



**AGENDA**

**CITY COMMISSION REGULAR MEETING  
MONDAY, JUNE 24, 2013 – 6:00 PM  
CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

**CALL TO ORDER** - Mayor Jim Darling

**PLEDGE OF ALLEGIANCE** - Mayor Jim Darling

**INVOCATION** – Scott Crane, City Commissioner

**PRESENTATION** of AIA Award for McAllen Public Library

**PROCLAMATION** – *McAllen Marathon/Team in Training Registration Kick-Off Day*

**1. PUBLIC HEARING:**

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

**1.** Rezone from C-1 (office building) District to C-3 (general business) District: Lot 7, Lazy-A Ranch Subdivision, Hidalgo County, Texas; 2400 Maple Avenue.

**2.** Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 19.19 acres out of Lot 178, John H. Shary Subdivision, Hidalgo County, Texas; 4701 Expressway 83.

**3.** Request of Philip A. Corzine on behalf of Christian Fellowship Church, for a Conditional Use Permit, for life of the use, for an institutional use (church and related activities) at Lot A, Christian Fellowship Church Subdivision, and the 3.13 acres out of Lot 10, Block 1, Hammond Subdivision, Hidalgo County, Texas; 2201 Trenton Road.

**B) CONDITIONAL USE PERMIT:**

**1.** Request of Rope Investors, LLC, appealing the decision of the Planning & Zoning Commission of the May 21, 2013 meeting, denying a Conditional Use Permit, for one year for a night club at Lot 1, Robin Subdivision, Hidalgo County, Texas; 6800 North 10<sup>th</sup> Street.

**TABLED**

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

**END OF PUBLIC HEARING**

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

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

- A) Approval of Minutes of Workshop and Regular Meetings held June 10, 2013.
- B) Award of Contract for Local Telephone Services.
- C) Consideration of request to approve Amendment #1 to the Advance Funding Agreement (AFA) for Safe Routes to School Project.
- D) Consider approval of Go Center Program Interlocal Cooperation Contract between the City and the University of Texas – Pan American.
- E) Consider approval of Change Order No. 1 for curb cuts at DeLeon Soccer Complex.
- F) Consider approval of License Agreement for the installation of flags at Regency Park Neighborhood Association.
- G) Consider approval of Change Order No. 3 for electrical modifications and second floor wall finish for McAllen Development Center.
- H) Award of Contract for the purchase of Safety Products (Re-Bid).
- I) Consider declaration of certain vehicles and equipment as surplus and authorization to begin auction efforts.
- J) Ordinance providing for a budget amendment to re-designate the transfer in from the General Fund recorded in August, 2011, as an advance to the EB-5 Fund.
- K) Ordinance providing for a budget amendment for funding of McAllen EB-5 Regional Center LLC through September 30, 2013, funding to be recorded as an advance to the EB-5 Fund from the General Fund.
- L) Resolution authorizing the Grant Administration Office to revise all grant information to reflect Mayor Darling as Authorized Official for grant documents and related documents.
- M) Ordinance providing for the abandonment of a tract of land containing 0.3076 acres, being west 20 ft. of the south 669.96 ft. of Lot 13, Section 278, Texas-Mexican Railway Company Survey; 1121 Providence Avenue.

**3. BIDS/CONTRACTS:**

- A) Consider approval of a Contract for Auditing Services for FYE 2013 with Long Chilton, LLP with the City's option to extend for an additional four (4) one year periods.
- B) Award of Contract for various pieces of equipment in Public Works.
- C) Consideration and approval of construction documents for Public Safety Building Additions and Renovations Project.
- D) Award of Contract for the Re-Roofing Fire Station No. 2.

**4. ORDINANCES:**



- A) Amending the Smoking Ordinance to include E-Cigarettes.
- B) Providing for restrictions on operating motor vehicle near vulnerable road users.

**5. MANAGER'S REPORT:**

- A) Discussion of possible meeting time change for Regular City Commission Meetings and Workshops.
- B) Presentation of Tax Collection Report from October 1, 2012 through May 31, 2013.
- C) Presentation of Delinquent Tax Collection Second Quarter Report.
- D) Report on Uncollectible Personal Property Taxes.
- E) Mayor's appointment to the McAllen Housing Authority Board of Directors.
- F) Advisory Board Appointments.
- G) Status Report on Parks and Recreation Construction Projects.
- H) Status Report on various city projects.
- I) Status Report on Terminal Expansion Construction Project.
- J) Future Agenda Items.

**6. MAYOR'S REPORT** regarding the establishment of a business counsel.

**7. TABLED ITEMS:**

- A) Consideration of a resolution recommending to Hidalgo County Commissioner's Court alternate Vote Center locations in McAllen for the November 2013 Constitutional Amendment Election.
- B) Variance request to the subdivision process at the west 117 ft. of the east 488 ft. of a resubdivision of the north 10 acres of the south 20 acres of the combined Block 2 and Lot 11, Block 4, M&M Subdivision; 2925 Valcosta Sr.

**PUBLIC COMMENT SESSION**

**8. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT) AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).**

- A) Consultation with City Attorney regarding Development Agreement with Property Commerce for old Civic Center Redevelopment. (Section 551.071 and 551.072, T.G.C.)
- B) Discussion and Possible Action regarding economic incentives for Project Phoenix. (Section 551.087 and 551.071, T.G.C.)
- C) Discussion and Possible Action on award of bid proposal for the sale of Lot 11B, McAllen Convention Center. (Section 551.072 and 551.071, T.G.C.)
- D) Discussion and Possible Action regarding Request for Qualifications for Project Stripes. (Section 551.072, T.G.C.)

- E) Discussion and Possible Action regarding the acquisition of 3.14 acre tract and 11.53 acre tract out of Lot 150, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas and approval of resolution. (Section 551.072, T.G.C.)
- F) Discussion and Possible Action regarding making an offer to acquire a tract of land out of Lot 4, southwest quarter of Section 9, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas. (Section 551.072, T.G.C.)
- G) Discussion and Possible Action regarding issuance of a utility easement consisting of a 0.0116 acre tract of land identified as RGV-MCS-4011E. (Section 551.071 and 551.072, T.G.C.)
- H) Consultation with City Attorney regarding pending lawsuit; Dahlila Guerra Casso vs. City of McAllen. (Section 551.071, T.G.C.)
- I) Consultation with City Attorney regarding Cause No. C-0929-12-F; Johnny Partian vs. Constable J.E. "Eddie" Guerra, Hidalgo County Precinct 4, et al. (Section 551.071, T.G.C.)
- J) Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)
- K) Discussion and Possible Action regarding making an offer to acquire a tract of land out of Lots 1, 2, 15 and 16, Block 32 and a 20 ft. x 100 ft. abandoned alley, Hammond's Addition to the City of McAllen, Hidalgo County, Texas. (Section 551.072, T.G.C.)
- L) Consultation with City Attorney regarding legal issues relating to purchasing and procurement process. (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.**

**C E R T I F I C A T I O N**

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 21st day of June, 2013 at 2:30 pm and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/  
 Annette Villarreal, TRMC/CMC, CPM  
 City Secretary



## Memo

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

**FROM:** Leonel Garza III, Chairman, Planning and Zoning LG III

**DATE:** June 4, 2013

**SUBJECT: REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOT 7, LAZY-A RANCH ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 2400 MAPLE AVENUE. (REZ2013-0012)**

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### **GOAL:**

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

### **BRIEF DESCRIPTION:**

The property is located along the north side of Maple Avenue at North 24<sup>th</sup> Street. The tract has 176.55 feet of frontage along Maple Avenue and a depth of 150 feet for a tract size of 0.60 acres. The subject property was rezoned from R-1 (single family residential) District to C-1 (office building) District in September 2006. There have been no rezoning requests for this property since that time. The subject property is the location for Tony's Clubhouse Daycare for children and an office for Herbalife. The applicant is requesting C-3 (general business) District to sell WIC items in one of the vacant classrooms of the building. A site plan has not been submitted by the applicant.

The adjacent zoning is C-1 (office building) District to the east and north, R-3A (multifamily residential apartments) District to the west, and R-1(single family residential) District to the south. Properties to the north and east were rezoned as part of a city initiated rezoning to C-1 (office building) District in 2006. R-1 (single family residential) District tracts in the area were zoned during comprehensive zoning in May 1979. Four lots to the north fronting Pecan Boulevard were rezoned to C-3 (general business) District in 1991 and 2002. A rezoning request to R-2 (duplex-fourplex) District was approved for 3 lots located at 1328 North 24<sup>th</sup> Street and a triplex was constructed on the property. Surrounding land uses are single family residential, apartments, El Divino Redentor Church, and vacant land.

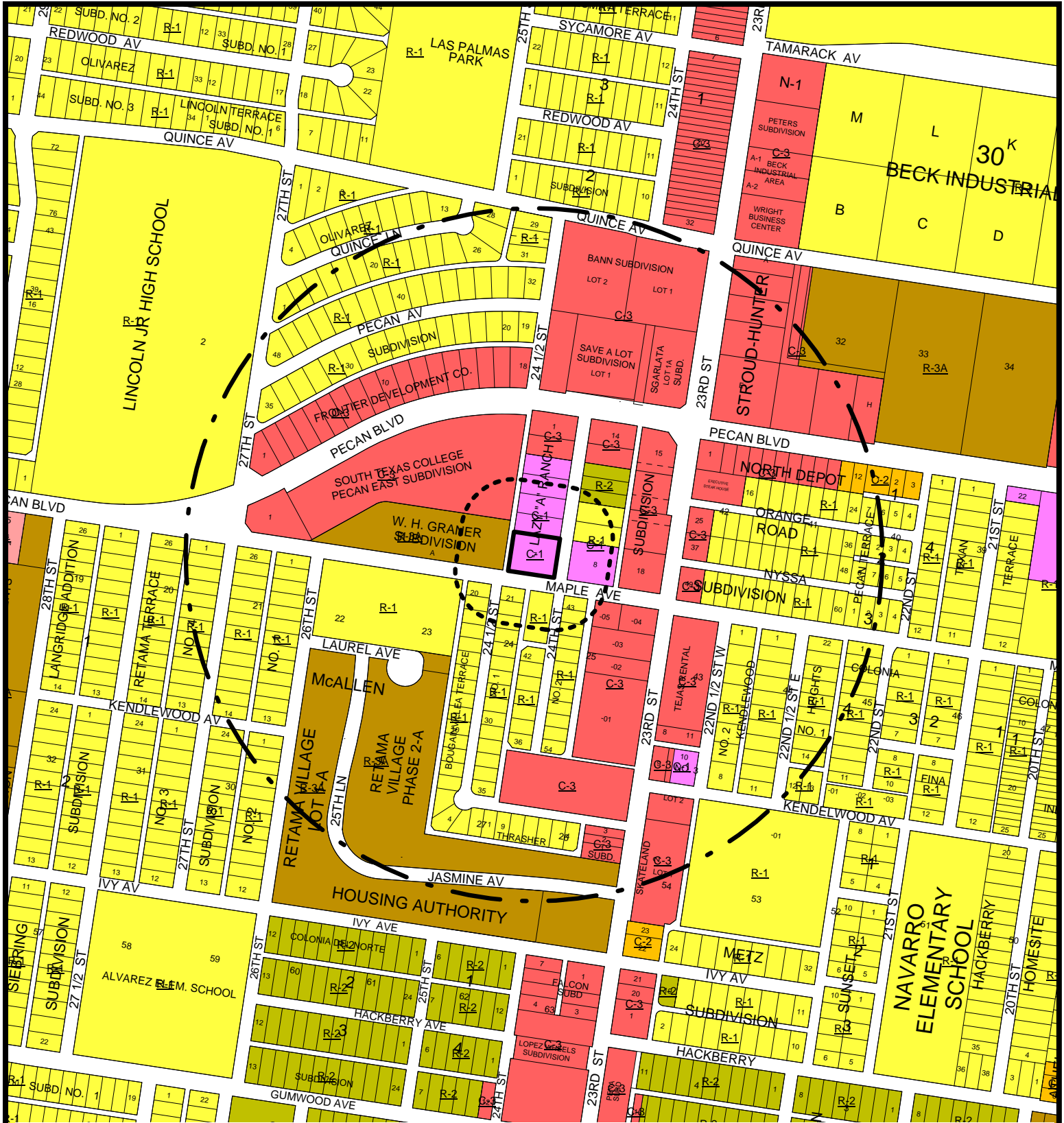
- The requested zoning conforms to the Auto Urban Commercial land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan.
- C-1 (office building) District zoning is the most restrictive commercial zoning that allows office uses for professional, medical and financial services and personal services such as beauty salons, day care and nursing home. The maximum height for buildings within C-1 District is 2 stories.
- C-3 (general business) District zoning uses include any retail business, personal services, business services, restaurants with 51% food sales and any wholesale trade to a permitted retail operation.
- North 24<sup>th</sup> Street is designated as a local street and has 50 feet of right-of-way providing 2 travel lanes and a parking lane.
- Maple Avenue is a minor collector that has 60 feet of right-of-way with 40 feet of pavement providing 2 travel lanes and 2 parking lanes.

#### **OPTIONS:**

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

#### **RECOMMENDATION:**

At the Planning and Zoning Commission meeting of June 4, 2013 no one appeared in opposition of the rezoning request. Staff recommended disapproval of the rezoning request for C-3 (general business) District and alternatively recommended approval for C-2 (neighborhood commercial) District. Chairman Garza III asked the applicant if she understood the staff recommendation for disapproval of C-3 District and the alternate recommendation to C-2 District. The applicant acknowledged her understanding and agreement with the alternate recommendation to C-2 District. The applicant also acknowledged that parking requirements would need to be met. The Board voted unanimously to recommend disapproval of C-3 District and alternatively recommend approval of C-2 District with five members present and voting.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AREA MAP**

**LEGEND**  
SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

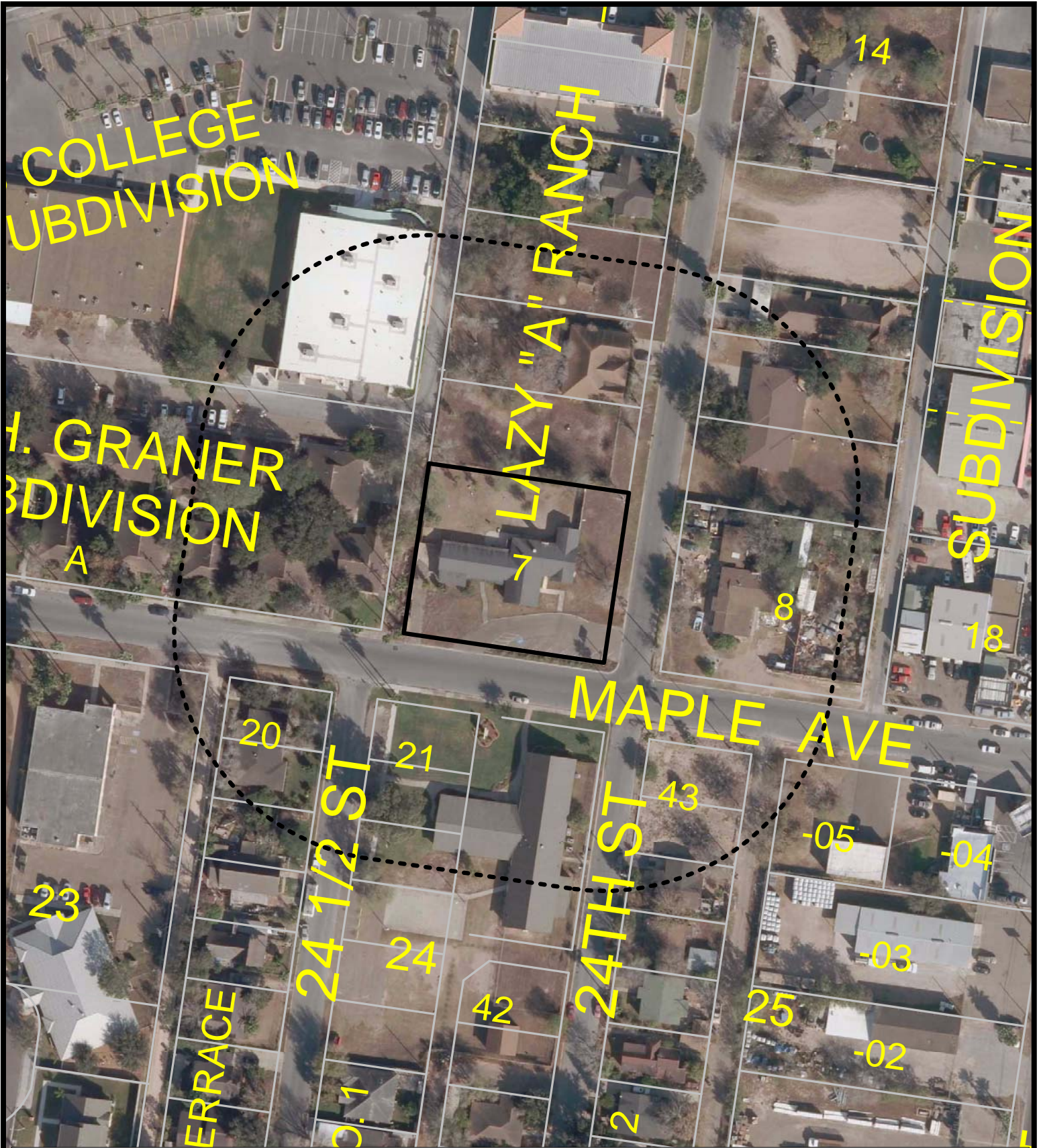
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**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-1 (SINGLE FAMILY RESIDENTIAL)	R-2 (DUPLICATE-FOURPLEX)	R-3A (APARTMENTS)	R-3C (CONDOMINIUMS)	R-3T (TOWNHOUSES)	R-4 (MOBILE HOMES)	C-1 (OFFICE BUILDING)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-3 (GENERAL BUSINESS)	C-3L (LIGHT COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	I-1 (LIGHT INDUSTRIAL)	I-2 (HEAVY INDUSTRIAL)	(SPECIAL DISTRICT)
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This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on-ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

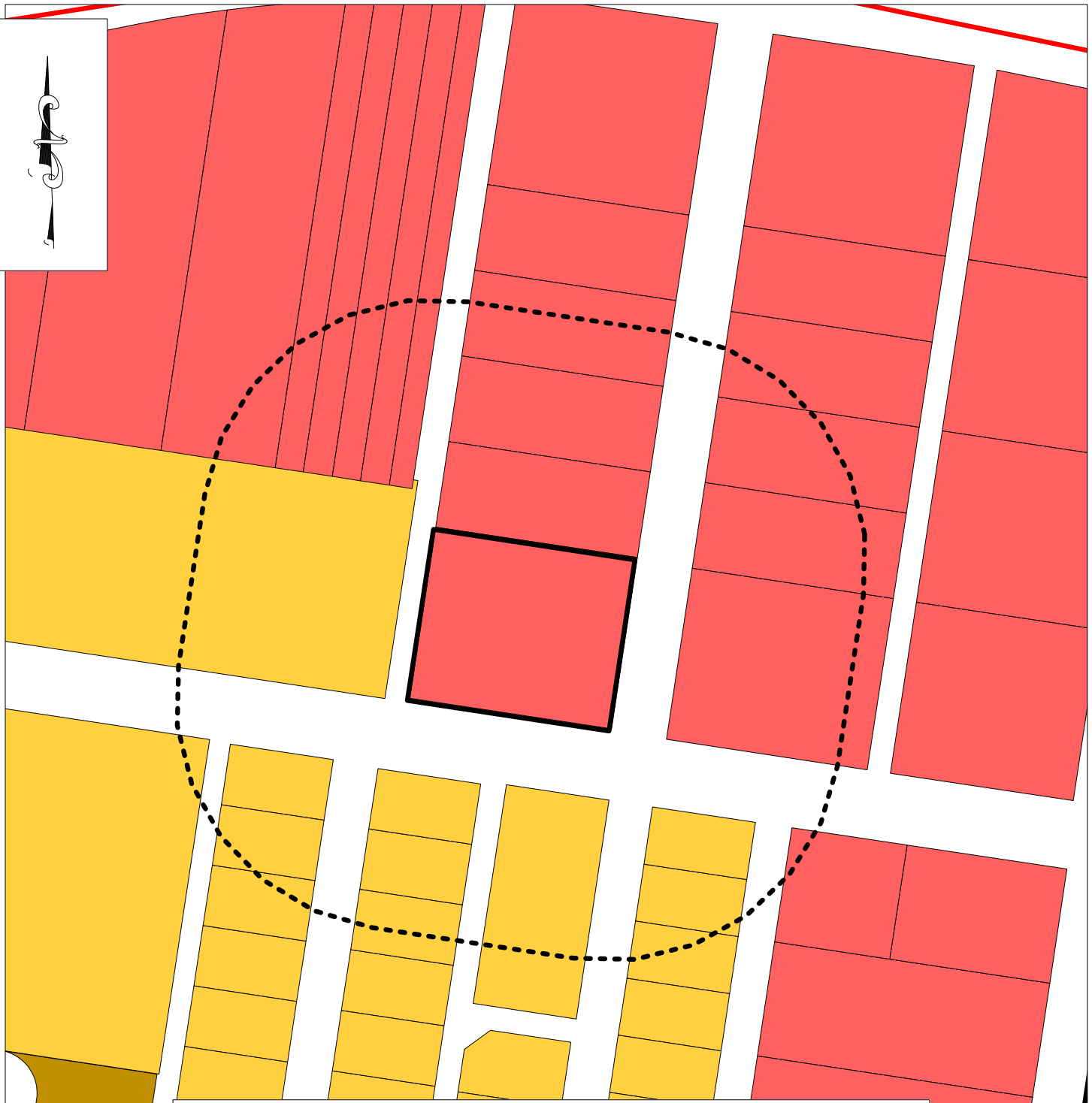
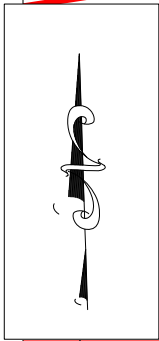
**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

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

**THOROUGHFARE PLAN**


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

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

**23RD ST**



**NOTICE  
REZONING  
For  
This Property  
REZ2013-0012**

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

**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

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

**AGENDA ITEM**                1A2      
**DATE SUBMITTED**            6/05/13      
**MEETING DATE**             6/24/13    

1. **Agenda Item:** Rezoning Request

2. **Party Making Request:** Miguel Kamel

3. **Nature of Request: (Brief Overview) Contract:**      Yes      No  
Rezone from A-O (agricultural-open space) District to C-3 (general business)  
District: 19.19 acres out of Lot 178, John H. Shary Subdivision, Hidalgo County,  
Texas; 4701 Expressway 83.

4. **Policy Implication:** Zoning Ordinance

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

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

**If over budget how will it be paid for:** \_\_\_\_\_

6. **Alternate option/costs:** \_\_\_\_\_

7. **Routing:**

	<b>NAME/TITLE</b>	<b>INITIAL</b>	<b>DATE</b>	<b>CONCURRENCE</b>
a)	<u>Julianne R. Rankin</u> Director of Planning	<u>JRR</u>	<u>06/05/13</u>	<u>Yes</u>
b)	_____	_____	_____	_____

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

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

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

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

## Memo

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

**FROM:** Leonel Garza III, Chairman, Planning and Zoning LG III

**DATE:** June 5, 2013

**SUBJECT: REZONE FROM A-O (AGRICULTURAL & OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 19.19 ACRES OUT OF LOT 178, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4701 EXPRESSWAY 83. (REZ2013-0013)**

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### GOAL:

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

### BRIEF DESCRIPTION:

The property is located along the south side of Expressway 83 and approximately 225 feet west of Bentsen Road. The tract has a depth of approximately 815 feet and a frontage of 917.05 feet along Expressway 83 for a tract size of 19.19 acres. Subsequently, the tract was rezoned to A-O (agricultural-open space) district upon comprehensive rezoning in May 1979. This property is currently vacant. The applicant is requesting C-3 (general business) District in order to develop retail and restaurant uses.

The adjacent zoning is C-3 (general business) District and A-O (agricultural-open space) District to the north, C-3 (general business) District to the west, R-1 (single family residential) District to the south, and C-4 (commercial industrial) District, R-1 (single family residential) District, and C-3 (general business) District to the east. Several rezoning requests for C-3 (general business) District for this area have been approved between 1994 and 2011. Surrounding land uses are single family homes, vacant land, restaurants, retail use, and a hotel under construction.

- The requested zoning conforms to the Auto-Urban Commercial land use designation for the tract as indicated on the Foresight McAllen Comprehensive Plan.
- The zoning trend for this area along Expressway 83 is C-3 (general business) District.
- The development trend for tracts fronting Expressway 83 in this area is for uses allowed in the C-3 (general business) District that includes any retail business, personal services, business services, restaurants with 51% food sales and any wholesale trade to a permitted retail operation.
- Expressway 83 is designated as an expressway with 300 feet of right-of-way and is constructed with 6 travel lanes, shoulders, frontage road, and a posted speed limit of 70 miles per hour.
- Colbath Road is a local street with a pavement width of 28 feet and is constructed with 2

travel lanes.

- A masonry wall with a height of 8 feet is required where a nonresidential use is adjacent to a single family use or district.
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal.

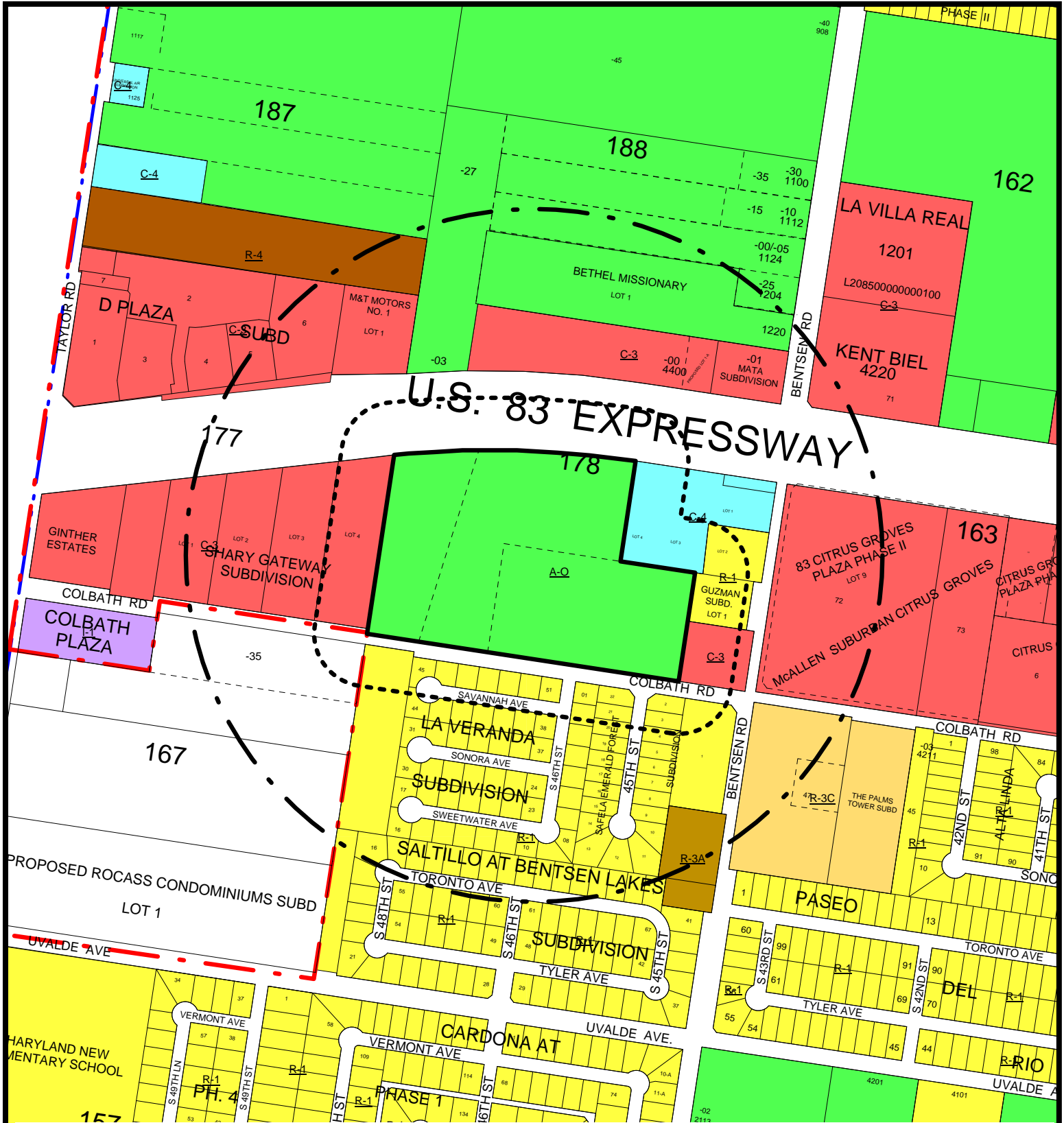
### **OPTIONS:**

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

### **RECOMMENDATION:**

At the Planning and Zoning Commission meeting of June 4, 2013 no one appeared in opposition of the rezoning request. There was no discussion. The board voted unanimously to recommend approval of the rezoning request with five members present and voting.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AREA MAP**

**LEGEND**  
SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

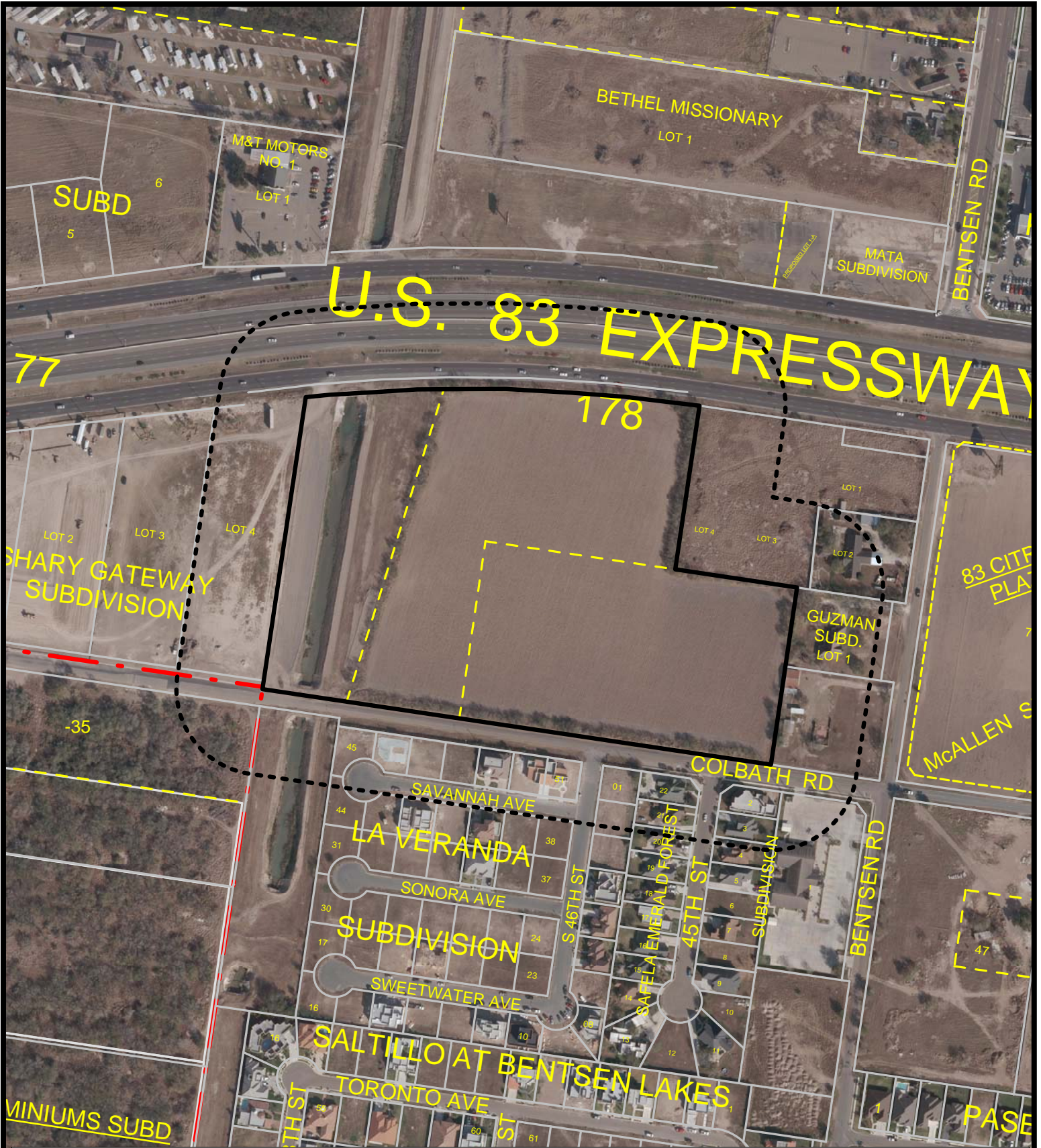
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**ZONING LEGEND**

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

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**CITY OF McALLEN**  
 PLANNING DEPARTMENT

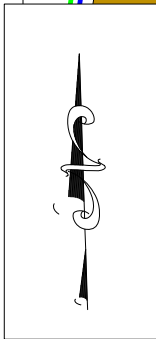
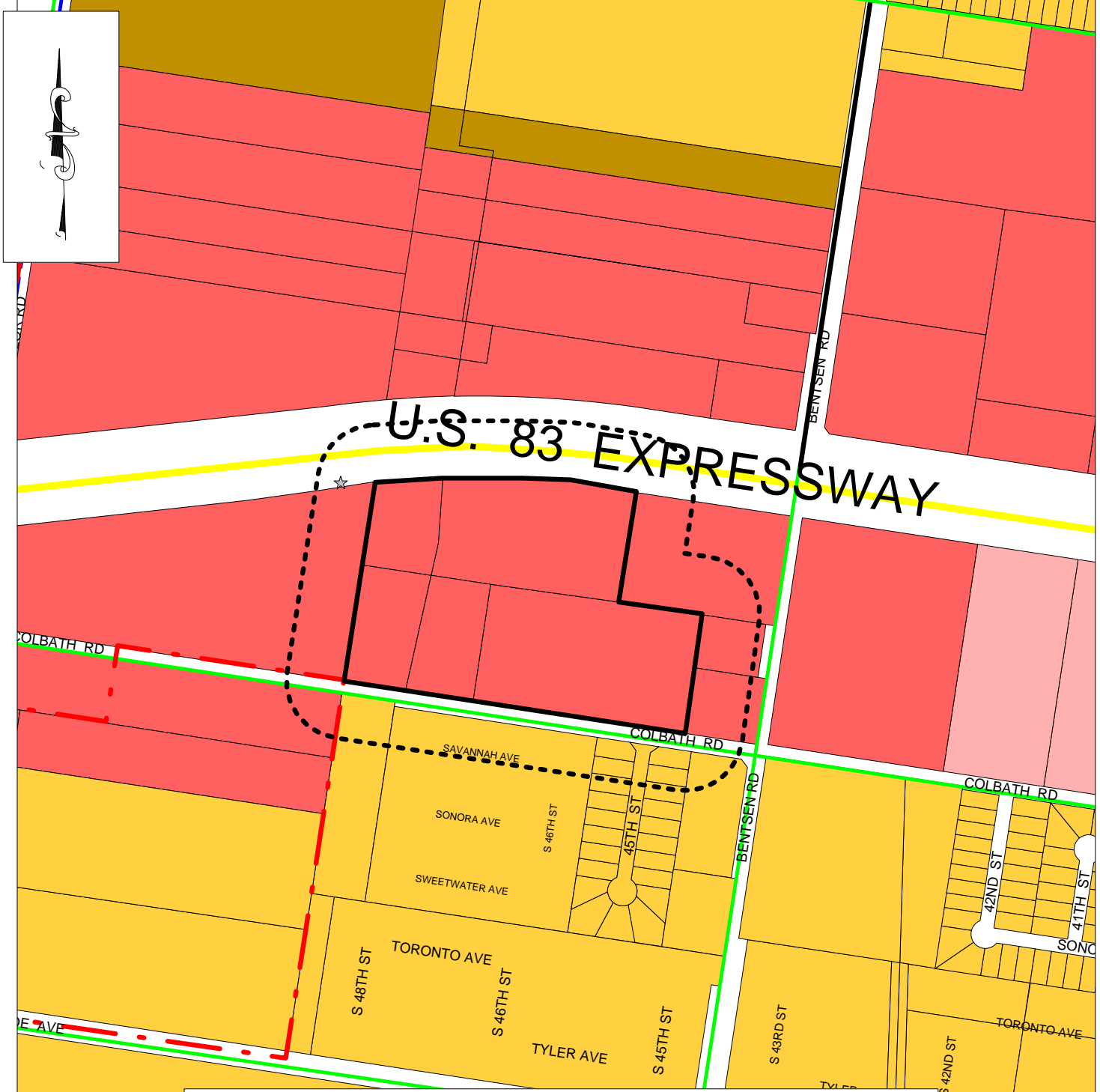
**AERIAL MAP**  
 SCALE: N.T.S.



 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

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



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

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

**THOROUGHFARE PLAN**

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

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



**NOTICE  
REZONING  
For  
This Property  
REZ2013-00 13**



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



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  1A3  </u>
UTILITY BOARD	<u>          </u>	DATE SUBMITTED	<u>  6/18/13  </u>
PLANNING & ZONING BOARD	<u>          </u>	MEETING DATE	<u>  6/24/13  </u>
OTHER	<u>          </u>		

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

2. Party Making Request:   Philip A. Corzine on behalf of Christian Fellowship Church  

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

Request of Philip A. Corzine on behalf of Christian Fellowship Church for a Conditional Use Permit, for life of the use, for an Institutional Use (church) at Lot 1, Christina Fellowship Church Subdivision and 3.13 acres out of Lot 10, Block 1, Hammond Subdivision; 2201 Trenton Road.

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

5. Budgeted:        Yes        No        N/A

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

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

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE <u>YES/NO</u>
a) <u>  Julianne R. Rankin  </u> Director of Planning	<u>  JRR  </u>	<u>  6/18/2013  </u>	<u>  Yes  </u>
b) _____	<u>      </u>	<u>      </u>	<u>      </u>

8. Staff's Recommendation: Staff recommends approval of the request, for life of the use, compliance with the Zoning Ordinances, Fire Department and building permit requirements.

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

10. City Attorney:   KP   Approved        Disapproved        None

11. Manager's Recommendation:   MRP   Approved        Disapproved        None

## Memo

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

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

**DATE:** June 18, 2013

**SUBJECT: REQUEST OF PHILIP A. CORZINE ON BEHALF OF CHRISTIAN FELLOWSHIP CHURCH FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH & RELATED ACTIVITIES) AT LOT A, CHRISTIAN FELLOWSHIP CHURCH SUBDIVISION AND THE 3.13 ACRES OUT OF LOT 10, BLOCK 1, HAMMOND SUBDIVISION; 2201 TRENTON ROAD.**

---

**GOAL:**

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

**BRIEF DESCRIPTION:**

The property is located on the south side of Trenton Road, approximately 280 ft. east of North 23<sup>rd</sup> Street and is zoned A-O (agricultural & open space) District. The adjacent zoning is A-O District to the south and east and C-3 (general business) District to the north and west. Surrounding land uses include commercial businesses, offices, single family residences and vacant land. An institutional use is permitted in an A-O zone with a conditional use permit and in compliance with requirements.

The initial conditional use permit for the church was approved, for one year, by the Planning and Zoning Commission on October 18, 1994. The last permit approval, for one year, by the Planning and Zoning Commission was on July 17, 2012. The applicant submitted a life of the use permit and has purchased more property; therefore, it has to be presented to the Planning and Zoning Commission and City Commission for approvals. On February 9, 2009 the City Commission approved a conditional use permit for a personal wireless tower on this property, for the life of the use; however, there is no broadcast wireless cell tower on site.

There is currently a 16,960 sq. ft. building on the property. The applicant proposes to continue to utilize the 16,960 sq. ft. building for a church and related activities. The seating capacity was approved at 916 persons in the main sanctuary; 229 parking spaces were required. However, during inspection staff verified the parking and there

are only 176 parking spaces on site. Since there are only 176 parking spaces on site, the church will be limited to a seating capacity of 704 persons in the main sanctuary. The applicant has stated that the church has purchased land to the south and to the southwest, which is fronting North 23<sup>rd</sup> Street, (approximately 3.13 acres of land) and is requesting to incorporate it to the conditional use permit. No future plans were indicated for the new purchased property.

The Fire Department has inspected the church and meets all the minimum requirements. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to other conditions of the permit. The proposed use must also comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts Trenton Road.
- 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. The seating capacity was approved at 916 persons in the main sanctuary, 229 parking spaces were required. However, during inspection staff verified the parking and there are only 176 parking spaces on site. Since there are only 176 parking spaces on site, the church will be limited to a seating capacity of 704 persons in the main sanctuary;
- 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 existing seating 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.

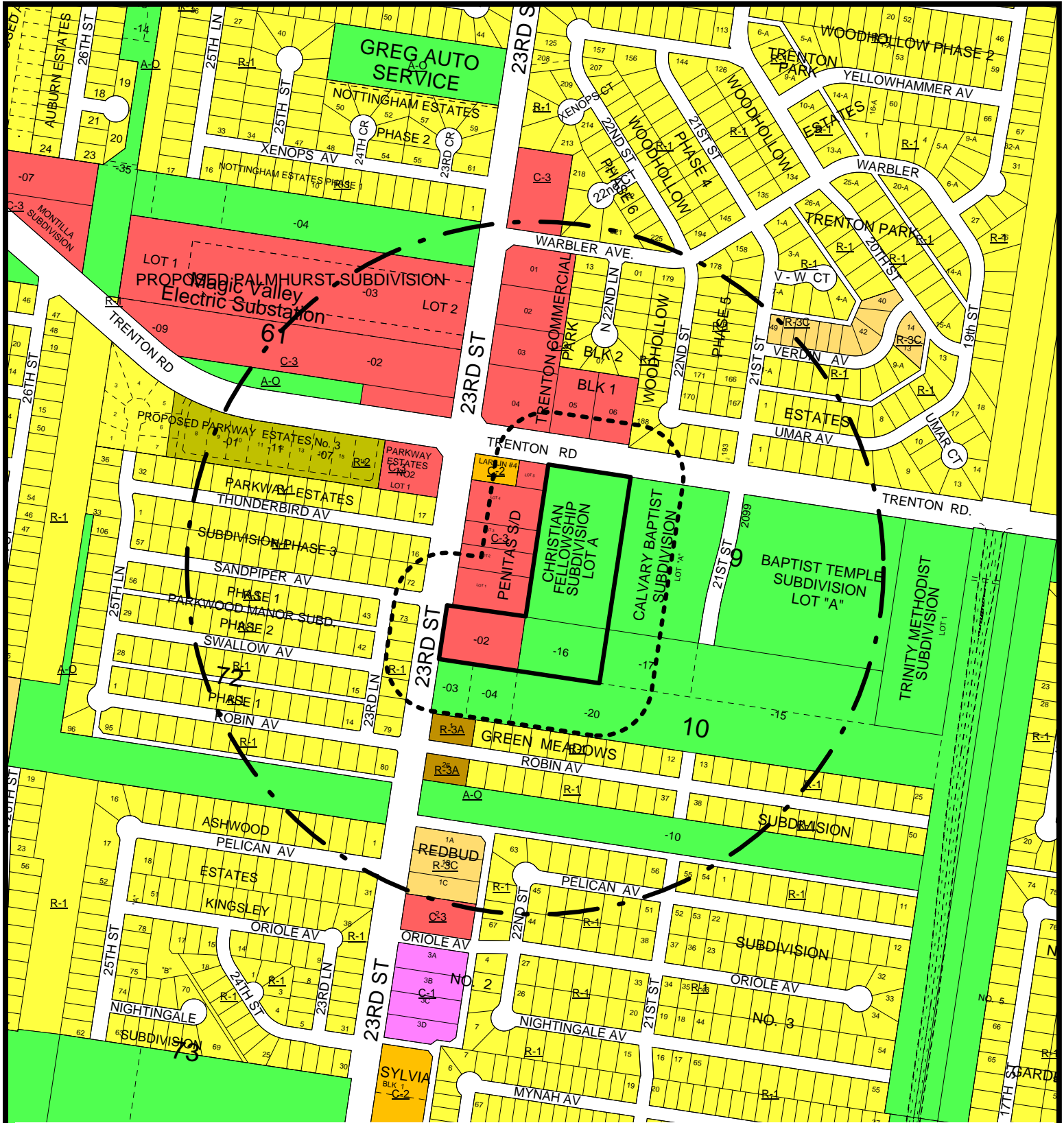
**OPTIONS:**

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

**RECOMMENDATION:**

This item was considered on June 04, 2013 by the Planning and Zoning Commission. There was no one present in opposition of the conditional use permit and the applicant was not present.

Being no discussion, the board unanimously voted to recommend approval for the life of the use.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AREA MAP**

**LEGEND**

SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

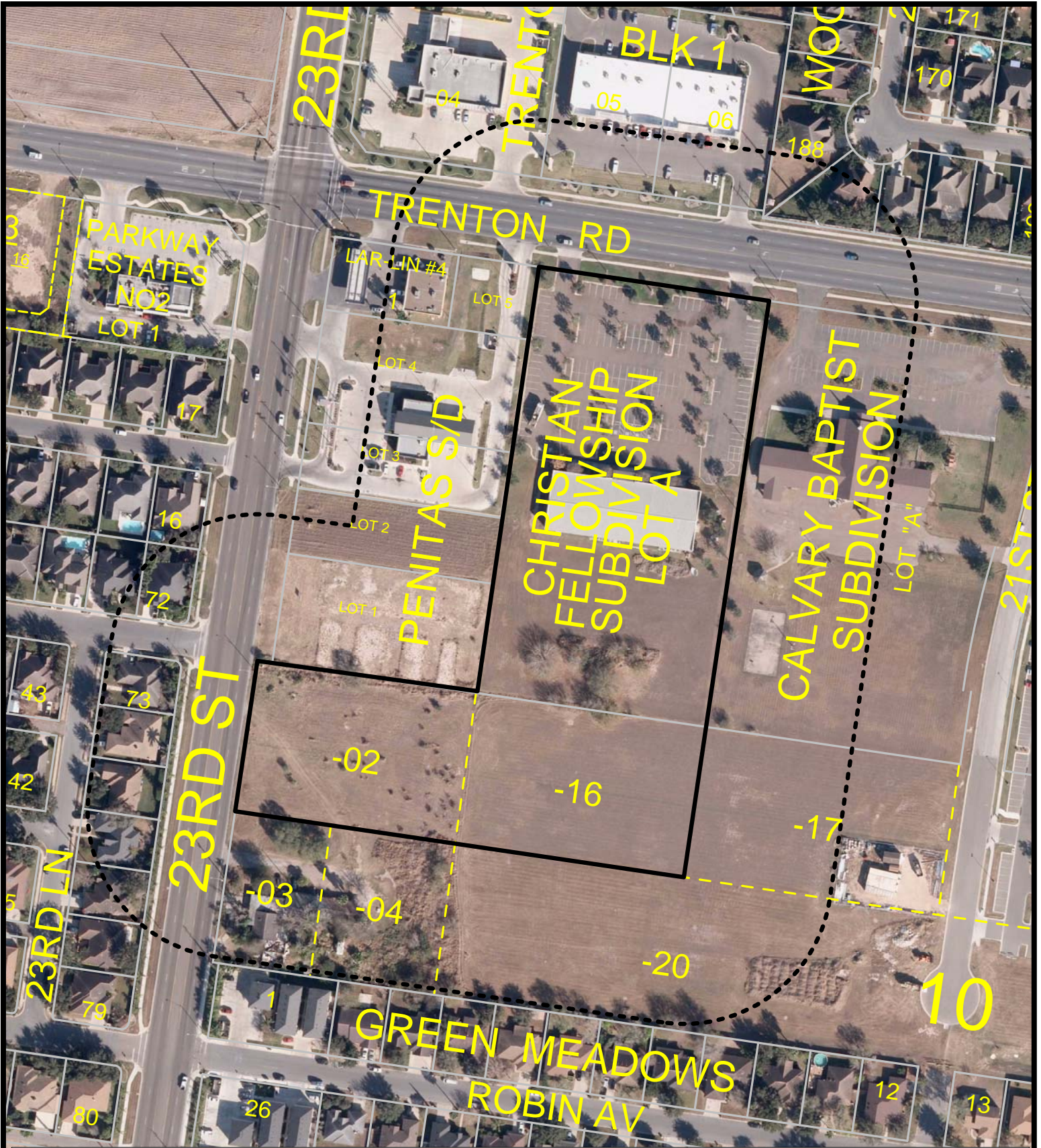
1/4 MILE RADIUS

**ZONING LEGEND**

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

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





**CITY OF McALLEN**  
 PLANNING DEPARTMENT

**AERIAL MAP**  
 SCALE: N.T.S.

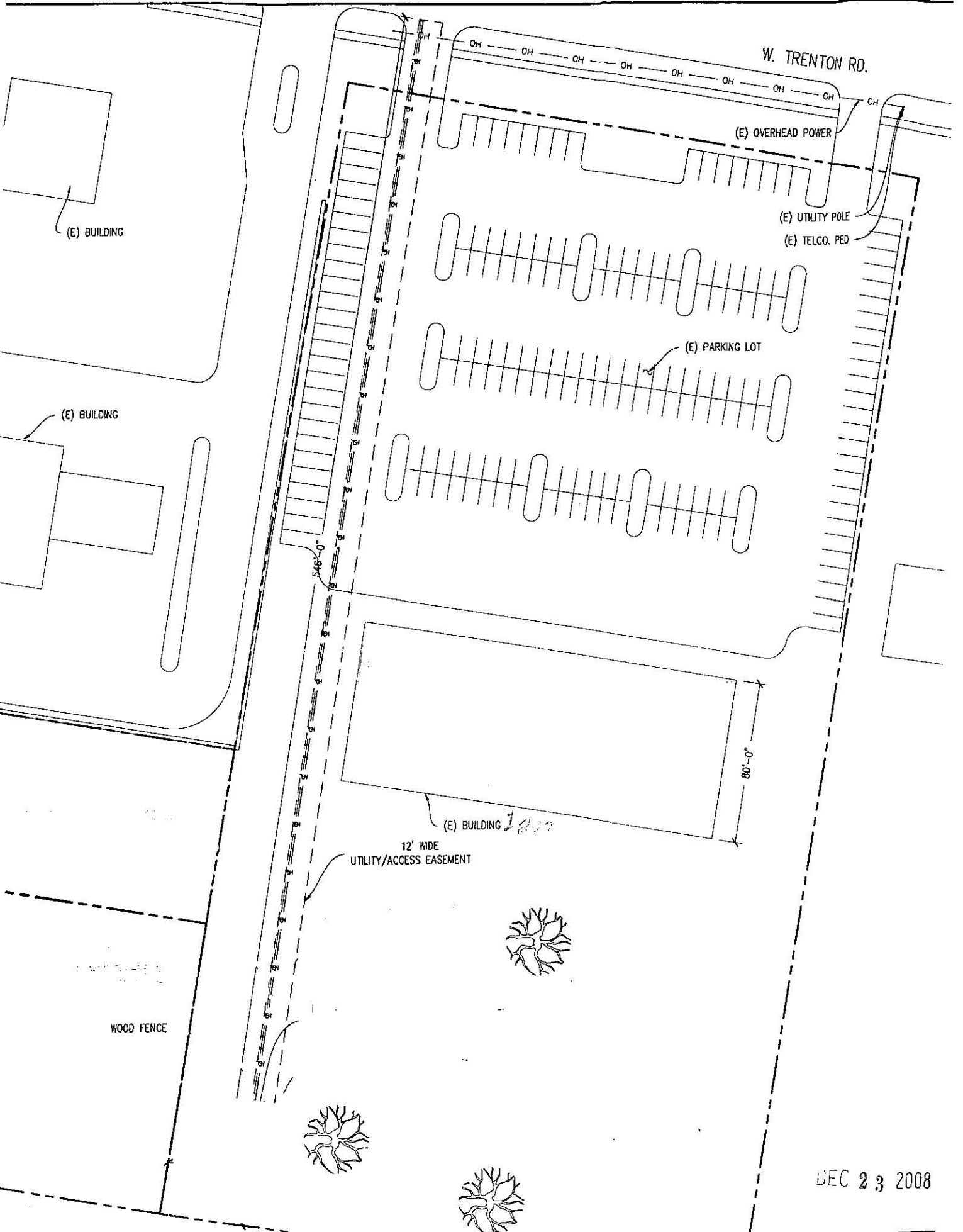
 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



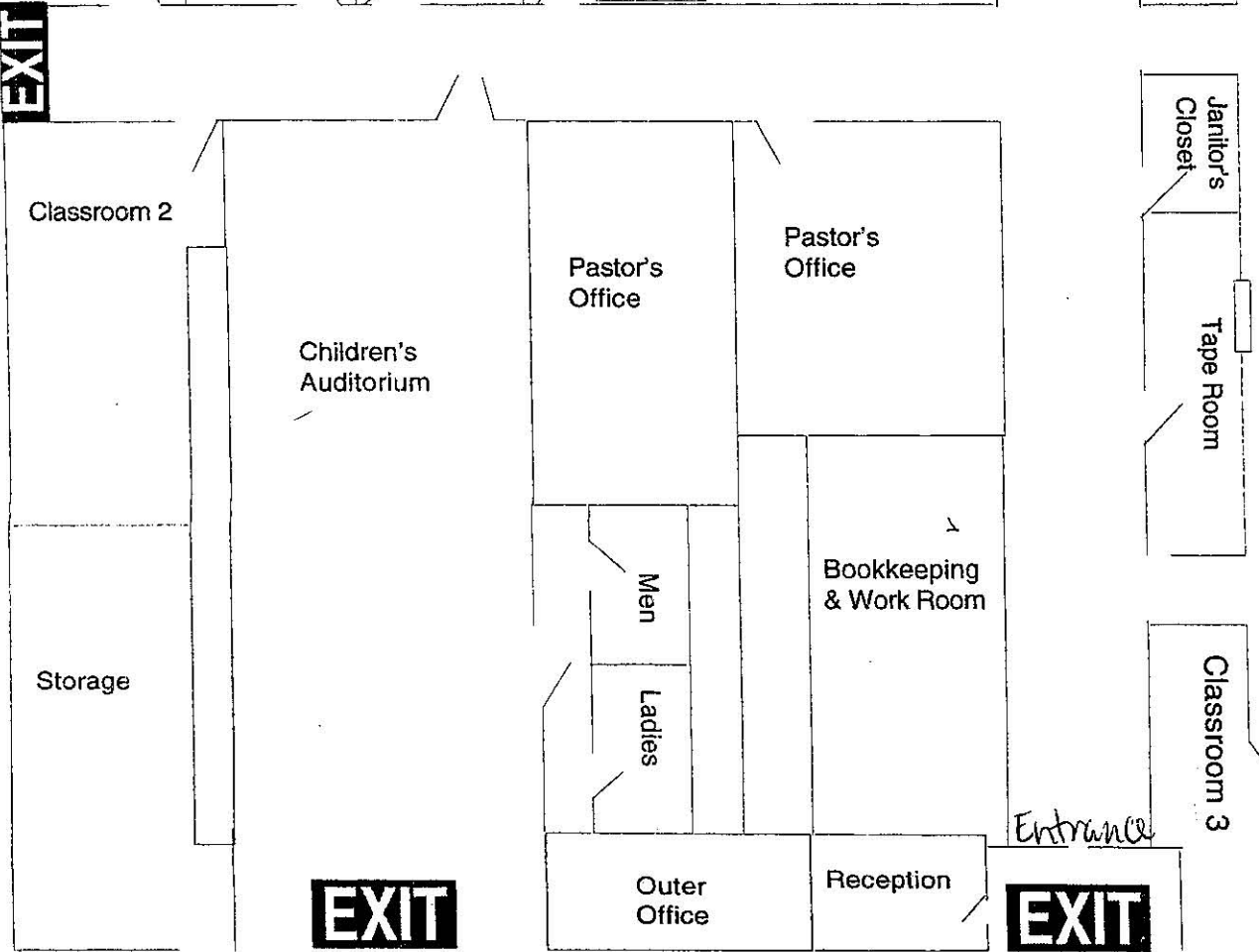
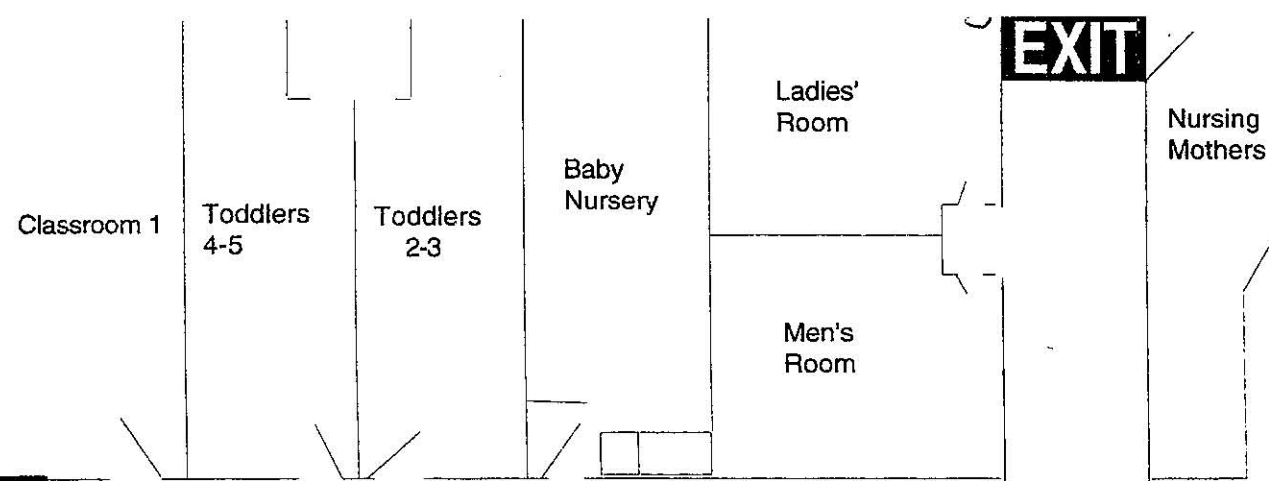
*on ground survey and represent approximate relative location of property boundaries.*





DEC 23 2008

# Site Plan



**EXIT**

**EXIT**

**EXIT**

**In case of fire,  
 nearest exit.**

**EXIT**

**EXIT**

**EXIT**

*Entrance*

*IN*

*E*



N Depot Rd

Umar Ave

5 Mi

Trenton Rd

2201 Trenton Rd, McAllen, TX 78504, USA



NEW PROPERTY

Farm to Market Rd 1926

N 21st St

© 2013 Google  
© 2013 INEGI

Google earth

Google earth


feet  
meters





**SUMMER  
CAMP**

**NOTICE  
INSTITUTIONAL  
For  
This Property  
CUP2013-0090**

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



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION \_\_\_\_\_ X \_\_\_\_\_  
UTILITY BOARD \_\_\_\_\_  
PLANNING & ZONING BOARD \_\_\_\_\_  
OTHER \_\_\_\_\_

AGENDA ITEM \_\_\_\_\_ 1B \_\_\_\_\_  
DATE SUBMITTED \_\_\_\_\_ 6/18/13 \_\_\_\_\_  
MEETING DATE \_\_\_\_\_ 6/24/13 \_\_\_\_\_

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

2. Party Making Request: Rope Investors, LLC

3. Nature of Request: (Brief Overview) Attachments: X Yes \_\_\_\_\_ No  
Appeal the decision of the Planning and Zoning Commission of the May 21, 2013 meeting denying the request of Rope Investors, for a Conditional Use Permit, for one year, for a nightclub at Lot 1, Robin Subdivision, Hidalgo County, Texas: 6800 North 10<sup>th</sup> Street.

