



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, APRIL 22, 2013 – 6:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Richard Cortez

PLEDGE OF ALLEGIANCE - Mayor Richard Cortez

INVOCATION – Marcus Barrera, City Commissioner

PROCLAMATIONS – *Elder Abuse/Silver Ribbon Month* – Samm Mercado/Gustavo Salinas

- *Motorcycle Safety Month* – Robert Toney

- *Medical Laboratory Professionals Week* – Dave Almquist

- *Generation Texas Day* – Barbara Jean Garza

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.]*

Rezone from R-3T (multifamily residential townhouse) District to R-3A (multifamily residential apartment) District: .75 acres out of Lot 9, Wayne Courts Subdivision, Hidalgo County, Texas; 3512 North 6th Street.

B) REZONINGS:

Rezone from R-2 (duplex-fourplex residential) District to C-3 (general business) District: the east 77.7 feet of Lot 5 and the west 17 feet of Lot 7, Hollenbeck Subdivision, Hidalgo County, Texas; 824 Uvalde Avenue. **ITEM WITHDRAWN**

C) CONDITIONAL USE PERMIT:

Request of Beatriz Garcia, appealing of the decision of the Planning & Zoning Commission of the April 2, 2013 meeting, denying Conditional Use Permit, for one year, for a party center at Lot all of Block 4, North Center Subdivision, Hidalgo County, Texas; 1700 North 10th Street, Suite K.

- D)** Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.

END OF PUBLIC HEARING

THE CITY COMMISSION HAS THE PREROGATIVE TO RECESS INTO EXECUTIVE SESSION AT ANY TIME DURING THE MEETING

2. CONSENT AGENDA: *[All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of these items; however, if discussion is desired, that item(s) will be removed from the Consent Agenda and will be considered separately.]*

- A) Approval of Minutes of Regular Meeting held April 8, 2013.
- B) Change Order No. 1 & Final Reconciliation of Quantities for the Drainage Improvements at South 10th Street & Toronto Avenue.
- C) Change Order No. 3 and Final Reconciliation of Quantities 2012-2013 Single Repaving Machine.
- D) Resolution authorizing the acceptance of grant funds from the Texas Department of Transportation FY 2013 Selective Traffic Enforcement Program *Click It or Ticket* Campaign.
- E) Ordinance providing for a budget amendment to the General Deprecation Fund for the purchase of a current model (CM) 25 Foot Slide Slope Mower for Drainage Department of Public Works.
- F) Confirmation and Appointment of nominee to Library Advisory Board.
- G) Interlocal Agreement with Hidalgo County for the South Texas Hurricane Conference.
- H) Interlocal Agreement with Hidalgo County to transfer equipment for the Regional Radio System.

3. BIDS/CONTRACTS:

- A) Consider approval of Change Order No. 1 for the Bicentennial Trail.
- B) Authorization to reject single bid and consideration of options on Palmview Golf Course Pedestrian Bridge Replacement Project.
- C) Consideration of additional funding for asbestos abatement for the McAllen Development Center Renovations.

4. ORDINANCES:

- A) Providing for the abandonment of the north 4 ft. of the 10 ft. utility easement located on the south side of Lots 42 & 43, Sendero Ranch Estates Subdivision; 5301 & 5300 North 46th Street.
- B) Budget Amendment from Development Corporation Funds for the Golf Course Irrigation Improvements.

5. MANAGER'S REPORT:

- A) Annual Report by Mayor's Youth Advisory Council.
- B) Review of Quarterly Investment for the Quarter ended December 31, 2012.
- C) Construction Update on Terminal Expansion Project.
- D) Status Report on Parks and Recreation Construction Projects.
- E) Status Report on various city projects through March 31, 2013.
- F) Advisory Board Appointments.
- G) 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 Request for Proposals for old Civic Center Redevelopment. (Section 551.071, T.G.C.)
 - E) Consultation with City Attorney regarding new lawsuit; CL-13-1108-G Mary Cunningham vs. City of McAllen. (Section 551.071, T.G.C.)
 - F) Consultation with City Attorney regarding new lawsuit; C-1602-13-F; Andres Rodriguez vs. City of McAllen. (Section 551.071, T.G.C.)
 - G) Consultation with City Attorney relating to Motor Vehicle Accident Liability and Subrogation Claim Reports as of March 31, 2013. (Section 551.071, T.G.C.)
 - H) Consultation with City Attorney relating to Workers' Comp/Loss Run Report as of March 31, 2013. (Section 551.071, T.G.C.)
 - I) Consultation with City Attorney regarding contractual issues related to Convention Center. (Section 551.071, T.G.C.)
 - J) Discussion and Possible Action to consider the possible sale of 300 acres on Ware Road and Monte Cristo. (Section 551.072, T.G.C.)
 - K) Discussion and Possible Action for Right of First Refusal with Border Capital Bank regarding 1.17 acres out of Lot 1, Block 15, Steele & Pershing Subdivision now know as Lot 1A, Ridge Commerce Subdivision. (Section 551.072, T.G.C.)
 - L) Consideration and approval to proceed with acquisition of property at 2401 N. 24th Street under the FEMA Repetitive Flood Claims Grant Program FY 12-003 and under request for authorization for City Manger to act as agent for the City to execute Purchase Agreement. (Section 551.072, T.G.C.)
 - M) Discussion and Possible Action on award of bid proposal for sale of Lot 11B, McAllen Convention Center. (Section 551.072, T.G.C.)
 - N) Discussion and Possible Action regarding making an offer to acquire a 12.29 acre tract of land, more or less, out of Lot 3, Block 5, Hidalgo Canal Company. (Section 551.072, T.G.C.)
 - O) Consultation with City Attorney regarding pending lawsuit; Dahlila Guerra Casso vs. City of McAllen. (Section 551.071, 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 19th 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

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

1A

CITY COMMISSION X
UTILITY BOARD
OTHER

AGENDA ITEM
DATE SUBMITTED 4/2/13
MEETING DATE 4/22/13

1. **Agenda Item:** Rezoning Request

2. **Party Making Request:** Jose Pena Construction

3. **Nature of Request: (Brief Overview) Contract:** Yes No
Rezone from R-3T (multifamily residential townhouse) District to R-3A (multifamily residential apartment) District: .75 acres out of Lot 9, Wayne Court Subdivision, Hidalgo County, Texas; 3512 North 6th Street.

4. **Policy Implication:** Zoning Ordinance

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

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

If over budget how will it be paid for:

6. **Alternate option/costs:**

7. **Routing:**

	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	<u>Julianne R. Rankin</u> Director of Planning	<u>JRR</u>	<u>04/2/13</u>	<u>Yes</u>
b)	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

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

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

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

Memo

TO: Mike R. Perez, City Manager

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

DATE: April 2, 2013

SUBJECT: REZONE FROM R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: .75 ACRES OUT OF LOT 9, WAYNE COURTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3512 NORTH 6TH STREET. (REZ2013-0009)

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 east side of North 6th Street at Jonquil Avenue. The property has approximately 217 feet of frontage on 6th Street and a depth of 160 feet for a tract size of .75 gross acres. The subject property was zoned R-3A (multifamily residential apartments) District upon comprehensive zoning in 1979 and was rezoned to R-3T (multifamily residential townhouse) District in 2008. There have been no other rezoning requests since then. The property is currently vacant and the applicant is requesting R-3A (multifamily residential apartments) District in order to construct apartments. A feasibility plan has not been submitted.

The adjacent zoning is R-1 (single family residential) District to the east, R-3A (multifamily residential apartments) District to the north and south and R-3T (multifamily residential townhouse) District to the west. The property to the east attempted to rezone to R-3C in 2008 but withdrew the request due to public opposition. Surrounding land uses are Las Brisas Apartments, Palm Shadows Townhomes, single family residential, and vacant land.

- The requested zoning does conform to the Urban Multifamily land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan.
- The maximum density allowed in an R-3A (multifamily residential apartment) District is 26 1-bedroom units, 20 2-bedroom units, and 17 3-bedroom units. The number of vehicle trips generated would be 171 to 112 trips per day based upon 6.59 trips per apartment unit.
- The development trend in the area is apartment use. The tracts to the north and south of the subject property are R-3A (multifamily residential apartment) District.
- The applicant is requesting to rezone the subject property to its original zoning district.
- North 6th Street is a collector street with 60 feet of right-of-way and 28 feet of pavement with two travel lanes, two parking lanes, street lights, and curb and gutter.

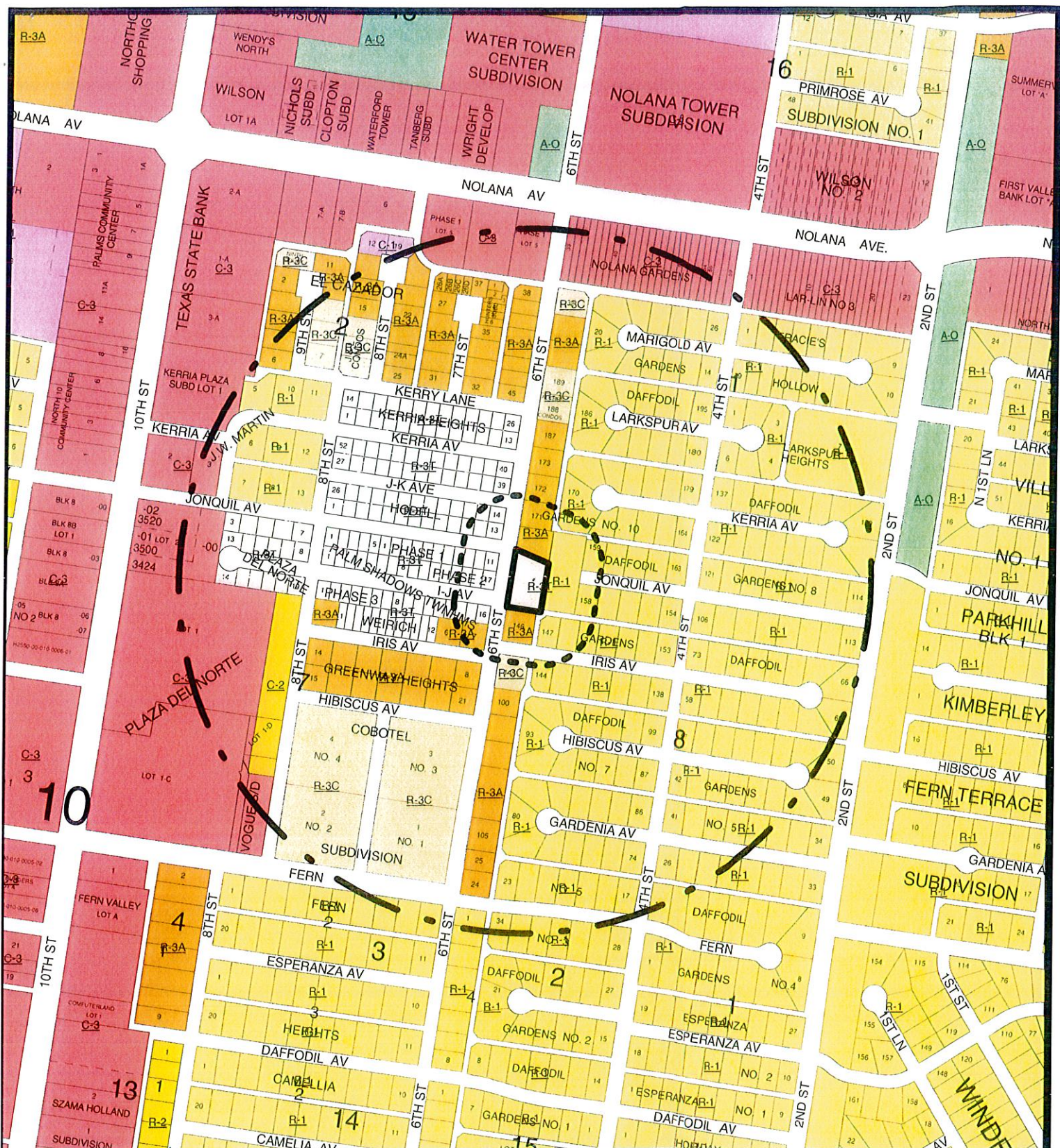
- A masonry screen eight feet in height is required where a multifamily use has a side or rear property line in common with a single family use or zone.
- Parkland dedication or fees in lieu of parkland dedication comprising \$700 per dwelling unit is required prior to recording a subdivision plat.
- A recorded subdivision plat and approved site plan are required prior to issuance of any building permit.

OPTIONS:

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

RECOMMENDATION:

At the Planning & Zoning Commission meeting of April 2, 2013 no one appeared in opposition to the rezoning request. The Board voted unanimously to recommend approval of the rezoning request with six members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'



SUBJECT PROPERTY

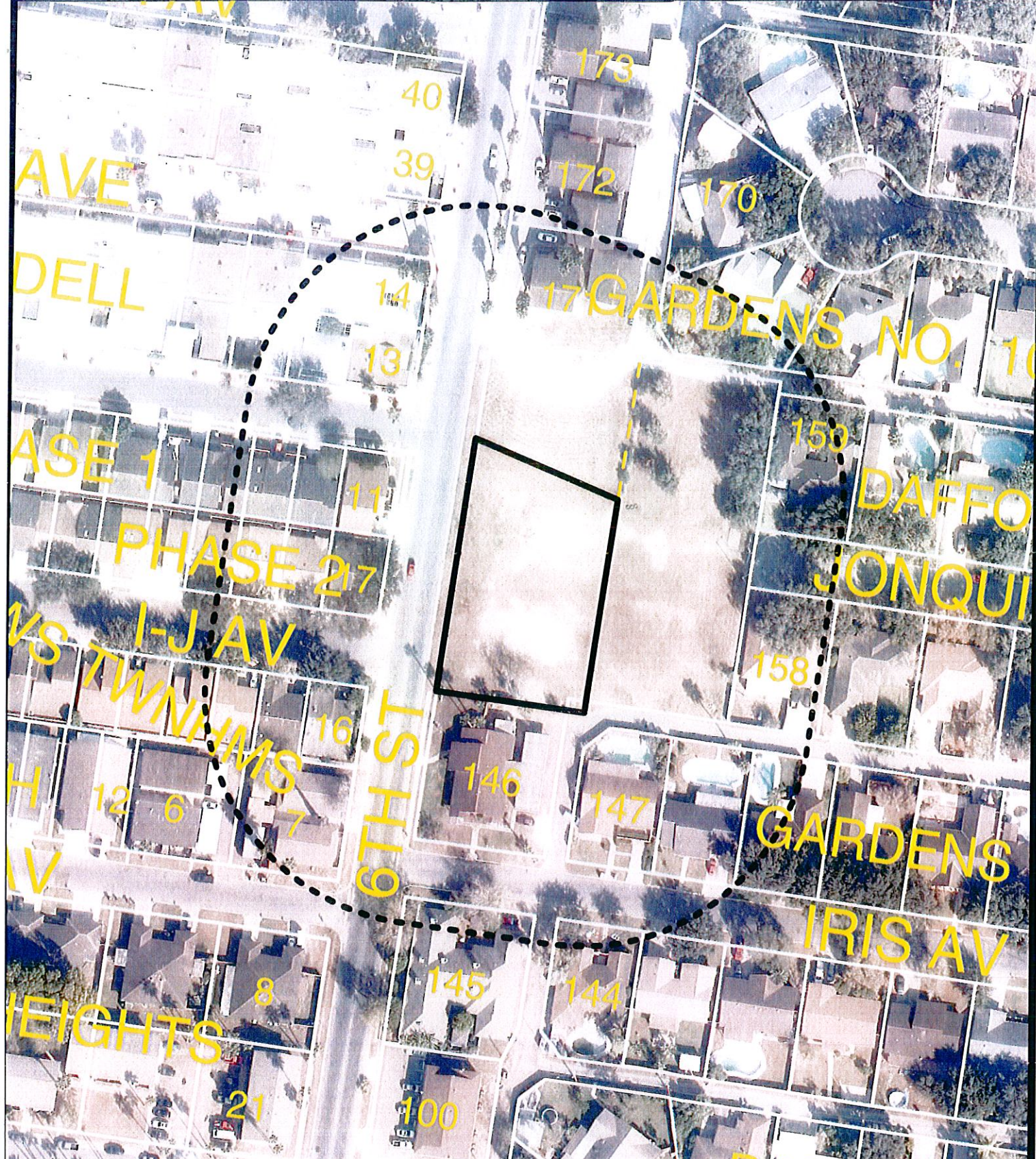
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

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

A AV

I-J AV

AV

6TH ST

JONQUIL

IRIS AV

S AV





















 **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 ET J |

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

**NOTICE
REZONING
For
This Property
REZ2013-0009**

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

**ITEM 1B – REZONING AT 824 UVALDE AVENUE
HAS BEEN WITHDRAWN**

STANDARDIZED RECOMMENDATION FORM

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

AGENDA ITEM _____
DATE SUBMITTED _____
MEETING DATE _____

IC
4/16/13
4/22/13

1. Agenda Item: Conditional Use Permit

2. Party Making Request: Beatriz Garcia

3. Nature of Request: (Brief Overview) Attachments: X Yes No
Appeal the decision of the Planning and Zoning Commission of the April 2, 2013 meeting denying the request of Beatriz Garcia, for a Conditional Use Permit, for one year, for a Party Center at Lot all of Block 4, North Center Subdivision, Hidalgo County, Texas; 1700 North 10th Street, Suite K.

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:

NAME/TITLE INITIAL DATE CONCURRENCE
YES/NO

a) Julianne R. Rankin JRR 4-16 no
Director of Planning
b) _____ _____ _____ _____

8. Staff's Recommendation: Disapproval of the request based on non-compliance to requirement # 1 (distance) of Section 138-118(4) of the Zoning Ordinance.

9. Advisory Board: Approved X Disapproved None

With a favorable recommendation to approve the variance to requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance and hours of operation being limited from 9:00 am. to 9:00 p.m.

10. City Attorney: Approved Disapproved None

11. Manager's Recommendation: Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

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

DATE: April 16, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE APRIL 2, 2013 MEETING DENYING THE REQUEST OF BEATRIZ GARCIA FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A PARTY CENTER AT LOT ALL OF BLOCK 4, NORTH CENTER SUBDIVISION; 1700 NORTH 10TH STREET, SUITE K.

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 southeast corner of North 10th Street and Redwood Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, east, west, and south and R-2 (duplex-fourplex) District also to the north. Surrounding land uses include commercial businesses and multi-family residential. 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 and a restaurant. The applicant is proposing to operate a Party Center from one of the vacant suites. The 4,500 sq. ft. suite will accommodate kid's parties and events. The hours of operation are from 10:00 a.m. to 12:00 a.m. Monday thru Sunday. Based on the current uses, approximately 98 parking spaces are required; 138 spaces are provided on site as part of the common parking area. The proposed 4,500 sq. ft. party center requires 45 parking spaces for a total of 143 spaces for the plaza, being 5 parking spaces short.

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 not generate traffic onto residential sized streets. The establishment has direct access to North 10th Street and Quince Avenue;
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 and a restaurant. Based on the current uses, approximately 98 parking spaces are required; 138 spaces are provided on site as part of the common parking area. The proposed 4,500 sq. ft. party center requires 45 parking spaces for a total of 143 spaces for the plaza, being 5 parking spaces short. No parking agreement could be acquired due to the surrounding businesses being opened at the same time. The applicant is proposing the moon jumps as permanent exhibits, taking approximately 544 sq. ft. of area, this can be comparable to the 5 parking spaces;
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 April 2, 2013 Planning and Zoning Commission meeting. There were neighbors present in opposition of the request. The applicant was also present.

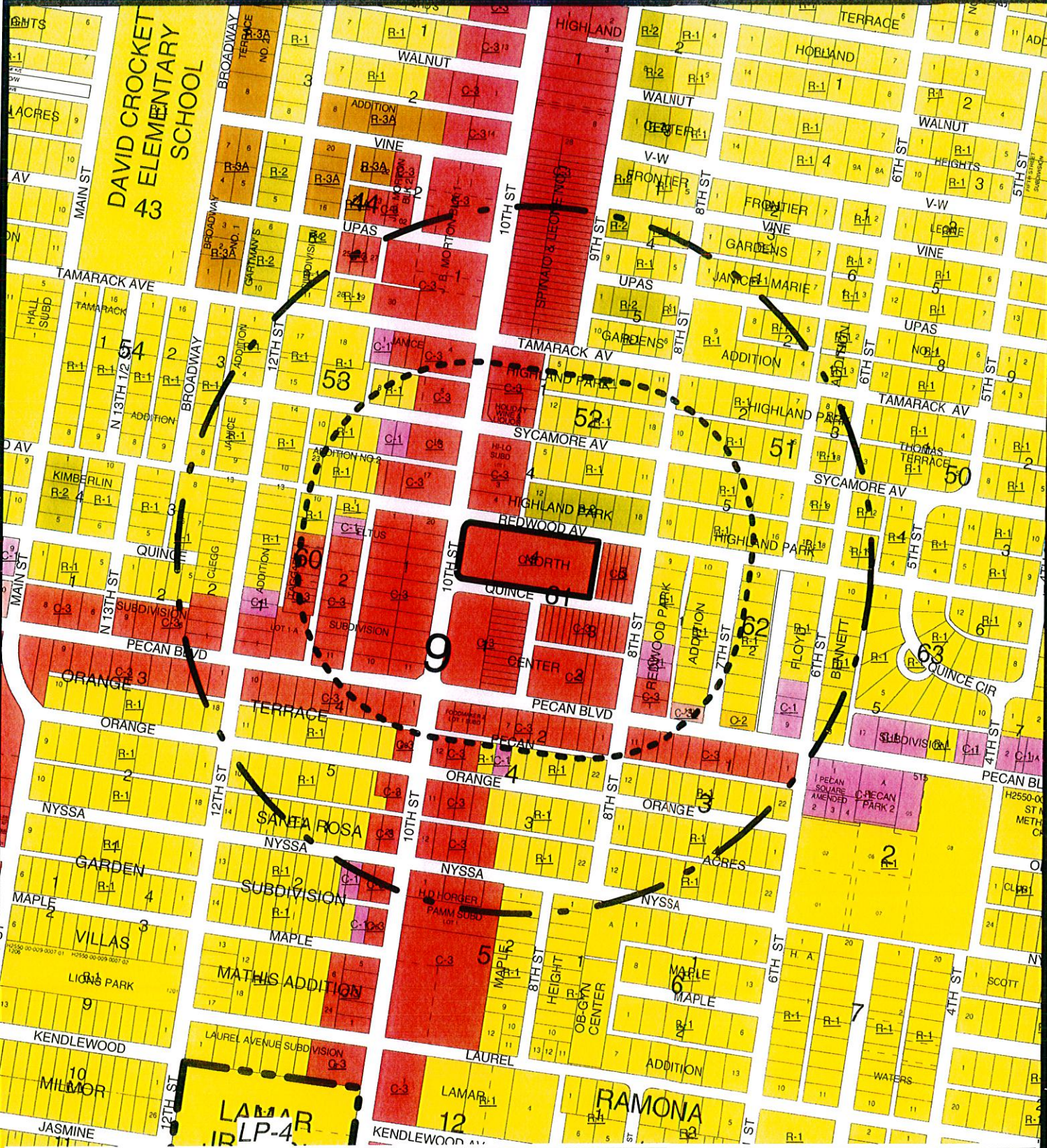
Mr. Jose Escamilla, a surrounding neighbor, addressed the board with concerns dealing primarily with noise. He stated that he had previously been there before numerous times with other establishments that were proposed in that area years ago. Mr. Les Robeson, also a surrounding neighbor, addressed the board with the same concerns and would like the establishment to close at 5:00 p.m.

Jose Castillo, the applicant's representative, spoke in her behalf and stated that the party center is for kid's parties and that there will be no alcohol served. He stated that the hours of operation will be from 10:00 a.m. to 12:00 a.m. with the intention of leaving extra time from the last party to allow for cleaning of the lease space.

Mr. Abdala Kalifa, the property owner, spoke at the meeting and assured the board and the neighbors that if any problems or concerns occurred, they can contact him and he would take care of the issues.

In an effort to compromise with the applicant and the neighbors, the board limited the hours of operation from 9:00 a.m. to 9:00 p.m. The applicant agreed with the change of hours of operation.

