

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

CALL TO ORDER - Mayor Jim Darling
PLEDGE OF ALLEGIANCE - Mayor Jim Darling
INVOCATION – John Ingram, City Commissioner
PROCLAMATIONS – National Night Out – Police Chief Rodriguez

1. PUBLIC HEARING:

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

Request of Alma Y. Salinas, appealing the decision of the Planning & Zoning Commission of the June 18, 2013 meeting, denying a Conditional Use Permit, for one year, for a banquet hall at Lot 2 and 3, Block 46, McAllen Addition Subdivision, Hidalgo County, Texas; 512 South 12th Street.

B) REZONING:

Rezone from C-1 (office building) District to C-3 (general business) District: Lots 1, 2, and 3, Re-Subdivision of Lots 1, 2, and 3, Williams Subdivision, Hidalgo County, Texas; 3000, 3004, and 3008 North 23rd Street (REZ2013-0017)

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 Workshops held June 24th, July 8th and Regular Meeting held July 8, 2013.
 - **B)** Consider authorization to award a contract to *PublicStuff* for 311 service request software.

- C) Resolution authorizing the submission of a grant application to the Apache Foundation for funding under the Fiscal Year 2013 Tree Grant Program.
- **D)** Consider approval of revised Interlocal Agreement with Hidalgo County for development of Ware Road from 3 Mile to 5 Mile.
- E) Consider approval of an Advanced Funding Agreement with TXDOT for Ware Road from 3 Mile to 5 Mile.
- **F**) REMOVED FROM AGENDA
- G) Ordinance amending the McAllen Code of Ordinances, Chapter 2 *Administration*; providing for a change in meeting times of City Commission meetings.
- **H)** Consider approval of Deduct Change Order No. 1 for information technology infrastructure at the new Main Library.
- I) Consider approval of the Federal Workstudy Agreement with the University of Texas Pan American for Fiscal Year 2013-14.
- **J**) Approval of Tax Refunds over \$500:
 - 1. Entravision Communications LLC.
 - 2. International Bank
- **K**) Resolution authorizing the tax resale of certain properties:
 - 1. Lot 58, Idela Park, Unit #3
 - 2. Lot 3, Block 14, Alta Mira Subdivision
 - 3. Lot 4, Block 20, Alta Mira Subdivision
 - 4. Lot 2, Block 1, Retama Terrace
 - **5.** Lot 9, Block 40, McAllen Addition
 - 6. Lot 6, Block 10, Town of North McAllen
 - 7. Lot 24, Block 9, Colonia Hermosa #2
- L) Authorization to purchase one (1) Radio Communications Repeater on behalf of the Rio Grande Valley Communications Group (RGVCG) and funded through the FY 2011 State Homeland Security Program Grant.
- M) Confirmation of members to various city advisory boards.

3. BIDS/CONTRACTS:

- **A)** Consideration and Possible Action on a contract for legal services relating to reconfiguration of the City's 800 MGz Public Safety Radio System as ordered by the FCC.
- **B)** Award of Contract for the purchase of network equipment for Development Services Center.

4. ORDINANCES:

- A) Budget Amendment to fund PFC Application #6.
- **B)** Abandoning a portion of a utility easement containing 0.1538 acres and being the east 10.00 feet of the west 20.00 feet of south 669.96 feet of Lot 13, Section 278, Texas–Mexican Railway Company; 1121 Providence Avenue.
- C) Abandoning the following street and alley right-of-ways: 1) alley north of east Beaumont Avenue and east of South "K" Center Street; 2) East Beaumont Avenue east of South "K" Center Street; 3) alley east of South "K" Center Street and south of Beaumont Avenue and north of Chicago Avenue, but retaining a 20 ft. utility easement over the tract of land being abandoned; 4) an "L" shaped utility easement out of Lot 1, Burns Motors Subdivision, south of Beaumont Avenue touching the corner of Chicago Avenue and

entirely north of southern boundary of Chicago Avenue; and 5) a 0.43 acre tract of land out of Lot "A", Boggus Subdivision II, and out of Lot 1, Burns Motors Subdivision, and out of Lots 8-17, Whalens Acres, but retaining a utility easement over the tract of land being abandoned: 1300 East Business Highway 83 and 1225 East Dallas Avenue.

RESOLUTION authorizing the submission of a grant application to the U.S. Department of Transportation under the Small Community Air Service Development Program.

6. VARIANCES:

- **A)** Consider a variance to the Sign Ordinance to allow a changeable electronic variable message sign on South 12th Street at Lot 9, Block, 50, McAllen Addition Subdivision; 609 South 12th Street.
- B) Consider a variance to the Sign Ordinance to allow a changeable electronic variable message sign in a C-3L District at Lots 22, 23 & 24, Block 19, College Heights Subdivision; 2120 Oakland Avenue.

7. MANAGER'S REPORT:

- A) REMOVED FROM AGENDA
- **B**) Status Report on Parks and Recreation Construction Projects.
- C) Status Report on various city projects through June 30, 2013.
- **D**) Status Report on Terminal Expansion Construction Project.
- E) Report on Subdivisions and Development.
- **F**) Future Agenda Items.

8. MAYOR'S REPORT:

- A) Report on UT Pan AM/UT Brownsville merger.
- **B**) Report on Medical School.
- **9. TABLED ITEM:** Amending the McAllen Code of Ordinances, Chapter 50. Fireworks; relating to the regulation and permitting of public fireworks displays.

PUBLIC COMMENT SESSION

- 10. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).
 - A) Discussion of City Manager evaluation. (Section 551.074, T.G.C.)
 - **B)** Consultation with City Attorney regarding Development Agreement with Property Commerce for old Civic Center Redevelopment. (Section 551.071 and 551.072, T.G.C.)
 - C) Discussion and Possible Action regarding economic incentives for Project Phoenix. (Section 551.087 and 551.071, T.G.C.)
 - **D**) 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.)

- E) Consideration of and Consultation with City Attorney regarding economic incentives for Project Magnet. (T.G.C. 551.087 and 551.071)
- F) Consultation with City Attorney regarding a possible buyout of STS Transportation. (Section 551.071, T.G.C.)
- G) 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.)
- **H)** Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)
- I) Discussion and Possible Action regarding Arbitration Claim #002-LZZ-R2D. (Section 551.071, T.G.C.)
- J) Discussion and Possible Action regarding the acquisition of a 12.29 acre tract of land, more or less, out of Lot 3, Block 5, Hidalgo Canal Company. (Section 551.072, T.G.C.)
- **K)** Discussion and Possible Action regarding the acquisition of 16.60 acre tract of land, more or less, out of Lot 3, Block 5, Hidalgo Canal Company and a 4.87 acre tract, more or less, out of Lot 14, Bock 6, Hidalgo Canal Company. (Section 551.072, T.G.C.)
- L) Discussion and Possible Action regarding the acquisition of 0.95 acre tract of land, more or less, out of Lot 7, Block 5, Hidalgo Canal Company and a 7.99 acre tract of land, more or less, out of Lots 7, & 8, Block 5, Hidalgo Canal Company. (Section 551.072, T.G.C.)
- M) Consultation with City Attorney regarding Workers Comp/Loss Run Report as of June 30, 2013. (Section 551.071, T.G.C.)
- N) Consultation with City Attorney relating to Motor Vehicle Accident Liability and Subrogation Claim Reports as of June 30, 2013. (Section 551.071, T.G.C.)
- O) Consultation with City Attorney regarding possible city intervention in PUC Docket No. 41606: Joint Application of Electric Transmission Texas, LLC and Sharyland Utilities, LP to amend their Certificates of Convenience and Necessity for the proposed North Edinburg to Loma Alta Double-Circuit 345 kV Transmission Line in Hidalgo and Cameron Counties, Texas. (Section 551.071, T.G.C.)
- P) Discussion and Possible Action regarding a 380 Economic Incentive Agreement for Project Buddy. (Section 551.087 and 551.071, T.G.C.)
- Q) Discussion and Possible Action regarding the purchase of property at 214 N. 16th Street. (Section 551.072, T.G.C.)
- **R)** Consultation with City Attorney regarding Litigation Cause No. C-289-00-B; No. 13-09-00067-CV Arnaldo Ramirez, Jr. vs. City of McAllen. (551.071, T.G.C.)
- S) Discussion and Possible Action regarding a 0.874 acre tract of land out of Lot 8, Block 6 Hidalgo Canal Company's Subdivision, Hidalgo County, Texas. (Section 551.072, T.G.C.)

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME. THE CITY COMMISSION MAY ELECT TO GO INTO EXECUTIVE SESSION ON ANY ITEM WHETHER OR NOT SUCH ITEM IS POSTED AS AN EXECUTIVE SESSION ITEM AT ANY TIME DURING THE MEETING WHEN AUTHORIZED BY THE PROVISIONS OF THE OPEN MEETINGS ACT.

CERTIFICATION

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 19th day of July, 2013 at 2:00 pm and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

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

STANDARDIZED RECOMMENDATION FORM

UTILIT	COMMISSION TY BOARD NING & ZONING BOARD R	<u>x</u>		AGENDA DATE SUE MEETING	BMITTED	1A 7/16/13 7/22/13
1.	Agenda Item:(Conditional Use	Permit			
2.	Party Making Reque	est: _ Alma Y. S				
3.	Nature of Request: Appeal the decision denying the request banquet hall at Lots 512 South 12 th Stree	of the Planning of Alma Y. Sa 2 & 3, Block 4	g and Zo alinas, fo	oning Commission or a Conditional U	of the June 18 se Permit, for	one year, for a
4.	Policy Implication:					
5.	Budgeted:	Yes	No	N	/A	
	Bid Amount: Under Budget	:	Ove	geted Amount: r Budget: ount Remaining:		
6.	Alternate option cos	sts:				
7.	Routing: NAME/TITLE	IN	ITIAL	DATE	CONCURF <u>YES/NO</u>	RENCE
	a)_Julianne R. Ranki Director of Planning b)	<u>n</u> <u>J</u>	<u>RR</u>	7/16/2013	No	
8.	Staff's Recommen requirement # 1 (dist					n-compliance to
9.	Advisory Board: With a favorable reco					ment.
10.	City Attorney:	Approved _	[Disapproved ${\mathrm{GH}}$ No	one	

Disapproved_____ None

Manager's Recommendation: MRP Approved

11.

Memo

TO: Mike R. Perez, City Manager

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

DATE: July 16, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING

COMMISSION OF THE JUNE 18, 2013 MEETING DENYING THE REQUEST OF ALMA Y. SALINAS FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BANQUET HALL AT LOTS 2 & 3, BLOCK 46,

MCALLEN ADDITION SUBDIVISION; 512 SOUTH 12TH 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 west side of South 12th Street, approximately 100 ft. north of Fresno Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include commercial businesses, offices, and a church. A banquet hall is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

The initial conditional use permit was approved for this location for one year, on appeal to the City Commission, on January 10, 2011. The City Commission approved the conditional use permit request with a variance to the distance requirement. The last permit approval was on April 09, 2012 by the City Commission.

The applicant is proposing to continue to operate a banquet hall from the existing 1,644 sq. ft. building to accommodate special events such as kids birthday parties, baby showers, and/or bridal showers. The hours of operation are from 6:00 p.m. to 10:00 p.m. on Friday and 3:00 p.m. to 10:00 p.m. on Saturday. Based on the 1,644 sq. ft. building 22 parking spaces are required; 22 parking spaces are provided on site.

The Health and Fire Departments have inspected and cleared the establishment which is in compliance with health and safety codes and regulations. Attached is the police report indicating service calls from June 2012 until present. The Planning Department has not received any complaints. The establishment must also comply with requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property,

church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residentially zoned properties R-3A (apartments) District and a church to the south and southeast;

- 2) The property must be as close as possible to a major arterial and shall no generate traffic onto residential sized streets. The establishment has direct access to South 12th Street;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the 1,644 sq. ft. building 22 parking spaces are required; 22 parking spaces are provided on site;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities:
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment is 89 persons.

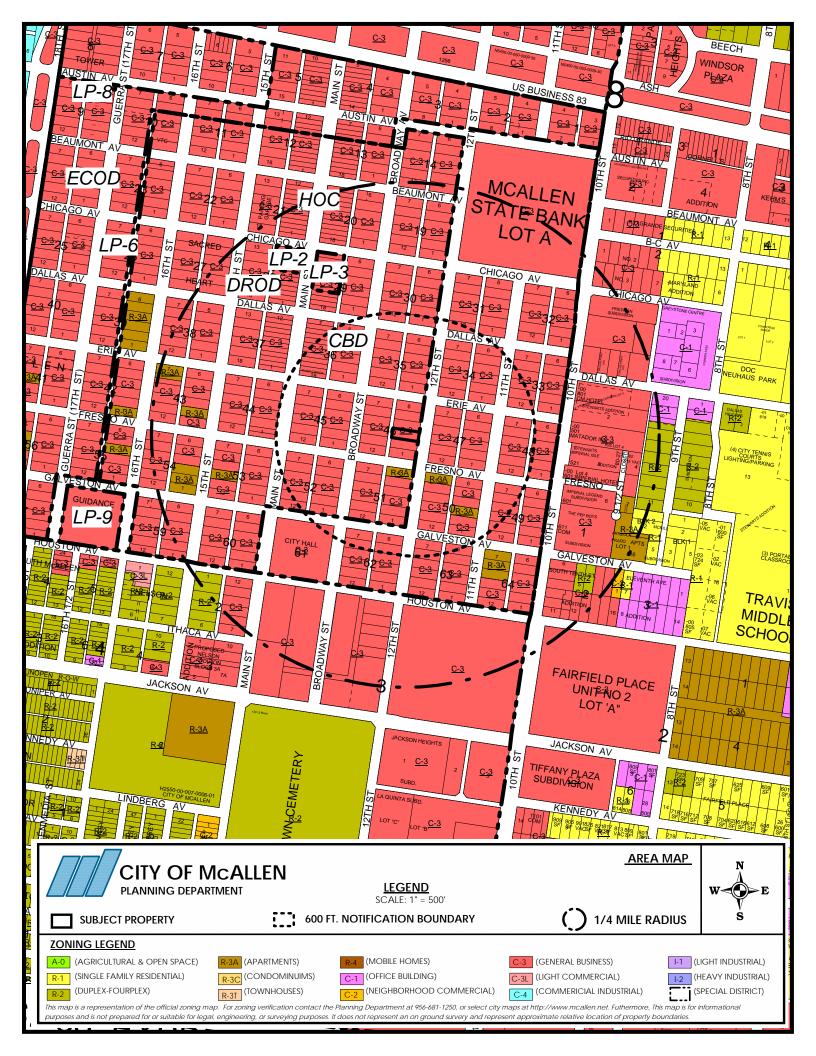
OPTIONS:

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

RECOMMENDATION:

The request was heard at the June 18, 2013 Planning and Zoning Commission meeting. There was no one present in opposition of the request and the applicant was not present.

Following a brief 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 four members present and voting. The applicant has submitted a letter of appeal.







AERIAL MAP SCALE: N.T.S.

