CORRECTLY SIZED CURB APPROXIMATELY TO CLEAR ALL THE TRASH APPROVED BY THE DEPARTMENT OPERATOR.
  - PROMOTE THE 40' LONG TRUCK APPROACH PLUS 50' SPACE FOR TRUCK HANDLING.
  - APPROACH & ENCLOSED AREA TO BE 1/2" TRAMP CONC PAVING.
  - A PAVED-PAVING HERE DOB TO BE IN THE PRESENCE OF THE ENCLOSED AREA FOR SIGNAGE AS REQUIRED.



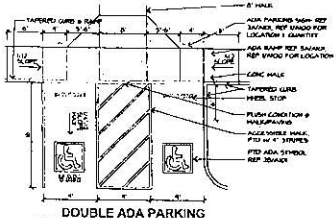
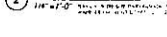
**2A ADA PARKING SIGN**  
N.T.S.



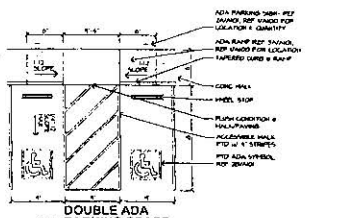
**2B ADA PARKING SYMBOL**  
N.T.S.



**TYPICAL ADA CURB RAMP DETAIL**  
1" = 4'-0"



**1B DOUBLE ADA PARKING SPACE W/ SIDE CURB**  
1/2" = 1'-0"



**1A DOUBLE ADA PARKING SPACE**  
1/2" = 1'-0"

**4 CONCRETE DRIVEWAY APRON**  
N.T.S.



RECEIVED

FEB 21 2013

Initial: *[Signature]*

NOT A PROFESSIONAL ARCHITECTURAL DRAWING  
APPROVAL REQUIRED FOR CONSTRUCTION

**LABUNSKI ASSOCIATES ARCHITECTS & PLANNERS**  
1000 N. 10TH ST., SUITE 100, DENVER, CO 80202  
TEL: 303.733.1111 FAX: 303.733.1112


**TRINITY BAPTIST CHURCH**  
1000 N. 10TH ST., SUITE 100, DENVER, CO 80202

**ARCHITECTURAL SITE PLAN**  
PROJECT NO. A100  
DATE: 1/2013





**NOTICE  
INSTITUTIONAL  
For  
This Property  
CUP2013-0051**

 City of McAllen Planning Dept - 681-1250  
[www.mcallen.net](http://www.mcallen.net)





## Memo

**TO:** Mike R. Perez, City Manager

**FROM:** Julianne R. Rankin, FAICP, Planning Director

**DATE:** March 28, 2013

**SUBJECT: REQUEST FOR A VARIANCE TO THE REQUIRED SUBDIVISION PROCESS AT 6.04 ACRES OUT OF LOT 25, BLOCK 3, C.E. HAMMOND SUBDIVISION; 4601 SOUTH 23<sup>RD</sup> STREET.**

---

**GOAL:**  
The goal for developments is to 1) provide opportunities for the orderly development of the city, and 2) encourage the development of transportation facilities that efficiently move people and goods.

**BRIEF DESCRIPTION:**  
The property is located at the northeast corner of Idela Avenue and S. 23<sup>rd</sup> Street and is currently zoned C-3 (general business) and C-4 (commercial industrial) District. The adjacent zoning is A-O (agricultural and open space) District to the north, east and south, and C-3 to the west and southwest. Surrounding land uses are commercial businesses consisting of retail uses, a convenience store, auto sales and vacant land.

The tract of land in question is now described by metes and bounds. The property owner, Mr. Thomas Tudor owned a 40 acre tract, which was recently split to allow for the development of a retail store on the south side of future Idela Avenue and S. 23<sup>rd</sup> Street. Mr. Tudor has submitted a site plan showing an expansion for the existing Dura Trucks Sales. A 7,200 sq. ft. building is proposed. The City is in receipt of a building permit application for the construction of the 7,200 sq. ft. building. However, the property must be subdivided prior to issuance of the required permits since the 40 acre tract has been split.