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 <u>YES/NO</u>
------------	---------	------	------------------------------

a) <u>Julianne R. Rankin</u> Director of Planning	<u>JRR</u>	<u>6/18/2013</u>	<u>No</u>
b) _____	_____	_____	_____

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

9. Advisory Board: \_\_\_\_\_ Approved X Disapproved \_\_\_\_\_ None  
With a favorable recommendation to grant the variance to the distance requirement.

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

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

Memo

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

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

**DATE:** June 4, 2013

**SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE MAY 21, 2013 MEETING DENYING THE REQUEST OF ROPE INVESTORS, LLC., FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHTCLUB AT LOT 1, ROBIN SUBDIVISION; 6800 NORTH 10<sup>TH</sup> STREET.**

**GOAL:**

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

**BRIEF DESCRIPTION:**

The property is located on the east side of North 10<sup>th</sup> Street, approximately 330 ft. south of Robin Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the south and west, R-2 (duplex-fourplex) District to the east, and C-1 (office building) District to the north. Surrounding land uses include commercial businesses, restaurants, multi-family residences, and vacant land. A nightclub is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

There is currently a commercial building on the property, which had previously been occupied as a restaurant. The applicant is proposing to operate a 10,170 sq. ft. nightclub. The proposed hours of operation will be Monday thru Thursday 8:00 p.m. – 2:00 a.m. and Friday thru Saturday 7:00 p.m. – 2:00 a.m. Access to the site is proposed to be from one curb cut along North 10<sup>th</sup> Street. A building permit application has been submitted. The establishment must comply with all requirements of the building permit including parking, landscaping, sidewalks, etc.

A police activity report was not requested since it has not been in operation. The Health Department has inspected and cleared the establishment; however, an inspection from the Fire Department is still pending. Should the Conditional Use Permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after

10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;

- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has access to North 10<sup>th</sup> Street, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the establishment, 136 parking spaces are required for this; 128 parking spaces are being proposed;
- 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 capacity for this establishment will be determined at the time of building permit prior to occupancy of the building.

**OPTIONS:**

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

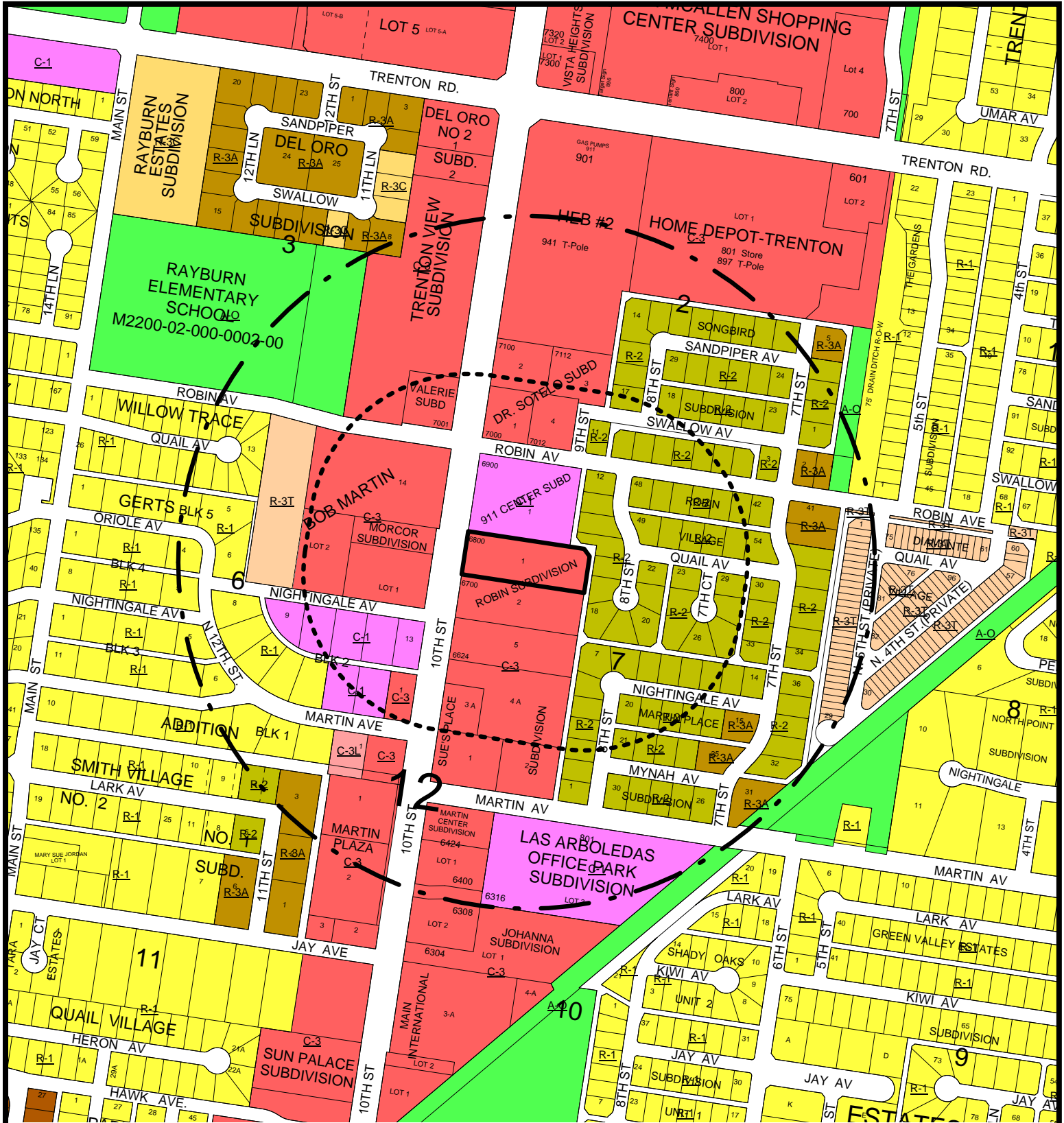
**RECOMMENDATION:**

The request was heard at the May 21, 2013 Planning and Zoning Commission meeting. There was no one present in opposition of the request and the owner was present.

The board explained to the owner of the conditions of the conditional use permit since residential uses exist to the east of his establishment. They advised the owner that the permit may be revoked if the conditions aren't met and if complaints arise during the year.

Mr. Jose Pedraza, the owner, approached the podium and stated that he understood the conditions. He indicated that they will do everything possible to be good neighbors to the residents and businesses around them.

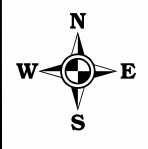
Following discussion of the item, the board unanimously voted to disapprove the request due to noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance, but with a favorable recommendation to grant the variance to the distance requirement. There were six members present 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
- |                                 |                     |                               |                             |                        |
|---------------------------------|---------------------|-------------------------------|-----------------------------|------------------------|
| A-0 (AGRICULTURAL & OPEN SPACE) | R-3A (APARTMENTS)   | R-4 (MOBILE HOMES)            | C-3 (GENERAL BUSINESS)      | I-1 (LIGHT INDUSTRIAL) |
| R-1 (SINGLE FAMILY RESIDENTIAL) | R-3C (CONDOMINIUMS) | C-1 (OFFICE BUILDING)         | C-3L (LIGHT COMMERCIAL)     | I-2 (HEAVY INDUSTRIAL) |
| R-2 (DUPLIX-FOURPLEX)           | R-3T (TOWNHOUSES)   | C-2 (NEIGHBORHOOD COMMERCIAL) | C-4 (COMMERCIAL INDUSTRIAL) | (SPECIAL DISTRICT)     |

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**CITY OF McALLEN**  
 PLANNING DEPARTMENT

**AERIAL MAP**  
 SCALE: N.T.S.

 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



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



LOT 1  
 911 ROBIN CENTER  
 SUBDIVISION  
 (VOL. 30, PG. 139-A M/R)

S81° 14' E 530.0'

10' UTIL. EASEMENT

445.0'

25' x 25' ALLEY  
 DEDICATED BY  
 THIS PLAT

35.35'  
 140.0'

330.0'

470.0'

10'

46' W 320' ALLEY

110' R.O.W.  
 50' 60'  
 60' R.O.W.

N. 10th STREET (S.H. 336)

Tex Dot R-O-W  
 VOL. 778, PG. 105  
 H.C.D.R.

165.0'  
 10' ADDITIONAL R-O-W  
 (By This Plat)  
 10' CITY  
 SANITARY SEWER  
 STORM DRAINAGE

10' UTIL. EASEMENT  
 20' ALLEY

N. 8th ST.

ROBIN VILLAGE  
 SUBDIVISION  
 (VOL. 30, PG. 138 M/R)

2

Robin Subdivision

14

49

15

16

17

QUA

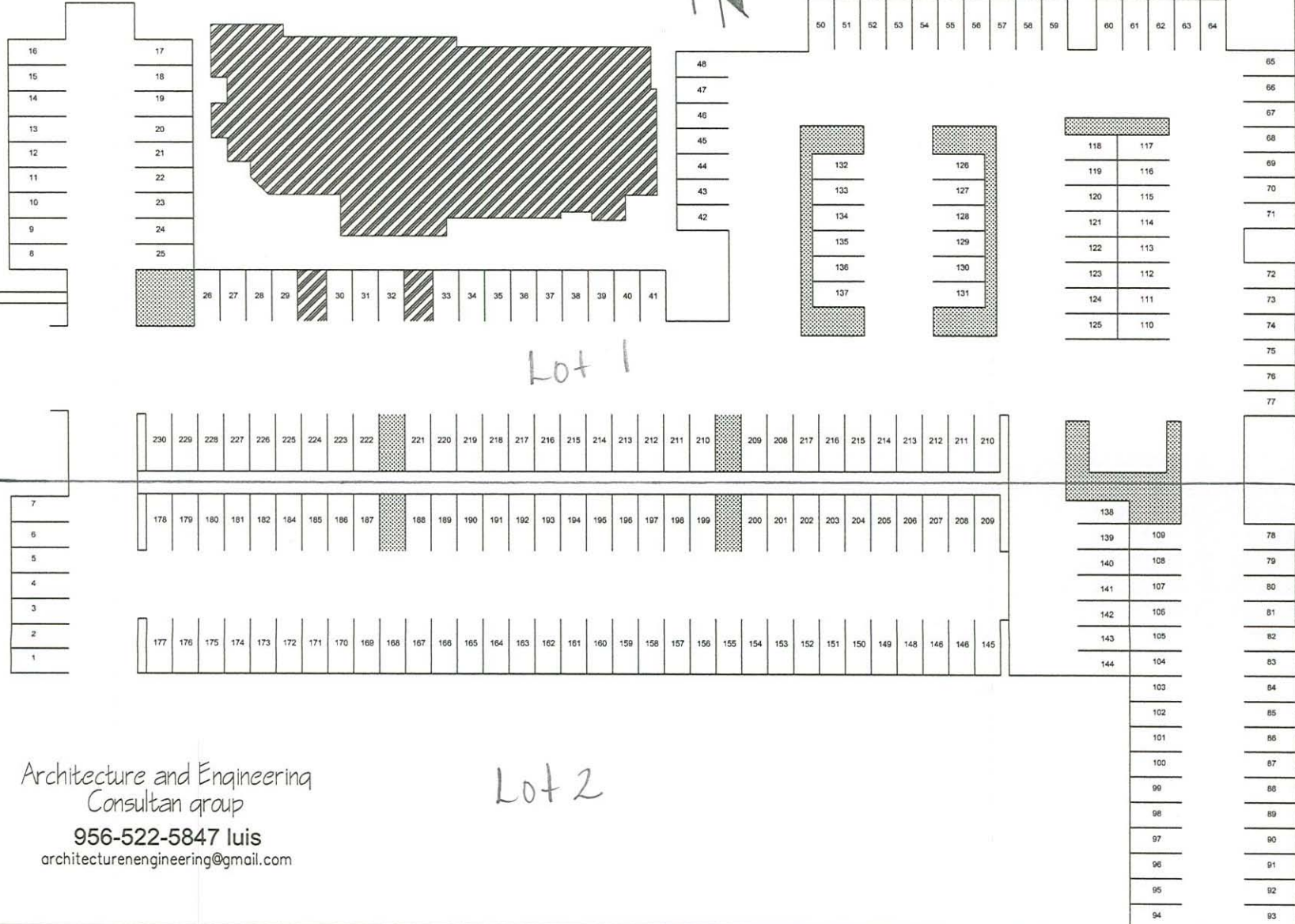
2

N.



128 p.s.

N. 10<sup>th</sup> Street

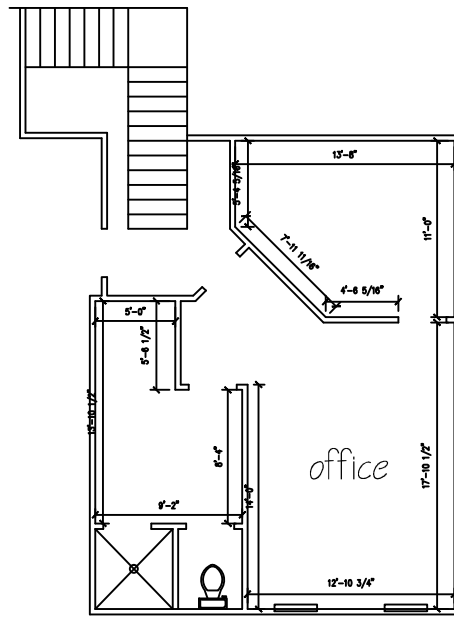


Lot 1

Lot 2

Architecture and Engineering  
 Consultan group  
 956-522-5847 luis  
 architectureengineering@gmail.com

NORTH



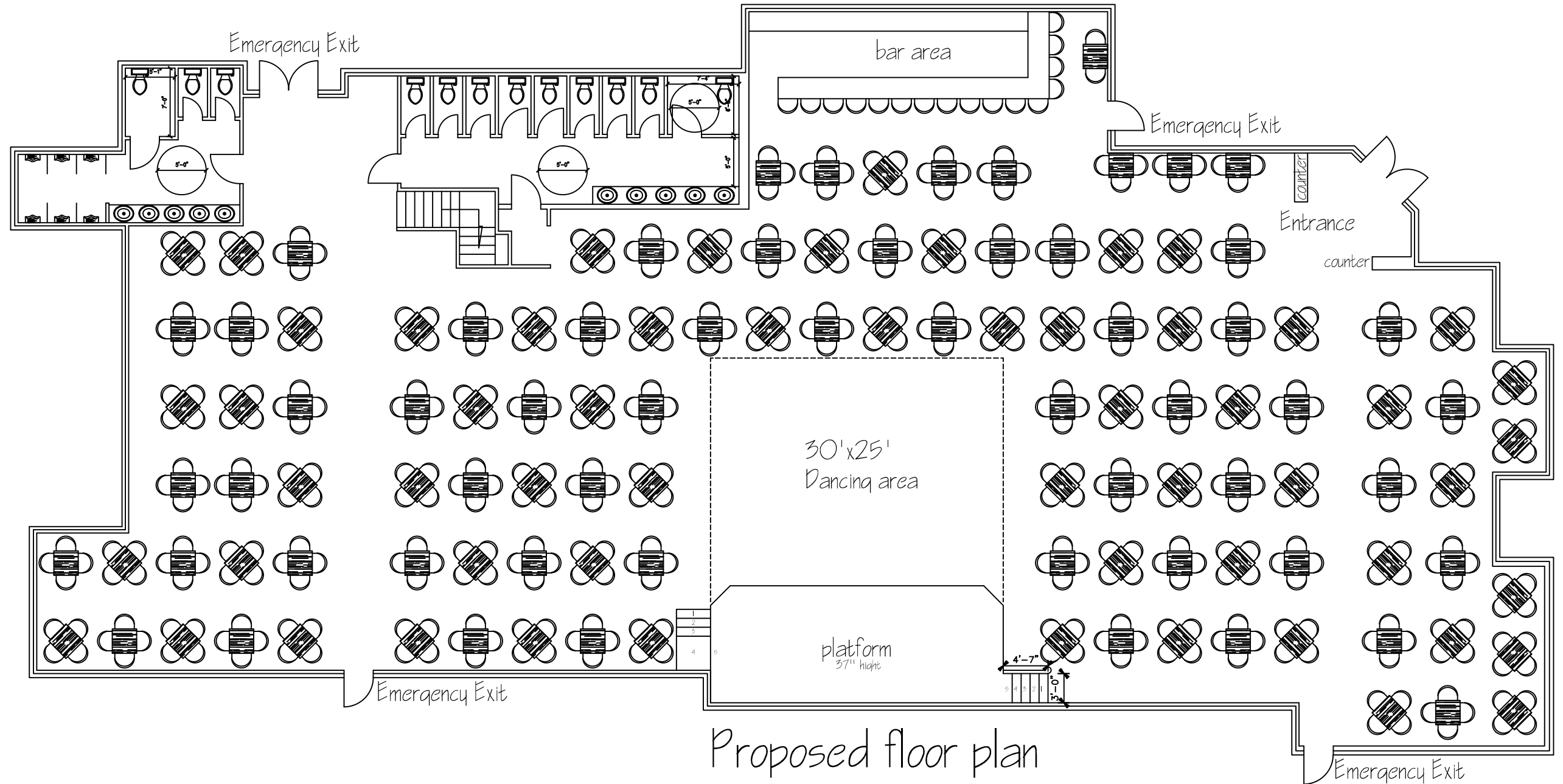
second floor plan

Architecture and Engineering  
Consultan group

**956-522-5847 Luis**

architectureengineering@gmail.com

open area 7552 sqft,  
 restrooms 724 sqft,  
 upstairs room 765 sqft,  
 total area 9041.00 sqft.



Proposed floor plan

Wednesday May 22<sup>nd</sup>, 2013

To: City of McAllen

From: Rope Investors LLC

Re: Gaslight Club-North  
6800 N 10<sup>th</sup> Street  
McAllen, Texas 785404

I am respectfully appealing the decision made by the Planning & Zoning on Tuesday May 21<sup>st</sup>, 2013.

Sincerely,



Alejandro Robles

956 862 9864





City of McAllen  
PLANNING DEPT.

5

5

**NOTICE  
BAR  
For  
This Property  
CUP2013-0083**

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



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

1C  
06/17/13  
06/24/13

CITY COMMISSION   X    
 UTILITY BOARD         
 PLANNING & ZONING BOARD         
 OTHER       

AGENDA ITEM  
 DATE SUBMITTED  
 MEETING DATE

1. Agenda Item: Zoning Ordinance

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

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

4. Policy Implication:       

5. Budgeted:    Yes        No        N/A

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

6. Alternate option costs:       

7. Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE YES/NO</u>
a) <u>Kevin D. Pagan City Attorney</u>	<u>      </u>	<u>      </u>	<u>      </u>
b) <u>Julianne Rankin Director of Planning</u>	<u><i>JR</i></u>	<u>6-18</u>	<u>Yes</u>

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

9. Advisory Board:    Approved    Disapproved    None

10. City Attorney:    Approved    Disapproved    None

11. Manager's Recommendation:    Approved    Disapproved    None



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

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT LOT 7, LAZY-A RANCH ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM C-1 (OFFICE BUILDING) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT; THAT 19.19 ACRES OUT OF LOT 178, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM A-O (AGRICULTURAL – OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) 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-1 (single family residential) District to R-3A (multi-family residential apartments) District:

Lot 7, Lazy-A Ranch Addition  
Subdivision, Hidalgo County, Texas.

SECTION II: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from A-O (agricultural – open space) District to C-3 (general business) District:

A 19.19 acre tract of land out of Lot 178, John H. Shary Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

COMMENCING at the Southeast corner of said Lot:

THENCE, with the South line of said Lot, the centerline of Colbath Road, North 81 Deg. 18 Min. 50 Sec. West, 275.00 feet to a 60-D nail found for the Southeast corner hereof and Place of Beginning.

THENCE, continuing with the South line of said Lot, North 81 Deg. 18 Min. 50 Sec. West, 1196.75 feet to a cotton picker spindle found at the Southwest corner of said Lot 178, for the Southwest corner;

THENCE, with the West line of said Lot, North 08 Deg. 41 Min. 10 Sec. East, at 20.00 feet pass the North right-of-way of said road, at 40.00 feet found a ½ inch diameter iron rod, at 711.85 feet (Deed: 711.91 feet) in all to a ½ inch diameter iron rod found for the Northwest corner;

THENCE, with the South right-of-way of U.S. Expressway 83, with a curve concave to the right, having a radius 3659.83 feet, an arch length of 875.35 feet (Deed: 875.30 feet) to a ½ inch diameter iron rod found for the point of tangency;

THENCE, continuing with the South right-of-way of U.S. Expressway 83, South 81 Deg. 16 Min. 30 Sec. East, 41.70 feet (Deed: 43.05 feet) to a 5/8 inch diameter iron rod found for the most Northerly Northeast corner;

THENCE, with the West line of Alicia Guerrero's tract, South 08 Deg. 41 Min. 50 Sec. West, 383.25 feet to a 5/8 inch diameter iron rod found for an inside corner;

THENCE, with the South line of said Guerrero's tract, South 81 Deg. 18 Min.

50 Sec. East, 287.88 feet to a 5/8 inch diameter iron rod found for the most Southerly Northeast corner;

THENCE, with the West line of Guzman Subdivision, South 08 Deg. 40 Min. West, at 412.16 feet found a 3/4 inch diameter iron pipe at the North right-of-way of Colbath Road, at 432.16 feet in all to the PLACE OF BEGINNING, containing 19.19 acres, more or less.

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

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

SECTION VI: 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 24th day of June, 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 June 2013.

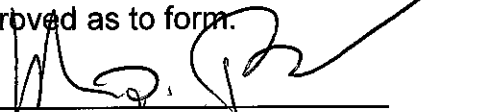
CITY OF MCALLEN

By: \_\_\_\_\_  
James E. Darling, 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 Workshop on **Monday, June 10, 2013**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Jim Darling  
Hilda Salinas, Mayor Pro Tem  
Aida Ramirez, Mayor Pro Tem  
Scott Crane, Commissioner  
Trey Pebley, Commissioner  
John Ingram, Commissioner  
Veronica Vela Whitacre, 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  
Ramon Navarro, Deputy City Engineer  
Sally Gavlik, Director of Parks and Recreation  
Phil Brown, Director of Aviation  
Carlos Sanchez, Director of Public Works  
Juli Rankin, Director of Planning  
Mike Hernandez, Deputy Director of Parks and Recreation  
Dave Melaas, Deputy Director of Parks and Recreation

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**1. PRESENT QUESTIONS TO STAFF RELATING TO JUNE 10, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.**

There were no questions relating to the Regular Meeting agenda.

**2. UPDATE ON DE LEON SPORTS COMPLEX**

Staff gave an update on the De Leon Sports Complex design. It was reported that the design layout was deficient by eight (8) female restrooms as per Code, as well as in the 25 ft. distance requirement from the far east field to the restroom facility which would require variances from the city if decided against providing them.

A discussion was held about the additional restrooms. After due consideration, staff was authorized to move forward for the request for a variance request to the distance requirement and to provide for the additional restrooms.

As it relates to the stadium playing surface, the pros and cons were reviewed for both the synthetic turf and natural turf. Staff reported on field maintenance costs of \$96,157 annually for the synthetic turf vs. to \$50,734 for natural. A discussion was held about the field usage hours both fields.

### **3. DISCUSSION RELATING TO PARK/SPRAY GROUND WATERING PLANS**

Staff discussed issues with watering park grounds due to extended acreage at various parks and for safety concerns. Moreover, staff requested authorization to seek a variance from the Public Utility Board for proposed watering times from 11:00 pm to 8:00 am. It was noted that cities such as Richardson, Midlothian, Corpus Christi and Mesquite had similar watering variances for their respective parks.

Staff was authorized to move forward with the request for a variance for the watering times.

With respect to water well sites for irrigation at numerous park facilities, staff reported that a feasibility study is currently underway that will determine the availability of quality water source at each site.

As it relates to the Splash Pads, staff reported on the specialized equipment and costs associated with the proposed recirculation tanks in the amount of \$460,756.60. Additionally, it was reported this process would require staffing to monitor facility for water quality and hence must be certified and a log must be kept with two readings daily at an estimated annual operations cost of \$89,506.08.

### **4. DISCUSSION OF DISC GOLF COURSE CONCEPT**

Staff discussed a new sport concept of the Disc Golf Course which was being explored on the west side of the Palm View Golf Course. It was noted that staff was proposing an 18-hole course at a cost of \$44,000 with a substantial amount of work being done in-house.

After due consideration, staff was authorized to pursue further.

### **5. DISCUSSION OF PRE-SECURITY FOOD AND BEVERAGE LOCATION**

Staff reviewed two options (A&B) for the Pre-Security Food and Beverage location at the McAllen International Airport.

Concerns were expressed with Option “A” design as it would obstruct the airfield view. Staff reported that the design for this option would maintain a walking area behind the kiosk to overlook the airfield. After due consideration, staff was instructed to move forward with Option “A” design.

### **6. DISCUSSION OF VOTE CENTERS SITE SELECTION RECOMMENDATIONS**

Hidalgo County Elections Administrator Yvonne Ramon and Ms. Yolanda Chapa of the County Judge’s Office, reported on the Vote Center concept for the upcoming Constitutional Amendment Election in

November. Ms. Ramon talked about the foundation of the concept centered around voter convenience in that a voter would never be at a “wrong” polling place on Election Day. She reported that numerous workshops were held and a committee was charged with making site recommendations; moreover, she reported that County Commissioner’s Court instructed her to go before every governing body in the county to seek their acceptance/rejection of the proposed Vote Center sites.

Numerous concerns were expressed by the City Commissioners. A recommendation was made to replace the STC Pecan Campus with Las Palmas Community Center due to parking problems. After due consideration, additional time and information was requested including the costs to operate each Vote Center location.

Item 7 was not addressed.

- 7. 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) CONSULTATION WITH CITY ATTORNEY REGARDING DEVELOPMENT AGREEMENT WITH PROPERTY COMMERCE FOR OLD CIVIC CENTER REDEVELOPMENT. (SECTION 551.071, T.G.C.)**
  - B) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT NEXT LEVEL. (SECTION 551.087, T.G.C.)**
  - C) DISCUSSION AND POSSIBLE ACTION ON AWARD OF BID PROPOSAL FOR THE SALE OF LOT 11B, MCALLEN CONVENTION CENTER. (SECTION 551.072, T.G.C.)**
  - D) CONSULTATION WITH CITY ATTORNEY REGARDING POSSIBLE ECONOMIC DEVELOPMENT FOR PROJECT CANTERBURY. (SECTION 551.071, T.G.C. & SECTION 551.087, T.G.C.)**
  - E) DISCUSSION AND POSSIBLE ACTION REGARDING CITY ECONOMIC JOB DEVELOPMENT FOR CUSTOM ENGINEERED WHEELS. (SECTION 551.087, T.G.C.)**
  - F) CONSULTATION WITH CITY ATTORNEY REGARDING DARK FIBER LEASE. (SECTION 551.071, T.G.C.)**
  - G) CONSIDER POSSIBLE USE OR TRANSFER OF CITY PROPERTY LOCATED ON WARE ROAD AND MONTE CRISTO FOR ECONOMIC DEVELOPMENT. (SECTION 551.072, T.G.C.)**
  - H) DISCUSSION AND POSSIBLE ACTION REGARDING LAND DONATION FOR SAM HOUSTON HOUSING AUTHORITY PROJECT AT OLD SAM HOUSTON SCHOOL SITE. (SECTION 551.071, T.G.C.)**
  - I) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER TO ACQUIRE A 20 ACRE TRACT, MORE OR LESS, OUT OF LOT 98, LA LOMITA SUBDIVISION. (SECTION 551.072, T.G.C.)**
  - J) DISCUSSION AND POSSIBLE ACTION REGARDING AN OFFER TO ACQUIRE A 5 ACRE TRACT, MORE OR LESS, OUT OF LOT 39-11, WEST ADDITION TO SHARYLAND, HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C.)**

- K) DISCUSSION AND POSSIBLE ACTION REGARDING THE ACQUISITION OF 3.14 ACRE TRACT AND 11.53 ACRE TRACT OUT OF LOT 150, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS AND APPROVAL OF RESOLUTION. (SECTION 551.072, T.G.C.)**
- L) CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE CONTRACT WITH VIANOVO RELATING TO INTERNATIONAL BRIDGE FACILITIES. (SECTION 551.071, T.G.C.)**

## **ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 6:00 p.m.

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Jim Darling, Mayor

Attest:

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Annette Villarreal, TRMC/CMC, CPM  
City Secretary



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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, June 10, 2013**, at 6:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Jim Darling  
Hilda Salinas, Mayor Pro Tem  
Aida Ramirez, Mayor Pro Tem  
Scott Crane, Commissioner  
Trey Pebley, Commissioner  
John Ingram, Commissioner  
Veronica Vela Whitacre, 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  
Perla Zamora, Deputy City Secretary  
Yvette Barrera City Engineer  
Juli Rankin, Director of Planning  
Victor Rodriguez, Police Chief  
Rafael Balderas, Fire Chief  
Sally Gavlik, Director of Parks and Recreation  
Sandra Zamora, Director of Purchasing  
Carlos Sanchez, Public Works Director  
Phil Brown, Director of Aviation

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**PRESENTATION**

A presentation was made to Kevin Watson and Joann Fuentes for being the recipients of a Teen Court Stipend & Scholarship.

**PROCLAMATION**

Commissioner Vela Whitacre read and presented a proclamation for *McAllen Fire Department's 100<sup>th</sup> Anniversary*.

**1. PUBLIC HEARING:**

Mayor Darling called the Public Hearing to order.

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

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

Commissioner Crane moved to approve the items listed on the Routine Items section of the agenda with exception of item 5 and addressed it separately. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**1. REZONE FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT TO C-3L (LIGHT COMMERCIAL) DISTRICT: 1.10 ACRE TRACT OF LAND BEING THE WEST 266.00 FEET OF LOT A, NORTH PARK ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 1700 DOVE AVENUE.**

Approved the C-3L zoning at 1700 Dove Avenue, as per Planning and Zoning Commission.

**2. REQUEST OF UPSCALE ENTERTAINMENT GROUP, LLC, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE MAY 7, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR FOR A NIGHT CLUB AT LOTS 1-4, THE DISTRICT AT MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 3300 NORTH MCCOLL ROAD, SUITE K.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, at 3300 North McColl Road, Suite K, as per Planning and Zoning Commission. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has access to North McColl Road and East Fern Avenue, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial building on the property. The building is currently a mixture of retail, vacant suites, a restaurant (La Pampa), nightclubs and a bar. Based on the square footages and current mixed uses, 71 parking spaces are required during business hours (8 a.m. to 7 p.m.). The proposed 2,467 sq. ft. nightclub

would require 33 parking spaces; 274 parking spaces are provided on the common parking area in the front and rear of the building. For the businesses that are after hours (restaurant, nightclubs and bar), to run simultaneously, 300 parking spaces are required. There is a mutual access agreement, which allows the use of parking and access in and across Lots 1 through 5, 6A, 6B of The District of McAllen Subdivision and Lot 9, 10, and 11 of The District of McAllen Phase II Subdivision. The 26 parking spaces will be utilized from Lot 6A;

- 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 allowable number of persons within the building for the use was set at 134 persons.

**3. REQUEST OF VICKY CHMIELOWSKI, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE MAY 21, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR FOR A BAR AT LOT 6, MEJIA SUBDIVISION #1, HIDALGO COUNTY, TEXAS; 2010 NOLANA AVENUE.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, at 2010 Nolana Avenue, as per Planning and Zoning Commission. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of The McAllen International Museum (IMAS) to the east and residentially-zoned properties to the east and southeast.
- 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 Nolana Avenue and Bicentennial Drive, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial plaza on the property. The plaza is a mixture of retail, fast food restaurants, and bars. At this time there are two fast food restaurants (Dominos & Billy's BBQ), retail (laundry matt, beauty salon, & Direct TV), a bar (Jackie O's) and a vacant lease space that had previously been used as a bar. Based on the current uses (except Jackie O's), 34 parking spaces are required and 125 spaces are provided on site. The proposed bar would require 46 parking spaces for a total of 80 spaces for the plaza. The existing bar (Jackie O's) is required 51 parking spaces; however, they

have a parking agreement allowing them shared parking with a property to the west in order to comply with the parking requirements. If the vacant space again becomes occupied for a bar, it would require 46 parking spaces and parking would need to be provided;

- 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 allowable number of persons within the building for the use was set at 189 persons.

**4. REQUEST OF MIGUEL A. COY ON BEHALF OF PROJECT X, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE MAY 21, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR FOR A NIGHT CLUB AT LOTS 1-4, THE DISTRICT AT MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 3300 NORTH MCCOLL ROAD, SUITES I & J.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, at 3300 North McColl Road, Suites I & J, as per Planning and Zoning Commission. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has access to North McColl Road and East Fern Avenue, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial building on the property. The building is currently a mixture of retail, vacant suites, a restaurant (La Pampa), nightclubs and a bar. Based on the square footages and current mixed uses, 71 parking spaces are required during business hours (8 A.M. to 7 P.M.). The proposed 6,200 sq. ft. nightclub would require 83 parking spaces; 274 parking spaces are provided on the common parking area in the front and rear of the building. For the businesses that are after hours (restaurant, nightclubs and bar), to run simultaneously, 319 parking spaces are required. There is a recorded mutual access agreement that allows the use of parking and access in and across Lots 1 through 5, 6A, 6B of The District of McAllen Subdivision and Lot 9, 10, and 11 of The District of McAllen Phase II Subdivision. The 45 parking spaces will be utilized from Lot 6A;



- 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. Should this permit be granted, then the condition of keeping litter at a minimum on this property and on adjacent properties be maintained; 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. Occupancy load to be determined at time of permit submittal and issuance.

**5. REQUEST OF ROPE INVESTORS, LLC., APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE MAY 21, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR FOR A NIGHT CLUB AT LOT 1, ROBIN SUBDIVISION, HIDALGO COUNTY, TEXAS; 6800 NORTH 10<sup>TH</sup> STREET.**

Staff recommended approval of a variance to the distance requirement and approval of a Conditional Use Permit, for one year, at 6800 North 10<sup>th</sup> Street, as per Planning and Zoning Commission. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has access to North 10<sup>th</sup> Street, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the establishment, 136 parking spaces are required for this; 128 parking spaces are being proposed;
- 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 capacity for this establishment will be determined at the time of building permit prior to occupancy of the building.

Mayor Darling asked if anyone was present to speak in opposition to the permit request. The following spoke in opposition to the permit: Judy Kutugata and Dr. Lopez.

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

**B) CONDITIONAL USE PERMIT:**

**REQUEST OF JUAN NAVARRO, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE MAY 21, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (OFFICE/MOONJUMP RENTALS) AT LOT 6, DAFFODIL GARDENS #1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 505 DAFFODIL AVENUE.**

Staff recommended disapproval of the Conditional Use Permit, for one year, for a home occupation, at 505 Daffodil Avenue.

Mayor Darling asked if anyone was present to speak in favor of permit request. The applicant, Juan Navarro, spoke in favor of the permit. No one appeared in opposition.

After due consideration, Commissioner Crane moved to disapprove the Conditional Use Permit as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

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

Commissioner Ingram moved to adopt the Zoning Ordinance for the approved tract. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**END OF PUBLIC HEARING**

Mayor Darling 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.]*

Mayor Darling announced that he had a conflict on consent item 2L-6 and filed a Conflict form with the City Secretary.

Mayor Pro Tem Ramirez moved to approve the items listed on the Consent Agenda with exception of items D and N and that said items be addressed separately. Commissioner Ingram seconded the motion. The motion carried unanimously.

**A) APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 28, 2013.**

Approved the minutes of Regular Meeting held May 28, 2013, as submitted.

**B) AUTHORIZATION TO RENEW MICROSOFT ENTERPRISE AGREEMENT THROUGH THE STATE OF TEXAS, DEPARTMENT OF INFORMATION RESOURCES (DIR) PROGRAM.**

Approved the renewal of the Microsoft Enterprise Agreement through the State of Texas, Department of Information Resources (DIR) Program for three (3) years, in the amount not to exceed \$160,063.32 per year.

**C) AWARD OF CONTRACT FOR TWO (2) CURRENT MODEL NEW & UNUSED TRIPLEX RIDING GREENS MOWERS.**

Awarded a contract for two (2) current model New & Unused Triplex Riding Greens Mowers to Professional Turf Products, through TASB-Buyboard Cooperative Agency, for the unit price of \$23,697.20, for a total of \$47,394.40.

**D) AWARD OF CONTRACT FOR THE PURCHASE OF LAWN & LEAF BAGS.**

Awarded a supply contract for the purchase of Lawn & Leaf Bags to Duro Bag Mfg. Co., at a unit price of \$0.2960. The term of the supply contract is for one year with the option to extend for two (2) additional years in one-year increments, with City Manager approval, if the performance of the successful bidder is satisfactory and the unit prices remain firm.

**E) AWARD OF CONTRACT FOR TOWING SERVICES (HEAVY TRUCKS/EQUIPMENT: > 28,000 GVW).**

Awarded a service contract for Towing Services (heavy trucks/equipment: >28,000GVW) to Apollo Towing. The term of the service contract is for one year with the option to extend for two (2) additional years in one-year increments, with City Manager approval, if the performance of the successful bidder is satisfactory and the unit prices remain firm.

**F) AWARD OF CONTRACT FOR THE PURCHASE OF T-SHIRTS FOR 2013 PARKS & RECREATION PROGRAMS.**

Awarded a supply contract for the purchase of T-Shirts for 2013 Parks & Recreation Programs to Britten Inc. The term of the supply contract is for one year with the option to extend for two (2) additional years in one-year increments, with City Manager approval, if the performance of the successful bidder is satisfactory and the unit prices remain firm.

**G) AWARD OF CONTRACT FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR LOS ENCINOS PARK TO MEET THE REQUIREMENTS OF A *KABOOM* GRANT.**

Awarded a contract for the purchase of Playground Equipment for Los Encinos Park to Park Place Designs, Inc., in the amount of \$27,240.78.

**H) CHANGE ORDER NO. 2 FOR ELECTRICAL PANELS AND STEP-DOWN TRANSFORMERS FOR IRRIGATION SYSTEM AND 5 ADDITIONAL WORKING DAYS FOR THE BICENTENNIAL HIKE AND BIKE TRAIL.**

Approved Change Order No. 2 for Electrical Panels and Step-down Transformers for Irrigation System, in the amount of \$15,580.20 and five (5) additional days for the Bicentennial Hike and Bike Trail.

**I) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR FUNDING UNDER THE FISCAL YEAR 2013 JUSTICE ASSISTANCE GRANT PROGRAM.**

Approved a resolution authorizing the submission of a grant application to the U.S. Department of Justice, Bureau of Justice Assistance, for funding under the Fiscal Year 2013 Justice Assistance Grant Program. The grant request will provide funding for one (1) digital imaging system and accessories for the McAllen Police Department Explosive Ordnance Disposal (Bomb) Unit, in the amount of \$22,615 with a leveraged local match of \$570 for a total project cost of \$23,185.

**J) CHANGE ORDER NO. 2 FOR STORM DRAIN AND CREDITS FOR THE MCALLEN DEVELOPMENT CENTER.**

Approved Change Order No. 2 for Storm Drain and Credits for the McAllen Development Center, by decreasing the contract amount by \$1,303 and hence revising the contract amount to \$1,977,697 and reducing the contingency allowance by \$2,485 and leaving a balance of \$47,515. No change to the contract time.

**K) CONSIDERATION AND APPROVAL OF THE PROPOSED EAST REDBUD AVENUE AT NORTH "K" CENTER AVENUE DRAINAGE IMPROVEMENTS PROJECT.**

Approved the prioritization of the proposed East Redbud Avenue at North "K Center" Avenue Drainage Improvements Project under FY 2012-2013, at an estimated cost of \$212,000 subject to a budget amendment.

**L) APPROVAL OF TAX REFUNDS OVER \$500:**

**1. CONN'S #106/CONN'S APPLIANCES INC.**

Approved a tax refund in the amount of \$3,405.00.

**2. WARE INDUSTRIAL PARTNERS LP**

Approved a tax refund in the amount of \$821.22.

**3. WEINGARTEN NORTHCROSS J V**



Approved a tax refund in the amount of \$1,791.97.

**4. REYNALDO M. & ANITA RODRIGUEZ**

Approved a tax refund in the amount of \$998.33.

**5. DANIEL & HERMINIA H. VILLARREAL**

Approved a tax refund in the amount of \$583.65.

**6. IMAGING CENTER AT MEDPOINT**

Approved a tax refund in the amount of \$2,596.03.

- M) RESOLUTION APPROVING A COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY AEP TCC TO REVIEW AEP TCC'S REQUESTED APPROVAL OF AN ADJUSTMENT TO ITS ENERGY EFFICIENT COST RECOVERY FACTOR.**

Approved a resolution approving a cooperative with the Steering Committee of Cities served by AEP TCC, to review AEP TCC's requested approval of an adjustment to its energy efficient cost recovery factor.

- N) CONSIDERATION OF A RESOLUTION RECOMMENDING TO HIDALGO COUNTY COMMISSIONER'S COURT ALTERNATE VOTE CENTER LOCATIONS IN MCALLEN FOR THE NOVEMBER 2013 CONSTITUTIONAL AMENDMENT ELECTION.**

Commissioner Crane moved to table said item. Commissioner Ingram seconded the motion. The motion carried unanimously.

**3. BIDS/CONTRACTS:**

- A) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF ONE (1) NEW CURRENT MODEL EXCAVATOR MOUNTED BRUSH CUTTING ATTACHMENT FOR THE STREETS AND DRAINAGE DEPARTMENT OF PUBLIC WORKS.**

Staff recommended award of contract for the purchase and installation of one (1) new Current Model Excavator Mounted Brush Cutting Attachment for the Streets and Drainage Department of Public Works, to Neuhaus Company LTD, in the amount of \$29,999.

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

- B) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF ONE (1) 8,000 GALLON FUEL TANK AND TWO (2) SINGLE HOSE DISPENSERS.**

Staff recommended award of contract for the purchase and installation of one (1) 8,000 Gallon Fuel Tank and two (2) Single Hose Dispensers, to South Texas Pump Inc., in the amount of \$77,000, subject to a budget amendment to the Internal Services Fund of \$2,000.

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

**C) AWARD OF CONTRACT FOR THE PURCHASE OF A PIERCE ARROW XT CUSTOM RESCUE PUMPER FOR THE FIRE DEPARTMENT.**

Staff recommended award of contract for the purchase of a Pierce Arrow XT Custom Rescue Pumper for the Fire Department, to Siddons-Martin Emergency Group, in the amount of \$548,296.06.

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

**D) AWARD OF CONTRACT FOR FIREMAN'S PARK LAKE LINER.**

Staff recommended award of contract for Fireman's Park Lake Liner to Rován Texas, LLC, in the amount of \$212,512.18.

Questions were asked of staff relating to the contractor, material type and guarantees.

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

**E) CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT #2 TO MCALLEN PUBLIC SAFETY BUILDING PROJECT.**

Staff recommended approval of Contract Amendment #2 for a revised scope of services with Milnet Architectural Services, PLLC, for the McAllen Public Safety Building Project, in the amount of 7% of the construction cost but not-to-exceed \$35,000.

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

**F) AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) NEW MODEL DIESEL, CREW CAB & CHASSIS TRUCK WITH CHIPPER FORESTRY BODY.**

Staff recommended award of contract for the purchase of one (1) New Model Diesel, Crew Cab & Chassis Truck with Chipper Forestry Body to Randall Reed's Prestige Ford, in the amount of \$56,780 which includes a custom built chipper body box, subject to a budget amendment to the Sanitation Depreciation Fund of \$6,780.

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

**G) CONSIDERATION OF CHANGE ORDER NO. 1 TO URS WORK ORDER NO. 5 – CONSTRUCTION ADMINISTRATION.**

Staff recommended approval of Change Order No. 1 to URS Work Order No. 5 Construction Administration, for the remaining amount of \$284,159 to complete the project.

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

**H) CONSIDERATION OF A LICENSE AGREEMENT FOR CONSTRUCTION, LANDSCAPE & MAINTENANCE OF FRONT PORCH AREA WITHIN CITY OF MCALLEN RIGHT-OF-WAY FOR 424 VERMONT AVENUE.**

Staff recommended approval of a License Agreement for Construction, Landscape & Maintenance of front porch area within the City right-of-way at 424 Vermont Avenue.

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

**4. ORDINANCES:**

**A) GRANTING TEXAS GAS SERVICE COMPANY THE RIGHT, PRIVILEGE AND FRANCHISE TO USE STREETS, ALLEYS, THOROUGHFARES AND OTHER PUBLIC WAYS TO OPERATE AND MAINTAIN A NATURAL GAS DISTRIBUTION SYSTEM IN THE CITY OF MCALLEN.**

Staff recommended adoption of an ordinance granting Texas Gas Service Company the right, privilege and franchise to use streets, alleys, thoroughfares and other public ways to operate and maintain a natural gas distribution system in the City of McAllen.

Mayor Darling requested that TGS consider the removal of the franchise fee on the franchise fee that is paid by the customer and requested that this be a stipulation on the motion.

After due consideration, Commissioner Pebley moved to adopt the ordinance as recommended subject to the removal of the franchise fee on the franchise fee currently charged to the customer. Commissioner Ingram seconded the motion. The motion carried unanimously.

**B) BUDGET AMENDMENT FOR THE PURCHASE OF A PIERCE ARROW XT CUSTOM RESCUE PUMPER.**

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$548,296.06, for the purchase of a Rescue Pumper for the Fire Department.

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

**C) BUDGET AMENDMENT TO THE SANITATION FUND FOR THE PURPOSE OF FUNDING THE PURCHASE OF A CHIPPER FORESTRY TRUCK FOR THE BRUSH DEPARTMENT.**

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$6,780 to the Sanitation Fund, for the purpose of funding the purchase of a Chipper Forestry Truck for the Brush Department.

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

**D) BUDGET AMENDMENT TO THE INTERNAL SERVICES FUND FOR THE PURPOSE OF FUNDING THE PURCHASE AND INSTALLATION OF A FUEL TANK UPGRADE AT THE PUBLIC WORKS FACILITY.**

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$2,000 to the Internal Services Fund, for the purpose of funding the purchase and installation of a fuel tank upgrade at the Public Works Facility.

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

**5. VARIANCE REQUEST TO THE SUBDIVISION PROCESS AT THE WEST 117 FT. OF THE EAST 488 FT. OF A RESUBDIVISION OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF THE COMBINED BLOCK 2 AND LOT 11, BLOCK 4, M&M SUBDIVISION; 2925 VALCOSTA SR.**

Staff recommended disapproval of the variance request to the subdivision process for 2925 Valcosta Sr.

Questions were asked of staff. Mayor Darling asked that said item be tabled to allow staff to bring back additional information.

Commissioner Ingram moved to table said item as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**6. MANAGER'S REPORT:**

**A) CONSIDER AUTHORIZATION TO SUBMIT AN FTA GRANT APPLICATION FOR THE CONSTRUCTION OF A DOWNTOWN TROLLEY PARK & RIDE.**

Staff requested authorization to submit an FTA grant application for the construction of a Downtown Trolley Park & Ride, in the amount of \$231,996, with a local match of \$46,400, of which \$185,596 is reimbursable through the FTA grant.

Commissioner Ingram moved to authorize the grant submission request as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.



## **B) ADVISORY BOARD APPOINTMENTS.**

Staff recommended the appointment of a member to the Building Board of Adjustments & Appeals.

Commissioner Pebley nominated Ruben Cavazos.

Commissioner Ingram moved to confirm the appointment. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

## **C) FUTURE AGENDA ITEMS.**

The items for upcoming workshops were briefly reviewed: Legislative Update; Workshop/Retreat; General Insurance; and Valcosta Sr. variance.

### **7. MAYOR'S REPORT ON THE RIO GRANDE REGIONAL WATER AUTHORITY PROGRAM REGARDING THE MEXICO-U.S. TREATY.**

Mayor Darling gave a report on the Rio Grande Regional Water Authority Program regarding the Mexico-U.S. Treaty. He announced a website ([www.texansfortreatycompliance.org](http://www.texansfortreatycompliance.org)) for Texas residents to sign a petition calling on President Obama to take action on the Mexico water deficit. Staff was instructed to post this link on the city's website. No action required.

### **8. TABLED ITEM: AWARD OF CONTRACT FOR FOOD AND BEVERAGE CONCESSION AT THE MCALLEN INTERNATIONAL AIRPORT.**

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

Staff recommended award of contract for the Food and Beverage Concession at the McAllen International Airport to D&M Coffee Co. Inc., with basic provisions of the agreement as follows:

- Non-exclusive food and beverage agreement with a five year term and two five (5) year options to renew
- Department of Aviation to receive 10% of gross receipts on all food and beverage items
- Department of Aviation to receive 15% of gross receipts on all alcoholic beverages
- Department of Aviation to contribute no more than \$600,000 (estimate \$546,343) for construction of concession space (including design, construction, furnishings, fixtures and equipment). This amount to be reimbursed to the concessionaire upon receipt of certified pay applications and receipt of paid invoices for equipment.
- Estimated revenue for the first year of the concession agreement is \$66,000.00

Staff also recommended funding F&E not to exceed \$102,000 as part of the project costs.

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

## **PUBLIC COMMENT SESSION**

No one appeared.

### **9. 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 9B , 9D, 9E; Section 551.071 Consultation with Attorney for Items 9A, 9D, 9F, 9H and 9L; and Section 551.072 Deliberation regarding Real Property for Items 9C, 9G, 9I, 9J and 9K.

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 Darling recessed the meeting at 7:25 pm to go into Executive Session. Mayor Darling reconvened the meeting at 7:39 pm and announced that a presentation would be made in open session related to item Executive Session Item 9C. At this time, two representatives from Cambridge Properties made a presentation on a proposed convention center hotel.

Mayor Darling recessed the meeting at 8:05 pm to go into Executive Session. Mayor Darling reconvened the meeting at 9:15 pm and announced the action on Executive Session items.

#### **A) CONSULTATION WITH CITY ATTORNEY REGARDING DEVELOPMENT AGREEMENT WITH PROPERTY COMMERCE FOR OLD CIVIC CENTER REDEVELOPMENT. (SECTION 551.071, T.G.C.)**

No action.

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

No action.

#### **C) DISCUSSION AND POSSIBLE ACTION ON AWARD OF BID PROPOSAL FOR THE SALE OF LOT 11B, MCALLEN CONVENTION CENTER. (SECTION 551.072, T.G.C.)**

Commissioner Ingram moved to authorize the Mayor, City Manager and City Attorney, to meet with the developers along the lines discussed in Executive Session. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

#### **D) CONSULTATION WITH CITY ATTORNEY REGARDING POSSIBLE ECONOMIC DEVELOPMENT FOR PROJECT CANTERBURY. (SECTION 551.071, T.G.C. & SECTION 551.087, T.G.C.)**

Commissioner Ingram moved to authorize the City Manager to meet with the proposed developer. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

**E) DISCUSSION AND POSSIBLE ACTION REGARDING CITY ECONOMIC JOB DEVELOPMENT FOR CUSTOM ENGINEERED WHEELS. (SECTION 551.087, T.G.C.)**

Commissioner Pebley moved to authorize the President of the McAllen Economic Development Corporation (MEDC) and city staff, to enter into the economic development agreement for that project as discussed in Executive Session. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**F) CONSULTATION WITH CITY ATTORNEY REGARDING DARK FIBER LEASE. (SECTION 551.071, T.G.C.)**

Commissioner Ingram moved to authorize the City Attorney and City Manager to enter into the fiber lease within the parameters discussed in Executive Session. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

**G) CONSIDER POSSIBLE USE OR TRANSFER OF CITY PROPERTY LOCATED ON WARE ROAD AND MONTE CRISTO FOR ECONOMIC DEVELOPMENT. (SECTION 551.072, T.G.C.)**

Commissioner Pebley moved to authorize the city staff to request relocation of the project per the discussion in Executive Session. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**H) DISCUSSION AND POSSIBLE ACTION REGARDING LAND DONATION FOR SAM HOUSTON HOUSING AUTHORITY PROJECT AT OLD SAM HOUSTON SCHOOL SITE. (SECTION 551.071, T.G.C.)**

No action.