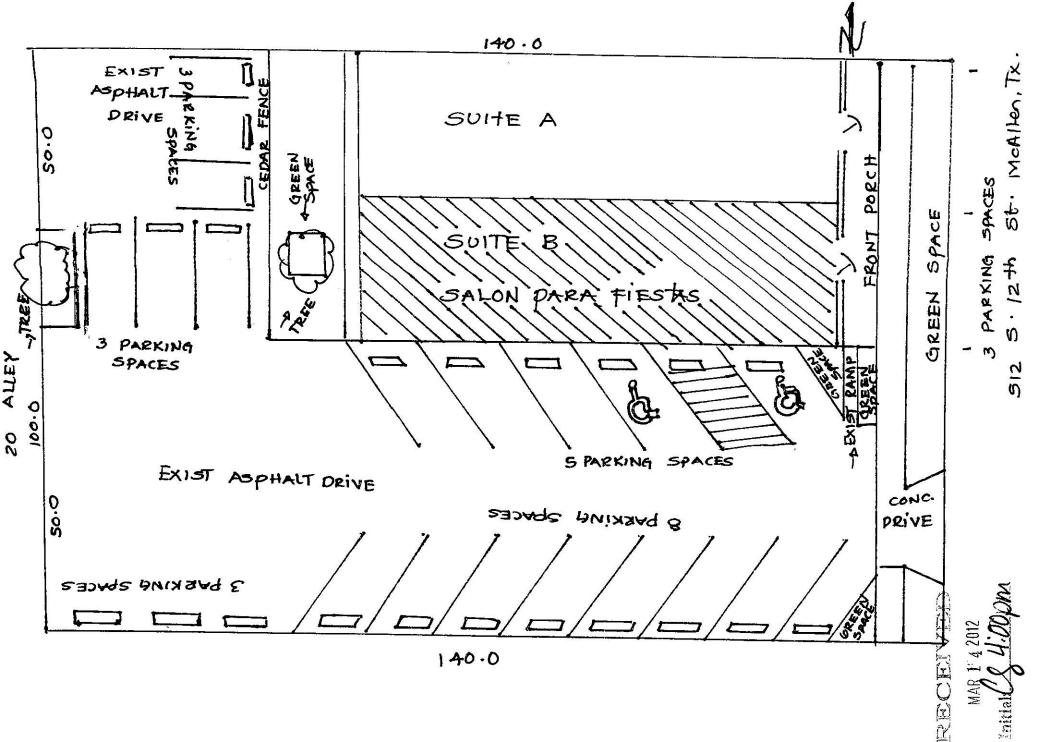
SUBJECT PROPERTY

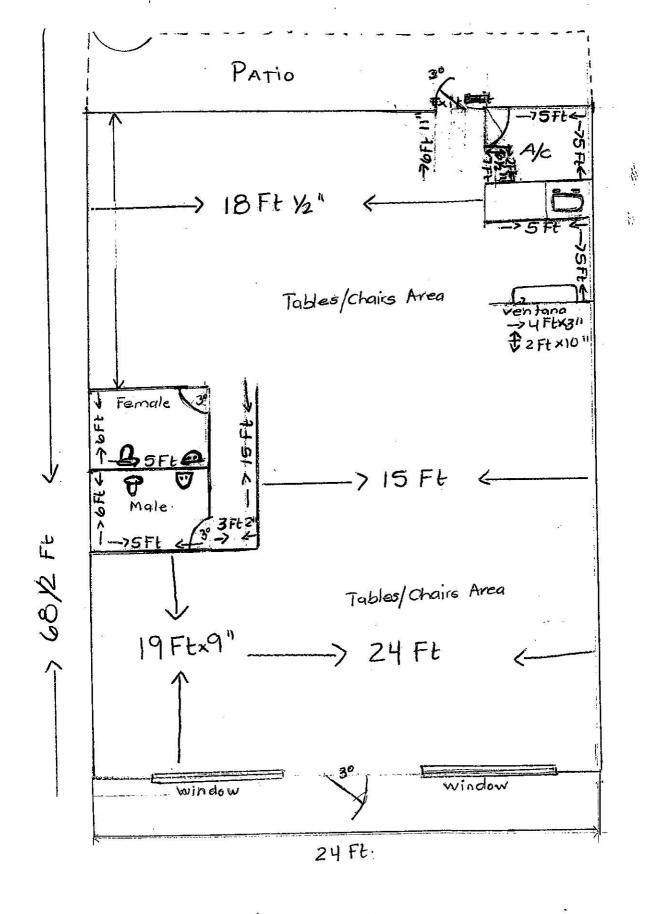


600 FT. NOTIFICATION BOUNDARY



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





512 5. 12th st.

NRECEIVED

MCALLEN POLICE DEPARTMENT

RE: CFS @ 512 S 12TH ST JUNE 2012 - 2013

DATE	TIME	INC#	INCIDENT TYPE
6/1/2012	18:01	201200050757	THEFT ALL OTHER LARCENY

10/6/2012 1:57 201200094825 DISTURBANCE

6/1/2012 18:01 201200050757 DESTRUCTION/DAMAGE/VANDALISM

A quien corresponda:

For medio de la presente quiero hacer una apelación de la decisión que tomo el departamento de zona y planeación en la junta del 18- Junio-2013

Alma Y. Salinas

Atentamente



CITY OF McALLEN STANDARDIZED RECOMMENDATION FORM

_	COMMISSION TY BOARD	<u>X</u>	_	A ITEM SUBMITTED	1B 7/03/13	
OTHER				NG DATE	7/22/13	
1.	Agenda Item: Rezoning Request					
2.	Party Making Request: _RBY #2 Property Management, LLC					
 4. 	Nature of Request: (Brief Overview) Contract: Yes No Rezone from C-1 (office building) District to C-3 (general business) District: Lots 1, 2 and 3, Resubdivision of Lots 1, 2, and 3, Williams Subdivision, Hidalgo County, Texas; 3000, 3004, and 3008 North 23 rd Street. Policy Implication: Zoning Ordinance					
		-				
5.	Budgeted: Yes _	_X No N/A	\			
	Bid Amount: Under Budget:		Budgeted Amo			
Amount Remaining: If over budget how will it be paid for:						
6.	Alternate option/costs:					
7.	Routing:					
	NAME/TIT	LE INIT	IAL DATE	CONC	URRENCE	
	a) Julianne R. Rankin Director of Planning b)		07/08	8/13 <u>No</u>	_	
8.	Staff's Recommendation alternatively recommend					
9.	Advisory Board: P & Z Board recommend alternatively recommend	led disapproval	of C-3 (general	business) Di	istrict and	
10.	City Attorney:	Approved	Disapproved _	GH None		
11.	Manager's Recommend	dation: MRP A	pproved[Disapproved	None	

Planning Department

Memo

TO: Mike R. Perez, City Manager

FROM: Rudy Elizondo, Vice-Chairman, Planning and Zoning RE

DATE: July 3, 2013

SUBJECT: REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO C-3 (GENERAL

BUSINESS) DISTRICT: LOTS 1, 2, AND 3, RESUBDIVISION OF LOTS 1, 2, AND 3, WILLIAMS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3000, 3004,

AND 3008 NORTH 23RD STREET. (REZ2013-0017)

GOAL:

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

BRIEF DESCRIPTION:

The property is located at the northeast corner of North 23rd Street and Daffodil Avenue. The tract has 119.83 feet of frontage along North 23rd Street and a depth of 218.49 feet for a tract size of approximately 26,182 square feet. The property was rezoned to C-1 (office building) District in 1994. There have been no other rezoning requests for this property since that time. The property is the site for Cris Plaza which has in the past been office use. The applicant is requesting C-3 (general business) District to lease space for retail use.

The adjacent zoning is R-1 (single family residential) District to the east, and C-3 (general business) District to the north and west across North 23rd Street. The property to the south across Daffodil Avenue was rezoned to C-1 (office building) District in 1994 and is the site for Salinas Engineering and Associates. The tract to the northwest at North 23rd Street and Daffodil Avenue was rezoned to C-3 (general business) District in 2001 and was developed as Daffodil Medical Plaza. Surrounding land uses are single family residential, office, parking lot, Laundromat, and the Best Little Warehouse in Texas, Santa Fe Plaza, Rent-A-Center, Melrose, and other commercial uses.

- The requested zoning conforms to the Auto Urban Commercial land use designation for the
 area as indicated on the Foresight McAllen Comprehensive Plan. The applicant is
 requesting C-3 (general business) District which allows any retail business, personal
 services, business services, hospitals, hotels, restaurants with 51% food sales and any
 wholesale trade to a permitted retail operation.
- C-3L (light commercial) District allows office, limited retail uses that are compatible with adjacent residential uses and restaurant with alcoholic beverages limited to 25% gross sales receipts. Automotive repair, sale of gasoline products and bars are not allowed within a C-3L District.

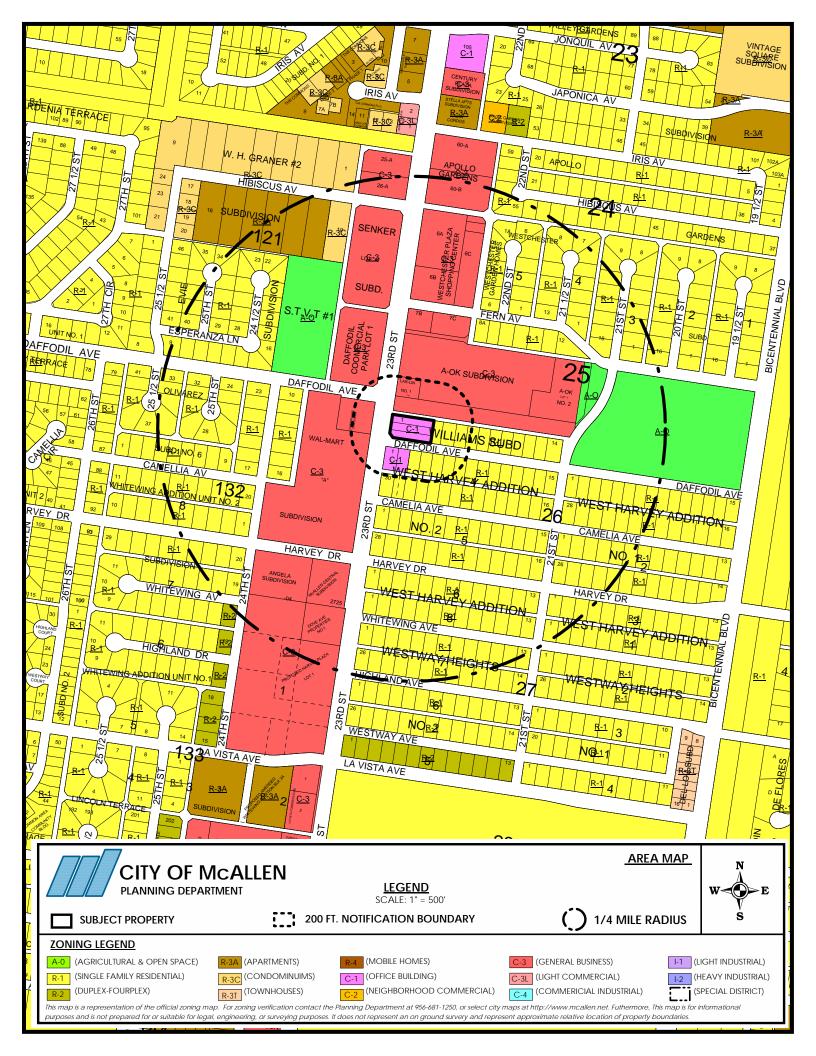
North 23rd Street is designated as a minor arterial with 100 feet of right-of-way and is constructed with 4 travel lanes, left turn lane, curb and gutter, sidewalks, and a posted speed limit of 40 miles per hour. Daffodil Avenue is designated as a local street with 50 feet of right-of-way and is constructed with 2 travel lanes, speed hump, curb and gutter, sidewalks along the frontage of the subject tract and a posted speed limit of 30 miles per hour.

OPTIONS:

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

RECOMMENDATION:

At the July 2, 2013 Planning and Zoning Commission meeting no one appeared in opposition to the rezoning request. Ms. Cindy Hopkins, representative for the applicant, indicated that they had a tenant for 5 years and if it was necessary to rezone in the future it would be done at that time. Ms. Hopkins also acknowledged that the alternative rezoning to C-3L (light commercial) District would accommodate the proposed retail use. After a brief discussion, the Board unanimously voted to recommend disapproval of the rezoning request for C-3 (general business) District and alternatively recommended approval of C-3L (light commercial) District, with 5 members present and voting.







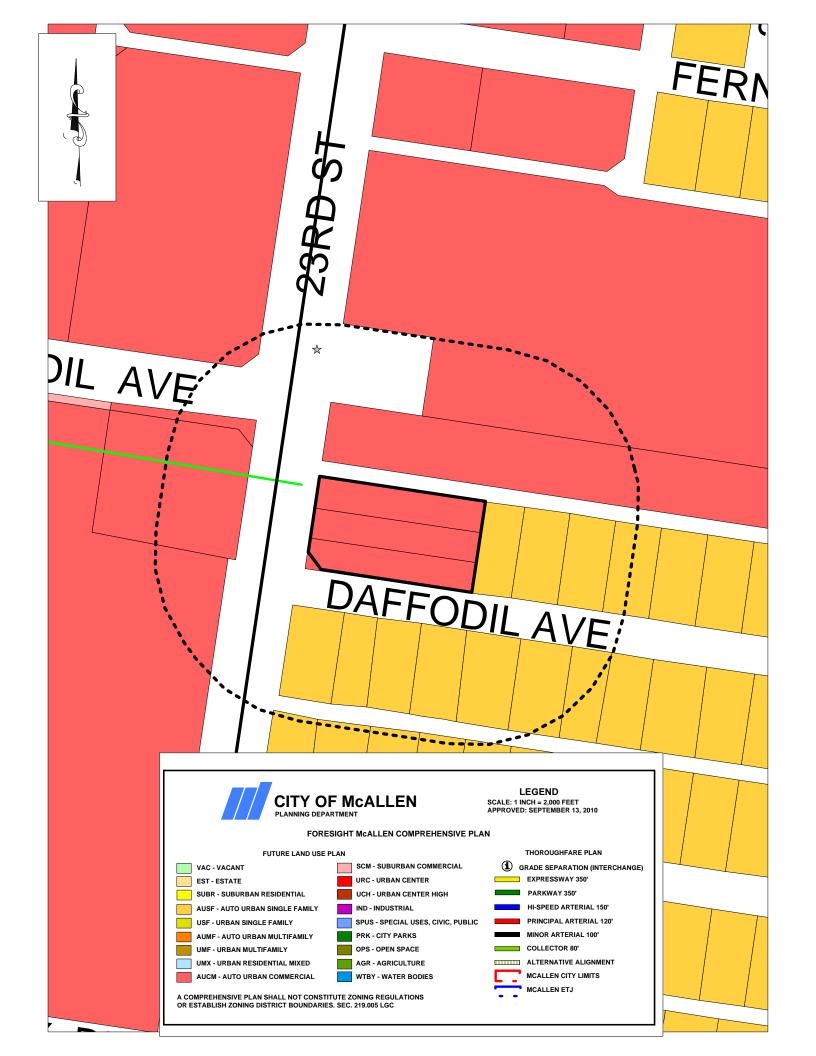
AERIAL MAP SCALE: N.T.S.

200 FT. NOTIFICATION BOUNDARY

W E

SUBJECT PROPERTY

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







RBY #2 Property Management, LLC

June 4, 2013

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

Re: RBY #2 Property Management, LLC – 3000, 3004 and 3008 N. 23rd Street, McAllen, Texas

To Whom It May Concern:

This is my written authorization for Cindy Hopkins to represent RBY #2 Property Management, LLC on the zoning issues and hearing for the property located at 3000, 3004 and 3008 N. 23rd Street, McAllen, Texas.

Should you have any questions, please contact me at (210) 416-6999.

Sincerely,

RBY #2 Property Management, LLC

By: Reuben Bar-Yadin, Sole Membe

STANDARDIZED RECOMMENDATION FORM AGENDA ITEM CITY COMMISSION

DATE SUBMITTED

CITY OF MCALLEN

PLA OTH	NNING & ZONING BOARD	MEETING DATE	<u>07/22/13</u>		
1.	Agenda Item: Zoning Ordinance				
2.	Party Making Request: Kevin D. Pagan, City Attorney				
3 .	Nature of Request: (Brief Overs Ordinance Amending the Zoning		_YesNo		
4.	Policy Implication:				
5.	Budgeted: Yes	No	N/A		
	Bid Amount: Under Budget:	Budgeted Amou Over Budget: Amount Remain			

6. Alternate option costs: 7. Routing: CONCURRENCE DATE **INITIALS** NAME/TITLE YES/NO

Kevin D. Pagan City Attorney Yes Julianne Rankin

Director of Planning

Staff Recommendation: Subject to approval of rezoning by City Commission 8. None Disapproved Approved **Advisory Board:** 9.

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

11. Manager's Recommendation MK Approved None Disapproved

ORDINANCE NO. 2013-____

AN ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT LOTS 1, 2, AND 3, RE-SUBDIVISION OF WILLIAMS AND 3. LOTS 1, 2. HIDALGO COUNTY, SUBDIVISION. TEXAS, SHALL BE CHANGED FROM C-1 (OFFICE BUILDING) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

THE

OF ORDAINED BY THE BOARD NOW, THEREFORE, BE IT 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 C-1 (office building) District to C-3 (general business) District:

Lots 1, 2, and 3, Re-Subdivision of Lots 1, 2, and 3, Williams Subdivision, Hidalgo County, Texas.