Following discussion, the board unanimously voted to disapprove the request due to noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance, but with a favorable recommendation for a variance to be granted to the distance requirement, and limiting the hours of operation from 9:00 a.m. to 9:00 p.m. There were six 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

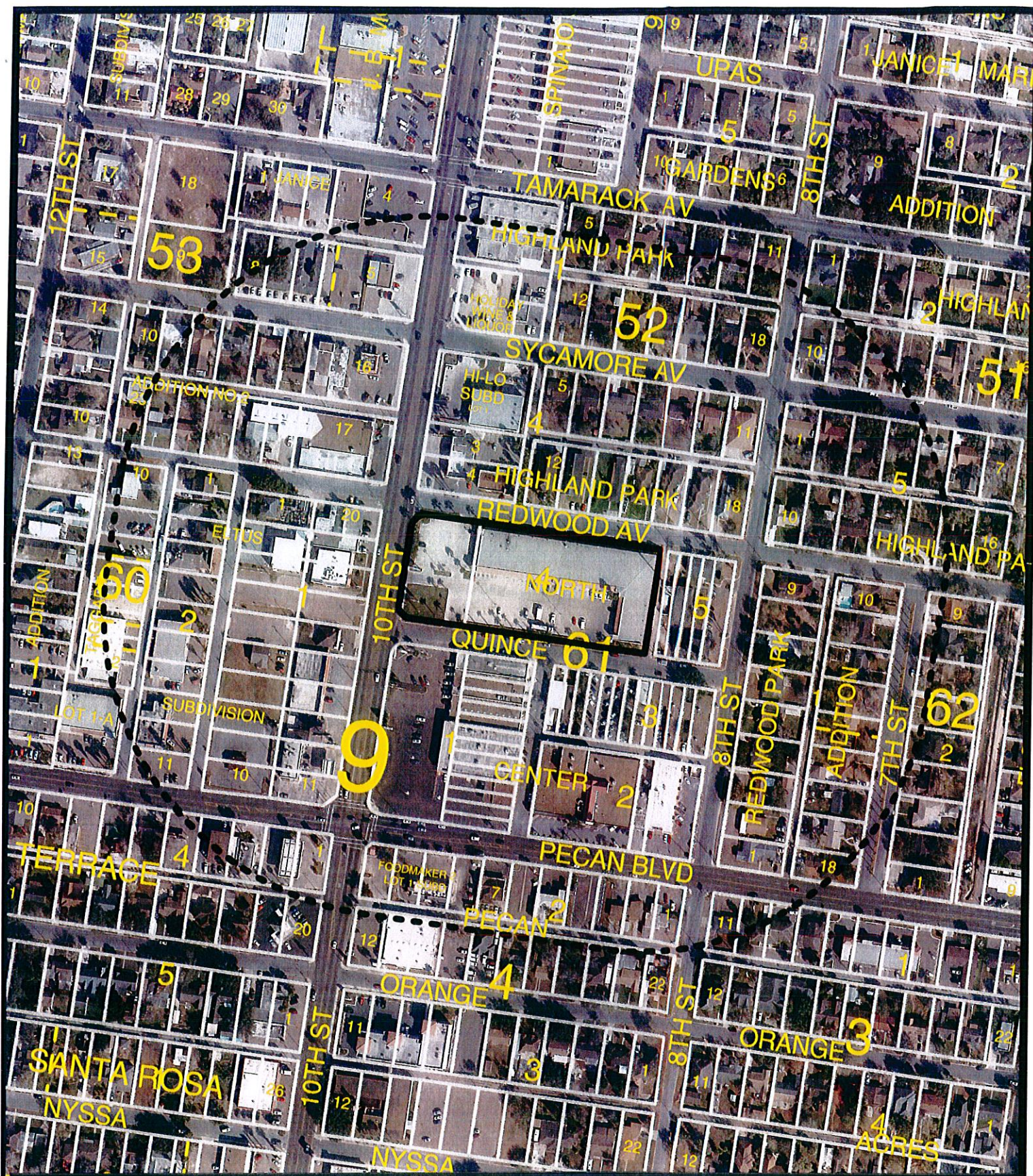
600 FT. NOTIFICATION BOUNDARY

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 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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CITY OF McALLEN
 PLANNING DEPARTMENT

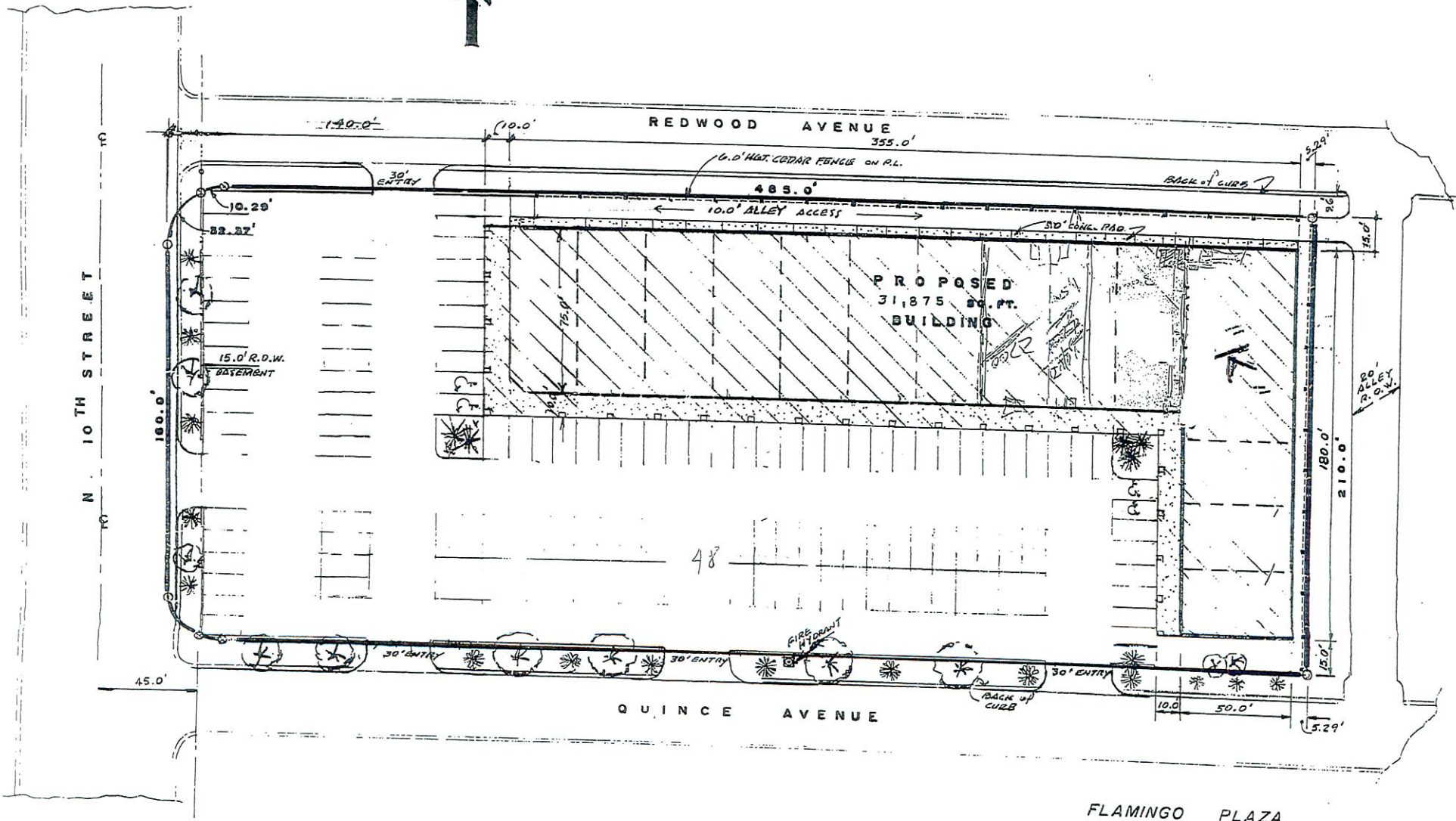
AERIAL MAP
 SCALE: N.T.S.



 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY

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



PLOT PLAN 1" = 30' 30.
 BLOCK 4
 AMENDED NORTH CENTER SUBDIVISION
 MCALLEN, HIDALGO COUNTY, TEXAS

FLAMINGO PLAZA

AREA	SQ. FT.
GROSS AREA	106,832
BUILDING LEASE AREA	31,875
COVERED WALKS	4,850
PARKING (125 SPACES)	59,800
OPEN AREA	10,307

MAIN
ENTRANCE



ACTUAL

RECEIVED

MAR 12 2013

Initial: Cy 11:00 am

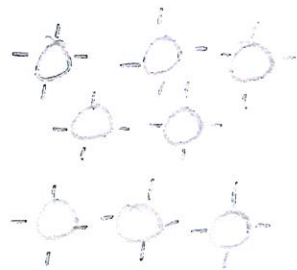
MAIN
ENTRANCE

STAGE



WALL

TABLES & CHAIRS



MURO



NEW WALL

JUMPS



EXIT LOOP

KITCHEN



NEW
CARITAS

BUILDING

RECEIVED

MAR 12 2013

Initial: Cf 11:00 am



BEATRIZ GARCIA
1109 NORTH 35ST HIDALGO TEXAS 78557
956 573 0426
NAME OF THE BUSSINESS : CARITAS GIFTS & EVENTS
1700 10ST NORTH STE K MCALLEN TEXAS 78501

8th April 2013 I Beatriz Garcia i want to appeal the decision denied on April 2nd, 2013 by the committee city of Mcallen to Caritas Gifts & Events Locate on 1700 10st north ste K Mcallen Texas 78501.

in that day were some citizens submit their respective contradictions or complaints about it on the site located at 1700 North 10st Plaza Flamingo in Mcallen Texas I have to mention that had previously been a Bar maybe this type of business was the reason that people have taken this decision thinking it would be like that.

but then I present the most important points about this place

The venue will be exclusively for children

with hours from 9am to 9pm at night (established by the Committee) we are completely agree

Caritas not count on food sodas candy or any kind of food

only the person who can bring their own food and sodas for your guests

no alcohol

hoping that this appeal in writing and be adequate and apropiate to regarding its approval as it is my first time opening a place like this.

Thank you

Sincerely

Beatriz Garcia


Beatriz Garcia - Owner

RECEIVED
APR 12 2013
Initial: 

Abril 8, 2013

Yo, Beatriz Garcia quiero apelar la decision negada el dia 2 de abril del 2013, por el comite de permisos de la ciudad de McAllen Texas. Y exponer mi tematica sobre el permiso en tramite de "Caritas Gift & Events."

Ya que en dicho dia se presentaron algunos ciudadanos a presentar sus respectivas contradicciones o quejas sobre el tema sobre el lugar ubicado en :

1700 10st north plaza flamingo, McAllen Texas.

Que anteriormente habia sido un Bar. Quizas este tipo de negocio fue la causa que los ciudadanos hayan tomando esa decision pensando que seria asi, pero a continuacion les presento los punto mas relevantes sobre este lugar :

Sera exclusivo para niños, con un horario de 9am a las 9pm de la noche (establecido por el comite.)

La musica estara a un nivel adecuado que no pueda molestar a los vecinos.

Caritas no contara con comida. Solamente la persona encargada podra traer su propia comida y sodas para sus invitados.

No alcohol.

Esperando que esta apelacion por escrito sea una medida adicional y adecuada con respecto a su aprobacion ya que es mi primera vez abriendo un lugar asi.

Atentamente:



Beatriz Garcia
Dueño

RECEIVED

APR 12 2013

Initial: AG

NEW ENROLLING FOR WINTER
AND WEEKEND CLASSES
PRN 15

Siberia
Restaurant

**NOTICE
PARTY CENTER
For
This Property
CUP2013-0058**
City of McAllen Planning Dept - 681-1250
www.mcallen.net

Choice is Nice

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT .75 ACRES OUT OF LOT 9, WAYNE COURTS SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM R-3T (MULTIFAMILY RESIDENTIAL TOWNHOUSE) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) 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 R-3T (multifamily residential townhouse) District to R-3A (multifamily residential apartment) District:

A 0.75 acre tract of land, more or less out of Lot 9, Wayne Courts Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at the Southwest corner of said Lot 9, for the Southwest corner;

THENCE, with South line of said lot, the centerline of 6th Street, North 08 Deg. 44 Min. East, 217.51 feet (Deed: 217.86 feet) to the Northwest corner;

THENCE, with the South line of James Moffit's tract, South 81 Deg. 14 Min. East, 30.00 feet to a ¾ inch diameter iron pipe found at the East right-of-way of 6th Street, for a deflection point;

THENCE, continuing with the South line of said Moffit's tract, South 66 Deg. 54

Min. 36 Sec. East, 134.12 feet (Deed: South 66 Deg. 45 Min. 55 Sec. East 134.21 feet) to a ¾ inch diameter iron pipe found for the Northeast corner;

THENCE, South 08 Deg. 44 Min. West, at 174.33 feet set a ½ inch diameter iron rod at the North edge of an alley, at 184.33 all to a ½ inch diameter iron rod set for the Southeast corner;

THENCE, with the South line of said 9, North 81 Deg. 14 Min. West, at 16.18 found a ¾ inch diameter iron pipe, at the Northeast corner of Lot 146 of Daffodil Gardens, Unit 9, at 130.00 feet found a ¾ inch diameter iron pipe at the Northwest corner of said Lot 146, the East right-of-way of said 6th Street, at 160.00 feet in all to PLACE OF BEGINNING.

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 22nd 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, April 8, 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
Juli Rankin, Director of Planning
Mike Hernandez, Deputy Director of Parks and Recreation
Sandra Zamora, Director of Purchasing
Eduardo Mendoza, Director of Traffic Ops
Perla Zamora, Deputy City Secretary

CALL TO ORDER

Mayor Cortez called the meeting to order.

PROCLAMATION:

MCALLEN EARTH DAY FESTIVAL/VIDA VERDE

Mayor Pro Tem Ramirez read and presented a proclamation for *McAllen Earth Day Festival/Vida Verde*.

1. PUBLIC HEARING:

Mayor Cortez called the Public Hearing to order.

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

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.

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

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.

Approved the C-4 zoning at 5800 South 10th Street, as per Planning and Zoning Commission.

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.

Approved the Conditional Use Permit, for life of the use, at 2001 Freddy Gonzalez Drive, as per Planning and Zoning Commission subject to compliance with the Subdivision and Zoning Ordinance, paving, Fire Department and building requirements. 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 fence will be required on the east and west sides.

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 10TH STREET, SUITE M.

Granted a variance to the distance requirement and approved the Conditional Use Permit, for one year, at 2901 North 10th Street, Suite M, as per Planning and Zoning Commission. The establishment must also comply with requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residentially-zoned properties;
- 2) The property must be as close as possible to a major arterial and shall no generate traffic onto residential-sized streets. The establishment has direct access to North 10th Street;
- 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, 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.

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.

Staff recommended approval of a Conditional Use Permit, for one year, at 6601 North Ware Road, as per Planning and Zoning Commission, subject to compliance with the Subdivision and Zoning Ordinance, paving, Fire Department and building requirements. 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.

Mayor Cortez asked if there was anyone to speak in opposition to the permit. The applicant, Carlos Diaz, spoke in favor of the permit. Concerns were expressed about the installation of chain link fencing, landscaping, and irrigation. A lengthy discussion was held. After due consideration, a recommendation was made include the condition that the applicant will install wrought iron fencing along Ware Road and Nightingale and install landscaping, irrigation and maintain the property.

Commissioner Barrera moved to approve the Conditional Use Permit for one year subject to installation of wrought iron fencing along Ware Road and Nightingale and subject to landscaping, irrigation and maintenance of the property. Commissioner Ingram seconded the motion. The motion carried unanimously.

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 29TH LANE #A.

Staff recommended disapproval of the Conditional Use Permit, for one year, at 2900 North 29th Lane #A, as per Planning and Zoning Commission. 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

Mayor Cortez asked if there was anyone to speak in opposition to the permit. The applicant, Jim Ramon, spoke in favor of the permit. Concerns were expressed

Commissioner Darling moved to approve the Conditional Use Permit for one year. Commissioner Barrera seconded the motion. The motion carried unanimously.

C) 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 Barrera 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. Commissioner Barrera seconded the motion. The motion carried unanimously.

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

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

B) APPROVAL OF TAX REFUNDS OVER \$500 FOR:

1. VENTURA & MARIA GARZA

Approved a tax refund in the amount of \$551.95.

2. JASCAN CONSTRUCTION

Approved a tax refund in the amount of \$613.42.

3. BB&T MORTGAGE

Approved a tax refund in the amount of \$522.84.

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.

Adopted an ordinance providing for a budget amendment in the amount of \$82,533 for the Interlocal Agreement between City of McAllen and 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).

Adopted an ordinance designating a segment of North Broadway Street from a one-way south bound to a two-way street northbound and southbound.

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 5TH STREET.

Adopted an ordinance providing for the abandonment of a utility easement at 4513 North 5th 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.

Adopted of an ordinance providing for the abandonment of a utility easement at 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 23RD STREET.

Approved a variance to the subdivision process at 4601 South 23rd Street, subject to providing the additional right-of-way along Idela Avenue and S. 23rd Street, as may be needed and providing public improvements as may be required.

3. BIDS/CONTRACTS:

A) AWARD OF SERVICE CONTRACT FOR TRAFFIC SIGNAL LOOP DETECTOR REPLACEMENT.

Staff recommended award of service contract for Traffic Signal Loop Detector Replacement, to D&G Energy Corp., for one-year term. Additionally, staff recommended authorization to exercise the option to extend the contract for an additional two (2) years, in one (1) year increments, with City Manager approval and subject to performance of the successful bidder being satisfactory and the unit price(s) remaining unchanged.

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

B) CONSIDER APPROVAL OF CHANGE ORDER NO. 1 FOR BICENTENNIAL TRAIL.

Staff recommended that said item be removed from the agenda.

Mayor Pro Tem Ramirez moved remove said item from the agenda. Commissioner Ingram seconded the motion. The motion carried unanimously.

C) CONSIDER APPROVAL OF CHANGE ORDER NO. 8 FOR BENTSEN ROAD PAVING IMPROVEMENTS FROM PECAN BOULEVARD (FM 495) TO 3 MILE LINE ROAD.

Staff recommended approval of Change Order No. 8 in the amount of \$22,092.90 and 15 additional days, for the Bentsen Road Paving Improvements Project from Pecan Boulevard (FM 495) to 3 Mile Line Road, for a total revised contract amount of \$5,338,932.89 and 251 working days.

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

4. ORDINANCES:

A) BUDGET AMENDMENT PROVIDING FOR ADDITIONAL FUNDING FOR VARIOUS PROJECTS THROUGH DEVELOPMENT CORPORATION.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$2,625,472 for funding of various projects through Development Corporation.

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

B) BUDGET AMENDMENT FOR REWIRING OF EXPRESSWAY 83 FROM 23RD STREET TO EAST CITY LIMIT.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$160,000 for the rewiring of Expressway 83 from 23rd Street to east city limit.

Concerns were expressed relating to the possible causes of deterioration and assurances for future damage. A lengthy discussion was held. After due consideration, staff was asked to have the Legislative Director report on this to Austin.

Commissioner Darling moved to adopt the ordinance as recommended. Commissioner Barrera seconded the motion. The motion carried unanimously.

5. MANAGER'S REPORT:

A) REPORT ON ACTIVITIES AT CONVENTION CENTER.

Commissioner Barrera moved to table this item for discussion in Executive Session pursuant to Chapter 551.071 Consultation with City Attorney. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

After Executive Session, Commissioner Barrera moved to remove said item from the table and agenda. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

B) FUTURE AGENDA ITEMS.

The items for upcoming workshops were briefly reviewed: Keep McAllen Beautiful Tree Advisory Committee; and Report on Unified Development Code.

PUBLIC COMMENT SESSION

No one appeared.

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).

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 6A, 6B and 6H; Section 551.071 Consultation with Attorney for Items 5B, 6B, 6C, 6D and 6E; and Section 551.072 Deliberation regarding Real Property for Items 6F and 6G.

Mayor Pro Tem Ramirez moved to accept the recommendation for the basis of the discussion in Executive Session under the sections cited by the City Attorney. Commissioner Crane seconded the motion. The motion carried unanimously.

Mayor Cortez recessed the meeting at 6:50 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 8:13 pm and announced the action on Executive Session items.

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

No action was taken.

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

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

C) 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.

D) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LAWSUIT; DAHLILA GUERRA CASSO VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

Commissioner Darling moved to authorize the City Attorney to prosecute the appeal of the Court of Appeal's opinion. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

E) CONSULTATION WITH CITY ATTORNEY REGARDING REQUEST FOR PROPOSALS FOR OLD CIVIC CENTER REDEVELOPMENT. (SECTION 551.071, T.G.C.)

No action was taken.

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.)

Commissioner Barrera moved to authorize the City Attorney and City Manager to offer the purchase of the property in the amount discussed in Executive Session. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

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.)

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

H) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT BEER. (SECTION 551.087, T.G.C.)

Mayor Pro Tem Ramirez moved to authorize the director of McAllen Economic Development Corporation and City Attorney to continue negotiations for the lease and 380 Economic Incentive Agreement and that a final lease and 380 Agreement be brought back for approval. Commissioner Ingram seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 8:15 p.m.

Richard Cortez, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
ANZALDUAS BRIDGE _____

2B
AGENDA ITEM _____
DATE SUBMITTED 04/08/12
MEETING DATE 04/22/13

1. Agenda Item: **CHANGE ORDER #1 & FINAL RECONCILIATION OF QUANTITIES FOR THE DRAINAGE IMPROVEMENTS AT SOUTH 10th STREET & TORONTO AVENUE - PROJECT# 10-12-C32-136**

2. Party Making Request: Engineering Department

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

Request that the City Commission consider Change Order #1 & Final Reconciliation of Quantities for the Drainage Improvements at S. 10th Street & Toronto Avenue project. This change order provides 1) adjustment to all line items to address final as-built quantities.

4. Policy Implication: N/A

5. Budgeted: X Yes No N/A

Funding Source: 300-8708-436-66-36 Project ID# ID1103

Original Contract	\$ 135,494.03 (100.0%)	70 days
Previous Change Orders	\$ 0.00 (0.00%)	0 days
This Change Order	\$ (2,186.80) (-1.61%)	0 days
Total Contract	\$ 133,307.23 (98.39%)	70 days

6. Alternate Option/Costs None

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
-------------------	----------------	-------------	--------------------

- | | | | |
|-----------------------------------------------------|-------------------|-------------------|-------------------|
| a.) <u>R. Rodriguez, PE, General Manager</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>Assistant City Manager</u> | | | |
| b.) <u>Yvette Barrera, P.E., CFM, City Engineer</u> | <u> YB </u> | <u> 4/9/13 </u> | <u> yes </u> |
| c.) <u>Jerry Dale, CPA, Director of Finance</u> | <u> JD </u> | <u> 4/9/13 </u> | <u> YES </u> |
| d.) <u>S. Zamora, CPM Director of</u> | <u> SZ </u> | <u> 4/9/13 </u> | <u> YES </u> |
| <u>Purchasing & Contracting</u> | | | |

8. Staff Recommendation: **Approve Change Order #1 & Final Reconciliation of Quantities for Drainage Improvements: South 10th Street & Toronto Avenue to increase contract time by 0 working day and decrease contract amount to \$133,307.23**

9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None



**ENGINEERING DEPARTMENT
MEMORANDUM**

To: Mike R. Perez, City Manager

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

A handwritten signature in black ink, appearing to read "Yvette Barrera", with a long horizontal line extending to the right.

Date: April 8, 2013

Subject: Change Order #1 & Final Reconciliation of Quantities for the Drainage Improvements at 10th Street & Toronto Avenue - Project No. 10-12-C32-136

Goal

Consider and approve **FINAL** Change Order #1 to the existing contract.

Explanation

Item #1 – Final Quantity Adjustments due to Field Conditions: During the construction process minor adjustments were made to various line item quantities based on field conditions. These field adjustments resulted in a reduction of proposed water main adjustments from 4 to 2 and a net decrease in pavement repair and restoration of 28 square yards. The changes result in an overall net decrease in the contract amount of \$2,186.80.

Recommendation

Based upon review by this office, approval of Change Order #1 is recommended to the contractor, **Rojas Construction and Paving, Inc.**, for an increase/(decrease) in contract time of **0** days and an **decrease** in the contract amount in the amount of **\$2,186.80**.

The adjusted overall contract amount will change from \$135,494.03 to **\$133,307.23 (a decrease of 1.61%)**. Contract time is unchanged at **70 working days**. The work was completed within the specified contract time.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 2C
DATE SUBMITTED 04/11/13
MEETING DATE 04/22/13

1. Agenda Item: CHANGE ORDER NO. 3 AND FINAL RECONCILIATION OF QUANTITIES -
2012-2013 SINGLE MACHINE REPAVING PROJECT -- PROJECT NO. 12-12-C04-104

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No
 Consideration and approval of Change Order No. 3 and Final Reconciliation of Quantities for
2012-2013 Single Machine Repaving

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

5. Budgeted: X Yes No N/A

Funding Source:	011-3022-435.65-15	\$3,633,431	
	160-3032-436.66-30 (Downtown Lot)	\$ 6,966.09	
Original Contract Amount		\$ 1,386,100.40	
Change Order No. 1		\$ 44,237.70	3.19%
Change Order No. 2		\$ 228,215.90	16.46%
Change Order No. 3 and FRQ		\$ (119,218.78)	-8.60%
Revised Contract Amount		\$ 1,539,335.22	111.06%

6. Alternate Option/Costs N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u> YB </u>	<u> 4/11/13 </u>	<u> yes </u>
b.) J. Dale, CPA, Finance Director	<u> JD </u>	<u> 4/13/13 </u>	<u> YES </u>
c.) R. Rodriguez, PE, General Manager Assistant City Manager	<u> </u>	<u> </u>	<u> </u>
d.) S. Zamora, Director of P&C	<u> SZ </u>	<u> 4/15/13 </u>	<u> YES </u>
e.) E. Suarez, Transit Director	<u> EZ </u>	<u> 4/13/13 </u>	<u> YES </u>

8. Staff Recommendation: Approval of Change Order No. 3 and final reconciliation of quantities
in the deduct amount of \$119,218.78 and 0 additional working days for a revised contract amount
of \$1,539,335.22 and a contract time of 65 days

9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None



**CITY OF MCALLEN
ENGINEERING DEPARTMENT
MEMORANDUM**

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer

Date: April 11, 2013

Subject: **Change Order No. 3 and Final Reconciliation of Quantities – 2012-2013 Single Machine Repaving Project (Project No. 12-12-C04-104)**

Goal

Consider and approve Change Order No. 3 and Final Reconciliation of Quantities to Cutler Repaving, Inc. for the 2012-2013 Single Machine Repaving project.

Explanation

At their regular meeting on January 14, 2013, City Commission approved award of contract to Cutler Repaving, Inc. for the 2012-2013 Single Machine Repaving project. At the same meeting, City Commission approved award of HMAC material delivery for the annual repaving project to Upper Valley Materials.

Change Order No. 3 is proposed to reconcile quantities on construction items for the above mentioned project. All work has been completed.

A detailed itemization of reconciled items is attached for your review.

Options

Approve or disapprove Change Order No. 3

Recommendation

Staff recommends approval of Change Order No. 3 and final reconciliation of quantities in the deduct amount of \$119,218.78 for a revised overall contract amount of \$1,539,335.22.