**I) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER TO ACQUIRE A 20 ACRE TRACT, MORE OR LESS, OUT OF LOT 98, LA LOMITA SUBDIVISION. (SECTION 551.072, T.G.C.)**

No action.

**J) DISCUSSION AND POSSIBLE ACTION REGARDING AN OFFER TO ACQUIRE A 5 ACRE TRACT, MORE OR LESS, OUT OF LOT 39-11, WEST ADDITION TO SHARYLAND, HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C.)**

Commissioner Ingram moved to instruct the City Attorney to respectfully decline the offer to purchase the five-acre tract. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

**K) DISCUSSION AND POSSIBLE ACTION REGARDING THE ACQUISITION OF 3.14 ACRE TRACT AND 11.53 ACRE TRACT OUT OF LOT 150, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS AND APPROVAL RESOLUTION. (SECTION 551.072, T.G.C.)**

No action.

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

No action.

## **ADJOURNMENT**

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

---

Jim Darling, Mayor

Attest:

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Annette Villarreal, TRMC/CMC, CPM  
City Secretary



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION  
UTILITY BOARD  
PLANNING & ZONING BOARD  
OTHER

    X      
          
          
        

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

    2B      
6/18/2013  
6/24/2013

**1 Agenda Item:** Request authorization to award Local Telephone Services to SmartCom Telephone, LLC.

**2 Party Making Request:** Belinda Mercado, IT Director

**3 Nature of Request: (Brief Overview) Attachments:**     X     Yes      No  
Request authorization to award the local telephone services bid to SmartCom Telephone, LLC

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

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

<b>Bid Amount:</b>	<u>\$14,976 per month</u>	<b>Budgeted Amount:</b>	<u>\$22,000 per month</u>
<b>Under Budget:</b>	<u>                    </u>	<b>Over Budget:</b>	<u>                    </u>
		<b>Amount Remaining:</b>	<u>\$7,074 per month</u>

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

**7 Routing:**

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE YES/NO</u>
a) <u>Belinda Mercado, IT Director</u>	<u>BM</u>	<u>6/18/2013</u>	<u>YES</u>
b) <u>Sandra Zamora, Purchasing Contract Director</u>	<u>SZ</u>	<u>6/18/2013</u>	<u>YES</u>
c) <u>Roel Rodriguez, Assistant City Manager</u>	<u>RR</u>	<u>6/18/2013</u>	<u>YES</u>

**8 Staff Recommendation:** Approval to award contract to SmartCom Telephone

**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**  
**Through: Roel Rodriguez, Assistant City Manager**  
**From: Belinda Mercado, Information Technology Director**  
**Date: June 18, 2013**  
**Subject: Award of Contract - Local Telephone Service**

**GOAL:**

To contract reliable and efficient local telephone service that is the best, most advantageous, and lowest cost solution for the City.

**BRIEF EXPLANATION:**

On May 22, 2013, bids were received for Local Phone Service providers. Bids were received from AT&T and SmartCom Telephone. After reviewing various pricing options from the respondent service providers, staff recommends awarding bid to SmartCom Telephone. SmartCom's proposal is the most cost effective solution for the City of McAllen. In addition, SmartCom Telephone has been the city's local phone service provider since 2007 and has provided high-quality customer support.

**OPTIONS:**

1. Award contract to SmartCom Telephone, LLC for five years.
2. Award contract to SmartCom Telephone, LLC for two years.

**RECOMMENDATION:**

**(Option 1)** Staff recommends awarding contract to SmartCom Telephone of McAllen, TX for five years.

# Local Telephone Service Bid Tabulation

	<b>AT&amp;T Texas</b> 712 E. Huntland Drive, Room 329 Austin, TX <b>J. Shelgren, Sales Center Vice-President</b>		<b>SmartCom Telephone, LLC</b> 600 Ash Ave McAllen, TX <b>Alan Yoder, President</b>	
	Monthly Unit Price considering a Five Year Term - Current Lines		Monthly Unit Price considering a Five Year Term - Current Lines	
	5 Year Total	Monthly Total	5 Year Total	Monthly Total
<b>Total Individual Services</b>	\$ 1,630,416.00	\$ 27,173.60	\$ 887,743.20	\$ 14,795.72
<b>Total Other Sevices</b>	\$ -	\$ -	\$ -	\$ -
<b>Total Base Cost</b>	\$ 1,630,416.00	\$ 27,173.60	\$ 887,743.20	\$ 14,795.72

<b>Alternate Proposal (24 Months)</b>	\$ 71,569.44	\$ 2,982.06	\$ 48,560.00	\$ 440.00
<b>Total Bid Package</b>	\$ 1,701,985.44	\$ 30,155.66	\$ 936,303.20	\$ 15,235.72

						★ SMARTCOM McALLEN, TX		NON-RESPONSIVE ▲ AT & T McALLEN, TX	
No	Internal Ref. No.	Type	Description	U/M	QT Y	ITEM BID	COMMENTS	ITEM BID	COMMENTS
1	915-77	BASE	Item 1A - POTS Line Fee:	EA	1	\$16.95		\$20.85	
2	915-77	BASE	Item 1B - Regulatory fees:	EA	1	\$9.06		\$0.00	Unable to quote - See Pg 40
3	915-77	BASE	Item 1C - Installation (one time charge) for new POTS Line:	EA	1	\$19.95		\$0.00	Installation fees waived
4	915-77	BASE	Item 2A - PRI Circuit Fee:	EA	1	\$495.00		\$400.00	
5	915-77	BASE	Item 2B: Regulatory fees:	EA	1	\$95.04		\$0.00	Unable to quote - See Pg 40
6	915-77	BASE	Item 2C: Installation (one time charge) for new PRI Circuit:	EA	1	\$0.00	Waived	\$0.00	Installation fees waived
7	915-77	BASE	Item 3A - Point to Point T1 Circuit Fee:	EA	1	\$220.00		\$340.00	
8	915-77	BASE	Item 3B: Regulatory fees:	EA	1	\$4.70		\$0.00	Unable to quote - See Pg 40
9	915-77	BASE	Item 3C: Installation (one time charge) for new Point to Point T1 Circuit:	EA	1	\$0.00	Waived	\$0.00	Installation fees waived
10	915-77	BASE	Item 3AA - Point to Point E Audio Circuits:	EA	1	\$4,995.00		\$1,059.60	
11	915-77	BASE	Item 3BB: Regulatory fees:	EA	1	\$9.70		\$0.00	Unable to quote - See Pg 40
12	915-77	BASE	Item 3CC: Installation (one time charge) for new Point to Point E Audio Circuits:	EA	1	\$0.00	Waived	\$0.00	
13	915-77	BASE	Item 4A - Fire Bar Ring Down Circuits (Endpoint) Fee:	EA	1	\$120.00		\$1,243.55	Price for all locations requested
14	915-77	BASE	Item 4B: Regulatory fees:	EA	1	\$2.35		\$0.00	Unable to quote - See Pg 40
15	915-77	BASE	Item 4C: Installation (one time charge) for new Fire Bar Ring Down Circuits (Endpoint):	EA	1	\$0.00	Waived	\$436.50	
16	915-77	BASE	Item 5A - Name and Number Caller ID Fee:	EA	1	\$0.00	Included	\$10.00	
17	915-77	BASE	Item 5B: Regulatory fees:	EA	1	\$0.00		\$0.00	Unable to quote - See Pg 40
18	915-77	BASE	Item 5C: Installation (one time charge) for new Name and Number Caller ID:	EA	1	\$0.00	Waived	\$0.00	Installation fees waived
19	915-77	BASE	Item 6A - Expanded Local Service (Valley-wide Calling) Fee:	EA	1	\$0.00	Included	\$22.00	per PRI Span arrangement
20	915-77	BASE	Item 6B: Regulatory fees:	EA	1	\$0.00		\$0.00	Unable to quote - See Pg 40
21	915-77	BASE	Item 6C: Installation (one time charge) for new Expanded Local Service (Valley-wide Calling):	EA	1	\$0.00		\$0.00	Installation fees waived
22	915-77	BASE	Item 7A - Remote Call Forwarding Fee:	EA	1	\$10.00		\$0.78	
23	915-77	BASE	Item 7B: Regulatory fees:	EA	1	\$0.00		\$0.00	Unable to quote - See Pg 40
24	915-77	BASE	Item 7C: Installation (one time charge) for new Remote Call Forwarding:	EA	1	\$0.00	Waived	\$0.00	Installation fees waived
25	915-77	BASE	Item 8A - DID for City use fee:	EA	1	\$0.00	Included	\$10.00	
26	915-77	BASE	Item 8B: Regulatory fees:	EA	1	\$0.00		\$0.00	Unable to quote - See Pg 40
27	915-77	BASE	Item 8C: Installation (one time charge) for new DID for City use:	EA	1	\$0.00	Waived	\$0.00	Installation fees waived
28	915-77	BASE	Item 9A - DID hosted by City for third party (Government/Education/Medical)	EA	1	\$1.00	Per DID	\$10.00	
29	915-77	BASE	Item 9B: Regulatory fees:	EA	1	\$0.00		\$0.00	Unable to quote - See Pg 40
30	915-77	BASE	Item 9C: Installation (one time charge) for new DID hosted by City for third party (Government/Education/Medical):	EA	1	\$0.00	Waived	\$0.00	Installation fees waived
<b>ELECTRONIC SUBMITTAL:</b>						SUBMITTED		SUBMITTED	
<b>PAPER COPY SUBMITTAL:</b>						SUBMITTED		SUBMITTED	

- ▲ Alternate Proposal for Radio Circuits Submitted
- ▲ Vendor Included Response Form Information
- ▲ Alternate Solution Pricing Included
- ▲ Vendor Included Response Form Information
- ▲ Items listed as 'UNABLE TO QUOTE - SEE PAGE 40'







**TRAFFIC DEPARTMENT**  
**MEMORANDUM**

**To:** Mike Perez, City Manager  
**From:** Eduardo J. Mendoza, PE, PTOE, Director of Traffic Operations  
**Date:** June 13, 2013  
**Subject:** **Amendment #1 Advanced Funding Agreement for Safe Routes to School Project (Cavazos Elementary)**

**GOAL**

Consideration of request to amend the Advanced Funding Agreement for the Safe Routes to School Project with the Texas Department of Transportation in the vicinity of Cavazos Elementary..

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

TxDOT is requesting an amendment to add additional sidewalk connecting the school to the street network. There is no additional cost for the sidewalks to the City of McAllen. Due to the change in the scope of work an amendment is required. A total of \$394,532.09 in Federal funds has been authorized for the engineering, environmental, construction and construction management of this project. Cavazos Elementary is located in the City of McAllen and is part of the Edinburg Consolidated Independent School District. The City of Edinburg is the responsible party for the construction management of the project.

**OPTIONS**

1. Approve Amendment #1 to the Advanced Funding Agreement with Texas Department of Transportation.
2. Disapprove Amendment #1 to the Advanced Funding Agreement with Texas Department of Transportation.

**RECOMMENDATION**

Staff recommends the approval of Amendment #1 to the Advanced Funding Agreement with Texas Department of Transportation.

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



# Texas Department of Transportation

PO BOX 1717 • PHARR TEXAS 78577-1717 • (956) 702-6100

May 6, 2013

Honorable Mayor Richard Cortez  
Mayor, City of McAllen  
P.O. Box 220  
McAllen, Texas 78505

**RE: Advance Funding Agreement (AFA) for Safe Routes to School Project  
Amendment #1  
Cavazos Elementary School  
CSJ#: 0921-02-260**

Dear Mayor Cortez:

Per your request enclosed please find two originals of Amendment #1 to the subject AFA. This amendment replaces the original map with a revised map to address the removal and addition of sidewalks within the Cavazos Elementary School's project limits. Please sign and return both signed originals to the attention of Mr. Homero Bazan, Jr., our Director of Transportation Planning and Development, at the above address for further processing.

Should you have any questions, please contact Mr. Bazan or me at 702-6100.

Sincerely,

Mario R. Jorge, P.E.  
Pharr District Engineer

Enclosure

cc: Jody Ellington, P.E., Deputy District Engineer  
Homero Bazan, Jr., P.E., Director of Transportation Planning and Development  
Jesus Leal, P.E., Director of Transportation Operations  
Valente Olivarez, P.E., Pharr Area Engineer  
Evan Roberts, P.E., District Design Support and Special Programs Engineer  
Stephen P. Walker, R.L.A., District Landscape Architect  
District File

THE TEXAS PLAN

REDUCE CONGESTION • ENHANCE SAFETY • EXPAND ECONOMIC OPPORTUNITY • IMPROVE AIR QUALITY  
PRESERVE THE VALUE OF TRANSPORTATION ASSETS

An Equal Opportunity Employer

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT  
AMENDMENT # 1**

**THIS AMENDMENT** is made by and between the State of Texas, acting through the Texas Department of Transportation, called the State, and the City of McAllen, acting by and through its duly authorized officials, called the Local Government.

**W I T N E S S E T H**

**WHEREAS**, the State and the Local Government executed a contract on the 28th day of April, 2011 to effectuate their agreement to construct sidewalks in the vicinity of Cavazos Elementary School; and,

**WHEREAS**, it is now necessary to modify the Scope of Work and Project Location Map; and,

**WHEREAS**, it has become necessary to amend that contract;

**NOW THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties, the State and the Local Government do agree as follows:

**A G R E E M E N T**

**1. Description of Amended Items**

Article 4. Scope of Work is deleted in its entirety and replaced with the following to address additional work:

**4. Scope of Work**

The scope of work for the Project, which is at the location shown in Attachment B-1, Project Location Map, as described in the application and as approved by the Texas Transportation Commission, consists of constructing sidewalks, redesigning crosswalks, and installing bicycle racks in the vicinity of Cavazos Elementary School; and,



CSJ # 0921-02-260  
District # 21 - Pharr  
Code Chart 64 # 25950  
Project: Cavazos Elementary  
School  
Federal Highway Administration  
CFDA # 20.205  
Not Research and Development

Attachment "B" Project Location Map is deleted in its entirety and replaced with Attachment B-1 "Project Location Map", which is attached to and made a part of this amendment.

All other provisions of the original contract are unchanged and remain in full force and effect.

**2. Signatory Warranty**

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

**THIS AGREEMENT IS EXECUTED** by the State and the Local Government in duplicate.

**THE LOCAL GOVERNMENT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

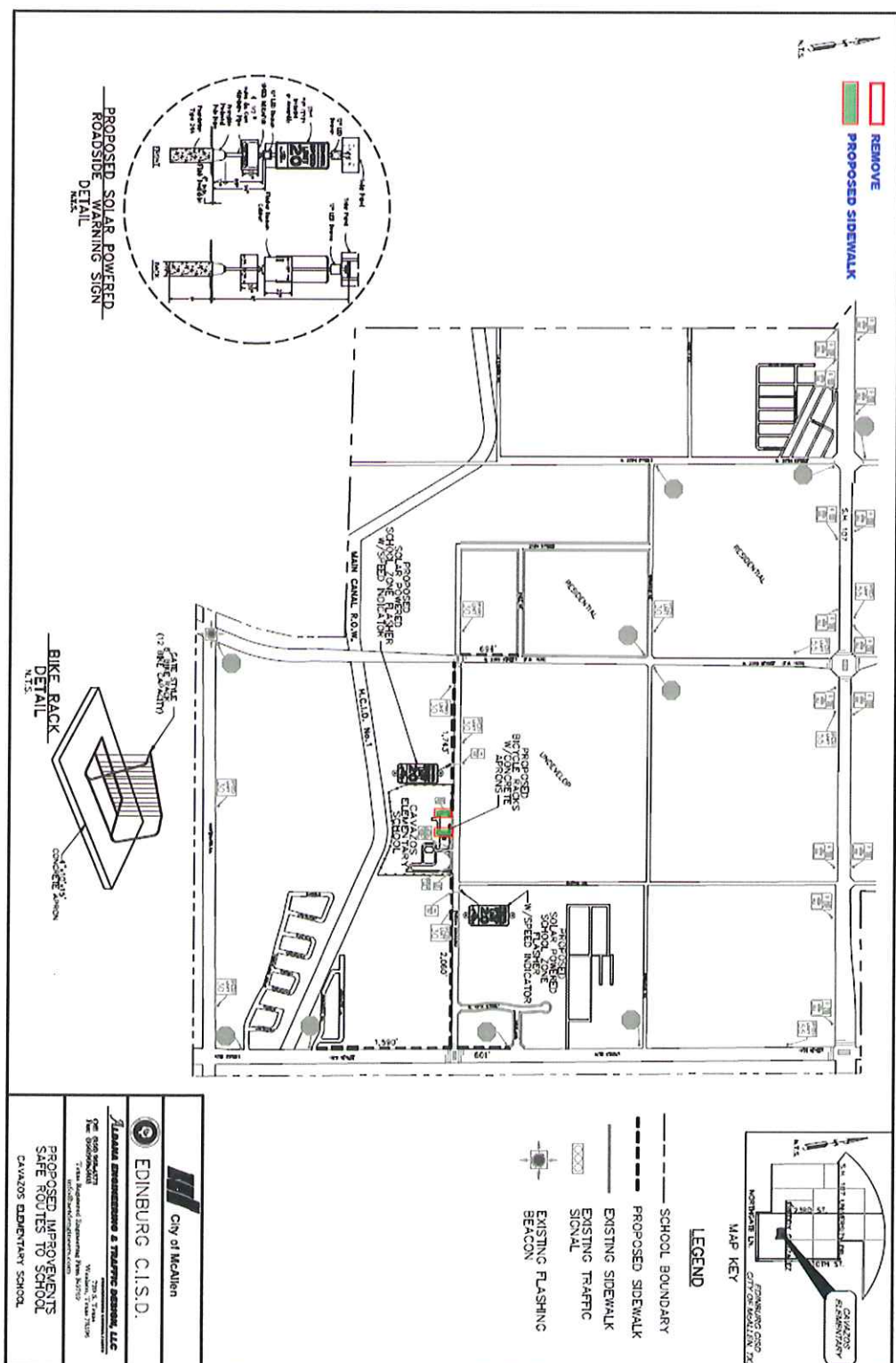
\_\_\_\_\_  
Date

**THE STATE OF TEXAS**

\_\_\_\_\_  
Carol Rawson, P.E.,  
Director, Traffic Operations Division  
Texas Department of Transportation

\_\_\_\_\_  
Date

## ATTACHMENT B-1 PROJECT LOCATION MAP



City of McAllen  
 EDINBURG C.I.S.D.  
 Alabama Engineering & Traffic Design, LLC  
 1000 South Loop West, Suite 1000, Houston, Texas 77047  
 281-461-1111  
 www.alabamadesign.com  
 Proposed Improvements  
 Safe Routes to School  
 Cavazos Elementary School

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  2D  </u>
UTILITY BOARD	<u>          </u>	DATE SUBMITTED	<u>  6/17/2013  </u>
PLANNING & ZONING BOARD	<u>          </u>	MEETING DATE	<u>  6/24/2013  </u>
OTHER	<u>          </u>		

1 Agenda Item: Request to approve Go Center Program Interlocal Cooperation contract between City of McAllen and the University of Texas - Pan American.

2 Party Making Request: Library

3 Nature of Request: (Brief Overview) Attachments:   X   Yes    No  
This University of Texas - Pan American based program will implement the Work-Study Student Mentorship Program at the Main Library this summer.

4 Policy Implication: City Commission Approval.

5 Budgeted:            Yes            No   X   N/A

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

6 Alternate option costs: N/A.

7 Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
a) Kate P. Horan, Library Director	<u>  KH  </u>	<u>  6/13/13  </u>	<u>  YES  </u>
b) Brent Branham, Deputy City Manager	<u>  ABB  </u>	<u>  6/18/13  </u>	<u>  YES  </u>

8 Staff Recommendation: Approve Interlocal agreement between City of McAllen and UTPA.

9 Advisory Board:            Approved            Disapproved   X   None

10 City Attorney:   KP   Approved            Disapproved            None

11 Manager's Recommendation:   MRP   Approved            Disapproved            None



Where people & ideas meet & connect.

To: Mike R. Perez, City Manager

From: Kathleen P. Horan, Library Director KH

CC: Brent Branham, Deputy City Manager

Date: 06/17/2013

Re: Go Center Program Interlocal Cooperation Contract

### **EXPLANATION**

This University of Texas-Pan American based program will implement the Work-Study Student Mentorship Program at the Main Library. UTPA mentors will provide access to college, career, and financial aid information to interested high school students and their parents in the Teen Area of the Main Library. Implementation begins at the signing of the Interlocal through Aug. 31, 2013.

### **OPTIONS**

1. Approve Go Center Interlocal Cooperation contract between the City of McAllen and the University of Texas-Pan American.
2. Disapprove the Go Center Interlocal Cooperation contract.

### **RECOMMENDATION**

Staff recommends approval of the Go Center Interlocal Cooperation contract between the City of McAllen and the University of Texas-Pan American.

Attachment

## INTERLOCAL COOPERATION CONTRACT

This Interlocal Cooperation Contract is entered into effective **June 1, 2013** ("Effective Date"), by and between the Contracting Parties shown below pursuant to authority granted in and in compliance with Chapter 791, *Texas Government Code*.

### CONTRACTING PARTIES:

Receiving Party: \_\_\_\_\_ City of McAllen \_\_\_\_\_, a local entity of the State of Texas.

Performing Party: **The University of Texas-Pan American**, an institution of higher education and an agency of the State of Texas.

### PURPOSE:

The purpose of this Contract is to implement the Work-Study Student Mentorship Program (Program).

The Program is designed to provide access to college, career and financial aid information to high school students and parents in the South Texas region through the services of the collegiate mentors. Training for participants and service to school districts will be provided to partnering agencies. These initiatives are in line with the goals of the Texas Higher Education Coordinating Board's *College for Texans* campaign, which has as its aim an increase in student enrollment in higher education throughout the State of Texas.

### STATEMENT OF SERVICES TO BE PERFORMED:

Receiving Party and Performing Party working with the Texas Higher Education Coordinating Board (THECB) to support the following common goals:

- To encourage students to pursue post-secondary education.
- To provide students and parents with the career, college access and financial aid information they need to plan and prepare for college.
- To provide information to best serve students and parents, and to demonstrate the effectiveness of the Performing Party Program.

### Go Center Program—Performing Party will perform the following services:

1. Appoint a Program Director & Advisor to serve as the communication liaison between the Receiving Party, Performing Party and THECB.
2. Ensure University Staff and Collegiate G-Force (CGF) complete a criminal background check.
3. Recruit, screen, deploy, and monitor CGF mentors to mentor students through the partnering agencies via funds from the Program.
4. Provide assistance to the Receiving Party, concerning the respective roles of the appointed Go-Center Site Supervisor and provide CGF mentors to help facilitate activities.
5. Provide training for Go Center Site Supervisors, as well as Collegiate and High School G-Force on how to spread the college-going message among students and parents that college is affordable, possible and desirable. As well as encourage the Generation TX program to students.
6. Contingent on funding may provide CGF mentors during the summers to community partnering agencies.
7. Assign CGF mentors for the term of this agreement to designated partnering agencies for academic engagement activities to promote college awareness and participation among students and parents.
8. Provide services to assist with acquiring resources, including marketing materials that will engender



the understanding and acceptance among students and parents to complete all the necessary steps, including course selection, test preparation and completion, and financial aid and admission applications for college acceptance.

9. Where applicable, work with Receiving Party to schedule the project's Go Center/ Gen TX grand opening celebration at their respective locations.
10. Work with Receiving Party's designated sponsor to develop a schedule indicating their hours of operation.
11. Monitor project activities through annual reports from mentors and receiving party report to THECB.
12. Provide a report to the THECB summarizing how and to what extent the Performing Party CGF mentors assisted at their respective partnering agencies.
13. Provide a min of 1 mentor per designated partnering agency, for a min of 10 hours a week, contingent on funding and student availability.
14. CGF mentors will promote Gen TX at respective sites, and provide Gen TX materials contingent on Funding availability.

**Receiving Party will perform the following services:**

1. Designate and appoint a Gen TX /Go Center Site Supervisor to provide daily supervision of the Go Center and G-Force Mentors and Mentors at Receiving Party. Site Supervisor will serve as the liaison for communication and coordination of training and college-going activities with Performing Party. This must either be an employee or someone authorized by the partnering agency with access to facilities of the agency.
2. Designate, other liaisons for communication and coordination of the activities of the specialized CGF as designated above.
3. Recruit a team of a minimum of 5 & max of 15 High School G-Force students to serve as peer mentors.
5. Provide monthly reports documenting the extent to which the service of the Go Center is going to be utilized by students or parents. (Performing Party will provide forms.)
6. Provide monthly reports documenting the number of service-hours High School G-Force students volunteered recorded by the Receiving Party. (Performing Party will provide forms.)
7. All students utilizing this service must sign in, in order to track and report the effectiveness of the Go Center to the Performing Party and THECB (Performing Party will provide forms.)
8. Establish a physical location with computer and internet access for the Gen TX /Go Center (if applicable).
9. If applicable, Receiving Party will work with Performing Party to schedule a grand opening celebration or a launch of new Gen TX/Go Center.
10. Work with Performing Party to develop hours of operation of the Gen TX /Go Center, and mentor schedule.
11. Encourage the establishment of a peer-led center with the partnering agency to maximize a college-going culture.
12. Display college readiness materials including Free Application for Federal Student Aid ("FAFSA") forms, Apply Texas Application, community college applications and other items.  
Gen TX.
13. Encourage teachers and students to utilize the Go-Center and infuse curriculum with activities fostering an expectation of college attendance (i.e. reinforcing the knowledge that a postsecondary education is affordable and possible, and the belief that it is desirable).
14. Gen TX / Go Center Site Supervisor and liaison must attend a program update prior to receiving services.



## **TERMINATION:**

In the event of a material failure by a Contracting Party to perform its duties and obligations in accordance with the terms of this Contract, the other party may terminate this Contract upon thirty (30) days' advance written notice of termination setting forth the nature of the material failure; provided that, the material failure is through no fault of the terminating party. The termination will not be effective if the material failure is fully cured prior to the end of the thirty-day period

Either Party may terminate this Contract upon thirty (30) days' advance written notice of termination to the other party.

## **OTHER PROVISIONS:**

**Payment of Debt or Delinquency to the State.** Pursuant to Sections 2107.008 and 2252.903, *Texas Government Code*, Performing Party agrees that any payments owing to Performing Party under this Contract may be applied directly toward any debt or delinquency that Performing Party owes the State of Texas or any agency of the State of Texas regardless of when it arises, until such debt or delinquency is paid in full.

**Products and Materials Produced in Texas.** If Performing Party will provide services under this Contract, Performing Party covenants and agrees that in accordance with Section 2155.4441, *Texas Government Code*, in performing its duties and obligations under this Contract, Performing Party shall purchase products and materials produced in Texas when such products and materials are available at a price and delivery time comparable to products and materials produced outside of Texas.

**Venue; Governing Law.** Hidalgo County, Texas shall be the proper place of venue for suit on or in respect of this Contract. This Contract and all of the rights and obligations of the parties hereto and all of the terms and conditions hereof shall be construed, interpreted and applied in accordance with and governed by and enforced under the laws of the State of Texas.

**Entire Agreement; Modifications.** This Contract supersedes all prior agreements, written or oral, between Performing Party and Receiving Party and shall constitute the entire agreement and understanding between the parties with respect to the subject matter hereof. This Contract and each of its provisions shall be binding upon the parties and may not be waived, modified, amended or altered except by a writing signed by Receiving Party and Performing Party.

**Loss of Funding.** Performance by a Contracting Party of its duties and obligations under this Contract may be dependent upon the appropriation and allotment of funds by the Texas State Legislature (the "Legislature") and/or allocation of funds by that Contracting Party's governing board. If the Legislature fails to appropriate or allot the necessary funds to a Contracting Party, or a Contracting Party's governing board fails to allocate the necessary funds, then the Contracting Party that loses funding may terminate this Contract without further duty or obligation under this Contract.

**State Auditor's Office.** The Contracting Parties understand that acceptance of funds under this Contract constitutes acceptance of the authority of the Texas State Auditor's Office, or any successor agency (collectively, "Auditor"), to conduct an audit or investigation in connection with those funds pursuant to Sections 51.9335(c), 73.115(c) and 74.008(c), *Texas Education Code*. The Contracting Parties agree to cooperate with the Auditor in the conduct of the audit or investigation, including without limitation providing all records requested. The Contracting Parties will include this provision in all contracts with permitted subcontractors.

**Assignment.** This Contract is not transferable or assignable except upon written approval by Receiving Party and Performing Party.

**Severability.** If any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained therein.

**Public Records.** It shall be the independent responsibility of Receiving Party and Performing Party to comply with the provisions of Chapter 552, *Texas Government Code* (the "*Public Information Act*"), as those provisions apply to the parties' respective information. Receiving Party is not authorized to receive public information requests or take any action under the *Public Information Act* on behalf of Performing Party. Likewise, Performing Party is not authorized to receive public information requests or take any other action under the *Public Information Act* on behalf of Receiving Party.

**Executed effective as of the Effective Date by the following duly authorized representatives of the Contracting Parties:**

**RECEIVING PARTY:**

City of McAllen

By: \_\_\_\_\_

Name: Jim Darling

Title: Mayor

Date: \_\_\_\_\_

**PERFORMING PARTY:**

**The University of Texas-Pan American**

By: \_\_\_\_\_

Name: Dr. Martha Cantu

Title: VP for Student Affairs

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: Mr. Martin Baylor

Title: VP for Business Affairs

Date: \_\_\_\_\_

**CITY OF McALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM     2E      
 DATE SUBMITTED 06/17/13  
 MEETING DATE 06/24/13

1. Agenda Item: Approval of Change Order No. 1 to Highmark Construction of McAllen, Texas in the amount of \$6,184.75 to saw-cut 485 L.F. of concrete curb at the DeLeon Soccer Complex.  
Project #01-13-C05-392

2. Party Making Request: Parks and Recreation Department

3. Nature of Request: (Brief Overview) Attachments:   x   Yes      No  
The plans did not call for the cutting of the concrete curbing for the proposed parking lot on the south edge of the project. The total cost of the change order is \$6,184.75 and will be paid from the contingency for the project.

4. Policy Implication:           None          

5. Budgeted Information:   x   Yes      No      N/A  
 Construction Cost

Budgeted

Account Number: 110-8702-466.66-30	CP1304	\$2,635,000.00 (Ori.Contract)
Change Order No. 1	(Increase)	<u>        6,184.75    </u> (0.0023%)
Total New Contract Amount		\$2,641,184.75

6. Alternate option/costs: To reduce the scope of the project or not award the project.

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>6/17/13</u>	<u>Yes</u>
b) <u>D. Melaas, Dpty Dir.</u>	<u>dm</u>	<u>6/17/13</u>	<u>Yes</u>
c) <u>S. Zamora, Purch. Dir.</u>			
d) <u>B. Branham, Dep. CM</u>	<u>ABB</u>		

8. Staff Recommendation: The Parks and Recreation Department recommends approval of Change Order No. 1 in the amount of \$6,184.75 to Highmark Construction of McAllen, TX.

9. Advisory Board:   X   Approved      Disapproved      None

10. City Attorney:      Approved      Disapproved   X   None

11. Manager's Recommendation:      Approved      Disapproved   MRP   None

12. Action Taken: \_\_\_\_\_



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**PARKS &**

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**RECREATION**

**interoffice**

# MEMORANDUM

**city of mcallen**

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

**From:** SALLY GAVLIK, DIRECTOR

**Subject:** DELEON NORTH SOCCER COMPLEX (PROJECT #01-13-C05-392) 

**Date:** JUNE 17, 2013

## COMMENT

**Goal:**

Staff requests approval of Change Order No. 1 in the amount of \$6,184.75 to Highmark Construction of McAllen, Texas to saw-cut 485 L.F. of existing concrete curb for the proposed parking lot along the south edge of the project.

**Discussion:**

The original plans did not have the curb removed prior to the installation of the new parking lot. In order to proceed with the parking lot the contractor will have to saw-cut the existing concrete curb and remove it.

The funds for this Change Order will come from the contingency for the project.

**Recommendation:**

The Parks and Recreation Department recommends approval of the Change Order No. 1 to Highmark Construction of McAllen, Texas in the amount of \$6,184.75, with a New Contract amount of 2,641,184.75.



June 13, 2013

CP001

Mr. Benny Cruz, Project Manager / Park Design Tech III  
City of McAllen - Parks and Recreation Department  
1000 S. Ware Rd.  
McAllen, Texas 78503

Re: McAllen North De Leon Soccer Complex - Cost Proposal 001

Dear Mr. Cruz:

As per the City's request, we respectfully submit the following proposal for the sawcutting of the existing curb at the proposed parking along the south edge of the project.

<u>Item</u>	<u>Description</u>	<u>Price</u>
1.	Sawcut 485 lf of existing concrete curb	\$ 5,622.50
2.	HighMark Construction Company, LLC OH&P (8%)	\$ 449.80
3.	Insurance (2%)	\$ 112.45
	Total	\$ 6,184.75

For comparison purposes we have determined that complete removal of the 485 lf of existing curb and gutter and replacement with a 4" thick by 24" wide reinforced concrete valley gutter would cost \$9,245.00 plus OH&P and Insurance.

Please provide a formal directive on this matter at your earliest convenience.

Sincerely,

*Tomas R. Canul*

Chief Administrative Officer  
HighMark Construction Company, LLC  
956.212.4219 cell  
956.664.2359 fax

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION   X    
UTILITY BOARD             
OTHER           

AGENDA ITEM   2f    
DATE SUBMITTED 06/14/13  
MEETING DATE 06/24/13

1. Agenda Item: Consideration and Approval of License Agreement for the Installation of Flags at Regency Park Neighborhood Association.

2. Party Making Request: Engineering Department

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

Consideration of License Agreement for Regency Park Neighborhood Association to install flags on patriotic holidays.

3. Policy Implication:   N/A  

5. Budgeted:    Yes    No   X   N/A

6. Alternate Option/Costs           N/A          

7. Routing:  
NAME/TITLE INITIAL DATE CONCURRENCE

a.) Yvette Barrera, PE, City Engineer   YB   06/19/13   YES  

b.) Roy Rodriguez, PE, Assistant City Mgr.   RR   06/19/13   YES  

8. Staff Recommendation: Staff recommends approval.

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 *YVB*

**Date:** June 13, 2013

**Subject: LICENSE AGREEMENT FOR REGENCY PARK NEIGHBORHOOD ASSOCIATION FOR INSTALLATION OF FLAGS AT INTERSECTIONS ALONG 29<sup>TH</sup> ST.**

### **Goal**

Consideration and approval of license agreement to allow Regency Park Neighborhood Association to set up flags at intersections along 29<sup>th</sup> Street for patriotic holidays.

### **Explanation**

The Regency Park Neighborhood Association has requested authorization to display flags along 29<sup>th</sup> Street through the limits of their neighborhood, from Pelican to Xenops. The City's Parks and Recreation Department has agreed to assist the Association in the initial installation. The Association will be responsible for the purchase, installation and maintenance of the flags and necessary materials.

Staff is recommending the installation of the ground sockets as a permanent installation, so that the flags can be easily displayed in the future and are located away from the travel lanes. The sockets will be required to be placed between the sidewalk and fence, so that they are not an obstruction to motorists.

### **Options**

Approve or disapprove the license agreement.

### **Recommendation**

Staff recommends approval of the license agreement.

STATE OF TEXAS

§  
§  
§

LICENSE AGREEMENT

COUNTY OF

**THIS AGREEMENT** is made by and between City of McAllen, a municipal corporation of Hidalgo County, Texas (hereinafter referred to as "City") and **Regency Park Neighborhood Association represented by members \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ who accept personal responsibility for all representations, covenants and obligations included herein** (hereinafter referred to as "Licensee").

**WITNESSETH:**

**WHEREAS**, Licensee is an unincorporated neighborhood association for the Regency Park Estates Subdivision Units 1 & 2, Hidalgo County Texas being shown on Exhibit "A" (the "Property"); and

**WHEREAS**, Licensee wishes to display patriotic flags during Holidays and special occasions along 29<sup>th</sup> Street from Pelican Avenue to Xenops Avenue on parts of the Property including parts of City's Right of Way as shown on Exhibit "B" (hereinafter referred to as the "Improvements"); and

**WHEREAS**, Licensee has requested the City allow the use of the City's west side of the right of way along 29<sup>th</sup> Street for Licensee's Improvements on patriotic holidays; and

**WHEREAS**, the Licensee has agreed as consideration for such license to indemnify the City for any damages or injuries that may result as a result of the use of the City's right of way and have further agreed that no other permanent improvement of any nature shall be placed on the right of way property covered herein which property is more fully described on Exhibit "A"; and

**WHEREAS**, Licensee shall be responsible for the purchase and any necessary materials for the installation, maintenance and removal of the Improvements; and

**WHEREAS**, Licensee has agreed to install permanent ground sockets between the sidewalk and the existing fence for the Improvements as shown on Exhibit "B"; and

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

1. **Grant of License; Consideration:** City hereby grants Licensees a revocable license for the purpose of allowing the Improvements within the Licensed Premises on patriotic holidays and for the Licensees to maintain and use the Improvements within the Licensed Premises. As consideration for the grant of this License the Licensee agrees that the Improvements shall not be



expanded, enlarged or altered in any way nor shall the height of the Improvements be increased without the prior written approval of the City.

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

3. **Non-exclusive:** This License is nonexclusive and is subject to any existing utility, drainage or communications facilities located in, on, under or upon the sanitary sewer easement or property owned by City, any utility or communication company, public or private, to all vested rights presently owned by any utility or communication company, public or private for the use of the City utility easement for facilities presently located within the boundaries of the easement and to any existing lease, license, or other interest in the easement granted by City to any individual, corporation or other entity, public or private.

4. **Environmental Protection:** Licensee shall not use or permit the use of the Licensed Premises for any purpose that may be in violation of any laws pertaining to the health of the environment, including without limitation, the comprehensive environmental response, compensation and liability act of 1980 ("CERCLA"), the resource conservation and recovery act of 1976 ("RCRA"), the Texas Water Code and the Texas Solid Waste Disposal Act. Licensees warrant that the permitted use of the Licensed Premises will not result in the disposal or other release of any hazardous substance or solid waste on or to the Licensed Premises, and that it will take all steps necessary to ensure that no such hazardous substance or solid waste will ever be discharged onto the Licensed Premises or adjoining the Licensed Premises by Licensee. The terms "hazardous substance and waste" shall have the meaning specified in CERCLA and the term solid waste and disposal (or dispose) shall have the meaning specified in the RCRA; provided, however, that in the event either CERCLA or RCRA is amended so as to broaden the meaning of any term defined thereby, such broader meaning shall apply subsequent to the effective date of such amendment; and provided further, at the extent that the laws of the State of Texas establish a meaning for hazardous substance, release, solid waste, or disposal which is broader than that specified in the CERCLA or RCRA, such broader meaning shall apply. Licensees shall indemnify and hold City harmless against all costs, environmental clean up to the Licensed Premises and surrounding the Licensed Premises resulting from Licensees' use of the Licensed Premises under this License.

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

6. **Future City use:** This License is made expressly subject and subordinate to the right of City to use the Licensed Premises for any public purpose whatsoever. In the event that City shall, at any time subsequent to the date of this Agreement, at its sole discretion, determine that the relocation or removal of the Improvements shall be necessary or convenient for City's use of the Licensed Premises, Licensee shall at the sole cost and expense make or cause to be made such modifications or relocate said Improvements so as to not interfere with the City's or City's assigns use of the Licensed Premises. A minimum of thirty (30) days written notice for

the exercise of the above action shall be given by City and Licensee shall promptly commence to make the required changes and complete them as quickly as possible or reimburse City for the cost of making such required changes.

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

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

9. **Indemnification:** Licensees shall defend, protect and keep City forever harmless and indemnified against and from any penalty, or any damage, or charge, imposed for any violation of any law, ordinance, rule or regulation arising out of the use of the Licensed Premises by the Licensee, whether occasioned by the neglect of Licensee, its employees, officers, agents, contractors or assigns or those holding under Licensees. Licensee shall at all times defend, protect and indemnify and it is the intention of the parties hereto that Licensees hold City harmless against and from any and all loss, cost, damage, or expense, including attorney's fee, arising out of or from any accident or other occurrence on or about the Licensed Premises causing personal injury, death or property damage resulting from use of the Licensed Premises by Licensee, its agents, employees, customers and invitees, except when caused by the willful misconduct or negligence of City, its officers, employees or agents, and only then to the extent of the proportion of any fault determined against City for its willful misconduct or negligence. Licensees shall at all times defend, protect, indemnify and hold City harmless against and from any and all loss, cost, damage, or expense, including attorney's fees arising out of or from any and all claims or causes of action resulting from the Licensee use of the Licensed Premises and for any failure of Licensee, their officers, employees, agents, contractors or assigns in any respect to comply with and perform all the requirements and provisions hereof.

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

11. **Termination:** This Agreement may be terminated in any of the following ways:

- a. Written agreement of both parties;
- b. By City giving Licensee thirty (30) days prior written notice;
- c. By City upon failure of Licensee to perform its obligations as set forth in this Agreement;
- d. By the City abandoning the Licensed Premises.

12. **Notice:** When notice is permitted or required by this Agreement, it shall be in

writing and shall be deemed delivered when delivered in person or when placed, postage prepaid in the United States mail, certified return receipt requested, and addressed to the parties at the address set forth in Paragraph 19. Either party may designate from time to time another and different address for receipt of notice by giving notice of such change or address.

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

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

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

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

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

18. **Covenant Running with the Land.** The provisions of this Agreement are hereby declared covenants running with the Property and are fully binding on the Licensee and each and every subsequent owner of all or any portion of the Property but only during the term of such party's ownership thereof (except with respect to defaults that occur during the term of such person's ownership) and shall be binding on all successors, heirs, and assigns of the Licensee which acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part hereof, thereby agrees and covenants to abide by and fully perform the provisions of this Agreement with respect to the right, title or interest in such Property

19. **Addresses.**

Licensor: City of McAllen  
1300 Houston  
McAllen, Texas 78501

Licensee: Regency Park Neighborhood  
Association  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**LICENSOR:**  
CITY OF McALLEN

By: \_\_\_\_\_  
Mike R. Perez, City Manager

**LICENSEE:**  
Regency Park Neighborhood Association  
represented by the listed Members (who accept  
personal liability)

By: \_\_\_\_\_  
Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_

**CORPORATE ACKNOWLEDGMENT**

**STATE OF TEXAS §**  
**COUNTY OF HIDALGO §**

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

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

**ACKNOWLEDGMENT**

**STATE OF HIDALGO §**  
**COUNTY OF TEXAS §**

This instrument was acknowledged before me on \_\_\_\_\_, 2013, by \_\_\_\_\_ as Member of the REGENCY PARK NEIGHBORHOOD ASSOCIATION on behalf of the unincorporated association.

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

**ACKNOWLEDGMENT**

**STATE OF HIDALGO §**  
**COUNTY OF TEXAS §**

This instrument was acknowledged before me on \_\_\_\_\_, 2013, by \_\_\_\_\_ as Member of the REGENCY PARK NEIGHBORHOOD ASSOCIATION on behalf of the unincorporated association.

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

**ACKNOWLEDGMENT**

**STATE OF HIDALGO §**  
**COUNTY OF TEXAS §**

This instrument was acknowledged before me on \_\_\_\_\_, 2013, by \_\_\_\_\_ as Member of the REGENCY PARK NEIGHBORHOOD ASSOCIATION on behalf of the unincorporated association.

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

**ACKNOWLEDGMENT**

**STATE OF HIDALGO §**  
**COUNTY OF TEXAS §**

This instrument was acknowledged before me on \_\_\_\_\_, 2013, by \_\_\_\_\_ as Member of the REGENCY PARK NEIGHBORHOOD ASSOCIATION on behalf of the unincorporated association.

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

Approved as to form:

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

ATTEST:

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



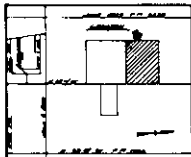
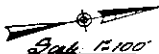
LOT 69

LOT 57

N 8° 40' 00" E - 1370.00'

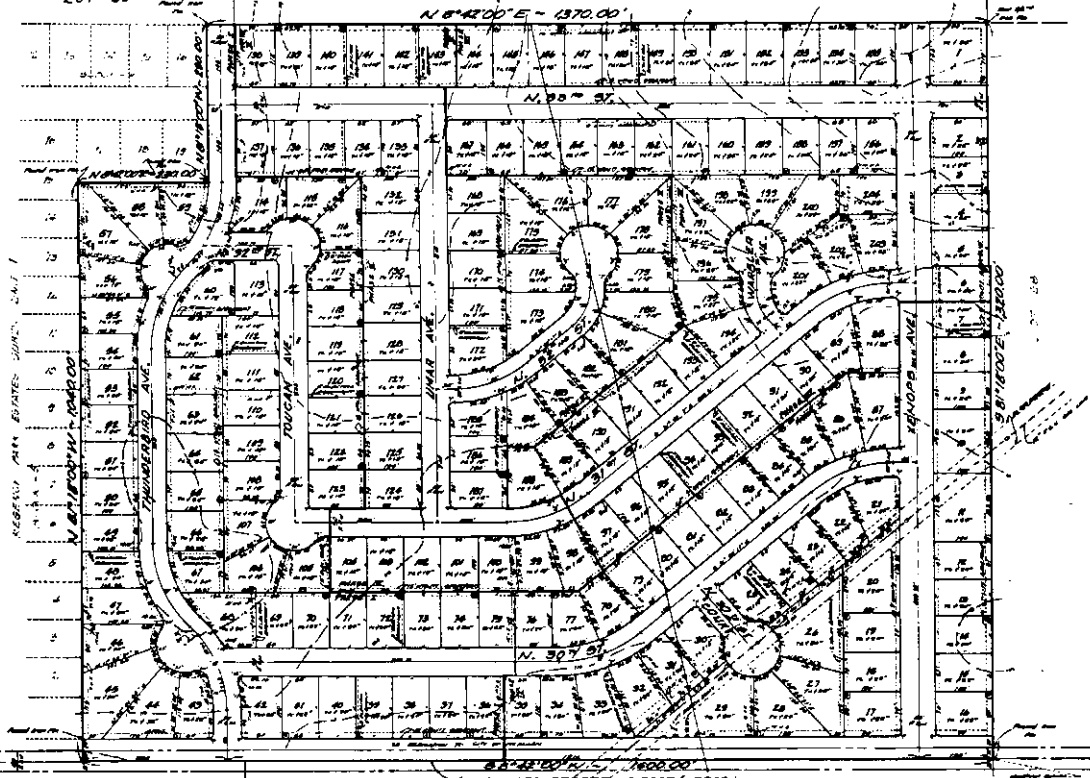
RECONSTRUCTION PLAN OF  
REGENCY PARK ESTATES  
UNITS 1 & 2

DEED 47046088 AND COMPOSITION OF ALL  
OF BLOCKS 9 & 12 UNIT 1 & 2  
UNIT 2 REGENCY PARK ESTATES AS RECORDED  
IN VOLUME 22, PAGE 170, MAP RECORDED  
IN DALLAS COUNTY, TEXAS.



LOCATION

NO.	AREA	CURVE DATA	PERCENT	AREA
1	100.00	18.57	1.84	1.84
2	100.00	18.57	1.84	1.84
3	100.00	18.57	1.84	1.84
4	100.00	18.57	1.84	1.84
5	100.00	18.57	1.84	1.84
6	100.00	18.57	1.84	1.84
7	100.00	18.57	1.84	1.84
8	100.00	18.57	1.84	1.84
9	100.00	18.57	1.84	1.84
10	100.00	18.57	1.84	1.84
11	100.00	18.57	1.84	1.84
12	100.00	18.57	1.84	1.84
13	100.00	18.57	1.84	1.84
14	100.00	18.57	1.84	1.84
15	100.00	18.57	1.84	1.84
16	100.00	18.57	1.84	1.84
17	100.00	18.57	1.84	1.84
18	100.00	18.57	1.84	1.84
19	100.00	18.57	1.84	1.84
20	100.00	18.57	1.84	1.84
21	100.00	18.57	1.84	1.84
22	100.00	18.57	1.84	1.84
23	100.00	18.57	1.84	1.84
24	100.00	18.57	1.84	1.84
25	100.00	18.57	1.84	1.84
26	100.00	18.57	1.84	1.84
27	100.00	18.57	1.84	1.84
28	100.00	18.57	1.84	1.84
29	100.00	18.57	1.84	1.84
30	100.00	18.57	1.84	1.84
31	100.00	18.57	1.84	1.84
32	100.00	18.57	1.84	1.84
33	100.00	18.57	1.84	1.84
34	100.00	18.57	1.84	1.84
35	100.00	18.57	1.84	1.84
36	100.00	18.57	1.84	1.84
37	100.00	18.57	1.84	1.84
38	100.00	18.57	1.84	1.84
39	100.00	18.57	1.84	1.84
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41	100.00	18.57	1.84	1.84
42	100.00	18.57	1.84	1.84
43	100.00	18.57	1.84	1.84
44	100.00	18.57	1.84	1.84
45	100.00	18.57	1.84	1.84
46	100.00	18.57	1.84	1.84
47	100.00	18.57	1.84	1.84
48	100.00	18.57	1.84	1.84
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61	100.00	18.57	1.84	1.84
62	100.00	18.57	1.84	1.84
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66	100.00	18.57	1.84	1.84
67	100.00	18.57	1.84	1.84
68	100.00	18.57	1.84	1.84
69	100.00	18.57	1.84	1.84
70	100.00	18.57	1.84	1.84
71	100.00	18.57	1.84	1.84
72	100.00	18.57	1.84	1.84
73	100.00	18.57	1.84	1.84
74	100.00	18.57	1.84	1.84
75	100.00	18.57	1.84	1.84
76	100.00	18.57	1.84	1.84
77	100.00	18.57	1.84	1.84
78	100.00	18.57	1.84	1.84
79	100.00	18.57	1.84	1.84
80	100.00	18.57	1.84	1.84
81	100.00	18.57	1.84	1.84
82	100.00	18.57	1.84	1.84
83	100.00	18.57	1.84	1.84
84	100.00	18.57	1.84	1.84
85	100.00	18.57	1.84	1.84
86	100.00	18.57	1.84	1.84
87	100.00	18.57	1.84	1.84
88	100.00	18.57	1.84	1.84
89	100.00	18.57	1.84	1.84
90	100.00	18.57	1.84	1.84
91	100.00	18.57	1.84	1.84
92	100.00	18.57	1.84	1.84
93	100.00	18.57	1.84	1.84
94	100.00	18.57	1.84	1.84
95	100.00	18.57	1.84	1.84
96	100.00	18.57	1.84	1.84
97	100.00	18.57	1.84	1.84
98	100.00	18.57	1.84	1.84
99	100.00	18.57	1.84	1.84
100	100.00	18.57	1.84	1.84



GENERAL NOTES:

1. ALL LOT EASEMENTS SHALL BE SHOWN ON EACH LOT AND PROPERLY RECORDED WITH THE PLANNING DEPARTMENT.
2. ALL LOT EASEMENTS SHALL BE SHOWN ON EACH LOT AND PROPERLY RECORDED WITH THE PLANNING DEPARTMENT.
3. ALL LOT EASEMENTS SHALL BE SHOWN ON EACH LOT AND PROPERLY RECORDED WITH THE PLANNING DEPARTMENT.
4. ALL LOT EASEMENTS SHALL BE SHOWN ON EACH LOT AND PROPERLY RECORDED WITH THE PLANNING DEPARTMENT.
5. ALL LOT EASEMENTS SHALL BE SHOWN ON EACH LOT AND PROPERLY RECORDED WITH THE PLANNING DEPARTMENT.
6. ALL LOT EASEMENTS SHALL BE SHOWN ON EACH LOT AND PROPERLY RECORDED WITH THE PLANNING DEPARTMENT.
7. ALL LOT EASEMENTS SHALL BE SHOWN ON EACH LOT AND PROPERLY RECORDED WITH THE PLANNING DEPARTMENT.
8. ALL LOT EASEMENTS SHALL BE SHOWN ON EACH LOT AND PROPERLY RECORDED WITH THE PLANNING DEPARTMENT.
9. ALL LOT EASEMENTS SHALL BE SHOWN ON EACH LOT AND PROPERLY RECORDED WITH THE PLANNING DEPARTMENT.
10. ALL LOT EASEMENTS SHALL BE SHOWN ON EACH LOT AND PROPERLY RECORDED WITH THE PLANNING DEPARTMENT.

A 5' BUFFER IS REQUIRED ALONG N. 207 STREET.

STATE OF TEXAS  
COUNTY OF DALLAS

I, [Signature], SHERIFF OF THE COUNTY OF DALLAS, TEXAS, AND WHOSE NAME IS BLANK, HEREBY CERTIFY TO THE TRUE AND CORRECT COPY OF THE PLANNING DEPARTMENT'S RECORDS, AS RECORDED IN VOLUME 22, PAGE 170, MAP RECORDED IN DALLAS COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF DALLAS

I, [Signature], SHERIFF OF THE COUNTY OF DALLAS, TEXAS, AND WHOSE NAME IS BLANK, HEREBY CERTIFY TO THE TRUE AND CORRECT COPY OF THE PLANNING DEPARTMENT'S RECORDS, AS RECORDED IN VOLUME 22, PAGE 170, MAP RECORDED IN DALLAS COUNTY, TEXAS.

APPROVED FOR RECORDING  
[Signature]  
[Signature]

FILED

APPROVED FOR RECORDING  
[Signature]  
[Signature]

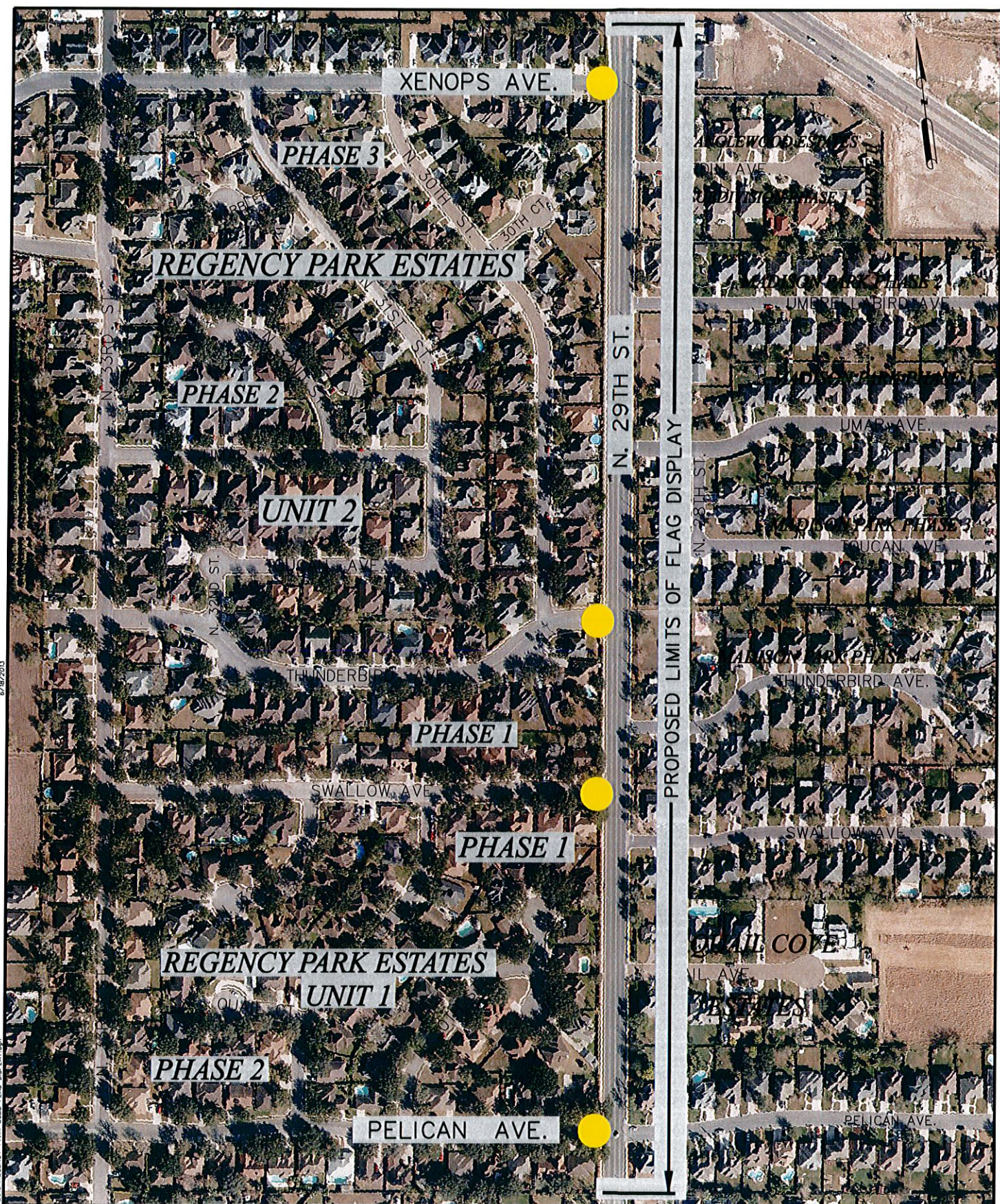
STATE OF TEXAS  
COUNTY OF DALLAS

I, [Signature], SHERIFF OF THE COUNTY OF DALLAS, TEXAS, AND WHOSE NAME IS BLANK, HEREBY CERTIFY TO THE TRUE AND CORRECT COPY OF THE PLANNING DEPARTMENT'S RECORDS, AS RECORDED IN VOLUME 22, PAGE 170, MAP RECORDED IN DALLAS COUNTY, TEXAS.