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

SECTION III: This Ordinance shall be and remain in full force and effect from and after its passage by the Board of Commissioners and the caption of this

Ordinance shall be published according to Section 2-56 of the Code of Ordinances of the City of McAllen.

SECTION IV: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such

remaining parts shall remain in full force and effect, and to that extent this

Ordinance is considered severable.			
SECTION V: This ordinance shall not be published in the Code of Ordinances			
of the City of McAllen, Texas as it is not amendatory thereof, however, it shall be cited			
in the appropriate appendix of the Code of Ordinances.			
CONSIDERED, PASSED and APPROVED this 24th day of July,			
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 July 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			

STANDARDIZED RECOMMENDATION FORM

UT PL	TY COMMISSION TILITY BOARD ANNING & ZONING BOARD THER	X	AGENDA ITEI DATE SUBMI MEETING DA	TTED	2A 07/16/2013 07/22/2013
1	Agenda Item: Approval of minu	utes.			
2	Party Making Request:	Annette Villarrea	al, City Secretary		
3	Nature of Request: (Brief Overvi Approval of Minutes of Worksho	•		Yes x No r Meeting held July 8,	2013
4	Policy Implication: Approv	al by City Comn	nission		
5	Budgeted:Yes _	No	X N/A		
	Bid Amount: Under Budget:		Budgeted Amount: Over Budget: Amount Remaining:		- - -
6	Alternate option costs:				
7	Routing: NAME/TITLE a) Annette Villarreal City Secretary, TRMC	INITIALS AV	<u>DATE</u> 0 <u>7/16/201</u> 3	CONCURRENCE YES/NO YES	<u>E</u>
	Staff Recommendation:				_
	_	Approval			
9 Advisory Board: Approved Disapproved Mone					
10	City Attorney: <u>GH</u> Approv	ed	Disapproved	None	
11	Manager's Recommendation:	MRP Approved	dDisap	proved	None

STATE OF TEXAS COUNTY OF HIDALGO CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Workshop on **Monday**, **June 24**, **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 Juli Rankin, Director of Planning

Teclo Garcia, Director of Government Affairs Sally Gavlik, Director of Parks and Recreation

Others: Joe Garcia, Legislative Consultant

CALL TO ORDER

Mayor Darling called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO JUNE 24, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING

There were no questions relating to the Regular Meeting agenda.

2. LEGISLATIVE UPDATE

Staff gave a report on the 83rd Texas Legislative Session noting that many of the cities' stated goals for this session were achieved. Staff acknowledged the Valley Delegation for their support, hard work, and dedication during this legislative session as well as TML Legislative Staff.

Mr. Joe Garcia gave an overview of legislative highlights:

• Character of 83rd Legislature

- ➤ Texas Senate 19 Republicans, 12 Democrats and 6 Freshman Senator.
- ➤ Texas House 95 Republicans, 55 Democrats and 43 Freshman Representatives.
- > Creation of a loss of institutional knowledge for both houses.
- **Budget Overview**
 - ➤ \$196 billion budget for 2014-2015
 - > Supplemental appropriations for 2013 (HB 1025) for public schools, state water implementation fund, and to Texas A&M Forest Service for cost association with wildfires.
- Legislative Highlights
- McAllen Legislative Priorities
 - ➤ Bicentennial/Expressway 83 Redesign
 - Restored Local Parks funding (statewide) of \$15.5 million
 - > Dissolution of Water District 3 was filed too late
 - > \$800.000 for UTPA-Pan American for McAllen Teaching site
 - ➤ \$1 million for McAllen Advance Manufacturing Research Park
 - Establishment of a regional university with PUF Funding and the establishment of a medical
 - school for the Rio Grande Valley Overweight Trucking Corridor for Trade Zone
- Local Issue
 - > Adult Basic Education was transferred from TEA to Texas Workforce Commission in coordination with South Texas College
 - > Defeated legislation forcing the regionalization of our transit system and implementation of regional sales tax to fund a regional system
- Preparing for the Interim.

A Question and Answer Session followed. Mayor Darling and City Commissioners thanked staff and Mr. Garcia for their reports and contribution toward achieving the city's goals.

DISCUSSION OF ON-SITE CLINIC FACILITY STUDY 3.

Staff reported that health insurance costs continue to increase and hence, staff has been exploring the establishment of an on-site clinic as well as a projected increase for dependent insurance coverage in the upcoming fiscal year and subsequently, the establishment of small fee for the employee coverage.

A short discussion was held about the operation of an on-site clinic. It was reported that Sharyland and McAllen ISD partnered in a similar effort and together utilize the same clinic to see their respective employees. After due consideration, staff was asked to continue exploring this option as a possible cost saving measure.

DISCUSSION REGARDING GENERAL INSURANCE 4.

Staff touched on recommendations for insurance changes as it relates to contractors and professional services, specifically to the requirements for Umbrella/Excess Liability and Employer's Liability Insurance for contractors. Concerns were expressed by Mayor Darling and staff was thereafter instructed to go back and sharpen their pencils.

DISCUSSION REGARDING VALCOSTA SR. VARIANCE 5.

With respect to the pending variance request for Valcosta Sr., Mayor Darling stated that he would like to ensure that all property owners are aware that this tract is un-subdivided and as a result, has no fire protection and/or infrastructure in place. Moreover, staff was instructed to prepare a letter to the property owners notifying them of same and instructed Engineering staff to bring back some figures for review as it relates to costs for such improvements.

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

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

Jim Darling, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

<u>1</u>

COUNTY OF HIDALGO CITY OF MCALLEN The McAllen Board of Commissioners convened in a Workshop on Monday, July 8, 2013, at 5:00 pm, at

STATE OF TEXAS

McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present: Mayor Jim Darling Hilda Salinas, Mayor Pro Tem

Roy Rodriguez, Assistant City Manager/PUB General Manager

Roy Cantu, Public Information Officer/Director of MCN

Scott Crane, Commissioner Trev Peblev, Commissioner Veronica Vela Whitacre, Commissioner Aida Ramirez, Mayor Pro Tem Absent: John Ingram, Commissioner

Brent Branham, Deputy City Manager

Neo Canales, Call Center Supervisor/MCN

Carlos Sanchez, Director of Public Works

Sally Gavlik, Director of Parks and Recreation

Annette Villarreal, City Secretary Belinda Mercado, IT Director

Yvette Barrera City Engineer

Phil Brown, Director of Aviation

Juli Rankin, Director of Planning

Mike R. Perez, City Manager Staff: Kevin Pagan, City Attorney

Perla Zamora, Deputy City Secretary CALL TO ORDER

1.

2.

Mayor Darling called the meeting to order.

AGENDA, TO BE ADDRESSED AT SUCH MEETING.

There were no questions relating to the Regular Meeting agenda.

DISCUSSION OF 311 CALL CENTER/CITIZEN REQUEST FOR SERVICE. Staff reported that a pilot program has been in place for a 311 Call Center/Citizen Request for Service for the last six months utilizing four (4) existing staff members from MCN (supervisor), Traffic, Public Works and The call center goals were outlined: 1) streamline internal processes, 2) provide Health/Code Enforcement. accurate information, and 3) communicate in a timely manner in order to improve accessibility of City services to Staff announced the call center number to be 681-3111 and noted that call center agents provide our citizens.

PRESENT OUESTIONS TO STAFF RELATING TO JULY 8, 2013 REGULAR MEETING

information to the public as well as create work orders for department services as they currently answer certain department main numbers for Public Works, Traffic, Code Enforcement, Planning, Engineering and City Hall.

The findings of the pilot program were reviewed:

- reduced call volume within departments
- forced departments to streamline/improve their processes
 - feedback on service requests is critical to citizens
- city needs one universal software to track requests, generate workflows to departments and provide status feedback to citizens

A demonstration of the proposed cloud-based Customer Relationship Management (CRM) software entitled *PublicStuff* software was presented. It was reported that the software is available for purchase through a subscription service with a cost of \$24,366 for one-year or a three year subscription at \$23,072 for Year 1 and \$21,572 for Years 2 and 3. In conclusion, staff requested authorization to place the item on the next meeting agenda for purchase of said software. The consensus of the Commission present was to authorize placing the item on the next meeting agenda for consideration.

3. DISCUSSION REGARDING EXTENSION ON ERIE.

Said item was addressed in Executive Session as it was also listed as item 4H.

4. 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).

Mayor Darling recessed the meeting at 5:27 pm to go into Executive Session. Mayor Darling reconvened the meeting at 6:00 pm and announced that any action on Executive Session items would be taken at the Regular Meeting.

- A) DISCUSSION OF CITY MANAGER EVALUATION. (SECTION 551.074, T.G.C.)
- B) CONSULTATION WITH CITY ATTORNEY REGARDING DEVELOPMENT AGREEMENT WITH PROPERTY COMMERCE FOR OLD CIVIC CENTER REDEVELOPMENT. (SECTION 551.071 AND 551.072, T.G.C.)
- C) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT PHOENIX. (SECTION 551.087 AND 551.071, T.G.C.)
- D) 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.)
- E) CONSIDERATION OF AND CONSULTATION WITH CITY ATTORNEY REGARDING ECONOMIC INCENTIVES FOR PROJECT MAGNET. (T.G.S. 551.087 AND 551.071)
- F) CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE BUYOUT OF STS TRANSPORTATION. (SECTION 551.071, T.G.C.)
- G) 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.)

H)	DISCUSSION AND POSSIBLE ACTION REGARDING RIGHT-OF-WAY
	ACQUISITION FOR THE PROPOSED ERIE AVENUE ALIGNMENT FROM WARE
	ROAD TO BENTSEN ROAD. (SECTION 551.072, T.G.C.)
I)	DISCUSSION AND POSSIBLE ACTION REGARDING A 0.874 ACRE TRACT OF
	LAND OUT OF LOT 8, BLOCK 6 HIDALGO CANAL COMPANY'S SUBDIVISION,
	HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C.)
$\mathbf{J})$	DISCUSSION AND POSSIBLE ACTION TO MAKE AN OFFER TO ACQUIRE A 20
	ACRE TRACT OF LAND, OUT OF LOT 98, LA LOMITA SUBDIVISION OR LOT 140,
	LA LOMITA SUBDIVISION. (SECTION 551.072, T.G.C.)
K)	CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LAWSUIT;
T \	DAHLILA GUERRA CASSO VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)
L)	CONSULTATION WITH CITY ATTORNEY REGARDING CAUSE. NO. CL_13-1822-
	A; MARTHA RAMIREZ, INDIVIDUALLY AND AS NET FRIEND OF CAROLINA RAMIREZ, A MINOR VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)
M)	CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE CONTRACT
W1)	WITH VIANOVO RELATING TO INTERNATIONAL BRIDGE FACILITIES.
	(SECTION 551.071, T.G.C.)
	(5261761, 6617071)
ADJOURN	MENT
12000111	
There being	no other business to come before the Commission, the meeting was adjourned at 6:00 p.m.
	Jim Darling, Mayor
Attest:	
Annette Vill	arreal, TRMC/CMC, CPM

City Secretary

CITY OF MCALLEN The McAllen Board of Commissioners convened in a Regular Meeting on Monday, July 8, 2013, at 6:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Staff:

COUNTY OF HIDALGO

STATE OF TEXAS

Veronica Vela Whitacre, Commissioner Absent: Aida Ramirez, Mayor Pro Tem John Ingram, Commissioner

Brent Branham, Deputy City Manager

Annette Villarreal, City Secretary Yvette Barrera City Engineer

Roy Rodriguez, Assistant City Manager/PUB General Manager

Hilda Salinas, Mayor Pro Tem Scott Crane, Commissioner Trev Peblev, Commissioner

Mike R. Perez, City Manager Kevin Pagan, City Attorney

Mayor Jim Darling

Juli Rankin, Director of Planning Sally Gavlik, Director of Parks and Recreation Sandra Zamora, Director of Purchasing Phil Brown, Director of Aviation Piedad Martinez, Community Development Director Perla Zamora, Deputy City Secretary

CALL TO ORDER

Mayor Darling called the meeting to order.

PROCLAMATION - MCALLEN LIONS CLUB DAY

Commissioner Pebley read and presented a proclamation for McAllen Lions Club Day.

PUBLIC HEARING: 1.

Mayor Darling called the Public Hearing to order. **ROUTINE ITEMS:** [All Rezonings and Conditional Use Permits listed under this A)

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.]

section come with a favorable recommendation from the Planning & Zoning

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. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

1. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT: 4.00 ACRES OUT OF LOT 2, BLOCK 18, STEELE & PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 4200 SOUTH MCCOLL ROAD.

3. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 5.98 ACRES

Approved the C-2 zoning at 4200 South McColl Road, as per Planning and Zoning Commission.

2. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT: 3.865 ACRES OUT OF LOT 15, BLOCK 1, C.E. HAMMONDS SUBDIVISION, HIDALGO COUNTY, TEXAS; 1901 DOVE AVENUE.

Approved the C-2 zoning at 1901 Dove Avenue, as per Planning and Zoning Commission.

OUT OF LOT 1, BLOCK 17, STEELE & PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 3601 SOUTH MCCOLL ROAD.

Approved an alternative R-3T zoning at 3601 South McColl Road, as per Planning and Zoning Commission.

4. REQUEST OF SAMUEL AVILA & ROBERTO URBINA, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE JUNE 18, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT 1, NOLANA WEST SUBDIVISION, HIDALGO COUNTY, TEXAS; 2200 NOLANA AVENUE, SUITE 2212.

Granted a variance to the distance requirement and approved the Conditional Use Permit, for one year, for a bar at 2200 Nolana Avenue, Suite 2212, 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:

- a) 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. from residential zones/uses and McAllen's Public Library;
- b) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment is located on two major arterials, Nolana Avenue and North 23rd Street, and does not generate traffic into residential areas;
- c) 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 a mixture of retail, restaurants, bars and vacant suites. At this time there is one restaurant (Cabritos Nuevo Leon, 4,100 sq. ft.), 23,732 sq. ft. of retail suites including Dollar General and Ramirez Furniture Store in use, and two bars (Ranas & DeLoreans -4,500 sq. ft.). Based on the square footage and uses, 164 parking spaces are required and 269 are provided on site. The proposed 4,500 sq. ft. bar would require 60 parking spaces for a total of 224 spaces for the plaza, leaving 45 available. The vacant suites of 26,911 sq. ft. of retail and the 1,200 sq. ft. of vacant restaurant space, if open, would require 80 parking spaces. For every business to run efficiently, 304 parking spaces would be required and would need to be provided before permits could be issued;

- d) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- e) 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;
- The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 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 existing establishment is 88 persons. A new number of occupancy will need to be provided at time of building permit that will include the new addition for the establishment.

5. REQUEST OF VICTOR HUGO GUERRA, APPEALING OF THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE JUNE 18, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BILLIARD HALL AT LOT 1 AND 2, SHARY GATEWAY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4901 EXPRESSWAY 83.

for a billiard hall at 4901 Expressway 83, 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:

Granted a variance to the distance requirement and approved the Conditional Use Permit, for one year,

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; b) The property must be as close as possible to a major arterial and shall not generate traffic

a) 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-

- onto residential-sized streets. The establishment has access to Expressway 83 and Colbath Road, and does not generate traffic onto residential areas;
 - c) 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 19,646 sq. ft. used as restaurant space; requiring 263 parking spaces, and 9,156 sq. ft. used as retail space; requiring 22 parking spaces. The applicant is proposing a 7,645 sq. ft. billiard hall with a net area of 6,758.20 sq. ft. for the floor area, office, and storage that is located behind the working bar. The proposed 6,758.20 sq. ft. billiard hall floor area would require 91 parking spaces. The remaining vacant 10,957 sq. ft.

of retail when occupied will require 28 parking spaces. For every business to run

g) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment will be determined at time of building permit.
 B) AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN AS ENACTED MAY 29, 1979.
 Commissioner Pebley moved to adopt the Zoning Ordinance for the approved tract. Commissioner

simultaneously, 404 parking spaces will be required; 393 spaces are provided on site, being 11 spaces short. Parking can be accomplished by parking agreements with adjacent

d) The business must do everything possible to prevent the unauthorized parking of its patrons

e) 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;f) The business must make provisions to keep litter to a minimum and keep it from blowing

Movey Douling declared the Dublic Heaving closed

END OF PUBLIC HEARING

properties;

on adjacent properties;

onto adjacent properties;

Mayor Darling declared the Public Hearing closed.