City of McAllen
 Engineering Department
 1300 Houston Avenue
 McAllen, Texas 78501

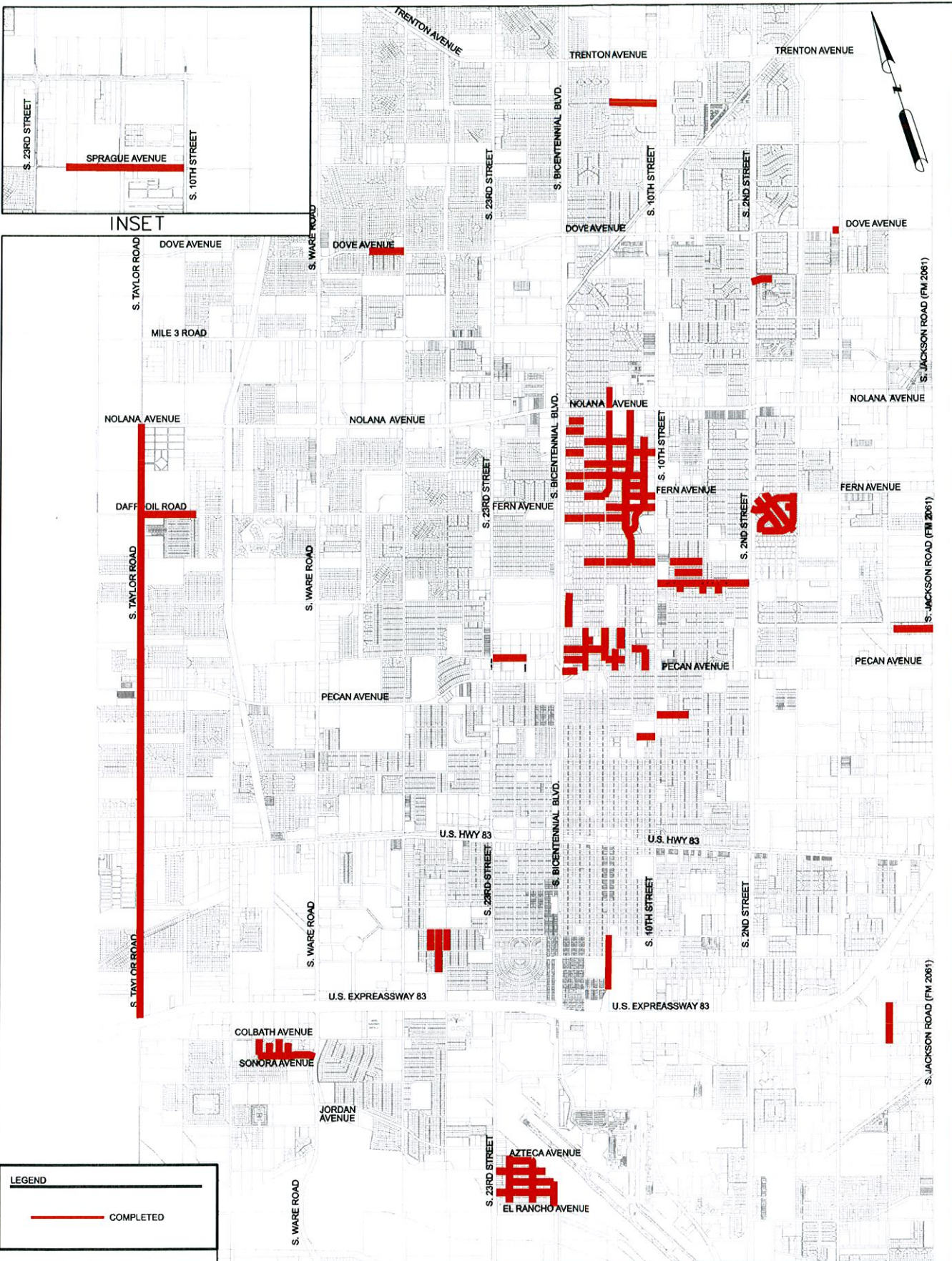
PROJECT NAME: Single Machine Project 2012-2013
 Project No. 12-1042/12-1043

LABOR COST

Item No.	Description	Unit	Unit Price	ORIGINAL BID AMOUNT		CHANGE ORDER #1		CHANGE ORDER #2		CHANGE ORDER 3 & FRQ		NEW CONTRACT TOTAL	
				Quantity	Estimated Cost	Quantity	Estimated Cost	Quantity	Estimated Cost	Quantity	Estimated Cost	Quantity	Estimated Cost
101	Recycling: Section 2616-1.01A-c-1 in Depth	SY	\$ 2.65	244,536	\$ 648,020.40	7954.00	\$ 21,078.10	62638.00	\$ 165,990.70	-16327.59	\$ (43,268.11)	298,800.40	\$ 791,821.09
102	Recycling Agent	GAL	\$ 3.60	18,341	\$ 66,027.60	596.00	\$ 2,145.60	4507.00	\$ 16,225.20	440.00	\$ 1,584.00	23,884.00	\$ 85,982.40
103	Curb Milling	LF	\$ 2.00	160,201	\$ 320,402.00	9857.00	\$ 19,714.00	22000.00	\$ 44,000.00	-34086.80	\$ (68,173.60)	157,971.20	\$ 315,942.40
104	Lane Milling: 12 ft Width	LF	\$ 2.50	1,092	\$ 2,730.00	0.00	\$ -	0.00	\$ -	31239.20	\$ 78,098.00	32,331.20	\$ 80,828.00
105	Adjust Manholes to Grade	EA	\$ 250.00	90	\$ 22,500.00	4.00	\$ 1,000.00	5.00	\$ 1,250.00	-40.00	\$ (10,000.00)	59.00	\$ 14,750.00
106	Adjust Water Valves & Monitor Wells to Grade	EA	\$ 150.00	43	\$ 6,450.00	2.00	\$ 300.00	5.00	\$ 750.00	-31.00	\$ (4,650.00)	19.00	\$ 2,850.00
107	6' Valley Gutter	LF	\$ 200.00	10	\$ 2,000.00	0.00	\$ -	0.00	\$ -	-10.00	\$ (2,000.00)		\$ -
108	Remove Asphalt Pavement	SY	\$ 165.00	10	\$ 1,650.00	0.00	\$ -	0.00	\$ -	-10.00	\$ (1,650.00)		\$ -
109	18" Valley Gutter	LF	\$ 600.00	10	\$ 6,000.00	0.00	\$ -	0.00	\$ -	-10.00	\$ (6,000.00)		\$ -
110	Remove Existing Valley Gutter or Curb & Gutter	LF	\$ 60.00	10	\$ 600.00	0.00	\$ -	0.00	\$ -	-10.00	\$ (600.00)		\$ -
111	24-in Curb and Gutter	LF	\$ 110.00	10	\$ 1,100.00	0.00	\$ -	0.00	\$ -	-10.00	\$ (1,100.00)		\$ -
112	Full Depth Scarification w/ 3% Cement Stabilization & 1.5-in Overlay	SY	\$ 75.00	1,000	\$ 75,000.00	0.00	\$ -	0.00	\$ -	-1000.00	\$ (75,000.00)		\$ -
201	Recycling: Section 2616-1.01A-c-1 in Depth	SY	\$ 2.65	7,363	\$ 19,511.95	0.00	\$ -	0.00	\$ -	441.31	\$ 1,169.47	7,804.31	\$ 20,681.42
202	Recycling Agent	GAL	\$ 3.60	552	\$ 1,987.20	0.00	\$ -	0.00	\$ -	33.00	\$ 118.80	585.00	\$ 2,106.00
203	Full Depth Scarification w/ 3% Cement Stabilization & 1.5-in Overlay for Sprague Road	SY	\$ 28.75	7,363	\$ 211,686.25	0.00	\$ -	0.00	\$ -	441.31	\$ 12,687.66	7,804.31	\$ 224,373.91
113	3" Scarification with overlay	SY	\$ 4.35	100	\$ 435.00	0.00	\$ -		\$ -	-100.00	\$ (435.00)	0	\$ -
TOTAL LABOR COSTS					\$ 1,386,100.40		\$ 44,237.70		\$ 228,215.90		\$ (119,218.78)		\$ 1,539,335.22

4/11/2013

H:\Engineering_Elita\Projects\2012\17-1042_Single_Machine_Repairing_2012-2013\CADD\Exhibits\FM2061_Overview_Map.dwg



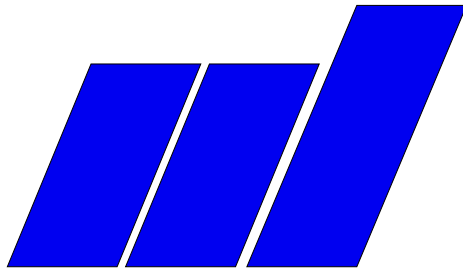
LEGEND

— COMPLETED

CITY OF
McALLEN
ENGINEERING DEPARTMENT

STREET REPAVING 2013

SCALE:	HORZ: 4000'
DATE:	04/11/13
REVISIONS	
1.	
2.	
3.	
SHEET NO.	1 OF 1



**CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM**

To: Mike R. Perez, City Manager
From: Carla M. Rodriguez, Director of Grant Administration
Date: April 16, 2013
Subject: Texas Department of Transportation, FY2013 Click It or Ticket Campaign

GOAL: To accept a grant award in the amount of \$6,975 from the Texas Department of Transportation, Fiscal Year 2013 Selective Traffic Enforcement Program Click it or Ticket campaign.

BRIEF EXPLANATION OF THE ITEM: The McAllen Police Department has been awarded a grant from the Texas Department of Transportation through the Fiscal Year 2013 Selective Traffic Enforcement Program Click It or Ticket Campaign. The project goal is to increase seatbelt usage and enhance public safety by enabling the Police Department to conduct intense enforcement during the Memorial Day holiday. The grant period will begin May 1, 2013, and extend through June 22, 2013. The total award is \$6,975 with no local match.

OPTIONS: Option 1: Accepting the STEP Click It or Ticket grant will enable the Police Department to provide additional public safety efforts as related to seatbelt enforcement.

Option 2: Not accepting the grant will result in the loss of an opportunity to defray overtime enforcement for seatbelt usage.

RECOMMENDATION: Staff recommends acceptance of the STEP Click It or Ticket grant.

RESOLUTION NO. 2013-_____

AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH THE FISCAL YEAR 2013 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM CLICK IT OR TICKET CAMPAIGN.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, Texas Department of Transportation has organized the Selective Traffic Enforcement Program Click It or Ticket Campaign as part of a statewide and national mobilization effort to increase the use of safety belts; and

WHEREAS, Texas Department of Transportation has made funding for this purpose available to the McAllen Police Department through the Click It or Ticket Campaign; and

WHEREAS, the McAllen Police Department is required to provide essential public safety services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:

- 1) The McAllen Police Department is hereby directed to accept a Click It or Ticket grant from the Texas Department of Transportation in the amount of \$6,975 for the purpose of enhancing public safety through intense seatbelt enforcement during the period beginning May 1, 2013 through June 22, 2013.
- 2) Upon the acceptance of this grant, the Mayor is authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the Texas Department of Transportation in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 22nd 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 pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

Annette Y. Villarreal, City Secretary

Richard F. Cortez, Mayor

Approved as to form:

Kevin Pagan, City Attorney

Standardized Recommendation Form

2E

City Commission X
Utility Board
Other Board

Agenda Item
Date Submitted 04/08/13
Meeting Date 04/22/13

1. Agenda Item: Budget Amendment to the General Depreciation Fund for the Purchase of a Current Model (CM) 25 foot Side Slope Mower for Drainage Department of Public Works

2. Party Making Request: Public Works

3. Nature of Request: (Brief Overview) Attachments: X Yes _____ No
Consideration and approval of budget amendment in the amount of \$113,795.00 to the General Depreciation Fund for the purchase and replacement of a 25' Side Slope Mower for the Drainage Department of Public Works.

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

5. Budgeted: X Yes _____ No _____ N/A
Account No.
678-6382-436-66-14 EC1208 \$113,795

6. Alternate option/costs: N/A

7. **Routing:**

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) <u>Carlos A. Sanchez, PE, PW Director</u>	<u>CS</u>	<u>4/16</u>	<u>YBS</u>
b.) <u>Wendy Smith, Asst City Manager/EMC</u>	<u> </u>	<u> </u>	<u> </u>
c.) <u>Sandra Zamora, CPM, Dir. of P&C</u>	<u> </u>	<u> </u>	<u> </u>
d.) <u>JW Dale, CPA, Finance Director</u>	<u> </u>	<u> </u>	<u> </u>

8. Staff's Recommendation: As per the above mentioned information.

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


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

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



PUBLIC WORKS
MEMORANDUM

To: Mike R. Perez, City Manager

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

Date: April 16, 2013

Subject: Budget Amendment to the General Depreciation Fund for the Purchase of a Current Model (CM) 25 foot Side Slope Mower in Drainage Department of Public Works

GOAL:

Consideration and approval of budget amendment in the amount of \$113,795.00 to the General Depreciation Fund for the purchase and replacement of a 25' Side Slope Mower for the Drainage Department of Public Works.

BRIEF EXPLANATION:

Public Works in coordination with the Purchasing and Contracting Department solicited bids and the City Commissioners awarded the purchase of a CM 25' Side Slope Mower to Neuhaus & Co. of Weslaco, TX, on August 27, 2012 in the amount of \$113,795.00. The equipment was budgeted in the General Depreciation Fund in FY 2011-2012. However, the equipment was not delivered until February 5, 2013, and the funds were not rolled over into the FY 2012-2013 budget. Therefore, an amendment in the amount of \$113,795.00 is required to account for the payment of the Side Slope Mower.

RECOMMENDATION:

Public Works staff recommends approval of the budget amendment in the amount of \$113,795.00 to the General Depreciation Fund to account for the cost of a 25' Side Slope Mower for the Drainage Department of Public Works.

**CITY OF McALLEN
BUDGET AMENDMENT**

REF. NO. _____
To be assigned by Finance Dept.

FUND: GENERAL DEPRECIATION FUND

DEPARTMENT: DRAINAGE

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Beginning/Revised Budget	Debit	Credit	Revised Budget
678	6382	436	66.14	EC1208	CAPITAL OUTLAY/VEHICLE	\$ -	\$ 113,795.00		\$ 113,795.00
678	6382				GENERAL DEPRECIATION FUND	\$14,089,489		113,795.00	13,975,694
TOTALS						<u>\$14,089,489</u>	<u>\$113,795.00</u>	<u>\$113,795.00</u>	<u>\$14,089,489</u>
(Round up all amounts to the nearest hundred dollars)									

Justification: <u>Budget Amendment needed to pay for a CM Side Slope 25' Mower that was budget in FY 11-12.</u> A budget amendment in the amount of \$113,795 was approved by the City Commissioners on August 27, 2012. However, the equipment was not delivered until February 5, 2013 and the funds were not rolled over to FY 2012-2013. Therefore, a budget amendment is required to account for payment of the Side Slope Mower.	Department Head Approval	
	Signature	Date
	Finance Department	
	Signature	Date
City Manager's approval is necessary for transfers to purchase Capital Outlay.	City Manager	
	Signature	Date
	Signature	Date

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: \$113,795.00 TO THE GENERAL DEPRECIATION FUND FOR THE PURCHASE AND REPLACEMENT OF A 25' SIDE SLOPE MOWER FOR THE DRAINAGE DEPARTMENT OF PUBLIC WORKS.

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 22nd 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.

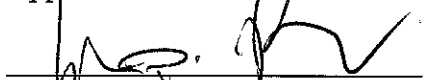
CITY OF McALLEN, TEXAS

Richard F. Cortez, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:



Kevin D. Pagan, City Attorney

STANDARDIZED RECOMMENDATION FORM

20

CITY COMMISSION
UTILITY BOARD
PLANNING & ZONING BOARD
OTHER

X

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

04-16-13
04-22-13

1 Agenda Item: Interlocal Agreement with the County of Hidalgo for the South Texas Hurricane Conference.

2 Party Making Request: Wendy L. Smith, Assistant City Manager

3 Nature of Request (Brief Overview) Attachments: X Yes No
The County and City are co-sponsoring the Conference for 450 participants on May 8 & 9 at the Convention Center. The City will provide up to \$10,000 for conference costs.

4 Policy Implication: _____

5 Budgeted: X Yes No N/A

Bid Amount: _____
Under Budget: _____

Budgeted Amount: _____
Over Budget: _____
Amount Remaining: _____

If over budget, how will it be paid for: _____

6 Alternate option/costs: _____

7 Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
a) <u>Wendy L. Smith</u> <u>Asst. City Manager</u>	_____	_____	_____
b) _____	_____	_____	_____

8 Staff Recommendation: Approve Interlocal Agreement

9 Advisory Board: Approved Disapproved None

10 City Attorney: Approved Disapproved None

11 Manager's Recommendation: Approved Disapproved None

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

THIS Agreement is made on this 9th day of April, 2013, by and between the **CITY OF MCALLEN, TEXAS** and the **COUNTY OF HIDALGO, TEXAS**, by and through its Department of Health and Human Services, hereinafter referred to as the "County" , pursuant to the provisions of the Texas Interlocal Cooperation Act, as follows:

WITNESSETH:

WHEREAS, County is a county in the State of Texas;

WHEREAS, McAllen is a city in the County of Hidalgo, State of Texas

WHEREAS, the County and the City of McAllen, Texas desire to provide the South Texas Hurricane Conference for personnel, including emergency response managers, first-line supervisors and administrators who will function as incident commanders, emergency management coordinators, public utility workers, local stakeholders at all levels of government, private sector, public health, non-profit organizations, and any other entity including the volunteers from the general public who respond and provide services in cases of emergencies involving hurricanes, natural disasters and other potential public calamities primarily in mitigation, preparedness, response and recovery;

WHEREAS, the County and City of McAllen, Texas desire to enter into the Agreement in an effort to provide the South Texas Hurricane Conference and make the most efficient use of their resources for necessary training, networking, and professional development as stated herein in the most practicable and efficient manner possible;

WHEREAS, the County will collaborate with the City of McAllen, Texas to provide an adequate facility and services in which to provide the South Texas Hurricane Conference and host the specialized conference described herein;

WHEREAS, the City of McAllen, Texas and County are authorized to enter into this Agreement pursuant to the Interlocal Cooperation Act, Texas Government Code 791.001 et seq., (the "Act") which authorizes local governments to contract with each other to perform governmental functions and services under the terms of the Act;

NOW THEREFORE, the City of McAllen, Texas and County, in consideration of the mutual covenants expressed hereinafter, agree as follows:

1. City of McAllen, Texas and the County shall provide up to 450 participants for the South Texas Hurricane Conference at no cost to the participants.
2. City of McAllen, Texas and the County agree to provide a suitable conference facility and exhibit hall in which the South Texas Hurricane Conference will be conducted
3. The South Texas Hurricane Conference will be conducted May 8-9, 2013.
4. City of McAllen, Texas shall provide up to \$10,000 (ten thousand dollars) to support the South Texas Hurricane Conference costs.

5. County shall provide a firm fixed fee of Twenty Five Thousand Dollars (\$25,000) to City of McAllen, Texas for the South Texas Hurricane Conference costs.
6. The costs described in paragraph 5 above include all costs to the County for the venue and management services.
7. **Insurance:** City of McAllen, Texas is self-insured.
8. **Termination.** Either party may terminate this agreement upon thirty (30) days written notice to the non-terminating party for any reason or no reason at all.
9. **Conflict with Applicable Law.** Nothing in this Agreement shall be construed to require the commission of any act contrary to law, and whenever there is any conflict between any provision of the Agreement and any present or future law, ordinance or administrative, executive or judicial regulation, order or decree, or amendment thereof contrary to which the parties have no legal right to contract, the latter shall prevail, but in such even the affected provision or provision of this Agreement shall be modified only to the extent necessary to bring them within the legal requirement and only during the time such conflicts exists.
10. **No Waiver:** No waiver by any party hereto of any breach of any provision of this Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.
11. **Entire Agreement:** The Agreement contains the entire contact among the parties hereto, and each party acknowledges that no other party has made (either directly or through any agent or representative) any representation or agreements in connection with this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing executed by City of McAllen, Texas and the County, and not otherwise.
12. **Liabilities:** This Agreement is not intended to extend the liability of the Parties beyond that provided by law. Neither City of McAllen nor Hidalgo County waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims arising from third parties.
13. **Notice:** Except as may be otherwise specifically provided in this Agreement, all notices, demands, requests or communications required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by commercial courier with delivery signature required, and addresses to the parties at the addresses set forth below or at such other addresses as may be theretofore specified by written notice delivered in accordance herewith:
If to City of McAllen, Texas:
Ms. Wendy L. Smith
Asst. City Manager/ Deputy EMC
City of McAllen
PO Box 220
McAllen, TX 78505
956-681-1001
956-681-1010
WLSMITH@McAllen.net

If to the County:

County of Hidalgo
Attn: County Judge
302 W. University Drive
Edinburg, TX 78539
956-318-2600
956-318-2699

Each notice, demand, request, or communication which shall be delivered or mailed in the manner described above shall be deemed sufficiently given or all purposes at such time as it is personally delivered to the addressee or, if sent by way of commercial courier, at such time as it is delivered to the commercial courier.

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

15. **Assignment:** This Agreement shall not be assignable.

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

17. **Authority to Execute:** The execution and performance of this Agreement by each of the parties have been duly authorized by all necessary laws, resolution, ordinances or government body action, and this Agreement constitutes the valid and enforceable obligations of the parties hereto in accordance with its terms.

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

19. **Severability:** Should any phrase, clause, sentence or section of this Agreement be judicially declared to be invalid, unenforceable or void, such decision will not have the effect of invalidating or voiding the remainder of the Agreement, and such part of the Agreement will be deemed to have been stricken hereto from and the remainder of the Agreement will have the same force and effect as if such part or parts had never been included herein.

WITNESS THE HANDS OF THE PARTIES effective as of the day and year first written above.

HIDALGO COUNTY, TEXAS

Ramon Garcia
Signature

Ramon Garcia
Name

Hidalgo County Judge
Title

04/09/13
Date

CITY OF MCALLEN, TEXAS

Signature

Name

Title

Date

APPROVED BY
COMMISSIONERS' COURT
ON: 4/9/13



STANDARDIZED RECOMMENDATION FORM

~~XXXXXX~~
~~XXXXXX~~ 2H
04-17-13
04-22-13

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

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

1 Agenda Item: DISCUSSION & POSSIBLE ACTION - Interlocal Agreement with the County of Hidalgo to transfer equipment for the Regional Radio System to the City of McAllen.

2 Party Making Request: Wendy L. Smith, Assistant City Manager

3 Nature of Request (Brief Overview) Attachments: X Yes No
Hidalgo County was awarded \$39,960.00 to purchase 2 Repeaters for the Regional Radio System. The equipment will be transferred to the City as the System Administrator. No local match required.

4 Policy Implication: _____

5 Budgeted: Yes No X N/A

Bid Amount: _____
Under Budget: _____

Budgeted Amount: _____
Over Budget: _____
Amount Remaining: _____

If over budget, how will it be paid for: _____

6 Alternate option/costs: _____

7 Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
a) _____	_____	_____	_____
b) _____	_____	_____	_____

8 Staff Recommendation: Approve Interlocal Agreement

9 Advisory Board: Approved Disapproved None

10 City Attorney: Approved Disapproved None

11 Manager's Recommendation: Approved Disapproved None



OFFICE OF THE CITY MANAGER

MEMO

To: Mayor and City Commission

From: Wendy L. Smith, Assistant City Manager *WLS*

Date: April 16, 2013

Subject: **Hidalgo County Interlocal**

The County of Hidalgo was awarded a grant in the amount of \$89,960 to purchase equipment for the Regional Radio System. The attached interlocal agreement allows the City of McAllen to take possession of two repeaters that will be purchased with the grant funds. The equipment will be transferred to the City of McAllen as the fiscal and administrative agent for the Regional Radio System.

No local match is required of the City.

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

This Agreement made on this _____ day of _____, 2013, by and between the **COUNTY OF HIDALGO, TEXAS** hereinafter referred to as "Hidalgo County," and the **CITY OF McALLEN, TEXAS**, hereinafter referred to as "McAllen," pursuant to the provisions of the Texas Interlocal Cooperation Act, as follows:

WITNESSETH:

WHEREAS, Hidalgo County is a political subdivision of the State of Texas;

WHEREAS, McAllen is a political subdivision of the State of Texas;

WHEREAS, Hidalgo County and McAllen, each pursuant to its statutory and constitutional authority, are responsible for the safety of the citizens within their respective boundaries, and are desirous that the necessary Equipment and services are available;

WHEREAS, Hidalgo County applied for and received a Public Health Emergency Preparedness grant for the purchase of Equipment specified in Exhibit "B" from the Department of State Health Services ("DSHS"). The grant is hereinafter referred to as the "PHEP Grant;"

WHEREAS, the Equipment will be purchased by Hidalgo County through the PHEP Grant and delivered to the possession of McAllen for the purpose of adding and aiding the existing system to increase the coverage of the region's communication system for first responders;

WHEREAS, Hidalgo County and McAllen desire to carry out PHEP eligible program activities and share or transfer Equipment identified in the attached Exhibit "B" and as further described in the attached Exhibit "C" – Property Transfer Agreement.