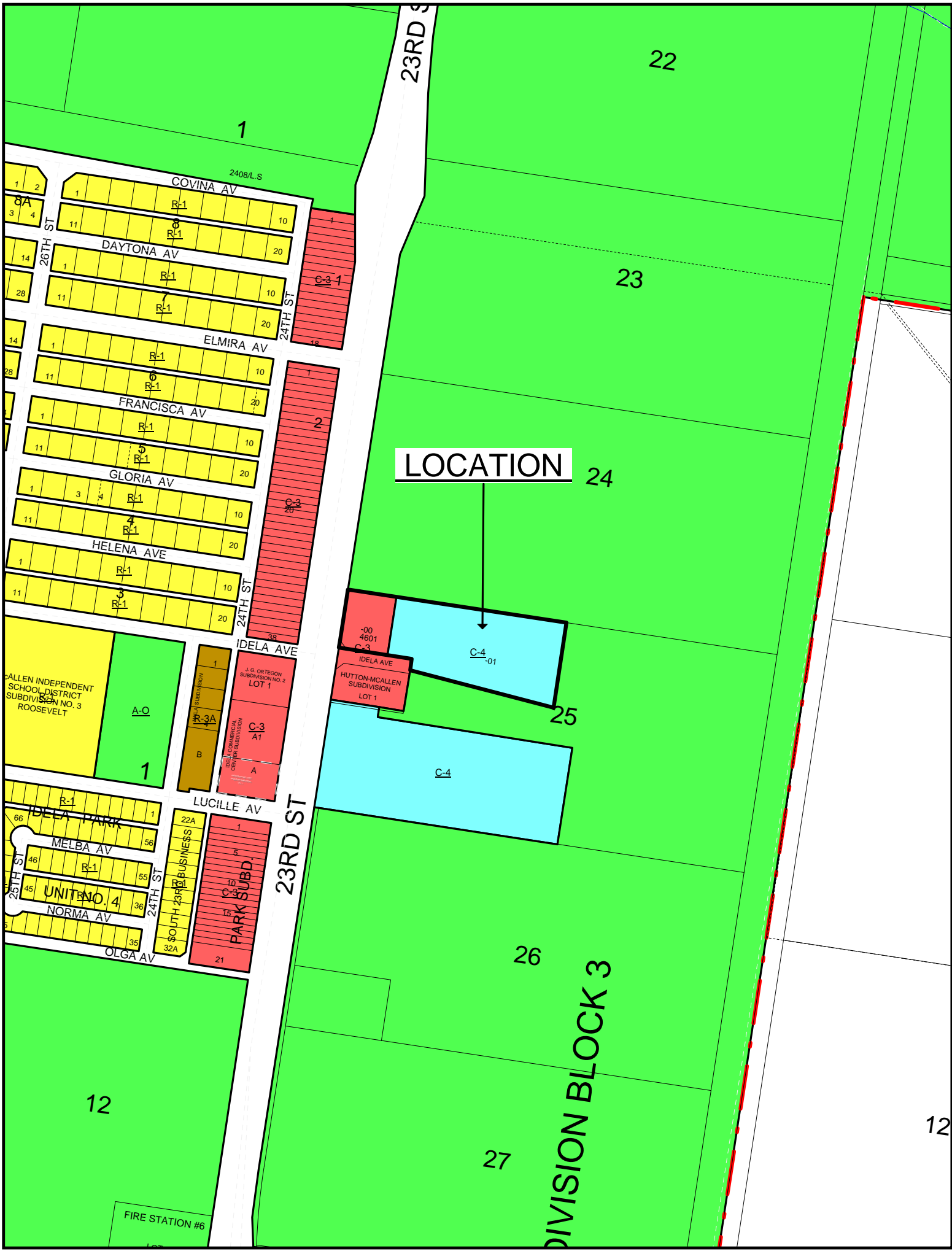
Mr. Tudor is requesting a variance from Section 134-5 of the Subdivision Ordinance, which requires land to be properly subdivided prior to issuing a building permit. If a variance is granted, Mr. Tudor would obtain building and related permits from the City of McAllen. However, if the variance is not approved, the subdivision process with the required public improvements and right-of-way (ROW) dedication would be required prior to issuance of the necessary building permits. A portion of the surrounding property to the south was recorded under the name of Hutton-McAllen No. 1 Subdivision.

**OPTIONS:**

1. Approve the variance request to not require the subdivision process.
2. Approve the variance request to not require the subdivision process subject to providing the additional ROW dedication along Idela Avenue and S. 23<sup>rd</sup> Street, as may be needed and providing the public improvements as may be required.
3. Table the item for additional information.
4. Disapprove the variance request and require the subdivision process prior to building permit issuance.

**RECOMMENDATION:**

Staff recommends approval of the variance subject to providing the additional ROW dedication along Idela Avenue and S. 23<sup>rd</sup> Street, as may be needed and providing the public improvements as may be required.



LOCATION

DIVISION BLOCK 3

FIRE STATION #6

MCCALLEN INDEPENDENT SCHOOL DISTRICT SUBDIVISION NO. 3 ROOSEVELT

J. G. ORTIZON SUBDIVISION NO. 2 LOT 1

HUTTON-MCCALLEN SUBDIVISION LOT 1

DELAWARE COMMERCIAL CENTER SUBDIVISION

DELA PARK

MELBA AV

UNIT NO. 4

NORMA AV

OLGA AV

LUCILLE AV

SOUTH 23RD BUSINESS

PARK SUBD.

22A

32A

COVINA AV

DAYTONA AV

ELMIRA AV

FRANCISCA AV

GLORIA AV

HELENA AVE

IDELA AVE

26TH ST

24TH ST

24TH ST

24TH ST

24TH ST

24TH ST

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24TH ST

23RD ST

1

22

23

24

25

26

27

12



MARCH 1, 2013

DURA CONSTRUCTION

THOMAS TUDOR

956-227-9723

PO BOX 4230

MCALLEN TEXAS 78502

CITY OF MCALLEN

PLANNING DEPARTMENT

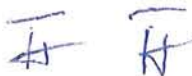
ATTN: JULIE RANKIN

REF: BUILDING PERMIT FOR 4601 S 23RD

Julie Please find the attached site plan that shows where exactly the warehouse will be built on the 40 acres that I own. The warehouse is being placed in the middle of where the City approved the rezoned 4 acres in the month of February. I completely understand that further construction projects will require for me to go through the re-subdivision process.