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 CITY COMMISSION HAS THE PREROGATIVE TO RECESS INTO EXECUTIVE

- Commissioner Crane moved to approve the items listed on the Consent Agenda. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.
- A) APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 24, 2013.
- Approved the minutes of Regular Meeting held June 24, 2013, as submitted.

the Consent Agenda and will be considered separately.]

Crane seconded the motion. The motion carried unanimously by those present.

B) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO *KABOOM!* FOR FUNDING UNDER THE FISCAL YEAR 2013 LET'S PLAY COMMUNITY CONSTRUCTION GRANT PROGRAM.

Approved a resolution authorizing the submission of a grant application to KABOOM! for funding under the Fiscal Year 2013 Let's Play Community Construction Grant Program, for new playground equipment at Uvalde Park. The funding request would be \$20,000 with a \$21,000 local match requirement.

SANITATION DEPRECIATION FUND FOR THE PURPOSE OF FUNDING THE PURCHASE OF A FORKLIFT FOR THE COMMERCIAL BOX DEPARTMENT. Adopted an ordinance providing for a budget amendment in the amount of \$4,317 to the Sanitation Depreciation Fund, to fund the remaining balance of the purchase of a Forklift for the Commercial

ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE

ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE

GENERAL DEPRECIATION FUND FOR THE PURPOSE OF FUNDING THE PURCHASE OF A WHEEL LOADER FOR THE STREETS AND DRAINAGE

 \mathbf{E}) **APPROVAL** OF **SUPPLEMENTAL AGREEMENT** 1 TO **HNTB 13 AMENDMENT** FOR **AIRPORT** RUNWAY **SAFETY AREA**

Adopted an ordinance providing for a budget amendment in the amount of \$143,286 to the General Depreciation Fund, to fund the remaining balance of the purchase of a Wheel Loader for the Streets

IMPROVEMENTS.

Approved Supplemental Agreement 1 to HNTB Amendment 13 for Airport Runway Safety Area Improvements providing for a change in scope of work resulting in no additional cost due to a credit

for the eliminated fee associated with the initial scope. **BIDS/CONTRACTS: 3.**

and Drainage Department.

C)

Box Department.

D)

DEPARTMENT.

A) CONSIDER APPROVAL OF CHANGE ORDER NO. 1 TO THE CONTRACT AWARDED TO AIR IT, FOR THE PURCHASE AND INSTALLATION OF THE NEW SHARED USE PASSENGER PROCESSING SYSTEM.

Staff recommended approval of Change Order No. 1 to the contract awarded to Air IT, for the

purchase and installation of the new Shared Use Passenger Processing System proving for a net reduction to the purchase order of \$87,513 associated with the elimination of the hardware and software maintenance warranties as well as additional work stations and purchase of media players.

Concerns were expressed about bidding out software maintenance agreements. Staff reported that

this was allowed as the software was non-proprietary.

After due consideration, Commissioner Pebley moved to approve the change order as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

B) CONSIDER AUTHORIZATION TO SOLICIT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE MCALLEN PUBLIC SAFETY **BUILDING ADDITION.**

Staff recommended authorization to solicit proposal for Construction Management Services for the McAllen Public Safety Building Addition.

Questions were asked about performing this task in-house. Staff reported that in-house staff was tied up with other projects. A lengthy discussion was held relating to the proposed service.

After due consideration, Commissioner Pebley moved to authorize staff to solicit proposals for this service and asking the architect on contract to also consider submission of a proposal. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

C) CONSIDER AUTHORIZATION FOR STAFF TO NEGOTIATE AN AGREEMENT WITH THE RETAIL COACH FOR A RETAIL ECONOMIC DEVELOPMENT PLAN.

Staff recommended authorization to negotiate an agreement with The Retail Coach for a Retail Economic Development Plan with a not-to-exceed cost of \$65,000.

Commissioner Crane moved to authorize staff to negotiate an agreement as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

4. ORDINANCES:

A) AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTER 50. FIREWORKS; RELATING TO THE REGULATION AND PERMITTING OF PUBLIC FIREWORKS DISPLAYS.

Staff recommended that said item be tabled.

Commissioner Crane moved to table the item as recommended. Commissioner Whitacre seconded the motion. The motion carried unanimously by those present.

B) APPROVAL OF FISCAL YEAR 2013-2017 CONSOLIDATED PLAN AND STRATEGY AND FISCAL YEAR 2013-2014 ANNUAL ACTION PLAN FOR CDBG, HOME AND ESG PROGRAMS.

Community Development Board Vice Chairman Victor De Leon and members present (Yolanda Trad, Diana Craig, and Liborio Hinojosa III) recommended adoption of an ordinance providing for the approval of Fiscal Year 2013-2017 Consolidated Plan and Strategy and Fiscal Year 2013-2014 Annual Action Plan for CDBG, Home and ESG Programs.

Mayor Darling and City Commissioners thanked the board members for the hard work involved with the review and recommendations for funding.

Commissioner Crane moved to adopt the ordinance as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

5. RESOLUTION:

ACCEPTING THE QUINTA MAZATLAN MASTER PLAN AS PRESENTED MARCH 25, 2013.

March 25, 2013 with no funding commitment. Additionally, staff reported that having this plan in place would make it eligible to secure grants and funding for Quinta.

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

Staff recommended approval of a resolution accepting the Quinta Mazatlan Master Plan as presented

6. VARIANCE:

10th Street.

7.

REQUIREMENT AT POPEYE'S NO. 1 SUBDIVISION; 221 SOUTH 10TH STREET. Staff recommended approval of the variance request to the right-of-way requirement at 221 South

CONSIDERATION OF A VARIANCE TO THE RIGHT-OF-WAY DEDICATION

Questions were asked about possible changes to the right-of-way requirements for 10th Street in light of additional foreseeable requests. Staff noted that this may be achieved by amending the City's Thoroughfare Plan if desired by the Commission.

After due consideration, Commissioner Pebley moved to approve the variance as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

The items for upcoming workshops were briefly reviewed: Procurement and Bidding Process; Workshop/Retreat with PUB; Joint Meeting with MISD; Report on Retreat Projects; Budget

A) FUTURE AGENDA ITEMS.

MANAGER'S REPORT:

and Section 551.074 (Personnel Matters) for Item 9A.

8. MAYOR'S REPORT ON CITY COMMISSION RETREAT HELD JUNE 27 – 29, 2013.

Mayor Darling gave a report on the City Commission Retreat held June 27-29, 2013

PUBLIC COMMENT SESSION

Workshops; and CVB Philosophies.

No one appeared.

9. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074

(DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT),

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Items 9C and 9E; Section 551.071 Consultation with Attorney for Items 9B, 9C, 9D, 9E, 9F, 9K, 9L and 9M; Section 551.072 Deliberation regarding Real Property for Items 9B, 9D, 9G, 9H, 9I and 9J;

Mayor Pro Tem Salinas 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 by those present.

Commissioner Whitacre announced that she had a conflict with item 9D and would abstain from discussion and voting on said item. Subsequently, a conflict form was filed with the City Secretary.

Mayor Darling recessed the meeting at 6:38 pm to go into Executive Session. Mayor Darling reconvened the meeting at 7:47 pm and announced the action on Executive Session items.

A) DISCUSSION OF CITY MANAGER EVALUATION. (SECTION 551.074, T.G.C.)

No action.

B) CONSULTATION WITH CITY ATTORNEY REGARDING DEVELOPMENT AGREEMENT WITH PROPERTY COMMERCE FOR OLD CIVIC CENTER REDEVELOPMENT. (SECTION 551.071 AND 551.072, T.G.C.)

No action.

C) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT PHOENIX. (SECTION 551.087 AND 551.071, T.G.C.)

No action.

D) 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.)

No action.

E) CONSIDERATION OF AND CONSULTATION WITH CITY ATTORNEY REGARDING ECONOMIC INCENTIVES FOR PROJECT MAGNET. (T.G.S. 551.087 AND 551.071)

Mayor Pro Tem Salinas moved to authorize the Mayor and one Commissioner at the Mayor's discretion, to meet with the developers to discuss the potential of proceeding with this project. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

F) CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE BUYOUT OF STS TRANSPORTATION. (SECTION 551.071, T.G.C.)

No action.

H) DISCUSSION AND POSSIBLE ACTION REGARDING RIGHT-OF-WAY ACQUISITION FOR THE PROPOSED ERIE AVENUE ALIGNMENT FROM WARE ROAD TO BENTSEN ROAD. (SECTION 551.072, T.G.C.)
 Commissioner Pebley moved to approve a resolution and related action which authorizes the city to begin the acquisition of right-of-way as discussed in Executive Session. Commissioner Crane seconded the motion. The motion carried unanimously by those present.
 DISCUSSION AND POSSIBLE ACTION REGARDING A 0.874 ACRE TRACT

OF LAND OUT OF LOT 8, BLOCK 6 HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C.)

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.

G)

No action.

No action.

(SECTION 551.072, T.G.C.)

J) DISCUSSION AND POSSIBLE ACTION TO MAKE AN OFFER TO ACQUIRE A 20 ACRE TRACT OF LAND, OUT OF LOT 98, LA LOMITA SUBDIVISION OR LOT 140, LA LOMITA SUBDIVISION. (SECTION 551.072, T.G.C.)

No action.

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

Commissioner Pebley moved to approve the settlement as reported in Executive Session. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

L) CONSULTATION WITH CITY ATTORNEY REGARDING CAUSE. NO. CL_13-1822-A; MARTHA RAMIREZ, INDIVIDUALLY AND AS NET FRIEND OF CAROLINA RAMIREZ, A MINOR VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

(SECTION 551.071, T.G.C.)

Commissioner Pebley moved to authorize the City Attorney or the appropriate insurance outside counsel to defend the city in this lawsuit. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

M) 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 7:48 p.m.

Jim Darling, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM City Secretary

<u>City of McAllen</u> <u>Standardized Recommendation Form</u>

С	ity Commis Utility Bo Other Bo	oard	x				Da		nitted	2B 7/16/13 7/22/13	- -
1.	Agenda Ito	_	Reques request			n to award	contract	to Public	Stuff 1	for 311 se	rvice
2.	Party Mak	ing Reque	st: Be	linda M	ercado	o, IT Direct	tor				
3.	Nature of Request a 3 year terr	uthorization			•		_	X Ye		No ption serv	
4.	Policy Imp	lication:									
5.	Budgeted	<u>x</u> Y Bid An Under Bu	nount:	N _\$24.9	0 072 (v	N/A ear 1)	Budge	eted Am Over Bu	ount:		24 (IT1001)
6.	If over bud	dget, how v		paid f	or:	Budget A	Amendme	nt neede	ed		
7.	Routing:										
	Name/1	<u>itle</u>				<u>Initial</u>	Date	<u>e</u>	Con	currence	
	a) Belinda	Mercado, IT	Director			BEM	7/16/1	3	Х	Yes	No
	b) Sandra 2	Zamora, Puro	chasing (Contrac	t Dir	SZ	7/16/13	3	Х	Yes	No
	c) Roel Ro	driguez, Ass	t. City M	anager		RR	7/16/13	3	X	Yes	No
	<u>-</u>									Yes	No
	e)									Yes	No
8.	Staff's Red	commenda	ation:			authorize a			Publics	Stuff softwa	are
		Advisory E	Board:		App	roved		Disapp	roved		None
		City Atto	orney:	<u>GH</u>	Арр	roved		Disapp	roved		None
M	anager's Re	ecommend	lation:	MRP	App	roved		Disapp	roved		None



INFORMATION TECHNOLOGY

MEMO

To: Mike R. Perez, City Manager

Through: Roel Rodriguez, Assistant City Manager

From: Belinda Mercado, Information Technology Director

Date: July 15, 2013

Subject: 311 Service Request Software

GOAL:

Implement 311 Service request software for improved access of city services to our citizens.

BRIEF EXPLANATION:

City staff launched a pilot 311 Service Center in January 2013. As the 311 Service Center takes on additional department responsibilities, it has become more important for city staff to find software to assist with the tracking of phone calls and requests.

As presented in City Commission Workshop on July 8, 2013, city staff has reviewed software products to handle 311 services. Staff selected PublicStuff software due to its flexibility and ease of use. Reviews from staff have indicated that the software is a good fit for our organization.

PublicStuff is a Customer Relationship Management (CRM) software company that provides the following:

- Allow citizens to submit requests (website and phone app)
- Allow citizens to track requests and receive status updates
- Capture service requests from callers
- Send requests through a workflow to a city department for action
- Allow city employees (website and mobile) to record service requests
- Provide metrics on service requests at a city and department level

OPTIONS:

- 1. Award contract to Public Stuff in the amount of \$23,072 (first year), \$21,572 (year 2-3) for a three year contract term.
- 2. Award contract to Public Stuff in the amount of \$24,366 for a one-year subscription.
- 3. Direct staff to continue research and develop and release an RFP.

RECOMMENDATION:

(Option 1) Staff recommends approval to award contract to Public Stuff from New York City, NY in the amount of \$24,072 for year one and \$22,572 for years 2-3 for a 3-year contract term.

City of McAllen PublicStuff Proposal

7/15/2013

Total

3-year Commitment	Year 1	Year 2	Year 3
3-year agreement (includes set-up)	\$15,572	\$15,572	\$15,572
Integration into Legacy Systems	\$4,000	\$4,000	\$4,000
311 Call Center Knowledge-Base	\$2,000	\$2,000	\$2,000
Assisted local media campaign/Kickoff	\$1,500	\$0	\$0

\$23,072

\$21,572

\$21,572



Terms and Conditions for PublicStuff Services

WITH

("PUBLICSTUFF", "WE", "US" OR "OURS").

THESE TERMS AND CONDITIONS FOR SERVICES ("AGREEMENT") AND ONE OR MORE WRITTEN ORDERS ("ORDER SCHEDULES") GOVERN USE OF OUR SERVICES.

IF YOU ARE ENTERING INTO THIS AGREEMENT ON BEHALF OF A MUNICIPALITY OR OTHER LEGAL OR GOVERNMENTAL ENTITY, YOU REPRESENT THAT YOU HAVE THE AUTHORITY TO BIND SUCH ENTITY TO THESE TERMS AND CONDITIONS, IN WHICH CASE THE TERMS "YOU" OR "YOUR" SHALL REFER TO SUCH ENTITY. IF YOU DO NOT HAVE SUCH AUTHORITY, OR IF YOU DO NOT AGREE WITH THESE TERMS AND CONDITIONS, YOU MUST NOT ACCEPT THIS AGREEMENT AND MAY NOT USE THE SERVICES. YOU ARE ENTERING INTO THIS

DELAWARE

CORPORATION

PUBLICSTUFF INC., A

PublicStuff applications in respect of Your city, municipality, facility, complex, building or campus. By subscribing to the PublicStuff Service, PublicStuff allows You to interact directly with individuals in Your location by providing such individuals with tools and applications to report issues, concerns or problems to You for efficient resolution. The PublicStuff Services are made available to You through a password-protected hosted interface and dashboard provided by PublicStuff.

PublicStuff provides a tool that You can use to understand issues surfaced by users of the

This Agreement was last updated on February 27, 2013.

This Agreement and the applicable Order Schedules (incorporated herein by reference) are effective between You and PublicStuff as of the date that You accept these Terms and Conditions.

1. **DEFINITIONS**

AGREEMENT

"Implementation Services" means services provided to You to integrate and implement the PublicStuff Services, as may be mutually agreed upon by the parties.

"Platform" means all ideas, concepts, inventions, systems, platforms, software, dashboards, interfaces, tools, utilities, templates, forms, techniques, methods, processes, algorithms, know-

PublicStuff Services" means, collectively, the interface and dashboard hosted by PublicStuff and provided to You from time to time, the PublicStuff Data, the Platform, the Implementation Services and the documentation. The PublicStuff Services include any change, improvement, extension or other new version thereof that is developed or otherwise made available to You.