CHECKED FOR DAMAGE BY: [Signature]

EXHIBIT "A"





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

# EXHIBIT "B"



REGENCY PARK ESTATES  
SUBDIVISION  
EXHIBIT OF 29TH STREET  
XENOPS AVE. TO PELICAN AVE.

SCALE:	HORZ: 300'
	VERT: 300'
DATE:	06/14/13
REVISIONS	
1.	
2.	
3.	
SHEET NO.	1 OF 1



**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   2g    
DATE SUBMITTED 06/14/13  
MEETING DATE 06/24/13

1. Agenda Item: **McAllen Development Center – Change Order #3 – electrical modifications and second floor wall finish**

2. Party Making Request: Engineering Department

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

**Consideration and approval of Change Order #3 consisting of two items that will reduce the contingency allowance by \$6,096.00 to \$41,419.00.**

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 \_\_\_\_\_

	Existing	Proposed	Revised
Original Contract Amount:	\$1,977,697.00		
Contingency Allowance:	\$ 47,515.00	\$6,096.00	\$ 41,419.00
Interior Signage Allowance:	\$ 10,000.00		
Structural Allowance:	\$ 10,000.00		
Selective Demolition Allowance:	\$ 1,130.00		
Days	130		

7. Routing:  
NAME/TITLE INITIAL DATE CONCURRENCE

a.) Yvette Barrera, PE, City Engineer   YB   06/14/13   YES  

b.) Sandra Zamora, Director of Purchasing \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_

d.) J.W. Dale, Director of Finance \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_

f.) Roy Rodriguez, PE, Assistant City Mgr.   RR   06/14/13   YES  

8. Staff Recommendation: **Staff recommends approval of Change Order #3 debiting the contingency allowance by \$6,096.00 leaving a balance of \$41,419.00. No change in time is expected and will remain at 130 days to completion.**

9. Advisory Board:    Approved    Disapproved    None

10. City Attorney:   X   Approved    Disapproved    None

11. Manager's Recommendation:   X   Approved    Disapproved    None

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

**From:** Yvette Barrera, P.E., CFM, City Engineer *for PIV*

**Date:** June 14, 2013

**Subject:** **McAllen Development Center – Change Order #3**

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**Goal**

Consider and approve Change Order #3 to the contract.

**Brief Explanation**

Additional electrical costs of \$1,271 are associated with adding new circuits. In order to meet the electrical needs of the furniture requirements, the engineer provided five (5) more circuits and rearranged the receptacle placements on the wall.

Additional plaster removal, gypsum board and finishing covers are needed in area above the ceramic wall tile of the stairwell at a cost of \$1,975.00. The proposed ceiling elevation comes in at a level above the edge of the ceramic tile along the wall. This area of finishing was unanticipated and was not included in the contractor's bid.

An additional \$2,850 is being requested to install transfer ducts in several areas of the first floor that had not been initially bid by the contractor. These are necessary so that consistent air flow is maintained from one area to another. Duct placement is on-going so there is no demolition or additional modifications required to have them installed at this point.

These additional expenses will be taken from the project's existing contingency allowance with a current balance of \$ 47,515.00. The balance in the allowance will become \$ 41,419.00. The proposed change will not impact the existing contract time which will remain at 130 days to completion.

Contract Amount/time \$ 1,977,697.00 and 130 days

**Options**

The Commission may approve or disapprove the request.

**Recommendation**

City staff recommends approval of Change Order #3 to Peacock General Contractors, Inc. for an unchanged contract amount of \$1,977,697.00 and a continued contract time of 130 days together with a reduction to the contingency allowance that will leave a balance of \$41,419.00.

# PEACOCK GENERAL CONTRACTORS, INC.

P.O. BOX 530098/801 E. GRIMES  
HARLINGEN, TX 78553

## CHANGE ORDER REQUEST #9

**DATE:** June 11, 2013

**TO:** R.O.F.A ARCHITECTS

**ATTN:** CESAR ROQUE

**FAX:** (956)681-1138

**FROM:** TRE PEACOCK

**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

**CHANGES:** Changes as per ASI #007

- 1.) Change to electrical outlets in Work Area C104.
- 2.) Electrical run for millwork counter in North Reception E100

Drywall material and labor	\$ 527.00
Electrical material and labor	\$ 744.00
<b>Total:</b>	<b>\$1,271.00</b>

**NOTE:** Time is of the essence. Price will increase in three (3) days





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*Proposal Request Number: 003*

June 6, 2013

PROJECT: McAllen Development Center, McAllen

**As per Architect's A.S.I. #007**

Proposal includes demolishing newly installed (8) sheets of 5/8" gyp type "X" and insulation. Reinstall insulation and new (8) sheets of 5/8" gyp type "X" at room C104.

Breakdown

Materials: ..... \$200.00

Labor cost: .....\$279.00

Oh/profit: ..... \$ 48.00

Total cost by this change request #007    \$527.00

Thank You,  
Enrique Salazar, estimator/ PM

**PETE'S ELECTRIC  
28115 BEAN ROAD  
SAN BENITO, TX 78586**

**ELECTRICAL BID PROPOSAL**

**McAllen Development Center Renovation  
McAllen, TX**

June 10, 2013

Peacock Construction  
801 E. Grimes St.  
Harlingen, TX 78550

ATTN: Tre Peacock

Pete's Electric is please to submit the following electrical bid quotation for your consideration in accordance with the plan E1.3.AS17 for above mentioned project.

**We submit a Bid Proposal in the sum of \$ 744.00**

Includes: Labor and material

Bid Proposal good for 15 days.

Authorized Signature:

*Pete Silguero,*  
Owner/President  
Pete's Electric

# PEACOCK GENERAL CONTRACTORS, INC.

P.O. BOX 530098/801 E. GRIMES  
HARLINGEN, TX 78553

## CHANGE ORDER REQUEST #10

DATE: June 18, 2013  
TO: R.O.F.A ARCHITECTS  
ATTN: CESAR ROQUE  
FAX: (956)681-1138  
FROM: TRE PEACOCK  
RE: MCALLEN DEVELOPMENT CENTER RENOVATIONS

CHANGES: Changes as per RFI #16

Proposal includes demolishing/clean-up existing lath/plaster above tile @ stair, horizontally, from landing F100 to elevator chase south end and vertically from above tile to underside of deck. Attach new 3/4" hat channels onto existing vertical "C" channels and then, install 5/8" gyp type "X" over hat channels.

### Breakdown

Demolition/clean up:.....\$725.00

Supply/install 3/4" hat channels.....\$500.00

Supply/install 5/8" gyp type "X" .....\$750.00

Total cost by this change request #004 is.....\$1,975.00

NOTE: Time is of the essence. Price will increase in three (3) days

# **PEACOCK GENERAL CONTRACTORS, INC.**

**P.O. BOX 530098/801 E. GRIMES  
HARLINGEN, TX 78553**

## **CHANGE ORDER REQUEST #8**

**DATE: June 18, 2013**

**TO: R.O.F.A ARCHITECTS**

**ATTN: CESAR ROQUE**

**FAX: (956)681-1138**

**FROM: TRE PEACOCK**

**RE: MCALLEN DEVELOPMENT CENTER RENOVATIONS**

**CHANGES: Changes as per proposal request #003**

**ADDITIONAL SHEETMETAL DUCT BRANCHES, INCLUDING (10) GRILLES  
MARKED 'G' AND ON MARK 'J', INSULATION, ACCESSORIES AND ADDITIONAL  
AIR BALANCE.**

**Total: \$2,850.00**

# Proposal

UNIVERSAL REFRIGERATION & ELECTRIC, INC.

1209 South Taylor Road

McAllen, Texas 78501

Ph: (956) 631-0488 Fax: (956) 618-5326

HVAC# TACLA6527E/TACLB6527

TECL#11717

<b>PROPOSAL SUBMITTED TO:</b> Peacock Construction		<b>phone:</b>	<b>DATE</b> May 31, 2013
<b>STREET:</b> P.O.Box 530098		<b>JOB NAME:</b> McAllem Development Center( M1.1 RFP3)	
Harlingen, Texas 78553		<b>Job Location:</b> 311 North 15 <sup>th</sup>	
<b>ARCHITECT</b>	<b>DATE OF PLANS</b>	McALLEN ,Texas 78501	<b>Fax/email:</b>

We hereby submit specifications and estimates for: M1.1 RFP3

Additional sheetmetal duct branches, including (10) grilles marked 'G' and one mark 'J', insulation, accessories and additional air balance.

Total cost of materials \$ 2850.00 plus sale tax

We Propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of: \_\_\_\_\_ Dollar ( )

Payment to be made as follows:

drawing as job is started.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any Authorized

alteration or deviation from above specifications involving extra costs

will be executed only upon written orders, and will become an extra

charge over and above the estimate. All agreements contingent upon

strikes, accidents or delays beyond our control. Owner to carry fire,

tornado and other necessary insurance. Our workers are fully covered. Note: This proposal may be

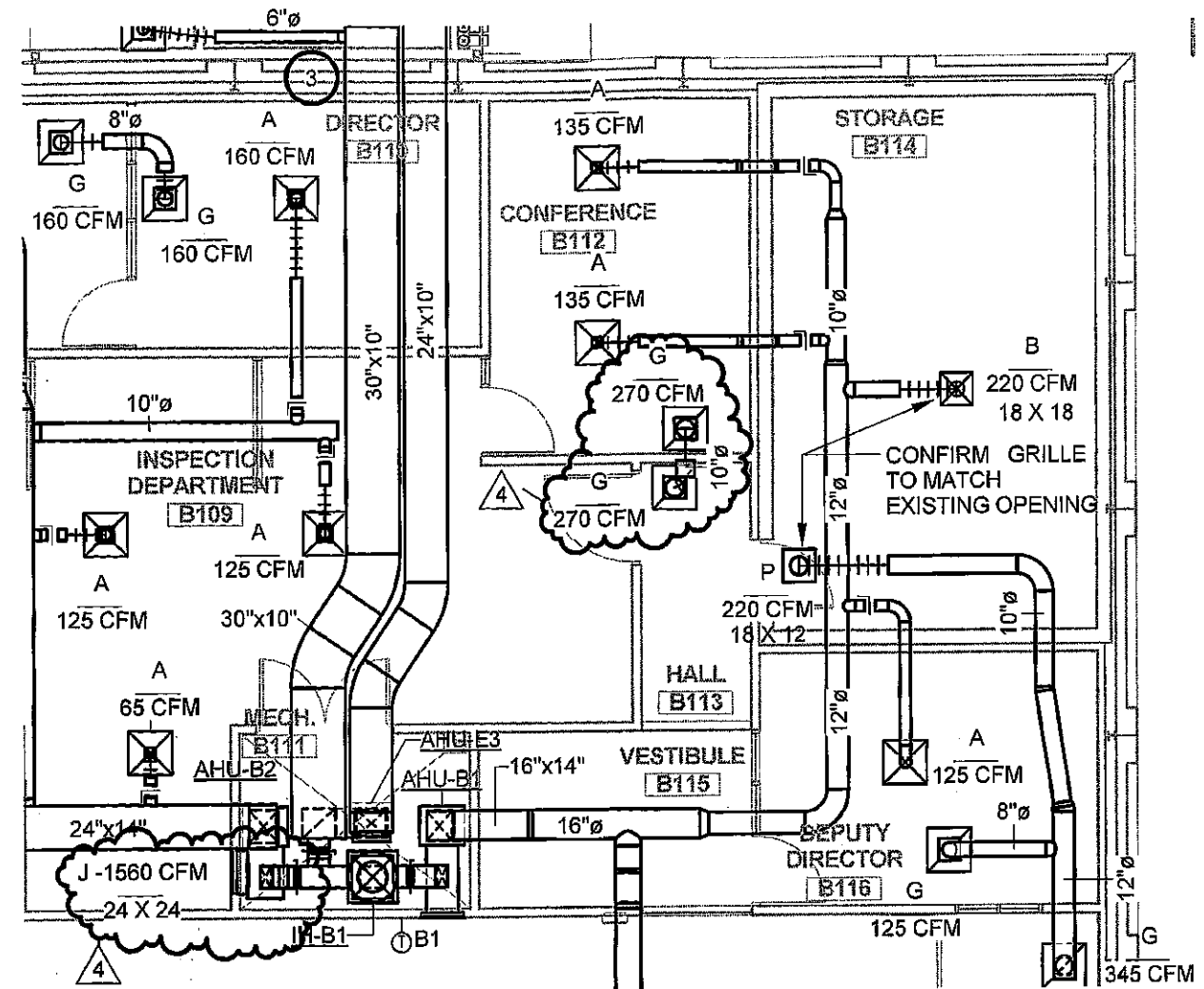
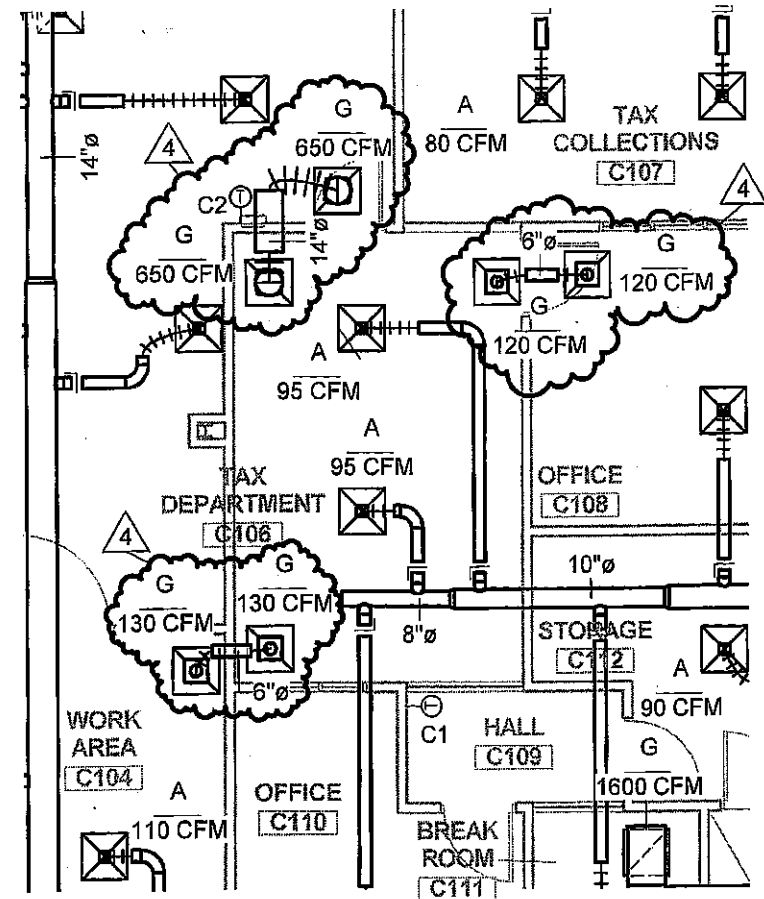
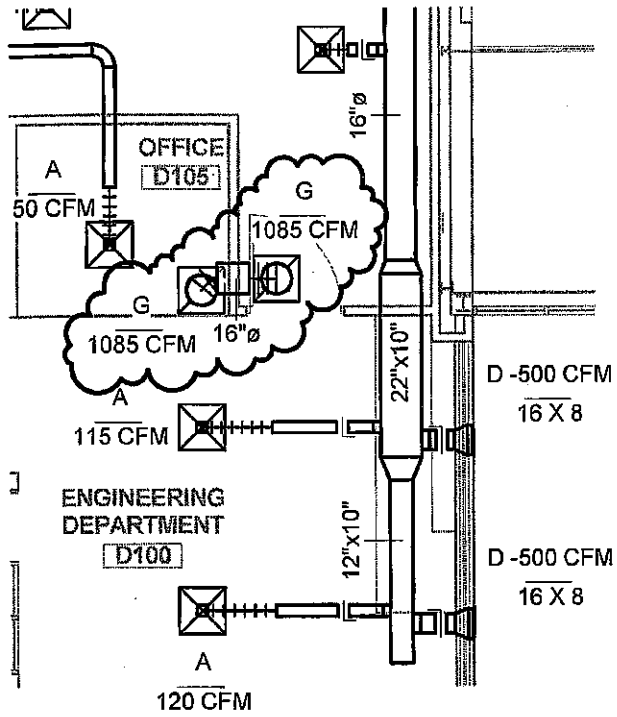
by Workman's Compensation Insurance. withdrawn by us if not accepted within 30 days.

Signature: Ramiro Flores

**Acceptance of Proposal** – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Signature \_\_\_\_\_

Date of Acceptance: Signature \_\_\_\_\_



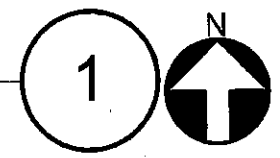


5000 WEST MILITARY, SUITE 100  
 McALLEN, TEXAS 78503  
 TEL (956) 664-0286  
 FAX (956) 664-0282

Half Associates firm registration number is F-312

# RFP#003 MECHANICAL PLAN - 1ST FLOOR

1/8" = 1'-0"



*Menton J. Murray, III*  
 5/22/13



CITY OF McALLEN  
 McALLEN DEVELOPMENT Designer  
 MECHANICAL PLAN - 1ST FLOOR  
 311 N. 15th STREET McALLEN, TX 78501

Project number	28669	Page No.	<b>M1.1RFP3</b>
Date	05-22-2013		
Drawn by	MH		
Sheet Type	RFP#003		

**STANDARDIZED RECOMMENDATION FORM**

City Commission   X    
Utility Board \_\_\_\_\_  
Other Board \_\_\_\_\_

Agenda Item   2H    
Date Submitted 06/18/13  
Meeting Date 06/24/13

1. **Agenda Item:** Supply Contract for the Purchase of Safety Products (Re-Bid) –  
Project No. 05-13-SP19-239

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

3. **Nature of Request:** (Brief Overview) Attachments:   X   Yes      No  
Request authorization to award a Supply Contract for the Purchase of Safety Products to multiple bidders, Airgas USA LLC, Alamo Distribution, LLC, CC Distributors Inc., CCP Industries, Interboro Packaging, Magid Glove & Safety, Masterman’s LLP, Pathmark Traffic Products & Saf-T-Glove Inc as noted on the attached bid tabulation for a period of one (1) year. If awarded, staff is requesting authorization, with City Manager approval, to exercise the option to extend the contract for two (2) additional years, in one (1) year increments if the performance of the successful contractor is satisfactory and the unit prices remain unchanged. In addition, we respectfully request authorization to terminate such contract(s) with City Manager in the event that an awarded vendor fails to meet or perform under the terms and conditions of their Supply Contract. (Bid Tabulation attached). For items 1, 8 , 34 and 49 staff is requesting rejection of bids, prices are significantly higher than the previous year. Staff is requesting the following items for re-bid, items #4, 56, and 57 due to no bids received.

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

5. **Budgeted:**   X   Yes      No      N/A  
Bid Amount: \$50,400.86\*

*\*This supply contract shall be paid by all City Departments out of their line item for Janitorial Products. From 05/12 to 06/13 the City of McAllen spent approximately \$51,108.00 for the purchase of Safety Products.*

6. **Alternate option/costs:** \_\_\_\_\_

7. **Routing:**

<u>Name/Title</u>	<u>Initial</u>	<u>Date</u>	<u>Concurrence</u>
a.) C. Sanchez, Dir. Of PW	<u>CAS</u>	<u>06/18/13</u>	<u>YES</u>
b.) S. Zamora, CPM, Dir. Of Purchasing	_____	_____	_____
c.) W. Smith, Asst. City Manager	_____	_____	_____
d.) J.W. Dale, CPA, Finance Director	_____	_____	_____

8. **Staff’s Recommendation:** As per above mentioned information.

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

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

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

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

**FROM:** Carlos A. Sanchez, P.E., CFM, CPM, Director of Public Works

**DATE:** June 14, 2013

**SUBJECT:** **Supply Contract for the Purchase of Safety Products - Project No. 05-13-SP19-239**

**GOAL:**  
Request authorization to award a Supply Contract for the Purchase of Safety Products to multiple bidders, Airgas USA, LLC from McAllen, TX (items 7, 9-13, 54); Alamo Distribution LLC from San Antonio, TX (items 5, 15, 17, 19, 41, 48, 58); CC Distributors from Corpus Christi, TX (items 14, 20-27, 32, 33, 37-40, 42, 46, 47, 53, 59); CCP Industries from Mission, TX (items 2, 6); Interboro Packaging from Montgomery, NY (items 43, 44); Magid Glove & Safety MFG Co. from Chicago, IL (item 16); Mastermans LLP from Auburn, MA (items 51, 52); Pathmark Traffic Products from San Marcos, TX (item 55), Saf-T-Glove Inc., from Grand Prairie, TX (items 3, 18, 28-31, 35, 36, 45, 50) meeting the requirements of the specifications as noted on the attached bid tabulation for a period of one (1) year. If awarded, staff is requesting authorization, with City Manager approval, to exercise the option to extend the contract for two (2) additional years in one (1) year increments if the performance of the successful contractor is satisfactory and the unit prices remain unchanged. In addition, we respectfully request authorization to terminate such contract(s) with City Manager approval and re-award affected item(s) to the next low bidder meeting the requirements of the specifications, in the event that an awarded vendor fails to meet or perform under the terms and conditions of their Supply Contract. A rejection of bids is recommended for items 1, 8, 34 & 39; for items 4, 56 and 57 no bids were received and staff is recommending a re-bid on these items.

**BRIEF EXPLANATION OF THE ITEM(S):**  
On April 18, 2013 Purchasing & Contracting solicited sealed bids for the purchase of fifty-nine (59) Safety Products that are currently being stocked in the Materials Management Division. A total of two hundred thirty-nine (239) bid invitations were mailed out. The bid solicitation was advertised in the local newspaper, as well as, the City's Website. A total of seventeen (17) companies responded to the solicitation for bids. After close review of all bids, eight (8) companies are being recommended for award. Item no. 1, 8, 34 & 39 staff is requesting to reject bids, prices are significantly higher than previous year. Items 4, 56 and 57, no bids were received; item no. 49 vendors did not meet specifications. City Commission may elect to re-bid these items or allow staff to request open market bids. All awards subject to the "contract termination clause" agreed upon in writing by all recommended vendors below.

**HISTORY:**

<b>(Estimated) Expense for Items (05/12 to 06/13)</b>	<b>(Anticipated) Expense for Items (06/13 to 06/14)</b>
<b>\$51,108.10</b>	<b>\$50,400.86</b>

- OPTIONS:** 1. Award as recommended below.  
2. Recommend rejection of bids and direct staff to re-bid project.

**RECOMMENDATION:** To award multiple supply contracts as depicted below:

COMPANY NAME, CITY	ITEMS RECOMM. FOR AWARD	REJECTED ITEMS	ANTICIPATED ANNUAL EXPENSE
Airgas USA, LLC, McAllen, TX	7, 9-13,54		\$6,738.10
Alamo Distribution, San Antonio, TX	5, 15, 17, 19, 41, 48, 58		\$2,653.63
CC Distributors, Corpus Christi, TX	14, 20-27, 32, 33, 37-40, 42, 46, 47, 53, 59		\$7,014.63
CCP Industries, Mission, TX	2, 6		\$1,627.20
Interboro Packaging, Montgomery, NY	43, 44		\$10,149.00
Magid Glove, Chicago, IL	16		\$244.00
Mastermans, Auburn, MA	51, 52		\$1,153.30
Pathmark Traffic Products, San Marcos, TX	55		\$12,490.00
Saf-T-Glove, Grand Prairie, TX	3, 18, 28-31,35, 36, 45, 50		\$8,331.00
		1, 8, 34, 49	
	<b>Grand Total:</b>		<b>\$50,400.86</b>

**PRICE COMPARISON SHEET**  
**SAFETY PRODUCTS**  
**BID OPENING: May 2, 2013 at 2:00 pm**

PROJECT No. 05-13-SP19-239 SUPPLY CONTRACT FOR THE PURCHASE OF SAFETY PRODUCTS (Re-Bid)

ITM NO.	SHORT DESCRIPTION	UOM	EST. QTY	PREVIOUS PRICING	TOTAL	BID AMOUNT	EXTENDED PRICE	DIFF. IN COST EXPENSE/SAVINGS	TOTAL	AVG % ITEM INC/DEC	CO. BEING RECOMMENDED FOR AWARD
1	MACHETE, 24" STEEL MACHETE (STANLEY, EXPRES	EA	25	\$ 7.27	\$ 181.75	\$ 25.19	\$ 629.75	\$ 17.92	\$ 448.00	246.4924%	Alamo Distribution LLC
2	GLOVES, PREMIUM RUBBER COATED, W/WRINKLY	PR	480	\$ 2.55	\$ 1,224.00	\$ 1.89	\$ 907.20	\$ (0.66)	\$ (316.80)	-25.8824%	CCP Industries
3	SHEARS, BYPASS LOPPER, TEMPERED STEEL, 1-1/2"	EA	150	\$ 7.74	\$ 1,161.00	\$ 10.20	\$ 1,530.00	\$ 2.46	\$ 369.00	31.7829%	Saf-T-Glove Inc.
4	HANDLE, 24" SHARP SHOOTER WOODEN HANDLE (	EA	10	\$ -	\$ -		\$ -	\$ -	\$ -	0.0000%	No Bids Recv'd - Recommend Re-Bid
5	HANDLE, 48" SHOVEL HANDLE, CURVED. [ENTER B	EA	25	\$ 8.13	\$ 203.25	\$ 7.78	\$ 194.50	\$ (0.35)	\$ (8.75)	-4.3050%	Alamo Distribution LLC
6	GLASSES, CLEAR SAFETY, MEETS OR EXCEEDS ANSI	EA	480	\$ 1.25	\$ 600.00	\$ 1.50	\$ 720.00	\$ 0.25	\$ 120.00	20.0000%	CCP Industries
7	GOGGLES, CLEAR VIEW 220 "SPLASH GUARD." [EN	EA	10	\$ 1.43	\$ 14.30	\$ 0.85	\$ 8.50	\$ (0.58)	\$ (5.80)	-40.5594%	Airgas USA LLC
8	FILTER, POLYESTER FILTER MEDIA. SYNTHETIC MED	RL	210	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.0000%	Reject Bid
9	RAINCOAT, 2X-LARGE, HIGH VISIBILITY LIME COAT	EA	10	\$ 62.75	\$ 627.50	\$ 69.99	\$ 699.90	\$ 7.24	\$ 72.40	11.5378%	Airgas USA LLC
10	RAINCOAT, LARGE, HIGH VIS LIME COAT W/TUCK-A	EA	25	\$ 56.69	\$ 1,417.25	\$ 69.99	\$ 1,749.75	\$ 13.30	\$ 332.50	23.4609%	Airgas USA LLC
11	RAINCOAT, MEDIUM, HIGH VIS LIME COAT W/TUC	EA	10	\$ 57.18	\$ 571.80	\$ 69.99	\$ 699.90	\$ 12.81	\$ 128.10	22.4029%	Airgas USA LLC
12	RAINCOAT, SMALL, HIGH VIS LIME COAT W/TUCK-A	EA	5	\$ 58.98	\$ 294.90	\$ 69.99	\$ 349.95	\$ 11.01	\$ 55.05	18.6673%	Airgas USA LLC
13	RAINCOAT, X-LARGE, HIGH VIS LIME COAT W/TUCK	EA	30	\$ 56.60	\$ 1,698.00	\$ 69.99	\$ 2,099.70	\$ 13.39	\$ 401.70	23.6572%	Airgas USA LLC
14	TAPE, MEASURE UNILOK ( COOPER HAND TOOL LU	EA	70	\$ 5.19	\$ 363.30	\$ 5.73	\$ 401.10	\$ 0.54	\$ 37.80	10.4046%	CC Distributors Inc.
15	HAMMER, 10 LBS SLEDGE HAMMER W/36" HANDL	EA	5	\$ 12.87	\$ 64.35	\$ 21.07	\$ 105.35	\$ 8.20	\$ 41.00	63.7141%	Alamo Distribution LLC
16	MASK, NUISANCE DUST 50/BX (3M #8500, SAS #29	BX	80	\$ 3.52	\$ 281.60	\$ 3.05	\$ 244.00	\$ (0.47)	\$ (37.60)	-13.3523%	Magid Glove & Safety
17	BATTERIES, AA, ALKALINE BATTERIES, 8/PK (ENERG	PKG	445	\$ 1.80	\$ 801.00	\$ 2.24	\$ 996.80	\$ 0.44	\$ 195.80	24.4444%	Alamo Distribution LLC
18	RAKE, GARDEN BOWHEAD #21015 CURVED TEETH,	EA	15	\$ 6.75	\$ 101.25	\$ 9.82	\$ 147.30	\$ 3.07	\$ 46.05	45.4815%	Saf-T-Glove Inc.
19	HANDLE, 36" PICK HANDLE (EMPIRE, TRUPER #308	EA	24	\$ 7.49	\$ 179.76	\$ 7.27	\$ 174.48	\$ (0.22)	\$ (5.28)	-2.9372%	Alamo Distribution LLC
20	HANDLE, 36" SLEDGE HAMMER HANDLE (EMPIRE H	EA	24	\$ 5.71	\$ 137.04	\$ 6.42	\$ 154.08	\$ 0.71	\$ 17.04	12.4343%	CC Distributors Inc.
21	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBE	PR	36	\$ 8.52	\$ 306.72	\$ 7.10	\$ 255.60	\$ (1.42)	\$ (51.12)	-16.6667%	CC Distributors Inc.
22	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBE	PR	40	\$ 8.44	\$ 337.60	\$ 7.10	\$ 284.00	\$ (1.34)	\$ (53.60)	-15.8768%	CC Distributors Inc.
23	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBE	PR	15	\$ 8.54	\$ 128.10	\$ 7.10	\$ 106.50	\$ (1.44)	\$ (21.60)	-16.8618%	CC Distributors Inc.
24	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBE	PR	10	\$ 11.30	\$ 113.00	\$ 7.10	\$ 71.00	\$ (4.20)	\$ (42.00)	-37.1681%	CC Distributors Inc.
25	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBE	PR	20	\$ 7.95	\$ 159.00	\$ 7.10	\$ 142.00	\$ (0.85)	\$ (17.00)	-10.6918%	CC Distributors Inc.



**PRICE COMPARISON SHEET**  
**SAFETY PRODUCTS**  
**BID OPENING: May 2, 2013 at 2:00 pm**

PROJECT No. 05-13-SP19-239 SUPPLY CONTRACT FOR THE PURCHASE OF SAFETY PRODUCTS (Re-Bid)

ITM NO.	SHORT DESCRIPTION	UOM	EST. QTY	PREVIOUS PRICING	TOTAL	BID AMOUNT	EXTENDED PRICE	DIFF. IN COST EXPENSE/SAVINGS	TOTAL	AVG % ITEM INC/DEC	CO. BEING RECOMMENDED FOR AWARD
26	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER	PR	30	\$ 8.50	\$ 255.00	\$ 7.10	\$ 213.00	\$ (1.40)	\$ (42.00)	-16.4706%	CC Distributors Inc.
27	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER	PR	30	\$ 8.50	\$ 255.00	\$ 7.10	\$ 213.00	\$ (1.40)	\$ (42.00)	-16.4706%	CC Distributors Inc.
28	SHOVEL, DIRT SHOVEL, ROUND POINT SPADE, HIGH CARBON	EA	10	\$ 37.42	\$ 374.20	\$ 9.06	\$ 90.60	\$ (28.36)	\$ (283.60)	-75.7883%	Saf-T-Glove Inc.
29	SHOVEL, DIRT SHOVEL, SQ. POINT SPADE, HIGH CARBON	EA	25	\$ 12.53	\$ 313.25	\$ 9.06	\$ 226.50	\$ (3.47)	\$ (86.75)	-27.6935%	Saf-T-Glove Inc.
30	SHOVEL, DRAIN SPADE, ROUND STEEL POINT, SOLID	EA	25	\$ 10.00	\$ 250.00	\$ 10.66	\$ 266.50	\$ 0.66	\$ 16.50	6.6000%	Saf-T-Glove Inc.
31	SHOVEL, "HOLLOWBACK SCOOP", HIGH CARBON STEEL	EA	20	\$ 24.75	\$ 495.00	\$ 26.23	\$ 524.60	\$ 1.48	\$ 29.60	5.9798%	Saf-T-Glove Inc.
32	SHOVEL, REPAIR HANDLE FCCD (FOR ROUND AND SQUARE)	EA	5	\$ 5.97	\$ 29.85	\$ 7.85	\$ 39.25	\$ 1.88	\$ 9.40	31.4908%	CC Distributors Inc.
33	FLAG, 18X18 HAND, FLOURESCENT ORANGE, VINYL	EA	140	\$ 1.72	\$ 240.80	\$ 1.50	\$ 210.00	\$ (0.22)	\$ (30.80)	-12.7907%	CC Distributors Inc.
34	Filter, A/C Fiberglass Material 2"x25" ( 400'/RL ). [ENTER]	EA	20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.0000%	REJECT FILTER NOT USED
35	GLOVES, DOUBLE LEATHER PALM/THUMB INDUSTRIAL	PR	2200	\$ 1.73	\$ 3,806.00	\$ 1.52	\$ 3,344.00	\$ (0.21)	\$ (462.00)	-12.1387%	Saf-T-Glove Inc.
36	GLOVES, ULTRA-FLEX NEOPRENE 14" 65% NEOPRENE	PR	50	\$ 4.00	\$ 200.00	\$ 4.85	\$ 242.50	\$ 0.85	\$ 42.50	21.2500%	Saf-T-Glove Inc.
37	WATER CAN; 2 GAL., GOTT, RUBBERMAID. [ENTER]	EA	85	\$ 8.25	\$ 701.25	\$ 11.43	\$ 971.55	\$ 3.18	\$ 270.30	38.5455%	CC Distributors Inc.
38	WATER CAN; 3 GAL., GOTT, RUBBERMAID. [ENTER]	EA	50	\$ 19.20	\$ 960.00	\$ 25.42	\$ 1,271.00	\$ 6.22	\$ 311.00	32.3958%	CC Distributors Inc.
39	WATER CAN; 5 GAL., GOTT, RUBBERMAID. [ENTER]	EA	55	\$ 18.75	\$ 1,031.25	\$ 27.03	\$ 1,486.65	\$ 8.28	\$ 455.40	44.1600%	CC Distributors Inc.
40	HOSE, GARDEN 5/8"X50', NYLON CORD SWAN FA50	EA	45	\$ 7.55	\$ 339.75	\$ 8.54	\$ 384.30	\$ 0.99	\$ 44.55	13.1126%	CC Distributors Inc.
41	SHOVEL, ROUND IRRIGATION SOLID SHANK HIGH CARBON	EA	25	\$ 5.58	\$ 139.50	\$ 18.02	\$ 450.50	\$ 12.44	\$ 311.00	222.9391%	Alamo Distribution LLC
42	BLADE, HACKSAW BIMETAL-THICK METAL (LENOX 2)	EA	180	\$ 1.79	\$ 322.20	\$ 1.35	\$ 243.00	\$ (0.44)	\$ (79.20)	-24.5810%	CC Distributors Inc.
43	GLOVES, LATEX LARGE DISPOSABLE, 5-MIL POWDER	BX	1500	\$ 6.61	\$ 9,915.00	\$ 3.98	\$ 5,970.00	\$ (2.63)	\$ (3,945.00)	-39.7882%	Interboro Packaging
44	GLOVES, LATEX MEDIUM DISPOSABLE, 5-MIL POWDER	BX	1050	\$ 6.60	\$ 6,930.00	\$ 3.98	\$ 4,179.00	\$ (2.62)	\$ (2,751.00)	-39.6970%	Interboro Packaging
45	PITCH FORK, 6-TINE (TRU #30809, TRUPER BPJ-6E #	EA	60	\$ 16.31	\$ 978.60	\$ 24.60	\$ 1,476.00	\$ 8.29	\$ 497.40	50.8277%	Saf-T-Glove Inc.
46	HOE, SOUTHERN COTTON, FORGED STEEL HEAD WITH	EA	20	\$ 17.00	\$ 340.00	\$ 17.78	\$ 355.60	\$ 0.78	\$ 15.60	4.5882%	CC Distributors Inc.
47	PICK, MATTOCK CUTTER (FLAT ON BOTH ENDS) "5"	EA	10	\$ 15.20	\$ 152.00	\$ 11.70	\$ 117.00	\$ (3.50)	\$ (35.00)	-23.0263%	CC Distributors Inc.
48	PICK, RAILROAD, (POINT ON BOTH ENDS) 5 / 6 LBS,	EA	10	\$ 15.11	\$ 151.10	\$ 9.42	\$ 94.20	\$ (5.69)	\$ (56.90)	-37.6572%	Alamo Distribution LLC
49	SHOVEL, IRRIGATION, FORGED HEAD SOLID SHANK	EA	25	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.0000%	Reject Bid
50	RAKE, DELUXE SPRING BACK LEAF, STEEL HEAD 22"	EA	70	\$ 6.00	\$ 420.00	\$ 6.90	\$ 483.00	\$ 0.90	\$ 63.00	15.0000%	Saf-T-Glove Inc.
51	HELMET, SAFETY, WHITE SENTRY III, APEX W/RATC	EA	140	\$ 8.00	\$ 1,120.00	\$ 6.07	\$ 849.80	\$ (1.93)	\$ (270.20)	-24.1250%	Mastermans LLP

**PRICE COMPARISON SHEET**  
**SAFETY PRODUCTS**  
**BID OPENING: May 2, 2013 at 2:00 pm**

PROJECT No. 05-13-SP19-239 SUPPLY CONTRACT FOR THE PURCHASE OF SAFETY PRODUCTS (Re-Bid)

ITM NO.	SHORT DESCRIPTION	UOM	EST. QTY	PREVIOUS PRICING	TOTAL	BID AMOUNT	EXTENDED PRICE	DIFF. IN COST EXPENSE/ SAVINGS	TOTAL	AVG % ITEM INC/DEC	CO. BEING RECOMMENDED FOR AWARD
52	HELMET, SAFETY, YELLOW SENTRY III (6 PT. RATCH	EA	50	\$ 6.85	\$ 342.50	\$ 6.07	\$ 303.50	\$ (0.78)	\$ (39.00)	-11.3869%	Mastermans LLP
53	BLADE, HACKSAW SPECIAL SHATTER PROOF, BI-ME	EA	30	\$ 1.04	\$ 31.20	\$ 1.06	\$ 31.80	\$ 0.02	\$ 0.60	1.9231%	CC Distributors Inc.
54	CONES, TRAFFIC 18" WITH 1 EA.(4") WHITE REFLEC	EA	180	\$ 7.35	\$ 1,323.00	\$ 6.28	\$ 1,130.40	\$ (1.07)	\$ (192.60)	-14.5578%	Airgas USA LLC
55	CONES, TRAFFIC 28" WITH 2 EA WHITE REFLECTIVE	EA	1000	\$ 11.98	\$ 11,980.00	\$ 12.49	\$ 12,490.00	\$ 0.51	\$ 510.00	4.2571%	Pathmark Traffic Products
56	FLAG, TEXAS, 4' X 6', NYLON FLAG. BRAND: BETSY	EA	60	\$ -	\$ -		\$ -	\$ -	\$ -	0.0000%	No Bids Recv'd - Recommend Re-Bid
57	FLAG, UNITED STATES OF AMERICA, 4' X 6', NYLON	EA	95	\$ -	\$ -		\$ -	\$ -	\$ -	0.0000%	No Bids Recv'd - Recommend Re-Bid
58	HANDLE, 54" WOODEN PITCH FORK HANDLE. [ENT	EA	20	\$ 8.38	\$ 167.60	\$ 9.49	\$ 189.80	\$ 1.11	\$ 22.20	13.2458%	Alamo Distribution LLC
59	HANDLE, HOE HANDLE, (LINK FAMILY -BULLDOG- N	EA	10	\$ 4.83	\$ 48.30	\$ 6.42	\$ 64.20	\$ 1.59	\$ 15.90	32.9193%	CC Distributors Inc.



MAGID																																
BID OPENING: May 02, 2013 at 2:00 p.m. LOCATION: Purchasing & Contracting PROJECT: 05-13-SP19-239 Supply Contract for the Purchase of Safety Products (Re-Bid)																																
No.	Description	UOM	QTY	★ AIRGAS USA, LLC McALLEN, TX			★ ALAMO DISTRIBUTION, LLC dba ALAMO IRON WORKS SAN ANTONIO, TX			★ CC DISTRIBUTORS INC. CORPUS CHRISTI, TX			★ CCP INDUSTRIES MISSION, TX			★ INTERBORO PACKAGING MONTGOMERY, NY			IPS INDUSTRIAL PARTS AND SUPPLIES HIDALGO, TX			★ MAGID GLOVE & SAFETY MFG CO LLC CHICAGO, IL			★ MASTERMANS LLP AUBURN, MA			★ PATHMARK TRAFFIC PRODUCTS SAN MARCOS, TX				
13	RAINCOAT, X-LARGE, HIGH VIS LIME COAT W/TUCK-AWAY HOOD, 48" LONG W/ADJUSTMENTS FOR VARIOUS SIZES, 100% WATERPROOF, POLYURETHAN COATED NYLON, ANSI CLASS II COMPLIANT (SILVER 1-1/2" REFLECTIVE STRIPING: 201 SQ IN.) (NEESE VIZ TELCOM 7000) TO HAVE 1-COLOR ANSI. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	30	\$69.99	\$2,099.70	Neese, B*	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID				
14	TAPE, MEASURE UNILOK ( COOPER HAND TOOL LUFKIN 1"X25", LUFKIN) - BRAND: LUFKIN. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	70	\$0.00	\$0.00	No Bid	\$6.52	\$456.40	LUFKIN AL725, A	\$5.73	\$401.10	A, LUFKIN L625	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$7.83	\$548.10	STN-30-455	\$0.00	\$0.00	NO BID		
15	HAMMER, 10 LBS SLEDGE HAMMER W/36" HANDLE (WARREN, TRUPER, RAZORBACK # 30582). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	5	\$0.00	\$0.00	No Bid	\$21.07	\$105.35	UNION 30582, A	\$23.35	\$116.75	A, AMES 1199100, 36" WOOD HANDLE 10LB	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$0.00	\$0.00	Not bidding this item	\$0.00	\$0.00	NO BID		
16	MASK, NUISANCE DUST 50/BX (3M #8500, SAS #2985, GERSON # 1501). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	BX	80	\$19.50	\$1,560.00	Radnor 64059510 = 20 per box; A	\$4.83	\$386.40	SAS 2985, A	\$5.04	\$403.20	A, GERSON 1501	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$15.78	\$1,262.40	3M BRAND; 20 PZ/BOX; 10 BUS. DAYS	\$3.05	\$244.00	MAGID # IR1901, 5-7 DAYS; OFFERING ALT	\$3.83	\$306.40	RXX-DUST	\$0.00	\$0.00	NO BID		
17	BATTERIES, AA, ALKALINE BATTERIES, 8/PK (ENERGIZER, DURACELL INDUSTRIAL # EN91 (ONLY)) - BRAND: ENERGIZER. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PKG	445	\$0.70	\$311.50	E33EN91 - 2, 4 packs; A	\$0.28	\$124.60	ENERGIZER EN91, A	\$3.20	\$1,424.00	A, ENERGIZER IND EN91	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$25.91	\$11,529.95	KXH-BAT-L91BP8	\$0.00	\$0.00	NO BID		
18	TEETH, 5" HANDLE (TRUPER 33038-R16 AMES). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	15	NO BID	NO BID	NO BID	\$27.11	\$406.65	AMES 18-863, A	\$17.55	\$263.25	A, AMES 1886700, 14" BOW RAKE 14 TINE 5" HANDLE	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$0.00	\$0.00	Not bidding this item	\$0.00	\$0.00	NO BID		
19	HANDLE, 36" PICK HANDLE (EMPIRE, TRUPER #30809). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	24	NO BID	NO BID	NO BID	\$7.27	\$174.48	SEYMOUR 220-09, A	\$7.28	\$174.72	A, BRUNER-IVORY 220-09, 36" PICK HANDLE HICKORY	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$0.00	\$0.00	Not bidding this item	\$0.00	\$0.00	NO BID		
20	HANDLE, 36" SLEDGE HAMMER HANDLE (EMPIRE HICKORY, SEYMOUR MFG # LK-001-08). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	24	NO BID	NO BID	NO BID	\$6.43	\$154.32	SEYMOUR 001-08, A	\$6.42	\$154.08	A, BRUNER-IVORY 001-08, HICKORY 6-16 LB SLEDGE HANDLE	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$0.00	\$0.00	Not bidding this item	\$0.00	\$0.00	NO BID		
21	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 10 (BUFFALO # 87401, SGS # 86605, NORCROSS SAFETY PRODUCTS #18822 SIZE 10) - BRAND: SEATTLE. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	36	\$14.65	\$527.40	Radnor; A	\$11.25	\$405.00	SGS 86605, A	\$7.10	\$255.60	A, JOMART RUBBER BOOT, 16" PLAIN TOE BLACK PVC, SZ10	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$13.95	\$502.20	BUFFALO 87401, 10 DAYS	\$14.23	\$512.28	UBA-87401-10	\$0.00	\$0.00	NO BID
22	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 11 (BUFFALO # 87401, SGS # 86605, SEATTLE GLOVE STYLE # B16-11) - BRAND: SEATTLE. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	40	\$14.65	\$586.00	Radnor; A	\$11.25	\$450.00	SGS 86605, A	\$7.10	\$284.00	A, JOMART RUBBER BOOT, 16" PLAIN TOE BLACK PVC, SZ11	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$13.95	\$558.00	BUFFALO 87401, 10 DAYS	\$14.23	\$569.20	UBA-87401-11	\$0.00	\$0.00	NO BID
23	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 12 (BUFFALO # 87401, SGS # 86605, ONGUARD # 86605-12). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	15	\$14.65	\$219.75	Radnor; A	\$11.25	\$168.75	SGS 86605, A	\$7.10	\$106.50	A, JOMART RUBBER BOOT, 16" PLAIN TOE BLACK PVC, SZ12	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$13.95	\$209.25	BUFFALO 87401, 10 DAYS	\$14.23	\$213.45	UBA-87401-12	\$0.00	\$0.00	NO BID
24	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 6 (BUFFALO # 87401, SGS # 86605, IRON WEAR STYLE # 9257-B, ONGUARD # 86605-6). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	10	\$14.65	\$146.50	Radnor; A	\$11.25	\$112.50	SGS 86605, A	\$7.10	\$71.00	A, JOMART RUBBER BOOT, 16" PLAIN TOE BLACK PVC SZ6	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$13.95	\$139.50	BUFFALO 87401, 10 DAYS	\$14.23	\$142.30	UBA-87401-6	\$0.00	\$0.00	NO BID
25	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 7 (BUFFALO # 87401, SGS # 86605, ONGUARD #86605-7). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	20	\$14.65	\$293.00	Radnor; A	\$11.25	\$225.00	SGS 86605, A	\$7.10	\$142.00	A, JOMART RUBBER BOOT, 16" PALIN TOE BLACK PVC SZ7	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$13.95	\$279.00	BUFFALO 87401, 10 DAYS	\$14.23	\$284.60	UBA-87401-7	\$0.00	\$0.00	NO BID
26	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 8 (BUFFALO # 87401, SGS # 86605, SEATTLE GLOVE STYLE # B16-8) - BRAND: SEATTLE. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	30	\$14.65	\$439.50	Radnor; A	\$11.25	\$337.50	SGS 86605, A	\$7.10	\$213.00	A, JOMART RUBBER BOOT, 16" PALIN TOE BLACK PVC SZ8	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$13.95	\$418.50	BUFFALO 87401, 10 DAYS	\$14.23	\$426.90	UBA-87401-8	\$0.00	\$0.00	NO BID
27	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 9 (BUFFALO # 87401, SGS # 86605, NORCROSS SAFETY PRODUCTS #18822 SIZE 9) - BRAND: SEATTLE. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	30	\$14.65	\$439.50	Radnor; A	\$9.23	\$92.30	UNION 43106, A	\$7.10	\$213.00	JACKSON 1201300, JOMART SZ9; A	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$14.23	\$426.90	UBA-87401-9	\$0.00	\$0.00	NO BID	







No.	Description	UOM	QTY	PERFORMANCE SAFETY GROUP, INC.			S & S SIGNS & SAFETY EQUIPMENT			SAF-T-GLOVE INC.			ALLEN INDUSTRIAL SUPPLY			CHANNEL SAFETY AND SUPPLY			MATT'S BUILDING MATERIALS			MTS SAFETY PRODUCTS			W.S. DARLEY		
				ITEM BID	EXTENDED PRICE	COMMENTS	ITEM BID	EXTENDED PRICE	COMMENTS	ITEM BID	EXTENDED PRICE	COMMENTS	ITEM BID	EXTENDED PRICE	COMMENTS	ITEM BID	EXTENDED PRICE	COMMENTS	ITEM BID	EXTENDED PRICE	COMMENTS	ITEM BID	EXTENDED PRICE	COMMENTS	ITEM BID	EXTENDED PRICE	COMMENTS
1	MACHETE, 24" STEEL MACHETE (STANLEY, EXPRESS). [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	25	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID				\$42.50	\$1,062.50	A/AMES				\$0.00	\$0.00	n/a			
2	GLOVES, PREMIUM RUBBER COATED, W/WRINKLY FINISH, (TUFF-MATE #1200C, P.I.P #55-3271, EDMOND GOLDEN GRABIT, ASSURANCE PLUS STYLE # 55-9830/L STOCK # 1784) - BRAND: ATLAS (LARGE). [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-]	PR	480	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$2.12	\$1,017.60	SAF-T-GLOVE BRAND #66: A				\$2.00	\$960.00	A/ WUXI XINYA GLOVE				\$0.00	\$0.00	n/a			
3	SHEARS, BYPASS LOPPER, TEMPERED STEEL, 1-1/2" CUTTING CAPACITY, (AMES TRUE TEMPER #2342530). [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-]	EA	150	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$10.20	\$1,530.00	TRUPER #31479: B ( SOLD IN BUNDLES)				\$15.75	\$2,362.50	A/AMES				\$0.00	\$0.00	n/a			
4	HANDLE, 24" SHARP SHOOTER WOODEN HANDLE (FOREST KING CODE # 834-19). [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-]	EA	10	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID				\$0.00	\$0.00	N/A				\$0.00	\$0.00	n/a			
5	HANDLE, 48" SHOVEL HANDLE, CURVED. [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-]	EA	25	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID				\$0.00	\$0.00	N/A				\$0.00	\$0.00	n/a			
6	GLASSES, CLEAR SAFETY, MEETS OR EXCEEDS ANSI Z87.1-1989 + STANDARDS( CREWS # KD110). [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	480	NO BID	NO BID	NO BID	\$2.35	\$1,128.00	B	\$2.05	\$984.00	PYRAMEX BRAND 4800B-C: A				\$1.90	\$912.00	A/CREWS				\$2.54	\$1,219.20	A700SN			
7	GOGGLES, CLEAR VIEW 220 "SPLASH GUARD." [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	10	NO BID	NO BID	NO BID	\$1.35	\$13.50	B	\$1.24	\$12.40	PYRAMEX BRAND #441: A				\$1.95	\$19.50	A/CREWS				\$1.73	\$17.30	2220RC			
8	FILTER, POLYESTER FILTER MEDIA, SYNTHETIC MEDIA ROLL, RECOMMENDED FINAL RESISTANCE 0.5" W.C. (MUST BE 25" W X 45" L X 2" THICKNESS, AIR HANDLER NO. 5C443). [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	RL	210	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID				\$0.00	\$0.00	N/A				\$0.00	\$0.00	n/a			
9	RAINCOAT, 2X-LARGE, HIGH VISIBILITY LIME COAT W/TUCK-AWAY HOOD, 48" LONG, 100% WATERPROOF, POLYURETHAN COATED NYLON, ANSI CLASS III COMPLIANT (SILVER 2" INCH REFLECTIVE TAPE) (NEESE: TELCOM # 7002AC) SNAP FRONT CLOSURE WITH STORM FLAP, VENTED BACK, INNER PROTECTIVE SLEEVES, CITY OF MCALLEN LOGO SILK SCREENED ON BACK (BETWEEN SHOULDER BLADES) IN ALL BLUE APPROX 8"W X 2"H; CITY OF MCALLEN TO PROVIDE LOGO IN EPS FORMAT, VENDOR TO INCLUDE SET-UP RELATED FEES IN UNIT COST. VENDOR TO PROVIDE PROOF PRIOR TO PRINTING. [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	10	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$74.35	\$743.50	NEESE TELCOM 7002AC-2XL: B				\$75.00	\$750.00	B/NEESE				\$36.19	\$361.90	A-493-2X			
10	RAINCOAT, LARGE, HIGH VIS LIME COAT W/TUCK-AWAY HOOD, 48" LONG W/ADJUSTMENTS FOR VARIOUS SIZES, 100% WATERPROOF, POLYURETHAN COATED NYLON, ANSI APPVD REFLECTIVE SILVER CITY OF MCALLEN LOGO SILK SCREENED ON BACK; CITY OF MCALLEN TO PROVIDE LOGO IN EPS FORMAT, VENDOR TO INCLUDE SET-UP RELATED FEES IN UNIT COST. VENDOR TO PROVIDE PROOF PRIOR TO PRINTING. [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	25	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$74.35	\$1,858.75	NEESE TELCOM 7002AC-L: B				\$75.00	\$1,875.00	B/NEESE				\$36.19	\$904.75	A-493-L			
11	RAINCOAT, MEDIUM, HIGH VIS LIME COAT W/TUCK-AWAY HOOD, 48" LONG W/ADJUSTMENTS FOR VARIOUS SIZES, 100% WATERPROOF, POLYURETHAN COATED NYLON, ANSI CLASS II COMPLIANT (SILVER 1-1/2" REFLECTIVE STRIPING: 201 SQ IN.) (NEESE VIZ TELCOM 7000) TO HAVE 1-COLOR ANSI APPVD REFLECTIVE SILVER CITY OF MCALLEN LOGO SILK SCREENED ON BACK; CITY OF MCALLEN TO PROVIDE LOGO IN EPS FORMAT, VENDOR TO INCLUDE SET-UP RELATED FEES IN UNIT COST. VENDOR TO PROVIDE PROOF PRIOR TO PRINTING. [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	10	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$74.35	\$743.50	NEESE TELCOM 7002AC-M: B				\$75.00	\$750.00	B/NEESE				\$36.19	\$361.90	A-493-M			
12	RAINCOAT, SMALL, HIGH VIS LIME COAT W/TUCK-AWAY HOOD, 48" LONG W/ADJUSTMENTS FOR VARIOUS SIZES, 100% WATERPROOF, POLYURETHAN COATED NYLON, ANSI CLASS II COMPLIANT (SILVER 1-1/2" REFLECTIVE STRIPING: 201 SQ IN.) (NEESE VIZ TELCOM 7000) TO HAVE 1-COLOR ANSI APPVD REFLECTIVE SILVER CITY OF MCALLEN LOGO SILK SCREENED ON BACK; CITY OF MCALLEN TO PROVIDE LOGO IN EPS FORMAT, VENDOR TO INCLUDE SET-UP RELATED FEES IN UNIT COST. VENDOR TO PROVIDE PROOF PRIOR TO PRINTING. [ENTER BRAND NAME, DELIVERY TIME (A.B. OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	5	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$74.35	\$371.75	NEESE TELCOM 7002AC-S: B				\$75.00	\$375.00	B/NEESE				\$36.19	\$180.95	A-493-S			