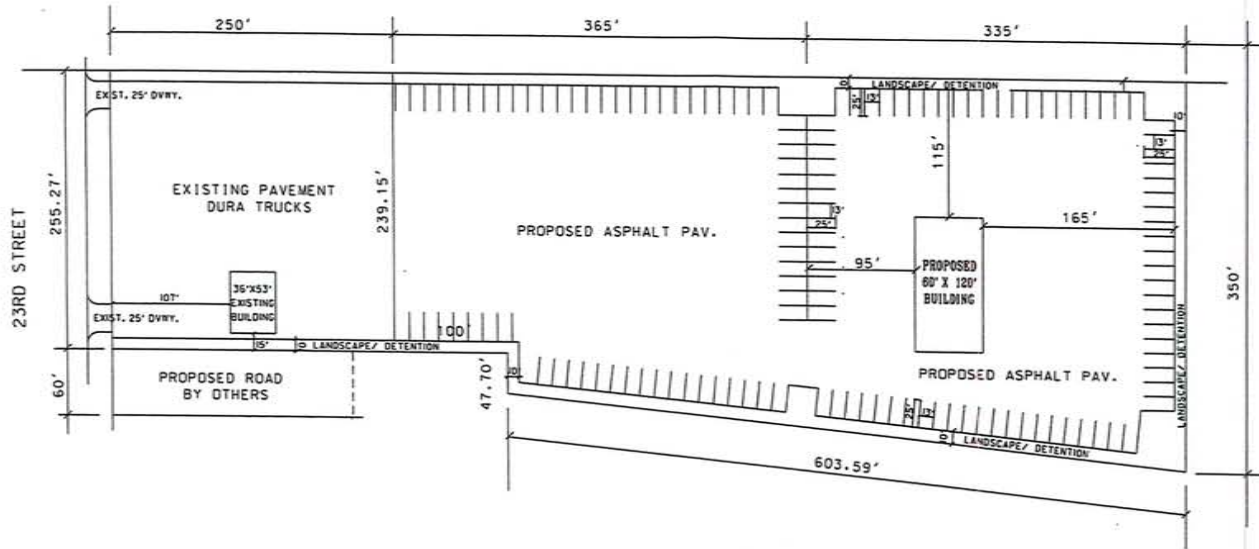
Please let me know if you need anything else for the City Commissioners Variance request.

Sincerely,

Handwritten signature of Thomas Tudor in blue ink, consisting of a stylized 'T' and 'T'.

Thomas Tudor

Dura Construction



SCALE 1:50

4601 SOUTH 23RD STREET  
 LOT 25 BLK. 3 C.E. HAMMOND'S  
 SUBDIVISION

TABLE F (FIRM REGISTRATION NO. F-7483)  
 VANGUARD ENGINEERING  
 2201 NORTHGATE DRIVE  
 WESLACO, TX, 78596  
 (956) 514-5086

THIS IS THE PROPERTY OF THE PROFESSIONAL ENGINEER ONLY AND, UNLESS SO FULLY INDICATED BY A SIGNATURE TO THIS PLAN, THIS DRAWING IS THE PROPERTY OF THE ENGINEER. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