"Third-Party Applications" means online, Web-based applications and offline software products that are provided by third parties, interoperate with the PublicStuff Services, and are identified as third-party applications.

"User Guide" means the online user guide for the Services, accessible via login at

how, trade secrets and other technologies, implementations and information that are used by

"PublicStuff Data" means all data and information created, received, processed or provided by PublicStuff in performing the PublicStuff Services, or that result from performance of the

PublicStuff in providing the PublicStuff Services.

accounts.publicstuff.com as updated from time to time.

"You" or "Your" means the Municipality or other legal or governmental entity for which you are accepting this Agreement.

"Users" means individuals who are authorized by You to use the PublicStuff Services and who have been supplied user identifications and passwords by You (or by Us at Your request). Users may include but are not limited to Your employees, consultants, contractors and agents.

"Your Data" means all electronic data or information submitted by You to the PublicStuff Services.

2. PUBLICSTUFF SERVICES

2.1 Order Schedules. These Terms and Conditions will be implemented through one or more written orders that reference this Agreement and contain such other information as Your contact information, the PublicStuff Services to be accessed, any third-party applications to be accessed, subscription fees, implementation services, the term and agreed-upon termination provisions. Any change to the terms of this Agreement within an Order Schedule will apply only to the PublicStuff Service described therein. PublicStuff may provide the PublicStuff Services directly, or indirectly using contractors or other third party vendors or service providers. PublicStuff agrees that it shall be fully responsible for performance of PublicStuff Services for You by any such third party contractors, vendors or service providers.

functionality of the PublicStuff Services.

2.3 Analytics. PublicStuff hereby grants You all necessary rights to access and analyze PublicStuff Data, solely via the PublicStuff Services during the term defined in the applicable Order Schedule.

2.4 Third-Party Products and Services. PublicStuff may offer Third-Party Applications for sale under Order Schedules. Any other acquisition by You of Third-Party Applications, and any exchange of data between You and any third-party provider, is solely between You and the applicable third-party provider. PublicStuff does not warrant or support third-party products or services, except as specified in an Order Schedule. No purchase of third-party products or services is required to use the PublicStuff Services.

PublicStuff Services. Subject to these terms and conditions and the Order Schedules,

PublicStuff will use commercially reasonable efforts to operate and host the Platform in connection with making the PublicStuff Services available to Customer in accordance with the service levels which can be accessed on our website at http://www.publicstuff.com/terms as amended, from time to time. PublicStuff reserves the right to modify the PublicStuff Services (in whole or in part) at any time, provided that PublicStuff will not materially reduce the

2.2

2.5.

Applications for use with the PublicStuff Services, You acknowledges that PublicStuff may allow providers of those Third-Party Applications to access Your content as required for the interoperation of such Third-Party Applications with the PublicStuff Services. PublicStuff shall not be responsible for any disclosure, modification or deletion of Your content resulting from any such access by Third-Party Application providers.

2.6 Availability of Third Party Applications. PublicStuff Service features that interoperate

Third-Party Applications and Customer Content. If You install or enable Third-Party

inclusion in the PublicStuff Services, PublicStuff may cease providing such Third Party Applications without entitling You to any refund, credit, or other compensation.

with Third Party Applications depend on the continuing availability of such Third Party Applications. If such Third Party Applications cease to be available on reasonable terms for

- 2.7 Support. PublicStuff will use commercially reasonable efforts to provide You with the necessary technical support and updates for the PublicStuff Services.
- 2.8 Limitations. PublicStuff will not be responsible or liable for any failure in the PublicStuff Services resulting from or attributable to (a) usage in excess of the usage for which You have ordered pursuant to an applicable Order Schedule, (b) failures in any telecommunications, network or other service or equipment that are not within PublicStuff's

PublicStuff's negligence or willful misconduct.

2.9 Privacy. PublicStuff shall collect, process and store personally identifiable information in accordance with PublicStuff's privacy policy located at http://www.publicstuff.com/privacy.

reasonable control, (c) Your negligence, acts or omissions, (d) any force majeure or other cause beyond PublicStuff's reasonable control, or (e) unauthorized access, breach of firewalls or other hacking by third parties, except to the extent such access, breach or hacking is caused by

2.10 User Subscriptions. Unless otherwise specified in the applicable Order Confirmation, (i) Services are purchased as User subscriptions and may be accessed by no more than the specified number of Users, (ii) additional User subscriptions may be added during the applicable subscription term at the same pricing as that for the pre-existing subscriptions thereunder, prorated for the remainder of the subscription term in effect at the time the additional User subscriptions are added, and (iii) the added User subscriptions shall terminate on the same date

as the pre-existing subscriptions. User subscriptions are for designated Users only and cannot be shared or used by more than one User but may be reassigned to new Users replacing former

3. FEES AND PAYMENTS

Users.

- 3.1 Fees. You agree to pay PublicStuff all fees and expenses in the amounts and at the times specified in the applicable Order Schedule.
- 3.2 Payment Terms. Unless specified otherwise or subject to a good faith dispute, all amounts due hereunder shall be paid in full (without deduction, set-off or counterclaim) within
- 45 days after Your receipt of invoice in US dollars at PublicStuff's address or to an account specified by PublicStuff.3.3. Overdue Charges. If any charges are not received from You by the due date, then at Our
- 3.3. Overdue Charges. If any charges are not received from You by the due date, then at Our discretion, (a) such charges may accrue late interest at the rate of 1.5% of the outstanding balance per month, or the maximum rate permitted by law, whichever is lower, from the date such payment was due until the date paid, and/or (b) We may condition future subscription
- 3.4. Suspension of Service and Acceleration. If any amount owing by You under this or any other agreement for Our services is 30 or more days overdue, We may, without limiting Our

renewals and Order Confirmations on payment terms shorter than those specified above.

other agreement for Our services is 30 or more days overdue, We may, without limiting Our other rights and remedies, accelerate Your unpaid fee obligations under such agreements so that all such obligations become immediately due and payable, and suspend Our services to You until such amounts are paid in full.

4. PROPRIETARY RIGHTS

3.1

hereunder, no other license is granted, no other use is permitted and PublicStuff (and its licensors) shall retain all rights, title and interests (including all intellectual property and proprietary rights) in and to the PublicStuff Services.

3.2 Customer Content. You shall own all rights in all content and data created or provided

PublicStuff Services. Except for the limited rights and licenses expressly granted to You

by You, subject to the rights and licenses granted herein. During the term of this Agreement, You hereby grant PublicStuff and its successors a worldwide royalty-free, nonexclusive, sublicensable right and license to exploit and use Your content in connection with the provision or exploitation of the PublicStuff Services.

3.3 Restrictions. Except as expressly permitted in this Agreement, You shall not directly or

indirectly (a) use any of PublicStuff's Confidential Information (as defined herein) to create any service, software, documentation or data that is similar to any aspect of the PublicStuff Services, provided that the foregoing does not prohibit independent development of similar functionality

by You or third parties, (b) disassemble, decompile, reverse engineer or use any other means to attempt to discover any source code of the Platform, or the underlying ideas, algorithms or trade secrets therein, (c) encumber, sublicense, transfer, rent, lease, time-share or use the PublicStuff Services in any service bureau arrangement or otherwise for the benefit of any third party, (d) copy, distribute, manufacture, adapt, create derivative works of, translate, localize, port or otherwise modify any aspect of the PublicStuff Services, (e) use or allow the transmission, transfer, export, re-export or other transfer of any product, technology or information it obtains or learns pursuant to this Agreement (or any direct product thereof) in violation of any export control or other laws and regulations of the United States or any other relevant jurisdiction or (f) permit any third party to engage in any of the foregoing proscribed acts.

5. CONFIDENTIALITY

Each party agrees that the business, technical and financial information, that is designated in writing as confidential, or is disclosed in a manner that a reasonable person would understand the confidentiality of the information disclosed, shall be the confidential property of the disclosing party and its licensors ("Confidential Information"). Confidential Information does not include information that (a) is previously rightfully known to the receiving party without restriction on disclosure, (b) is or becomes known to the general public, through no act or omission on the part

of the receiving party, (c) is disclosed to the receiving party by a third party without breach of any separate nondisclosure obligation, or (d) is independently developed by the receiving party. Except as expressly and unambiguously allowed herein, the receiving party will hold in

disclosing party, and receiving party will make no further use of such materials. If required by law, the receiving party may disclose Confidential Information of the disclosing party, but will give adequate prior notice of such disclosure to the disclosing party to permit the disclosing party to intervene and to request protective orders or other confidential treatment therefor.

6. LIMITED WARRANTY AND DISCLAIMERS

confidence and not use or disclose any Confidential Information and shall similarly bind its employees, consultants, and independent contractors. Upon the expiration or termination of this Agreement, all of the Confidential Information (including any copies) will be returned to the

- 6.1 General. Each party represents and warrants that: (a) it is a duly organized and validly existing under the laws of the jurisdiction in which it is organized; (b) it has full power and authority, and has obtained all approvals, permissions and consents necessary, to enter into this
- authority, and has obtained all approvals, permissions and consents necessary, to enter into this Agreement and to perform its obligations hereunder; (c) this Agreement is legally binding upon it and enforceable in accordance with its terms; and (d) the execution, delivery and performance of this Agreement does not and will not conflict with any agreement, instrument, judgment or understanding, oral or written, to which it is a party or by which it may be bound.
- provided in a professional and workmanlike manner; (ii) the PublicStuff Services will perform in accordance with the documentation in all material respects; (iii) the PublicStuff Services as delivered by PublicStuff do not contain any Trojan horses, worms, or undocumented disabling devices; and (iv) PublicStuff scans the PublicStuff Services and the hosted environment for known viruses using industry standard virus detection techniques.

PublicStuff. PublicStuff warrants to Customer that (i) the PublicStuff Services will be

- 6.3 Disclaimers. PUBLICSTUFF DOES NOT WARRANT THAT THE PUBLICSTUFF SERVICES WILL MEET YOUR REQUIREMENTS OR RESULT IN ANY OUTCOME, OR THAT THEIR OPERATION WILL BE UNINTERRUPTED OR ERROR-FREE. TO THE FULLEST EXTENT PERMITTED BY LAW, PUBLICSTUFF HEREBY DISCLAIMS (FOR ITSELF AND ITS SUPPLIERS) ALL OTHER WARRANTIES, WHETHER EXPRESS OR
- IMPLIED, ORAL OR WRITTEN, WITH RESPECT TO THE PUBLICSTUFF SERVICES INCLUDING, WITHOUT LIMITATION, ALL IMPLIED WARRANTIES OF TITLE, NON-INFRINGEMENT, QUIET ENJOYMENT, INTEGRATION, MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE AND ALL WARRANTIES ARISING FROM ANY COURSE OF DEALING, COURSE OF PERFORMANCE OR USAGE OF TRADE.

7. INDEMNIFICATION

6.2

7.1 Infringement. Except as provided below, PublicStuff agrees to (a) defend You against any claim by a third party that the PublicStuff Service infringes a valid US patent (issued as of

7.2 Exclusions. PublicStuff shall have no liability or obligation hereunder with respect to any claim based upon (a) use of any PublicStuff Service in an application or environment or on a platform or with devices for which it was not designed or contemplated, (b) modifications, alterations, combinations or enhancements of the PublicStuff Service not created by or for

PublicStuff (c) any of your content, (d) any portion of the PublicStuff Service that implements Your requirements, (e) Your continuing allegedly infringing activity after being notified thereof or its continuing use of any version after being provided modifications that would have avoided the alleged infringement or (f) any intellectual property right in which You or any of its affiliates

the Effective Date), or any copyright or trade secret, of such third party and (b) indemnify You for settlement amounts or damages, liabilities, costs and expenses (including reasonable attorneys' fees) awarded and arising out of such claim. If any PublicStuff Service becomes or, in PublicStuff's opinion, is likely to become the subject of any injunction preventing its use as contemplated herein, PublicStuff may, at its option (i) obtain for You the right to continue using the PublicStuff Service or (ii) replace or modify the PublicStuff Service so that it becomes non-infringing without substantially compromising its principal functions. If (i) and (ii) are not reasonably available to PublicStuff then it may (iii) terminate this Agreement upon written notice to You and refund to You any PublicStuff Service fees that were pre-paid for the then current

7.3 Procedures. Any claim for indemnification hereunder requires that (a) the indemnified party provides prompt written notice of the claim and reasonable cooperation, information, and assistance in connection therewith, and (b) the indemnifying party shall have sole control and authority to defend, settle or compromise such claim. The indemnifying party shall not make any settlement that requires a materially adverse act or admission by the indemnified party without the indemnified party's written consent (such consent not to be unreasonably delayed,

conditioned or withheld). The indemnifying party shall not be liable for any settlement made

7.4 Entire Liability. The foregoing states the entire liability of PublicStuff and Your exclusive remedy, with respect to any actual or alleged violation of intellectual property rights by the PublicStuff Services, any part thereof or its use or operation.

8. **LIMITATION OF LIABILITY**

without its prior written consent.

term, pro-rated for the remainder thereof.

has an interest.

EXCEPT FOR ANY BREACH OF SECTION 5 (CONFIDENTIALITY), INDEMNIFICATION OBLIGATIONS PURSUANT TO SECTION 7 OR A PARTY"S GROSS NEGLIGENCE OR WILFULL MISCONDUCT, IN NO EVENT SHALL EITHER PARTY BE LIABLE

CONCERNING THE SUBJECT MATTER OF THESE TERMS AND CONDTIONS OR ANY

AGGREGATE, IN EXCESS OF THE AMOUNT PAID TO IT (IN THE CASE OF PUBLICSTUFF) OR PAID AND PAYABLE BY IT (IN THE CASE OF YOU) HEREUNDER DURING THE PREVIOUS 12 MONTHS, EVEN IF IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

Term. These Terms and Conditions and each applicable Order Schedule shall commence

Effects of Termination. Upon any expiration or termination of any Order Schedule or the

ORDER SCHEDULE, REGARDLESS OF THE FORM OF ANY CLAIM OR ACTION (WHETHER IN CONTRACT, NEGLIGENCE, STRICT LIABILITY OR OTHEREWISE), FOR ANY (A) LOSS OR INACCURACY OF DATA, LOSS OR INTERRUPTION OF USE, OR COST OF PROCURING SUBSTITUTE TECHNOLOGY, GOODS OR SERVICES, (B) INDIRECT, PUNITIVE, INCIDENTAL, RELIANCE, SPECIAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES INCLUDING, BUT NOT LIMITED TO, LOSS OF BUSINESS, REVENUES, PROFITS AND GOODWILL OR (C) DAMAGES IN THE

TERM AND TERMINATION

9.

9.1

9.3

- upon your acceptance of the Terms and Conditions and each Order Schedule and shall continue in effect until terminated in accordance with the Order Schedule.
- in effect until terminated in accordance with the Order Schedule.9.2 Termination. This Agreement may be terminated (in whole, or in respect of any Order
- Schedule) by a party (a) if the other party materially breaches a provision of these Terms and Conditions or the applicable Order Schedule and fails to cure such breach within 30 days (10 days in the case of non-payment) after receiving written notice of such breach from the non-breaching party or (b) as otherwise set forth in the Order Schedule.

termination of these Terms and Conditions, all corresponding rights, obligations and licenses of

6 (Limited Warranty and Disclaimers), 7 (Indemnification), 8 (Limitation of Liability),

- the parties shall cease, except that (a) all obligations that accrued prior to the effective date of termination (including without limitation, all payment obligations) shall survive and (b) the provisions of Sections 3 (Fees and Payments), 4 (Proprietary Rights), 5 (Confidentiality),
- 10. GENERAL PROVISIONS
- 10.1 Entire Agreement. These Terms and Con

10 (General Provisions) and this Section 9.3 shall survive.