WHEREAS, the PHEP Grant requires Hidalgo County as the grant recipient, to comply with certain terms and conditions more particularly described in the attached Exhibit "A", which is hereby incorporated for all intents and purposes, and further requires any sub-recipient or participant accepting funding from the PHEP Grant through a subcontract or agreement to also comply with certain provisions of the terms and conditions as stated in the attached Exhibit "A";

WHEREAS, the Equipment and services will be purchased by Hidalgo County using its established and approved purchasing policies and delivered to Hidalgo County. The Equipment will be subsequently distributed to McAllen, which will be responsible for the security of the Equipment and its maintenance while in its possession for the term of the Grant and thereafter;

WHEREAS, Hidalgo County and McAllen are authorized to enter into this agreement pursuant to the Interlocal Cooperation Act, Texas Gov't Code 791.001 et seq., which authorizes local governments to contract with each other to perform governmental functions and services under the terms of the Act.

NOW, THEREFORE, Hidalgo County and McAllen, in consideration of the mutual covenants expressed hereinafter, agree as follows:

1. In order to fulfill the goals and purposes as identified above, the parties agree that the Equipment described in Exhibit "B" attached hereto, will be made readily available for the purpose of responding to both manmade and natural disasters if requested under mutual aid.
2. McAllen agrees to, at a minimum; provide the equivalent insurance coverage for all such Equipment listed in Exhibit "B".
3. McAllen agrees to maintain and repair the Equipment listed in Exhibit "B" in good working condition for the life of the Equipment and agrees to pay for any and all yearly maintenance agreements for Equipment as applicable.
4. McAllen agrees to notify Hidalgo County in writing within ten (10) days should Equipment be lost, stolen, or otherwise made unusable.
5. McAllen agrees to provide an annual accounting of the Equipment to Hidalgo County for the purposes of grant reporting.
6. All Parties agree to provide and maintain all necessary inventory tagging, records and reports that may be necessary for reimbursement of Grant funds, including but not limited to an annual account of the Equipment to Hidalgo County for the Purposes of Grant reporting through August 31, 2013. Hidalgo County agrees it will provide Grant reporting to the State as required under the Grant
7. McAllen and Hidalgo County agree to conform to its own applicable purchasing laws, regulations, policies and procedures with respect to any parts or supplies needed to maintain operability of Equipment.
8. **Conflict with Applicable Law.** Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there

is any conflict between any provision of this Agreement and any present or future law, ordinance or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event the affected provision or provisions of this Agreement shall be modified only to the extent necessary to bring them within the legal requirements and only during the time such conflicts exists.

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

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

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

12. **Governing Provisions.** This Agreement shall be governed by and constructed in accordance with the laws of the State of Texas, and the obligations and undertakings of each of the parties to this Agreement shall be performable in the County of Hidalgo, Texas. McAllen shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to Federal and State grants and Equipment are listed below:

A. Administrative Requirements

1. OMB Circular A-102, State and Local Governments (10/14/94, amended 08/29/97)
2. OMB Circular A-87, State and Local Governments (05/04/95, amended 05/10/04)

B. Audit Requirements.

OMB Circular A-133, State, Local Governments and Non-Profit Organizations (06/24/97, includes revisions published in the *Federal Register* 06/27/03)

13. **Notice.** Except as may be otherwise specifically provided in this Agreement,

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

If to Hidalgo County:

County of Hidalgo
Attn: Ramon Garcia, County Judge
P.O. Box 1356
Edinburg, TX 78539

with copy to:

Hidalgo County
Emergency Management
302 W. University Dr.
Edinburg, TX 78539

If to McAllen:

City of McAllen
City Manager's Office
1300 Houston Ave.
McAllen, TX 78501

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

14. **Additional Documents.** The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this Agreement.
15. **Successors.** This Agreement shall be binding upon and to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representative, successors, and assigns where permitted by this Agreement.
16. **Assignments.** This Assignment shall not be assignable.
17. **Headings.** The headings and captions contained in this Agreement are solely for convenience reference and shall not be deemed to affect the meaning or interpretation of any provision of any paragraph hereof.
18. **Gender and Number.** All pronouns used in this Agreement shall include

the other gender, whether used in the masculine, feminine or neuter gender, and singular shall include the plural whenever and so often as may be appropriate.

19. **Authority to Execute.** The execution and performance of this Agreement by McAllen and Hidalgo County have been duly authorized by all necessary laws, resolutions or corporate action, and this Agreement constitutes the valid and enforceable obligations of McAllen and Hidalgo County in accordance with its terms.
20. **Governmental Purpose.** Each party hereto is entering into this Agreement for the purpose of providing for governmental services or functions and will pay for such services out of current revenues available to the paying party as herein provided.
21. **Commitment of Current Revenues Only.** In the event that, during any term hereof, the governing body of any party does not appropriate sufficient funds to meet the obligations of such party under this Agreement, then any party may terminate this Agreement upon ninety (90) days' written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of each party hereto pursuant to the provisions of Tex. Loc. Govt. Code Ann. § 271.903.
22. **Indemnification Clause.** To the extent permitted by the Texas Constitution and Texas State Laws, each party shall indemnify and hold the other party, its affiliated entities, and their respective directors, officers, employees, agents, and representatives, harmless from and against any claims, liabilities, damages, and expenses arising out of the indemnifying party's act or omissions, or the acts omissions of the indemnifying party's employees, students, faculty, staff, agents or representatives, under this Agreement, excluding claims, liabilities, damages, expenses resulting from the negligence or willful misconduct of the other party, its employees, students, faculty, staff, agents or representatives.

WITNESS THE HANDS OF THE PARTIES effective as of the day and year first written above.

Richard Cortez
City of McAllen, Mayor

Ramon Garcia
Hidalgo County Judge

Attest:

Arturo Guajardo, Jr.
Hidalgo County Clerk

APPROVE AS TO FORM:
Office of Hidalgo County
Criminal District Attorney
Rene Guerra

By: Josephine Ramirez-Solis
Assistant District Attorney

EXHIBIT "A"

Grant Award

And

Terms and Conditions

CONTRACTOR: HIDALGO COUNTY

DSHS PROGRAM: Preparedness and Prevention Community Preparedness Section /
Bioterrorism Discre

TERM: 09/01/2012 THRU: 08/31/2013

SECTION I. STATEMENT OF WORK:

Contractor shall perform activities in support of the Public Health Emergency Preparedness Cooperative Agreement (Funding Opportunity Number CDC-RFA-TP12-1201) from the Centers for Disease Control and Prevention (CDC). CDC's new five-year Public Health Emergency Preparedness (PHEP) – Hospital Preparedness Program (HPP) Cooperative Agreement seeks to align PHEP and HPP programs by advancing public health and healthcare preparedness.

Contractor shall address the following CDC PHEP Capabilities under this Program Attachment:

Tier 1 Capabilities

- | | |
|----------------|----------------------------------------------|
| Capability 3: | Emergency Operations Center Coordination |
| Capability 6: | Information Sharing |
| Capability 9: | Medical Material Management and Distribution |
| Capability 14: | Responder Safety and Health |

Capability 3 – Emergency Operations Center Coordination:

Definition: Emergency Operations coordination is the ability to direct and support an event or incident with public health or medical implications by establishing a standardized, scalable system of oversight, organization, and supervision consistent with jurisdictional standards and practices with the National Incident Management System.

Capability 6 – Information Sharing:

Definition: Information sharing is the ability to conduct multijurisdictional, multidisciplinary exchange of health-related information and situational awareness data among federal, state, local, territorial, and tribal levels of government, and the private sector. This capability includes the routine sharing of information as well as issuing of public health alerts to federal, state, local, territorial, and tribal levels of government and the private sector in preparation for and in response to events or incidents of public health significance.

Capability 9 – Medical Material Management and Distribution:

Definition: Medical material management and distribution is the ability to acquire, maintain (e.g., cold chain storage or other storage protocol), transport, distribute, and track medical material (e.g., pharmaceuticals, gloves, masks, and ventilators) during an incident and to recover and account for unused medical material, as necessary, after an incident.

Capability 14 – Responder Safety and Health:

Definition: The responder safety and health capability describes the ability to protect public health agency staff responding to an incident and the ability to support the health and safety needs of hospital and medical facility personnel, if requested.

Contractor shall purchase the following:

- Inventory and management tracking system to support each of the countermeasure tracking components while having the capability to interoperate. The inventory tracking system shall provide PHEP public health providers with a tool to track medical countermeasure inventory and resources during an event down to the operations including receiving, staging, and storing of all inventory. Project shall be referred to as "Project LHB-55a". The allocation for Project LHD-55a is \$4,752.00;
- Four (4) media tablets to exercise the use of systems within emergency operations coordination. Media tablet support WebEOC under this "Project LHD-55b". The allocation for Project LHD-55b is \$2,322.00;
- Ham radios to enhance communication capabilities in the rural areas under this "Project LHD-55c". The allocation for Project LHD-55c is \$10,800.00;
- Regional/Jurisdictional Trainings. Courses includes, but is not limited to, Basic Disaster Life Support (BDLS), Advance Disaster Life Support (ADLS), Group Crisis Intervention & Peer Support, and Individual Crisis Intervention & Peer Support Training for local health department staff and partners within the Region/Jurisdictional area. This project shall be referred to as "Project LHD-55d". The allocation for Project LHD-55d is \$34,875.00; and
- WebEOC Board programming training. Contractor's staff shall travel and participate in WebEOC courses to improve programming during a public health emergency under this "Project LHD-55e". The allocation for Project LHD-55e is \$9,689.00.

If applicable, Contractor shall request approval to move funds between projects through the Discretionary Reallocation Form. Requests shall be submitted to the assigned contract manager and to CPSRCT@dshs.state.tx.us.

DSHS encourages partnership and collaboration within, between, and among jurisdictions in the State of Texas related to preparedness activities. Partnership opportunities may include, but are not limited to, planning activities, exercises, training, and responding to incidents, events, or emergencies.

Contractor shall comply with all applicable federal and state laws, rules, and regulations including, but not limited to, the following:

- Public Law 107-188, Public Health Security and Bioterrorism Preparedness and Response Act of 2002;
- Public Law 109-417, Pandemic and All Hazards Preparedness Act of 2006; and
- Chapter 81, Texas Health and Safety Code.

Contractor shall comply with all applicable regulations, standards and guidelines in effect on the beginning date of this Program Attachment. This is an inter-local agreement under Chapter 791 of the Government Code.

Through this Program Attachment DSHS and Contractor are furnishing a service related to homeland security and under the authority of Texas Government Code § 421.062, neither agency is responsible for any civil liability that may arise from furnishing any service under this Program Attachment.

The following documents and resources are incorporated by reference and made a part of this Program Attachment:

- Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), Public Health Emergency Preparedness Cooperative Agreement, Funding Opportunity Number: CDC-RFA-TP12-1201. :
- *Public Health Preparedness Capabilities: National Standards for State and Local Planning, March 2011:*
<http://www.cdc.gov/phpr/capabilities/DSLRCapabilitiesJuly.pdf>;
- Presidential Policy Directive 8/PPD-8, March 30, 2011:
<http://www.hlswatch.com/wp-content/uploads/2011/04/PPD-8-Preparedness.pdf>;
- Texas Public Health and Medical Emergency Management 5-Year Strategic Plan;
- Tactical Guide, Companion Document to the Texas Public Health and Medical Emergency Management 5-Year Strategic Plan 2012 to 2016;
- Homeland Security Exercise and Evaluation Plan (HSEEP) Documents:
https://hseep.dhs.gov/pages/1001_HSEEP7.aspx;
- Ready or Not? Have a Plan; Surviving Disaster: How Texans Prepare (videos):
<http://www.texasprepares.org/survivingdisaster.htm>; and
- Preparedness Program Guidance(s) as provided by DSHS and CDC.

Funds awarded herewith must be matched by costs or third party contributions that are not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching. The non-federal contributions (match) may be provided directly or through donations from public or private entities and may be in cash or in-kind donations, fairly evaluated, including plant, equipment, or services. The costs that the Contractor incurs in fulfilling the matching or cost-sharing requirement are subject to the same requirements, including the cost principles, that are applicable to the use of Federal funds, including prior approval requirements and other rules for allowable costs as described in 45 CFR 74.23 and 45 CFR 92.24.

Contractor is required to provide matching funds for this Program Attachment not less than 10% of total costs. Refer to the DSHS Contractor's Financial Procedures Manual, Chapter 9 (<http://www.dshs.state.tx.us/contracts/cfpm.shtm>) for additional guidance on match requirements, including descriptions of acceptable match resources. Documentation of match, including methods and sources, must be included in Contractor's contract budget, and Contractor must follow procedures for generally accepted accounting practices as well as meet audit requirements.

Contractor shall coordinate all risk communication activities with the DSHS Communications Unit by using DSHS's core messages posted on DSHS's website, and submitting copies of draft risk communication materials to DSHS for coordination prior to dissemination.

In the event of a public health emergency involving a portion of the state, Contractor shall mobilize and dispatch staff or equipment purchased with funds from the previous PHEP cooperative agreement and that are not performing critical duties in the jurisdiction served to the affected area of the state upon receipt of a written request from DSHS.

Contractor shall inform DSHS in writing if Contractor shall not continue performance under this Program Attachment within thirty (30) days of receipt of an amended standard(s) or guideline(s). DSHS may terminate the Program Attachment immediately or within a reasonable period of time as determined by DSHS.

Contractor shall develop, implement, and maintain a timekeeping system for accurately documenting staff time and salary expenditures for all staff funded through this Program Attachment, including partial FTEs and temporary staff.

DSHS reserves the right, where allowed by legal authority, to redirect funds in the event of financial shortfalls. DSHS will monitor Contractor's expenditures on a quarterly basis. If expenditures are below that projected in Contractor's total Contract amount, Contractor's budget may be subject to a decrease for the remainder of the Contract term. Vacant positions existing after ninety (90) days may result in a decrease in funds.

SECTION II. PERFORMANCE MEASURES:

Contractor shall meet and report milestones as developed in coordination with DSHS on each project described in SECTION I. STATEMENT OF WORK.

Contractor shall report the expenditure breakdown and provide an update of progress and activities as outlined in the attached Exhibit A. Contractor shall submit Exhibit A for each project as outlined in SECTION I. STATEMENT OF WORK. Each report will be submitted to PHP.VoucherSupport@dshs.state.tx.us and PHEP@dshs.state.tx.us with each monthly reimbursement request.

The Monthly Exhibit A is due in accordance to the table below:

September 1-September 30, 2012	October 30, 2012
--------------------------------	------------------

October 1-October 31, 2012	November 30, 2012
November 1-November 30, 2012	December 31, 2012
December 1-December 31, 2012	January 30, 2013
January 1-January 31, 2013	February 28, 2013
February 1-February 28, 2013	March 29, 2013
March 1-March 31, 2013	April 30, 2013
April 1-April 30, 2013	May 30, 2013
May 1-May 31, 2013	June 28, 2013
June 1-June 30, 2013	July 30, 2013
July 1-July 31, 2013	August 30, 2013
August 1-August 31, 2013	September 30, 2013

Contractor shall provide services in the following county(ies)/area: Hidalgo

SECTION III. SOLICITATION DOCUMENT:

Exempt - Governmental Entity

SECTION IV. RENEWALS:

DSHS may renew the Program Attachment at DSHS's sole discretion.

SECTION V. PAYMENT METHOD:

Cost Reimbursement.

Funding is further detailed in the attached Categorical Budget and, if applicable, Equipment List.

SECTION VI. BILLING INSTRUCTIONS:

Contractor shall request payment using the State of Texas Purchase Voucher (Form B-13) on a monthly basis and acceptable supporting documentation for reimbursement of the required services/deliverables. Additionally, the Contractor shall submit the Match/Reimbursement Certification (Form B-13A) and the Financial Status Report (FSR-269A) on a quarterly basis. Vouchers and supporting documentation should be mailed or submitted by fax or electronic mail to the addresses/number below.

Claims Processing Unit, MC1940
Texas Department of State Health Services
1100 West 49th Street
PO Box 149347
Austin, TX 78714-9347

The fax number for submitting State of Texas Purchase Voucher (Form B-13), Match/Reimbursement Certification Form (Form B-13A), and Financial Status Report to the Claims Processing Unit is (512) 458-7442. The email address is invoices@dshs.state.tx.us.

SECTION VII. BUDGET:

SOURCE OF FUNDS: CFDA # 93.069

DUNS NUMBER: 103110834

SECTION VIII. SPECIAL PROVISIONS:

General Provisions, Compliance and Reporting Article I, Reporting Section 1.03, is revised to include:

Contractor shall submit programmatic reports as directed by DSHS in a format specified by DSHS. Contractor shall provide DSHS other reports, including financial reports, and any other reports that DSHS determines necessary to accomplish the objectives of this contract and to monitor compliance. If Contractor is legally prohibited from providing such reports, Contractor shall immediately notify DSHS in writing.

Contractor shall provide reports as requested by DSHS to satisfy information-sharing Requirements set forth in Texas Government Code, Sections 421.071 and 421.072 (b) and (c).

General Provisions, Payment Methods and Restrictions Article IV, Billing Submission Section 4.02, is amended to include the following:

Contractor shall submit requests for reimbursement or payment, or revisions to previous reimbursement request(s), no later than July 30, 2013 for costs incurred between the services dates of September 1, 2012 and June 30, 2013.

General Provisions, ARTICLE IV, PAYMENT METHODS AND RESTRICTIONS, Section 4.04 Working Capital Advance is amended to include the following:

Contractor shall liquidate or return unused portions of the working capital advance to the Department prior to the end of the Program grant period of June 30, 2013.

General Provisions, Payment Methods and Restrictions Article IV Financial Status Reports (FSRs) Section 4.05, is amended to include the following:

Contractor shall submit FSRs to Accounts Payable by the last business day of the month following the end of each term reported. The FSR period will be reported as follows: Quarter One shall include September 1, 2012 through November 30, 2012. Quarter two shall include December 1, 2012 through February 28, 2013. Quarter three shall include

March 1, 2013 through June 30, 2013. Quarter four shall include July 1, 2013 through August 31, 2013. Contractor shall submit the final FSR no later than sixty (60) calendar days following the end of the applicable term.

General Provisions, Terms and Conditions of Payment Article IV, is revised to include:

DSHS will monitor Contractor's billing activity and expenditure reporting on a quarterly basis. Based on these reviews, DSHS may reallocate funding between contracts to maximize use of available funding.

General Provisions, Allowable Costs and Audit Requirements Article VI, is amended to include the following:

For the purposes of this Program Attachment, funds may not be used for: fundraising activities, lobbying, research; construction, major renovations, reimbursement of pre-award costs; clinical care; the purchase of vehicles of any kind, funding an award to another party or provider who is ineligible, or backfilling costs for staff.

General Provisions, General Terms Article XIII, Amendment Section 13.15, is amended to include the following:

Contractor must submit all amendment and revision requests in writing to the Division Contract Management Unit at least 90 days prior to the end of the term of this Program Attachment.

Categorical Budget:

PERSONNEL	\$0.00
FRINGE BENEFITS	\$0.00
TRAVEL	\$4,366.00
EQUIPMENT	\$12,000.00
SUPPLIES	\$5,616.00
CONTRACTUAL	\$38,750.00
OTHER	\$8,644.00
TOTAL DIRECT CHARGES	\$69,376.00
INDIRECT CHARGES	\$0.00
TOTAL	\$69,376.00
DSHS SHARE	\$62,438.00
CONTRACTOR SHARE	\$6,938.00
OTHER MATCH	\$6,938.00

Total reimbursements will not exceed \$62,438.00

Financial status reports are due: 12/31/2012, 04/01/2013, 07/01/2013, 10/31/2013

Equipment List Attached.

Equipment List

Equipment Total: \$ 12,000.00

Item #	Equipment Description	Units	Unit Cost	Total
1	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR	2	\$5,400.00	\$10,800.00
2	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR - 10% of Item Cash Match	2	\$600.00	\$1,200.00

Exhibit A:
Voucher Support Summary for Discretionary Projects

Contractor Name:			
Contract Attachment ID Number:			
Service Date (Monthly Reporting Period) :	From:	To:	
Contact:			
Contact's Email:			
Contact's Phone #:			

Instructions:

For each discretionary project contractors are required to submit monthly a detailed accounting of expenditures and activities. Contractors' completion of this form meets this requirement. A separate form is required for each discretionary project.

Section I requires contractors to provide financial information for all service activities. The 'TOTAL' row should include the sum of expenditures and equal the requested reimbursement amount listed on the State of Texas Purchase Voucher (Form B-13). This discretionary report does not take the place of the Form B-13. Contractors must submit this form along with each Form B-13 submitted to DSHS for reimbursement.

Please note, financial information must reconcile with the general ledger. Any expenditures for equipment and contractual must also include the submission of source documentation (invoices) to support the expenditures. Questions regarding this section may be directed to the contractor's assigned contract manager.

Section II requires all contractors complete a series of questions relating to the project status, timeline, and challenges.

Section I

Project Number (assigned by DSHS Central office)/ Project Name Description	Total Project Budget	Voucher Breakout Amount	DSHS HHSAS Line (for DSHS use only)
	\$ _____	\$ _____ <i>(This amount should match monthly voucher requested amount.) (Do not include matching funds above.)</i>	

Section II

Exhibit A:
Voucher Support Summary for Discretionary Projects

Milestones/ Project Timeline	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
<i>Include procurement steps and contracting steps</i>												

Risks			
Project Risks:	Assign Risk Value:		
<i>Detail project risks. List barriers that may hinder the project's completion.</i>	<i>1= low probability of occurrence, low impact on the project</i>	<i>2= medium probability of occurrence, medium impact on the project</i>	<i>3= high probability of occurrence, high impact on the project</i>
	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
<i>Identify any new risks to the project. Detail any changes to risks reported previously.</i>			

Project Status	
Schedule to date:	Impact on end date on project:
<i>An assessment of whether the project is ahead or behind of where it was expected to be by the end of this reporting period.</i>	<i>An assessment of whether the project is expected to finish on time, early or late.</i>
<input type="checkbox"/> Ahead of Schedule <input type="checkbox"/> On Schedule <input type="checkbox"/> Behind Schedule <input type="checkbox"/> Completed	<input type="checkbox"/> Finish Ahead of Schedule <input type="checkbox"/> Finish on Time <input type="checkbox"/> Finish Behind Schedule
Budget to Date:	Impact on Total Budget of Project:
<i>An assessment of the budget over/under spend compared to the expected spend at the end of this</i>	<i>An assessment of final budget – costs and amount of any projected over/under spend plus any impact</i>

Exhibit A:
Voucher Support Summary for Discretionary Projects

<i>period amount of over/under spend.</i>	<i>on maintenance or ongoing costs if applicable.</i>
<input type="checkbox"/> On Budget <input type="checkbox"/> Over Budget <input type="checkbox"/> Under Budget	<input type="checkbox"/> Final Budget on Track <input type="checkbox"/> Final Budget Over <input type="checkbox"/> Final Budget Under
Work Status: Work Completed	Impact on Project:
<i>Describe the products or work completed during this period with explanation of any variance to the expected completion of work.</i>	<i>An assessment of whether the project is still expected to deliver the products and services with explanation of any variance.</i>

Issues Arising this Reporting Period
<i>List any issues arising this period with an assessment of impact to the project.</i>

Project Changes
<i>Provide details on any requested or identified change to the project. Describe new or modified project and/or activities. List any changes to the project and status of the change. Identify any impact on the budget and schedule.</i>

Fiscal Impact		
<input type="checkbox"/> Neutral	<input type="checkbox"/> Increase Amount of Increase : <small>Click here to enter text.</small>	<input type="checkbox"/> Decrease Amount of Decrease: <small>Click here to enter text.</small>
Revised Project Total \$ Amount	\$ <small>Click here to enter text.</small>	
Is DSHS Capital Authority Needed? <i>(Not Applicable for LHDs and Universities)</i>	<input type="checkbox"/> Yes Amount: <small>Click here to enter text.</small>	<input type="checkbox"/> No

DEPARTMENT OF STATE HEALTH SERVICES



Amendment
To

The Department of State Health Services (DSHS) and HIDALGO COUNTY (Contractor) agree to amend the Program Attachment #003 (Program Attachment) to Contract #2013-041204 (Contract) in accordance with this Amendment No. 003A: Preparedness and Prevention Community Preparedness Section / Bioterrorism Discre. effective 12/21/2012. 3/11/13 n 83

The purpose of this Amendment is to add additional Discretionary Projects: C2-LHD-34 POD exercise- Pertussis, C2-LHD-33 GTR 8000 Base Radio repeaters, and C2-LHD-81 Morgue trailer. Add \$3245 to current Project LHD-55e for WebEOC Board Builder Course and projects.

Therefore, DSHS and Contractor agree as follows:

PROGRAM ATTACHMENT NO. ~~003~~ 003A

SECTION I. STATEMENT OF WORK, page 1, paragraph 1, is revised to add the following:

Contractor shall perform activities in support of the Public Health Emergency Preparedness Cooperative Agreement (Funding Opportunity Numbers CDC-RFA-TP11-1101CONT11 and CDC-RFA-TP12-1201) from the Centers for Disease Control and Prevention (CDC). CDC's new five-year Public Health Emergency Preparedness (PHEP) - Hospital Preparedness Program (HPP) Cooperative Agreement seeks to align PHEP and HPP programs by advancing public health and healthcare preparedness.

SECTION I. STATEMENT OF WORK, page 1, paragraph 2, "Contractor shall address the following CDC PHEP Capabilities under this Program Attachment", is revised to add the following:

- Capability 5: ~~Fatality Management~~
Capability 8: ~~Medical Countermeasure Dispensing~~

Capability 5 - Fatality Management:

Definition: Fatality management is the ability to coordinate with other organizations (e.g. law enforcement, healthcare, emergency management, and medical examiner/coroner) to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death, and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident.

SECTION I. STATEMENT OF WORK, page 2, is revised to add the following:

Capability 8 - Medical Countermeasure Dispensing:

Definition: Medical countermeasure dispensing is the ability to provide medical countermeasures (including vaccines, antiviral drugs, antibiotics, antitoxin, etc.) in support of treatment or prophylaxis (oral or vaccination) to the identified population in accordance with public health guidelines and/or recommendations.