NON-RESPONSIVE

No.	Description	UOM	QTY	PERFORMANCE SAFETY GROUP, INC.			S & S SIGNS & SAFETY EQUIPMENT			SAF-T-GLOVE INC.		ALLEN INDUSTRIAL SUPPLY			CHANNEL SAFETY AND SUPPLY			MATT'S BUILDING MATERIALS			MTS SAFETY PRODUCTS			W.S. DARLEY			
				FENTON, MO			BIG FLATS, NY			GRAND PRAIRIE, TX		MISSION, TX			PHARR, TX			GOLDEN, MS			ITASCA, IL						
13	RAINCOAT, X-LARGE, HIGH VIS LIME COAT W/TUCK-AWAY HOOD, 48" LONG W/ADJUSTMENTS FOR VARIOUS SIZES, 100% WATERPROOF, POLYURETHAN COATED NYLON, ANSI CLASS II COMPLIANT (SILVER 1-1/2" REFLECTIVE STRIPING: 201 SQ IN.) (NEESE VIZ TELCOM 7000) TO HAVE 1-COLOR ANSL. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	30	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$74.35	\$2,230.50	NEESE TELCOM 7002AC-XL; B				\$75.00	\$2,250.00	B/NEESE				\$36.19	\$1,085.70	A-493-X			
14	TAPE, MEASURE UNILOK ( COOPER HAND TOOL LUFKIN 1"X25', LUFKIN) - BRAND: LUFKIN. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	70	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$9.25	\$647.50	STANLEY #680-30-454; B				\$2.78	\$194.60	A/NORTHERN SAFETY				\$0.00	\$0.00	n/a			
15	HAMMER, 10 LBS SLEDGE HAMMER W/36" HANDLE (WARREN, TRUPER, RAZORBACK # 30582). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	5	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$27.16	\$135.80	TRUPER #30919; B (SOLD IN BUNDLES OF 4 EACH)				\$46.50	\$232.50	A/AMES				\$0.00	\$0.00	n/a			
16	MASK, NUISANCE DUST 50/BX (3M #8500, SAS #2985, GERSON # 1501). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	BX	80	NO BID	NO BID	NO BID	\$4.55	\$364.00	SAS #2985 B	\$3.50	\$280.00	SAS # 2985; A				\$5.44	\$435.20	A/NORTHERN SAFETY				\$3.69	\$295.20	CK-CERTDUSTMAS K			
17	BATTERIES, AA, ALKALINE BATTERIES, 8/PK (ENERGIZER, DURACELL INDUSTRIAL # EN91 (ONLY)) - BRAND: ENERGIZER. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PKG	445	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$9.60	\$4,272.00	DURACELL #243-MN1500B8Z;B SOLD BY PACKS OF 8				\$2.40	\$1,068.00	A/ENERGIZER				\$11.23	\$4,997.35	L-PC1500			
18	TEETH, 5" HANDLE (TRUPER 33038-R16 AMES). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	15	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$9.82	\$147.30	TRUPER # 33038; B SOLD BY BUNDLES OF 6 EACH				\$9.81	\$147.15	A/JACKSON				\$0.00	\$0.00	n/a			
19	HANDLE, 36" PICK HANDLE (EMPIRE, TRUPER #30809). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	24	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$8.45	\$202.80	TRUPER # 30809; B SOLD BY BUNDLES OF 6 EACH				\$8.25	\$198.00	A/TRUPER				\$0.00	\$0.00	n/a			
20	HANDLE, 36" SLEDGE HAMMER HANDLE (EMPIRE HICKORY, SEYMOUR MFG # LK-001-08). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	24	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$7.60	\$182.40	TRUPER # 30813; B BUNDLES OF 6 EACH				\$8.25	\$198.00	A/TRUPER				\$0.00	\$0.00	n/a			
21	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 10 (BUFFALO # 87401, SGS # 86605, NORCROSS SAFETY PRODUCTS #18822 SIZE 10) - BRAND: SEATTLE. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	36	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$11.78	\$424.08	NORCROSS # 18822#10; A				\$8.00	\$288.00	A/IRONWEAR				\$22.90	\$824.40	C-BB16-10			
22	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 11 (BUFFALO # 87401, SGS # 86605, SEATTLE GLOVE STYLE # B16-11) - BRAND: SEATTLE. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	40	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$11.78	\$471.20	NORCROSS # 18822#11; A				\$8.00	\$320.00	A/IRONWEAR				\$22.90	\$916.00	C-BB16-11			
23	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 12 (BUFFALO # 87401, SGS # 86605, ONGUARD # 86605-12). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	15	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$11.78	\$176.70	NORCORSS # 18822#12; A				\$8.00	\$120.00	A/IRONWEAR				\$22.90	\$343.50	C-BB16-12			
24	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 6 (BUFFALO # 87401, SGS # 86605, IRON WEAR STYLE # 9257-B, ONGUARD # 86605-6). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	10	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$11.78	\$117.80	NORCROSS # 18822#6; A				\$8.00	\$80.00	A/IRONWEAR				\$22.90	\$229.00	C-BB16-6			
25	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 7 (BUFFALO # 87401, SGS # 86605, ONGUARD #86605-7). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	20	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$11.78	\$235.60	NORCROSS # 18822#7; A				\$8.00	\$160.00	A/IRONWEAR				\$22.90	\$458.00	C-BB16-7			
26	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 8 (BUFFALO # 87401, SGS # 86605, SEATTLE GLOVE STYLE # B16-8) - BRAND: SEATTLE. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	30	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$11.78	\$353.40	NORCROSS # 18822#8; A				\$8.00	\$240.00	A/IRONWEAR				\$22.90	\$687.00	C-BB16-8			
27	BOOTS, 16" PLAIN TOE WITH LUG OUTSOLE RUBBER, ECONOMY GRADE BOOT FOR WATERPROOF PROTECTION, 100% WATERPROOF, BLACK PVC COMPOUND, SIZE 9 (BUFFALO # 87401, SGS # 86605, NORCROSS SAFETY PRODUCTS #18822 SIZE 9) - BRAND: SEATTLE. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	30	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$11.78	\$353.40	NORCROSS #18822#9; A				\$8.00	\$240.00	A/IRONWEAR				\$22.90	\$687.00	C-BB16-9			

No.	Description	UOM	QTY	PERFORMANCE SAFETY GROUP, INC. FENTON, MO			S & S SIGNS & SAFETY EQUIPMENT BIG FLATS, NY			SAF-T-GLOVE INC. GRAND PRAIRIE, TX			ALLEN INDUSTRIAL SUPPLY MISSION, TX			CHANNEL SAFETY AND SUPPLY			MATT'S BUILDING MATERIALS PHARR, TX			MTS SAFETY PRODUCTS GOLDEN, MS			W.S. DARLEY ITASCA, IL		
28	SHOVEL, DIRT SHOVEL, ROUND POINT SPADE, HIGH CARBON STEEL BLADE, D-HANDLE, 27" NORTHERN ASH, #30002 (AMES TRUE TEMPER) JACKSON J-450 SERIES #1201300, #1201500, UNION TOOLS # 43106 (NUPLA # 13MD53). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	10	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$9.06	\$90.60	TRUPER # 31175; B SOLD IN BUNDLES OF 6 EACH				\$17.11	\$171.10	A/AMES				\$0.00	\$0.00	n/a			
29	SHOVEL, DIRT SHOVEL, SQ. POINT SPADE, HIGH CARBON STEEL BLADE, D-HANDLE, 27" NORTHERN ASH, (AMES TRUE TEMPER) JACKSON J-450 SERIES, #1200900, #124880 UNION TOOLS # 42106 (NUPLA #1453061, ROCK RIVER # 0254533). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	25	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$9.06	\$226.50	TRUPER # 31176; B SOLD IN BUNDLES OF 6 EACH				\$17.40	\$435.00	A/AMES				\$0.00	\$0.00	n/a			
30	SHOVEL, DRAIN SPADE, ROUND STEEL POINT, SOLID SHANK DRAIN SPADE, D-HANDLE, 29" HANDLE NORTHERN ASH, BLADE LENGTH 5 3/4" X14" (SEYMOUR #15-708). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	25	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$10.66	\$266.50	TRUPER # 31178; B SOLD IN BUNDLES OF 6 EACH				\$17.40	\$435.00	A/AMES				\$0.00	\$0.00	n/a			
31	SHOVEL, "HOLLOWBACK SCOOP", HIGH CARBON STEEL BLADE, HANDLE 27" NORTHERN ASH, JACKSON J-250 SERIES # 1312000, #1360700, UNION TOOL # 53117, #53119, ALUMINUM ACCEPTED AMES TRUE TEMPER # 1682500, UNION TOOLS #53103/ 67378. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	20	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$26.23	\$524.60	TRUPER # 33113; B SOLD IN BUNDLES OF 6 EACH				\$46.15	\$923.00	A/AMES				\$0.00	\$0.00	n/a			
32	SHOVEL, REPAIR HANDLE FCCD (FOR ROUND AND SQUARE SHOVELS, LINK FAMILY -BULLDOG- MFG # 807-21). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	5	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID				\$0.00	\$0.00	N/A				\$0.00	\$0.00	n/a				
33	FLAG, 18X18 HAND, FLOURESCENT ORANGE, VINYL (IRONWEAR STYLE #1320) - BRAND: IRONWEAR. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	140	NO BID	NO BID	NO BID	\$1.73	\$242.20	A	\$2.95	\$413.00	IRON HORSE BRAND #FLAG-18; A				\$2.50	\$350.00	A/MUTUAL				\$2.63	\$368.20	J-VCF1836			
34	Filter, A/C Fiberglass Material 2"x25" ( 400/RL ). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	20	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID				\$0.00	\$0.00	N/A				\$0.00	\$0.00	n/a				
35	GLOVES, DOUBLE LEATHER PALM/THUMB INDUSTRIAL, SELECT SPLIT COWHIDE LEATHER PALM, FULL KNUCKLE, AND FINGER TIPS ("FULL DOUBLE LEATHER ON PALM AND INDEX FINGER FOR EXTRA WEAR AND PROTECTION WITH LINED PALM 2.5" SAFETY CUFF) "LARGE SIZE (SGS # 1100, WEST C. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	2,200	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$1.52	\$3,344.00	SAF-T-GLOVE BRAND #6652; A				\$1.55	\$3,410.00	A/NORTHERN SAFETY				\$3.33	\$7,326.00	1211MG			
36	GLOVES, ULTRA-FLEX NEOPRENE 14" 65% NEOPRENE 35% COTTON (MEMPHIS NOEMAX STYLE 6914 REORDER # 48583 ONLY). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	PR	50	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$4.85	\$242.50	MEMPHIS # 6914; A				\$5.00	\$250.00	A/MCR				\$0.00	\$0.00	n/a			
37	WATER CAN; 2 GAL., GOTT, RUBBERMAID. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	85	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$25.65	\$2,180.25	IGLOO # 385-421; B				\$22.25	\$1,891.25	A/IGLOO				\$17.02	\$1,446.70	K-1530-06-11			
38	WATER CAN; 3 GAL., GOTT, RUBBERMAID. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	50	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$29.30	\$1,465.00	RUBBERMAID # 325-1683-01-11; B				\$29.00	\$1,450.00	A/IGLOO				\$30.87	\$1,543.50	K-1683-01-11			
39	WATER CAN; 5 GAL., GOTT, RUBBERMAID. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	55	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$37.80	\$2,079.00	GOTT # 325-1787621; B				\$34.00	\$1,870.00	A/IGLOO				\$31.08	\$1,709.40	K-1685-01-11			
40	HOSE, GARDEN 5/8"X50', NYLON CORD SWAN FA5850, FLEX ON # FR5850 - BRAND: FLEXON IND. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	45	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$31.62	\$1,422.90	GILMORE # 305-10-5805; B				\$14.50	\$652.50	A/SWAN				\$0.00	\$0.00	n/a			
41	SHOVEL, ROUND IRRIGATION SOLID SHANK HIGH CARBON STEEL BLADE, HANDLE 47" ASH W/KNOBBED END (AMES/TRUE TEMPER #1272800; UNION TOOLS #40116). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	25	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID				\$51.50	\$1,287.50	A/AMES				\$0.00	\$0.00	n/a				
42	BLADE, HACKSAW BIMETAL-THICK METAL (LENOX 218HE-18TPI "ONLY") - BRAND: LENOX. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	180	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID				\$0.00	\$0.00	N/A				\$0.00	\$0.00	n/a				
43	GLOVES, LATEX LARGE DISPOSABLE, 5-MIL POWDER FREE "ANSELL CONFORM-XT 69-318" 100/BOX - BRAND: HAPPY HANDS. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	BX	1,500	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$7.80	\$11,700.00	SAF-T-GLOVE #8205L; A				\$8.55	\$12,825.00	A/NORTHERN SAFETY				\$6.60	\$9,900.00	5014LMG			
44	GLOVES, LATEX MEDIUM DISPOSABLE, 5-MIL POWDER FREE (ANSELL CONFORM-XT 69-318) 100/BOX - BRAND: HAPPY HANDS. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	BX	1,050	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$7.80	\$8,190.00	SAF-T-GLOVE #8205M; A				\$8.55	\$8,977.50	A/NORTHERN SAFETY				\$6.60	\$6,930.00	5014MMG			

No.	Description	UOM	QTY	PERFORMANCE SAFETY GROUP, INC. FENTON, MO			S & S SIGNS & SAFETY EQUIPMENT BIG FLATS, NY			SAF-T-GLOVE INC. GRAND PRAIRIE, TX			ALLEN INDUSTRIAL SUPPLY MISSION, TX			CHANNEL SAFETY AND SUPPLY			MATT'S BUILDING MATERIALS PHARR, TX			MTS SAFETY PRODUCTS GOLDEN, MS			W.S. DARLEY ITASCA, IL		
45	PITCH FORK, 6-TINE (TRU #30809, TRUPER BPJ-6E # 30317) - BRAND: TRUPER TOOLS. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	60	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$24.60	\$1,476.00	NO BID	NO BID	NO BID	\$37.50	\$2,250.00	A/AMES				\$0.00	\$0.00	n/a				
46	HOE, SOUTHERN COTTON, FORGED STEEL HEAD W/GOOSENECK SHANK, ALUMINUM FINISHED BLADE, HANDLE 60" ASH, #22028 (TRUE TEMPER, RAZORBACK # 71112). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	20	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$18.05	\$361.00	NO BID	NO BID	NO BID	\$21.75	\$435.00	A/AMES				\$0.00	\$0.00	n/a				
47	PICK, MATTOCK CUTTER (FLAT ON BOTH ENDS) "5 LBS", #5 HIGH GRADE STEEL, FORGED AND HARDENED (SGS# H-05105, AIW # 30136/1687566). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	10	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$20.20	\$202.00	NO BID	NO BID	NO BID	\$20.00	\$200.00	A/AMES				\$0.00	\$0.00	n/a				
48	PICK, RAILROAD, (POINT ON BOTH ENDS) 5 / 6 LBS, RAILROAD / CLAY PICK, HIGH GRADE STEEL, FORGED AND HARDENED (SGS # H-02126, AIW # 30138/1687565). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	10	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$20.20	\$202.00	NO BID	NO BID	NO BID	\$21.85	\$218.50	A/AMES				\$0.00	\$0.00	n/a				
49	SHOVEL, IRRIGATION, FORGED HEAD SOLID SHANK, 48 IN STRUCTON FIBERGLASS HANDLE, SEYMOUR MFG S700S. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	25	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$0.00	\$0.00	N/A				\$0.00	\$0.00	n/a				
50	RAKE, DELUXE SPRING BACK LEAF, STEEL HEAD 22", 22 TEMPERED STEEL TEETH, HANDLE 48" ASH, #21001 (TRUE TEMPER, TRUPER EMX-221 # 30452). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	70	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$6.90	\$483.00	NO BID	NO BID	NO BID	\$11.52	\$806.40	A/AMES				\$0.00	\$0.00	n/a				
51	HELMET, SAFETY, WHITE SENTRY III, APEX W/RATCHET (JACKSON SAFETY # 3013499) - BRAND: ERB. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	140	NO BID	NO BID	NO BID	\$8.83	\$1,236.20	ERB Omega II B	\$13.12	\$1,836.80	JACKSON # 14409; B			\$10.85	\$1,519.00	A/K-C				\$7.10	\$994.00	E-HP16110				
52	HELMET, SAFETY, YELLOW SENTRY III (6 PT. RATCHET AND 6 PT. PINLOCK SUSPENSIONS OFFER TWO ADDITIONAL POINTS OF IMPACT ABSORBANCE). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	50	NO BID	NO BID	NO BID	\$8.83	\$441.50	ERB Omega II B	\$13.12	\$656.00	JACKSON # 14407; B			\$10.85	\$542.50	A/K-C				\$7.10	\$355.00	E-HP16130				
53	BLADE, HACKSAW SPECIAL SHATTER PROOF, BI-METAL SHATTER RESISTANT EXTENDED LIFE 12"X1/2", 18TP/1,4MM,8D. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	30	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$0.00	\$0.00	N/A				\$0.00	\$0.00	n/a					
54	CONES, TRAFFIC 18" WITH 1 EA.(4") WHITE REFLECTIVE COLLAR WT. 3.25 LBS (SAFETY PLASTICS INC. 7425-522/5105 4SR). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	180	NO BID	NO BID	NO BID	\$8.18	\$1,472.40	A	\$8.75	\$1,575.00	JBC BRAND #TC-18R; A			\$7.85	\$1,413.00	A/JBC				\$8.11	\$1,459.80	O-JR18TC-O				
55	CONES, TRAFFIC 28" WITH 2 EA WHITE REFLECTIVE COLLAR 4" 6" (5 1/2 LBS. SLIMLINE) WT. 7.7 LBS. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	1,000	NO BID	NO BID	NO BID	\$14.03	\$14,030.00	A	\$15.20	\$15,200.00	JBC BRAND # TC-28R; A			\$12.85	\$12,850.00	A/JBC				\$12.50	\$12,500.00	O-JR28TC-O				
56	FLAG, TEXAS, 4' X 6', NYLON FLAG, BRAND: BETSY ROSS. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	60	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$35.00	\$2,100.00	A/CF FLAG				\$40.32	\$2,419.20	O-021569					
57	FLAG, UNITED STATES OF AMERICA, 4' X 6', NYLON, EMBROIDERED STARS AND SEWN STRIPES, BRAND: BETSY ROSS. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	95	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$35.00	\$3,325.00	A/CF FLAG				\$32.26	\$3,064.70	O-NF6					
58	HANDLE, 54" WOODEN PITCH FORK HANDLE. [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	EA	20	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$10.50	\$210.00	A/AMES				\$0.00	\$0.00	n/a					
59	HANDLE, HOE HANDLE, (LINK FAMILY - BULLDOG- MFG # 758-21 SKU # 1438334). [ENTER BRAND NAME, DELIVERY TIME (A,B, OR DAYS), AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-	EA	10	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$8.50	\$85.00	A/AMES				\$0.00	\$0.00	n/a					
TOTAL AMOUNT BID:				\$0.00			\$18,927.80			\$71,628.63			\$0.00			\$76,120.20			\$0.00			\$63,585.65			\$0.00		
ELECTRONIC SUBMITTAL:				YES			YES			YES			YES			YES			YES			YES			NO		
PAPER COPY SUBMITTAL:				YES			YES			YES			NO			NO			NO			NO SIGNATURE PAGE			YES		
ADDENDUM # 1:				NOT ACKNOWLEDGED			NOT ACKNOWLEDGED			NOT ACKNOWLEDGED			ACKNOWLEDGED			ACKNOWLEDGED			NOT ACKNOWLEDGED			NOT ACKNOWLEDGED			ACKNOWLEDGED		



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION   X    
UTILITY BOARD             
OTHER           

AGENDA ITEM   2I    
DATE SUBMITTED  06/18/13   
MEETING DATE  06/24/13 

1. Agenda Item: City Property Surplus Declaration – Equipment
2. Party Making Request: Public Works Department
3. Nature of Request: (Brief Overview) Attachments:   X   Yes    No  
Public Works requests authorization to declare vehicles and equipment described in attachments as surplus and begin auction efforts.
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.)	<u>Carlos A. Sanchez, PE, PW Director</u>	<u>CAS</u>	<u>06/18/13</u>	<u>  YES  </u>
b.)	<u>Wendy Smith, Asst City Manager/EMC</u>	<u>          </u>	<u>          </u>	<u>          </u>
8. Staff Recommendation: Staff recommends approval to declare equipment Unit# SA0202 –Trommel Screen as surplus and begin marketing efforts.
9. Advisory Board:        Approved        Disapproved        None
10. City Attorney:   KP   Approved        Disapproved        None
11. City Manager:   MRP   Approved        Disapproved        None

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

**FROM:** Carlos A. Sanchez, P.E., CFM, Public Works Director *Carlos A. Sanchez*

**DATE:** June 18, 2013

**SUBJECT:** **Equipment Surplus Declaration**

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**GOAL:**

Public Works staff has a need to declare as surplus an unusable and inoperable McCloskey Trommel Screen Unit #SA202. This unit was lost in a fire in August, 2012 at the Composting Facility. An insurance claim for the loss of the Trommel Screen was submitted to the Texas Municipal League Inter-Government Risk Pool. A reimbursement of \$77,450.00 has been issued to date based on the \$174,900 initial purchase cost of the unit in 2003. A supplemental insurance claim will be filed with TML to increase reimbursement based on the actual replacement cost and up to the insured valued of \$174,900.

**EXPLANATION:**

The City of McAllen conducts auctions or requests formal sealed bids as needed to dispose of vehicles and equipment that are not economical to repair, have been replaced, or are unsafe to operate. All proceeds are returned to the appropriate fund where the vehicle purchase originated (i.e. General Fund, Sanitation Fund, Public Utility Fund). Attached are photos of the equipment proposed for surplus declaration.

**OPTIONS:**

1. The City Commission may elect to solicit sealed bids for recycling of scrap metal as recommended by staff below.
2. The City may elect to retain the equipment.

**RECOMMENDATION:**

Public Works recommends approval to declare the described equipment as surplus and begin the disposal of said assets through sealed bids from recycling salvage yards.





**CITY OF McALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  2J  </u>
UTILITY BOARD	<u>      </u>	DATE SUBMITTED	<u>  06/17/2013  </u>
OTHER (Audit/Investment Committee)	<u>      </u>	MEETING DATE	<u>  06/24/2013  </u>

1. **Agenda Item:** Budget Amendment in the amount of \$100,000 to re-designate the Transfer In from the General Fund recorded in August 2011 as an advance to the EB-5 Fund.

2. **Party(ies) Making Request:** Mike R. Perez, City Manager

3. **Nature of Request: (Brief Overview) Attachments:**   X   Yes     No  
Request for funds was approved on the City Commission Meeting on July 25, 2011.

4. **Policy Implication** Required by law

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

**Funding Source:** General Fund

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.) Jerry W. Dale Finance Director	<u>  JWD  </u>	<u>  06/18/13  </u>	<u>  YES  </u>
b.) Mike R. Perez City Manager	<u>  MRP  </u>	<u>  06/18/13  </u>	<u>  YES  </u>

8. **Staff Recommendation** \_\_\_\_\_

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

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

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


12. **Action Taken:** \_\_\_\_\_




# MEMORANDUM

DATE: June 13, 2013

TO: Mike R. Perez, City Manager

THROUGH: Jerry W. Dale, Finance Director 

FROM: Susan Lozano, Deputy Finance Director 

SUBJECT: EB-5 REGIONAL CENTER ADDITIONAL FUNDING

The City pays McAllen Economic Development Corporation quarterly for the EB-5 Regional Center expenses, which averages approximately \$ 31,350 a quarter. At the end of April 30, 2013, the bank balance totaled \$13,724. City staff has estimated that \$90,000 will be required to pay expenses through September 30, 2013 (quarters 1, 2, and 3, which have not been billed as of the end of April).

At this time, we are requesting a budget amendment to cover the shortfall of \$90,000. The budget amendment will be recorded as an advance to the EB-5 Fund from the General Fund, Exhibit "A". Additionally, we are requesting that the \$100,000 Transfer In from the General Fund recorded in August 2011 to start up the EB-5 Fund be designated as an advance to be paid back to the General Fund, Exhibit "B."

Staff is requesting direction at this time.

AN ORDINANCE TO PROVIDE THAT THE \$100,000.00 BUDGET AMENDMENT APPROVED BY ORDINANCE NO. 2011-42 TO TRANSFER FUNDS TO THE McALLEN EB-5 REGIONAL CENTER, LLC FOR ITS START UP AND RECORDED IN AUGUST OF 2011 BE DESIGNATED AS AN ADVANCE TO THE EB-5 FUND FROM THE GENERAL FUND.

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 2010/2011. Such budget was effective October 1, 2010; and,

WHEREAS, on July 25, 2011 the Board of Commissioners approved Ordinance No. 2011-42 to provide for an increase in expenditures in the amount of \$100,000.00 in order to fund the McAllen EB-5 Regional Center, LLC from the General Fund; 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 properly designate the funds previously transferred to McAllen EB-5 Regional Center, LLC as an advance to be refunded to the General Fund.

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

SECTION I: The authorized transfer of \$100,000.00 to McAllen EB-5 Regional Center, LLC approved by the Board of Commissioners on July 25, 2011 by Ordinance No. 2011-42 is designated as an advance to be refunded to the General Fund.

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

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

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

CONSIDERED, PASSED and APPROVED this 24th day of June, 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 June, 2013.

CITY OF McALLEN, TEXAS

\_\_\_\_\_  
James E. Darling, Mayor

ATTEST:

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

Approved as to form:

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



**CITY OF McALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  2K  </u>
UTILITY BOARD	<u>      </u>	DATE SUBMITTED	<u>  06/17/2013  </u>
OTHER (Audit/Investment Committee)	<u>      </u>	MEETING DATE	<u>  06/24/2013  </u>

1. **Agenda Item:** Budget Amendment in the amount of \$90,000 for funding the McAllen EB-5 Regional Center LLC through September 30, 2013. Funding will be recorded as an advance to the EB-5 Fund from the General Fund.

2. **Party(ies) Making Request:** Mike R. Perez, City Manager

3. **Nature of Request: (Brief Overview) Attachments:** X Yes    No  
Request for funds was approved on the City Commission Meeting on July 25, 2011.

4. **Policy Implication** Required by law

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

**Funding Source:** General Fund

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.) Jerry W. Dale Finance Director	<u>  JWD  </u>	<u>  06/18/13  </u>	<u>  YES  </u>
b.) Mike R. Perez City Manager	<u>  MRP  </u>	<u>  06/18/13  </u>	<u>  YES  </u>

8. **Staff Recommendation** \_\_\_\_\_

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

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

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


12. **Action Taken:** \_\_\_\_\_




MEMORANDUM

DATE: June 13, 2013

TO: Mike R. Perez, City Manager

THROUGH: Jerry W. Dale, Finance Director 

FROM: Susan Lozano, Deputy Finance Director 

SUBJECT: EB-5 REGIONAL CENTER ADDITIONAL FUNDING

The City pays McAllen Economic Development Corporation quarterly for the EB-5 Regional Center expenses, which averages approximately \$ 31,350 a quarter. At the end of April 30, 2013, the bank balance totaled \$13,724. City staff has estimated that \$90,000 will be required to pay expenses through September 30, 2013 (quarters 1, 2, and 3, which have not been billed as of the end of April).

At this time, we are requesting a budget amendment to cover the shortfall of \$90,000. The budget amendment will be recorded as an advance to the EB-5 Fund from the General Fund, Exhibit "A". Additionally, we are requesting that the \$100,000 Transfer In from the General Fund recorded in August 2011 to start up the EB-5 Fund be designated as an advance to be paid back to the General Fund, Exhibit "B."

Staff is requesting direction at this time.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2012/1213 EFFECTIVE OCTOBER 1, 2012, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$90,000.00 FOR FUNDING THE McALLEN EB-5 REGIONAL CENTER, LLC THROUGH SEPTEMBER 30, 2013.

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 24th day of June, 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 June, 2013.

CITY OF McALLEN, TEXAS

\_\_\_\_\_  
James E. Darling, Mayor

ATTEST:

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

Approved as to form:

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



**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

<b>CITY COMMISSION</b>	<u>  X  </u>	<b>AGENDA ITEM</b>	<u>  2L  </u>
<b>UTILITY BOARD</b>	<u>          </u>	<b>DATE SUBMITTED</b>	<u>  06/18/13  </u>
<b>PLANNING &amp; ZONING BOARD</b>	<u>          </u>	<b>MEETING DATE</b>	<u>  06/24/13  </u>

1. Agenda Item: **Resolution** authorizing the Grant Administration Office to revise all grant information to reflect Mayor Jim Darling as the Authorized Official for grant documents and related functions.

2. Party Making Request: Carla M. Rodriguez, Director of Grant Administration Office

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

This resolution will serve as a general response to all funding sources requesting official notification from the City of McAllen acknowledging Mayor Jim Darling as the City's Authorized Official for grant documents and related functions.

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

5. Budgeted:    Yes    No   X   N/A

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

7. Routing:

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

a) Carla M. Rodriguez Director of Grant Administration Office	<u>  CMR  </u>	<u>  6-18-2013  </u>	<u>  YES  </u>
--	----------------	----------------------	----------------

8. Staff Recommendation: Motion to approve resolution authorizing the Grant Administration Office to revise grant documents and related functions to reflect Mayor Jim Darling as the Authorized Official for the City of McAllen.

9. Advisory Board:    Approved    Disapproved    None

10. City Attorney:   KP   Approved    Disapproved    None

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





**CITY OF MCALLEN  
GRANT ADMINISTRATION OFFICE  
MEMORANDUM**

**To: Mike R. Perez, City Manager**  
**From: Carla M. Rodriguez, Director of Grant Administration**  
**Date: June 18, 2013**  
**Subject: City of McAllen Authorized Official Revision**

---

**GOAL:**

This resolution will serve as a general response to all funding sources requesting official notification from the City of McAllen acknowledging Mayor Jim Darling as the City's Authorized Official for grants documents and related functions.

**BRIEF EXPLANATION OF THE ITEM:**

Funding sources may require formal action regarding a change in Authorized Official status and a City Commission resolution authorizes the Grant Administration Office to submit a ratified resolution to funding sources and update grant documentation accordingly.

**OPTIONS:**

**Option 1** – Provide resolution recognizing Mayor Jim Darling as the Authorized Official for the City of McAllen and authorizing the Grant Administration Office to update grant Authorized Official status.

**Option 2** – Decline resolution and not authorize the Grant Administration Office to update grant Authorized Official status.

**RECOMMENDATION:**

Staff recommends approving resolution.

**RESOLUTION NO. 2013-\_\_\_\_\_**

**AUTHORIZING THE GRANT ADMINISTRATION OFFICE TO REVISE ALL GRANT INFORMATION TO REFLECT MAYOR JIM DARLING AS THE AUTHORIZED OFFICIAL FOR GRANT DOCUMENTS AND RELATED FUNCTIONS**

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McALLEN

**WHEREAS**, funding sources require official notification regarding a change in the authorized official representing the City of McAllen; and

**WHEREAS**, Mayor Jim Darling was sworn into office on May 28<sup>th</sup> at a regular meeting of City Commissioners; and

**WHEREAS**, the Grant Administration Office is responsible for maintaining accurate and current grant documentation.<sup>8</sup>

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

- 1) The Grant Administration Office is hereby authorized to revise all grant documentation and submit to funding sources as requested.
- 2) Upon approval of this resolution, the Mayor is authorized to execute all legal documents, contracts and agreements, and to perform any and all acts necessary to implement this program.

**CONSIDERED, PASSED, APPROVED AND SIGNED** this 24<sup>th</sup> day of June 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, Texas Government Code.

Attest

City of McAllen

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

\_\_\_\_\_  
Richard F. Cortez, Mayor

Approved as to form:

\_\_\_\_\_  
Kevin Pagan, City Attorney

**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

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

**AGENDA ITEM**                        2M    
**DATE SUBMITTED**                  06/18/2013    
**MEETING DATE**                     06/24/2013  

1. **Agenda Item:**   Abandonment Request  

2. **Party Making Request:**   Mr. Fred Kurth, P.E.  

3. **Nature of Request: (Brief Overview) Attachments:**   X   Yes \_\_\_ No  
  Request to Abandon a tract of land containing 0.3076 acres, being the West 20 ft. of the South 669.96 ft. of Lot 13, Section 278, Texas-Mexican Railway Company Survey; 1121 Providence Avenue.  

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)   Julianne R. Rankin,                          JRR                          06/19/2013                          Yes    
      Planning Director  

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

8. **Staff's Recommendation:**   Staff recommends approval of abandoning the 0.3076 acre tract as requested subject to dedicating a new utility easement as required and relocating the existing utilities at the owner's expense, and not taking effect or recorded until the conditions are met.  

9. **Advisory Board:**   X   **Approved** \_\_\_ **Disapproved** \_\_\_ **None**  
  The Planning & Zoning Commission considered the abandonment request at their meeting of June 18, 2013 and voted to recommend approval of the request subject to dedicating a new utility easement as required and relocating the existing utilities at the owner's expense, and not taking effect or recorded until the conditions are met. There were four members present and voting.  

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

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

## Memo

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

**FROM:** Leonel Garza, III, Planning & Zoning Commission Chairman L.G.

**DATE:** June 18, 2013

**SUBJECT: REQUEST TO ABANDON A TRACT OF LAND CONTAINING 0.3076 ACRES, BEING THE WEST 20 FT. OF THE SOUTH 669.96 FT. OF LOT 13, SECTION 278, TEXAS-MEXICAN RAILWAY COMPANY SURVEY; 1121 PROVIDENCE AVENUE.**

---

### **GOAL:**

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

### **BRIEF DESCRIPTION:**

This is a request of Fred Kurth, P.E., on behalf the property owner to abandon the 0.3076 acre tract of land as referenced above. The 0.3076 acre tract was dedicated by separate instrument and was never improved. The property is located between N. 10<sup>th</sup> Street and N. Bicentennial Boulevard, west of Providence Avenue. The subject tract is currently zoned R-3T (townhomes) District and R-1 (single family residential) District. Surrounding land uses include residences and vacant land.

The basis for the request is the fact that the 0.3076 acre tract is not improved and is not needed for the proposed development plans of the property. A subdivision plat submitted by the name of Villagio Phase II Subdivision received final approval by the Planning and Zoning Commission at their meeting of March 19, 2013.

The Right-of-Way Department has notified the appropriate city departments and utility companies regarding the request. There is an existing 8 inch sanitary sewer line located within the area requested for abandonment. McAllen Public Utility has recommended approval of the request subject to dedicating a new utility easement and relocating the existing utilities at the owner's expense.

### **OPTIONS:**

1. Approve the abandonment request subject to dedicating a new utility easement as required and relocating the existing utilities at the owner's expense, and not taking effect or recorded until the conditions are met.
2. Table the item for additional information.
3. Disapprove the abandonment request.

## **RECOMMENDATION:**

The Planning & Zoning Commission considered the abandonment request at their meeting of June 18, 2013 and voted to recommend approval of the request subject to dedicating a new utility easement as required and relocating the existing utilities at the owner's expense, and not taking effect or recorded until the conditions are met. There were four members present and voting.



# Memorandum

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

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

SUBJECT: Request to abandon an alley consisting of 0.3076 acres of land and being the west 20.00 feet of the south 669.96 feet of Lot 13, Section 278, Texas-Mexican Railway Company Survey, proposed Villagio Phase II Subdivision, Hidalgo County, Texas;  
1121 Providence Avenue

DATE: June 7, 2013

---

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

We are recommending approval of the abandonment. **Such abandonment shall be subject to the relocation of existing utilities and dedication of necessary utility easement at owner's expense.**

If you need additional information, please contact me at Ext. 1188.

**Planning Department**

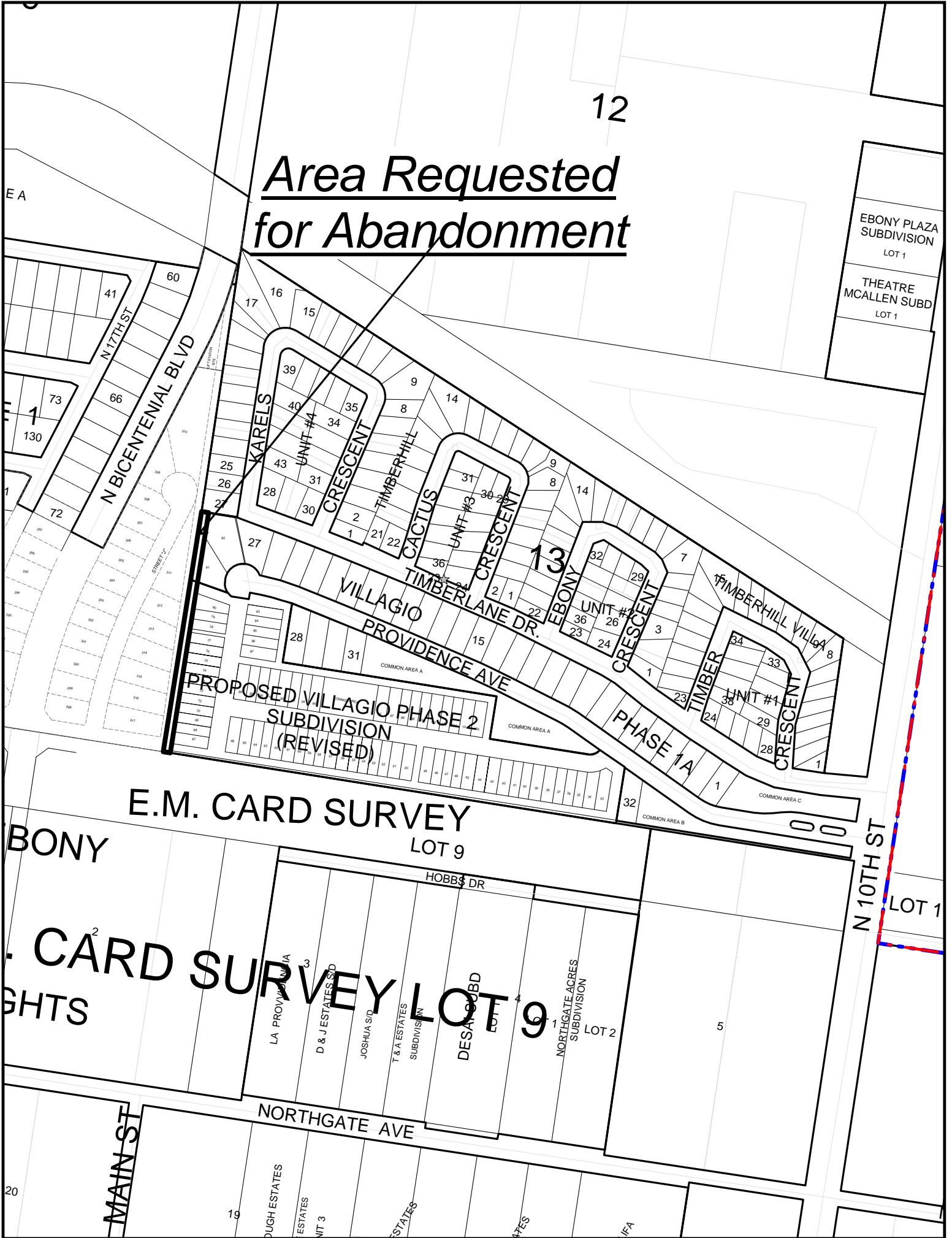
1300 Houston Avenue • (956) 681-1250 • (956) 681-1279 (fax)

**RIGHT-OF-WAY ABANDONMENT APPLICATION**

<b>Project Information</b>	Legal Description <u>0.3076 acres of land being the west 20.00 feet of the south 169.96 feet of lot 13, Section 278, Texas Mexican Railway Co. Survey</u> Subdivision Name <u>Villaggio Phase II</u> Street Address <u>1121 Providence Avenue</u> Reason for Abandonment Request <u>City has no plans for street extension</u>
<b>Minimum Submittal</b>	<input checked="" type="checkbox"/> Application, properly completed <input checked="" type="checkbox"/> \$125.00 Administrative Fee, payable at time of application, non-refundable <input checked="" type="checkbox"/> \$100.00 Market value of land to be abandoned, unless increased by action of the City Commission, based on the appraised land value <input checked="" type="checkbox"/> Metes and bounds description of area to be abandoned <input checked="" type="checkbox"/> A survey and/or map of the area affected by abandonment request
<b>Owner</b>	Name <u>Carta Ventures, LTD</u> Telephone <u>631-1273</u> Address <u>5201 N. McColl Rd.</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
<b>Applicant</b>	Name <u>Melden &amp; Hunt, Inc.</u> Telephone <u>381-0981</u> Address <u>115 W. McFuture Street</u> City <u>Edenburg</u> State <u>TX</u> Zip <u>78541</u> 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 <u>[Signature]</u> Date <u>3-19-13</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent

12

# Area Requested for Abandonment



S 81°07'24" E  
20.00'  
(S80°56'00"E)

KARELS

TIMBERHILL VILLA SUBD.  
UNIT No. 4  
VOL. 20, PG. 80 H.C.M.R.

KARELS

TIMBERLANE DRIVE

LOT 16, SECTION 279  
TEXAS-MEXICAN RAILWAY CO. SURVEY  
(VOL. 24, PG. 168 H.C.D.R.)

N 08°52'11" E (N09°04'00"E) 669.96' (669.85')  
S 08°52'11" W (S09°04'00"W) 669.96' (669.85')

20' DEDICATED TO PUBLIC USE PER VOL. 24, PG. 168, H.C.D.R.

LOT 13, SECTION 278  
TEXAS-MEXICAN RAILWAY Co. SURVEY  
(VOL. 24, PG. 168 H.C.D.R.)

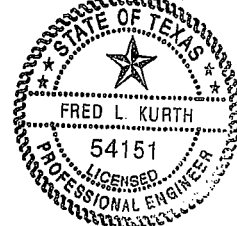


P.O.B.

S.W. COR.  
LOT 13, SEC. 278

N 81°07'24" W  
20.00'  
(N80°56'00"W)

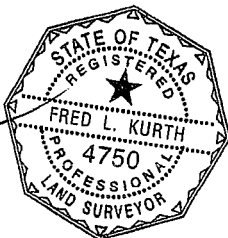
EM CARD No. SURVEY  
(VOL. 8, PG. 1 H.C.M.R.)



**PLAT SHOWING**  
0.3076 ACRES OF LAND  
BEING THE WEST 20.00 FEET OF THE SOUTH 669.96 FEET  
OF LOT 13, SECTION 278,  
TEXAS-MEXICAN RAILWAY CO. SURVEY,  
HIDALGO COUNTY, TEXAS

NOTE:  
THIS DRAWING DOES NOT REPRESENT  
A SURVEY DONE ON THE GROUND

*Fred L. Kurth*  
6-26-07



**M** MELDEN & HUNT INC.  
CONSULTANTS • ENGINEERS • SURVEYORS

515 E. 2nd St.  
RIO GRANDE CITY, TX 78541  
PH: (956) 487-8256  
FAX: (956) 488-8591

115 W. McINTYRE  
EDINBURG, TX 78541  
PH: (956) 381-0981  
FAX: (956) 381-1839  
www.meldenandhunt.com

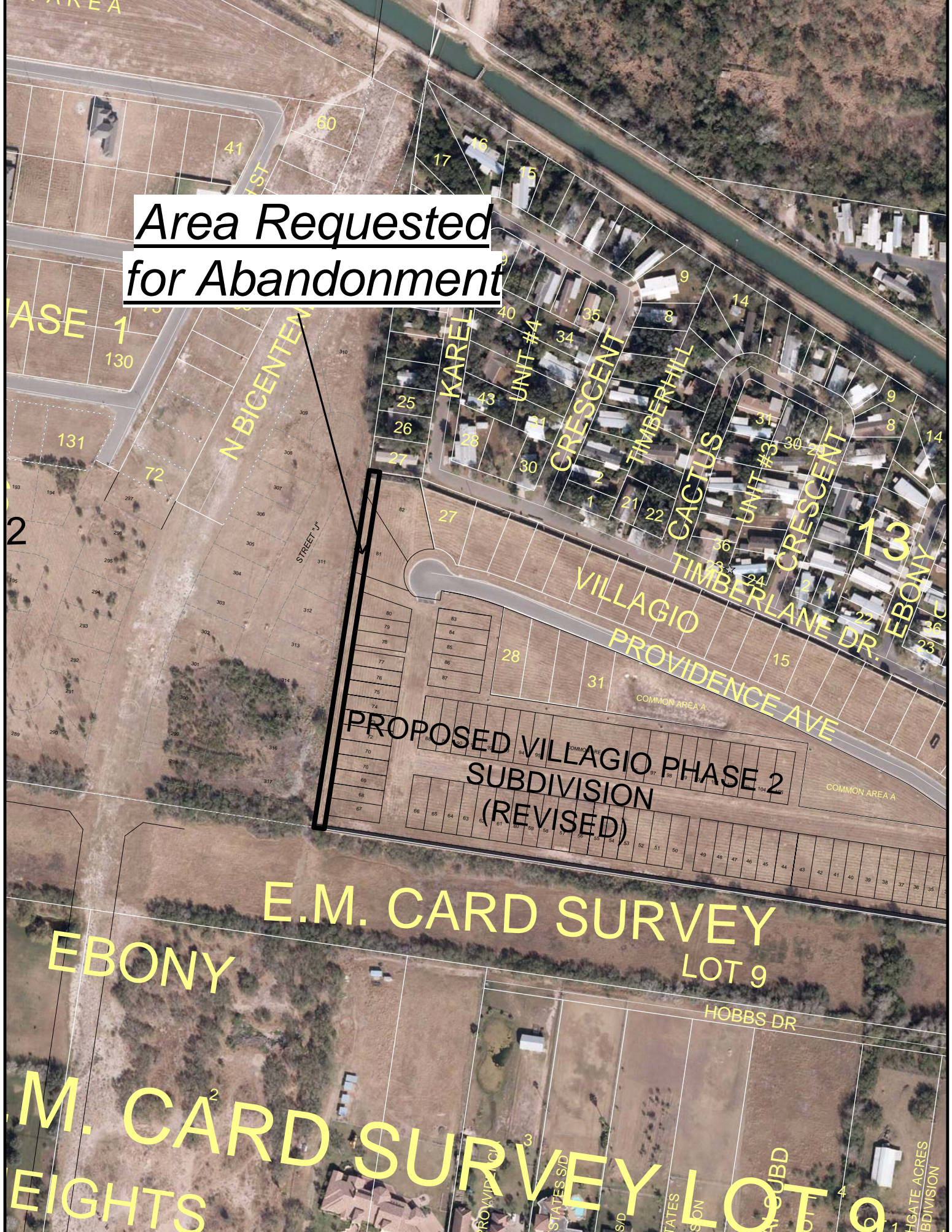
DATE: 06-14-07  
JOB No. 07003.47  
FILE NAME: SURVEY 07003.47  
DRAWN BY: R.N.

RECEIVED  
MAR 19 2013

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**Area Requested  
for Abandonment**





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

AN ORDINANCE ABANDONING A TRACT OF LAND CONTAINING 0.3076 ACRES, SITUATED IN THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, BEING A TACT OF LAND CONTAINING 0.3076 ACRES, SITUATED IN THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, BEING THE WEST 20.00 FEET OF THE SOUTH 669.96 FEET OF LOT 13, SECTION 278, TEXAS-MEXICAN RAILWAY COMPANY SURVEY, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 24, PAGE 168, HIDALGO COUNTY DEED RECORDS; RETAINING A 20 FT. UTILITY EASEMENT; 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 a tract of land containing 0.3076 acres, situated in the City of McAllen, Hidalgo County, Texas, being the west 20.00 feet of the south 669.96 feet of Lot 13, Section 278, Texas-Mexican Railway Company survey, is hereby declared to be abandoned by the City of McAllen as being of no use to the public; the tract of land is shown on EXHIBIT "A" attached hereto and incorporated herein, save and except for an easement retained for public utilities over the abandoned tract of land

**This abandonment is specifically subject to the retention of a 20 ft. utility easement over the tract of land being abandoned. This abandonment shall not be effective or recorded if the sewer line is moved or modified.**

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

**SECTION III:** Upon the effective date and the above mentioned conditions are met in a manner acceptable to the City, 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 tract of land 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 only upon meeting the above mentioned conditions and 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, execution by the City, and relocation of existing utilities and dedication of necessary utility easement.

**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: \_\_\_\_\_  
James E. Darling, 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

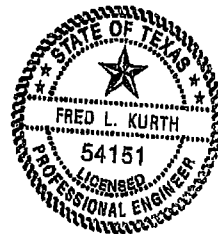
**METES AND BOUNDS DESCRIPTION  
0.3076 ACRES OUT OF LOT 13, SECTION 278  
TEXAS-MEXICAN RAILWAY COMPANY SURVEY  
HIDALGO COUNTY, TEXAS**

A tract of land containing 0.3076 acres, situated in the City of McAllen, Hidalgo County, Texas, being the West 20.00 feet of the South 669.96 feet of LOT 13, SECTION 278, TEXAS-MEXICAN RAILWAY COMPANY SURVEY, according to the plat thereof recorded in Volume 24, Page 168, Hidalgo County Deed Records, said 0.3076 acres also being more particularly described as follows:

**BEGINNING** at the Southwest corner of said Lot 13, Section 278 for the Southwest corner of this tract;

1. THENCE, N 08° 52' 11" E (N 09° 04' 00" E deed call) along the West line of said Lot 13, Section 278, a distance of 669.96 feet (669.85 feet deed call) to a point at the Southwest corner of Timberhill Villa Subdivision Unit No. 4, according to the plat thereof recorded in Volume 20, Page 80, Hidalgo County Map Records for the Northwest corner of this tract;
2. THENCE, S 81° 07' 24" E (S 80° 56' 00" E deed call) along the South line of said Timberhill Villa Subdivision Unit No. 4, a distance of 20.00 feet to the East right-of-way line of an unopened road for the Northeast corner of this tract;
3. THENCE, S 08° 52' 11" W (S 09° 04' 00" W deed call) along said East right-of-way line of an unopened road to a point for the Southeast corner of this tract;
4. THENCE, N 81° 07' 24" W (N 80° 56' 00" W deed call) along the South line of said Lot 13, Section 278, a distance of 20.00 feet to the POINT OF BEGINNING and containing 0.3076 acres of land, more or less.

PREPARED BY:  
Melden and Hunt, Inc.  
115 W. McINTYRE  
EDINBURG, TX 78541



*Fred L. Kurth*  
6-1807

RECEIVED

MAR 19 2013

Initial: *AK*

Page 1

S 81°07'24" E  
20.00'  
(S80°56'00"E)

KARELS

TIMBERHILL VILLA SUBD.  
UNIT No. 4  
VOL. 20, PG. 80 H.C.M.R.

KARELS

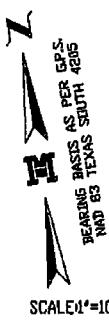
TIMBERLANE DRIVE

LOT 16, SECTION 279  
TEXAS-MEXICAN RAILWAY CO. SURVEY  
(VOL. 24, PG. 168 H.C.D.R.)

N 08°52'11" E (N09°04'00"E) 669.96' (669.85')  
S 08°52'11" W (S09°04'00"W) 669.96' (669.85')

20' DEDICATED TO PUBLIC USE PER VOL. 24, PG. 168, H.C.D.R.

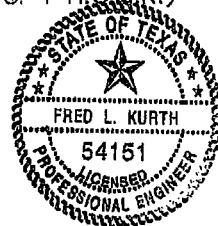
LOT 13, SECTION 278  
TEXAS-MEXICAN RAILWAY Co. SURVEY  
(VOL. 24, PG. 168 H.C.D.R.)



P.O.B.  
S.W. COR.  
LOT 13, SEC. 278

N 81°07'24" W  
20.00'  
(N80°56'00"W)

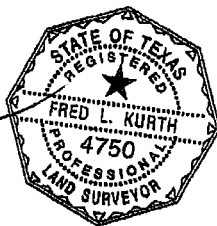
EM CARD No. SURVEY  
(VOL. 8, PG. 1 H.C.M.R.)



PLAT SHOWING  
0.3076 ACRES OF LAND  
BEING THE WEST 20.00 FEET OF THE SOUTH 669.96 FEET  
OF LOT 13, SECTION 278,  
TEXAS-MEXICAN RAILWAY CO. SURVEY,  
HIDALGO COUNTY, TEXAS

NOTE:  
THIS DRAWING DOES NOT REPRESENT  
A SURVEY DONE ON THE GROUND

*Fred L. Kurth*  
6-26-07



**M** MELDEN & HUNT INC.  
CONSULTANTS • ENGINEERS • SURVEYORS

515 E. 2nd St.  
RIO GRANDE CITY, TX 78541  
PH: (956) 381-0981  
FAX: (956) 488-8591

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MAR 19 2013

115 W. McIntyre  
EODINBURG, TX 78541  
PH: (956) 381-0981  
FAX: (956) 381-1839  
www.meldenandhunt.com

DATE: 06-14-07  
JOB No. 07003.47  
FILE NAME: SURVEY 07003.47  
DRAWN BY: R.N.

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T:\s\stam\m-hunt\VIII AGO\67311.dwg \SURVEY 07003.47.DWG, BORDER, 6/18/2007 10:32:23 AM, Reyes





## MEMORANDUM

June 13, 2013

To: City Commission

Thru: Mike R. Perez, City Manager

From: Jerry W. Dale, Finance Director

SUBJECT: SELECTION OF INDEPENDENT AUDITOR

Historically independent auditors have been rotated every 5 years, according to the City's practice. The current auditor's five-year engagement ended FYE September 30, 2012. We recently sent a RFP to those firms, which were engaged with cities between 100-300K in population, an indication of the level of financial and operational complexity, a listing of which is attached as Exhibit "A". In addition, we requested that Long, Chilton be included since it has a local presence.

Melba Carvajal, Susan Lozano and I have reviewed the proposals and submitted a short list of 3 firms, as requested—scoring each according to the criteria shown in the RFP, a copy of which is attached as Exhibit "B". Our short list included Grant Thornton-Houston, Whitley, Penn-Houston/Dallas and Weaver-Houston, Dallas and Austin. We also recommended that Long Chilton-McAllen be included. We believe that any of these firms are capable of conducting the audit—with some perhaps better suited. All of these firms were interviewed by the Audit Committee.

The Audit Committee has decided to recommend that the City Commission award a one-year agreement to Long, Chilton with the option to renew in each of the four succeeding years at the sole discretion of the City.