10.1 Entire Agreement. These Terms and Conditions (including the Order Schedules) constitutes the entire agreement, and supersedes all prior negotiations, understandings or agreements (oral or written), between the parties regarding the subject matter of these Terms and Conditions (and all past dealing or industry custom). Any inconsistent or additional terms on

any related writing or similar form, even if signed by the parties hereafter, shall have no effect under these Terms & Conditions. PublicStuff reserves the right to change these Terms and

Conditions from time to time upon written notice to You. The failure of either party to enforce its rights under these Terms and Conditions at any time for any period will not be construed as a waiver of such rights, and the exercise of one right or remedy will not be deemed a waiver of any other right or remedy. If any provision of these Terms and Conditions is determined to be illegal or unenforceable, that provision will be limited or eliminated to the minimum extent necessary so that these Terms and Conditions will otherwise remain in full force and effect and enforceable.

Prevailing Party. In any action or proceeding to enforce these Terms and Conditions, the 10.2 prevailing party will be entitled to recover from the other party its costs and expenses (including reasonable attorneys' fees) incurred in connection with such action or proceeding and enforcing any judgment or order obtained.

10.3

- Remedies. Except as specifically provided otherwise herein, each right and remedy in these Terms and Conditions is in addition to any other right or remedy, at law or in equity. Each party agrees that, in the event of any breach or threatened breach of Section 4 or 5, the nonbreaching party will suffer irreparable damage for which it will have no adequate remedy at law. Accordingly, the non-breaching party shall be entitled to injunctive and other equitable remedies to prevent or restrain such breach or threatened breach, without the necessity of posting any bond.
- Notices. All notices under these Terms and Conditions will be in writing, in English and 10.4 delivered to the parties at their respective addresses stated herein or at such other address designated by written notice. Notices will be deemed to have been duly given when received, if personally delivered; when receipt is electronically confirmed, if transmitted by facsimile; the day after being sent, if sent for next day delivery by recognized overnight delivery service; or upon receipt, if sent by certified or registered mail, return receipt requested.
- 10.5 Force Majeure. In the event that either party is prevented from performing, or is unable to perform, any of its obligations under these Terms and Conditions and Order Schedule(s) (except payment obligations) due to any cause beyond its reasonable control, the affected party shall give written notice thereof to the other party and its performance shall be extended for the period of delay or inability to perform due to such occurrence.
- Publicity. Neither party shall use the other party's trademarks, trade names or make any 10.6 public statements concerning the relationship between the parties without the other party's prior written consent, which will not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, You hereby grant to PublicStuff the right to use, reproduce and publish, Your name, trademarks, service marks, brand names and brand marks in connection with advertising, marketing and sales.

to be unreasonably withheld, conditioned or delayed. However, without consent, either party may assign their rights and obligations hereunder to any successor to all or substantially all of its business (whether by sale of assets or equity, merger, consolidation or otherwise). These Terms and Conditions shall be binding upon, and inure to the benefit of, the successors, representatives and permitted assigns of the parties hereto. Independent Contractors. The parties shall be independent contractors, and nothing 10.8 herein will constitute either party as the employer, employee, agent or representative of the other party, or both parties as joint venturers or partners for any purpose.

not be assigned, in whole or in part, by either party without the other party's written consent, not

Assignment. These Terms and Conditions and the rights and obligations hereunder may

10.9 Anti-Corruption. You have not received or been offered any illegal or improper bribe, kickback, payment, gift, or thing of value from any of Our employees or agents in connection with these Terms and Conditions. If You learn of any violation of the above restriction, You agree to contact us immediately.

CITY OF McALLEN STANDARDIZED RECOMMENDATION FORM

UTILI1	COMMISSION IY BOARD NING & ZONING BOARD	<u>X</u>	DATE	NDA ITEM E SUBMITTEI TING DATE	D <u>07-1</u> 0 07-2	<u>6-13</u>
1.	Agenda Item: RESOLU the Apache Foundation F			ssion of a gra	ant appl	lication to
2.	Party Making Request: 9	Carla M. Rodri	guez, Directo	r of Grant Ad	<u>Iministra</u>	ation_
3.	Nature of Request: (Brief	f Overview) At	achments: _	YesX_	No	
	The Apache Tree Grant storm and hail damage, a 2006, the Foundation organizations across for universities, and homeover	and enhancing has awarde urteen states	cities throughd trees to including sch	n the donation more than	on of tre	es. Since non-profit
	The Public Works – Urba which will be planted in Department will work wi planting, and maintenant receive trees. The tree go City of McAllen website.	neighborhood th neighborhood ice of the tree iveaway will be	Is throughout od homeowne s. All McAlle announced	the City. TI er's associat en citizens v through soci	he Publ tions for will be e	lic Works pick up, eligible to
4.	Policy Implication: Non	ie				
5.	Budgeted:Yes	No	_XN\A			
6.	Alternate Option/Costs:					
7.	Routing: NAME/TITLE	INITIAL	DATE	CONCUR	RENCE	
	Carlos Sanchez, Director Public Works	r	07/16/13	Yes		
8.	Staff Recommendation:	Motion to app	rove submissi	on of the gra	ant appli	ication.
9.	Advisory Board:	Approved	Dis	approved		_None
10.	City Attorney:	Approved	Dis	approved	GH	_None
11	City Manager : MI	DD Approved	Die	annroved		None



CITY OF MCALLEN GRANT ADMINISTRATION OFFICE MEMORANDUM

To: Mike R. Perez, City Manager

From: Carla M. Rodriguez, Director of Grant Administration

Date: July 16, 2013

Subject: Grant Submission to the Apache Foundation

GOAL: Authorize the submission of a grant application to the Apache Foundation FY13, Tree Grant Program.

BRIEF EXPLANATION OF THE ITEM: The mission of the Apache Foundation is to blend the company's philanthropic and environmental stewardship to enhance communities and address some of the world's pressing issues. The Apache Tree Grant Program focuses on improving wildlife habitats, restoring storm damage, and enhancing cities and neighborhoods. Since 2006, the Foundation has awarded trees to more than 250 non-profit organizations across fourteen states including schools, cities, counties, parks, universities, and homeowner's associations.

The Public Works – Urban Forestry Division is requesting 1,000 five gallon trees from the Apache Tree Grant Program which will be planted in neighborhoods throughout the City. The Public Works Department will work with neighborhood homeowner's associations for pick up, planting, and maintenance of the trees. All McAllen citizens will be eligible to receive trees. The tree giveaway will be announced through social media and the City of McAllen website. There is no local match required.

OPTIONS:

Option 1: Approving the submission of the grant application will allow the Public Works – Urban Forestry Division to receive 1,000 five gallon trees which will provide needed tree canopy for the City of McAllen.

Option 2: Not approving the submission of the grant application will result in the loss of an opportunity to receive the trees.

RECOMMMENDATION: Staff recommends submission of the application.

RESOLUTION NO. 2013-

AUTHORIZING	THE	SUBMISSION	OF	Α	GRANT	APPLICATION	TO	THE	APACHE
FOUNDATION F	Y13, ⁻	TREE GRANT P	ROG	RA	М.				

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McALLEN

Kevin D. Pagan, City Attorney

WHEREAS, the Apache Foundation is a corporate foundation which focuses on improving wildlife habitats, restoring storm damage, and enhancing cities and neighborhoods; and

WHEREAS, the Foundation purchases and donates native seedlings or young trees for beautification projects coordinated by counties, municipalities, schools, churches, parks or other non-profits; and

WHEREAS, the Public Works – Urban Forestry Division is eligible to apply for and receive trees for neighborhood beautification projects from the Apache Foundation.

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

- The Grant Administration Office is hereby directed to submit one application to the Apache Foundation FY13, Tree Grant Program, for funding of 1,000 five gallon trees. No local match required.
- 2) Upon the approval of this application, the Mayor is authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.

CONSIDERED, PASSED, APPROVED AND SIGNED this 22nd day of July, 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	Jim Darling, Mayor
Approved as to form:	

STANDARDIZED RECOMMENDATION FORM										
UTILI	CITY COMMISSION X AGENDA ITEM 2d UTILITY BOARD DATE SUBMITTED 07/15/13 ADVISORY BOARD MEETING DATE 07/22/13									
1.	Agenda Item: REVISED INTERLOCAL AGREEMENT WITH HIDALGO COUNTY - WARE ROAD FROM 3 MILE TO 5 MILE									
2.	Party Making Request: Engineering Department									
3.	Nature of Request: (Brief Overview) Attachments: X YesNo									
	Consideration and approval of revised Interlocal Agreement with Hidalgo County for									
	development of Ware Road from 3 Mile to 5 Mile.									
4.	Policy Implication: City Commission Policy, Local Government Code.									
5.	Budgeted: X Yes No N/A									
	Funding Source: 300-8708-436-66.36 IR1203 \$200,000 (SUBJECT TO A BUDGET AMENDMENT)									
6.	Alternate Option/Costs:									
7.	Routing:									
	NAME/TITLE <u>INITIAL</u> <u>DATE</u> <u>CONCURRENCE</u>									
	a.) Yvette Barrera, P.E.,CFM, City Engineer 18 1/6 485									
	b.) Roel "Roy" Rodriguez, P.E.Asst. City Mgr									
	c.) Jerry Dale, CPA, Finance Director JD 7/16/13 YES									
	d.) Brent Branham, Deputy City Manager									
	e.) Kevin Pagan, City Attorney									
8.	Staff Recommendation: Approval of revised Interlocal Agreement with Hidalgo County for development of Ware Road from 3 Mile to 5 Mile.									
9.	Advisory Board: Approved Disapproved None									
10.	City Attorney: GH Approved Disapproved None									

11. Manager's Recommendation: MRPApproved ___Disapproved ___None



ENGINEERING DEPARTMENT MEMORANDUM

To:

Mike R. Perez, City Manager

From:

Yvette Barrera, PE, CFM, City Engineer ()

Date:

July 15, 2013

Subject: Revised Interlocal Agreement with Hidalgo County - Ware Road from 3 Mile

Line to 5 Mile Line

GOAL

Consideration and approval of revised Interlocal Agreement with Hidalgo County for development of Ware Road from 3 Mile Line to 5 Mile Line.

EXPLANATION

This agreement was originally submitted to City Commission in March of 2013. Since then, further coordination with Hidalgo County and Texas Department of Transportation (TxDOT) resulted in some necessary revisions to the agreement. A summary of the agreement is indicated below.

- The proposed project is an ultimate project of a six lane, limited access urban section with a raised landscaped median.
- The County will be the lead agent in the development of the project, be responsible
 for executing an Advanced Funding Agreement (AFA) with TxDOT for obtaining
 environmental clearance, acquiring the necessary right-of-way, adjustment of any
 compensable utilities. The County will also receive assistance from the Economically
 Disadvantaged Counties Program.
- The City will be responsible for executing an AFA with TxDOT for \$1,000,000 of local funding to be used towards construction. Any relocations of City owned, noncompensable, utilities will be borne by the City.

TxDOT will provide schematic, plans, specifications, estimates, construction documents, construction management and will cover cost overruns. The total project is estimated at \$12 million with funding of the project assembled through Federal Highway Administration (FHWA), TxDOT, Hidalgo County Metropolitan Planning Organization, City and County.

OPTIONS

Approve or reject Interlocal Agreement with Hidalgo County.

RECOMMENDATION

Based on review by this office, staff recommends approval of Interlocal Agreement with Hidalgo County.

STATE OF TEXAS SCOUNTY OF HIDALGO

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF HIDALGO AND THE CITY OF MCALLEN

This Agreement is made on this the	day of	, 2013, by and between the
CITY OF McALLEN, hereinafter referred to	as "City", and HID	ALGO COUNTY, hereinafter
referred to as "County", pursuant to the provi	sions of the Texas	Interlocal Cooperation Act, as
follows:		

WITNESSETH:

WHEREAS, City, Texas Department of Transportation and County, through Precinct No. 4 are desirous of improving Ware Road from 3 Mile Line, northward to 5 Mile Line (the "Road");

WHEREAS, City, County and Texas Department of Transportation desire to widen the existing Road from a two lane rural section to a six lane, limited access urban section (the "Project");

be used for the construction of the Road improvements; and

WHEREAS, County has committed to acquire the right of way and providing the

WHEREAS, City has committed the amount of One Million Dollars (\$1,000,000.00) to

environmental assessment to gain environmental clearance as required by the Texas Department of Transportation; and

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

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

1. County will act as lead agency to complete the improvements, and will enter into Advance Funding Agreement with the Texas Department of Transportation for environmental document, right-of-way map and right-of-way services, and also will enter into a Advance Funding Agreement with the Texas Department of Transportation, for the purpose of right-of-way acquisition, adjustments of compensable utilities and to receive the assistance of the Economically Disadvantaged Counties Program, for the Project. Following completion of the Project County will have no further obligations with respect to the Road including but not limited to maintenance.

3. City will enter into an Advanced Funding Agreement with the Texas Department of Transportation to contribute One Million Dollars (\$1,000,000.00) to be used for the Road construction from 3 Mile Line north to 5 Mile Line.

2. City will be responsible for relocation of any City owned, non-compensable

utilities, but will have no responsibility for any cost overruns.

- 4. This Agreement is effective on the date on which the last party to this Agreement executed the Agreement.5. Pursuant to Tex. Trans. Code 251.012, City authorizes County to perform the
- work and services described herein within its corporate city limits.

 6. The County agrees it is in its best interest to provide such assistance to City as described herein, as such Road serves as a connecting link and integral part of the County road system.

7. County has determined that County will receive benefit from the improvement

8. Conflict with Applicable Law. Nothing in this Agreement shall be construed

to the Road.

so as to require the commission of any act contrary to law, and whenever there is any conflict between and provision of their Agreement and any present or future law, ordinance or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event the affected provision or provision of this Agreement shall be modified only to the extent

necessary to bring them within the legal requirements and only during the

- times such conflicts exists.
 No Waiver. No waiver by any party hereto of any breach of any provision of the Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.
- 10. Entire Agreement. This Agreement contains the entire contract between the parties hereto, and each party acknowledges that neither has made (either directly or through any agent or representative) any representation or agreement in connection with this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing
- agreement in connection with this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing executed by City and County, and not otherwise.

 11. Texas Law to Apply. This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the

parties created hereunder are performable in Hidalgo County, Texas. The

all notices, demands, requests or communication required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return

specified by written notice and delivered in accordance herewith:

Attention: City Manager

City of McAllen

If to City:

Agreement.

receipt requested, postage prepaid and addressed to the parties at the addresses set forth below, or at such other addresses as may have been theretofore

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

parties hereby consent to personal jurisdiction in Hidalgo County, Texas.

- P. O. Box 220
 McAllen, Texas 78505-0220

 If to County: Hidalgo County
 Attention: County Judge
 P. O. Box 1356
 Edinburg, Texas 78540
- all purposes at such time as it is personally delivered to the addressee or, if mailed, at such time as it is deposited in the United States Mail.

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

Each notice, demand, request or communication which shall be delivered or mailed in the manner described above shall be deemed sufficiently given for

- 14. Successors. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.15. Assignment. This Agreement shall not be assignable.
- 15. Assignment. This Agreement shall not be assignable.16. Headings. The headings and captions contained in this Agreement are solely for convenient reference and shall not be deemed to affect the meaning or
- for convenient reference and shall not be deemed to affect the meaning or interpretation of any provision or paragraph hereof.

 17. **Gender and Number**. All pronouns used in this Agreement shall include the other gender, whether used in the masculine, feminine or neuter gender, and
- 18. Authority to Execute. The execution and performance of this Agreement by City and District have been duly authorized by all necessary laws, resolutions

singular shall include the plural whenever and so often as may be appropriate.

	or corporate action, and this Agreement constitutes the valid and enforceable obligations of City and County in accordance with its terms.
19	Governmental Purpose. Each party hereto is entering into this Agreement for the purpose of providing for governmental services or functions and will pay for such services out of current revenues available to the paying party as herein provided.
20	Commitment of Current Revenues Only. In the event that, during any term hereof, the governing body of any party does not appropriate sufficient funds to meet the obligations of such party under this Agreement, then any party may terminate this Agreement upon ninety (90) days written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of each party hereto pursuant to the provisions of Tex.Loc.Govt.Code Ann. Sec. 271.903.