SECTION I. STATEMENT OF WORK, page 3, is revised to add the following:

- **WebEOC Board programming training—Contractor's staff shall travel and participate in The WebEOC Board trainer shall travel to Hidalgo County to perform the training to Hidalgo's staff on WebEOC courses to improve programming during a public health emergency under this "Project LHD-55e". The allocation for Project LHD-55e is ~~\$9,689.00~~ \$12,934.00.**
- **One thousand (1000) doses of Pertussis vaccine to be used during a full scale exercise in an effort to support medical countermeasure dispensing. This project shall be referred to and reported to DSHS as "Project C2-LHD-34". The allocation for Project C2-LHD-34 is \$28,530.00, and shall not exceed this amount without DSHS prior approval; and**
- **Two (2) GTR 8000 Base Radio repeaters and the supporting equipment. This project shall be referred to and reported to DSHS as "Project C2-LHD-33". The allocation for Project C2-LHD-33 is \$89,521.00 and shall not exceed this amount without DSHS prior approval.**
- **Morgue trailer to be used in response to a public health emergency for the proper handling of human remains during and after a mass casualty event. Contractor will hold and facilitate one (1) stakeholder meeting to develop a Mass Fatality Management Plan for their county. This project shall be referred to and reported to DSHS as "Project C2-LHD-81". The allocation for Project C2-LHD-81 is \$91,800.00 and shall not exceed this amount without DSHS prior approval.**

SECTION I. STATEMENT OF WORK, page 4, paragraph 2, "The following documents and resources are incorporated by reference and made a part of this Program Attachment" is revised to add the following:

- **Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), Public Health Emergency Preparedness Cooperative Agreement, Funding Opportunity Numbers: CDC-REA-TP11-1101CONT11 and CDC-RFA-TP12-1201;**

SECTION VII. BUDGET is revised to add the following:

SOURCE OF FUNDS: CFDA #93.069 and 93.074

The categorical budget is revised as attached.

All other terms and conditions not hereby amended are to remain in full force and effect. In the event of a conflict between the terms of this contract and the terms of this Amendment, this Amendment shall control.

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

Department of State Health Services

Contractor

Janna Zumbrun
Signature of Authorized Official

Ramon Garcia
Signature of Authorized Official

Date: 3/1/13

Date: 02/26/13

Janna Zumbrun, M.S.S.W.

Name: Ramon Garcia

Acting Assistant Commissioner for Prevention and Preparedness Services

Title: Hidalgo County Judge

1100 WEST 49TH STREET
AUSTIN, TEXAS 78756

Address: 302 W. University Dr.

Edinburg, TX 78539

512.776.7111

Phone: (956) 318-2600

Janna.Zumbrun@dshs.state.tx.us

Email: ramon.garcia@co.hidalgo.tx.us

DEPARTMENT OF STATE HEALTH SERVICES



1100 WEST 49TH STREET
AUSTIN, TEXAS 78756-3199

CATEGORICAL BUDGET CHANGE REQUEST

DSHS PROGRAM: Preparedness and Prevention Community Preparedness Section / Bioterrorism Discre

CONTRATOR: HIDALGO COUNTY

CONTRACT NO: 2013-041204

CONTRACT TERM: 09/01/2012

BUDGET PERIOD: 09/01/2012

THRU: 08/31/2013

THRU: 08/31/2013

CHG: 003A

DIRECT COST (OBJECT CLASS CATEGORIES)

	Current Approved Budget (A)	Revised Budget (B)	Change Requested
Personnel	\$0.00	\$0.00	\$0.00
Fringe Benefits	\$0.00	\$0.00	\$0.00
Travel	\$4,366.00	\$0.00	\$(4,366.00)
Equipment	\$12,050.00	\$139,519.00	\$127,519.00
Supplies	\$5,616.00	\$56,065.00	\$50,449.00
Contractual	\$38,750.00	\$104,127.00	\$64,371.00
Other	\$8,944.00	\$7,444.00	\$(1,200.00)
Total Direct Charges	\$69,376.00	\$306,149.00	\$236,773.00

INDIRECT COST

Base (\$)	\$0.00	\$0.00	\$0.00
Rate (%)	0.00%	0.00%	0.00%
Indirect Total	\$0.00	\$0.00	\$0.00

PROGRAM INCOME

Program Income	\$0.00	\$0.00	\$0.00
Other Match	\$6,938.00	\$20,616.00	\$23,678.00
Income Total	\$6,938.00	\$20,616.00	\$23,678.00

LIMITS/RESTRICTIONS

Advance Limit	\$0.00	\$0.00	\$0.00
Restricted Budget	\$0.00	\$0.00	\$0.00

SUMMARY

Cost Total	\$69,376.00	\$306,149.00	\$236,773.00
Performing Agency Share	\$6,938.00	\$20,616.00	\$23,678.00
Receiving Agency Share	\$62,438.00	\$275,533.00	\$213,095.00
Total Reimbursements Limit	\$62,438.00	\$275,533.00	\$213,095.00

JUSTIFICATION

Adding Callout#2-LHD-34 additional project-POD exercise-Pertussis to their current discretionary contract and add \$3245 to current Project LHD-55e for training inhouse on the Boad Builder Course-increase and C2-LHD-33&81 projects.

DEPARTMENT OF STATE HEALTH SERVICES



1100 WEST 49TH STREET
AUSTIN, TEXAS 78756-3199

EQUIPMENT LIST CHANGE REQUEST

DSHS PROGRAM: Preparedness and Prevention Community Preparedness Section / Bioterrorism Discro
 CONTRACTOR: HIDALGO COUNTY
 CONTRACT TERM: 09/01/2012 THRU: 08/31/2013
 BUDGET PERIOD: 09/01/2012 THRU: 08/31/2013
 CONTRACT NO: 2013-041204 CHG: 003A

PREVIOUS EQUIPMENT LIST

Item #	Equipment Description	Units	Unit Cost	Total
1	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR	2	\$5,400.00	\$10,800.00
2	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR - 10% of Item Cash Match	2	\$600.00	\$1,200.00
			\$	\$
			\$	\$

NEW EQUIPMENT LIST

Item #	Equipment Description	Units	Unit Cost	Total
1	GTR 8000 Base Radio repeater	1	\$89,520.00	\$89,520.00
2	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR	2	\$5,049.50	\$10,099.00
3	a morgue trailer	1	\$39,900.00	\$39,900.00
			\$	\$

EXHIBIT "B"

Equipment

List of Equipment

PHEP Grant

City of McAllen

Qty	MODEL	ITEM	HGAC UNIT	HGAC EXTENDED
1	SQM01SUM7054	GTR 8000 EXPANDABLE SITE SUBSYTEM	\$ 4,920.00	\$ 4,920.00
1	CA00855AA	ADD: 700/800 MHZ MID POWER	\$ 5,166.00	\$ 5,166.00
1	X302AE	ADD: QTY (2) GTR 8000 BASE RADIOS	\$19,516.00	\$19,516.00
2	X591AE	ENH: ASTRO 25 SITE REPEATER SW	\$ 8,774.00	\$17,548.00
1	CA01058AA	ADD: 700/800 PHASING HARNESS	\$ 820.00	\$ 820.00
2	CA00884AA	ADD: QTY (1) XHUB	\$ 2,870.00	\$ 5,740.00

**MOTOROLA**Authorized Radio System
SpecialistHIDALGO-COUNTY OF-
EMERGENCY MANAGEMENT
1615 S CLOSER SUITE G
EDINBURG, TX 78539DATE 3/29/2013
QUOTE # 13-100159
BY \$
ATTN BELINDA ALVAREZ
PHONE 956-318-2615
FAX 956-289-7889
EMAIL: A ALVAREZ@CO HIDALGO TX US
USER CONTACT BELINDA ALVAREZ
CONTACT # 956-318-26153/29/2013
13-100159
\$
BELINDA ALVAREZ
956-318-2615
956-289-7889
BELINDA ALVAREZ@CO HIDALGO TX US
BELINDA ALVAREZ
956-318-2615**GTR 8000 BASE RADIO**

ITEM	APC	QTY.	MODEL	DESCRIPTION	UNIT LIST	EXTENDED LIST	DISCOUNT FACTOR	HGAC UNIT	HGAC EXTENDED
112	:		T7071	MODEL GTR 8000 EXPANDABLE SITE SUB-SYSTEM CHANNEL ADDITION UPGRADE	\$ 6,000.00	\$ 6,000.00	0.820	\$ 4,920.00	\$ 4,920.00
				OPTIONS					
112	1		CA00855AA	ADD: 700/800 MHZ MIO POWER	\$ 6,300.00	\$ 6,300.00	0.820	\$ 5,166.00	\$ 5,166.00
112	1		X302AE	ADD: QTY (2) GTR 8000 BASE RADIOS	\$ 23,800.00	\$ 23,800.00	0.820	\$ 19,516.00	\$ 19,516.00
595	2		X591AE	ENH: ASTRO 25 SITE REPEATER SW	\$ 10,700.00	\$ 21,400.00	0.820	\$ 8,774.00	\$ 17,548.00
112	0		CA00877AA	CUSTOMER PROVIDED - ADD: CABINET RMC FOR EXPANSION RACK	\$ 680.00	\$ -	0.820	\$ 492.00	\$ -
112	0		CA00862AA	CUSTOMER PROVIDED - ADD: SITE 3 CABINET RMC W/CAPABILITY OF 7-24	\$ 2,100.00	\$ -	0.820	\$ 1,722.00	\$ -
112	0		CA00860AA	BRS CUSTOMER PROVIDED - ADD: EXPANSION 6 PORT CAVITY COMBINER	\$ 8,400.00	\$ -	0.820	\$ 6,888.00	\$ -
112	1		CA01058AA	CUSTOMER PROVIDED - ADD: 700/800 PHASING HARNESS	\$ 1,000.00	\$ 1,000.00	0.820	\$ 820.00	\$ 820.00
112	2		CA00884AA	ADD: QTY (1) KHUB	\$ 3,500.00	\$ 7,000.00	0.820	\$ 2,870.00	\$ 5,740.00
112	0		X682AH	CUSTOMER PROVIDED - ADD: 7.5 FT OPEN RACK, JBRU	\$ 495.00	\$ -	0.820	\$ 405.90	\$ -
				EQUIPMENT		\$ 65,500.00			\$ 53,710.00
0				SERVICES - TEMPLATE # 1	\$ 100.00	\$ -		\$ 100.00	\$ -
0				SERVICES - TEMPLATE # 2	\$ 100.00	\$ -		\$ 100.00	\$ -
0				SERVICES - PROGRAMMING	\$ 45.00	\$ -		\$ 45.00	\$ -
0				SERVICES - INSTALLATION (IN-SHOP)	\$ 150.00	\$ -		\$ 150.00	\$ -
0				SERVICES - INSTALLATION (IN-FIELD)	\$ 36,250.00	\$ 36,250.00		\$ 36,250.00	\$ 36,250.00
0				SERVICES - OTHER SERVICES	\$ -	\$ -		\$ -	\$ -
				TOTAL SERVICES WITH EQUIPMENT		\$ 101,750.00			\$ 89,960.00
				ESTIMATED HGAC HANDLING FEE - 1.5% (INCLUDED)		\$ -			\$ -
				GRAND TOTAL		\$ 101,750.00			\$ 89,960.00

- NOTE
- 1 TERMS AND CONDITIONS SUBJECT TO HGAC AGREEMENTS
 - 2 OFFER GOOD THROUGH
 - 3 THIS OFFER IS FOR BUDGETARY PURPOSES ONLY AND IS NOT AN OFFER FOR SALE.

4/28/2013

4/28/2013

QUOTE TERMS AND CONDITIONS :

- 1 QUOTES ARE EXCLUSIVE OF ALL INSTALLATION AND PROGRAMMING CHARGES (UNLESS EXPRESSLY STATED) AND ALL APPLICABLE TAXES.
- 2 PURCHASER WILL BE RESPONSIBLE FOR SHIPPING COSTS, WHICH WILL BE ADDED TO THE INVOICE.
- 3 TITLE WILL PASS UPON SHIPMENT, RISK OF LOSS WILL PASS UPON DELIVERY TO PURCHASER'S FACILITY.
- 4 ORDERED EQUIPMENT MAY BE RETURNED FOR A FULL REFUND, LESS A 20% RESTOCKING FEE, IF THE EQUIPMENT IS RETURNED UNUSED AND UNDAMAGED IN ITS ORIGINAL PACKAGING WITHIN SIX MONTHS AFTER SHIPMENT.
- 5 PRICES QUOTED ARE VALID FOR THIRTY (30) DAYS FROM THE DATE OF THIS QUOTE UNLESS OTHERWISE STATED. PAYMENT WILL BE DUE WITHIN THIRTY DAYS AFTER INVOICE.
- 7 MOTOROLA'S STANDARD EQUIPMENT WARRANTY (WHICH WILL BE FURNISHED UPON REQUEST) APPLIES TO ALL ORDERED EQUIPMENT.
- 8 MOTOROLA DISCLAIMS ALL OTHER WARRANTIES WITH RESPECT TO THE ORDERED PRODUCTS, EXPRESS OR IMPLIED INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.
- 9 MOTOROLA'S TOTAL LIABILITY ARISING FROM THE ORDERED PRODUCTS WILL BE LIMITED TO THE PURCHASE PRICE OF THE PRODUCTS WITH RESPECT TO WHICH LOSSES OR DAMAGES ARE CLAIMED. IN NO EVENT WILL MOTOROLA BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES.
- 11 THESE TERMS WILL PREVAIL OVER ANY INCONSISTENT OR ADDITIONAL TERMS ON ANY PURCHASE ORDER SUBMITTED BY THE PURCHASER.

PROPOSED BY _____

PRINTED NAME _____

TITLE: _____

DATE: _____

BEFORE SIGNING, PLEASE READ THIS PROPOSAL CAREFULLY. YOUR SIGNATURE IS AN OFFER TO PURCHASE THE PRODUCTS AND SERVICES LISTED ABOVE, WHICH IF ACCEPTED BY MOTOROLA, WILL BE A PURCHASE CONTRACT.

CUSTOMER ACCEPTANCE: _____

PRINTED NAME _____

TITLE: _____

PURCHASE ORDER # _____

DATE: _____

EXHIBIT “C”

Property Transfer Agreement

Property Transfer Agreement

Transferred From (Grantor): County of Hidalgo, Texas
P.O. Box 1356
Edinburg, TX 78539

Printed Name and Title

Signature Date

Transferred To (Grantee): City of McAllen, Texas
City Manager's Office
1300 Houston Ave.
McAllen, TX 78501

Printed Name and Title

Signature Date

This is to certify that the property described below was acquired by the expenditure of Public Health Emergency Preparedness Grant funds awarded to the above named Recipient (Grantor). *See Exhibit "A"*. The governmental entity receiving the property (Grantee) certifies that they have knowledge of the laws, rules and regulations of the aforementioned grant for the year of the award. The Grantee further certifies that they agree to be bound by all the contract covenants and exhibits to the Grantor's Sub-Recipient agreement and any modifications or amendments to that agreement as if they were written here. The Grantor and Grantee further certify that they are duly authorized and empowered by their governing body to enter into this agreement. The Grantor further certifies that the Grantee has complied with all State and Federal eligibility requirements.

Property Being Transferred:

- Item description: _____
- Item Control Number: _____
- Serial Number: _____
- Model Number: _____
- Acquisition Date: _____
- Unit Cost: _____

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 3A
DATE SUBMITTED 04/16/13
MEETING DATE 04/22/13

1. Agenda Item: **Request to approve Change Order No. 1 to Project No. 110-8702-466.36 CP1204 to authorize the purchase of irrigation controllers from the City of McAllen supply contract with Interspec in the amount of \$30,870.00 for Bicentennial Trail.**

2. _____
3. Party Making Request: **Parks and Recreation Department**

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

To provide irrigation controllers to operate the irrigation system along the trail. The irrigation controllers were not included in the original plans and designs.

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

5. Budgeted: X Yes X No N/A

Funding Source: 110-8702-466.66-36 CP1204

Original Contract Amount	\$1,120,000.00
Change Order No. 1	\$ 30,870.00
Revise Contract Amount:	\$1,150,870.00

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>S. Gavlik, Dir. Parks/Rec</u>	<u> sg </u>	<u> 4-16-13 </u>	<u> yes </u>
b.)	<u>D. Melaas, Deputy. Dir. Parks</u>	<u> </u>	<u> </u>	<u> </u>
c.)	<u>Sandra Zamora, Dir. Purchasing</u>	<u> </u>	<u> </u>	<u> </u>
d.)	<u>Jerry Dale, Finance Director</u>	<u> </u>	<u> </u>	<u> </u>
e.)	<u>Yvette Barrera, City Engineer</u>	<u> </u>	<u> </u>	<u> </u>

8. Staff Recommendation: **Approval of change order No. 1 to authorize the purchase of irrigation controllers through a City of McAllen supply contract with Interspec in the amount of \$30,870.00. A budget amendment will be required.**

9. Advisory Board: Approved Disapproved X None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

PARKS &

RECREATION

interoffice

MEMORANDUM

city of mcallen

To: MIKE R. PEREZ, CITY MANAGER

From: SALLY GAVLIK, DIRECTOR

Subject: CHANGE ORDER NO. 1 FOR BICENTENNIAL TRAIL, PROJECT NO. 110-8702-466.66-36 CP1204

Date: APRIL 16, 2013

COMMENT

GOAL:

To provide a Change Order No. 1 for project 110-8702-466.66-36 CP1204, Bicentennial Trail in the amount of \$30,870.00 to purchase irrigation controllers from a City of McAllen supply contract with Interspec.

DISCUSSION:

The irrigation controllers for the trail system were never included in the specifications for the project. The cost for five (5) controllers is \$30,870.00. The City has a supply contract with Interspec for controllers. The controllers can be purchased through this supply contract.

RECOMMENDATION:

The Parks and Recreation Department recommends approval of Change Order No. 1 in the amount of \$30,870.00 for irrigation controllers from a supply contract with Interspec. A budget amendment will be required for this project.

Interspec LLC

9810 Liberty Road
 Aubrey, TX 76227
 USA

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

QUOTATION

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

Quoted To:

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

Customer ID	Good Thru	Payment Terms	Sales Rep
McAllen	4/12/13	Net 30 Days	Steve

Quantity	Item	Description	Unit Price	Amount
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	
			TOTAL	30,870.00

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD
ADVISORY BOARD

AGENDA ITEM 3B
DATE SUBMITTED 04/16/13
MEETING DATE 04/22/13

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

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No
Authorization to reject single bid and consider options on Palmview Municipal Golf Course Pedestrian Bridge Replacement Project.

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

5. Budgeted: X Yes No N/A

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

Project Estimate: \$ 128,000.00

6. Alternate Option/Costs N/A

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Yvette Barrera, P.E.,CFM, City Engineer</u>	<u>YB</u>	<u>4/16/13</u>	<u>yes</u>
b.)	<u>Roy Rodriguez, PE, General Manager</u> <u>Assistant City Manager</u>	<u> </u>	<u> </u>	<u> </u>
c.)	<u>Jerry Dale,CPA, Finance Director</u>	<u> </u>	<u> </u>	<u> </u>
d.)	<u>Carlos Espinosa, Dir. of Palview Golf Course</u>	<u> </u>	<u> </u>	<u> </u>
e.)	<u>Sandra Zamora, CPM, Dir. Of Purch. & Cont.</u>	<u> </u>	<u> </u>	<u> </u>

8. Staff Recommendation: Authorization to reject single bid and consideration of options.

9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

To: Mike R. Perez, City Manager

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



Date: April 16, 2013

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

Goal

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

Explanation

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

The main bid component (new bridge) was within reason but demolition, incidental labor and services were disproportionate to staff's estimated costs. The proposed project bid price was \$246,300.00.

We are currently evaluating various alternatives for replacing rehabilitating the crossings:

- Rehabilitating existing bridge (remove and replace members)
- Low water crossing (culvert crossing)**
3– 60" corrugated metal pipe culverts with rip-rap approaches and all weather, milling, riding surface
**Previous low water crossings were removed due to high maintenance and storm vulnerability
- Re-bid replacement bridge
Re-visit specifications and consider alternate material types (assuring material's sustainability and warranty are acceptable)

Options

Reject or accept single bid opening request; or, provide alternate directive.

Recommendation

Staff recommends rejection of single bid.

Engineer's Estimate of Cost

Pedestrian Bridge Replacement

SUMMARY

IMPROVEMENTS (BASE BID)						
Item No.	Description	Unit	Quantity	Unit Price	Est. Cost	Actual Bid
101	Remove and Disassemble Existing Steel Bridge (143,239 lbs)	LS	1	\$ 3,940.00	\$ 3,940.00	\$ 65,000.00
102	Steel Bridge / hard wood walking surface (150' x 8') [Manufacture and Deliver]	LS	1	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00
103	Assemble and Install Steel Bridge	LS	1	\$ 7,880.00	\$ 7,880.00	\$ 30,000.00
104	Flowable Backfill	CY	4	\$ 80.00	\$ 320.00	\$ 1,300.00
105	Site Preparation	LS	1	\$ 1,100.00	\$ 1,100.00	\$ 25,000.00
TOTAL, BASE BID					\$ 138,240.00	\$ 246,300.00
ALTERNATE #1 - Steel Bridge						
ALT1	Steel Bridge / expanded metal walking surface (150' x 8') [Manufacture and Deliver]	LS	1	\$ 129,620.00	\$ 129,620.00	\$ 164,600.00
SUBTOTAL, ALTERNATE #1					\$ 129,620.00	\$ 164,600.00
TOTAL ESTIMATE WITH ALTERNATE #1					\$ 142,860.00	\$ 285,900.00
ALTERNATE #2 - Steel Bridge						
ALT2	Steel Bridge / hard wood walking surface (150' x 10') [Manufacture and Deliver]	LS	1	\$ 152,750.00	\$ 152,750.00	\$ 164,750.00
SUBTOTAL, ALTERNATE #2					\$ 152,750.00	\$ 164,750.00
TOTAL ESTIMATE WITH ALTERNATE #2					\$ 165,990.00	\$ 286,050.00

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 3C
DATE SUBMITTED 04/17/13
MEETING DATE 04/22/13

- 1. Agenda Item: McAllen Development Center Renovations – asbestos abatement
- 2. Party Making Request: Engineering Department
- 3. Nature of Request: (Brief Overview) Attachments: X Yes No
Consideration and approval of funding for additional areas of asbestos contaminated floor mastic discovered during general demolition activities.
- 4. Policy Implication: City Commission Policy, Local Government Code
- 5. Budgeted: X Yes No N/A Account No.: 300 8708 416 66 10 ID# BB1201
- 6. Alternate Option/Costs _____

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Yvette Barrera, PE, City Engineer</u>	<u>YB</u>	<u>04.17.13</u>	<u>yes</u>
b.)	<u>Sandra Zamora, Director of Purchasing</u>	<u> </u>	<u>04.17.13</u>	<u> </u>
c.)	<u>J.W. Dale, Director of Finance</u>	<u> </u>	<u>04.17.13</u>	<u> </u>
d.)	<u>Roy Rodriguez, Assistant City Mngr.</u>	<u> </u>	<u>04.17.13</u>	<u> </u>

8. Staff Recommendation: **Staff recommends approval of additional funding in the amount of \$ 1,672.00 for the abatement of unforeseen asbestos containing materials.**

9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None



CITY OF MCALLEN
DEPARTMENT OF ENGINEERING

MEMORANDUM

To: Mike R. Perez, City Manager

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

Date: April 12, 2013

Subject: **Additional Funding - McAllen Development Center - unforeseen asbestos abatement**

Goal

City staff requests additional funding for Dallas Environmental (general demolition contractor) for removal of unforeseen asbestos containing materials at Old City Hall.

Brief Explanation

On March 22, 2013 the Purchasing and Contracting Department issued Purchase Order No. 00018849 in the amount of \$24,900.00 to Dallas Environmental for interior demolition and limited asbestos abatement. Both staff and the contractor were aware of two or three remaining areas under existing wall bottom plates, but were not expecting to encounter contaminated mastics below carpeted and tiled areas that had not been previously sampled on both levels. An attached plan shows the additional areas included.

The proposed cost of the additional abatement is \$ 1,672.00 for 1,115 square feet; this totals \$ 1.50 per square foot. The amount increased because of the recent discovery of additional contaminated flooring materials that had not been previously suspected or tested. In an effort to avoid delays, this work will be completed the week of April 15, 2013. The increased amount represents 6.7% of the originally assigned purchase order.

Options:

- 1.) The Commission may approve the additional expense.
- 2.) The Commission may choose to deny the request.

Recommendation - The Engineering Department staff recommends the additional compensation, \$ 1,672.00 to Dallas Environmental, for a Total Contract amount of **\$26,572.00**.