City of McAllen  
Independent Auditors Recommended for Consideration  
Fiscal Years - As Indicated

Firm's Name	Selected for Request for Proposal						Confirmed Interest	Recommended for Request for Proposal				
	FY 2008-2012							FY 2013-2017				
	Requested	Submitted	Short List	Selected				Requested	Submitted	Short List	Selected	
Collier, Johnson & Woods	Corpus Christi	John Shepherd	x	No			Not Recommended	Lack of Interest Shown Last Cycle				
Grant Thornton	Dallas	Ed O'Brien	x	x	x		No					
Grant Thornton	Houston	Angela Dunlap					Yes					
Null-Lairson (Merged w/ Null-Lairson)	Houston	Chuck Yaple	x	x			N/A	See Whitley Penn Below				
Padgett, Stratemann & Co.	San Antonio	Santos Fraga	x	x	x	x	N/A	Ineligible due to City's 5 yr rotation practice				
Patillo, Brown & Hill	Waco, Brownsville	Carlos Casco	x	x	x		Yes					
Sandersen, Knox & Belt (Now Sandersen, Knox)	Houston	unknown	x	x			Yes					
Weaver & Tidwell	Dallas	Jerry Gaither	x	x			Yes					
Whitley Penn (Merged w/ Null-Lairson)	Houston	Christopher Breaux	Did Not Consider Last Cycle--Unknown					Yes				
Burton, McCumber, Cortez	McAllen	Ricky Longoria	Declined due to Independence Issue					N/A	Declined due to Independence Issue			
Long, Chilton	McAllen	Randy Sweeten	Ineligible due to City's 5 yr rotation practice					Yes				
KPMG	Dallas	Unknown	Declined due to Lack of Interest					Not Recommended	Declined due to Lack of Interest			
BKD, LLP	Dallas	Kevin Kemp	Did Not Consider Last Cycle--Unknown					Yes				
Crow, Horwath	Irving	Kevin Smith	Did Not Consider Last Cycle--Unknown					Not Recommended	Did not Respond			

Conclusion: We are recommending that RFP - Auditing Services be sent to the seven (7) CPA firms highlighted in yellow.

Ex 110

MEMORANDUM

May 24, 2013

To: Audit & Investment Committee

Thru: Mike R. Perez, City Manager

RE: Short-List Recommendation for Auditing Services for FYE 2013-17

Prior to Issuing an RFP for this project, we determined the independent CPA firms that cities in our population range (100-300K)---and indication of the level of organizational and financial complexity comparable to the City of McAllen---used. We found that generally 7 firms served this group. All firms were asked to indicate their level of interest. With the exception of KPMG, all indicated a strong interest to serve as the City's next auditors. Of the seven remaining firms, six followed through by submitting a proposal. In addition, our immediate former audit firm requested to be allowed to submit a proposal.

The City Manager asked that Susan Lozano, Melba Carvajal and I review and evaluate the proposals and recommend a short-list of three for the Committee to consider recommending to the City Commission/PUB. The scoring sheet used to document our review/evaluation is attached. In our opinion, all of these seven firms are certainly capable as serving as the City's auditors. Based upon the criteria presented in the RFP, we have evaluated all submissions except the City's immediate former audit firm due to this Committee's stated practice of a "five year auditor rotation".

Based upon our evaluation, we have reached a consensus on our recommendation of the short-list to this Committee, as follows:

- Grant Thornton – Houston Office
- Weaver – Dallas, Fort Worth & Austin Offices
- WhitleyPenn – Houston Office

Sincerely,

  
Jerry W. Dale, Finance Director

  
Melba Carvajal, Finance Director for MPUB

  
Susan Lozano, Deputy Finance Director



City of McAllen  
RFP Auditing Services  
SCORING SHEET - Evaluation of Proposals  
FYE 2013 - 17

Elements	Grant Thornton	Patillo, Brown	Sandersen, Knox	Weaver	Whitley Penn	Long, Chilton	BKD, LLP	Padgett
<b>Prior Auditing Experience ( 0 - 15 pts)</b>								
Current Govt Clients ( 0 - 5 pts)--TEXAS	5.0	-		5.0	4.0	2.0	3.0	
Cities w/ Population Over 300K	4	-		-		-	-	
Cities w/ Population 100-300K	2	-		5	2	-	2	
Cities w/ Population Under 100K	-	-		16	11	4	2	
Experience in Municipal Auditing ( 0 - 5 pts)--TEXAS	5.0	5.0		5.0	5.0	5.0	4.0	
Experience in Grant Auditing ( 0 - 5 pts)	5.0	2.0		2.0	2.0	2.5	5.0	
CDBG	3	3		3	3	3	3	
Airport (FAA)	3	-		-	-	1	3	
Transit Systems (FTA)	3	-		-	-	1	3	
<b>Total Prior Auditing Experience</b>	<b>15.0</b>	<b>7.0</b>		<b>12.0</b>	<b>11.0</b>	<b>9.5</b>	<b>12.0</b>	
<b>Availability ( 0 - 10 pts)</b>	<b>10.0</b>	<b>10.0</b>		<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	
Available for Year-Round Questions/Consultation								
<b>Qualifications of Staff Assigned to Audit ( 0 - 35 pts)</b>								
Municipal Auditing Qualifications/Specific Experience ( 0 - 10 pts)	8.0	5.0		8.0	8.0	10.0	8.0	
No. Year Experience in Muni Auditing								
Engagement Partner	16	4		9	27	25	19	
Concurring Partner	17	4		35	12	30	15	
Manager-Level	9	4		8	8	34	11	
Continuing Education in Governmental Sector ( 0 - 5 pts)	5.0	5.0		5.0	5.0	5.0	5.0	
Continuity of Staff Assigned to City on Future Engagements ( 0 - 10 pts)	10.0	10.0		10.0	10.0	10.0	10.0	
Size of Firm/Office ( 0 - 10 pts)	9.0	2.0		10.0	9.0	4.0	8.0	
Firm-Wide	6,095	100		500	300	94	2,000	
Servicing Office	230	4		385	100	33	60	
<b>Total Qualifications of Staff Assigned to Audit</b>	<b>32.0</b>	<b>22.0</b>		<b>33.0</b>	<b>32.0</b>	<b>29.0</b>	<b>31.0</b>	

d Not Submit Proposal

Due to 5-Year Rotation Practice

E.M.



City of McAllen  
RFP Auditing Services  
SCORING SHEET - Evaluation of Proposals  
FYE 2013 - 17

Elements	Grant Thornton	Patillo, Brown	Sandersen, Knox	Weaver	Whitley Penn	Long, Chilton	BKD, LLP	Padgett
<b>Commitment to Governmental Accounting and Auditing (0 - 10 pts)</b>			Di					Not Scored
Professional Organizational Involvement (0 - 2 pts)	2.0	-		2.0	2.0	-	1.0	
Demonstrated Knowledge of GAAP (0 - 2 pts)	2.0	-		2.0	2.0	2.0	1.0	
Participation in Training Programs as Instructors (0 - 2 pts)	2.0	-		2.0	2.0	-	1.0	
Appreciation and Knowledge of City's Needs (0 - 4 pts)	3.0	2.0		3.0	3.0	4.0	3.0	
<b>Total Commitment to Govt Accounting and Auditing</b>	<b>9.0</b>	<b>2.0</b>		<b>9.0</b>	<b>9.0</b>	<b>6.0</b>	<b>6.0</b>	
<b>Audit Approach (0 - 10 pts)</b>								
Specific and Tailored to City (0 - 5 pts)	5.0	5.0		5.0	5.0	5.0	5.0	
Firm's Plan to Use City's Assistance (0 - 5 pts)	5.0	5.0		5.0	5.0	5.0	5.0	
<b>Total Audit Approach</b>	<b>10.0</b>	<b>10.0</b>		<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	
<b>Qualification Total (0 - 80 pts)</b>	<b>66.0</b>	<b>41.0</b>		<b>64.0</b>	<b>62.0</b>	<b>54.5</b>	<b>59.0</b>	
<b>Minority/Local Firm Participation (0 - 5 pts)</b>	-	-		-	-	-	-	
<b>Audit Fees (0 - 15 pts)</b>	10.2	14.1		13.4	11.5	15.0	10.9	
Excluding Alternate Preparation of CAFR	\$ 169,500	\$ 136,500		\$ 142,000	\$ 158,270	\$ 128,500	\$ 163,927	
	(128,500)	(128,500)		(128,500)	(128,500)	(128,500)	(128,500)	
Amount Over Lowest Proposal	41,000	8,000		13,500	29,770	-	35,427	
% Over Lowest Proposal	32%	6%		11%	23%	0%	28%	
Full 15-Points Discounted by % Over Lowest Proposal	10.21	14.07		13.42	11.52	15.00	10.86	
<b>Total Points</b>	<b>76.2</b>	<b>55.1</b>		<b>77.4</b>	<b>73.5</b>	<b>69.5</b>	<b>69.9</b>	

EAM  
11/13

**STANDARDIZED RECOMMENDATION FORM**

City Commission   X    
 Utility Board             
 Other Board           

Agenda Item   3B    
 Date Submitted 06/18/13  
 Meeting Date 06/24/13

1. **Agenda Item:** Purchase Award Of Contracts for Various Pieces of Equipment in Public Works - Project No. 05-13-P34-100.
2. **Party Making Request:** Public Works – Sanitation Department
3. **Nature of Request:** (Brief Overview) Attachments:   X   Yes      No  
Staff seeking approval of purchase of various pieces of equipment for Public Works.
4. **Policy Implication:** City Commission; Local Government Code
5. **Budgeted:**   X   Yes      No      N/A

**Account Number:**

	Department	Account No.	Budget	Cost	Amount <b>Over</b> or Under Budget
MRP { New Overhaul New	Streets	678-6382-436-66-14 EC 1113	30,000	\$173,286	<b>\$143,286*</b>
	Composting	500-4250446.66-20	80,000	\$37,915.35	\$42,084.65
	Commercial Box	502-4280-446-66-20 EO1301	55,000	\$59,317	<b>\$4,317*</b>

\*Requires budget amendments to General Depreciation Fund and Sanitation Depreciation Fund.

6. **Alternate option/costs:** \_\_\_\_\_
7. **Routing:**

	<u>Name/Title</u>	<u>Initial</u>	<u>Date</u>	<u>Concurrence</u>
a.)	C. Sanchez, Dir. Of PW	<u>  CAS  </u>	<u>06/18/13</u>	<u>  YES  </u>
b.)	S. Zamora, CPM, Dir. Of Purchasing	<u>          </u>	<u>          </u>	<u>          </u>
c.)	W. Smith, Asst. City Manager	<u>          </u>	<u>          </u>	<u>          </u>
d.)	J.W. Dale, CPA, Finance Director	<u>          </u>	<u>          </u>	<u>          </u>
8. **Staff's Recommendation:** Staff recommends award of purchase contract to the lowest responsive bidder meeting specifications for Item 1, H & V Equipment Service Inc. of Progreso TX for a 2013 Doosan DL300 Loader at a unit cost of \$166,750 plus \$6,536 for the Standard Heavy Bucket for a total cost of \$173,286. Staff recommends that all bids be rejected for Item 3 because bidders did not meet specifications and/or did not complying with the Notice to Bidders requirements. Bid item 5, refurbish of 2000 John Deere Loader, is recommended for award to Dogget Heavy Machinery of Pharr TX for a total cost of \$37,915.35. On bid item 6, staff recommends the lowest, responsive bidder meeting the specifications, Nueces Power Equipment of Edinburg TX, for a 2013 CASE 586H Forklift at a total cost of \$59,317 including an extended two year warranty.
9. **Advisory Board:**      Approved      Disapprove      None
10. **City Attorney:**      Approved      Disapprove   KP   None
11. **City Manager:**   MRP   Approved      Disapprove      None

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

**FROM:** Carlos A. Sanchez, P.E., CFM, Director of Public Works *Carlos A. Sanchez*

**DATE:** June 18, 2013

**SUBJECT:** **Award of Contracts for Various Pieces of Equipment in Public Works.**  
**Project No. 05-13-P34-100**

**GOAL:**

Staff is seeking City Commission approval to award purchase contracts for (1) Wheel Loader for the Streets & Drainage Department, (1) Forklift for the Commercial Box Department and award a service contract to perform an *engine rebuild and mid-life refurbishment* of Loader Unit 817 for use in the Composting Facility.

**BRIEF EXPLANATION:**

The Streets & Drainage Department is seeking to replace Unit 817, a 2000 John Deere Loader which has had various mechanical deficiencies resulting in over \$45,688 in life to date maintenance cost and proven to be unreliable for road and drainage type task assignments. Unit 817 was transferred to the Composting Facility in October, 2012. In lieu of purchasing a new loader for the Composting Facility, staff explored the option of refurbishing Unit 817 by overhauling the unit's transmission and replacing its engine. The third item being proposed is the purchase of a forklift to replace the existing Unit 492, 2003 Nobles Forklift in the Commercial Box Department of Public Works. Unit 492 was purchased at an auction sale and has a life to date maintenance cost of \$27,076.

Public Works through the Purchasing & Contracting Department solicited formal bids and on May 22, 2013 received a total of ten (10) responses for the above referenced equipment and equipment refurbish. The bid solicitation package include the request for bids for the purchase of a compact wheel loader for use in the Recycling Center. In addition, the bid solicitation included request for bids for pre-owned (used) equipment. No bids were received for pre-owned equipment. Bids submitted by Anderson Equipment, B C Equipment Sales, Stewart & Stevenson Power products, Tejas Equipment, and Toyota Lift of South Texas were considered non responsive because they did not comply with Bid Solicitation Package – Instruction to Bidders.

**Options:**

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

**RECOMMENDATION:**

Staff recommends award of purchase contract to the lowest responsive bidder meeting specifications for Item 1, H & V Equipment Service Inc. of Progreso, TX for a 2013 Doosan DL300 Loader at a unit cost of \$166,750 plus \$6,536 for the Standard Heavy Bucket for a total cost of \$173,286. Staff recommends that all bids be rejected for Item 3 because bidders did not meet specifications and/or did not complying with the Notice to Bidders requirements. Bid item 5, refurbish of 2000 John Deere Loader, is recommended for award to Doggett Heavy Machinery of Pharr, TX for a total cost of \$37,915.35. On bid item 6, staff recommends the lowest, responsive bidder meeting the specifications, Nueces Power Equipment of Edinburg, TX for a 2013 CASE 586H Forklift at a total cost of \$59,317 including an extended two year warranty. Award of contracts for items 1 and 6 is subject to a budget amendment.

No.	Description	NUECES POWER EQUIPMENT EDINBURG, TX	ROMCO EQUIPMENT CO. TXMAS MERCEDES, TX	DOGGETT HEAVY MACHINERY BUYBOARD PHARR, TX	H & V EQUIPMENT SERVICE, INC. H-GAC / BUYBOARD PROGRESO, TX	HOLT CAT WESLACO, TX	ANDERSON EQUIPMENT	B C EQUIPMENT SALES INC LA FERIA, TX	STEWART & STEVENSON POWER PRODUCTS LLC PHARR, TX	TEJAS EQUIPMENT SAN BENITO, TX	TOYOTA LIFT OF SOUTH TEXAS PHARR, TX	
YEAR, MAKE & MODEL :		2013; CASE 921F	2013; VOLVO L110G	2013; JOHN DEERE 644K	20013; DOOSAN DL300 including ride control	2013; CATERPILLAR 950K	NOT SPECIFIED	2013; KAWASAKI 85z	N/A	N/A	N/A	
1	BASE BID: ITEM NO. 1 - ONE (1) NEW CURRENT MODEL WHEEL LOADER. ENTER THE FOLLOWING INFORMATION IN COMMENT AREA: YEAR, MANUFACTURER, MODEL AND DELIVERY TIME OF UNIT	\$183,248.00	\$195,739.00	\$203,374.00	\$166,750.00	\$209,145.00	\$173,384.00	\$245,631.66	NO BID	NO BID	NO BID	
2	ITEM NO. 1A: OPTIONAL EQUIPMENT/SERVICES: QUICK CONNECT COUPLER	\$2,650.00	\$4,327.00	\$7,986.00	\$5,228.00	\$7,900.00	\$3,025.00	\$7,589.00	NO BID	NO BID	NO BID	
3	ITEM NO. 1B: OPTIONAL EQUIPMENT/SERVICES: ATTACHMENT CONTROL	\$500.00	\$1,000.00	\$0.00	\$0.00	\$0.00 included	\$0.00	\$4,860.00	NO BID	NO BID	NO BID	
4	ITEM NO. 1C: OPTIONAL EQUIPMENT/SERVICES: QUICK CONNECT PALLET FORKS	\$7,420.00	\$3,503.00	\$9,750.00	\$7,416.00	\$9,055.00	\$3,025.00	\$8,914.00	NO BID	NO BID	NO BID	
5	ITEM NO. 1D: OPTIONAL EQUIPMENT/SERVICES: QUICK CONNECT BUCKET	\$11,323.00	\$8,722.00	\$10,996.00	\$6,536.00	\$9,936.00	\$4,600.00	\$9,907.00	NO BID	NO BID	NO BID	
6	ITEM NO. 1E: OPTIONAL EQUIPMENT/SERVICES: STANDARD HEAVY BUCKET	\$6,715.00	\$9,068.00	\$10,110.00	\$7,952.00	\$9,917.00	\$0.00	\$10,135.00	NO BID	NO BID	NO BID	
7	ITEM NO. 1F: OPTIONAL EQUIPMENT/SERVICES: EXTENDED WARRANTY	\$4,268.00	\$2,563.00	\$2,400.00	\$2,500.00	\$10,630.00	\$7,098.00	\$8,165.00	NO BID	NO BID	NO BID	
DELIVERY :		60-120 DAYS	60-90 DAYS	60 DAYS	45-60 DAYS	60 DAYS	NOT SPECIFIED	30-45 DAYS	70-84 DAYS	NOT SPECIFIED	N/A	
SUB-TOTAL FOR OPTIONS ITEM NO. 1A- 1F :		\$32,876.00	\$29,183.00	\$41,242.00	\$29,632.00	\$47,438.00	\$17,748.00	\$49,570.00	\$0.00	\$0.00	\$0.00	
SUB-TOTAL FOR BASE BID & OPTIONS :		\$216,124.00	\$224,922.00	\$244,616.00	\$196,382.00	\$256,583.00	\$191,132.00	\$295,201.66	\$0.00	\$0.00	\$0.00	
YEAR, MAKE & MODEL :		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
8	ALTERNATE BID: ITEM NO. 2 - ONE (1) PRE - OWNED MODEL WHEEL LOADER (ALTERNATE BID FOR ITEM NO. 1). ENTER THE FOLLOWING INFORMATION IN COMMENT AREA: YEAR, MANUFACTURER, MODEL AND DELIVERY TIME OF UNIT	<b>NO BID</b>						<b>NO BID</b>				
YEAR, MAKE & MODEL :		N/A	2013; VOLVO L45G	2013; JOHN DEERE 344J	2013; TEREX TL-160	2013; CATERPILLAR 914G	NOT SPECIFIED	N/A	N/A	2013; WACKER NEUSON WL50	N/A	

NON-RESPONSIVE

No.	Description	NUECES POWER EQUIPMENT EDINBURG, TX	ROMCO EQUIPMENT CO. TXMAS MERCEDES, TX	DOGGETT HEAVY MACHINERY BUYBOARD PHARR, TX	H & V EQUIPMENT SERVICE, INC. H-GAC / BUYBOARD PROGRESO, TX	HOLT CAT WESLACO, TX	ANDERSON EQUIPMENT	B C EQUIPMENT SALES INC LA FERIA, TX	STEWART & STEVENSON POWER PRODUCTS LLC PHARR, TX	TEJAS EQUIPMENT SAN BENITO, TX	TOYOTA LIFT OF SOUTH TEXAS PHARR, TX	
15	BASE BID: ITEM NO. 3 - ONE (1) NEW AND UNUSED CURRENT MODEL COMPACT WHEEL LOADER. ENTER THE FOLLOWING INFORMATION IN COMMENT AREA: YEAR, MANUFACTURER, MODEL AND DELIVERY TIME OF UNIT	RECOMMEND REJECTION			NON-RESPONSIVE	NON-RESPONSIVE						
16	ITEM NO. 3A: OPTIONAL EQUIPMENT/SERVICES: EXTENDED WARRANTY	NO BID	\$95,566.00	\$102,623.00	\$111,000.00	\$89,883.00	\$114,140.00	NO BID	NO BID	\$71,111.68	NO BID	
17	ITEM NO. 3B: OPTIONAL EQUIPMENT/SERVICES: TRASH BUCKET	NO BID	\$1,115.00	\$1,487.00	\$4,400.00	\$6,800.00	\$4,931.14	NO BID	NO BID	\$2,220.00	NO BID	
18	ITEM NO. 3C: OPTIONAL EQUIPMENT/SERVICES: PNEUMATICS TIRES	NO BID	\$9,261.00	\$10,489.00	\$8,632.00	\$8,120.00	\$0.00	NO BID	NO BID	\$3,568.20	NO BID	
19	ITEM NO. 3D: OPTIONAL EQUIPMENT/SERVICES: SOLID RUBBER TIRES	NO BID	\$4,336.00	\$0.00 included in base machine	\$7,500.00	\$300.00	\$10,000.00	NO BID	NO BID	\$1,628.00	NO BID	
	DELIVERY :	N/A	60-90 DAYS	45 DAYS	90-120 DAYS	90 DAYS	NOT SPECIFIED	30-45 DAYS	N/A	NOT SPECIFIED	N/A	
	SUB-TOTAL FOR OPTIONS ITEM NO. 3A - 3D :	NO BID	\$29,482.00	\$25,142.00	\$30,332.00	\$16,540.00	\$32,131.14	\$0.00	NO BID	\$11,909.64	NO BID	
	SUB-TOTAL FOR BASE BID & OPTIONS :	NO BID	\$125,048.00	\$127,765.00	\$141,332.00	\$106,423.00	\$146,271.14	NO BID	NO BID	\$83,021.32	NO BID	
	YEAR, MAKE & MODEL :	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
20	ALTERNATE BID: ITEM NO. 4 - ONE (1) PRE-OWNED MODEL COMPACT WHEEL LOADER (ALTERNATE BID FOR ITEM NO. 3). ENTER THE FOLLOWING INFORMATION IN COMMENT AREA: YEAR, MANUFACTURER, MODEL AND DELIVERY TIME OF UNIT	NO BID										
	YEAR, MAKE & MODEL :	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
25	BASE BID: ITEM NO. 5 - REFURBISH OF ONE (1) 2000 JOHN DEERE MODEL 624H LOADER. ENTER THE DELIVERY TIME FOR PROVIDING REFURBISHMENT ON THIS UNIT IN COMMENT AREA.	NO BID	NO BID	\$37,915.35	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	
	DELIVERY :	N/A	N/A	45 DAYS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	SUB-TOTAL FOR BASE BID ITEM NO. 5 :	NO BID	NO BID	\$37,915.35	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	
	YEAR, MAKE & MODEL :	2013; CASE 586H	N/A	2013; HARLO HP6500	N/A	2013; CATERPILLAR TL642	N/A	N/A	2013; MANITOU - M30-2T	N/A	2013; HARLO ROUGH TERRAIN FORKLIFT - HP6500	
26	BASE BID: ITEM NO. 6- ONE (1) NEW CURRENT MODEL 2-WD ROUGH TERRAIN FORKLIFT. ENTER THE FOLLOWING INFORMATION IN COMMENT AREA: YEAR, MAKE, MODEL AND DELIVERY TIME OF UNIT	\$58,973.00	NO BID	\$67,455.00	NO BID	\$80,759.00	NO BID	NO BID	\$57,189.00	NO BID	\$65,103.40	

NON-RESPONSIVE



No.	Description	NUECES POWER EQUIPMENT EDINBURG, TX	ROMCO EQUIPMENT CO. TXMAS MERCEDES, TX	DOGGETT HEAVY MACHINERY BUYBOARD PHARR, TX	H & V EQUIPMENT SERVICE, INC. H-GAC / BUYBOARD PROGRESO, TX	HOLT CAT WESLACO, TX	ANDERSON EQUIPMENT	B C EQUIPMENT SALES INC LA FERIA, TX	STEWART & STEVENSON POWER PRODUCTS LLC PHARR, TX	TEJAS EQUIPMENT SAN BENITO, TX	TOYOTA LIFT OF SOUTH TEXAS PHARR, TX
27	ITEM NO. 6A: OPTIONAL EQUIPMENT/SERVICES: EXTENDED WARRANTY	\$344.00	NO BID	\$1,750.00	NO BID	\$3,950.00	NO BID	NO BID	\$1,634.96	NO BID	\$1,454.55
DELIVERY :		60-120 DAYS	N/A	NOT SPECIFIED	N/A	60 DAYS	N/A	N/A	70-84 DAYS	N/A	DELIVERY TIME NOT GUARANTEED
SUB-TOTAL FOR OPTIONS ITEM NO. 6A :		\$344.00	NO BID	\$1,750.00	NO BID	\$3,950.00	NO BID	NO BID	\$1,634.96	NO BID	\$1,454.55
SUB-TOTAL FOR BASE BID & OPTIONS :		\$59,317.00	NO BID	\$69,205.00	NO BID	\$84,709.00	NO BID	NO BID	\$58,823.96	NO BID	\$66,557.95
BOND :		CASHIER'S CHECK	NONE	CASHIER'S CHECK	NONE	RECEIVED	NONE	NONE	COMPANY CHECK	NONE	NONE
ADDENDUM # 1 :		ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	NOT ACKNOWLEDGED	NOT ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	NOT ACKNOWLEDGED
HARDCOPY OF BID SUBMITTED :		SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	NOT SUBMITTED	NOT SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED
ELECTRONIC BID SUBMITTED :		SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	NOT SUBMITTED	SUBMITTED
TOTAL AMOUNT RECOMMENDED FOR AWARD:		\$59,317.00		\$37,915.35	\$173,286.00						

▲ SETCO SOLID RUBBER TIREWHEEL ASSY.

▲ TOTAL OF 4 YRS / 5,000 HRS; FULL MACHINE WARRANTY

▲ 4 SOLID TIRES

\* UNSOLICITED WARRANTY FOR ITEM 3A FOR \$4,500.00

▲ WRITTEN RESPONSE ON BID FORM OF \$118,303.00 DOES NOT MATCH

\* UNSOLICITED ATTACHMENT SYSTEM HYDRAULIC QUICK COUPLER FOR \$3,500.00

\* BUYBOARD WARRANTY HAS ADDITIONAL \$904.00 FOR ITEM 3

▲ WRITTEN RESPONSE ON BID FORM OF \$133,167.00 DOES NOT MATCH

▲ PROPOSAL VALID FOR 30 DAYS FROM DATE OF PROPOSAL

▲ PRICE DOES NOT INCLUDE: \$159.44- HEAVY EQUIP TAX & \$1,331.16 - DIESEL TAX = \$68,048.55

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   3c    
DATE SUBMITTED 06/13/13  
MEETING DATE 06/24/13

1. Agenda Item: **Public Safety Building Additions and Renovations – Approval of Construction Documents**

2. Party Making Request: Police / Engineering Departments

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

**Consideration and approval of the Construction Design Phase and authorization to bid.**

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

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

300 8708 426 66 10 ID# BB1302

6. Alternate Option/Costs   N/A  

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Victor Rodriguez, Chief of Police</u>	<u>  VR  </u>	<u>06/18/13</u>	<u>  YES  </u>
b.)	<u>Sandra Zamora, CPM, Dir. of P &amp; C</u>	<u>      </u>	<u>      </u>	<u>      </u>
c.)	<u>J.W. Dale, Director of Finance</u>	<u>      </u>	<u>      </u>	<u>      </u>
d.)	<u>Roy Rodriguez, Assistant City Mngr.</u>	<u>  RR  </u>	<u>06/18/13</u>	<u>  YES  </u>
e.)	<u>Yvette Barrera, P.E., City Engineer</u>	<u>  YB  </u>	<u>06/18/13</u>	<u>  YES  </u>

8. Staff Recommendation: **Staff recommends approval of the Construction Design Phase and authorization to advertise to receive bids.**

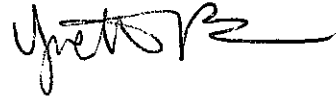
9. Advisory Board:        Approved        Disapproved        None

10. City Attorney:   X   Approved        Disapproved        None

11. Manager's Recommendation:   X   Approved        Disapproved        None

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

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



**Date:** June 14, 2013

**Subject:** **Public Safety Building Additions and Renovations - Consideration /Approval of Construction Documents and Authorization to Bid**

### **GOAL**

Consider and approve the Construction Documents Phase and authorize bidding activities.

### **EXPLANATION**

Milnet Architectural Services has requested, in accordance with the contract, approval of the Construction Documents Phase and Authorization to proceed with advertising to receive bids. The cost for both new construction and renovated spaces (Public Safety Building) is estimated at a total of \$3,065,741. This number does not include a cost for furnishings or equipment but does include limited security and access control infrastructure.

A cost estimate is attached as is the Phase Approval Form.

### **OPTIONS**

1. Approve Construction Documents.
2. Disapprove Construction Documents in favor of further space considerations.

### **RECOMMENDATION**

Staff recommends approval of the Construction Documents and recommends authorization to continue with solicitation of bids.



**McAllen Public Safety Building - New Addition  
 Preliminary Budget**

ITEM	UNITS	UNIT PRICE	QTY	EXTENDED	TOTALS
<b>GENERAL CONDITIONS</b>					
1	Building Permit	SQFT	\$0.35	29,396	\$10,288.60
<b>SITE WORK</b>					
2	Termite Control	SQFT	\$0.20	7613	\$1,522.60
3	Mobilization	SQFT	\$0.21	15823	\$3,322.83
4	Site Clear	SQFT	\$0.56	7613	\$4,263.28
5	Select Fill/Compaction	SQFT	\$3.71	15823	\$58,703.33
6	Site Utilities	SQFT	\$1.95	15823	\$30,854.85
7	Asphalt/Parking	SQFT	\$24.14	325	\$7,846.31
8	Demo sidewalks and canopy	SQFT	\$0.80	7613	\$6,090.40
9	New Sidewalks	SQFT	\$0.75	2,000	\$1,500.00
<b>CONCRETE</b>					
10	Concrete Labor	SQFT	\$2.40	15823	\$37,975.20
11	Concrete Material	SQFT	\$2.80	15823	\$44,304.40
12	Concrete Pump	SQFT	\$0.22	15823	\$3,481.06
13	Rebar	SQFT	\$0.85	15823	\$13,449.55
<b>MASONRY</b>					
14	Unit Masonry-CMU	SQFT	\$9.00	15,823	\$142,407.00
15	Brick Veneer	SQFT	\$4.50	15,823	\$71,203.50
16	Cast Stone	LF	\$17.50	730	\$12,775.00
<b>STRUCTURAL STEEL</b>					
17	Structural Steel/Joists/Deck	SQFT	\$4.00	15,823	\$63,292.00
18	Steel Erection	SQFT	\$1.57	15,823	\$24,842.11
19	Steel Stairs	PCS	\$3,250.00	2	\$6,500.00
<b>CARPENTRY</b>					
20	Rough Carpentry / Framing	SQFT	\$1.50	1,500	\$2,250.00
21	Finish Carpentry LF	LF	\$150.00	110	\$16,500.00
22	Arch Millwork	SQFT	\$1.20	15,823	\$18,987.60
<b>MOISTURE PROTECTION</b>					
23	CTEM Roofing System	SQFT	\$10.25	8,210	\$84,152.50
24	Water Proofing	SQFT	\$2.15	15,823	\$34,019.45
25	Flashing, Calking, Fire Calking	SQFT	\$0.92	15,823	\$14,557.16
26	Insulation Rigid	SQFT	\$1.00	15,823	\$15,823.00
27	Insulation Batt	SQFT	\$0.55	15,823	\$8,702.65
28	Flashing & Sheet Mtl.	SQFT	\$0.60	15,823	\$9,493.80
29	Mtl. Gutter & Dwnspt./LF	LF	\$10.00	240	\$2,400.00
<b>DOOR &amp; WINDOWS</b>					
30	Wood Door & Frames	PCS	\$350.00	28	\$9,800.00
31	Wood Door & Frames w/glass	PCS	\$450.00	27	\$12,150.00
32	Hollow Metal Doors & Frames	PCS	\$650.00	3	\$1,950.00
33	Door Finish Hardware - Standard	PCS	\$450.00	58	\$26,100.00
34	Hardware - Card Readers/Mag Lock	PCS	\$1,000.00	10	\$10,000.00
35	Glass & Glazing	PCS	\$275.00	25	\$6,875.00



36	Bulletproof Glazing	PCS	\$950.00	16	\$15,200.00	
	<b>FINISHES</b>					
37	Drywall & Metal Studs	SQFT	\$7.50	15,823	\$118,672.50	
38	Paint	SQFT	\$2.00	15,823	\$31,646.00	
39	Ceramic Tile	SQFT	\$8.50	352	\$2,992.00	
40	Wall Tile	SQFT	\$8.50	700	\$5,950.00	
41	Acoustical Ceiling	SQFT	\$2.00	14,133	\$28,266.00	
42	Specialty Ceiling	SQFT	\$5.00	1,686	\$8,430.00	
43	VCT	SQFT	\$2.00	12,743	\$25,486.00	
44	Epoxy Thinset Terrazzo	SQFT	\$11.65	2,462	\$28,682.30	
45	Rubber Flooring	SQFT	\$3.50	614	\$2,149.00	
	<b>SPECIALTIES</b>					
46	Fire Extinguishers	PCS	\$75.00	6	\$450.00	
47	Mirrors	PCS	\$50.00	4	\$200.00	
48	Toilet Accessories	PCS	\$115.00	20	\$2,300.00	
49	Toilet Partitions	PCS	\$450.00	8	\$3,600.00	
50	Folding Partition	PCS	\$1,500.00	1	\$1,500.00	
51	Room Signage	PCS	\$100.00	55	\$5,500.00	
52	Wood Benches	PCS	\$250.00	3	\$750.00	
53	Video Wall	PCS	\$150,000.00	1	\$150,000.00	
	<b>MEP</b>					
54	Sprinkler System	SQFT	\$3.25	15,823	\$51,424.75	
55	Security System (Cameras)	PCS	\$650.00	7	\$4,550.00	
56	Fire Alarm	SQFT	\$1.50	15,823	\$23,734.50	
57	Plumbing	SQFT	\$5.50	15,823	\$87,026.50	
58	HVAC	SQFT	\$15.00	15,823	\$237,345.00	
59	Electrical	SQFT	\$17.50	15,823	\$276,902.50	
<b>Total</b>						\$1,931,140.23
<b>Contingency</b> 5%						\$96,557.01
<b>Sub-Total</b>						\$2,027,697.24
Contractor's General Conditions: 6%						\$121,661.83
						\$2,149,359.07
Contractor's fee: 10%						\$214,935.91
<b>Construction Total</b>						<b>\$2,364,294.98</b>
<b>Other Services</b> (not included in const. total)						
	Geo-Technical Services	EA	\$2,400	1	\$2,400.00	\$2,400.00
	Materials Testing Services	EA	\$7,350	1	\$7,350.00	\$7,350.00
	ADA Review	EA	\$670	1	\$670.00	\$670.00
	ADA Inspection	EA	\$545	1	\$545.00	\$545.00
					Total	\$10,965.00
<b>Grand Total:</b>						<b>\$2,375,259.98</b>
Cost per Square Foot:						\$150.11





MILNET ARCHITECTURAL SERVICES  
 608 SOUTH 12th St.  
 McAllen, TX 78501  
 Phone: 956-688-5656  
 Fax : 956-687-9289

MAS Proj. No: 212014  
 Date: June 06, 2013  
 Square Feet: **13,573**

## McAllen Public Safety Building - Interior Renovations Preliminary Budget

ITEM	UNITS	UNIT PRICE	QTY	EXTENDED	TOTALS
<b>DEMOLITION</b>					
1	Interior Demolition	SQFT	\$0.90	14,713	\$13,241.70
<b>CARPENTRY</b>					
2	Finish Carpentry LF	LF	\$150.00	70	\$10,500.00
3	Arch Woodwork	SQFT	\$1.20	13,573	\$16,287.60
<b>MOISTURE PROTECTION</b>					
4	Insulation Batt	SQFT	\$0.55	13,573	\$7,465.15
<b>DOOR &amp; WINDOWS</b>					
5	Wood Door & Frames	PCS	\$350.00	18	\$6,300.00
6	Wood Door & Frames w/glass	PCS	\$450.00	17	\$7,650.00
7	Hollow Metal Doors & Frames	PCS	\$650.00	0	\$0.00
8	Store Front	PCS	\$4,500.00	1	\$4,500.00
9	Store Front Door - Hardware	PCS	\$550.00	2	\$1,100.00
10	Door Finish Hardware - Standard	PCS	\$450.00	35	\$15,750.00
11	Hardware - Card Readers/Mag Locks	PCS	\$1,000.00	8	\$8,000.00
12	Glass & Glazing	PCS	\$275.00	32	\$8,800.00
13	Bulletproof Glazing	PCS	\$950.00	10	\$9,500.00
<b>FINISHES</b>					
14	Drywall & Studs	SQFT	\$7.50	6,000	\$45,000.00
15	Paint	SQFT	\$2.00	13,573	\$27,146.00
16	VCT	SQFT	\$2.00	13,573	\$27,146.00
17	Epoxy Thinset Terrazzo	SQFT	\$11.65	485	\$5,650.25
18	Acoustical Ceiling (25%)	SQFT	\$2.00	3,806	\$7,612.00
19	Solid Surface	SQFT	\$45.00	350	\$15,750.00
<b>SPECIALTIES</b>					
20	Fire Extinguishers	PCS	\$75.00	5	\$375.00
21	Evidence Lockers	PCS	\$1,450.00	8	\$11,600.00
22	Mailboxes	LF	\$150.00	20	\$3,000.00
23	Room Signage	PCS	\$75.00	30	\$2,250.00
<b>MEP</b>					
24	Security System (Cameras)	PCS	\$650.00	18	\$11,700.00
25	HVAC	SQFT	\$8.50	10,179	\$86,521.50
26	Electrical	SQFT	\$10.00	13,573	\$135,730.00
27	Plumbing	SQFT	\$5.50	81	\$445.50
<b>Sub-Total</b>					<b>\$592,179.70</b>
<b>Contingency</b> 6%					<b>\$35,530.78</b>
<b>Sub-Total</b>					<b>\$627,710.48</b>
Contractor's fee: 10%					<b>\$62,771.05</b>
<b>Construction Total (interior renovations)</b>					<b>\$690,481.53</b>

EXHIBIT "A"  
PHASE APPROVAL FORM

DATE: June 24, 2013

TO: MILNET ARCHITECTURAL SERVICES  
Attn.: Mr. Rodolfo R. Molina, AIA

RE: PHASE APPROVAL  
McAllen Public Safety Building  
Additions and Renovations

APPROVED: Construction Documents Design Services reference Article 1.1 of Owner/Architect Agreement

By execution of this document, you are hereby authorized to proceed with the Design Development Phase of Part 2, Basic Services for the Project. This authorization is made after our meeting of June 24, 2013 review of the Construction Documents as prepared by Milnet Architectural Services.

  x          No Exceptions  
              Exceptions

The estimated Construction Cost Budget is authorized to increase to Three Million Sixty Five Thousand Seven Hundred and Forty One Dollars (\$3,065,741).

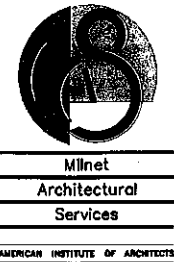
OWNER:

By: \_\_\_\_\_  
Title/Date: \_\_\_\_\_

# ABBREVIATIONS

ABV above	AC above finish floor	ASC above suspended ceiling	access	ACFL access floor	AP access panel	AC acoustic	ACPL acoustic plaster	ACT acoustical tile	ACR acrylic plastic	ADD addendum	ADH adhesive	ADJ adjacent	ADJT adjustable	AGG aggregate	A/C air conditioning	AL alternate	AL aluminum	ANC anchor, anchorage	ANB anchor bolt	ANOD anodized	APX approximate	ARCH architect (arch)	AD area drain	ASB asbestos	ASPH asphalt	AT asphalt tile	AUTO automatic	BP back plaster (ed)	BENT basement	BR bearing	BPL bearing plate	BUT bead joint	BM bench mark	BEL below	BET between	BVL beveled	BL bituminous	BLK block	BLG blocking	BD board	BW both ways	BSM bottom	BRK brick	BRZ bronze	BLDG building	BUR built up roofing	BDB bulletin board	CAB cabinet	CAD minimum	CPT carpet (ed)	CSMT casement	CST cast iron	CPC cost-in-place concrete	CK cast stone	CB catch basin	CK caulk (ing) caulk (ing)	CLG ceiling	CHT ceiling height	CEM cement	CPL cement plaster (partion)	CFM centrifimeter (s)	CR ceramic	CT ceramic tile	CMT ceramic mosaic (tile)	CHB chalkboard	CHAM chamfer	CR chromium (plated)	CIR circle	CIRC circumference	CLR clear (ance)	CLS closure	COL combination	COMP compartment	COMPO compressing (composite)	COMP compress (ed), (ion), (ible)	CONC concrete	CMU concrete masonry unit	CX connection	CONST construction	CONT continuous or continue	CONTR contract (or)	CLL contract limit line	CDL control joint	CGR corner guard	CC corrugated	CTR counter	CFL counterflashing	CS countersink	CSK countersink screw	CRS course (s)	CRG cross grain	CFT cubic foot	CTD cubic yard	DPR damper	DP dampproofing	DL dead load	DEM demolition, demotion	DMT demountable	DEP depressed	DET detail	DIAG diagonal	DHM diameter	DMH dimension	DPR dispenser	DVY division	DR double	DA double hung	DTA dovetail anchor	OTS dovetail anchor slot	D downslope	D drain	DRB drainboard	DT drain tile	DWR drawer	DWS drawing	DF drinking fountain	DW dumbwaiter	EF each face	E east	ELEC electric (al)	EP electrical panelboard	EWEC electric water cooler	EL elevation	ELEV elevator	EMER emergency	ENC enclosure (ure)	EQ equal	ECP equipment	ESC escalator	EST estimate	EXCA excavate	EXH exhaust	EXG existing	ENMP expanded metal plate	EXP expansion joint	EXT exterior	EXS extra strong	FB face brick	FOC face of concrete	FOR face of finish	FOM face of masonry	FOS face of studs	FF factory finish	FAS fasten fastener	FBD fiberboard	FN fence	FGL fiberglass	FIN finish (ed)	FFE finished floor elevation	FFL finished floor line	FA fire alarm	FBK fire brick	FE fire extinguisher	FES fire extinguisher cabinet	FHS fire hose station	FPL fireproof	FP fireproof	FRC fire-retardant coating	FRT fire-retardant	FLG flashing	FMS flathead machine screw	FHWS flathead wood screw	FLX flexible	FIR floor (ing)	FLOOR floor cleanout	FD floor drain	FPL floor plate	FLUR fluorescent	FJT flush joint	FTG footing	FRT forged	FND foundation	FR frame (d), (ing)	FRA fresh air	FS full size	FBO furnished by others	FUR furred (ing)	FUT future	GA gage, gauge	GV galvanized	GI galvanized iron	GP galvanized pipe	GCS galvanized steel sheet	GCT gasket (ed)	GC general contract (or)	GL glass, glazing	GLB glass block	GLF glass fiber	GCMU glazed concrete masonry units	GSS glazed structural tile	GB grab bar	SD grade, grading	GRI granite	GVL ground face	GT groat	GS gypsum dry wall	GPL gypsum lath	GPPL gypsum plaster	GPT gypsum tile	HH handhold	HBD handboard	HW hardware	HWD hardwood	HJT head joint	HDR header	HGS heating	HVAC heating/ventilation/air conditioning	HD heavy duty	HST hollow core	HX hexagonal	HES high early-strength	HM hollow metal	HK hook (s)	HCR horizontal	HB hose bibb	HWH hot water heater	INCIN incinerator	INCIL include (s), (ing)	ID inside diameter	INS insulate (s), (ion)	INSG insulating concrete	INSF insulating fill	INT interior	INTC interlock	INTM intermediate	INV invert	IPS iron pipe size	JC joint's closet	JT joint	JF joint filler	JG joint	KCPL keene's cement plaster	KPL kickplate	K kitchen	KO knockout	LBL label	LAB laboratory	LAD ladder	LB log bolt	LAM laminate	LAV lavatory	LH left hand	L length	LI light	LC light control	LP lightproof	LW lightweight	LWC lightweight concrete	LMS limestone	LTL lintel	LL live load	LVR louver	LPT low point	MB machine bolt	MI malleable iron	MH manhole	MFR manufacture (er)	MFR manufacture (er)	MFB marble	MO masonry	MO masonry opening	MTL material (s)	MAX maximum	MECH mechanic (al)	MC medicine cabinet	MED medium	MER membrane	MEMB membrane	MET metal	MFL metal floor decking	MFR metal furring	MRO metal roof decking	MTHR metal threshold	M meter	MM millimeter (s)	MWK millwork	M minimum	MIR mirror	MISC miscellaneous	MCD modular	MLD molding, moulding	MR mop receptor	MT mount (ed), (ing)	MU mullion	NL notable	NAT natural	NI nickel	NR noise reduction	NRC noise reduction coefficient	NOM nominal	NOM nonmetallic	N North	NIC not in contract	NIS not to scale	W wheel bumper	W width, wide	WIN window	WG wired glass	WM wire mesh	WO without	WD wood	WB wood base	WP working point	WPT wrought iron
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# CITY OF McALLEN PUBLIC SAFETY BUILDING ADDITION AND RENOVATIONS



PRELIMINARY  
95% REVIEW SET

McALLEN PUBLIC SAFETY BLDG  
ADDITIONS & RENOVATIONS  
McALLEN, TX

PROJECT NUMBER  
212014

DATE  
JUNE 10, 2013

95% REVIEW SET

S H E E T  
**A0.0**  
OF

## GENERAL NOTES

- ALL CONSTRUCTION INCLUDING MATERIAL AND WORKMANSHIP, SHALL CONFORM TO THE 2012 INTERNATIONAL BUILDING CODE.
- ALL ASTM STANDARDS LISTED HERE WITHIN, SHALL BE AS REFERENCED IN THE LATEST ISSUE OF THE ANNUAL BOOK OF STANDARDS OF THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.
- THE CONTRACTOR, SHALL FIELD VERIFY ALL DIMENSIONS, ELEVATIONS AND SITE CONDITIONS BEFORE BEGINNING WORK. THE ARCHITECT AND ENGINEER, SHALL IMMEDIATELY BE NOTIFIED OF ANY DISCREPANCIES. THE CONTRACTOR SHALL CAREFULLY STUDY AND COORDINATE THE MECHANICAL, PLUMBING, & ELECTRICAL SYSTEMS WITH THE ARCHT. WORK PRIOR TO INSTALLATION & SHALL NOTIFY THE ARCHITECT IN WRITING OF ALL APPARENT INCONSISTENCIES FOR CLARIFICATION.
- ALL OMISSIONS AND OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND SPECIFICATIONS, SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT OR ENGINEER. WORK SHOULD NOT PROCEED UNTIL A SOLUTION IS GIVEN BY THE ARCHITECT/ ENGINEER.
- IN CASE OF CONFLICTS BETWEEN GENERAL NOTES AND DETAILS, THE DETAILS, SHALL TAKE PRECEDENCE OVER THE GENERAL NOTES. TYPICAL DETAILS, SHALL BE USED WHENEVER APPLICABLE.
- IF A SPECIFIC DETAIL IS NOT SHOWN FOR ANY PART OF WORK, THE CONSTRUCTION, SHALL BE THE SAME AS FOR SIMILAR WORK.
- COORDINATE FOUNDATION PLANS AND MECHANICAL DRAWINGS, FOR ALL OPENINGS, INSERTS AND OTHER RELATED ITEMS.
- THE CONTRACTOR, SHALL VERIFY FIELD DIMENSIONS AND CONDITIONS BEFORE COMMENCING. ENGINEER, SHALL BE NOTIFIED OF CONFLICT OF DISCREPANCIES.
- DIMENSIONS ARE TO FINISH FACE OF WALLS UNLESS NOTED OTHERWISE.
- ADDITIONAL MISCELLANEOUS STEEL ITEMS NOT SHOWN ON STRUCTURAL DRAWINGS MAY BE REQUIRED. GENERAL CONTRACTOR AND FABRICATOR SHALL COORDINATE ALL REQUIREMENTS AND SHALL NOTIFY THE ARCHITECT IN WRITING OF ALL APPARENT INCONSISTENCIES FOR CLARIFICATION.
- DO NOT DIMENSION THESE DRAWINGS. ANY DIMENSIONS, QUESTIONS, SHOULD BE DIRECTED TO THE ARCHITECT OR ENGINEER.

## McALLEN BOARD OF COMMISSIONERS

SCOTT CRANE  
TREY PEBLEY  
HILDA SALINAS  
AIDA RAMIREZ  
JOHN INGRAM  
VERONICA VELA WHITACRE  
JIM DARLING

COMMISSIONER DISTRICT 1  
COMMISSIONER DISTRICT 2  
COMMISSIONER DISTRICT 3  
COMMISSIONER DISTRICT 4  
COMMISSIONER DISTRICT 5  
COMMISSIONER DISTRICT 6  
MAYOR

## CODE SUMMARY

NEW CONSTRUCTION	2012 INTERNATIONAL BUILDING CODE
BUILDING FIRST FLOOR	7,613 SQ. FT.
BUILDING SECOND FLOOR	8,210 SQ. FT.
TOTAL SQ. FT.	15,823 SQ. FT.
OCCUPANCY CLASSIFICATION	OCCUPANCY GROUP "B"
CONST. TYPE II B - UNPROTECTED, SPRINKLED	
HAVE:	ALLOWABLE:
2 STORIES - 15,823 SQ. FT.	3 STORIES - 23,000 SQ. FT.