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

HIDALGO COUNTY

	By:Ramon Garcia, County Judge
ATTEST:	ramon salvia, sount, vauge
Arturo Guajardo, Jr., County Clerk	
	CITY OF McALLEN
	Ву:
TTEST:	Mike R. Perez, City Manager
nnette Villarreal, City Secretary	

APPROVED AS TO FORM:

Kevin D. Pagan, City Attorney

Stephen L. Crain, Attorney for Hidalgo County

	STANDARDIZED RECOMMENDATION FORM							
UTILIT	OMMISSION X SEBOARD SEBOARD	AGENDA ITEM 2e DATE SUBMITTED 07/15/13 MEETING DATE 07/22/13						
1.	Agenda Item: CONSIDERATION AND APPRO AGREEMENT WITH THE TEXAS DEPARTMENT ROAD FROM 3 MILE TO 5 MILE	VAL OF THE ADVANCED FUNDING OF TRANSPORTATION FOR WARE						
2.	Party Making Request: Engineering Department							
3.	Nature of Request: (Brief Overview) Attachments:	X Yes No						
	Consideration and approval of the Advanced Funding Department of Transportation for Ware Road from 3							
4.	Policy Implication:							
5.	Budgeted: X_YesNoN/A							
	Funding Source: 300-8708-436-66.36 IR12 (SUBJECT TO A BUDGET							
	TOTAL LOCAL FUNDS	\$ 1,000,000.00 due 60 days prior to advertising construction						
	PROJECT ESTIMATE	\$12,000,000.00						
6.	Alternate Option/Costs							
7.	Routing:							
	NAME/TITLE	INITIAL DATE CONCURRENCE						
	a.) <u>Yvette Barrera, P.E.,CFM, City Engineer</u>	4B 7/14B 4es						

a.)	Yvette Barrera, P.E., CFM, City Engineer	YB.	7/14/13	ye)
b.)	Roel "Roy" Rodriguez, P.E.Asst. City Mgr	RR	7/16/13	YES
c.)	Jerry Dale,CPA, Finance Director	JD	7/16/13	YES
d.)	Brent Branham, Deputy City Manager			

Kevin Pagan, City Attorney e.)

Staff Recommendation: Approve Advanced Funding Agreement with the Texas 8. Department of Transportation for Ware Road from 3 Mile to 5 Mile.

____Approved ___Disapproved ___None Advisory Board: 9.

GH_Approved ___Disapproved City Attorney: 10.

___Disapproved __None Manager's Recommendation: MRP Approved 11.



ENGINEERING DEPARTMENT MEMORANDUM

To:

Mike R. Perez, City Manager

From:

Yvette Barrera, PE, CFM, City Engineer

Date:

July 15, 2013

Subject: Consideration and Approval of Advanced Funding Agreement – Ware Road

from 3 Mile to 5 Mile

GOAL

Consideration and approval of the Advanced Funding Agreement (AFA) for Ware Road from 3 Mile to 5 Mile.

EXPLANATION

An interlocal agreement was originally submitted to City Commission in March of 2013. Since then, further coordination with Hidalgo County and Texas Department of Transportation (TxDOT) resulted in an Advanced Funding Agreement to be executed with TxDOT and a revised Interlocal Agreement with the County. A summary of the AFA is indicated below.

- The proposed project is an ultimate project of a six lane, limited access urban section with a raised landscaped median.
- The City will be responsible for \$1,000,000 of fixed local funding to be used towards construction. The local funds will be due 60 days prior to advertising the construction project.
- TxDOT will provide schematic, plans, specifications, estimates, construction documents, contract administration, construction management and will cover cost overruns.

The total project is estimated at \$12 million with funding of the project assembled through Federal Highway Administration (FHWA), TxDOT, Hidalgo County Metropolitan Planning Organization, City and County. Letting is anticipated for January 2016.

OPTIONS

Approve or disapprove Advanced Funding Agreement for Ware Road from 3 Mile to 5 Mile.

RECOMMENDATION

Based on review by this office, staff recommends approval of the Advanced Funding Agreement with the Texas Department of Transportation for the Ware Road Project from 3 Mile to 5 Mile.

Project: FM 2220 from Mile 5

To FM 1924

STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH

THIS AGREEMENT is made by and between the State of Texas, acting by and 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."

WITNESSETH

WHEREAS, Transportation Code, Chapters 201, 221, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads, and highways that comprise the State Highway System: and.

WHEREAS, Government Code, Chapter 791, and Transportation Code, §201.209 and Chapter 221, authorize the State to contract with municipalities and political subdivisions; and,

WHEREAS, Commission Minute Order Number <u>113250</u> authorizes the State to undertake and complete a highway improvement generally described as the widening of FM 2220 to 6 lanes; and,

WHEREAS, the Local Government has requested that the State allow the Local Government to participate in said improvement by funding that portion of the improvement described as <u>the</u> widening of FM 2220 from Mile 5 Road to FM 1924, called the "Project"; and,

WHEREAS, the State has determined that such participation is in the best interest of the citizens of the State;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, the State and the Local Government do agree as follows:

AGREEMENT

1. Time Period Covered

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed, and the State and the Local Government will consider it to be in full force and effect until the Project described in this agreement has been completed and accepted by all parties or unless terminated, as provided for by this agreement.

2. Project Funding and Work Responsibilities

A. The State will authorize the performance of only those Project items of work which the Local Government has requested and has agreed to pay for as described in Attachment A, Payment Provision and Work Responsibilities which is attached to and made a part of this contract. In addition to identifying those items of work paid for by payments to the State,

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Project: FM 2220 from Mile 5
To FM 1924

Attachment A, Payment Provision and Work Responsibilities, also specifies those Project items of work that are the responsibility of the Local Government and will be carried out and completed by the Local Government, at no cost to the State.

- B. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs.
- C. In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.
- D. Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied by the State to the Project. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.

3. Right of Access

If the Local Government is the owner of any part of the Project site, the Local Government shall permit the State or its authorized representative access to the site to perform any activities required to execute the work.

4. Adjustments Outside the Project Site

The Local Government will provide for all necessary right of way and utility adjustments needed for performance of the work on sites not owned or to be acquired by the State.

5. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

6. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the local government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Project: FM 2220 from Mile 5
To FM 1924

7. Interest

The State will not pay interest on funds provided by the Local Government. Funds provided by the Local Government will be deposited into, and retained in, the State Treasury.

8. Inspection and Conduct of Work

Unless otherwise specifically stated in Attachment A, Payment Provision and Work Responsibilities, to this contract, the State will supervise and inspect all work performed hereunder and provide such engineering inspection and testing services as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications. All correspondence and instructions to the contractor performing the work will be the sole responsibility of the State. Unless otherwise specifically stated in Attachment A to this contract, all work will be performed in accordance with the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges adopted by the State and incorporated in this agreement by reference, or special specifications approved by the State.

9. Increased Costs

- A. In the event it is determined that the funding provided by the Local Government will be insufficient to cover the State's cost for performance of the Local Government's requested work, the Local Government will pay to the State the additional funds necessary to cover the anticipated additional cost. The State shall send the Local Government a written notification stating the amount of additional funding needed and stating the reasons for the needed additional funds. The Local Government shall pay the funds to the State within thirty (30) days of the written notification, unless otherwise agreed to by all parties to this agreement. If the Local Government cannot pay the additional funds, this contract shall be mutually terminated in accordance with Article 11 Termination. If this is a fixed price agreement as specified in Attachment A, Payment Provision and Work Responsibilities, this provision shall only apply in the event changed site conditions are discovered or as mutually agreed upon by the State and the Local Government.
- B. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

10. Maintenance

Upon completion of the Project, the State will assume responsibility for the maintenance of the completed Project unless otherwise specified in Attachment A to this agreement.

11. Termination

- A. This agreement may be terminated in the following manner:
 - 1. By mutual written agreement and consent of both parties;

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Project: FM 2220 from Mile 5
To FM 1924

- 2. By either party upon the failure of the other party to fulfill the obligations set forth in this agreement; or
- 3. By the State if it determines that the performance of the Project is not in the best interest of the State.
- **B.** If the agreement is terminated in accordance with the above provisions, the Local Government will be responsible for the payment of Project costs incurred by the State on behalf of the Local Government up to the time of termination.
- C. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due to the Local Government, the State, or the Federal Government will be promptly paid by the owing party.

12. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

Local Government:	State:
Mayor	Director of Contract Services Office
City of McAllen	Texas Department of Transportation
PO Box 220	125 E. 11 th Street
McAllen, Texas 78505	Austin, Texas 78701

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided in this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

13. Sole Agreement

In the event the terms of the agreement are in conflict with the provisions of any other existing agreements between the Local Government and the State, the latest agreement shall take precedence over the other agreements in matters related to the Project.

14. Successors and Assigns

The State and the Local Government each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement.

15. Amendments

By mutual written consent of the parties, this agreement may be amended prior to its expiration.

Project: FM 2220 from Mile 5
To FM 1924

16. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

17. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately and the State may recover damages and all costs of completing the work.

18. Signatory Warranty

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

Project: FM 2220 from Mile 5 To FM 1924

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
District Engineer

Date

Project: FM 2220 from Mile 5
To FM 1924

ATTACHMENT A PAYMENT PROVISION AND WORK RESPONSIBILITIES

The Local Government will contribute \$1,000,000 towards the construction of FM 2220 from Mile 5 Road to FM 1924.

Description	To	otal Estimated Cost	III	Fede	eral pation]	 ate pation	Local	Par	ticipation
			%		Cost	%	Cost	%		Cost
Construction	\$	1,000,000	0%	\$	0	0%	\$ 0	100%	\$1,	000,000
Subtotal	\$	1,000,000		\$	0		\$ 0		\$1,	,000,000
Construction Direct State Costs	\$	70,000	0%	\$	0	100%	\$ 70,000	0%	\$_	0
Indirect State Costs (7.27%)	\$	72,700	0%	\$	0	100%	\$ 72,700	0%	\$	0
Subtotal	\$	142,700		\$	0		\$ 142,700		\$	0
TOTAL	\$	1,142,700		\$	0		\$ 142,700		\$1	,000,000

Initial payment by the Local Government to the State: \$0
Payment by the Local Government to the State before construction: \$1,000,000

Maximum payment by the Local Government to the State: \$1,000,000

Construction Responsibilities

- A. The State shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. The State will use its approved contract letting and award procedures to let and award the construction contract.
- C. Prior to their execution, the Local Government will be given the opportunity to review contract change orders that will result in an increase in cost to the Local Government.

Project: FM 2220 from Mile 5

To FM 1924

D. Upon completion of the Project, the party constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion.

E. For federally funded contracts, the parties to this agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

AGENDA ITEM 2F HAS BEEN REMOVED FROM THE AGENDA

CITY OF MCALLEN STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION UTILITY BOARD		X AGENDA	ITEM IBMITTED	2 G 7-16-13
PLANNING & ZONING COMMISSI	ON		ING DATE	7-22-13
 Agenda Item: <u>Ordinance</u> Party Making Request: <u>Ke</u> 	vin D. Pagan,	City Attorney		
3. Nature of Request: (Brief CONSIDERATION AND POSTIME AND PLACE OF THE FOLIAGE OF THE FOLIAGE OF THE PROPERTY	SIBLE ACTIO BOARD OF CO	N ON ORDINANC OMMISSIONERS' N	E AMENDIN	
4. Policy implication.				
5. Budgeted:	YES	NO <u>X</u>	N/A	
Bid Amount: \$ Under Budget: \$ If over budget how will it b	oe paid for:	Budgeted Amou Over Budget: Amount Remain	\$	<u>I/A</u>
6. Alternate option/costs:				
7. Routing:				
NAME/TITLE	INITIAL	/ DATE	CONCUR	
a.) Kevin D. Pagan City Attorney b.)	<u>{</u>	7913	<u>YES/</u> <u>'Y//</u>	<u> </u>
8. Staff recommendation:				
9. Advisory Board:Ap	proved _	Disapproved	Non	e
10. City Attorney:	Approved _	Disapproved	None	e

_Disapproved

None

11. Manager's Recommendation: MRP Approved



CITY OF MCALLEN City Attorney's Office MEMORANDUM

Mayor and City Commissioners

Mike R. Perez, City Manager

Kevin D Pagan, City Attorney

Date: July 2, 2013

To:

Cc:

From:

Subject:

Ordinance Amending City Commission Meeting Time

Goal – To set the time and date of the regular meetings of the City Commission to be on the second and fourth Mondays of each month at

- 5:00 p.m.

 Options
 - regular City Commission meetings to be on the second and fourth Mondays of each month at 5:00 p.m.2. Disapprove the Proposed ordinance amending the meeting of the regular City Commission meetings to be on the second and

1. Approve the Proposed ordinance amending the meeting of the

Recommendation – The City Attorney's office recommends approval of the proposed amended ordinance.

fourth Mondays of each month at 5:00 p.m.

ORDINANCE NO. 2013 - _____ AN ORDINANCE OF THE CITY OF MCALLEN, TEXAS,

("CITY") AMENDING THE CODE OF ORDINANCES CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARD OF COMMISSIONERS, SECTION 2-36 TIME AND PLACE MEETINGS. BY AMENDING THE **FROM** THE **MEETINGS** AND SECOND FOURTH MONDAY OF EACH MONTH AT 6:00 P.M. TO THE SECOND AND FOURTH MONDAY OF EACH MONTH AT **EFFECTIVE PROVIDING FOR** P.M.: PROVIDING FOR SEVERABILITY; PROVIDING FOR **PUBLICATIONS**; OR ANY **OTHER PROVISIONS** RELATED TO THE SUBJECT MATTER THEREOF.

OF THE CITY OF McALLEN, TEXAS, THAT:

Article II. Board of Commissioners, Section 2-36 *Time and Place of Meeting* is hereby amended in its entirety to read as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS

Section I. The Code of Ordinances of the City of McAllen, Chapter 2, Administration,

(a) The regular meetings of the Board of Commissioners shall be held on the second and fourth Mondays of each month at 5:00 p.m. in the commission room at city hall or at

such other time decided by a majority vote of the Board of Commissioners so long as

- notice is posted seventy-two (72) hours prior to the meeting as required by Tex. Gov't Code Ann. § 551.043(a).
 - (b) Special meetings of the board of commissioners may be called by the mayor or any four commissioners by notifying the city secretary of the time, date and place of such

meetings, along with the agenda items to be placed on such meetings. Such notice must be given to the city secretary sufficiently in advance in order to post a notice of

such meeting at least 72 hours prior to the time of such meeting, unless an emergency

Publication of Ordinance.
Section V. The City Secretary of the City of McAllen is hereby authorized and
directed to cause the contents of Section I hereof to be published in the appropriate location in
the Code of Ordinances of the City of McAllen.
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 the extent this Ordinance is considered severable.
CONSIDERED, PASSED AND APPROVED this day of July, 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 552 of the Texas Government Code.
SIGNED this day of July, 2013.
CITY OF McALLEN, TEXAS
By:
James E. Darling, Mayor ATTEST:
By:
APPROVED AS TO FORM: Kevin D. Pagan, City Attorney
IXCYTED, I agail, Oily Altorney

amended in its entirety to read as follows: (a) On each regularly scheduled meeting of the board of commissioners at 5:00 p.m. or at such other time as may be designated by the city commission from time to time by minute order, the meeting of the board of commissioners shall be open for a maximum of 30 minutes to the general public for public comment with any individual desiring to speak having a limit of three minutes. The board of commissioners may not deliberate any matter brought before them during this public comment, nor may any action be taken on any matter brought before them except to place the matter on a later meeting date schedule. Such public comment shall be included as an agenda item by the city secretary. Persons desiring to speak during the 30 minute public comment session shall sign in before the time stated on the agenda for such purposes. The form for public comments shall be promulgated by the city secretary and be

made available to the public at each meeting.

exists, in which case, the specific emergency purposes as required by law will be

That the Code of Ordinances of the City of McAllen, Chapter 2,

This ordinance shall become effective on the regular scheduled meeting of

The City Secretary is hereby authorized and directed to cause the caption

of this ordinance to be published in a newspaper having general circulation in McAllen, Texas in

accordance with the provisions of the Code of Ordinances of the City of McAllen, Section 2-56.

forwarded to the city secretary for preparation of the agenda item.

Administration, Article II Board of Commissioners, Section 2-39 Sub-section (b) is hereby

Section II.