CITY OF McALLEN

P.O. BOX 220
McALLEN, TX 78505-0220

Purchase Order

No. PO00018849

INVOICE(S) MAILED TO ADDRESS ABOVE OR
E-MAIL INVOICES TO:
comfinanceap@mcallen.net

Date 3/22/2013

Page 1 of 1

FEDERAL, STATE, LOCAL, AND USE TAXES ARE NOT
APPLICABLE TO THIS PURCHASE WHICH
IS FOR THE EXCLUSIVE USE OF THE
CITY OF McALLEN

Vendor: DALLAS ENVIRONMENTAL
1721 WEST HIGHWAY 107
MCALLEN, TX 78504

Ship To: ENGINEERING DEPARTMENT

L/N	Commodity No./Stock Number / Class Item	Description	Ordered	U/M	Unit Price	Total Price
1	91240	DEMOLITION & ASBESTOS ABATEMENT FOR DEVELOPMENT CENTER (FORMER CITY HALL) From Req/Line: 21468/1 Dept: 3002	1.00	JOB	\$24,900.0000	\$24,900.00

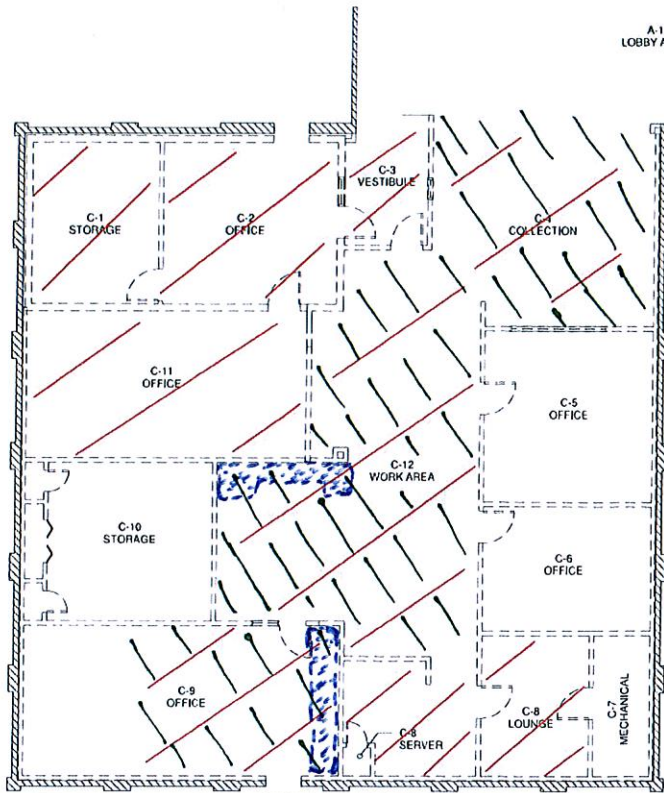
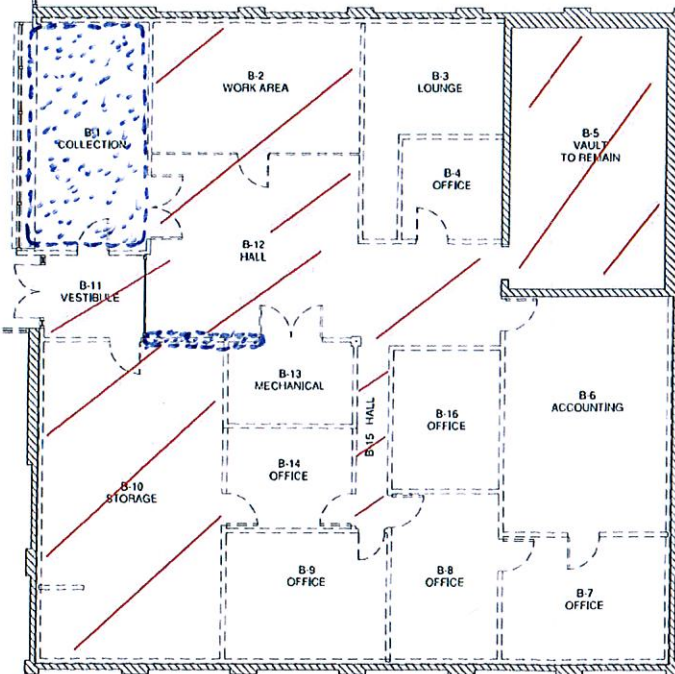
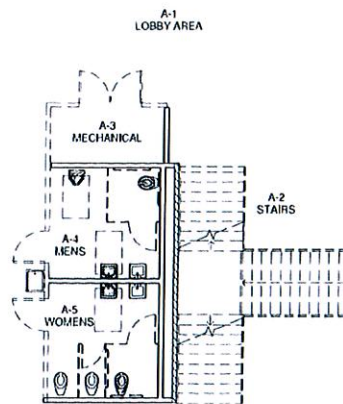
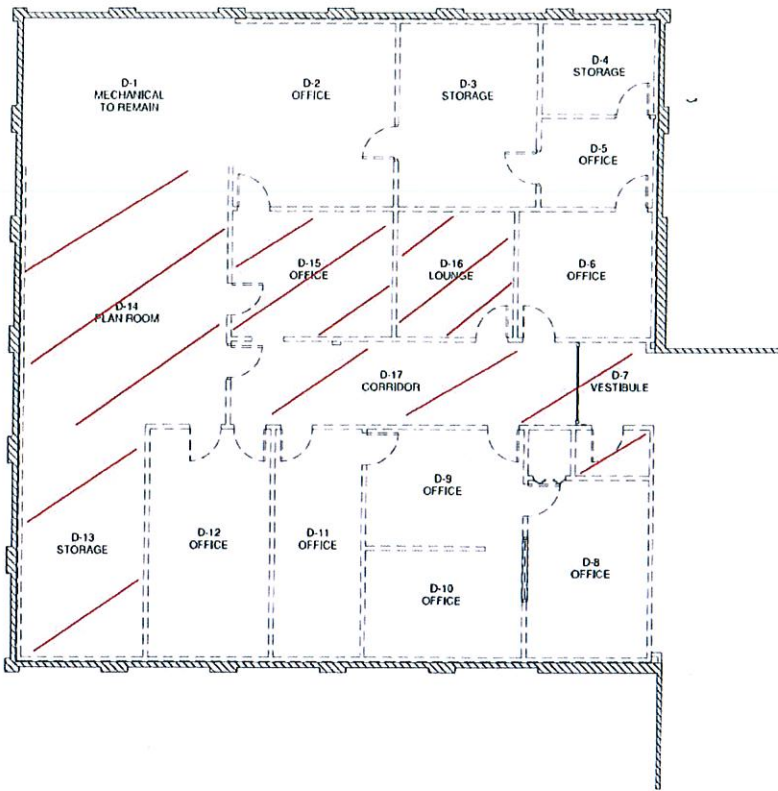
DEPT IS TO PLACE ORDER
GL, & UL EXPIRE 10/17/2013; AL EXPIRES 05/16/2013; WC EXPIRES 04/22/2013
INCLUDES ADDITIONAL INSURED & WAIVER OF SUBROGATION

Subtotal	\$24,900.00
Trade Discount	\$0.00
Freight	\$0.00
Order Total	\$24,900.00

Andra Zamora

Authorized Signature

(Required for Purchases over \$1,000.00)



~6951 sq. ft. ACM
 ≈ 8066 sq. ft. ACM

Additional contaminated Areas → 820 sq. ft.

FIELD VERIFY

<D> | <D>

FIELD VERIFY



ALTERNATE #1

OFFICE F109

F109

OFFICE F108

F108

OFFICE F106

F.E.

BREAK ROOM F105

OFFICE F110

F110

ELEVATOR

OPEN OFFICE F107

62' - 0"

[Dashed Box] Additional Contaminated Area → 318sf

WOMEN F104

F111

MEETING F111

H

LANDING

F112

STORAGE F112

MECH F101

UNIT F102

MEN F103

2nd Floor

FIELD VERIFY

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

4A

CITY COMMISSION _____ X _____
UTILITY BOARD _____
OTHER _____

AGENDA ITEM _____
DATE SUBMITTED 04/15/13
MEETING DATE 04/22/13

1. **Agenda Item:** Abandonment Request

2. **Party Making Request:** Cesar Castellanos

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

Request to abandon the north 4 ft. of the 10 ft. utility easement located on the south side of Lots 42 & 43, Sendero Ranch Estates Subdivision; 5301 & 5300 North 46th Street.

4. **Policy Implication:** Subdivision Ordinance

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:**

	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	<u>Julianne R. Rankin,</u> <u>Planning Director</u>	<u>JRR</u>	<u>4-15</u>	<u>yes</u>
b)	_____	_____	_____	_____

8. **Staff's Recommendation:** Staff recommends approval of abandoning the north 4 ft. of the 10 ft. utility easement located on the south side of Lots 42 & 43, Sendero Ranch Estates Subdivision.

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

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

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

Memo

TO: Mike R. Perez, City Manager

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

DATE: April 15, 2013

SUBJECT: REQUEST TO ABANDON THE NORTH 4 FT. OF THE 10 FT. UTILITY EASEMENT LOCATED ON THE SOUTH SIDE OF LOTS 42 & 43, SENDERO RANCH ESTATES SUBDIVISION; 5301 & 5300 NORTH 46TH 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 right-of-ways 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 Cesar Castellanos to abandon the north 4 ft. of the 10 ft. utility easement. The 10 ft. utility easement was provided as part of Sendero Ranch Estates Subdivision, which was recorded in 2006. The lots are located on both sides of N. 46th Street, approximately 235 ft. south of Bluebird Avenue. The lots are vacant and are zoned R-1 (single family residential) District. Surrounding land uses include single family residences and vacant land.

Mr. Castellanos is requesting the abandonment to allow for an opportunity to design and build larger homes on the lots. He has indicated that the homes would be too narrow with the 10 ft. utility easements on the south side of the lots. A building permit application for construction of the home on Lot 43 was applied for and issuance is pending City approvals, including the abandonment. All building setbacks and separations must be in compliance prior to issuance of the building permit.

The Right-of-Way Department has notified the appropriate city departments and utility companies regarding the request. There were no objections to the abandonment request since no utility lines are located within the area requested for abandonment.

OPTIONS:


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

RECOMMENDATION:

Staff recommends approval of the request to abandon the north 4 ft. of the 10 ft. utility easement as requested.

Memorandum

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

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

SUBJECT: Request to abandon the north 4 ft. of the 10 ft. utility easement on the south side of Lots 42 and 43, Sendero Ranch Estates Subdivision, Hidalgo County, Texas
5301 & 5300 North 46th Street

DATE: April 4, 2013

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. 1188.

City of McAllen

ABD 2013-0001

Planning Department

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

RIGHT-OF-WAY ABANDONMENT APPLICATION

Project Information

Legal Description Abandonment of the North 4 feet of the utility easement on the South side of Lots 1 & 2
 Subdivision Name Grand Ranch Estates
 Street Address 5301 + 5303 N 46th St.
 Reason for Abandonment Request lots were left for reasons to build homes because of 10' utility easements on South side of lots.

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 Cesar Castellanos aka Casarck Properties LLC Telephone (956) 570-9799
 Address 1003 Sumpter Court
 City Pharr State TX Zip 78577

Applicant

Name Same as above Telephone _____
 Address _____
 City _____ State _____ Zip _____

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 1/17/2013

- Owner Authorized Agent

REVISED 10/11

Pct # 06.242

JAN 17 2013

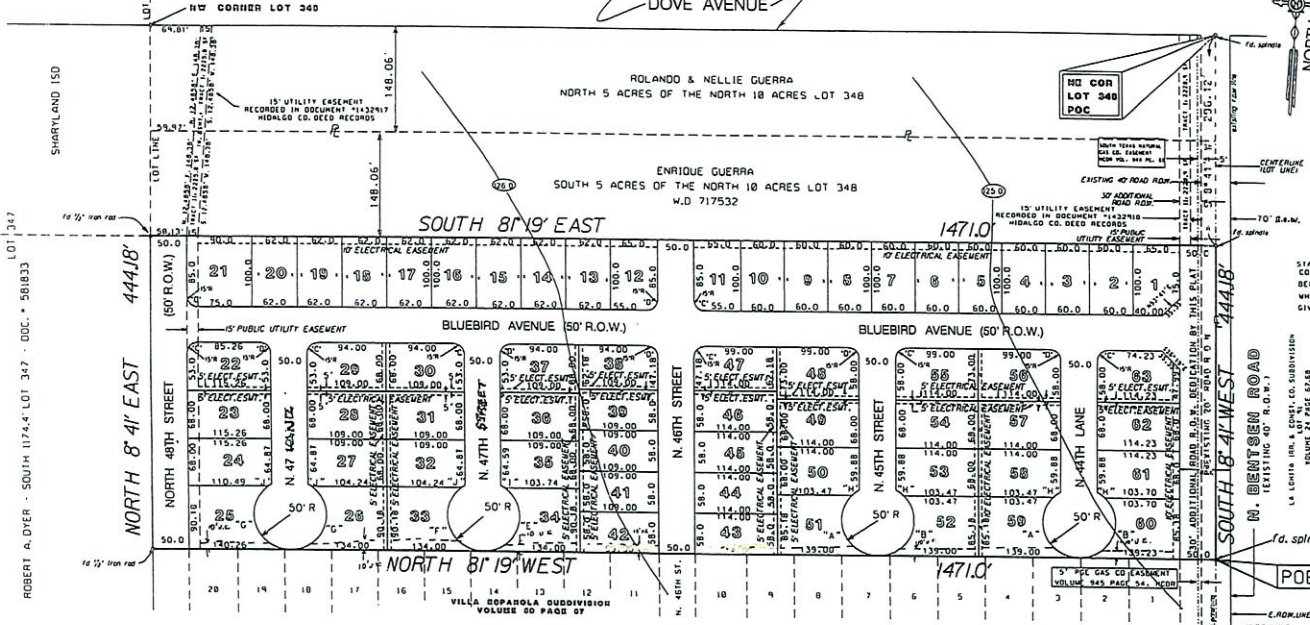
AA

PLAT SHOWING MAP OF: SENDERO RANCH ESTATES SUBDIVISION

being a Subdivision of the South 15 Acres out of the North 25 Acres of Lot 348, JOHN H. SHARY SUBDIVISION, Hidalgo County, Texas.

Prepared By: **FLORES ENGINEERS**
 519 W. UNIVERSITY DRIVE, EDINBURG, TX 78539
 PH: 936.87.7100 FX: 956.267.7108

SCALE: 1" = 100'
 DATE OF PREPARATION: APRIL 11, 2006
 BASIS OF BEARING: Map of John H. Shary Subd. Vol. 1, Pg. 17, HCMR



LIENHOLDER'S ACKNOWLEDGMENT
 STATE OF TEXAS
 COUNTY OF HIDALGO

I, WE, THE UNDERSIGNED HOLDERS, OR DULY AUTHORIZED OFFICERS OF THE HOLDERS OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS SENDERO RANCH ESTATES SUBDIVISION, CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, HEREBY CONSENT TO THE SUBDIVISION OF SAID PROPERTY FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED HEREIN.

BY: *Thelma Garcia* 5/3/06 DATE: *April 11, 2006*
 FIRST NATIONAL BANK N.P.

STATE OF TEXAS
 COUNTY OF HIDALGO
 BEFORE ME, NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED THEIRS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING DOCUMENT AND DECLARED THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ... DAY OF ... 2006.

I, THE UNDERSIGNED, MAYOR OF THE CITY OF MCALLEN, TEXAS, CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

Raimundo Corral
 MAYOR, CITY OF MCALLEN

I, THE UNDERSIGNED, CHAIRMAN OF THE ZONING AND PLANNING COMMISSION OF THIS CITY OF MCALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

Scott Howard
 CHAIRMAN, PLANNING COMMISSION

STATE OF TEXAS
 COUNTY OF HIDALGO
 I, THE UNDERSIGNED, RAUL P. FLORES, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING HAS BEEN GIVEN TO THIS PLAT.

Raul P. Flores
 RAUL P. FLORES, P.E. #24278 519 W. UNIVERSITY DRIVE, EDINBURG, TX 78539

CURVE DATA

CURVE	CHORD	TANGENT	RADIUS
"A"	117.56'	42.24'	50'
"B"	117.56'	42.24'	50'
"C"	117.56'	42.24'	50'
"D"	117.56'	42.24'	50'
"E"	117.56'	42.24'	50'
"F"	124.91'	44.87'	50'
"G"	125.49'	45.88'	50'
"H"	125.19'	44.96'	50'
"I"	13.33'	13.29'	50'
"J"	6.26'	6.26'	50'
"K"	5.70'	5.78'	50'

OWNER'S DEDICATION AND ACKNOWLEDGMENT: I, WE, THE UNDERSIGNED, OWNERS OF THE AND SHOWN IN THIS PLAT, THAT IS HEREBY BEING SUBDIVIDED TO CREATE THE SENDERO RANCH ESTATES SUBDIVISION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY TEXAS, DO HEREBY DEDICATE ALL STREETS, ALLEYS, EASEMENTS, RIGHTS OF WAY, PARKS, WATER COURSES, DRAINAGE AND ALL OTHER PUBLIC FACILITIES TO THEIR RESPECTIVE AND INDICATED INDIVIDUAL LOT OWNERS, THEIR HEIR(S), AND/OR A HOME OWNER'S ASSOCIATION, OF THE ABOVE SAID SUBDIVISION. SHALL BE HELD RESPONSIBLE FOR THE PURPOSES OF ADMINISTRATION AND MAINTENANCE, ARE THEREOF HEREIN EXPRESSED.

OF OWNERS: *Carlos Flores*
 EUGENIO BOTOLLO & CARLOS L. GUERRA, 4201 N. MCCOLL RD., MCALLEN, TX 78504, Tel: 956.610.3088

STATE OF TEXAS
 COUNTY OF HIDALGO
 BEFORE ME, NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED CARLOS GUERRA & EUGENIO BOTOLLO KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING DOCUMENT AND DECLARED THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ... DAY OF ... 2006.

- GENERAL NOTES**
- ONLY ONE SINGLE FAMILY PLN LOT ALLOWED.
 - NO DRAINAGES PERMITTED OVER ANY EASEMENTS.
 - SETBACKS: FRONT 25.0'; REAR 10' EXCEPT 15' AT REAR OF LOT 22 TO 25 SIDE 6.0'; 10' ON CORNER LOTS EXCEPT 15' ON WEST SIDE OF LOT 21.
 - UTILITY SETBACKS: EXCEPT WHERE GREATER SETBACK IS REQUIRED, THE GREATER SETBACK APPLIES.
 - FINISHED FLOOR ELEV. 10' ABOVE CURB AT CENTER OF LOT.
 - BENCHMARK ELEV. M.C. 57' IS LOCATED SOUTH OF 3 MILE LINE 62.30 FEET EAST AND 33.62 FEET SOUTH OF THE E.G.P. EDGE OF PAVEMENT OF 3 MILE LINE. ELEVATION 121.17' NAVD 88
 - FLOOD TIDE ELEVATION "C" FEMA MAP 480 334 840B C AREA OF MINIMAL FLOODING DATE OF MAP NOVEMBER 16, 1982
 - NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ON N. BENTSEN ROAD, N. 48TH STREET, AND N. 40TH STREET.
 - FOUR FOOT SIDEWALK REQUIRED ON NORTH BENTSEN ROAD, NORTH 48TH ST. AND BOTH SIDES OF ALL INTERIOR STREETS.
 - SIX FOOT BUFFER REQUIRED ALONG BENTSEN ROAD, N. 48TH ST. AND FROM ADJACENT COMMERCIAL ZONE USE.
 - AN ENGINEERED DRAINAGE DETENTION PLAN APPROVED BY ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS, REQUIRED DRAINAGE DETENTION OF 1.552 ACRES-F.T.
 - THIS PLAT IS HEREBY APPROVED BY THE UNITED IRRIGATION DISTRICT, SUBJECT TO:
 - ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR USE WITHOUT EXPRESS APPROVAL.
 - NO UTILITY COMPANY OR OTHER PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND UNDER ANY DISTRICT EASEMENT OR RIGHT OF WAY WITH LINES, POLES OR OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM THE DISTRICT.
 - NO PERMANENT STRUCTURE, INCLUDING BUT NOT LIMITED TO, BUILDINGS, SHALL BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY THE DISTRICT, AND UNAUTHORIZED STRUCTURE IN THE EASEMENT AREA IS SUBJECT TO REMOVAL.
 - NO UTILITY COMPANY OR OTHER PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM THE IRRIGATION DISTRICT, ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO REMOVAL.

LOT AREA DATA

LOT #	AREA	LOT #	AREA
1-11	6450 SF	29, 30, 31	8256 SF
12 - 10	6000 SF	32	8256 SF
13 - 20	6300 SF	33 & 41	8356 SF
21	8950 SF	34 & 45	6728 SF
22	718 SF	46, 53, 56	8718 SF
23	7430 SF	47	8718 SF
24 & 35	8920 SF	50, 53, 56	7748 SF
25 & 33	8350 SF	51, 52, 55	8276 SF
27 & 32	7404 SF	61 & 62	7148 SF
28, 31, 36	7412 SF	63	8236 SF

HIDALGO DRAINAGE DISTRICT NO. ONE CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE(49.111C) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND HIS ENGINEER TO MAKE THESE DETERMINATIONS.

BY: *Godfrey Garza*
 GODFREY GARZA, DIRECTOR

METES AND BOUNDS DESCRIPTION

A 15.0 ACRE TRACT OF LAND BEING THE SOUTH 15.0 ACRES OUT OF THE NORTH 25.0 ACRES OF LOT 348, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, AS BEING THE SOUTH 15.0 ACRES OF THE NORTH 25 ACRES OF THE NORTHWEST CORNER OF SAID JOHN H. SHARY SUBDIVISION, SAID POINT BEING THE SOUTHEAST CORNER OF THE MAIN SURVEYED AS BEING DESCRIBED AS FOLLOWS:

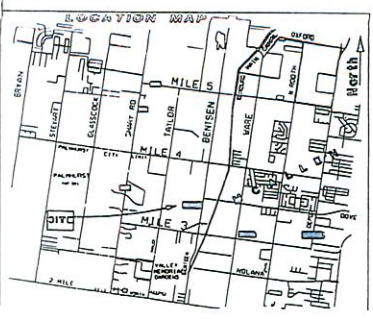
Beginning at a point in the Centerline of Bentsen Road, a 40' Road Right-of-Way, said point being South 8' 41" W. a distance of 740.3 feet South from a point found in the Northeast Corner of the Northeast Corner of said John H. Shary Subdivision, said point being the Southeast Corner of the main survey, said point being 15.0 acres tract.

TENCE, WEST, of a bearing of South 81' 19" West, a distance of 1471.0 feet to an iron pipe found in the Southwest Corner of this tract.

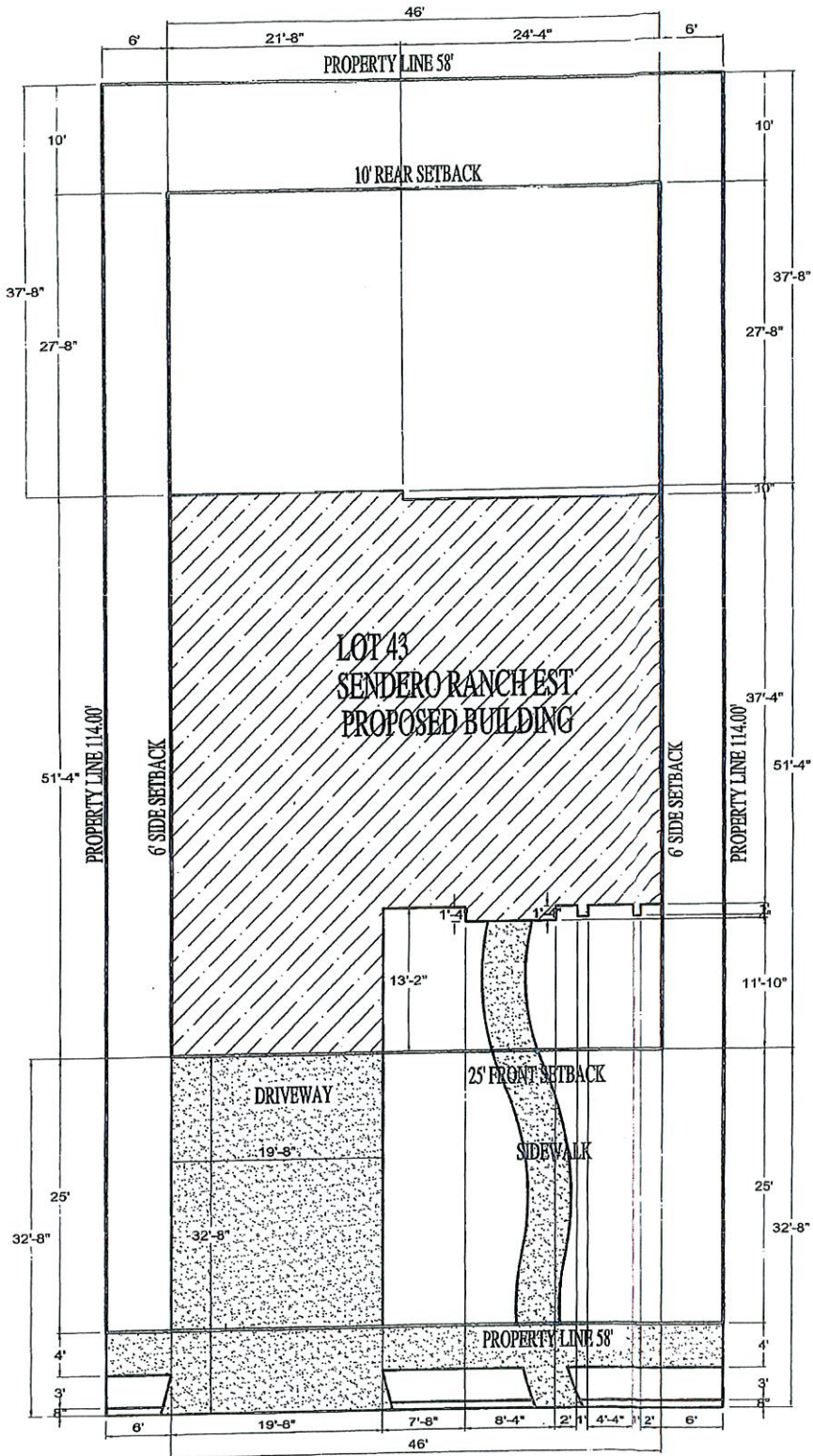
TENCE, NORTH, of a bearing of N 04' 41' East, a distance of 44.18 feet to the Northeast Corner of this tract.

TENCE, EAST, of a bearing of 5 81' 19" East, a distance of 1471.0 feet to a nail found in the Centerline of said Bentsen Road for the Northeast Corner of this tract.