DATE

SITE PLAN

CLIENT  
 ROBERTO TUDOR  
 PROJECT NUMBER  
 ENG 2013-0

2  
 SHEET NO.  
 SP-2

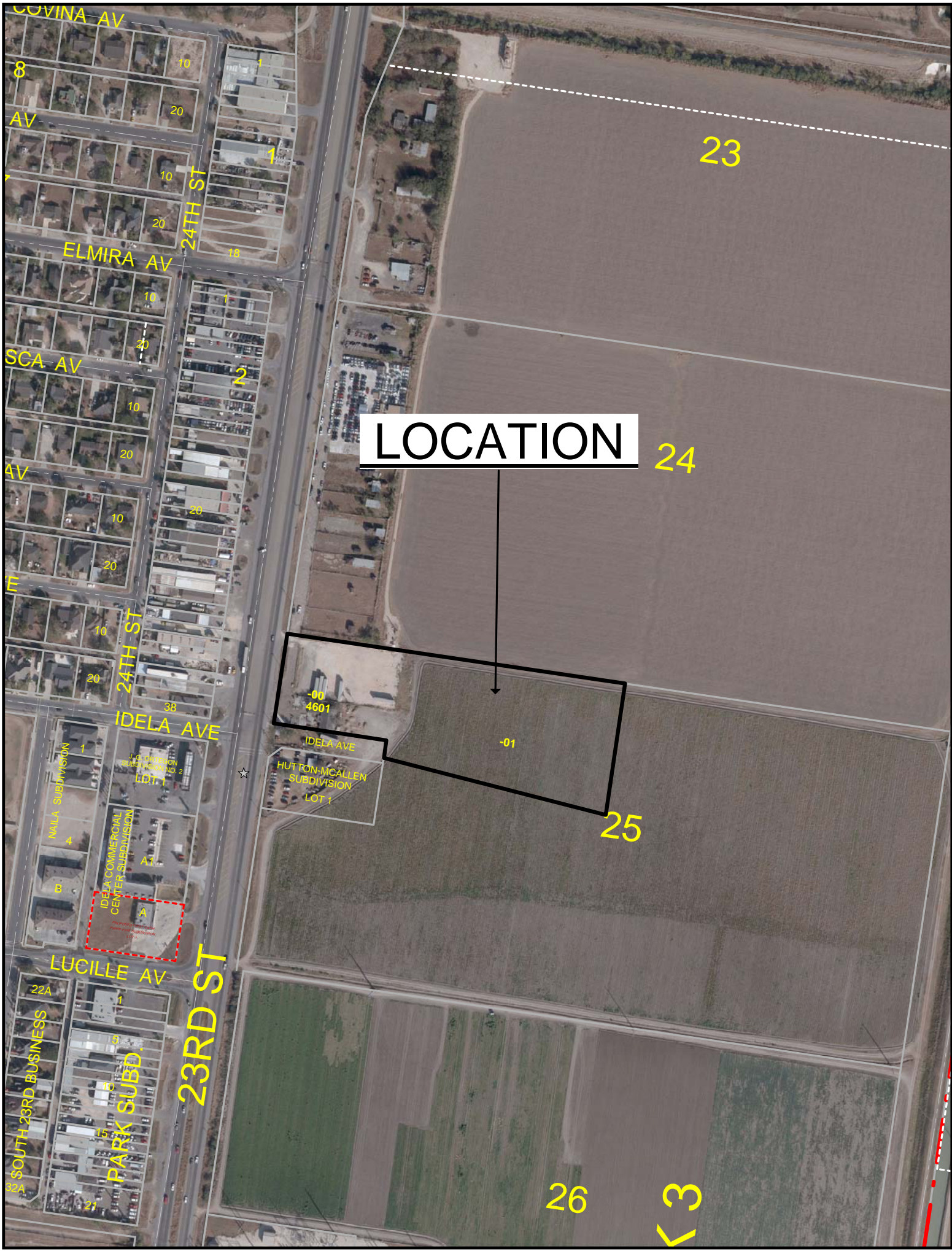
FEBRUARY, 2013

RECEIVED

MAR 19 2013

Initial: \_\_\_\_\_





LOCATION

24

23

25

26

3

COVINA AV

AV

SCA AV

AV

AV

AV

AV

AV

AV

AV

AV

24TH ST

24TH ST

23RD ST

ELMIRA AV

IDELA AVE

LUCILLE AV

-00  
4601

IDELA AVE  
HUTTON-MCALLEN  
SUBDIVISION  
LOT 1

-01

MILLA SUBDIVISION  
IDELA COMMERCIAL  
CENTER SUBDIVISION  
J.G. HUTTON  
SUBDIVISION NO. 2  
LOT 1

IDELA COMMERCIAL  
CENTER SUBDIVISION  
PARCELS  
A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z

SOUTH 23RD BUSINESS  
PARK SUBD.

PARK SUBD.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION   X    
UTILITY BOARD \_\_\_\_\_  
OTHER \_\_\_\_\_

AGENDA ITEM   3A    
DATE SUBMITTED   4/02/13    
MEETING DATE   4/08/13  

1. Agenda Item: CONSIDERATION AND AWARD OF A SERVICE CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL LOOP DETECTOR REPLACEMENT  
Project No. 02-13-SC02-57

2. Party Making Request: Traffic Operations Department

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

Staff requests authorization to award a Service Construction Contract for traffic Signal Loop Detector Replacement to the low bidder as noted on the attached bid tabulation for a period of one (1) year to D & G Energy Corp, of McAllen, Texas. If awarded, staff is requesting authorization, with City Manager approval, to exercise the option to extend the contract for an additional two (2) years, in one(1) year increments, subject to performance of the successful vendor being satisfactory and the unit price(s) remaining unchanged. In addition we respectfully request authorization to terminate such contract 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 the awarded vendor fails to meet or perform under the terms and conditions of their Service Construction Contract.

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

5. Budgeted:   X   Yes    No    N/A  
Bid Amount: \_\_\_\_\_ Budgeted Amount:   \$50,000.00    
Under Budget: \_\_\_\_\_ Over Budget:   \$  \_\_\_\_\_    
Amount Remaining:   \$  \_\_\_\_\_  

**\*SERVICES ARE TO BE PERFORMED ON AN "AS NEEDED BASIS"**

6. Alternate Option/Costs \_\_\_\_\_

7. Routing:	<u>NAME/TITLE</u>	INITIAL	DATE	CONCURRENCE
a.)	<u>Roel Rodriguez, P.E.</u> Asst. City Manager	<u>RR</u>	<u>4/2/13</u>	<u>  X  </u> YES <u>  </u> NO
b.)	<u>Yvette Barrera, PE, CFM,</u> City Engineer	<u>RN</u>	<u>4/2/13</u>	<u>  X  </u> YES <u>  </u> NO
c.)	<u>Sandra Zamora, CPM,</u> Director of Purchasing & Contracting			<u>  </u> YES <u>  </u> NO
d.)	<u>Eduardo Mendoza, PE, PTOE</u> Director of Traffic Operations	<u>EM</u>	<u>4/2/13</u>	<u>  X  </u> YES <u>  </u> NO

8. Staff Recommendation: As outlined in the attached memorandum attached. Recommend award to low bidder.

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





## TRAFFIC OPERATIONS MEMORANDUM

To: Mike R. Perez, City Manager

From: Eduardo J. Mendoza, PE, PTOE, Director of Traffic Operations

Date: April 2, 2013

Subject: Award of Contract – Service Construction Contract for Traffic Signal Loop Detector Replacement – Project # 02-13-SC02-57

### GOAL

Request authorization to award a Service Contract for the Traffic Signal Loop Detector Replacement to the low bidder as noted on the attached bid tabulation for a period of one (1) year to D & G Energy Corp, of McAllen, Texas. If awarded, staff is requesting authorization, with City Manager approval, to exercise the option to extend the contract for an additional two (2) years, in one (1) year increments, subject to performance of the successful bidder being satisfactory and the unit price(s) remaining unchanged. In addition, we respectfully request authorization to terminate such contract 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 the awarded vendor fails to meet or perform under the terms and conditions of their Service Construction Contract.