## PROJECT CONTACTS

<b>OWNER:</b>		<b>M.E.P.:</b>	
CITY OF McALLEN 1300 HOUSTON AVE. McALLEN, TX 78501		EDWARD PUENTES, P.E.	DBR ENGINEERING CONSULTANTS 200 SOUTH 10TH ST, SUITE 901 McALLEN, TEXAS 78501 (956) 683-1640 (956) 683-1903 F
<b>ARCHITECT:</b>		<b>STRUCTURAL:</b>	
RODOLFO R. MOLINA JR., A.I.A.	MILNET ARCHITECTURAL SERVICES 608 S. 12TH STREET McALLEN, TEXAS 78501 (956) 688-3656 (956) 687-9289 F	SOLORIO & ASSOCIATES 108 W. 18TH ST. MISSION, TEXAS 78502 (956) 631-1500 (956) 584-7407 F	

## SYMBOLS

	ELEVATION SYMBOL
	SECTION/DETAIL SYMBOL
	WALL TYPE SYMBOL
	WINDOW SYMBOL
	ROOM NAME & NUMBER SYMBOL
	FINISH NUMBER
	DOOR SYMBOL

## INDEX OF DRAWINGS

A0.0	INDEX/LEGEND SHEET	D1.3	DEMO PLAN - DETAILS	A5.2	WALL SECTION DETAILS	MEP1.1	MEP DEMO PLAN LEVEL 1	P0.0	PLUMBING SYMBOLS & ABBREV.
AS1.0	SITE PLAN	A1.0	OVERALL FIRST FLOOR PLAN	A5.3	WALL SECTION DETAILS	MEP1.2	MEP DEMO PLAN LEVEL 2	P2.1	PLUMBING PLAN - LEVEL 1
AS1.1	ENLARGED SITE PLAN	A1.1	OVERALL SECOND FLOOR PLAN	A5.4	DETAILS	MEP2.1	MEP ROOF PLAN	P2.2	PLUMBING PLAN - LEVEL 2
S101	STRUCTURAL GENERAL NOTES	A1.2	FIRST FLOOR - NEW ADDITION	A5.5	ROOF PLAN	M0.0	MECH. SYMBOLS & ABBREV.	P4.1	PLUMBING SCHEDULES
S102	STRUCTURAL GENERAL NOTES	A1.3	FIRST FLOOR - RENOVATIONS	A5.6	ROOF PLAN DETAILS	M2.1	MECH. PLAN - LEVEL 1	P4.2	PLUMBING DETAILS
S103	SCHEDULES	A1.4	FIRST FLOOR - RENOVATIONS	A5.7	ROOF PLAN DETAILS	M2.2	MECH. PLAN - LEVEL 2	P5.1	PLUMBING RISERS
S201	FOUNDATION PLAN	A1.5	SECOND FLOOR - NEW ADDITION	A6.0	MILLWORK ELEVATIONS	M4.1	MECH. DETAILS	T2.1	TECHNOLOGY PLAN LEVEL 1
S301	SECOND FLOOR FRAMING PLAN	A1.6	SECOND FLOOR - RENOVATIONS	A6.1	MILLWORK ELEVATIONS	M5.1	MECH. SCHEDULES	T2.2	TECHNOLOGY PLAN LEVEL 2
S302	ROOF FRAMING PLAN	A2.0	EXTERIOR ELEVATIONS	A6.2	MILLWORK ELEVATIONS	M5.2	MECH. SCHEDULES		
S401	TYP. CONCRETE DETAILS	A3.0	ENLARGED RESTROOM PLAN	A6.3	MILLWORK SECTIONS	M5.3	MECH. WIRING DIAGRAM		
S402	FOUNDATION DETAILS	A3.1	ENLARGED RESTROOM PLAN	A6.4	MILLWORK SECTIONS	M5.4	MECH. PIPING DIAGRAM		
S403	TYP. CMU DETAILS	A3.2	ENLARGED PLAN	A6.5	VIDEO WALL ELEVATION	E0.0	ELECT. SYMBOLS & ABBREV.		
S404	TYP. FRAMING DETAILS	A3.3	ENLARGED PLAN	A7.0	DOOR/WINDOW SCHEDULE	E2.1	ELECT. LIGHTING PLAN LEVEL 1		
S405	TYP. FLOOR FRAMING DTLS.	A4.0	FIRST FLOOR - REFLECTED CLG. PLAN	A7.1	ROOM FINISH SCHED.	E2.2	ELECT. LIGHTING PLAN LEVEL 2		
ASD1.0	DEMO PLAN - SITE	A4.1	SECOND FLOOR - RFC PLAN	A7.2	FINISH PLAN - FIRST FLOOR	E3.1	ELECT. POWER PLAN LEVEL 1		
D1.0	DEMO PLAN - FIRST FLOOR	A4.2	REFLECTED CLG. PLAN DETAILS	A7.3	FINISH PLAN - SECOND FLOOR	E3.2	ELECT. POWER PLAN LEVEL 2		
D1.1	DEMO PLAN - SECOND FLOOR	A5.0	BUILDING SECTIONS	A7.4	FINISH PLAN - ELEVATIONS	E4.1	ELECT. RISER DIAGRAM		
D1.2	DEMO PLAN - ELEVATIONS	A5.1	WALL SECTION DETAILS	A8.0	STAIR/MISC. DETAILS	E6.1	ELECTRICAL DETAILS		



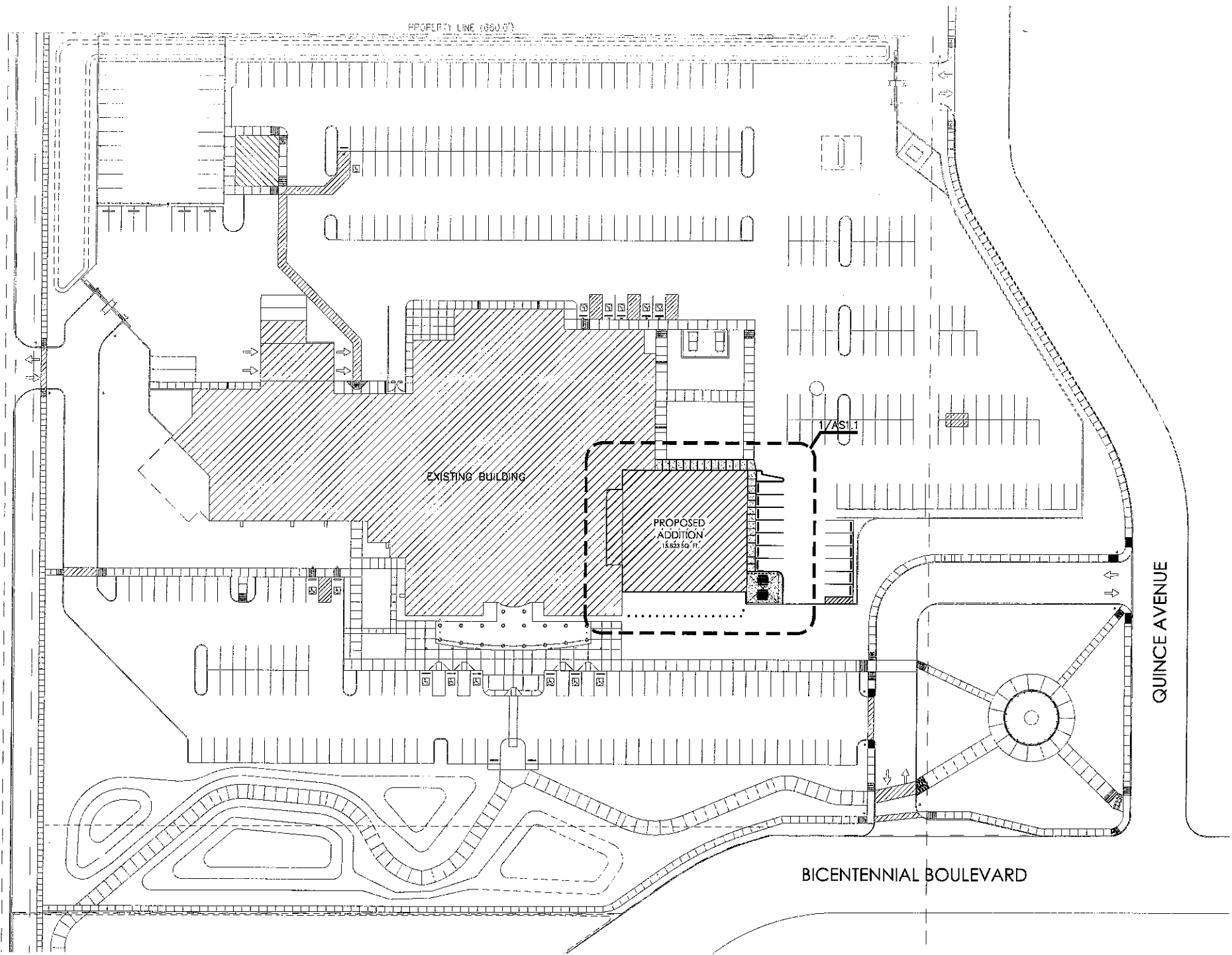
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PRELIMINARY  
95% REVIEW SET

MCALLEN PUBLIC SAFETY BLDG  
ADDITIONS & RENOVATIONS  
MCALLEN, TX

PROJECT NUMBER  
212014  
DATE  
JUNE 10, 2013  
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S H E E T  
AST.0  
OF



1 SITE PLAN - OVERALL  
SCALE: 1" = 40'-0"



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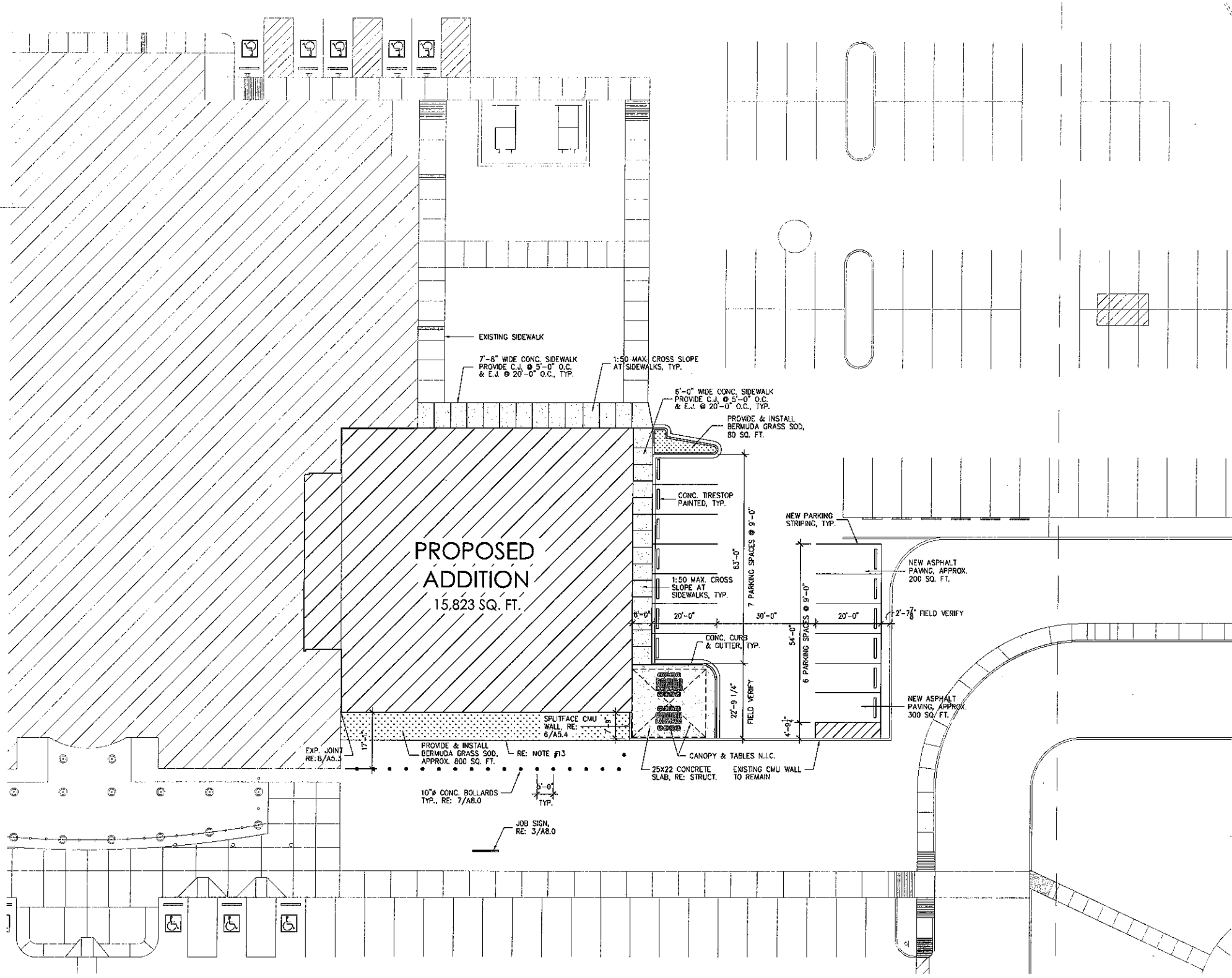
DATE  
JUNE 10, 2013

95% REVIEW SET

S H E E T

AST.1

OF



**GENERAL NOTES:**

- OWNER WILL PROVIDE SOIL TESTS PRIOR TO FOUNDATION WORKS.
- PROVIDE SIDEWALK AS PART OF BASE BID.
- CONTRACTOR TO FIELD VERIFY EXISTING UNDERGROUND UTILITIES.
- WARNING:  
CONTACT 1-800-DIG-TESS FOR UNDERGROUND ELECTRIC CABLES PLACED IN SITE.
- ALL CONSTRUCTION AND MATERIALS FOR DRAINAGE, GRADING AND PAVING TO BE IN ACCORD WITH "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION".
- ALL SOIL PLACED ONTO SITE IS TO BE COMPACTED TO 80% DENSITY, EXCEPT UNDER ANY PAVING COMPACTION IS TO BE 95%, BY OWNER. RE: CIVIL FOR ADDT. INFO.
- CONTRACTOR IS RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL FOR CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PAYING ANY FEES FOR PERMITS AS MAY BE REQUIRED FOR THIS CONSTRUCTION.
- ALL PIPE SLEEVES SHALL BE SCH. 40 PVC AND FURNISHED IN PLACE BY THE CONTRACTOR BEFORE PAVING.  
TUELECTRIC SLEEVES:  
6" SLEEVES ARE TO BE DOVE GREY Y AND PLACED 48" BELOW TOP OF CURB ELEVATIONS, WITH END CONDUIT MARKERS FURNISHED BY TUELECTRIC PLACED ON EACH END OF CONDUIT.  
IRRIGATION SLEEVES:  
2 & 4" SLEEVES ARE TO BE PLACED 24" BELOW TOP OF CURB.
- CONTRACTOR TO SET CONTROL GRADES AT 25' INTERVALS ALONG ALL PAVING FLOW LINES.
- CONTRACTOR TO PROVIDE JOB SIGN. RE: 3/A8.0
- ALL EXT. DOORS SHALL HAVE A LEVEL AREA IN FRONT OF THE DOOR WITH A 1:50 MAX. SLOPE IN ALL DIRECTIONS. AREA SHALL BE A MINIMUM OF 5 FT. IN THE DIRECTION OF TRAVEL BY THE WIDTH OF THE SIDEWALK.
- PROVIDE TEMPORARY 8 FT. HIGH CHAIN LINK FENCE TO SECURE PERIMETER AT EAST SIDE, FOR DURATION OF CONSTRUCTION. REMOVE AFTER PROJECT COMPLETION.
- INCLUDE AN \$8,000.00 ALLOWANCE FOR ADDITIONAL UTILITY ADJUSTMENTS.

1 SITE PLAN - ENLARGED  
SCALE: 1/16" = 1'-0"





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MCALLEN PUBLIC SAFETY BLDG  
ADDITIONS & RENOVATIONS  
MCALLEN, TX

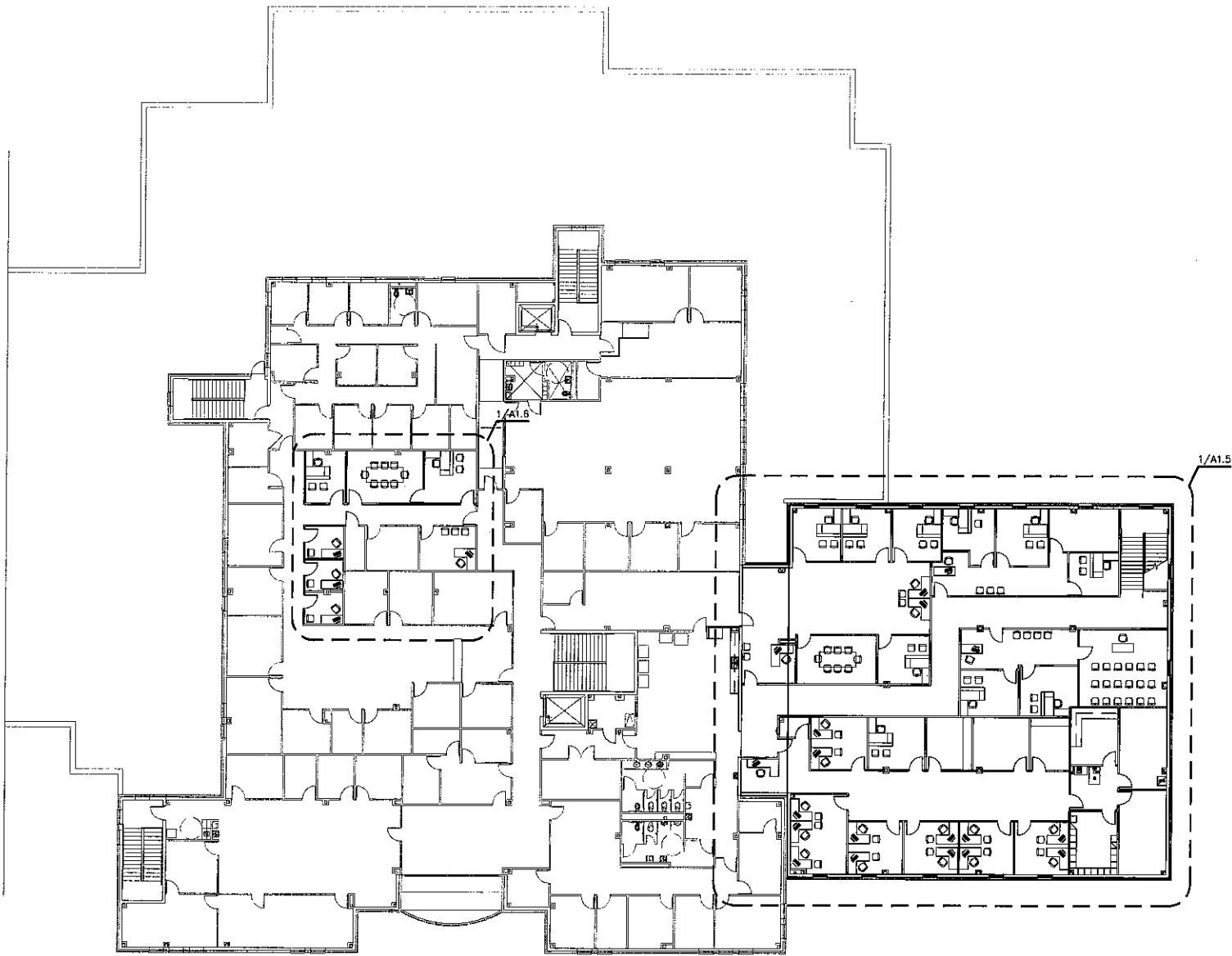
PROJECT NUMBER  
212014  
DATE  
JUNE 10, 2013

95% REVIEW SET

S H E E T

A1.1

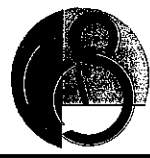
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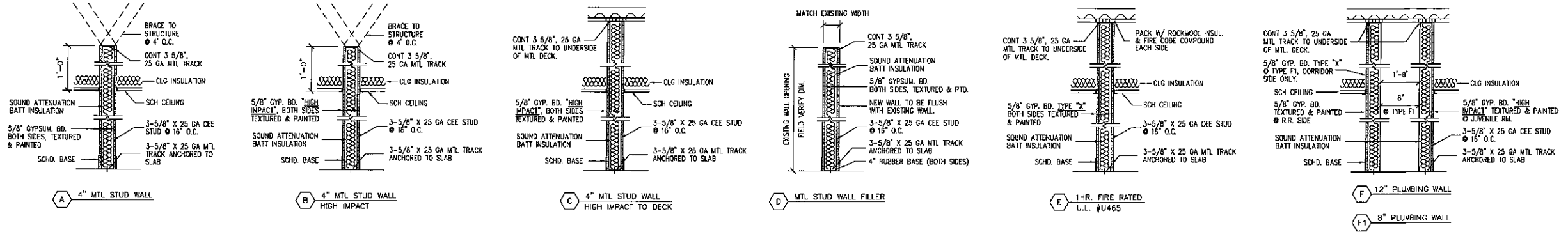
EXTENT OF WORK - SECOND FLOOR

SCALE: 1/16"=1'-0"

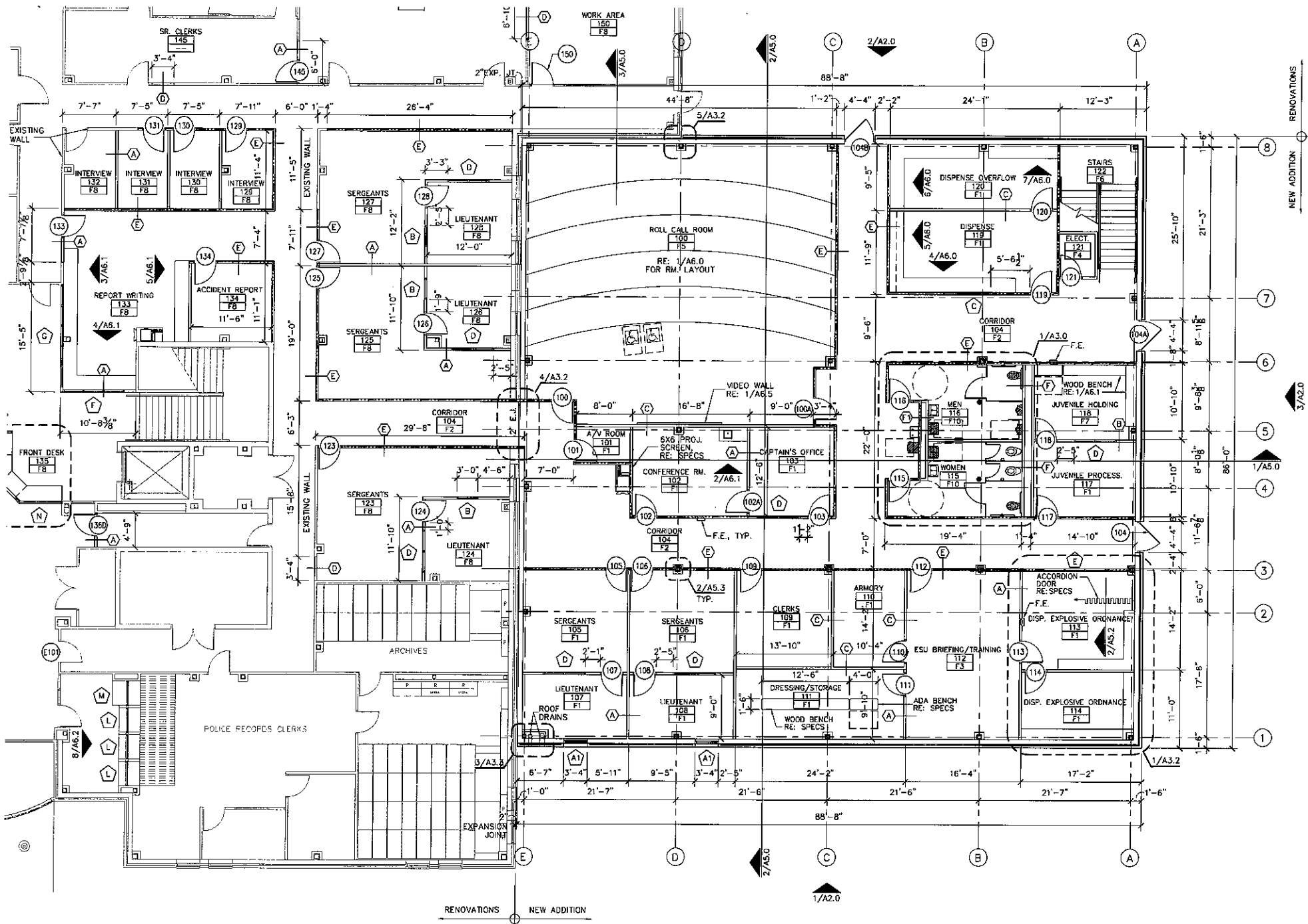


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**2 PARTITION TYPES**  
SCALE: 3/4" = 1'-0"



**GENERAL NOTES:**

- RE: A7.0 FOR DOOR & WINDOW SCHEDULE. RE: A7.1 FOR FINISH SCHEDULE.
- ALL PENETRATIONS IN TOP OR BOTTOM PLATES FOR PLUMBING OR ELECTRICAL RUNS TO BE SEALED. SEE ELECTRICAL PLANS FOR ADDITIONAL SPECIFICATIONS.
- ALL DIMENSIONS TO FINISH FACE OF WALL.
- ALL WALLS PAINTED W/EGGSHELL FINISH, U.N.O.
- BUILDING MUST HAVE A PANEL BOX (LOCATION AS OF CITY CODES). RE: ELEC.
- ALL SMOKE FIXTURES ARE TO BE PLACED AS OF CITY CODES. RE: ELEC. DWGS.
- PROVIDE AND INSTALL ROOM SIGNAGE AND BLDG. PLAQUE, RE: SPECS FOR ADD. INFO.
- ALL PARTITIONS ARE (A) U.N.O. RE: 2/A1.2
- ROOM NO. FINISH NO.
- DENOTES 1HR. FIRE RATED WALL.
- PROVIDE & INSTALL RECESSED FIRE EXT. CABINETS WITH FIRE EXTINGUISHER. (F.E.) RE: SPECS.
- RE: 4/A8.0 FOR STEEL STAIRS PLAN.
- RE: 2/A5.3 FOR TYPICAL COLUMN FURR-OUT DTL.
- PROVIDE AND INSTALL NEW VIDEO WALL AT RM. NO. 100. RE: 1/A6.5 FOR ADD. INFO.

**SQUARE FOOTAGE:**

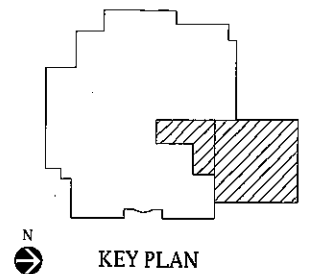
FIRST FLOOR ADDITION: 7,613 SQ. FT.  
SECOND FLOOR ADDITION: 8,210 SQ. FT.  
TOTAL SQ. FT.: 15,823 SQ. FT.

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ADDITIONS & RENOVATIONS  
MCALEN, TX

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212014  
DATE  
JUNE 10, 2013  
95% REVIEW SET

**1 FIRST FLOOR - NEW ADDITION**  
SCALE: 1/8" = 1'-0"



S H E E T  
A1.2  
OF



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MCALLEN, TX

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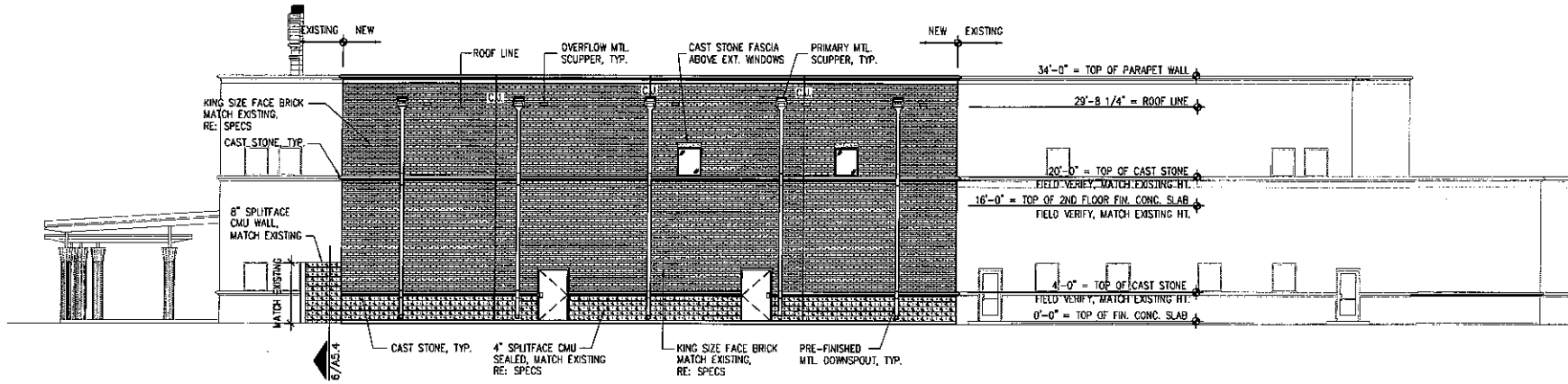
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JUNE 10, 2013

95% REVIEW SET

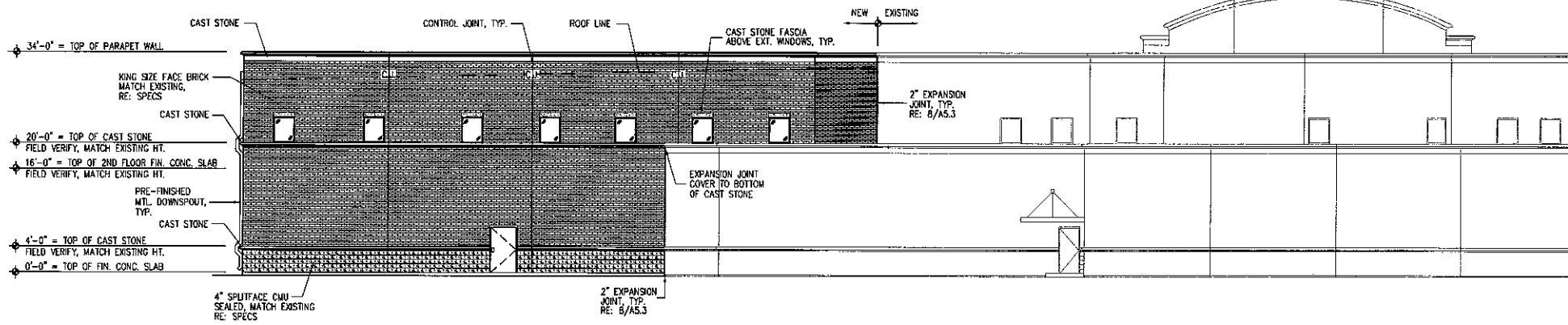
SHEET

A2.0

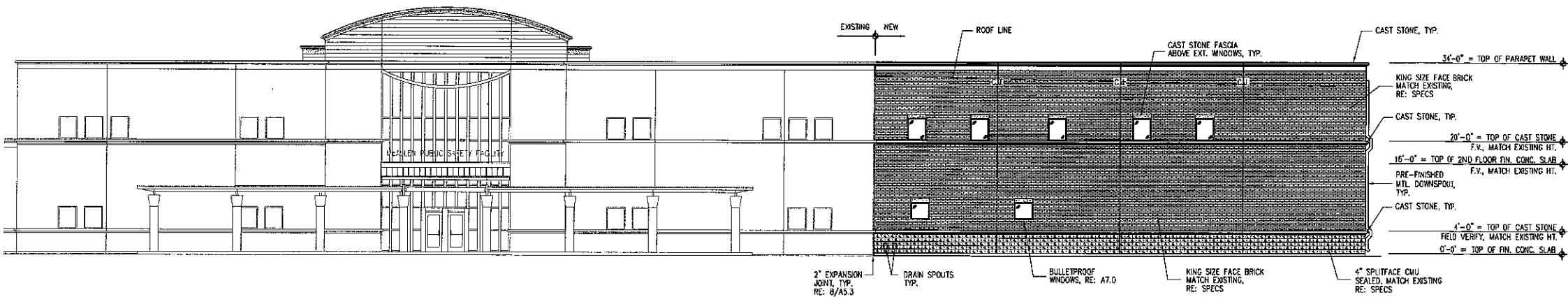
OF



3 NORTH ELEVATION  
SCALE: 3/32" = 1'-0"



2 WEST ELEVATION  
SCALE: 3/32" = 1'-0"

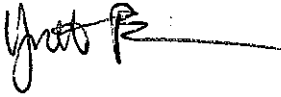


1 EAST ELEVATION  
SCALE: 3/32" = 1'-0"





**CITY OF MCALLEN**  
**DEPARTMENT OF ENGINEERING**  
**MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Yvette Barrera, P.E., CFM, City Engineer   
**Date:** June 13, 2013  
**Subject:** Award of Contract – Re-Roof Fire Station Two (2) (Hail Damaged)  
Project #05-13-C19-155

**Goal:**

The goal is to award the contract for Re-Roof Fire Station Two (2) to the lowest, responsive, responsible bidder.

**Brief Explanation:**

On Tuesday, June 04, 2013 the Purchasing and Contracting Department received Four (4) bid proposals for the above referenced project. The four bidders are identified below:

	STATEWIDE ROOFING, L.L.C.	SECHRIST-HALL COMPANY	AMERICAN CONTRACTING U.S.A., INC	NON-RESPONSIVE BOUGAMBILIAS, CONSTRUCTION, LLC
	EDINBURG, TX	MCALLEN, TX	RIO HONDO, TX	BROWNSVILLE, TX
BASE BID	\$33,900.00	\$43,102.00	\$53,000.00	\$72,359.00

The base bid is a re-roofing of the entire building. It will consist of composition asphalt shingles, a thermoplastic multi-ply roof area, related sheet metal, mechanical and electrical work.

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

**Options:**

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

**Recommendation:**

The Fire Department and Engineering Department, recommend award of contract to the lowest responsive, responsible bidder, **Statewide Roofing, L.L.C.** of Edinburg, Texas, for the total bid amount of **\$33,900.00** with a contract time of 20 calendar days.





PROJECT NO.: 05-13-C19-155 RE-ROOF FIRE STATION # 2

BID OPENING: June 04, 2013 at 2:00 PM

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

ITM	INTERNAL REFERENCE NO.	TYPE	DESCRIPTION	U/M	QTY	STATEWIDE ROOFING, LLC	SECHRIST HALL COMPANY	AMERICAN CONTRACTING U.S.A., INC.	NON-RESPONSIVE
						EDINBURG, TX	HARLINGEN, TX	RIO HONDO, TX	BOUGAMBILIAS CONSTRUCTION, LLC BROWNSVILLE, TX
1	914-73	BASE	RE-ROOF FIRE STATION #2 as indicated on the drawings and in the specifications, complete in place. To be completed within 45 Calendar days. Lump Sum Amount \$	LS	1	★ \$33,900.00	\$43,102.00	\$53,000.00	\$72,359.00
<b>DELIVERY</b>						20 DAYS	45 DAYS	45 DAYS	60 DAYS
<b>ADDENDUMS</b>						ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED
<b>BID BOND (5%)</b>						RECEIVED	RECEIVED	RECEIVED	RECEIVED
<b>PAPER COPY SUBMITTAL</b>						SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED
<b>ELECTRONIC BID SUBMITTAL</b>						SUBMITTED	SUBMITTED	SUBMITTED	NOT SUBMITTED





# City Attorney's Office

## MEMO

To: Mayor and Board of Commissioners  
cc: Mike R. Perez, City Manager  
From: Ignacio Pérez, Deputy City Attorney  
Through: Kevin D. Pagan, City Attorney  
Re: Smoking Ordinance Amendments – Chapter 54, Article V  
Date: June 18, 2013

---

**Goal:** Public health and safety concerns motivated the City to ban smoking in public places. New electronic cigarette technologies have emerged that mimic traditional cigarettes and pose similar public health and safety challenges.

**Brief explanation of the item:** Information relating to e-cigarettes is attached. The Health Department may provide additional information.

**Options:** (1) Amend the Smoking Ordinance to include e-cigarettes in the smoking prohibition. (2) Direct staff to further review the impact of e-cigarettes and submit findings to Board of Commissioners for possible action.

**Recommendation:** Staff recommends adoption of the proposed Smoking Ordinance amendments.

The following is from, <http://health.howstuffworks.com/wellness/smoking-cessation/10-facts-about-e-cigarettes.htm>:

**1: Secondhand Vapor** While e-cigarettes don't produce secondhand smoke, they do produce secondhand vapor. And even though manufacturers say that it's merely water vapor and therefore harmless, regulatory agencies and health experts contend that e-cigarette makers haven't conducted the research needed to prove this. Some individuals, particularly those with health conditions that make them sensitive, have reported that the vapor is irritating to their eyes, noses and throats, and that it affects their breathing and makes them nauseous. Opponents of e-cigarettes say people shouldn't be subjected to secondhand vapor until manufacturers have proven it to be safe for everyone, including children, the elderly and people with certain medical conditions.

**2: Public Places** Regulation of electronic cigarette use is still evolving, as the product is relatively new. Manufacturers often market e-cigarettes as cigarettes you can smoke anywhere, saying that they present no health risks because they don't emit secondhand smoke. However, health experts say there is no basis for a safety claim, as e-cigarettes have not been adequately tested. Regulations vary, but some countries, including Australia, Canada, Israel and Mexico, have banned electronic cigarettes [source: NPR]. Others consider electronic cigarettes legal, but are in the process of legislating where and how people can use them.

**3: Not FDA Regulated, Yet** The FDA is in the process of having e-cigarettes labeled as a drug-delivery device so they can be regulated [source: FDA]. Manufacturers, however, say the e-cigarette is simply recreational, and should not be subject to FDA regulation. Two e-cigarette companies, Smoking Everywhere and NJOY, sued the FDA in the district court of the District of Columbia for impounding their products, and won. The judge ruled that "there is no basis for the FDA to treat electronic cigarettes ... as a drug-device combination when all they purport to do is offer consumers the same recreational effects as a regular cigarette" [source: U.S. District Court].

**4: Maintenance Required** Electronic cigarettes are battery-powered and reusable, but users must charge the battery regularly. Some users have complained about the need to replace batteries too frequently, though this may depend on the quality of the device and battery purchased. The liquid in the cartridges also needs to be resupplied regularly, either by inserting a new cartridge or refilling an empty one. Nicotine liquid is sold in bulk for consumers who prefer this greener (and cheaper) option.

**5: They're Expensive** Electronic cigarettes come in a range of prices, depending on the manufacturer, model and style. A typical starter kit, which contains the e-cigarette device, a battery and several cartridges, can cost anywhere from \$60 to \$150. A pack of five cartridges (each cartridge is equal to about a pack of cigarettes, depending on how much a person smokes) goes for about \$10. Consumers also can purchase the liquid in bulk and refill the cartridges themselves, which reduces the cost.

**6: Not Kid-friendly** Electronic cigarette manufacturers are careful not to directly market their product to young people. However, nicotine cartridges for the e-cigarette come in a wide range of flavors likely to appeal to kids -- think chocolate, caramel, strawberry and even bubble gum. And because e-cigarettes are sold online, it's easier for kids to purchase them than it is for them to buy regular tobacco cigarettes. For example, U.S. law requires consumers to provide proof that they are at least 18 years of age to buy tobacco cigarettes, but this law does not apply to e-cig sellers. And young people may be attracted to e-

cigarettes as a result of the attention celebrities are bringing to them: Johnny Depp uses one in the film "The Tourist" and "Grey's Anatomy" star Katherine Heigl shared one with David Letterman during a guest appearance on his show, even explaining to the audience how it works [source: ecig.org and Hunter].

**7: Makers and Sellers** Electronic cigarettes are being sold internationally, and can be easily purchased online. They were originally invented in China by a company called Ruyan, but are now produced by several companies in the United States, Europe and around the world. Because the FDA has seized shipments of electronic cigarettes and their components on the grounds that they are illegal drug-delivery devices, some companies, including the Tennessee-based Pure Enterprises, have begun making e-cigarette products in the United States instead of importing them [source: Kesmodel and Yadron]. Many e-cig manufacturers sell the products online, along with the required cartridges, batteries and other accessories.

**8: Nicotine Levels** An electronic cigarette can contain as much nicotine as a regular cigarette -- or more. The amount of nicotine an electronic cigarette delivers depends on the content of the liquid-nicotine cartridge installed in it. Customers can choose cartridges containing nicotine in a range of strengths. Some are comparable to the amount of nicotine in a regular tobacco cigarette; others are closer to that of a light or ultralight cigarette. There are also cartridges that contain liquid without nicotine, for users who want the sensory experience of smoking without its effect.

**9: Safety Concerns** Many regulatory agencies and health experts aren't sure the e-cigarette is safe. While there are hundreds of companies in the United States alone that are making and selling e-cigarettes, manufacturers often don't make specific health or safety claims about their products. They do, however, tout the benefits of e-cigarettes as an alternative to tobacco. The Food and Drug Administration (FDA) and some health experts are concerned that the side effects of inhaling pure nicotine have yet to be adequately studied, and are therefore unknown. The FDA is also concerned about quality control, asserting that some manufacturers may not adequately disclose all the chemical ingredients in their e-cigarettes, and that the amount of nicotine listed on a cartridge label may not match the actual amount in the cartridge.

**10: No Smoking** Electronic cigarettes are designed to look just like regular cigarettes, but there's one major difference: You don't need a match or lighter to use them. Instead, they hold a battery, a vaporization chamber and a cartridge filled with liquid nicotine. Puff on the device as you would a regular cigarette, and the device heats the liquid and changes it to a nicotine-filled vapor. Inhale to deliver the nicotine to your lungs, and then exhale the vapor. It looks like you're smoking a regular cigarette, but there's no smell, because nothing is burning.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF McALLEN AT CHAPTER 54 ("HEALTH AND SANITATION"), ARTICLE V ("SMOKING REGULATIONS"), SECTION 54-121 (DEFINITIONS") BY ADDING A DEFINITION OF "LIGHTED" OR "LIGHTING", AND AMENDING THE DEFINITION OF "SMOKE" OR "SMOKING" BY INCLUDING E-CIGARETTES AND IN OTHER RESPECTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, requiring clearly visible and unambiguous signage indicating whether smoking is permitted or not in certain public places and places of employment will aid implementation and enforcement of the City's smoking regulations

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

SECTION I: The Code of Ordinances, City of McAllen, Texas, Chapter 54 ("Health and Sanitation"), is hereby amended by amending Section 54-121("Definitions"), which said section shall read as follows:

**Sec. 54-121. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: ...

[...] **Lighted or lighting** means and includes to be on fire, to ignite, to burn, to smolder, to combust, to incinerate, to vaporize, or to produce smoke or vapor, regardless of the manner, means or mechanism causing such, including, without limitation, a flame, a



**spark, an electric or electronic charge, a heating filament or element, or a previously lighted item.**

[...] ~~Smoke or smoking~~ **Smoking or to smoke** means and includes the **possession**, carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other ~~lighted-smoking equipment,~~ **apparatus** or device **holding or containing lighted matter, including electronic cigarettes or similar devices;** ~~and~~ the lighting of **any of the aforementioned,** **and the inhalation, emission or exhalation** ~~emitting or exhaling~~ of smoke **or vapor** from any of the aforementioned.

**SECTION II:** Upon the conviction for any unlawful violation of the provisions hereof, the court may impose the fine or penalty as provided in Section 1-14 of the Code of Ordinances of the City of McAllen.

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

**SECTION IV:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in the Section 54-121 of the McAllen Code of Ordinances, as amended by Section II, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

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

**SECTION VI:** If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or

unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

**CONSIDERED, PASSED and APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_, 2013.

**CITY OF McALLEN**

By: \_\_\_\_\_

James E. Darling, Mayor

Attest:

\_\_\_\_\_  
Annette Villarreal, TRMC, City Secretary

Approved as to form:

  
\_\_\_\_\_  
Ignacio Pérez, Deputy City Attorney

Standardized Recommendation Form

City Commission   X    
Utility Board \_\_\_\_\_  
Other Board \_\_\_\_\_

Agenda Item   4B    
Date Submitted   06/18/13    
Meeting Date   06/24/13  

1. Agenda Item:   CONSIDERATION OF REQUEST TO APPROVE SAFE PASSING ORDINANCE FOR VULNERABLE ROAD USERS (BY ORDINANCE)  

2. Party Making Request:   Traffic Operations  

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

  Consideration of request to approve Safe Passing Ordinance for Vulnerable Road Users.  

4. Policy Implication:   City Commission approval needed.  

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

If over budget how will it be paid for: \_\_\_\_\_

\* Approximate Annual Contract Amount

6. Alternate option/costs: \_\_\_\_\_

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	<u>  Roel Rodriguez, P.E. Asst. City Manager  </u>	<u>  RR  </u>	<u>  6/18/13  </u>	<u>  X  </u> Yes <u>  </u> No
b)	<u>  Yvette Barrera, P.E., CFM City Engineer  </u>	<u>  YB  </u>	<u>  6/14/13  </u>	<u>  X  </u> Yes <u>  </u> No
c)	<u>  Eduardo Mendoza, P.E., PTOE Director of Traffic Operations  </u>	<u>  EM  </u>	<u>  6/14/13  </u>	<u>  X  </u> Yes <u>  </u> No

8. Staff's Recommendation:   Approve Safe Passing Ordinance for Vulnerable Road Users.  

9. Advisory Board:    Approved    Disapproved    None

10. City Attorney:   KP   Approved    Disapproved    None

11. Manager's Recommendation:   MRP   Approved    Disapproved    None

**To:** Mike Perez, City Manager  
**From:** Eduardo J. Mendoza, PE, PTOE, Director of Traffic Operations  
**Date:** June 13, 2013  
**Subject:** Request for Approval of Safe Passing Ordinance for Vulnerable Road Users

**GOAL**

The Traffic Operations Department is seeking adoption of the Safe Passing Ordinance for Vulnerable Road Users.

**BRIEF EXPLANATION OF THE ITEM**

The Traffic Operations Department staff, in cooperation with the bicycle safety sub-committee and McAllen residents, proposes to pass an ordinance for the minimum safe passing distance of a vulnerable road user on City roadways, specifically cyclists. This item was presented to the Traffic Commission Board for public comment and on February 13, 2012 and approved. On December 10<sup>th</sup>, 2012 the item was presented as a City Commission Workshop item. Staff received comments and revised the ordinance accordingly. If the ordinance is approved staff is respectfully requesting the ordinance take effect 90 days from the approval date to allow for a public education and awareness campaign.

The proposed ordinance requires more than three feet passing distance (six feet by commercial vehicle) when a motorist passes a vulnerable road user. The standard safe passing distance will help protect vulnerable road users and will be a valuable tool for educational programs and safety awareness campaigns. The ordinance is included for your review.

**OPTIONS**

1. Approve the Safe Passing Ordinance
2. Disapprove the Safe Passing Ordinance

**RECOMMENDATION**

Staff recommends the approval of the Safe Passing Ordinance.

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

**AN ORDINANCE AMENDING CHAPTER 102 (“TRAFFIC AND VEHICLES”) OF THE CODE OF ORDINANCE OF THE CITY OF McALLEN AT ITS ARTICLE V (“OPERATION OF VEHICLES”) BY ADDING A NEW DIVISION 5 (“VULNERABLE ROAD USER”) RELATING TO RESTRICTIONS ON OPERATING A MOTOR VEHICLE NEAR VULNERABLE ROAD USERS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, in Texas bicyclists and pedestrians are by law allowed to use the roadway and, although they are at greater risk of injury or death, these users do not have the same physical protection as motorists do; and,

**WHEREAS**, a Safe Passing ordinance can provide the foundation for an education campaign of tolerance and acceptance for "active" forms of alternative transportation, which furthers the City's goals of promoting McAllen as a pedestrian- and bicycle-friendly community, as well as for the enhancement of streets and neighborhoods; and

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

**SECTION I:** Chapter 102 of the Code of Ordinances, City of McAllen, Texas, is hereby amended at its Article V by adding a new “**Division 5. – Vulnerable Road Users**”, which shall read as follows:

**Sec. 102-230. - Definitions.**

**In this division:**

**Vulnerable road user means a person who is:**

- (a) a pedestrian, including a runner or physically disabled person;**

(b) using or operating equipment other than a motor vehicle, including, but not limited to, a bicycle, handcycle, or other type of human powered vehicle ;  
or

(c) highway construction and maintenance worker, tow truck operator, utility worker, stranded motorist or passenger ,

Roadway means any public right of way that may be used for motor vehicle traffic, including any highway, road, street, or alley, and any similar or equivalent street or vehicular passageway in a private subdivision.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used to transport passengers or property that:

(a) has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds;

(b) has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds;

(c) is designed to transport 16 or more passengers, including the driver; or

(d) is transporting hazardous materials and is required to be placarded

Sec. 102-231. - Vulnerable road users – rules of the road.

(a) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall :

(1) if the highway has two or more marked lanes running in the same direction, vacate such lane; or

(2) pass the vulnerable road user at a safe distance.

(b) For the purpose of Subsection (a)(2), when road



conditions allow, safe distance is at least:

(1) three feet if the operator's vehicle is a passenger car or light truck; or

(1) six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle.

(c) An operator of a motor vehicle that is making a left turn at a roadway intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to a vulnerable road user who is approaching from the opposite direction and is in the intersection, or is in such proximity to the intersection as to be an immediate hazard.

(d) An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user and shall continue to remain safely clear throughout the course of turn, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the turn.

(e) An operator of a motor vehicle may not maneuver the vehicle in a manner that:

(1) causes intimidation or harasses a vulnerable road user or

(2) threatens a vulnerable road user;

(f) An operator of a motor vehicle may not throw or project any object or substance at or against a vulnerable road user.

(g) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a roadway or in an intersection of roadways.

(h) Vulnerable road users must use hand signals to signal their intent to stop, turn left, or turn right. The Vulnerable

**Road User must use the following signals.**

- (1) Stop – Extend the left hand and arm downward**
- (2) Left Turn – Extend the left hand and arm horizontally**
- (3) Right Turn – Extend the left hand and arm upward, or extend the right hand and arm horizontally.**

**(i) A Vulnerable Road User may not operate at nighttime unless equipped with the following.**

- (1) Headlamp – a lamp on the front of the user that emits a white light visible from a distance of at least 500 feet in front of the user.**
- (2) Red Reflector/Red Lamp – A user must be equipped with either a red reflector which is visible from a distance of 300 feet from the rear of the user, or a red lamp visible from a distance of 500 feet from the rear of the user.**

**(j) A Vulnerable Road User operating a bicycle shall:**

- (1) ride only on or astride a permanent and regular seat attached to the bicycle.**
- (2) not use a bicycle to carry more persons than the bicycle is designed or equipped to carry.**
- (3) ride as near as practicable to the right curb or edge of the roadway when moving slower than the other traffic on the roadway, unless:**
  - i. the person is passing another vehicle moving in the same direction;**
  - ii. the person is preparing to turn left at an intersection or onto a private road or driveway;**
  - iii. a condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to**

the right curb or edge of the roadway; or

iv. the person is operating a bicycle in an outside lane that is:

a. less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or

b. too narrow for a bicycle and a motor vehicle to safely travel side by side.

(4) be equipped with a brake capable of making a braked wheel skid on dry, level, clean pavement

(5) not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles.

(k) Both the operator of a motor vehicle and vulnerable road user on a roadway or public right-of-way shall exercise due care and comply with all applicable city ordinances and state statutes.

Sec. 102-232. Penalty for violation of article.

Any person who violates any provision of this article shall, upon conviction, be fined as provided in section 1-14 of this Code.

**SECTION II:** Upon the conviction for any violation of the provisions hereof, the court may impose the fine or penalty as provided in Section 1-14 of the Code of Ordinances of the City of McAllen.

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

**SECTION IV:** The City Secretary of the City of McAllen is hereby authorized and

directed to cause the language in new sections 102-230 and 102-231 of the new Division 5 (“Vulnerable Road Users”) in Chapter 102 of the McAllen Code of Ordinances, as adopted by Section I, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

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

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

**CONSIDERED, PASSED and APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_, 2013.

**CITY OF McALLEN**

By: \_\_\_\_\_

James E. Daling, Mayor

Attest:

\_\_\_\_\_  
Annette Villarreal, TRMC, City Secretary

Approved as to form:

\_\_\_\_\_  
Ignacio Perez, Deputy City Attorney

STANDARDIZED RECOMMENDATION FORM

5A

CITY COMMISSION  
UTILITY BOARD  
PLANNING & ZONING BOARD  
OTHER

  X    
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

06-19-13  
06-24-13

1 Agenda Item: DISCUSSION & POSSIBLE ACTION - Consider changing City Commission meeting time.

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

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

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

5 Budgeted:        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) \_\_\_\_\_

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

8 Staff Recommendation: Approve standing workshop at 4pm and City Com. at 5pm

9 Advisory Board:        Approved        Disapproved        None

10 City Attorney: GH Approved        Disapproved        None

11 Manager's Recommendation: MB Approved        Disapproved        None

**STANDARDIZED RECOMMENDATION FORM**

5B

CITY COMMISSION       ✓        
UTILITY BOARD \_\_\_\_\_  
PLANNING & ZONING BOARD \_\_\_\_\_  
OTHER \_\_\_\_\_

AGENDA ITEM \_\_\_\_\_  
DATE SUBMITTED 6/18/2013  
MEETING DATE 6/24/13

1 Agenda Item: City Manager's

2 Party Making Request: Martha Guel, Tax Assessor

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

Year to Date Tax Collection Report from 10/1/12 through 5/31/13

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

5 Budgeted:        Yes        No        N/A

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

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

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

7 Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>
a) <u>Martha Guel Tax Assessor</u>	<u>mg</u>	<u>06/18/13</u>
b) _____	_____	_____

8 Staff Recommendation: To accept report as submitted.

9 Advisory Board:        Approved        Disapproved        None

10 City Attorney:        Approved        Disapproved        None

11 Manager's Recommendation: mguel Approved        Disapproved        None




**City of McAllen Tax Office**

**Memorandum**

**TO:** Mayor Jim Darling & Members of the City Commission

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

**FROM:** Martha Guel, Tax Assessor 

**DATE:** 6/12/13

**SUB:** Tax Collection Report

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*Attached please find the tax collection report that includes collections from October 1, 2012 through May 31, 2013. This reporting period is for both current and delinquent collections. As you will notice, we have increases on both our current and delinquent years compared to last year at this time.*

*As always please let me know if you have any questions regarding the report.*

Mguel.

**CITY OF MCALLEN TAX OFFICE****Tax Collection Report from 10/1/2012 - 5/31/13**

	<b><u>2011 (last year)</u></b>	<b><u>2012 current tax year</u></b>
Beginning Bal. 100%	31,996,394.74	32,234,648.77
Total Base Collections	30,067,942.23	30,410,201.66
Receivable Balance	1,919,330.07	1,805,583.58
Additions & Deletions (due to adjustments)	(32,808.94)	(44,737.49)
Collection Rate	93.97%	94.34%

**Collections on Delinquent Years 1986-2010**

	<b><u>10/1/2011</u></b>	<b><u>10/1/2012</u></b>
Beginning Balances	3,777,236.63	3,645,954.19
Delinquent taxes collected	939,502.39	1,019,828.54
Receivable Balance	2,831,900.40	2,607,640.60
Additions & Deletions	(93,866.22)	(78,320.40)
Del. Collection Rate	25.00%	28.00%

**Other Collections and Fees for this Fiscal Year**

Late Rendition Penalties	30,360.10
Penalty & Interest	478,399.47
Attorneys Fees	179,889.21
Tax Certificates	510.00

City of McAllen Tax Office  
 FUND DISTRIBUTION REPORT  
 FROM 10/02/2012 TO 05/31/2013  
 \* TOTAL ALL FUNDS

CML	-- CITY OF MCALLEN										
YEAR	BEGINNING TAX BALANCE	MAINT ADJ	REFUND ADJ	BASE TAX COLLECTED	RECEIVABLE TAX BALANCE	P & I COLLECTED	COLL FEES COLLECTED	RFND P & I ATTY/DISC	DISCOUNT	TOTAL COLLECTED	
1986	759.75	100.12-	.00	180.56	479.07	.00	.00	.00	.00	180.56	
1987	1542.43	105.59-	.00	190.45	1246.39	.00	.00	.00	.00	190.45	
1988	2050.18	114.13-	.00	205.82	1730.23	.00	.00	.00	.00	205.82	
1989	4921.71	122.33-	.00	223.87	4575.51	9.35	1.89	.00	.00	235.11	
1990	4426.10	151.47-	.00	274.80	3999.83	358.58	73.20	.00	.00	706.58	
1991	7975.94	94.85-	.00	505.78	7375.31	848.06	165.53	.00	.00	1519.37	
1992	11050.72	1254.97-	.00	581.25	9214.49	974.49	191.65	.00	.00	1747.40	
1993	9968.63	1356.52-	.00	615.15	7996.96	953.08	188.18	.00	.00	1756.41	
1994	11381.62	1305.34-	.00	542.35	9533.93	788.16	163.88	.00	.00	1494.39	
1995	14017.03	1168.75-	.00	264.17	12584.11	170.34	37.30	.00	.00	471.81	
1996	15259.22	1168.75-	.00	339.32	13751.15	314.84	70.25	.00	.00	724.41	
1997	14795.62	1075.10-	.00	129.49	13591.03	249.92	56.91	.00	.00	436.32	
1998	16059.83	1204.35-	.00	332.80	14522.68	601.10	140.09	.00	.00	1073.99	
1999	20456.17	1167.93-	.00	1103.90	18184.34	1586.01	285.42	.00	.00	2975.33	
2000	61403.26	1132.51-	.00	1598.56	58672.19	2223.17	452.27	.00	.00	4274.00	
2001	64493.08	115.22-	.00	2792.75	61585.11	2378.35	536.53	.00	.00	5707.63	
2002	54357.16	15.80-	.00	3789.68	50551.68	3407.04	808.57	.00	.00	8005.29	
2003	67992.63	21.07-	.00	3233.35	64738.21	3585.02	894.18	.00	.00	7712.55	
2004	78479.72	164.56	.00	5160.10	73484.18	3965.29	1075.93	.00	.00	10201.32	
2005	102754.90	68.98	.00	7679.47	95144.41	5711.45	1663.17	.00	.00	15054.09	
2006	140189.43	88.30	.00	17310.78	122966.95	12217.64	3812.18	.00	.00	33340.60	
2007	258088.14	2312.57	6207.52	36987.76	229620.47	16348.27	5714.52	.00	.00	52843.03	
2008	356721.73	6989.23-	8748.09	63724.64	294755.95	31724.62	12384.05	794.92-	.00	98290.30	
2009	543525.47	9129.24-	3001.45	142561.88	394835.80	56779.10	25703.86	208.74-	.00	221834.65	
2010	630052.86	9029.43-	4141.40	184632.02	440532.81	59239.60	33090.03	731.35-	.00	272088.90	
2011	1153230.86	44132.11-	37736.95	544867.83	601967.87	119134.84	92379.62	1268.73-	.00	717376.61	
TOTL	3645954.19	78320.40-	59835.41	1019828.54	2607640.66	323568.32	179889.21	3003.74-	.00	1460446.92	
2012	32234648.77	44737.49-	25873.96	30410201.66	1805583.58	154831.15	.00	56.32-	.00	30539102.53	
ENTITY											
TOTL	35880602.96	123057.89-	85709.37	31430030.20	4413224.24	478399.47	179889.21	3060.06-	.00	31999549.45	
										LESS ATTORNEY'S FEES	179,889.21
										ADD BACK AT FOR REFUNDS	1,175.21-
										TOTAL COLLECTIONS	31,820,835.45
										TOTAL DISTRIBUTION TO ENTITY	31,820,835.45

City of McAllen Tax Office  
 FUND DISTRIBUTION REPORT  
 FROM 10/02/2012 TO 05/31/2013  
 \* TOTAL ALL FUNDS

LRP -- LATE RENDITION PENALTY											
YEAR	BEGINNING TAX BALANCE	MAINT ADJ	REFUND ADJ	BASE TAX COLLECTED	RECEIVABLE TAX BALANCE	P & I COLLECTED	COLL FEES COLLECTED	RFND P & I ATTY/DISC	DISCOUNT	TOTAL COLLECTED	
2005	2318.45	25.68	.00	67.89	2276.24	45.70	12.61	.00	.00	126.20	
2006	3045.41	16.85-	.00	54.00	2974.56	46.89	15.13	.00	.00	116.02	
2007	5608.69	76.14-	45.04	425.49	5152.10	81.61	28.95	.00	.00	491.01	
2008	7800.56	239.25-	52.54	594.15	7019.70	145.95	57.13	3.74-	.00	740.95	
2009	8115.45	425.11-	197.94	500.11	7388.17	246.12	111.92	20.72-	.00	639.49	
2010	9426.37	415.93-	196.22	810.68	8395.98	292.58	165.54	69.25-	.00	1003.33	
2011	10054.33	1868.29-	1142.48	2139.10	7189.42	505.82	396.78	93.81-	.00	1805.41	
TOTL	46369.26	3015.89-	1634.22	4591.42	40396.17	1364.67	788.06	187.52-	.00	4922.41	
2012	39663.01	3990.84-	44.05	25834.61	9881.61	354.04	.00	.00	.00	26144.60	
ENTITY											
TOTL	86032.27	7006.73-	1678.27	30426.03	50277.78	1718.71	788.06	187.52-	.00	31067.01	
										LESS ATTORNEY'S FEES	788.06
										ADD BACK AT FOR REFUNDS	81.15-
										TOTAL COLLECTIONS	30,360.10
										TOTAL DISTRIBUTION TO ENTITY	30,360.10



City of McAllen Tax Office  
 FUND DISTRIBUTION REPORT  
 FROM 10/02/2012 TO 05/31/2013  
 INTEREST AND SINKING

## CML -- CITY OF MCALLEN

YEAR	BEGINNING TAX BALANCE	MAINT ADJ	REFUND ADJ	BASE TAX COLLECTED	RECEIVABLE TAX BALANCE	P & I COLLECTED	COLL FEES COLLECTED	RFND P & I ATTY/DISC	DISCOUNT	TOTAL COLLECTED	
2007	5419.67	48.56	130.35	776.72	4821.86	343.30	120.00	.00	.00	1109.67	
2008	7114.14	139.39-	174.46	1270.87	5878.34	632.69	246.98	15.85-	.00	1960.23	
2009	11605.90	194.94-	64.09	3044.12	8430.93	1212.40	548.85	4.46-	.00	4736.82	
2010	13843.84	198.40-	91.00	4056.83	9679.61	1301.64	727.07	16.07-	.00	5978.47	
-----											
ENTITY											
TOTL	37983.55	484.17-	459.90	9148.54	28810.74	3490.03	1642.90	36.38-	.00	13785.19	
										LESS ATTORNEY'S FEES	1,642.90
										ADD BACK AT FOR REFUNDS	14.25-
										TOTAL COLLECTIONS	12,156.54
										TOTAL DISTRIBUTION TO ENTITY	12,156.54



STANDARDIZED RECOMMENDATION FORM

50

CITY COMMISSION

✓

AGENDA ITEM

\_\_\_\_\_

UTILITY BOARD

\_\_\_\_\_

DATE SUBMITTED

6/18/2013

PLANNING & ZONING BOARD

\_\_\_\_\_

MEETING DATE

6/24/13

OTHER

\_\_\_\_\_

1 Agenda Item: City Manager's

2 Party Making Request: Martha Guel, Tax Assessor and Kelly Salazar, Attorney

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

Delinquent Tax Attorney's Tax Collection Second Quarter Report.