TENCE, SOUTH, of a bearing of South 8' 41" West, a distance of 44.18 feet to the POINT OF BEGINNING, said tract containing 15.0 acres, more or less.



NORTH



SITE PLAN

SCALE: 1/8"=1'-0"

N. 46" Street

DATE 10/20/22	SHEET NO. 1-7
SCALE 1/4" = 1'-0"	
SHEET TITLE(S) SITE PLAN	
LOCATION LOT 43 SENDERO RANCH EST. PARCEL N. 46" STREET	
OWNER MARIANA COMMERCE LLC 18541 46TH STREET IRVING, TEXAS 75038	
PROJECT: RESIDENTIAL	
OWNER	
DRAWN BY: [Name]	
CHECKED BY: [Name]	

RESIDENTIAL & COMMERCIAL PLANS



340

SENDERO

BLUEBIRD AVE

AREA TO BE ABANDONED

N 47TH

N 46TH ST

VILLA
NIA AVE

W RIDGE

16th ST

ESF



ORDINANCE NO. 2013-___

AN ORDINANCE ABANDONING THE NORTH 4 FEET OF THE 10 FOOT UTILITY EASEMENT ON THE SOUTH SIDE OF LOTS 42 AND 43, SENDERO RANCH ESTATES SUBDIVISION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 50, PAGE 121, MAP RECORDS, IN THE OFFICE OF THE COUNTY CLERK OF 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 north 4 feet of the 10 foot utility easement on the south side of Lots 42 and 43, Sendero Ranch Estates Subdivision, 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

SENDERO RANCH ESTATES SUBDIVISION

being a Subdivision of the South 18 Acres out of the North 26 Acres of Lot 34B, JOHN H. SHARY SUBDIVISION, Hidalgo County, Texas.

Prepared By:



FLORES ENGINEERS
519 W. UNIVERSITY DRIVE ECINBURG, TX 78539
PH: 956.287.7100 FX: 956.287.7108

SCALE: 1" = 100'
DATE OF PREPARATION: APRIL 11, 2006
BASIS OF BEARING: Map of John H. Shary Subd. Vol. 1, Pg. 17, HCMR

LIENHOLDER'S ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF HIDALGO

I, WE THE UNDERSIGNED HOLDERS, OR OUR AUTHORIZED OFFICERS OF THE HOLDER(S) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS SENDERO RANCH ESTATES SUBDIVISION, CITY McALLEN, HIDALGO COUNTY, TEXAS, WE HEREBY CONSENT TO THE SUBDIVISION OF AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE BY THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED HEREIN.

Thelma Garcia
BY: THELMA GARCIA
FIRST NATIONAL BANK V.P.
DATE: 5/3/06
John Flores

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED THELMA GARCIA, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND DECLARED THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 3rd DAY OF MAY 2006.



John Flores
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, TEXAS, CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED.

Raul Flores
MAYOR, CITY OF McALLEN
John Flores
CITY SECRETARY

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THIS CITY OF McALLEN, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

John Flores
CHAIRMAN, PLANNING COMMISSION
DATE: 5/3/06

STATE OF TEXAS
I, THE UNDERSIGNED, RAUL P. FLORES, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING HAS BEEN GIVEN TO THIS PLAT.

Raul Flores
RAUL P. FLORES, P.E. #24279 519 W. UNIVERSITY DRIVE, ECINBURG, TX 78539

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 MADE BY THE GROUND UNDER MY SUPERVISION.

John Flores
JOHN FLORES, P.L.S. #1580
REGISTERED PROFESSIONAL LAND SURVEYOR

IF THIS IS HEREBY APPROVED BY UNITED IRRIGATION DISTRICT SUBJECT TO THE CONDITION THAT IF IRRIGATION FROM SAID SUBDIVISION IS DESIRED TO THE INDIVIDUAL LOTS IN SAID SUBDIVISION, PROVISION SHALL BE MADE FOR APPROPRIATE EASEMENTS FOR THE INSTALLATION OF NECESSARY IRRIGATION FACILITIES TO SUCH LOTS FROM THE CLOSEST WATER DISTRICT DELIVERY POINT AND IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY TO INSTALL AND MAINTAIN SUCH NECESSARY FACILITIES.

DATED THIS 3rd DAY OF MAY 2006.

WITNESSED BY: *John Flores* PRESIDENT, *John Flores* SECRETARY

UNITED IRRIGATION DISTRICT

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, RAUL P. FLORES, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING HAS BEEN GIVEN TO THIS PLAT.

Raul Flores
RAUL P. FLORES, P.E. #24279 519 W. UNIVERSITY DRIVE, ECINBURG, TX 78539

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 MADE BY THE GROUND UNDER MY SUPERVISION.

John Flores
JOHN FLORES, P.L.S. #1580
REGISTERED PROFESSIONAL LAND SURVEYOR

IF THIS IS HEREBY APPROVED BY UNITED IRRIGATION DISTRICT SUBJECT TO THE CONDITION THAT IF IRRIGATION FROM SAID SUBDIVISION IS DESIRED TO THE INDIVIDUAL LOTS IN SAID SUBDIVISION, PROVISION SHALL BE MADE FOR APPROPRIATE EASEMENTS FOR THE INSTALLATION OF NECESSARY IRRIGATION FACILITIES TO SUCH LOTS FROM THE CLOSEST WATER DISTRICT DELIVERY POINT AND IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY TO INSTALL AND MAINTAIN SUCH NECESSARY FACILITIES.

DATED THIS 3rd DAY OF MAY 2006.

WITNESSED BY: *John Flores* PRESIDENT, *John Flores* SECRETARY

UNITED IRRIGATION DISTRICT

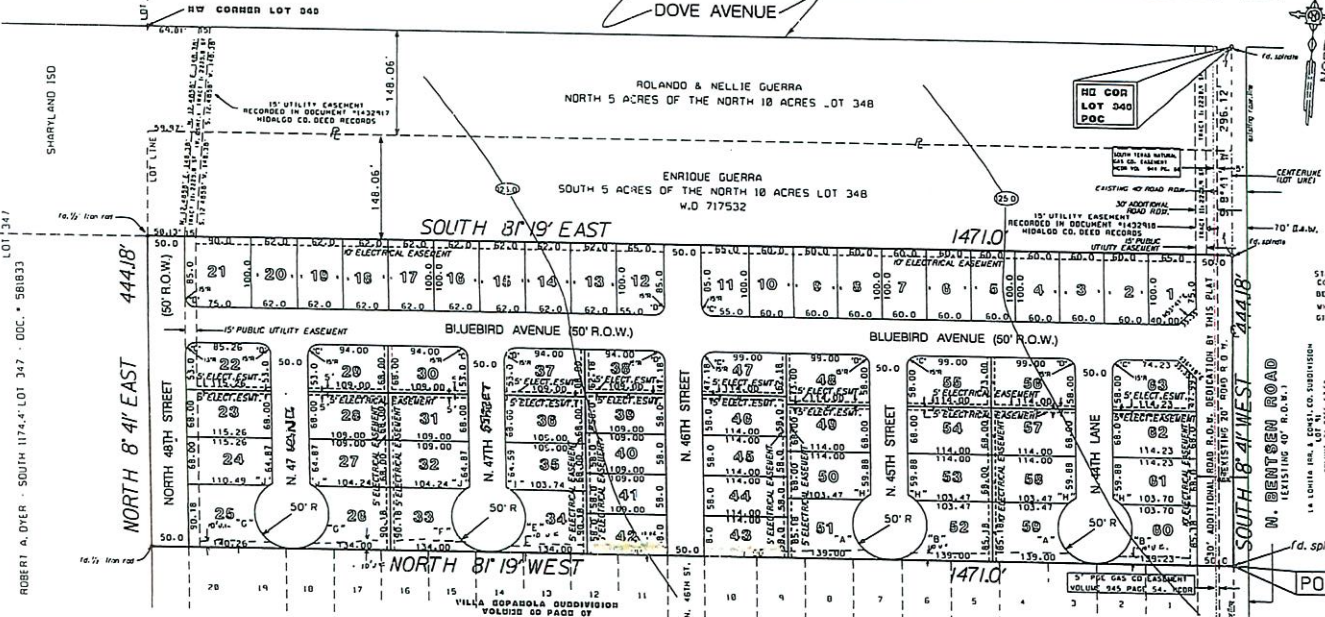
STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, RAUL P. FLORES, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING HAS BEEN GIVEN TO THIS PLAT.

Raul Flores
RAUL P. FLORES, P.E. #24279 519 W. UNIVERSITY DRIVE, ECINBURG, TX 78539

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 MADE BY THE GROUND UNDER MY SUPERVISION.

John Flores
JOHN FLORES, P.L.S. #1580
REGISTERED PROFESSIONAL LAND SURVEYOR



CURVE DATA

CURVE	CHORD	TANGENT	RADIUS
"A"	117.56'	42.24'	50'
"B"	117.56'	42.24'	50'
"C"	14.14'	21.21'	15'
"D"	14.14'	21.21'	15'
"E"	124.91'	44.87'	50'
"F"	125.49'	45.85'	50'
"G"	125.19'	44.96'	50'
"H"	13.33'	12.24'	50'
"I"	6.26'	6.26'	50'
"J"	6.26'	6.26'	50'

OWNER'S DEDICATION AND ACKNOWLEDGMENT: I, WE, THE UNDERSIGNED, OWNERS OF THE AND SHOWN IN THIS PLAT, THAT THIS HEREBY BEING SUBDIVIDED TO CREATE THE SENDERO RANCH ESTATES SUBDIVISION, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY TEXAS, DO HEREBY DEDICATE ALL STREETS, ALLEYS, EASEMENTS, RIGHTS OF WAY, PARKS, WATER COURSES, DRAINS AND ALL OTHER PUBLIC FACILITIES TO THEIR RESPECTIVE AND INDICATED INDIVIDUAL LOT OWNERS, THEIR HEIRS, AND/OR A "HOME OWNER'S ASSOCIATION", OF THE ABOVE SAID SUBDIVISION, SHALL BE HELD RESPONSIBLE FOR THE PURPOSES OF ADMINISTRATION AND MAINTENANCE, ARE THEREBY HEREBY EXPRESSED.

STATE OF TEXAS
COUNTY OF HIDALGO
OF OWNERS: EUGENIO BOTELLO & CARLOS L. GUERRA, 4201 N. McCOLL RD., McALLEN, TX 78504-141, #5616 610-3008

BEFORE ME, NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED CARLOS GUERRA & EUGENIO BOTELLO KNOWN TO ME TO BE THE PERSON(S) WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING DOCUMENT AND DECLARED THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 3rd DAY OF MAY 2006.

- REMARKS:**
- ONLY ONE SINGLE FAMILY PER LOT ALLOWED.
 - NO OTHER UTILITIES PERMITTED UNDER ANY EASEMENTS.
 - STREETS: 1/2" = 25.0'
 - REAR 18" EXCEPT 15" AT REAR OF .07 30 TO 25 SIDE; 6" 18" ON CORNER LOTS EXCEPT 15" ON WEST SIDE OF LOT 21.
 - 18" GARAGE SETBACK EXCEPT WHERE GREATER SETBACK IS REQUIRED.
 - THE GREATER SETBACK APPLIES.
 - FINISHED FLOOR ELEV. 10' ABOVE CURB AT CENTER OF LOT.
 - BENCHMARK ELEV. 4.37' IS LOCATED SOUTH OF 3/4 MILE LINE 63.00 FEET EAST OF TAYLOR ROAD AND 33.00 FEET SOUTH OF THE E.O.P. EDGE OF PAVEMENT OF 3/4 MILE LINE. ELEVATION 131.17' NAVD 83.
 - FLOOD ZONE ELEVATION: FEMA MAP #06-334-0400-C. AREA OF MINIMAL FLOODING DATE OF MAP: NOVEMBER 16, 1982
 - A 25' X 25' CORNER CLIP IS REQUIRED AT ALL STREET INTERSECTIONS.
 - NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ON N. BENTON RD. AND N. 40TH STREET.
 - FOUR FOOT SIDEWALK REQUIRED ON NORTH BENTON RD., NORTH 40TH ST. AND BOTH SIDES OF ALL INTERIOR STREETS.
 - AN ENGINEERED DRAINAGE DETENTION PLAN APPROVED BY DISTRICT COMMERCIAL ZONE USE.
 - FOUR FOOT BUFFER REQUIRED ALONG BENTON ROAD, N. 40TH ST. AND FROM ADJACENT COMMERCIAL ZONE USE.
 - ENGINEERING DETENTION OF 1.562 ACRE-FT.
 - THIS PLAT IS HEREBY APPROVED BY THE UNITED IRRIGATION DISTRICT, SUBJECT TO:
 - ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT; SUBJECT TO DISTRICT ELEVATION NO OTHER UTILITIES ON USE WITHOUT EXPRESS APPROVAL.
 - NO UTILITY COMPANY OR OTHER PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY DISTRICT EASEMENT OR RIGHT OF WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM THE DISTRICT.
 - NO PERMANENT STRUCTURE, I.E., FENCES OR DRIVEWAYS OF ANY CONSTRUCTION WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY THE DISTRICT. ANY UNAUTHORIZED STRUCTURE IN THIS AREA IS SUBJECT TO REMOVAL.
 - NO UTILITY COMPANY OR OTHER PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM THE IRRIGATION DISTRICT. ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO REMOVAL.

LOT AREA DATA

LOT #	AREA	LOT #	AREA
1,11,12	6450 SF	29,30,37	8356 SF
3 - 10	6000 SF	34	8920 SF
11 - 20	5700 SF	35	8250 SF
21	8440 SF	36	4398 SF
22	7424 SF	37	8211 SF
23	7834 SF	49,54,57	7752 SF
24	1830 SF	50,51,58	7748 SF
25,4,35	8920 SF	51,52,59	8276 SF
26,4,36	8356 SF	60	8250 SF
27,4,37	7474 SF	61,6,62	3748 SF
28,31,32	7474 SF	63	8236 SF

HIDALGO DRAINAGE DISTRICT NO. ONE CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.111(C) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND HIS ENGINEER TO MAKE THESE DETERMINATIONS.

BY: *Godfrey Garza*
GODFREY GARZA, DIRECTOR



SENDERO MASTER PLAT 6th 5/2/2006 12:27:31 PM

EXHIBIT 10

STANDARDIZED RECOMMENDATION FORM

4 B

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

AGENDA ITEM _____
DATE SUBMITTED 04-16-13
MEETING DATE 04-22-13

1 Agenda Item: DISCUSSION & POSSIBLE ACTION - Consider recommendation for Budget Amendment for Golf Course Irrigation Improvements from Development Corporation funds.

2 Party Making Request: Brent Branham, Deputy City Manager

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

4 Policy Implication: _____

5 Budgeted: Yes No N/A

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

If over budget, how will it be paid for: _____

6 Alternate option/costs: _____

7 Routing: _____

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE YES/NO</u>
a) <u>Brent Branham</u> Deputy City Manager	<u>[Signature]</u>	<u>4-16-13</u>	<u>yes</u>
b) _____	_____	_____	_____

8 Staff Recommendation: Approve request @ \$611,125

9 Advisory Board: Dev. Corp. 4/15/13 X Approved Disapproved None

10 City Attorney: Approved Disapproved KDP None

11 Manager's Recommendation: MRP Approved Disapproved None

PALM VIEW GOLF COURSE

2013 IRRIGATION SYSTEM RECONSTRUCTION OPTIONS

City Manager Rec/ Dev corp Approval

	OPTION 1			OPTION 2			OPTION 3		
	IN-HOUSE REPAIR OF WHAT IS NOT WORKING			IN HOUSE REFURBISH OF 50% OF THE SYSTEM			CONTRACTOR TO REPLACAE 100%		
Description	Qty	Est Cost	Total	Qty	Est Cost	Total	Qty	Est Cost	Total
New Pump Station Skid	1	\$135,000.00	\$135,000.00	1	\$135,000.00	\$135,000.00	1	\$135,000.00	\$135,000.00
New Controller Satilite Boxes	6	\$4,000.00	\$24,000.00	15	\$3,500.00	\$52,500.00	0	\$0.00	\$0.00
New Sprinkler Heads	102	\$225.00	\$22,950.00	800	\$192.00	\$153,600.00	1,600	\$190.00	\$304,000.00
Repair Sprinkler Heads	238	\$60.00	\$15,703.81	0	\$60.00	\$0.00	0	\$60.00	\$0.00
New Maxi Interface Module	1	\$10,000.00	\$10,000.00	1	\$10,000.00	\$10,000.00	1	\$10,000.00	\$10,000.00
Maxi Sneaker Machine	1	\$45,000.00	\$45,000.00	1	\$45,000.00	\$45,000.00	0	\$0.00	\$0.00
Computer Maxi Wire-LF	17,000	\$0.28	\$4,794.00	17,000	\$0.28	\$4,794.00	140,000	\$0.34	\$47,600.00
7.5% of Sprinkler Wire-LF	80,625	\$0.12	\$9,675.00	537,500	\$0.12	\$64,500.00	175	\$75.00	\$13,125.00
0% of Electrical Power Wire-LF	0	\$1.25	\$0.00	7,500	\$1.25	\$9,375.00	0	\$1.25	\$0.00
Labor	1	\$17,655.15	\$17,655.15	4,500	\$9.50	\$42,750.00	1,200	\$9.50	\$11,400.00
Contractor's Labor	0	\$0.00	\$0.00	0	\$0.00	\$0.00	1	\$90,000.00	\$90,000.00
Total Amount Estimated			\$284,777.96			\$517,519.00			\$611,125.00
Life Expectancy		2 years			6 years			12 years	
Cost to City Per Year of Life			\$74,888.98			\$63,753.17			\$39,677.08

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: \$611,125.00 FOR PALM VIEW GOLF COURSE IRRIGATION SYSTEM IMPROVEMENTS.

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 22nd 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

PALM VIEW GOLF COURSE IRRIGATION IMPROVEMENTS

- | | |
|--------------|----------------------------------------------|
| April 15 | Development Corporation approval complete |
| April 22 | Budget Amendment approval by City Commission |
| April 23 | Golf sent out Bid specs |
| May 23 | Bid opening by Purchasing |
| June 10 | City Commission Bid approvals |
| July 10 | Contractor starts construction in 90 days |
| September 10 | Contractor finishes |

FACTS ON PALM VIEW GOLF COURSE

- ✓ Original 1998 Development Corporation Ballot "Project."
- ✓ Development Corporation "loaned" Golf Course \$4,000,000 @ 0% interest over 40 years to build championship course, 6615 yards, per 72. Driving range, parking and club house renovations.
- ✓ Opened for play on March 31, 2000.
- ✓ Construction included:
 - 233,437 cubic yards earth cut to create 14 lakes
 - 193,437 cubic yards earth filled
 - 12,628 linear feet of drainage pipe
 - Complete rough (23 acres) and fairway (65 acres) irrigation system
 - Irrigation needs (350,000 gallons day) supplied by sewer plant wastewater
- ✓ Since 2000, no Development Corporation funds have been used for Golf Course operations ✓
- ✓ A note receivable was carried on the Development Corporation balance sheet from April 2000 to 2010. \$750,000.00 was paid down by the golf course between 2000 and 2010, when the running principle on the note was forgiven by the Board.

Brent Branham

From: Cathy B. Jones
Date: Tuesday, April 02, 2013 1:40 PM
To: Brent Branham
Subject: PVGC Audit issue1

No.: 1

The irrigation system requires frequent repairs taking time away from other grounds maintenance tasks

Issue: One of management's main objectives for the PVGC is to maintain a high-quality public golf course attractive to the public. This objective requires an adequate number of grounds maintenance personnel, which management tries to sustain within its budget constraints. However, the irrigation system installed in 1997 has an ongoing history of maintenance problems, including numerous leaks that require immediate repairs and inaccurate programming or mapping of the automated system and the irrigation infrastructure that leaves some grounds un-watered or sprinklers using incorrect watering circumferences. Consequently, the maintenance crew must repair the leaks and manually turn sprinklers on/off to water the grounds missed daily, delaying other grounds maintenance duties. Currently, three grounds maintenance staff members spend up to three hours a day turning sprinkles on/off manually to water areas that were programmed to be watered, and approximately \$22,000 is spent annually on performing the task. Additionally, all repairs are performed in house because outsourcing has been too costly. The golf course superintendent, plumbing technician, and crew members repair the leaks as they occur. During fiscal years 2010, 2011, and 2012, 137, 159, and 112 irrigation leaks, respectively, were repaired in house. Over the past five years, 439 documented leaks have cost an estimated \$123,000. The precise time and cost of repairing these leaks have not been recorded because management does not have a work order system in place. Management stated to replace the irrigation systems cost approximately \$1.7 million and funding is not available yet.

Recommendation: City management should 1) develop a five-year plan to replace the irrigation system or allow additional funding to increase the grounds maintenance division budget; and 2) a manual work order system should be established to record the time and costs of irrigation system repairs and equipment repairs.

Management Response: 1) The Irrigation System Replacement/Refurbishing has been discussed at great length with City Management is on the Golf Course's five-year plan and will be done as soon as funding is available. Golf Course management has strongly considered additional funding to increase the grounds maintenance division budget but has not incorporated the idea because it will definitely impact the Golf Course's ability to be "break even". 2) Golf Course staff will develop a Work Order System to begin tracking the exact costs for irrigation system repairs

Expected Completion Date: Before the end of February 2013

Brent Branham

From: Carlos Espinosa
Sent: Wednesday, April 10, 2013 11:08 AM
To: Brent Branham
Cc: Jesse Cantu
Subject: PVGC Irrigation System Refurbish

Mr. Branham:

Following please find potential water conservation benefits from the Irrigation System that is being considered for Palm View Golf Course:

1. The current system runs two (2) sprinklers heads per station; the system under consideration **runs one (1) sprinkler head per station**; it will cut water consumption in half during the routine "spot watering" of hot summer months
2. Sprinkler nozzles in the current system cannot be adjusted for wind conditions; sprinkler **nozzles in the system under consideration may be adjusted** for more efficient coverage
3. Water pressure cannot be altered at the sprinklers in the current system; the system under consideration allows for **water pressure modification at each individual sprinkler head**; the result will be better irrigation coverage at all areas of the golf course and thereby a lower the number of "hot spots" that would require additional watering
4. Additionally, the **Variable Frequency Drive (VFD)** of the system under consideration will allow for better water pressure control; this will help reduce the number of pipe breaks and thereby corresponding water losses
5. The technology of the system under consideration allows for constant **communication between the Pump Station and the Irrigation System Computer** for optimal water management

Please let me know if you have any questions.

Thanks...

CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 5B </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 04/15/2013 </u>
OTHER (Audit/Investment Committee)	<u> </u>	MEETING DATE	<u> 04/22/2013 </u>

1. Agenda Item: Review of Quarterly Investment Report for the Quarter Ended December 31, 2012.
2. Party(ies) Making Request: Mike R. Perez, City Manager, Roel Rodriguez, P.E., General Manager, Jerry W. Dale, Finance Director, Melba D. Carvajal, Director of Finance for Utilities
3. Nature of Request: (Brief Overview) Attachments: X Yes (*Under Separate Cover*) No
Attached is the Quarterly Investment Report for the quarter ended December 31, 2012 for your review and approval. The Audit and Investment Committee met on March 28, 2013 and recommended approval of the report.
4. Policy Implication Required by law
5. Budgeted: Yes No X N/A
6. Alternate Option/Costs: N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
a.) Mike R. Perez City Manager	<u> MRP </u>	<u> 04/16/13 </u>	<u> YES </u>
b.) Roel Rodríguez, P.E. General Manager	<u> RR </u>	<u> 04/16/13 </u>	<u> YES </u>
b.) Jerry W. Dale Finance Director	<u> JWD </u>	<u> 04/16/13 </u>	<u> YES </u>
c.) Melba D. Carvajal Director of Finance for Utilities	<u> MDC </u>	<u> 04/16/13 </u>	<u> YES </u>

8. Staff Recommendation: Audit Committee recommends report be accepted.
9. Advisory Board: XX Approved Disapproved None
10. City Attorney: KP Approved Disapproved None
11. Manager's Recommendation: MRP Accepted Disapproved None
12. Action Taken:

Airport Construction Status Report through April 22, 2013

Terminal Expansion Project

The Project is the expansion of the existing terminal and ramp at the McAllen Miller International Airport. It consists of adding approximately 55,000 square feet of new terminal, renovation of approximately 40,000 square feet of terminal, addition of a new passenger boarding bridge, a new and expanded baggage handling facility for outbound baggage, and upgrades to the airport central plant equipment and infrastructure.