### EXPLANATION

On February 28, 2013, the Purchasing and Contracting Department received two bids for the Service Contract for Traffic Signal Loop Detectors from D & G Energy, Corp. of McAllen, Texas, and Austin Traffic Signal Construction Co., of Round Rock, Texas. This item is utilized for the maintenance of existing traffic signals and in the installation of new traffic signals to detect traffic queue and the presence of vehicles approaching an intersection.

Below is a summary of the historic unit prices:

Loop Detector	Previous Pricing	Footage Used	D & G Energy	Austin Traffic
Asphalt	\$3.69	20,848'	\$3.65	\$3.75
Concrete	\$3.79	3,461'	\$4.79	\$5.00

### OPTIONS

1. Award the Service Construction Contract to the low bidder as outlined below.
2. Reject all bids and begin the process to solicit new bids.

### RECOMMENDATION

Request authorization to award a Service Contract for the Traffic Signal Loop Detector Replacement to the low bidder as noted on the attached bid tabulation for a period of one (1) year to D & G Energy Corp, of McAllen, Texas. If awarded, staff is requesting authorization, with City Manager approval, to exercise the option to extend the contract for an additional two (2) years, in one (1) year increments, subject to performance of the successful bidder being satisfactory and the unit price(s) remaining unchanged. In addition, we respectfully request authorization to terminate such contract 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 the awarded vendor fails to meet or perform under the terms and conditions of their Service Construction Contract.

Xc: Roel Rodriguez, P.E., Asst. City Manager  
Yvette Barrera, PE, CFM, City Engineer






# CITY OF McALLEN

BID OPENING: February 28, 2013 at 3:00 p.m.

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

PROJECT: 02-13-SC02-57; Service Construction Contract for Traffic Signal Loop Detector Replacement

created by: ma 03/01/13

NO.	INT. REF. NO.	TYPE	DESCRIPTION	UOM	QTY	PREVIOUS PRICING	 D & G ENERGY CORP. McALLEN, TX	AUSTIN TRAFFIC SIGNAL CONSTRUCTION CO., INC. ROUND ROCK, TX
1	968-82	BASE	TOTAL AMOUNT BID PER LINEAL FT. (ASPHALT)	LF	1	\$3.69/LF	 \$3.65	\$3.75
2	968-82	BASE	TOTAL AMOUNT BID PER LINEAL FT. (CONCRETE)	LF	1	\$3.79/LF	 \$4.75	\$5.00
3	968-82	BASE	BOND RATE FOR PERFORMANCE BOND (AMOUNT BID MUST BE EXPRESSED IN PERCENT AMOUNT, i.e. FOR 2% ENTER .02, CONTRACTORS ARE ADVISED NOT TO ENTER A DOLLAR AMOUNT)	EA	1	5%	5%	3%
4	968-82	BASE	(AMOUNT BID MUST BE EXPRESSED IN PERCENT AMOUNT, i.e. FOR 2% ENTER .02, CONTRACTORS ARE ADVISED NOT TO ENTER A DOLLAR AMOUNT)	EA	1	4%	5%	3%
ELECTRONIC SUBMITTAL :							RECEIVED	RECEIVED
HARD COPY SUBMITTAL :							RECEIVED	RECEIVED



**MEMORANDUM**

**To:** MIKE R. PEREZ, CITY MANAGER  
**From:** SALLY GAVLIK, DIRECTOR  
**Subject:** CHANGE ORDER NO. 1 FOR BICENTENNIAL TRAIL, PROJECT NO. 110-8702-466.66-36 CP1204  
**Date:** APRIL 3, 2013

**COMMENT****GOAL:**

To provide a change order for project 110-8702-466.66-36 CP1204, Bicentennial Trail in the amount of \$35,626.99 to Vision Construction Co., Inc.

**DISCUSSION:**

The allowance for Magic Valley Electric Company to provide electric services to the Bicentennial Trail was estimated incorrectly in the plans and specifications. The amount budgeted was \$3,000 and the actual amount was \$7136.51 creating a difference of \$4,136.51 for a total request of \$4,756.99.

Secondly, the irrigation controllers for the trail system were never included in the specifications. The cost five (5) controllers is \$30,870.00.

Resulting in a total change order amount of \$35,626.99. There is a remaining balance of \$17,068.80 in the grant which will offset part of the increased cost.

**RECOMMENDATION:**

The Parks and Recreation Department recommends approval of Change Order No. 1 in the amount of \$35,626.99 for electrical service and irrigation controllers. A budget amendment will be required for this project..