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

5 Budgeted:        Yes        No        N/A

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

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

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

7 Routing:

NAME/TITLE

INITIALS

DATE

a) Martha Guel Tax Assessor mg 06/18/13

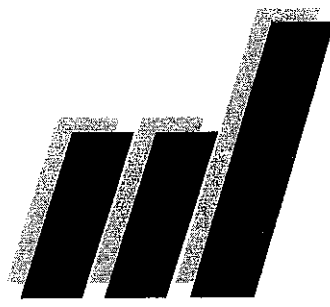
b) \_\_\_\_\_

8 Staff Recommendation: To accept report as submitted.

9 Advisory Board:        Approved        Disapproved        None

10 City Attorney:        Approved        Disapproved        None

11 Manager's Recommendation:        Approved        Disapproved        None



# **City of McAllen**

## **Delinquent Tax Collection Second Quarter Report**

**Linebarger Goggan Blair & Sampson, LLP**

205 S. Pin Oak Ave., Edinburg, Texas 78539 Phone: 956-383-4500

Fax: 956-383-7820

LAW OFFICES  
OF  
**LINEBARGER GOGGAN BLAIR & SAMPSON, LLP**  
ATTORNEYS AT LAW  
205 S Pin Oak Ave.  
EDINBURG, TEXAS 78539

Telephone: (956) 383-4500  
Facsimile: (956) 383-7820

June 10, 2013

Mr. Jim Darling, Mayor  
Ms. Hilda Salinas, Mayor Pro Tem, Commissioner, Dist. 3  
Ms. Aida Ramirez, Mayor Pro Tem, Commissioner, Dist. 4  
Mr. Scott Crane, Commissioner, Dist. 1  
Mr. Trey Pebley, Commissioner, Dist. 2  
Mr. John Ingram, Commissioner, Dist. 5  
Ms. Veronica Vela-Whitaker, Commissioner, Dist. 6  
City of McAllen  
1300 Houston Ave.  
McAllen, Texas 78501

**RE: Delinquent Tax Collection for the period of January 1, 2013 through  
March 31, 2013.**

Dear Mayor Darling and City Commission:

The Linebarger Goggan Blair & Sampson, LLP Report highlights our delinquent ad valorem tax collection program on behalf of the City of McAllen. Our collection results, as noted herein, indicate our efforts continue to be successful for the City of McAllen.

Please know that we truly appreciate the opportunity to represent the City of McAllen on all delinquent ad valorem tax matters. As always, we will continue to provide the City of McAllen with quality representation, consistent results, and an ample experienced staff of attorneys, legal assistants and a certified tax assessor collector dedicated to servicing your account. We are available to address any questions you may have or to discuss any concerns that interest you at your convenience.

Sincerely,



Kelly Rivera Salazar  
Attorney

# LINEBARGER GOGGAN BLAIR & SAMPSON APPROACH

- *Demand Mailings*
- *Litigation Statistics*
- *Taxpayer Contact*
- *Personal Visits*
- *Sheriff's Sales*

The delinquent tax collection program for the City of McAllen continues to emphasize two basic premises: work with individual taxpayers to collect taxes owed to City of McAllen and use the tool of litigation as a final option.

## **DEMAND MAILINGS**

Our extensive mailing program is designed to advise people who have not paid their City of McAllen taxes of their delinquency. During the course of this reporting period, we sent delinquent notices, with varying degrees of intensity to the delinquent taxpayer. The intensity of the notice varies on factors such as: time of year, type of property and the particular needs of the jurisdiction.

**Two (2) mailings completed targeting 1,381 accounts representing an average of \$1 million dollars in delinquent taxes, penalties and interest per mailing.**

## **LITIGATION SUMMARY**

Filing a lawsuit to collect delinquent taxes is used as a final resort; after diligent efforts to contact and work with taxpayers are fully exhausted. Once the decision to file suit has been made, a complete property title search is conducted, the taxable property is further identified and all interested parties including all lien holders, are identified and served with notice of the lawsuit.

<b>Litigation Activity</b>	<b>Cases</b>	<b>Base, Penalty and Interest</b>
• Lawsuits/Interventions Filed	92	\$103,771
• Tax Warrants	5	\$2,163
• Lawsuits Disposed	31	\$114,212
• Judgments Taken	42	\$79,434
• Pending Litigation as of May 2013	453	\$1,275,279

- Taxpayer Contact*
- *Over 90 Personal Contacts*
  - *Over 254 Phone Calls*
  - *Over 135 Payoff Requests*
  - *Over 43 Property Inspections Completed*

# BANKRUPTCY CLAIMS FILED

City of McAllen is represented in all bankruptcies involving a delinquent taxpayer in your jurisdiction. Representation includes filing claims, monitoring the bankruptcy process, attending hearings, engaging in active litigation and doing everything to protect and maximize the City of McAllen's interest. Our program identifies accounts dismissed and discharged from bankruptcy that are now ready for collections or law suit.

Ch. 7	21	\$119,222
CH. 11	35	\$273,340
Ch. 13	137	\$66,923
<b>Total</b>	<b>193</b>	<b>\$459,485</b>

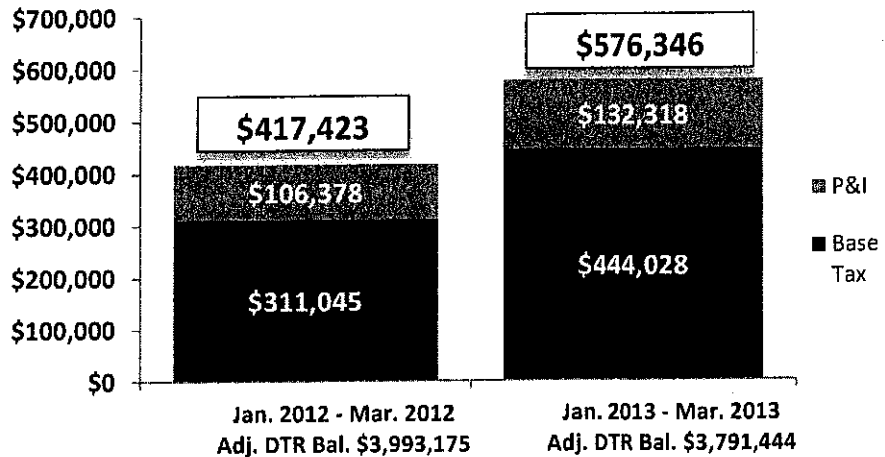
**Chapter Seven:** Complete liquidation of a debtor's non-exempt assets.

**Chapter Eleven:** This allows a corporation to devise a plan to reorganize its debts and obligations to allow extended repayment of its creditors.

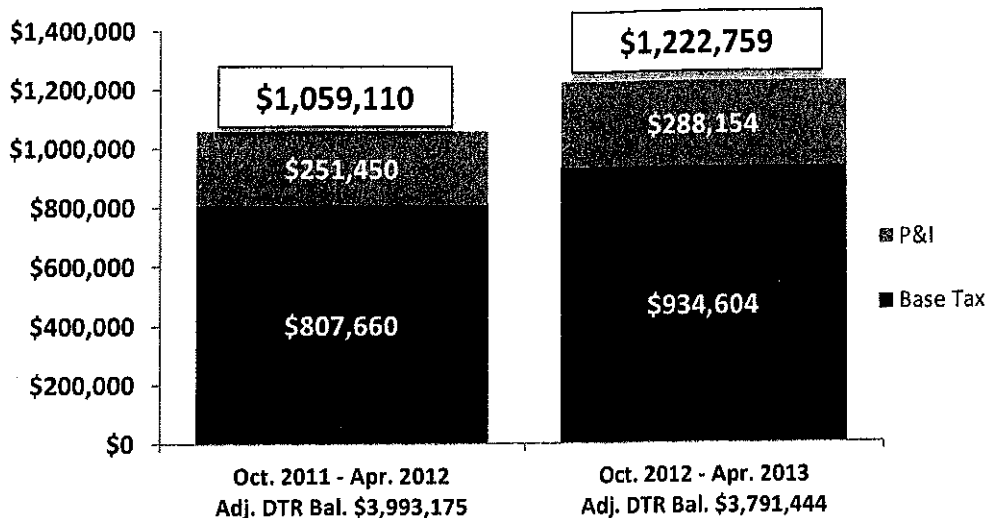
**Chapter Thirteen:** Entitled "Adjustment of Debts of an Individual with Regular Income," permits a person to retain that amount of earned income necessary for living expenses while paying the court the remainder to be distributed among the individual's creditors to pay off debts on an installment basis.

## COLLECTION HIGHLIGHTS

### 2<sup>ND</sup> QUARTER COMPARISON



## YEAR TO DATE COLLECTION COMPARISON



## FUTURE OVERVIEW

### Review of Pending Judgments and the Filing of Additional Lawsuits

- During the next quarter we will continue to work pending lawsuits for full payment or payment agreements. We will also continue researching the delinquent tax roll for possible new lawsuits; both real and personal property accounts.
- We will place high priority on top delinquent accounts for collections that are in litigation.
- We will continue filing lawsuits every month on delinquent accounts owing 2 or more years.

### Continued Monitoring of Bankruptcy Accounts

- As a continuation of our standard operating practice, we will actively monitor and verify accounts in bankruptcy for the payment of taxes, penalties, and interest owed to the City.
- Represent the City in court on all bankruptcy matters.

### Mailing Program

Scheduled mailings on behalf of the City of McAllen are as follows: April 2013 (Completed) and July 2013.



### **Scheduling of Property Sales**

As properties are taken to judgment, they will be reviewed and checked for payment and/or payment agreements. Those judgments with no taxpayer response will be further reviewed and scheduled for possible tax sale.

Execution of the work plan established for the City of McAllen will include the constant monitoring of collection figures in order to adjust resources and enforce the collection of delinquent taxes. Our collection efforts will also include prosecuting pending suits to conclusion, mailing monthly letters, and filing new suits in order to maximize the collection of taxes. We will continue to work closely with you and your administrative staff to provide assistance and advice on all property tax matters, including changes in the law brought about by amendments to the Texas Property Tax Code.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION

✓

AGENDA ITEM

5D

UTILITY BOARD

\_\_\_\_\_

DATE SUBMITTED

6/18/2013

PLANNING & ZONING BOARD

\_\_\_\_\_

MEETING DATE

6/24/13

OTHER

\_\_\_\_\_

1 Agenda Item: City Manager's

2 Party Making Request: Martha Guel, Tax Assessor Collector

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

Report on personal property taxes that are no longer collectable.

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

5 Budgeted:        Yes        No        N/A

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

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

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

7 Routing:

NAME/TITLE

INITIALS

DATE

a) Martha Guel Tax Assessor mg 06/18/13

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

8 Staff Recommendation: To comply with Sec. 33.05 of the Property Tax Code.

9 Advisory Board:        Approved        Disapproved        None

10 City Attorney:        Approved        Disapproved        None

11 Manager's Recommendation:  Approved        Disapproved        None

# Memorandum

Tax Office

**To:** Mayor Jim Darling and Members of the City Commission

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

**From:** Martha Guel, Tax Assessor *MG*

**Date:** 6/11/2013

**Re:** Limitation on Collection of taxes

---

Every year we have a number of personal property accounts that go delinquent. This usually happens because of business relocation, failed businesses, or mobile homes that move from one place to another. Our Delinquent Tax Attorneys have advised us to move those uncollectable accounts to an uncollectable roll and therefore comply with sec 33.05 of the Property Tax Code. This section has to do with the limitation on collection of personal property as follows:

- Personal property may not be seized and a suit may not be filed to collect a tax that has been delinquent more than four years.
- Or to collect a tax on real property that has been delinquent more than 20 years.

If there is no pending litigation, the Collector of the unit has authorization to remove and cancel personal property that has been delinquent for more than 10 years and real estate that has been delinquent for 20 years.

Please see the chart in the following page that will show amounts that have been put in uncollectable tax rolls but are no longer in our data base. The 2007 year will be the next year that needs to be purged from the delinquent roll to the uncollectable tax roll.

This information has been submitted to you upon the recommendation of the Audit Committee.

The Delinquent Tax Attorneys will be available to answer any questions or concerns you may have regarding this matter.

# LIMITATION ON COLLECTION OF TAXES

## Sec. 33.05 PTC

Need to Cancel and Remove from Uncollectable Roll (over 10 yrs. delinquent)		Have been Purged from Del Roll remain in Uncollectable Roll (over 4 yrs. delinquent)		Next Delinquent Year to Purge into Uncollectable Roll	
2001	61,900.13	2002	56,298.71	2007	87,566.80
2000	31,730.51	2003	31,492.04		
1999	63,657.55	2004	44,063.54		
1998	47,203.75	2005	28,121.17		
1997	48,761.53	2006	2,764.57		
1996	46,803.98				
Total:	300,057.45		162,740.04		87,566.80

\*None of the figures above include real estate. No real estate accounts have been transferred into an uncollectable tax roll.

#### 5. Review and Acceptance of Follow-up Audit – Tax Office

City Auditor explained the Tax Office Follow-Up Audit recommendations had all been completed. She further added that the Tax Office went out for proposals as recommended and Linebarger was rehired as the City's Delinquent Tax Attorneys.

Chairman Tony Aguirre questioned the security and suggested that a security guard is kept in the tax office. City Manager explained that security will only be needed when the Tax Office moves back to their offices in October. He added that they currently have one security guard and have been temporarily relocated to 1501 W. Pecan Blvd. McAllen, Texas "Old Police Station".

Commissioner Marcus Barrera asked if it would be more cost effective for the City to have the County collect city taxes. City Manager responded that the city has more control when we collect our own taxes and reminded the audit committee members of the unfavorable past experience with the Joint Tax Office with the McAllen School District

City Manager further explained how the personal property taxes were collected and how delinquent personal property taxes were written-off in accordance with the state laws. He added that Linebarger, the City's Delinquent Tax Attorneys, would present all personal and real taxes to be written off due to the statutory cutoff to collect to the City Commission for their approval.

With no further discussion Vice-Chairman moved to accept the Tax Office Follow-Up Audit and Commissioner Marcus Barrera seconded the motion. Motion carried and the Tax Office Follow-Up Audit was accepted.

#### 6. Review and Acceptance of the Fraud Awareness Program

City Auditor stated that presenting fraud awareness at the new employee orientation each month is not sufficient and that all city employees must be made aware of the signs of fraud. She explained how her office would be stepping-up the Fraud Awareness Program by posting monthly fraud lessons next to the kronos time clocks, sending out short quarterly fraud awareness lessons and questionnaires that reinforced the lesson, and having the Human Resources department include mandatory ethics and a few voluntary fraud training courses throughout the year. City Auditor also mentioned that the city department heads did not agree with the first lesson survey questions asserting that the questions were misleading and would confuse their employees so the survey was withdrawn. She added that there had been no responses when the city department heads were asked to provide better worded survey questions. She also explained that the objective of each lesson was to "plant the seed" of what constitutes fraud and then reinforce the lesson with more specific questions.

Commissioner Barrera's recommendation was to use a bullet point form outlining prohibited conduct and then have employee sign at bottom of bullet point document stating that they had received a copy of the document (signature should be dated).

With no further discussion Commissioner Marcus Barrera moved to accept and approve the program with stated recommendations and Vice-Chairman Scott Crane seconded the motion. Motion passed and the Fraud Awareness Program was accepted and approved unanimously.

#### 7. Acceptance of Surprise Cash Count – Police Department

City Auditor explained the issue with the police department cash count and added that the issue had been resolved by the Police Chief.

No further discussion was needed and Commissioner Marcus Barrera moved to accept the Police Department Surprise Cash Count and Vice-Chairman Scott Crane seconded the motion. Motion passed and the Police Department Surprise Cash Count was accepted.

#### 8. Acceptance of Surprise Cash Count – Utility

City Auditor addressed the issue of one cashier being short during the physical cash count audit. She added that the issue was brought to the attention of management and corrective action had been taken.

After no further discussion Commissioner Marcus Barrera moved to accept the Utility Surprise Cash Count and Vice-





**McAllen Housing Authority  
Office Memorandum**

**To:** Mayor Jim Darling  
**From:** Aurelio Leo Lara, Chairman Board of Commissioners  
**Date:** June 6, 2013  
**Subject:** Appointments to the McAllen Housing Authority Board of Commissioners

**Comment**

The terms of two current members on the Board of Commissioners of the McAllen Housing Authority will expire on June 30, 2013. Mr. Ronnie Cruz and I remain eligible for re-appointment and have expressed interest to continue to serve in this capacity on this Board if re-appointed.

Commissioner Position 1	Ronnie Cruz
Commissioner Position 3	Aurelio Leo Lara
Commissioner Resident Position	Antonio E. Cavazos (New Member)

As per Local Government Code Chapter 392, the Mayor considers and makes all appointments to this Board. These appointments will be for a two-year term, which will expire June 30, 2015.

All Housing Authorities in the country have suffered devastating budget cuts and are having to curtail services and are unable to sustain the housing units they have because of the Federal Budget problems. The Housing Authority of the City of McAllen does not have this problem because of the exemplary management of its budget and properties. The Authority is actually in a surplus condition and continues to seek additional opportunities to increase housing options for the less fortunate citizens of our City.

There has been considerable and valuable participation by all of the present Commissioners in our continuing efforts to increase the housing stock of the Housing Authority. In particular, Mr. Ronnie Cruz is on his second term and would also like to continue to serve on the Board. He has contributed substantially by guiding the board with engineering concepts. I continue to serve as Chairman and I also represent the Board and City on the National Board of NAHRO, on its Ethics and Credentialing Committee. Mr. Jorge Urrutia serves as Resident Commissioner but will be rotating off and Mr. Antonio E. Cavazos has expressed interest to serve in this capacity. Mr. Cavazos has been a participant in the public housing program since 1999 and previously served as Resident Commissioner from 2001 through 2003. I would ask that you consider the appointment of the current board members and the new resident commissioner.

If you should require additional information, please feel free to contact me directly on my cell phone at 821-1890.

Thank you.



**CITY OF McALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   5G    
DATE SUBMITTED 06/14/13  
MEETING DATE 06/24/13

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) S. Gavlik, Director	sg	06-14-13	Yes
b) D. Melaas, Dep. Dir.	dm	06-24-13	Yes
c) B. Branham, Dept. C.M.			
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 

**Subject:** PROJECT UPDATES

**Date:** JUNE 20, 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. Contractor was installing benches and trash receptacles and individuals located along the trail were complaining that the benches meant they lost their privacy. Bench installation has discontinued. The benches will be installed after the contract is completed and neighbors are informed of their installation. Sites for some the benches will be changed from the current plans.

**DeLeon Soccer Fields**

The Contractor is on site and has begun work on the pads for the buildings, the sewer system and ballfields. The Parks and Recreation Department along with Public Works have dug the pond. Testing by Rabba Kistner is being done to insure adequate clay to line the pond.

**Irrigation Wells**

A contract has been let to Terracon Consultants for the study of wells on park property. The study will be completed in July.

**Hildago Bridge Landscape Improvements**

The bids were higher than the funding for the project. The Parks and Recreation Department is waiting for a budget amendment approval to award the contract.

**Morris Park**

Plans are still on track for sending project to Purchasing in June for bid.

**Municipal Park**

Fencing on the west and south sides has been installed. Contractor will begin to install stone pillars. Parks and Recreation Department will install a second vehicle gate once the contractor is off site.







































**STANDARDIZED RECOMMENDATION FORM**

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

**AGENDA ITEM**                      5h    
**DATE SUBMITTED**                 06/14/13   
**MEETING DATE**                     06/24/13 

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

2. Party Making Request:        Engineering Department  

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

  Project Status Report for May 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	_____	_____	_____
b.) Roel "Roy" Rodriguez, P.E. Asst. City Manager/General Manager	_____	_____	_____

8. Staff Recommendation:       **Project Status through May 31, 2013.** 

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

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

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



**ENGINEERING DEPARTMENT  
MEMORANDUM**

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

**From:** Yvette Barrera, PE, CFM, City Engineer *for PUE*

**Date:** June 14, 2013

**Subject: Project Status Report through May 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 May 31, 2013.

The following projects are included:

1. Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line
2. Northbound Pedestrian Canopy
3. Uvalde Soccer Complex Parking Improvements
4. Development Services Center
5. 23<sup>rd</sup> Street (FM 1926) & Dove Avenue Intersection Improvements

Construction Status Report for work performed through May 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 46<sup>th</sup> Street and local drainage improvements.

<b>Contractor:</b>	IOC Company, LLC	
Original Contract:	\$ 4,879,306.99	160 working days
Change Orders:	\$ 459,625.90	91 working days
<b>Revised Contract:</b>	\$ 5,338,932.99	251 working days
<b>Completion Date:</b>	June 4, 2013	

**Construction Status:** Construction continues with pavement and sidewalk installation as crews prepare the last section along the west side of the corridor. Concrete curb, subgrade and flexible base is complete from Pecan to Nolana and preparation is progressing to 3 Mile. Daffodil has been opened and Nolana, west of the Bentsen intersection, is now closed for improvements. Contractor is working on final components of the west side from south to north throughout the project limits. The project is approximately 73% complete and liquidated damages will be assessed for work beyond the contract time. Contractor is currently behind schedule.

Paving	80% Complete
Drainage	94% Complete
Utilities	97% Complete



Project limits of Bentsen Road Paving Improvements.





Paving operations of the west side of Bentsen Road from Vine to Nolana.



Preparation of the west leg at the intersection of Nolana and Bentsen looking southwest.



## **2) 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.

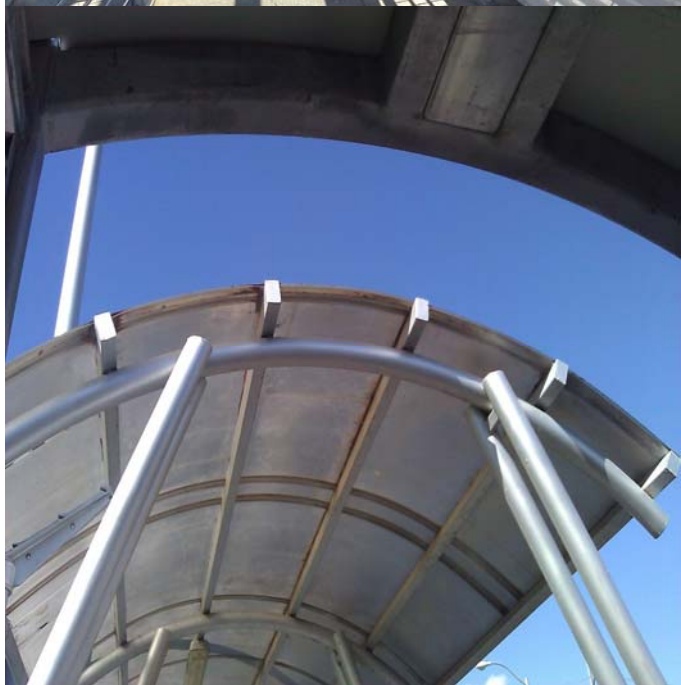
Original Contract: \$716,000.00 120 working days

Change Orders: \$ 7,080.00 59 working days

Current Contract: \$723,080.00 179 working days

**Note: Original Completion Date – February 26, 2013: Revised May 21, 2013:**

The Notice to Proceed (NTP) was issued to Celso Gonzalez Construction on August 21, 2012. The project is currently 90% completed and 202 days onto construction. Contractor is completing hand rails, cables, louver fixtures, and detailing connection to Mexico's canopy.



### 3) 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

**Original Contract:** \$115,336.40 45 working days

**Final Contract:** \$117,968.60 45 working days

**Completion Date:** May 28, 2013

**CONSTRUCTION STATUS:** Construction commenced on March 18, 2013. As of May 30, 2013, the project has been completed. The contract is currently in the final close-out stage.



South Parking Lot Curb Line: Viewing South



Completed Parking Area: Viewing East



#### 4) Development Services Center

This project consists of renovation work including upgrades to meet the new IBC codes, architectural finishes, M.E.P. and special systems. The remodeled building will accommodate the tax office, environmental code compliance, engineering, planning, inspections and public utility departments. It will also have two new additions that will accommodate bathrooms and conference spaces. It incorporates partial demolition work and interior partition walls. Asbestos abatement and limited general demolition have already occurred.

**Construction Company:** Peacock General Contractors, Inc.

**Contract:** \$1,979,000.00

**Completion Date:** October 24, 2013

**Contract Time:** 130 working days

**Construction Status:** The renovation portion of this project is about 15% complete. Interior staircase demolition and elevator pit preparations are currently underway along with continued metal stud, electrical, plumbing lines and hvac ducting.



Eastern foundation pad – pre-pour



Southern foundation pad - preparation



Interior progress – below deck insulation, gypsum board application, AC ducts, electrical conduit and wiring



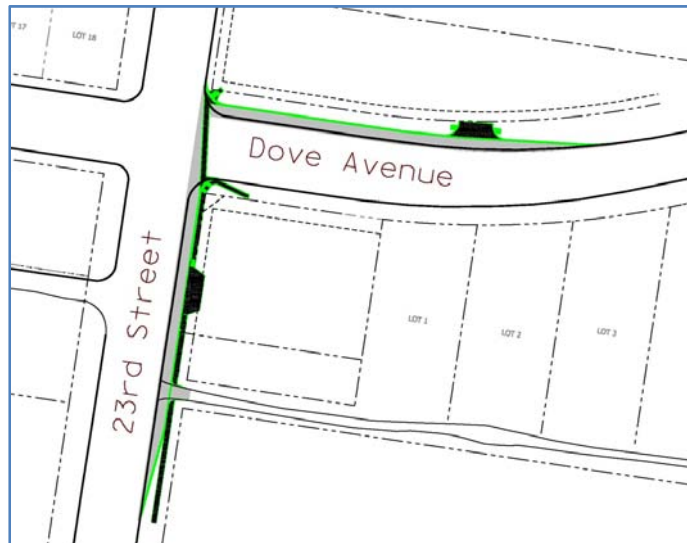
Level of progress in pod



## 5) 23<sup>rd</sup> Street (FM 1926) & Dove Avenue Intersection Improvement

This project consists of widening 23<sup>rd</sup> Street and Dove Avenue at the intersection along the westbound and north bound travel lanes to accommodate additional lanes. Northbound 23<sup>rd</sup> 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 23<sup>rd</sup> Street and westbound Dove Avenue.

**Construction Company:** Rhyner Construction Company  
**Contract:** \$278,284.59 60 working days  
**Completion Date:** June 7<sup>th</sup>, 2013



*Project Overview*

**Construction Status:** The project is 100% complete. The utilities have been relocated, and all roadway, driveway, and sidewalk construction is complete.



*North Bound 23<sup>rd</sup> Street*



*West Bound Dove Avenue*





# Airport Construction Status Report through June 24, 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

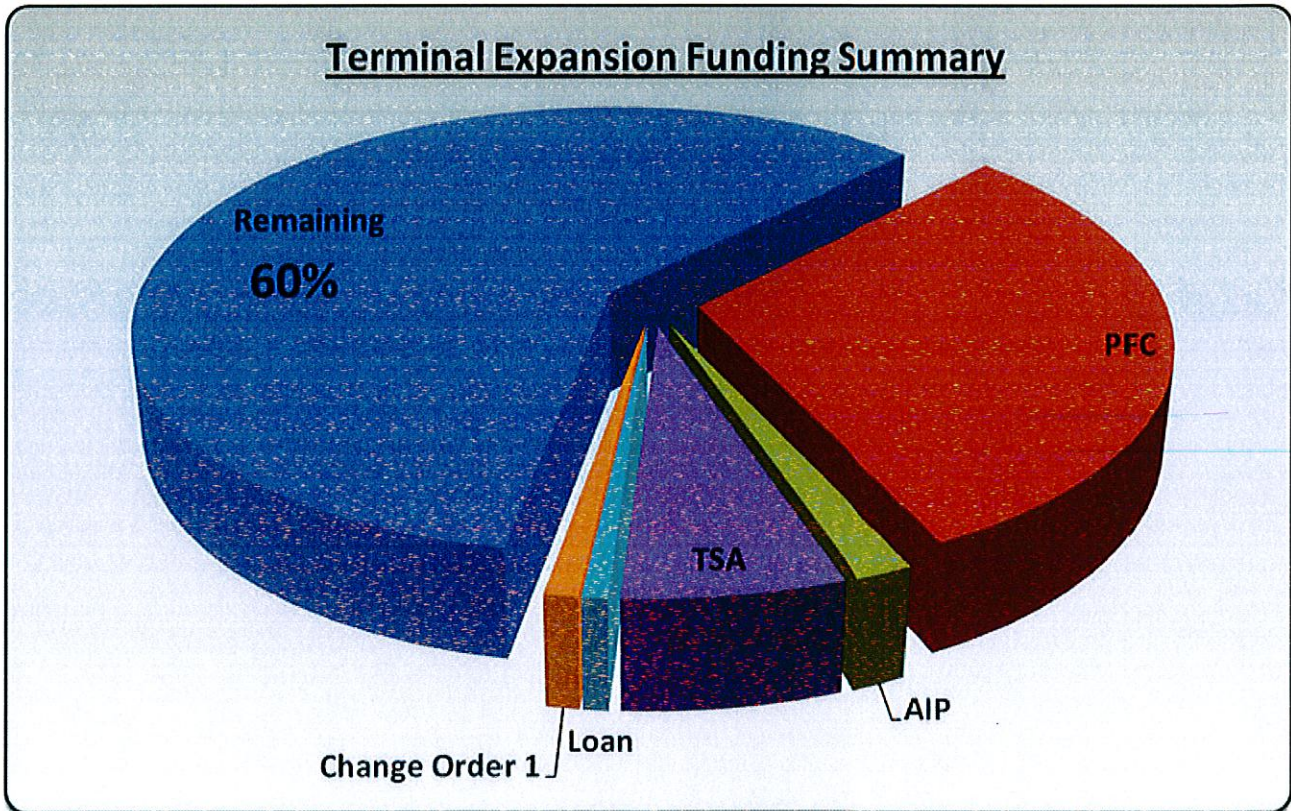
## Project Finance Summary

Used to Date \$ 7,921,030  
Remaining \$ 11,280,677

## Funding Sources:

PFC \$ 6,185,088  
AIP 42 \$ 95,211  
TSA \$ 1,292,110  
Inter Department Loan \$ 149,336  
Operating \$ 199,285\*\*

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





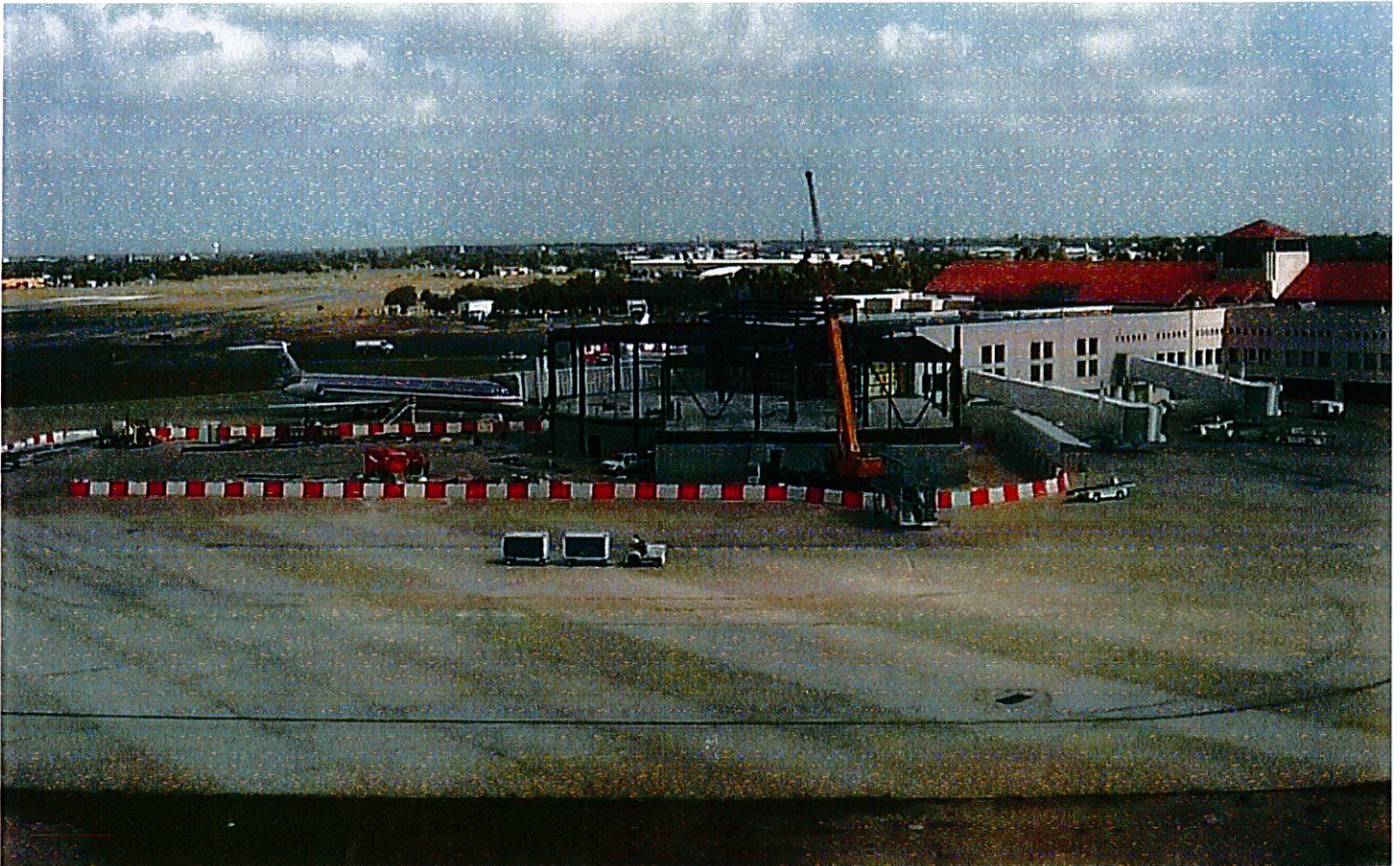
Construction Status:

The project continues as the concrete block is laid around the first floor of the new terminal addition. The structural steel being erected on the roof is progressing. HVAC ductwork, electrical and data work rough-ins continue on the first floor. The baggage handling system facility's footings, columns and slab are complete. The second story forming and reinforcement is being completed to prepare for the concrete roof pour. Project time and budget metrics:

Percent of Project Complete (Time)      62%  
Percent of Project Complete (Budget)    40%

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

Overview of Terminal Expansion





Pouring concrete for structural footings at the Baggage Handling Building



Completion of footings and columns at the Baggage Handling Building





Forming and steel reinforcement placements in preparation of remainder of foundation pour at Baggage Handling Building





Concrete pour of remainder of foundation at Baggage Handling Building



Forming and steel reinforcement placements in preparation of elevated slab at Baggage Handling Building





Remainder of form placement in preparation of elevated slab at Baggage Handling Building



Ductwork within hallways on First Floor of Terminal Expansion





Installation of electrical infrastructure on First Floor of Terminal Expansion



Delivered HVAC equipment and ductwork on First Floor of Terminal Expansion





Structural steel for roof above Second Floor of Terminal Expansion







**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION  
UTILITY BOARD  
PLANNING & ZONING BOARD  
OTHER

    X      
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

    6      
06/18/2013  
06/24/2013

1 Agenda Item: Mayor's Report regarding the establishment of a business counsel.

---

2 Party Making Request: \_\_\_\_\_

3 Nature of Request: (Brief Overview) Attachments:      Yes   X   No  
Report by Mayor Darling.

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

5 Budgeted:      Yes      No      N/A

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

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

7 Routing:

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

8 Staff Recommendation: None.

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9 Advisory Board:      Approved      Disapproved      None

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10 City Attorney:      Approved      Disapproved   KP   None

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11 Manager's Recommendation:      Approved      Disapproved   MRP   None

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## Memo

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

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

**DATE:** June 3, 2013

**SUBJECT: REQUEST FOR VARIANCE TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE WEST 117 FT. OF THE EAST 488 FT. OF A RESUBDIVISION OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF THE COMBINED BLOCK 2 AND LOT 11, BLOCK 4, M & M SUBDIVISION; 2925 VALCOSTA SR.**

---

**GOAL:**

The goal of residential developments is to 1) safeguard the character of neighborhoods and improve the quality of life for their residents, and 2) encourage the development of transportation facilities that efficiently move people and goods.

**BRIEF DESCRIPTION:**

The vacant property is located on the south side of Valcosta Sr., approximately 370 ft. west of N. 29<sup>th</sup> Street. The tract consists of 0.674 of an acre with 117 ft. of frontage along an approximate 20 ft. private roadway easement, identified as Valcosta Sr. with a depth of 251 ft. The tract does not have frontage on a dedicated street right-of-way (ROW). The property is located within the City's extra-territorial jurisdiction (ETJ). Surrounding land uses include vacant land, single family residences, and three separate schools at the intersection of Russell and N. 29<sup>th</sup> Street.

A drawing of the tracts identified as Courtney Palms exists; however, no City records were found as to submittal of a plat application for processing. The tracts of land were sold to individuals without benefit of an approved subdivision. Of the 15 tracts of land, 3 have homes on the properties; 12 are still vacant. The tracts front on what appears to be a 20 ft. wide unpaved, private drive along the front of the tracts.

The property owners, Asael & Nelva Guerra purchased this tract in July 2012 and are proposing to construct a single family residence on the property; however, the tract of land in question is described by metes and bounds and was split from a larger tract without benefit of subdivision. The property owners are proposing to install a septic system for the proposed home. They have submitted a letter indicating that the site can accommodate the proposed septic system. Water services to the proposed residence will be from an existing SWSC line for which the owners submitted a letter of approval. However, no hydrants, drainage improvements, street improvements or other city infrastructure improvements exist.

Mr. & Ms. Guerra are requesting a variance from the City codes which require land to be properly subdivided prior to issuing a building permit. If a variance is granted, the property owners would obtain building and related permits from the County. However, if the variance is not approved, the subdivision process with the required public improvements and road ROW dedication would be required prior to issuance of the necessary building permits.

Other unsubdivided tracts exist along this private drive for which future requests to construct homes may be submitted. Four of these tracts to the west are located within the city limits. Of which two tracts were zoned single family residential in 2009. An application for a building permit for the property zoned single family residential was received. The permit was reviewed with conditions such as paved access; however, the permit was never issued.

**OPTIONS:**

1. Approve the variance request not to require the subdivision process.
2. Approve the variance request subject to additional road ROW along Valcosta Sr.
3. Approve the variance request subject to additional road ROW and executing a contractual agreement for the owner's share of future infrastructure improvements.
4. Table the item for additional information.
5. Disapprove the variance request and require the subdivision process prior to building permit issuance.

**RECOMMENDATION:**

Staff recommends compliance with Section 134-5 of the Subdivision Ordinance.



**ASael GUERRA**

627 Santa Ana  
Edinburg, Texas 78541

207-9720 Asael  
463-8862 Nelva

May 22, 2013

**CITY OF McALLEN**

Planning Department  
P.O. Box 220, 78505-0220  
1300 Houston Avenue  
McAllen, TX 78501

Attn: Ms. Julianne R. Rankin, FAICP  
Director of Planning

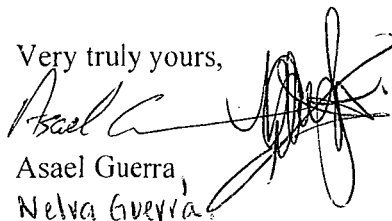
Dear Ms. Rankin,

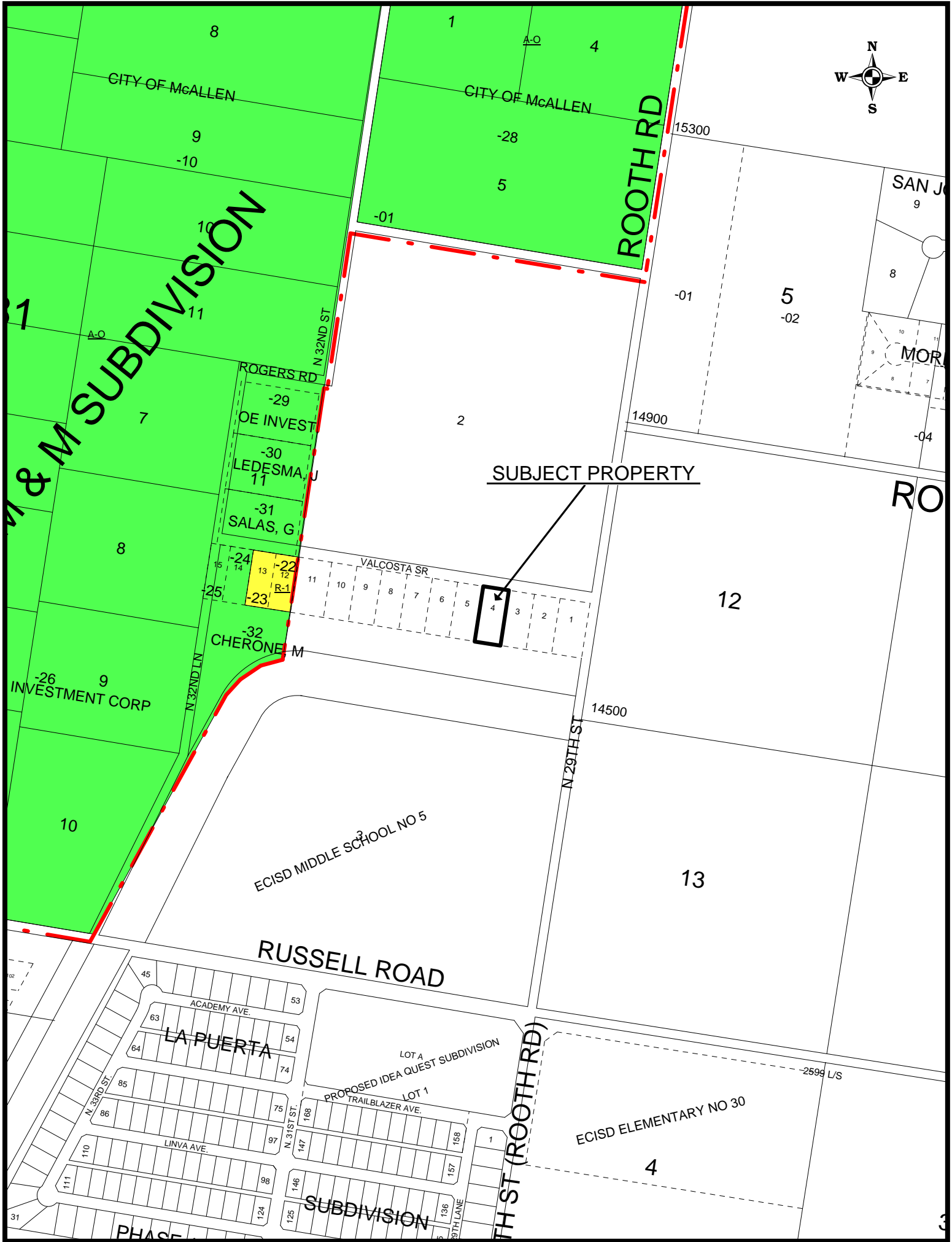
On or about **July 25, 2012**, my wife and I purchased a tract of land being described as The **West 117 feet** of the **East 488 feet** of a re-subdivision of the **North 10 acres** of the **South 20 acres** of combined **Block 2** and **Lot 11, Block 4, M. AND M. SUBDIVISION**, Hidalgo County, Texas, according to the **Map** thereof recorded in **Volume 8, Page 20, Map Records**, Hidalgo County, Texas.

We are kindly requesting that we be given a **variance as to the Subdivision Plat requirement** in order that we may proceed with the construction of our house. We understand that the City of McAllen has certain requirements and therefore we kindly ask of your consideration.

We are aware, and in agreement with the maintenance of the road running along the North boundary line of said property as reflected in the **Deed Restrictions** for **The North 10 acres** of the **South 10 acres** of combined **Block 2** and **Lot 11** of **Block 4, M & M Subdivision**, recorded in **Volume 8, Page 20, Map Records**, Hidalgo County, Texas.

Very truly yours,

  
Asael Guerra,  
Nelva Guerra



SUBJECT PROPERTY

**M & M SUBDIVISION**

**ROOTH RD**

**RUSSELL ROAD**

**LA PUERTA**

LOT A  
PROPOSED IDEA QUEST SUBDIVISION

LOT 1  
TRAILBLAZER AVE.

**SUBDIVISION**

**TH ST (ROOTH RD)**

ECISD ELEMENTARY NO 30

ECISD MIDDLE SCHOOL NO 5

CITY OF McALLEN

CITY OF McALLEN

SAN JUAN

MORRIS

ROOTH RD

A-O

ROGERS RD

DE INVEST

-30 LEDESMA, J

-31 SALAS, G

-32 CHERONE M

VALCOSTA SR

N 32ND LN

N 29TH ST

N 33RD ST

LINVA AVE

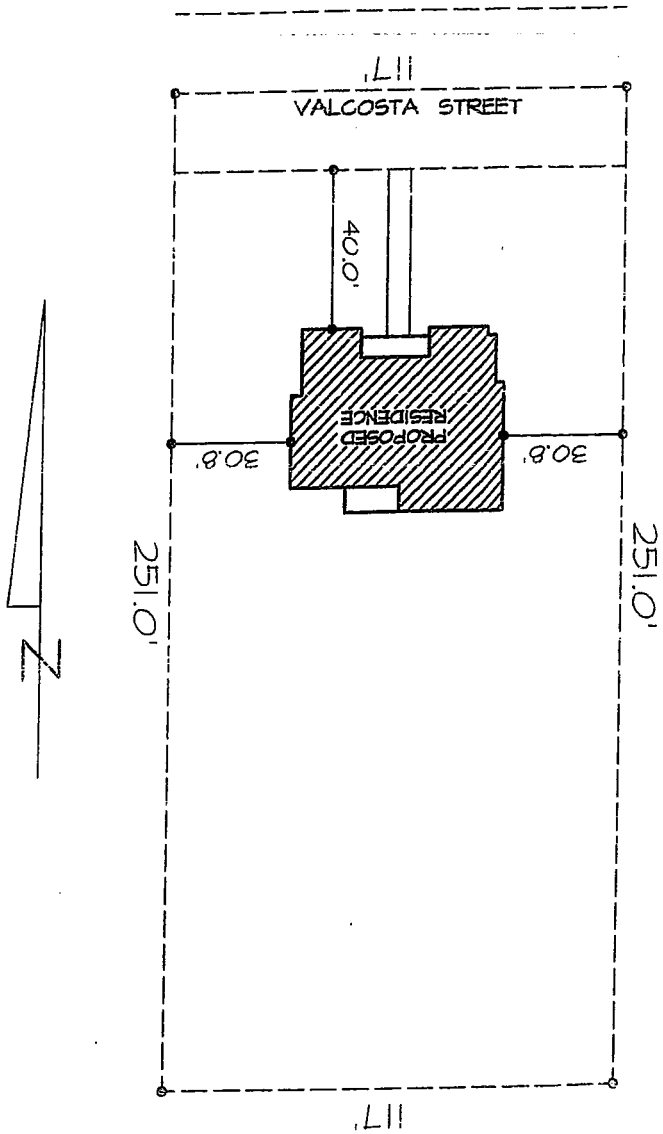
N 31ST ST

TRAILBLAZER AVE.

ACADEMY AVE.

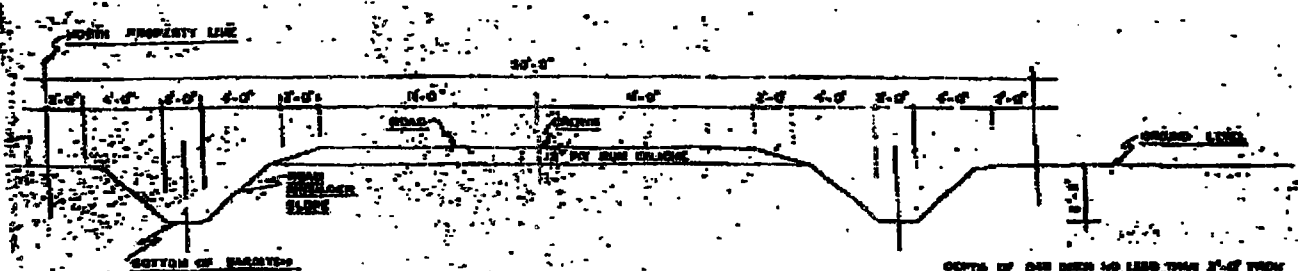
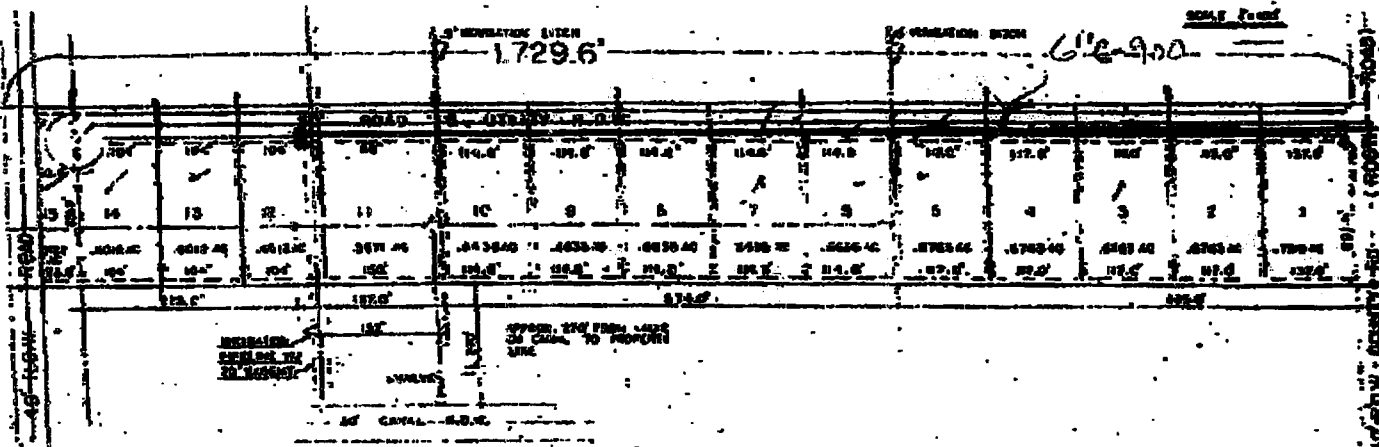
PHASE

-2599 L/S



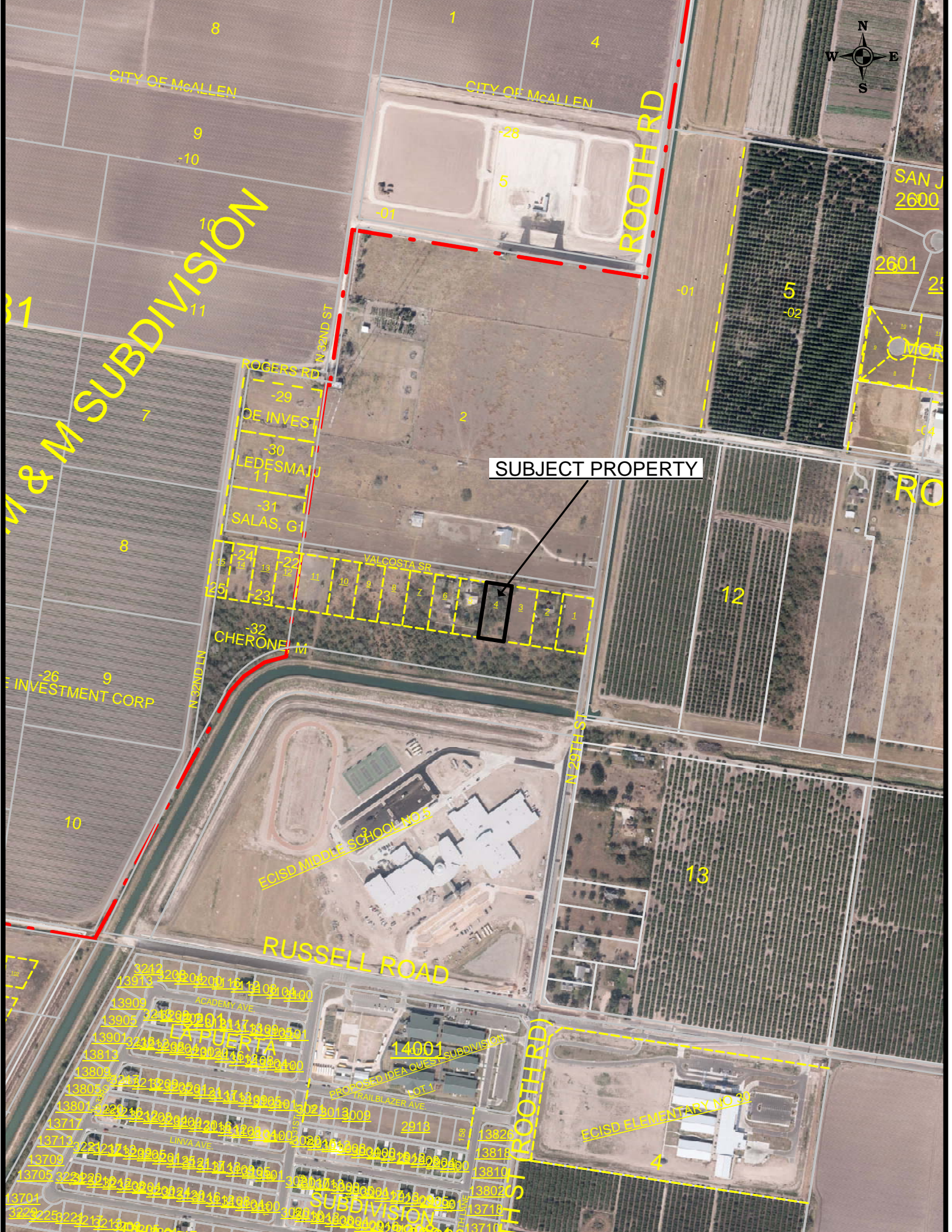
A 0.674 ACRE TRACT OF LAND OUT OF BLOCK 2 AND LOT 11  
 BLOCK 4, M AND M SUBDIVISION, HIDALGO COUNTY, TEXAS

THE NORTH 10.0 AC OF THE SOUTH 20.0 AC  
 OF LOT 11, BLOCK 4 & BLOCK 2,  
 M & M SUB - SECTION 231,  
 TEXAS - MEXICAN RAILWAY COMPANY SURVEY,  
 HORNADO COUNTY, TEXAS.



COURTNEY PALMS





SUBJECT PROPERTY

M & M SUBDIVISION

CITY OF McALLEN

CITY OF McALLEN

SAN J 2600

2601

RO

INVESTMENT CORP

ECISD MIDDLE SCHOOL NO 5

RUSSELL ROAD

14001

ECISD ELEMENTARY NO 30

SUBDIVISION





SPEED  
LIMIT  
40