Contractor:	Don Krueger Construction Company, Inc.	
Original Contract:	\$18,879,500	713 calendar days
Change Orders:	\$ 322,207	14 calendar days
Revised Contract:	\$19,201,707	727 calendar days
Completion Date:	March 23, 2014	

Project Finance Summary

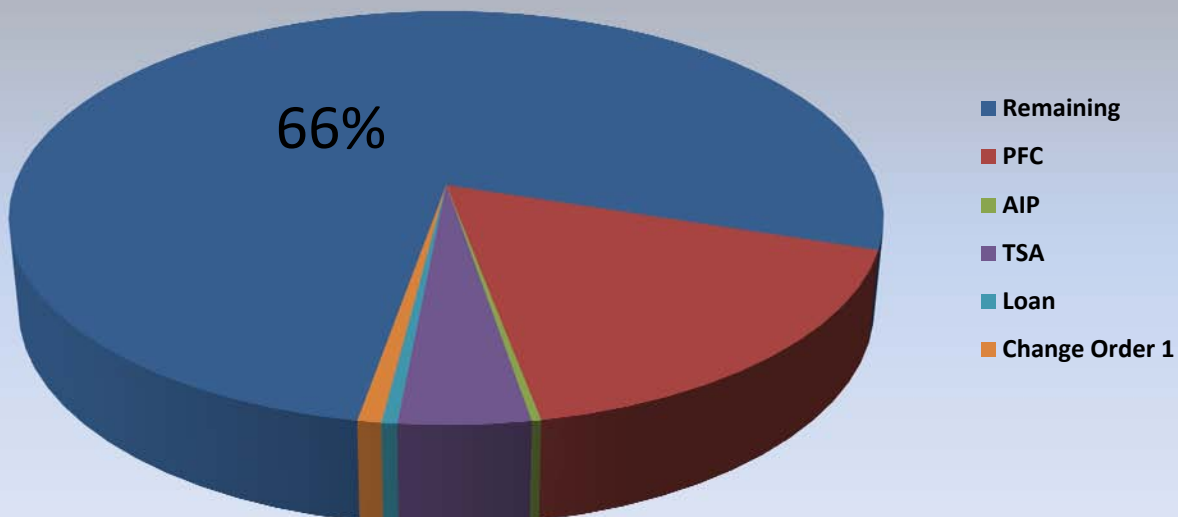
Used to Date	\$ 6,565,081.00
Remaining	\$ 12,363,626.00

Funding Sources:

PFC	\$ 4,792,729.41
AIP 42	\$ 80,723.40
TSA	\$ 1,074,581.21
Inter Department Loan	\$ 195,663.25
Operating	\$ 189,320.75**

**Change Order #1 (Improvements to Cargo Ramp) Reimbursable through AIP 43

Terminal Expansion Funding



Construction Status:

The project continues as the first floor concrete slab of the new terminal addition is complete with walls being erected and the second floor preparing for its slab. HVAC ductwork, electrical and data work along walls are in progress with door frames being installed on the first floor. The baggage handling system facility slab is partially complete with second story prepared above first floor slab. The CBP walkway is scheduled to be demolished prior to the remainder of the baggage handling building completion. Project time and budget metrics:

Percent of Project Complete (Time)	54%
Percent of Project Complete (Budget)	34%

The Project, through coordination with staff and contractor, is on schedule for completion in March 2014.

Overview of Terminal Expansion



Installation of Vapor Barrier on First Floor at Permanent Baggage Handling Building



Concrete Pour on First Floor at Permanent Baggage Handling Building



Concrete Pour on First Floor at Permanent Baggage Handling Building



Concrete Finishing of First Floor at Permanent Baggage Handling Building



Commencement of Wall Erection at First Floor of Terminal Expansion



Formwork for the Second Story of the Permanent Baggage Handling Building



Top View of Formwork for the Second Story of the Permanent Baggage Handling Building



04/03/2013 13:24

Formwork for Concrete Staircase in Mechanical Room - First Floor of the Terminal Expansion



Preparation for Concrete Pour with Installation of Metal Decking on Second Floor at Terminal Expansion



CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 5D
DATE SUBMITTED 04/16/13
MEETING DATE 04/22/13

1. Agenda Item: Update on Parks and Recreation construction projects.

2. Party Making Request: Parks and Recreation Department
3. Nature of Request: (Brief Overview) Attachments: X Yes No
Monthly update on construction projects within the Parks and Recreation Department.

4. Policy Implication: None
5. Budgeted Information: Yes No X N/A
Budgeted Amount: _____
Under Budget: _____
6. Alternate option/costs: NA
7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) <u>S. Gavlik, Director</u>	<u>sg</u>	<u>04-16-13</u>	<u>Yes</u>
b) <u>D. Melaas, Dep. Dir.</u>	_____	_____	_____
c) <u>B. Branham, Dep. C.M.</u>	_____	_____	_____
8. Staff Recommendation: Staff recommends approval of the report

9. Advisory Board: Approved Disapproved None
10. City Attorney: Approved Disapproved KP None
11. Manager's Recommendation: Approved Disapproved MRP None
12. Action Taken: _____

To: MIKE R. PEREZ, CITY MANAGER
From: SALLY GAVLIK, DIRECTOR *SG*
Subject: PROJECT UPDATES
Date: APRIL 16, 2013

COMMENT

This month the Parks and Recreation Department will highlight the following projects:

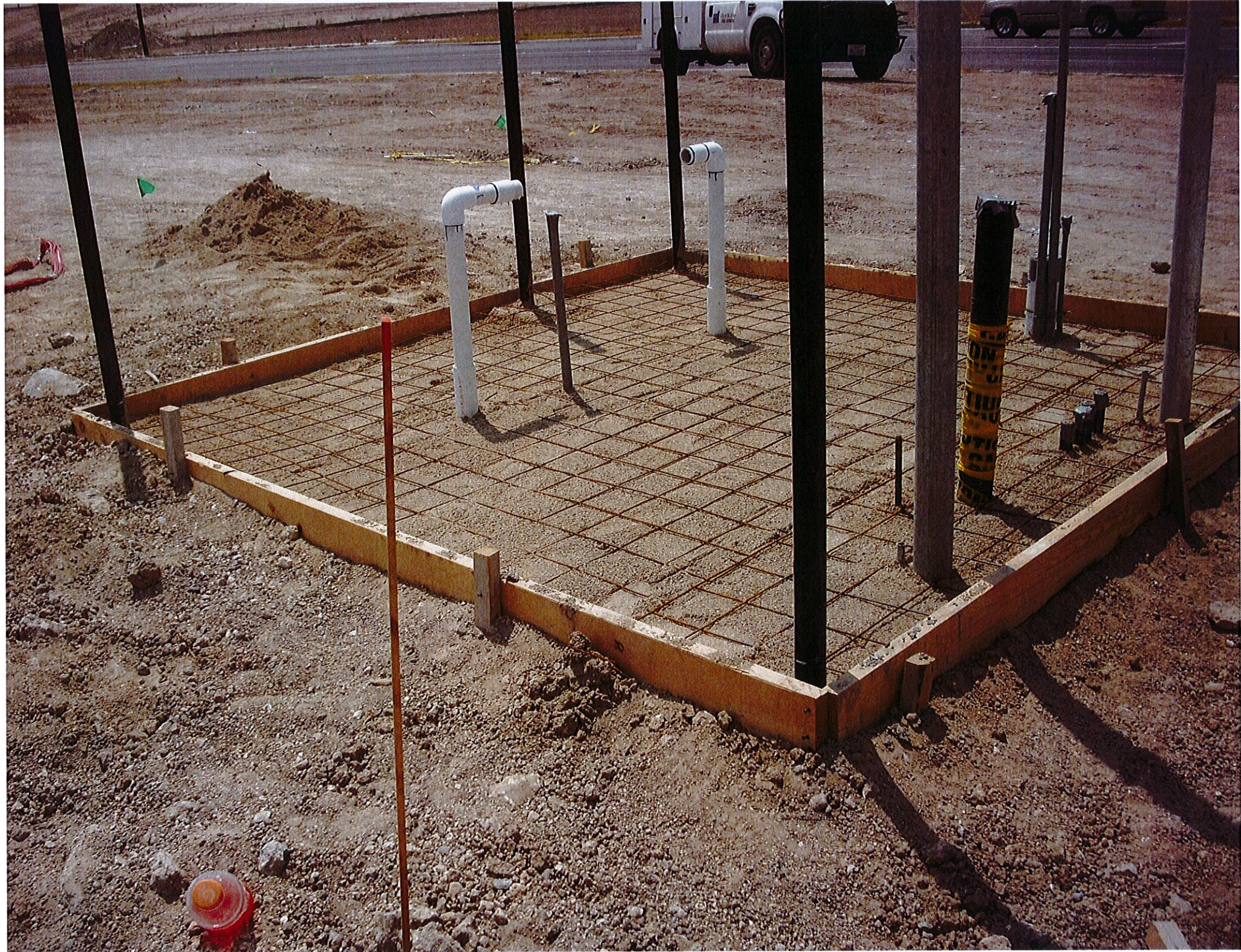
Bicentennial Trail Extension

The contractor continues to install irrigation and lighting. There has been a problem with contractor providing all required documentation for TxDot.

DeLeon Soccer Fields

The bleachers have been moved. Rabba Kistner doing testing for foundations on concession building and maintenance shop. Primary contractor mobilizing.













STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 5E
DATE SUBMITTED 04/16/13
MEETING DATE 04/22/13

1. Agenda Item: Project Status Report through March 31, 2013.

2. Party Making Request: Engineering Department

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

Project Status Report for March 31, 2013.

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

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

6. Alternate Option/Costs N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u>YB</u>	<u>4/16/13</u>	<u>N/A</u>
b.) Roel "Roy" Rodriguez, P.E. Asst. City Manager/General Manager	_____	_____	_____

8. Staff Recommendation: Project Status through March 31, 2013.

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. City Attorney: _____ Approved _____ Disapproved KP None

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



ENGINEERING DEPARTMENT
MEMORANDUM

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer

A handwritten signature in black ink, appearing to read "Yvette Barrera".

Date: April 16, 2013

Subject: Project Status Report through March 31, 2013

Please find attached a list of various projects that are currently under construction and for which the Engineering Department performs Construction Management services. The work depicted is work performed through March 31, 2013.

The following projects are included:

1. Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line
2. McAllen-Miller International Airport Stormwater Pump Station Upgrade
3. Toronto & S. 10th Street Drainage Improvements
4. Northbound Pedestrian Canopy
5. 2012-2013 Annual Repaving Project
6. Uvalde Soccer Complex Parking Improvements
7. 23rd Street (FM 1926) & Dove Avenue Intersection Improvements

Construction Status Report for work performed through March 31, 2013

1) Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line

Project consists of paving infrastructure improvements along the future widening of Bentsen Road, connection of Vine Ave across the corridor, widening of Daffodil to 46th Street and local drainage improvements.

Contractor: IOC Company, LLC
Original Contract: \$ 4,879,306.99 160 working days
Change Orders: \$ 437,533.00 76 working days
Revised Contract: \$ 5,316,839.99 236 working days
Completion Date: May 13, 2013

Construction Status: Construction continues with pavement construction and traffic control as crews work along the west side of the corridor. Concrete curb, subgrade and flexible base preparation is progressing. Various utilities have been adjusted in preparation for the pavement. Contractor is now working the west side from south to north throughout the project limits. The project is approximately 63% complete and scheduled for completion in May. Contractor is currently behind schedule, but will be working to get back on track.

Paving 60% Complete
Drainage 90% Complete
Utilities 93% Complete



Project limits of Bentsen Road Paving Improvements.



Proposed waterline improvements along Daffodil from 46th Street to Bentsen looking eastward.



New sanitary sewer manhole with drop connections for serving adjacent subdivisions at Daffodil and 45th Street.

2) McAllen-Miller International Airport Stormwater Pump Station Upgrade

SCOPE OF WORK: The proposed project involves removal of an existing stormwater pump station that was placed in service in the 1950's and the installation of a new larger capacity pump station with an emergency backup generator. This project is a FEMA Hazard Mitigation Grant Program (HMGP) project with 75% federal funding and 25% local funding.

CONTRACTOR: Ferguson Service Systems, Inc.
Original Contract: \$385,320.00 130 working days
Change Orders: \$ 1,140.00 0 working days
Current Contract: \$386,460.00 130 working days
Completion Date: April 25, 2013.

CONSTRUCTION STATUS: Notice to Proceed was issued April 3, 2012. Work commenced on Wednesday, May 16, 2012. All structural and electrical improvements are completed. Emergency generator has been delivered and installed. Turbine pump was delivered to site on Friday, March 29th. Contractor is in process of installing pump, completing final adjustments, startup and testing. Anticipated completion: no later than April 25, 2013.

SITE PLAN:



CONSTRUCTION PHOTO:



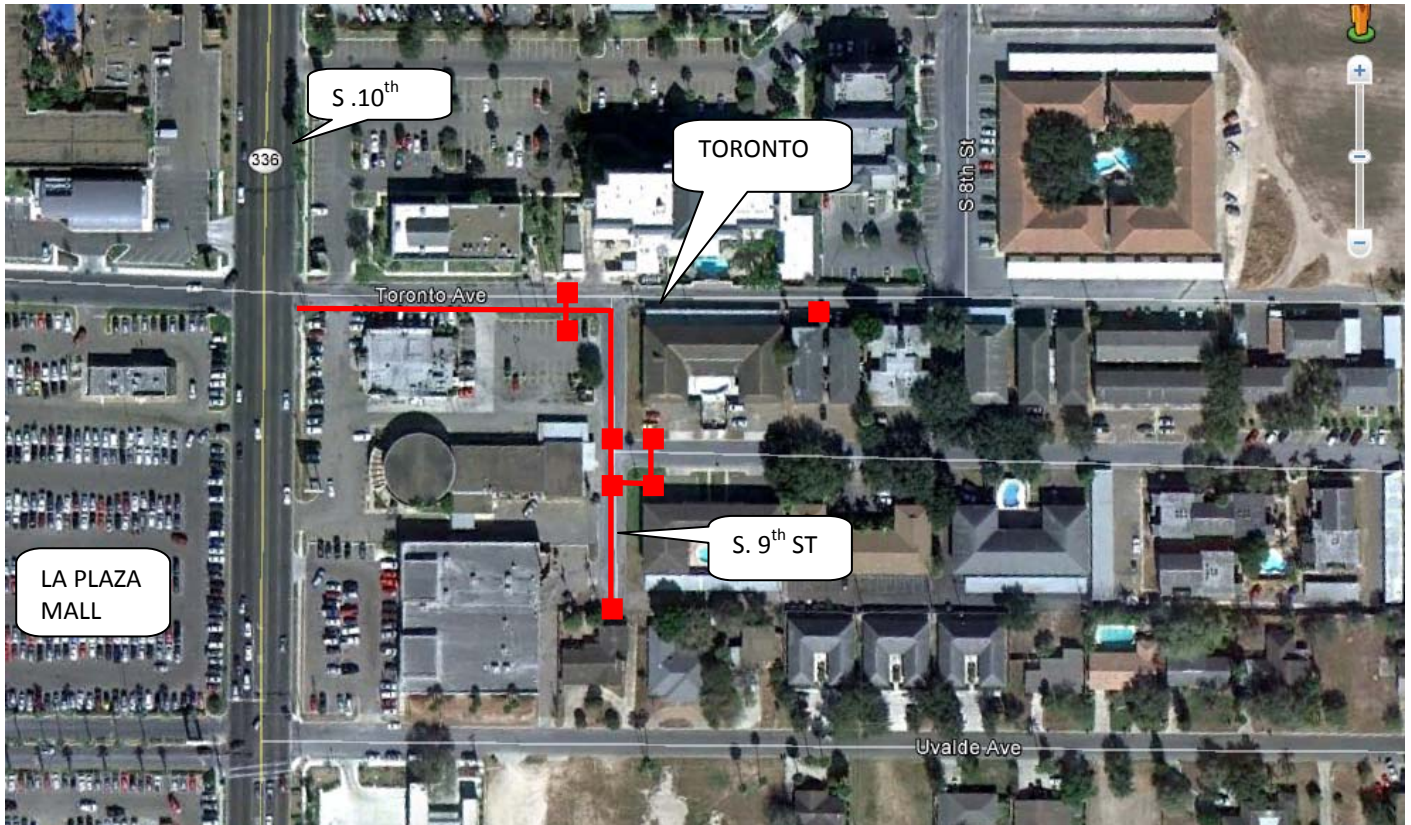
3) Toronto & S. 10th Avenue Drainage Improvements

SCOPE OF WORK: The proposed project involves construction of storm water system improvements, curbing and pavement repair along S. Toronto Avenue from S. 10th Street, east and along S. 9th Street between Toronto Avenue (north) and Toronto Avenue (south).

CONTRACTOR: Rojas Construction and Paving
Original Contract: \$135,494.03 70 working days
Change Orders: \$ 0.00 0 working days
Current Contract: \$135,494.03 70 working days
Completion Date: May 8, 2013.

CONSTRUCTION STATUS: Notice to Proceed was issued January 3, 2013. Work commenced on Thursday, January 24, 2013. Contractor has substantially completed all work. Final walk-thru is to be held on April 12, 2013 and completion of closeout documents to be done in early April. Final change order to be submitted for Commission approval.

SITE PLAN:



CONSTRUCTION PHOTOS:



S. 9TH STREET. PAVING REPAIR COMPLETED. MINOR CLEANUP AND SODDING REQUIRED.



S. 10TH STREET AT TORONTO. CURBING AND SIDEWALK REPAIRS COMPLETED. PAVING REPAIRS IN PROCESS. (MARCH 29, 2013)

4) Northbound Pedestrian Canopy

SCOPE OF WORK: The project proposes installation of a canopy on the east side of the southbound bridge. The canopy will be extending 530'-0" north to the Administration building. The work consists of a purchase and installation of a one story canopy including complete structural framing (columns, rafters, rail, bracing), pre-finished Curved Tee Panel covered roof, fasteners accessories and other components and material required for complete installation.

CONTRACTOR: Celso Gonzalez Construction, Inc.

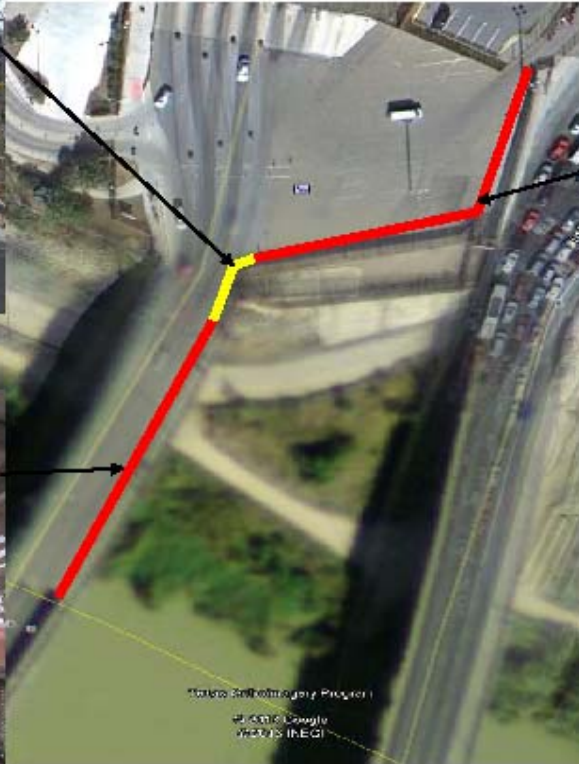
Original Contract: \$716,000.00 120 working days

Change Orders: \$ 7,080.00 30 working days

Current Contract: \$382,536.50 150 working days

Note: Original Completion Date – February 26, 2013: Revised April 9, 2013:

The Notice to Proceed (NTP) was issued to Celso Gonzalez Construction on August 21, 2012. The project is currently 73% completed and 159 days onto construction. Pending are four additional piers, approximately 65' of canopy, ADA hand rails and cables, electrical fixtures, wrought iron fencing and detailing brick columns. The contractor has submitted revised schedule extending project completion to May 23rd (32 days). Staff is currently evaluating.

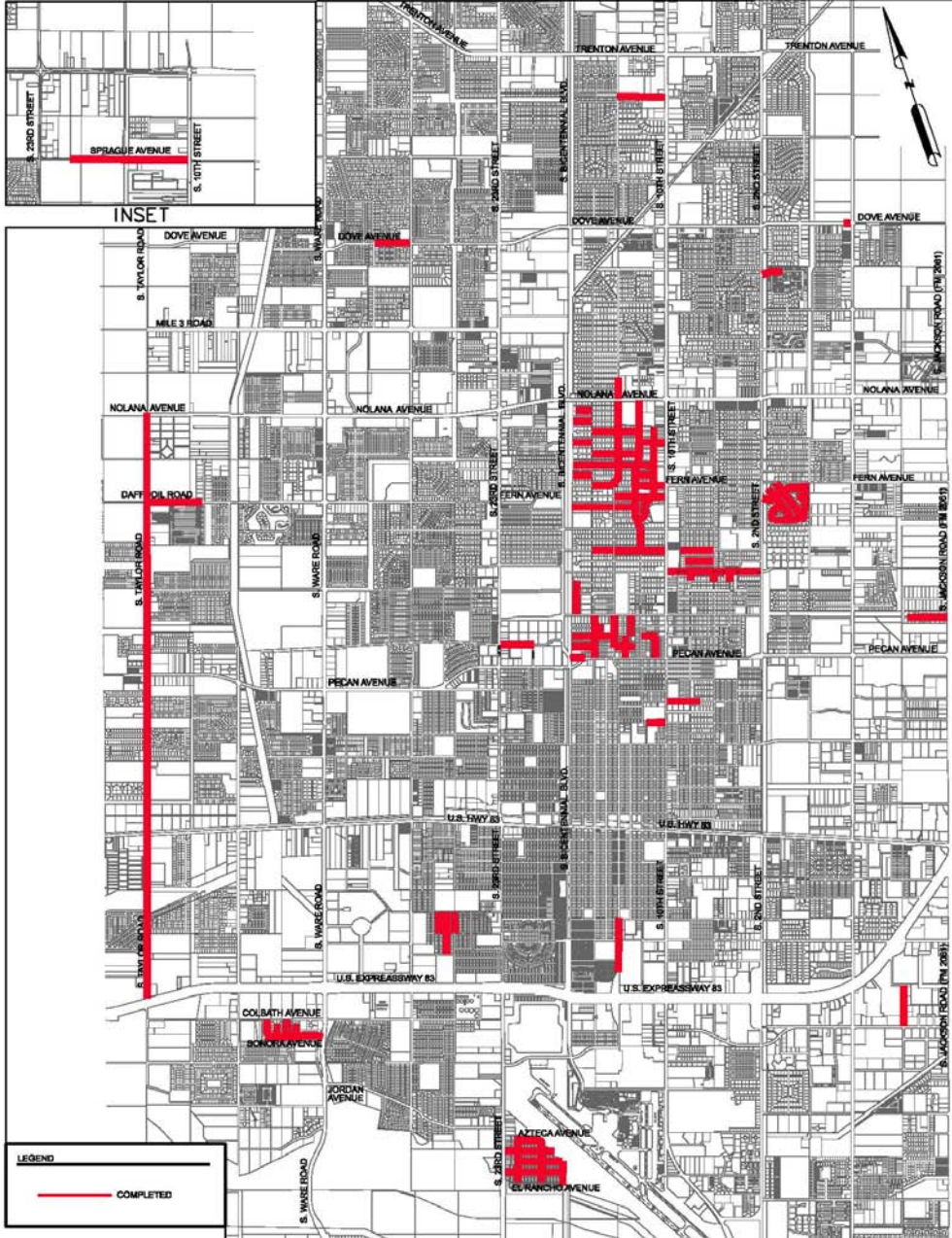


5) **2012-2013 Annual Repaving Project**

SCOPE OF WORK: This project involves recycling the top 1” of asphalt pavement and placing 1” of new asphalt on top of the recycled inch.

CONTRACTOR: Cutler Repaving Inc
Original Contract: \$1,386,100.40 65 working days
Change Orders: \$ 272,453.60 0 working days
Current Contract: \$1,658,554.00 65 working days
Completion Date: May 8, 2013

CONSTRUCTION STATUS: City Commission Awarded the Contract for Construction on January 14, 2013. Notice to Proceed was issued February 1, 2013 and work was started on February 5, 2013. The contractor completed recycling efforts on April 8, 2013 and is currently completing punch list items identified during the walk through.



6) Uvalde Soccer Complex Parking Improvements

SCOPE OF WORK: This project consists of construction of a 65-space, asphalt parking lot to service the Uvalde Soccer Complex located immediately west of the intersection of S 26 ½ Street at Uvalde Avenue.

CONTRACTOR: Jimmy Closner & Sons Construction
Contract: \$115,336.40 45 working days
Completion Date: May 28, 2013

CONSTRUCTION STATUS: Construction commenced on March 18, 2013. As of March 31, 2013, crews have completed installation of the on-site storm sewer improvements and preparation of the sub-base pavement structure. The project is on schedule for completion for May 2013.



Site Clearing and Preparation: Viewing East

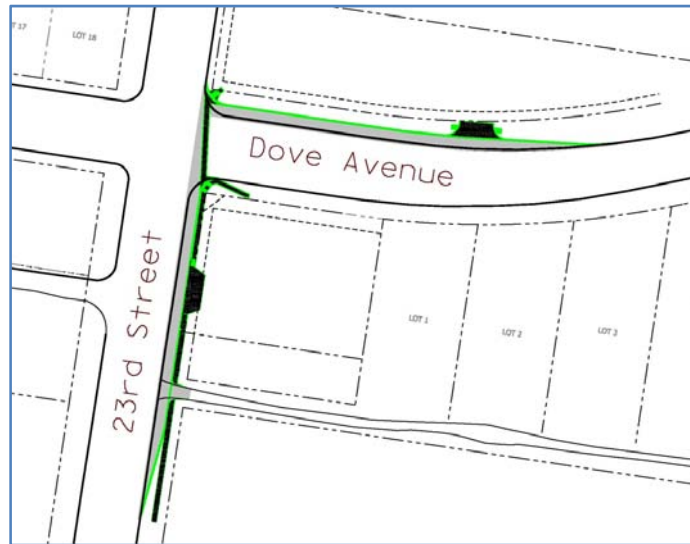


Storm Sewer Installation: Viewing West

7) 23RD Street (FM 1926) & Dove Avenue Intersection Improvements

This project consists of widening 23rd Street and Dove Avenue at the intersection along the westbound and north bound travel lanes to accommodate additional lanes. Northbound 23rd Street and Dove Avenue both previously consisted of a left turn lane, a thru lane, and combination thru and right turn lane. The intersection improvement will allow for the addition of dedicated right turn lanes for northbound 23rd Street and westbound Dove Avenue.

Construction Company: Rhyner Construction Company
Contract: \$278,284.59 70 working days
Completion Date: June 21st, 2013



Project Overview

Construction Status: The project is 30% complete. The utilities have been relocated, the existing curb and gutter has been removed, and sub grade installation has begun.



North Bound 23rd Street



West Bound Dove Avenue