# Vision Construction Co. Inc

1603 N. Cage Blvd.  
 Unit #1  
 Pharr, TX 78557  
 Phone number (956) 284-0775  
 Fax number (956) 723-8782  
 Email: luisg@visionconstructionco.com

## CHANGE ORDER: 002

Job#:06-12-C21-136	Date: March 16,2013
Reference: Bicentennial Hike & Bike Trail	Phone number: 956-284-0775
Customer: City of McAllen Parks and Rec. Dept.	Fax number: 956-723-8782
Property Address: Trenton to Nolana McAllen, TX	Contractor: Vision Construction Co. Inc

Description:	Amount
Request for the attached change order as per field discussion with City of McAllen PM Jose Fuentes	
1. Change order for difference between allowance on electrical plans for Magic Valley for three phase allowed allowance \$3,000.00 and Magic Valley charging \$7,136.51 difference	\$4,136.51
SUBTOTAL	\$4,136.51
15% Profit & OH	<del>\$729.97</del>
TOTAL AMOUNT of CHANGE ORDER	<del>\$4,866.49</del>
TOTAL DAYS	0
Total	<del>\$4,866.49</del>

\$620.48  
 \$4,756.99  
 \$4,756.99

**Accepted:** The above prices, specifications, and conditions are satisfactory and are accepted. Vision Construction Co. Inc. is hereby authorized to do work as specified upon approval of change order

Customer Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Luis A. Garcia *Luis Garcia* March 16, 2013  
 Vision Construction Co. Inc Date  
 PROJECT MOUNTAIN

vision const (2)

Cost estimate prepared for: **Vision Const (acct xxxxxx-xxx, wo 1961406)**  
c/o Marco Soto

March 7, 2013

Description: **Extend 3-phase primary and add 3-phase bank & service to new meter pedestal for City of McAllen "hike & bike trails" lighting at Trenton Road and Bicentennial Blvd.**

	acct 107.2	acct 108.8	
<b><u>Labor</u></b>			
Install-OH	\$1,771.86	\$0.00	
Install-URD	\$0.00	\$0.00	
Retire-URD	\$0.00	\$164.12	
<b><u>Material</u></b>			
Install-OH	\$2,024.69	\$0.00	
Install-URD	\$0.00		
Scrap	\$0.00	\$51.04	(50% of <b><u>\$102.08</u></b> )
Salvage		<b>\$0.00</b>	
Transformer	\$848.00		(25 kva transformer)
Transformer	\$848.00		(25 kva transformer)
Transformer	\$848.00		(25 kva transformer)
Engineering (Install)	\$531.56		
Engineering (retire)		\$49.24	
	<b>\$6,872.11</b>	<b>\$264.40</b>	

**Net cost to member = install + retire = \$7,136.50** (Payable prior to scheduling)

Cost estimate valid through: June 6, 2013

**--COST ESTIMATE ONLY. THIS IS NOT AN INVOICE. DO NOT PAY.--**

BY: jbarco

**Interspec LLC**  
 9810 Liberty Road  
 Aubrey, TX 76227  
 USA

# QUOTATION

Quote Number: 33893  
 Quote Date: Mar 13, 2013  
 Page: 1

Voice: 940-440-9757  
 Fax: 940-440-9759

City of McAllen  
 P.O. Box 220  
 1000 S. Ware Road  
 McAllen, TX 78505-0220  
 USA


McAllen	4/12/13	Net 30 Days	Steve
---------	---------	-------------	-------


4.00	IS-R3A-RU-SS	670-17-10003 IRRInet-M AC 36/12 UHF radio Stainless Ped	6,510.00	26,040.00
1.00	IS-R2A-RU-SS	670-17-10002 IRRInet-M AC 24/8 UHF Radio Stainless Ped	4,830.00	4,830.00
			Subtotal	30,870.00
			Sales Tax	





**To:** Mike R. Perez, City Manager

**From:** Jeremy Santoscoy, PE, CFM, Transportation Engineer 

**Through:** Yvette Barrera, PE, CFM, City Engineer 

**Date:** April 1, 2013

**Subject:** **Change Order No.8 - Bentsen Road Paving Improvements from Pecan Boulevard to 3 Mile Line Road (Project # 12-11-C04-98)**

### **GOAL**

Consideration and approval of Change Order No.8 for Bentsen Road Paving Improvements from Pecan Boulevard to 3 Mile Line Road for IOC Company.

### **EXPLANATION**

As construction has progressed, a conflict with an existing 24-inch waterline was encountered between Nolana and 3 Mile. The proposed storm sewer will be modified to provide a crossing under the existing waterline. The recommendation was reviewed and agreed upon with MPU staff. MPU will fund the storm sewer adjustment at a cost of \$7,725.75.

Several driveway improvements have been done since the survey was completed in 2008. This change order will provide additional work on driveways that will need to go beyond the right-of-way and into private property to maintain a drivable slope. Staff has executed right-of-entry for construction with each of the property owners. Also, a 12-inch curb will be constructed behind the proposed sidewalk along Los Salas Subdivision to make up the grade difference of the road and the subdivision wall. This work is proposed at a cost of \$14,367.15

In addition, construction plans were received from the Hidalgo County Drainage District #1 (HCDD#1). The original request for 150 feet of a parallel reinforced concrete box was reduced to 80 feet. HCDD#1 intends to come back at a later date to extend boxes, add an upstream gate structure and reconstruct headwalls with their own contractor. IOC Company has requested an increase in unit costs from \$700 per foot to \$800 per foot. HCDD#1 has confirmed the cost increase. Work will not exceed the \$105,000.00 allocated as per the executed interlocal agreement. Once complete, the reconciled amount will be reimbursed by HCDD#1.

Attached is a breakdown for your review.

### **OPTIONS**

Approve or reject Change Order No.8.

### **RECOMMENDATION**

Based on review by this office, and with the recommendation from the engineering consultant, staff recommends approval of Change Order No. 8 for the Bentsen Road Paving Improvements Project from Pecan Boulevard to 3 Mile Line Road in the amount of \$22,092.90 and 15 days, for a total revised contract amount of \$5,338,932.89 and 251 working days.

Date of Issuance: March 20, 2013

<b>Project:</b> Bentsen Road Paving Improvements (Pecan Blvd. to Buddy Owens)	<b>Owner:</b> City of McAllen	<b>Owner's Contract No.:</b> 12-11-C04-98
<b>Contract:</b>		<b>Date of Contract:</b>
<b>Contractor:</b> IOC Company, LLC.		<b>Engineer's Project No.:</b> MCN99111A5

Please submit an itemized proposal for changes to the contract sum and contract time for proposed modifications to the contract documents described herein. Within seven (7) days, the Contractor must submit this proposal or notify the Engineer, in writing, of the date on which proposal submissions is anticipated.

ITEM No. (1)	DESCRIPTION OF CHANGES <i>Items in the construction contract documents that will be increasing or decreasing in quantities to satisfy the required changes.</i> (2)	DECREASE IN CONTRACT PRICE (3)	INCREASE IN CONTRACT PRICE (4)
1.	<b>Bid Proposal Item 29</b> 24 inch RCP Class 3 C-76, all depths, "Rubber-Gasket" joints, backfill, compaction, all connections complete in place <b>Delete 7 LF at bid price of \$ 47.75 per LF</b>	\$ 334.25	
2.	2 - 12 inch RCP Class 3 C-76, all depths, "Tongue and Groove" joints, connection to storm sewer structures with required 1 foot separation between pipes, cement stabilized sand backfill up to subgrade, compaction, all complete in place per Lineal Feet <b>Add 8 Lineal Feet</b>		\$ 2560.-
3.	<b>Bid Proposal Item 59</b> Type "M" Reinforced Concrete Storm Sewer Manholes, including cast iron ring and cover, all depths complete in place as per the plans and specifications per each <b>Add 1 EA at bid price of \$5,500 per EA</b>		\$5,500.00
4.	<b>Bid Proposal Item 12</b> Standard City of McAllen residential Concrete Driveway Aprons Type A, including all necessary preparation, grading, subgrade compaction, as per plans and specifications, including monolithic curd, all complete and in place. <b>Add 342 SF at bid price of \$ 6.00 per SF</b>		\$ 2,052.00
5.	<b>CO#1 - Item 111</b> Standard City of McAllen Residential Asphalt Driveway; including 1 1/2 inch of hot mix asphalt concrete, 6 inch of flexible base, all necessary preparation, grading subgrade compaction as per specifications. <b>Add 40 SY at bid price of \$ 39.45 per SY</b>		\$ 1,578.00



6.	Shaping, excavating and grading area to make transition to new driveway along Bentsen road, this work will be paid for as part of Item 1 of base bid Preparation of Right-of-Way, based in a calculated price of \$ 2.61 per SY from a bid price of \$ 2,900 per Station. Add 315 SY at bid price of \$ 2.61 per SY		\$ 822.15
7.	Cast in place concrete curb tied to sidewalk including grading and compacting all complete in place as shown in attached drawing per lineal foot for Add 300 Lineal Feet		\$ 9915. <sup>00</sup>
	<b>Total Increase</b>		\$ 22427. <sup>15</sup>
	<b>Total Decrease</b>	334. <sup>25</sup>	
	Difference between Col. (3) and (4):		\$ 22092. <sup>90</sup>
	<b>Net increase in contract price</b>		\$ 22,092. <sup>90</sup>
	<b>Number of working days to complete additional work</b>	15 <del>20</del> DAYS per 10C	

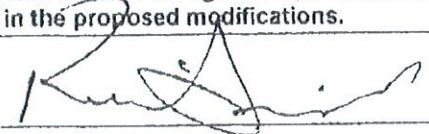
**Attachments:**

- 24" Waterline Conflict Adjustment – Sheet(s) 1 of 2 and 2 of 2
- Driveway Modifications – Sheet(s) 1 of 11 to 11 of 11
- Field Order No. 10

**Purpose for Proposal Request:**

- Omissions, Clarifications, and Additions to contract documents as described above.
- Other: \_\_\_\_\_

This is ~~not~~ a change order, a construction change directive or a direction to proceed with the work described in the proposed modifications.

 P.E.

3-20-2013  
Date

René González, P.E.  
Perez Consulting Engineers







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

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

**FUND:** DEVELOPMENT CORP

**DEPARTMENT:** ADMINISTRATION

<u>Fund</u>	<u>Dept. &amp; Division</u>	<u>Activity</u>	<u>Element &amp; Object</u>	<u>Project Code</u>	<u>Description</u>	<u>Original/Revised Budget</u>	<u>Debt</u>	<u>Credit</u>	<u>Revised Budget</u>
110	8702	436	66-99	NP1205	Bicentennial Extension (RR Spur Tracks)	\$ 1,874,492	\$ 957,065	\$ -	\$ 2,831,557
110	8702	436	66-36	IR0302	Bicentennial Extension	584,890	91,239	0	676,129
110	8702	436	66-99	NP1204	Bicentennial Extension (IMAS upgrades)	361,000		106,704	254,296
110	8702	436	66-36	IR1204	Bentsen Road - Pecan to 3 Mile line (Roadway)	3,860,061	364,923		4,224,984
110	8702	466	66-30	CP1304	Parks Sports Venues (De Leon Soccer Complex)	4,783,000	929,530		5,712,530
110	0000	376	78-01		Outside Agencies/ Capital contribution	-		50,000	50,000
110	8702	436	66-06	AC1307	South Bentsen Road Industrial complex ROW	-	282,715		282,715
110	0000	290	99-00		Fund Balance (DON'T POST)	5,317,248		2,468,768	2,848,480
<b>TOTALS</b>						<b>\$ 16,780,691</b>	<b>\$ 2,625,472</b>	<b>\$ 2,625,472</b>	<b>\$ 16,880,691</b>
						<b>(Round up all amounts to the nearest hundred dollars)</b>			

<b>JUSTIFICATION:</b> Additional funding for the Bicentennial and Bentsen Road Projects, De Leon Soccer Complex and the South Bentsen Road Complex Improvements Project.	<b>Department Head Approval</b>	
	Signature	Date
	<b>Finance Department</b>	
	Signature	Date
	<b>City Manager</b>	
	Signature	Date

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: \$2,625,472.00 FOR ADDITIONAL FUNDING FOR THE BICENTENNIAL AND BENTSEN ROAD PROJECTS, DE LEON SOCCER COMPLEX AND THE SOUTH BENTSEN ROAD INDUSTRIAL COMPLEX IMPROVEMENTS PROJECT

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 8<sup>th</sup> day of April, 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 April, 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**

**TRAFFIC OPERATIONS**  
**MEMORANDUM**

**To:** Mike R. Perez, City Manager

**From:** Eduardo J. Mendoza, PE, PTOE, Director of Traffic Operations

**Date:** April 2, 2013

**Subject:** Budget Amendment – \$160,000 General Fund - Expressway Lighting

**Goal:**

Consideration and approval of a budget amendment for the re-wiring of Expressway 83 from 23<sup>rd</sup> Street to the east city limit.

**Brief Explanation:**

There are several sections of the expressway lighting that are not working. The section of Taylor Road to 29<sup>th</sup> Street and 29<sup>th</sup> Street to Bicentennial Blvd are both completely out. Half of the McColl to Business 83 section is completely out as well. We are the process of repairing Taylor Road to 29<sup>th</sup> Street, these funds will be expended out of our normal operating budget. (Streetlight Maintenance account)

During our inspection, staff found areas where the conduit was not sealed or deteriorated. This has allowed mice and water to infiltrate the wiring. Deteriorating insulation and water infiltration has caused the wires to short. Additionally, some sections do not have expansion fittings to allow movement and has caused the wire to pinch, which causes an electrical short. Staff has implemented temporary repairs to keep other section of the expressway working however it is recommended to re-wire Expressway 83.

**Recommendation:**

Traffic Operations staff recommends approval of the budget amendment to the General Fund in the amount of \$160,000 to fund the re-wiring of Expressway 83 from 29<sup>th</sup> Street to the east city limit.

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: \$160,000 COST OF CONSTRUCTION PROJECT FOR EXPRESSWAY 83 STREET LIGHT REWIRING FOR STREETLIGHTING.

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 2011-53 adopted on October 1, 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.**

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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 \_\_\_\_\_day of April, 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 April, 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**

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION   X    
UTILITY BOARD \_\_\_\_\_  
OTHER \_\_\_\_\_

AGENDA ITEM   5A    
DATE SUBMITTED   4/3/13    
MEETING DATE   4/8/13  

- 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:

	<b><u>NAME/TITLE</u></b>	<b><u>INITIAL</u></b>	<b><u>DATE</u></b>	<b><u>CONCURRENCE</u></b>
a).	<b><u>O.Rodriguez, Director MCC</u></b>	_____	<b><u>4/3/13</u></b>	<b><u>YES</u></b>
b).	_____	_____	_____	_____
c).	_____	_____	_____	_____

- 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: \_\_\_\_\_



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**inter-office**

# MEMORANDUM

**city of mcallen**

**TO: MIKE R. PEREZ, CITY MANAGER**

**FROM: OMAR RODRIGUEZ, DIRECTOR**

**SUBJECT: February Report**

**DATE: April 3, 2013**

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## **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 10<sup>th</sup> 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**

<b>Convention Center</b>	<b>Month</b>	<b>YTD</b>	<b>2011-2012 YTD</b>	<b>% Change</b>
Events <sup>1</sup>	29	191	193	-1.0%
Bookings <sup>2</sup>	165	970	1017	-4.6%
Occupied Square Foot Days <sup>3</sup> (OSFD) %	31%	35%	38%	-7.7%
Attendance	20,761	200,184	193,717	3.3%
Convention/Conference/Tradeshaw(s)	0	3	9	-66.7%
Consumer Show(s)	5	17	14	21.4%
Other meetings...	24	171	170	0.6%
Revenue <sup>4</sup> (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) <sup>5</sup>	\$ (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%
<b>Centerplate</b>				
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%
<b>Auditorium</b>				
Events <sup>1</sup>	9	25	23	8.7%
Bookings <sup>2</sup>	15	61	41	48.8%
Occupied Square Foot Days <sup>3</sup> (OSFD) %	52%	44%	30%	45.3%
Attendance	10,115	51,218	46,860	9.3%
Revenue <sup>4</sup> (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) <sup>5</sup>	\$ 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%
<b>Sales:</b>				
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