Section III.

Section IV.

the City Commission on August 12, 2013.

STANDARDIZED RECOMMENDATION FORM

UT PL	TY COMMISSION ILITY BOARD ANNING & ZONING BOARD THER	X	DATE	DA ITEM SUBMITTED ING DATE	- - -	2H 7/15/2013 7/22/2013
1	Agenda Item: Consideration a DBA Insight Ne		a deduct Change	Order #1 to	PO #30041 for Cal	ence LLC
2	Party Making Request:	LIBRARY				
3	Nature of Request: (Brief Overs Library requests consideration and DBA Insight Networking PO #300 reduction/savings.	id approval of Ch	ange Order #1 to		decrease to Calenc	
4	Policy Implication: City C	ommission app	roval.			
5	Budgeted: X Yes	No	N/A			
	Funding source: 350-8	708-466.66-10				
; 6	Alternate option costs:					
7	Routing: NAME/TITLE		INITIALS	<u>DATE</u>	CONCURRENCE YES/NO	
	a) Kate Horan, Library Director		KH	7/15/13	YES	
	b) Brent Branham, Deputy City	<u>Manager</u>				
	c) <u>Belinda Mercado, IT Directo</u>	<u>r</u>				
	d) <u>Sandra Zamora, CPM, Direct</u> <u>Purchasing & C</u>					
8	Staff Recommendation:		4,221.30 to \$316,2		to reflect the decrea	
9	Advisory Board: Appro	ved	_Disapproved		X_ None	
10	City Attorney:Appro	ved	_Disapproved		GH_None	
11	Manager's Recommendation:	MRP Approve	ed	Disapprove	ed _	None



To:

Mike R. Perez, City Manager

From:

Kathleen P. Horan, Library Director KH

CC:

Brent Branham, Deputy City Manager

Date:

7/11/2013

Re:

Deduct Change Order #1 to PO#30041 - project # 03-11-P35-01 E-Rate Information Technology Infrastructure Equipment – New Main Library

GOAL

Consider and approve deduct Change Order #1 for a reduction of \$17,957.23 to PO #30041 to Calence LLC DBA Insight Networking.

EXPLANATION

When PO 30041 was originally created in the amount of \$334,221.30 to Calence LLC DBA Insight Networking for infrastructure, the New Main Library had not yet been built. Since then, there have been some price reductions on the items ordered and some modifications (additional items ordered and other items deleted) for the equipment needed at the Main Library.

Original PO #30041	\$334,221.30
Adjustments	80 U 8 S
(net adjustments to increase in items)	\$8,774.00
No Bill	
(Credit for items not ordered or billed)	-\$26,731.23
Total Reduction/Savings	\$17,957.23
Total Invoices	
(includes both paid & unpaid)	\$316,264.07

The purchase order #30041 needs to be reduced to \$316,264.07 to reflect a \$17,956.23 reduction/savings.

OPTIONS

- Staff recommends approval of deduct Change Order #1.
- 2. Disapprove staff's recommendation of deduct Change Order #1.

RECOMMENDATION

Staff recommends approval of Change Order #1 to reflect the decrease in price on PO #30041 to Calence LLC DBA Insight Networking from \$334,221.30 to \$316,264.07.

STANDARDIZED RECOMMENDATION FORM

CI	TY COMMISSION	X AG	ENDA ITEM		2I
UT	ILITY BOARD	DA	TE SUBMITTE	D	7/15/2013
PL	ANNING & ZONING BOARD	ME	ETING DATE		7/22/2013
ОТ	HER				
	•	_			
1	Agenda Item: Consideration and app	oroval of the Federal W	orkstudy Agr	eement with the l	Jniversity of
	Texas - Pan American		, ,		
2	Party Making Request: LIBRAI	RY			
	, <u> </u>				
3	Nature of Request: (Brief Overview)	Attachments:	X Y	es No	
	With approval, the Library would hire stu		orkstudy progr	am for job placeme	ent at the
	Library. These students would work up		71 0	, ,	
4	Policy Implication: City Commiss	sion approval.			
	-	•			
5	Budgeted: X Yes	No N/A	1		
	Bid Amount:	Budgeted An	nount:	\$6,000	
	Under Budget:	Over Budget			<u></u>
		Amount Rem	aining:		_
					_
6	Alternate option costs:				
7	Routing:				
	NAME/TITLE	<u>INITIALS</u>	<u>DATE</u>	CONCURRENC	<u>:E</u>
				YES/NO	
	a) Kate Horan, Library Director	<u>KH</u>	7/15/13	YES	<u> </u>
	b) Brent Branham, Deputy City Manag	<u></u>			_
	c) Kevin Pagan, City Attorney	·			<u></u>
	d) Juan Gonzalez, Human Resources Dir	<u>ector</u>			_
_					
8		recommends appproval		Work Study agree	ments with the
	Univers	ity of Texas - Pan Amer	ican.		
^	Advisom: Doords Access	D:		V N	
9	Advisory Board: Approved	Disapproved		X None	
40	City Attornay	D:		OII Nama	
10	City Attorney:Approved	Disapproved		GH None	
11	Managaria Dagamman dation: 3500	Annroyed	Dicama	vod	Nana
1 1	Manager's Recommendation: MRP	Approved	Disappro	veu	None



To: Mike R. Perez, City Manager

From: Kathleen P. Horan, Library Director KH

CC: Brent Branham, Deputy City Manager

Date: 7/11/2013

Re: Federal Workstudy Agreement with the University of Texas – Pan American

GOAL

Consider and approve FY 2013-14 Federal Workstudy Agreement with the University of Texas – Pan American.

EXPLANATION

The Library has an opportunity to participate in the University of Texas – Pan American workstudy program by hiring college students on a part-time basis. The Library would cover 40% of the hourly wages for the workstudy students and UTPA covering the remaining 60%.

OPTIONS

- Staff recommends approval the Federal Workstudy agreement with UTPA.
- Disapprove staff's recommendation to approve the Federal Workstudy agreement at this time.

RECOMMENDATION

Staff recommends approval of the Federal Work-Study agreement with the University of Texas – Pan American.

Attachment



The University of Texas-Pan American

Student Financial Services

September 1, 2013 to August 31, 2014

FEDERAL WORK-STUDY AGREEMENT Community Service Agency

This Agreement is entered into between <u>The University of Texas-Pan American</u>, hereinafter known as the "Institution", with <u>City of McAllen</u>, hereinafter known as the "Agency", a Federal, State, or local public agency or private non-profit organization within the meaning of that term as defined in section 675 of the regulations governing the Federal Work-Study Program, for the purpose of providing work to students eligible to participate in the Federal Work-Study Program. This agreement shall become effective at the date the Institution approves this agreement and shall continue until its termination at the request of either party upon 30 days written notice to the other party.

Schedules to be attached to this agreement from time to time, bearing the signature of an authorized official of the Institution and of the Agency, will set forth brief descriptions of the work performed by students under this agreement, the total number of students to be employed, the hourly rate of pay, and the average number of hours per week each student will be utilized. These schedules will also state the total length of the time the project is expected to run and total percent, if any, of the non-federal/non-state share of student compensation that the Agency will pay to the Institution. The institution will inform the Agency of the maximum number of hours per week a student may work.

Students will be employed by the Institution and made available to the Agency by the Institution for performance of specified work assigned. Students may be removed from work on a particular assignment or from the Agency by the Institution, either on its own initiative or at the request of the Agency. The Agency agrees that no student will be denied work or subjected to different treatment under this agreement on the grounds of race, color, sex or national origin, and that it will comply with the provisions of the Civil Rights Act to 1964 (P.L. 88-352; 78 Stat. 252) and Title IX of the Education Amendment of 1972 (P.L. 92-318), and the Regulations of the Department of Education, which implements those Acts. The Agency further agrees that the students will be supervised by a permanent employee of the Agency who will give proper guidance and counseling to insure proper performance of services and will ensure accurate and timely reporting of time worked. The Agency will keep appropriate time records of all students employed. These time records will be attested to by authorized officials of the Agency as listed in a schedule attached to this agreement. Time summary cards will be submitted by email of one on the listed individuals to the Work-Study Coordinator's Office at the Institution on a monthly basis. The Agency will be responsible for the accuracy and timeliness of reported time worked, and accepts this responsibility as a requirement to participate in the program.

The Agency agrees that students placed with them to meet the Community Service expenditure requirement will directly perform duties in agency programs designed to improve the quality of life of <u>all</u> members of the community, primarily low-income individuals and/or provide support services to individuals with disabilities. Transportation for students to and from their work assignment will not be provided by either the Institution or Agency.

Students performing work on the project under this agreement will receive compensation of at least the required minimum set by the Federal Fair Labor Standard Act, to be paid by the Institution. All payments due as employer's contribution under Federal Social Security laws will be made by the Institution. The Agency will pay to the Institution an amount calculated to be 40% of the gross monthly earnings to cover the Agency's share of the compensation of students employed under this agreement. The Agency will be responsible for 100% of gross monthly earnings for time cards not submitted timely. The Agency further agrees to promptly remit payment to the Comptroller's Office upon receiving statement of said earnings.

The Institution shall be deemed the employer of students participating with the Agency and may provide Workman's Compensation in case of injuries the student receives on the job under this agreement. The Agency will be responsible for the direct supervision of work performed and will maintain and provide to the Institution the names and qualifications of Agency supervisors. The Institution will only accept time records from the Agency director/department head, and/or individuals they specifically designate.

Institution Representative:	Agency Representative:		
Name	Name		
TitleVice President for Business Affairs	Title Mayor		
Date	Date		

¹Under sections 675.20 and 675.22 of the FWS Regulations, work to be performed under this agreement must either be related to the student's educational objective or be work in the public interest, which would not otherwise be provided, will not result in the displacement of employed workers or impair existing contracts for services, will be governed by such conditions of employment, including compensation, as will be appropriate and reasonable in light of such factors as the type of work performed, geographical region, and proficiency of the employee; and must not involve political activity or work for any political party. Further, no project may involve the construction, operation, or maintenance of so much of any facility used, or to be used, for sectarian instruction or as a place for religious worship.

²No student may perform work on any project under the Federal Work-Study Program exceeding 20 hours per week while school is in session, and 40 hours per week while school is not in

	<u>ST.</u>	ANDARDIZED I	RECOMMENDATION FORM	
CITY COMM	ISSION		AGENDA ITEM	<u>2</u> J1
UTILITY BO	ARD		DATE SUBMITTED	7/12/2013
PLANNING & ZONING BOARD			MEETING DATE	7/22/2013
OTHER			_	
1 Agenda I	tem: Property Tax Refunds	3		
2 Party Ma	king Request: <u>Ma</u>	rtha Guel, Tax	Assessor Collector	
3 Nature of	f Request: (Brief Overview)	Attachments:		✓_Yes
Over \$500	0.00 refund for Entravision Con	nmunications LL	.c.	
Amount	of refund: \$6,171.68			
4 Policy Im	plication:			
5 Budgetee	d:Yes	No	N/A	
	Bid Amount: Jnder Budget <u>:</u>		Budgeted Amount: Over Budget: Amount Remaining:	
6 Alternate	option costs:		- Address - Constant	
7 Routing:				
NAME/TI	<u>TLE</u>	INITIALS	DATE	
a) <u>N</u>	lartha Guel Tax Assessor	mg	07/12/13	
b)				_
_	commendation: To		order to comply with PTC Sec	24.44

Disapproved

Disapproved

Disapproved

9 Advisory Board:

11 Manager's Recommendation:

10 City Attorney:

Approved

Approved

MRP Approved

None

None

None

GH

APPLICATIO	N FOR TAX REFUND			CIVIE	
City of McA	llen Tax Office			Collecting tax for: (taxin	g units)
Present mailing addres				City of M	IcAllen
City, town or post office McAllen TX				Phone (area code and n (956)681	
To apply for a t	ax refund, the taxpayer must	t complete the following	g.		-
Step 1: Owner's name	Owner's name ENTRAVISION COMM	UNICATIONS LLC			
and address	Present mailing address (number at 801 N JACKSON RD	nd street)			
	City, town or post office, state, ZiP of MCALLEN TX 78501	code		Phone (area code and n	umber)
Step 2: Describe the property	Legal description (or attach copy o	f the tax bill or tax receipt):	SUPPLIES FURNITUR	E FIXTURES EQUI	PMENT &
, . ,	VEHICLES			· · · · · · · · · · · · · · · · · · ·	
	Address or location of property:				· •
	Account number of property:			Tax receipt number:	
	M1120-99-00	1-006A-00	OR		
Step 3: Give the tax payment information	Name of Taxing Unit from Which Refund is Requested	Year for Which Refund is Requested	Date of the Tax Payment	Amount of Taxes Paid	Amount of Tax Refund Requested
	1. CITY OF MCALLEN		12/3 / 2012	<u>\$ 11,699.17</u>	\$ 6,171.68
	2. 3. 4.		//	\$ \$	\$
		·		\$	\$
	5				φ
	Taxpayer's reason for refund (a	ttach supporting document	tation): SUBMITTED/EN	NTERED WRONG	
	06-14-13ng				
Step 4: Sign the form	"I hereby apply for the refund correct."	of the above-described tax	es and certify that the inforn	nation I have given on this	form is true and
•	sign Signature here	most		Date of applic	ation for tax refund
	If you make a false staten a state jail felony under T			uilty of a Class A mis	sdemeanor or
Step 5: Tax refund determination	This tax refund is Ap	proved Disapprov	red		
	sign Authorized officer here			Date J	13
	Collector(s) of taxing unit(s) sign approval is required under S	for refund applications over (in Section 31.11, Tax Code)	sert amount for which governing	g body Date	

County 2012 SUPPLEMENT ROLL 11 Page: 85 Supp Group: 148 Geo 5/24/2013 10:33AM Current Property Data as of Supp 11 Supp Code: CC Supp Action: M Prop ID Owner Legal Description Values 607140 425044 100.00 P Geo: M1120-99-001-006A-00 Market: Imp HS: 0 1.281.588 **ENTRAVISION COMMUNICATIONS LLC** SUPPLIES FURNITURE FIXTURES EQUIPMENT & Imp NHS: ٥ Prod Loss: 801 N JACKSON RD VEHICLES AT 801 N JACKSON RD (TV STATION)/NEW Land HS: Ð Appraised: 1,281,588 MCALLEN, TX 78501-9306 Appraiser: 07 Operator: mvega Land NHS: Ð Acres: 0.0000 Cap: State Codes: L1 Prod Use: 0 Map ID: Assessed: 1,281,588 Situs: 801 N JACKSON MCALLEN, TX 78577 Mtg Cd: Prod Mkt: Ref ID1: 139184 Late Ao: F Ref ID2: P607140 Change Desc: SUBMITTED/ENTERED WRONG Owner: Pct Exemptions Entity Ent.Pct Statement Assessed Taxable Freeze ENTRAVISION COMMUNICATIONS 425044 100.00 CML 100.00 1,281,588 1,281,588 0.00 Previous Property Data as of Supp: 0 Prop ID Owner % Legal Description Values 607140 425044 100.00 P Geo: M1120-99-001-006A-00 Imp HS: 0 Market: 2.712.536 **ENTRAVISION COMMUNICATIONS LLC** SUPPLIES FURNITURE FIXTURES EQUIPMENT & Prod Loss: imp NHS: n 801 N JACKSON RD VEHICLES AT 801 N JACKSON RD (TV STATION)/NEW Land HS: Ď Appraised: 2.712.536 MCALLEN, TX 78501-9306 Appraiser: A9 Operator: myega Land NHS: Acres: 0.0000 0 Cap: State Codes: L1 Map ID: Prod Use: 0 Assessed: 2,712,536 Situs: 801 N JACKSON MCALLEN, TX 78577 Mtg Cd: Prod Mkt: Ref ID1: 139184 Late Ag: Ref iD2: P607140 Change Desc: Rct Exemplique Entity Ent Pct Statemin Assessed Taxable Freeze Stax ENTRAVISION COMMUNICATIONS 425044 100.00 CML. 100.00 2,712,536 2.712.536 0.00 Gain or Loss of Value for: Property: 607140 Geo: M1120-99-001-006A-00

		Current			Previous	
uty 🦂	Assessed T	Taxable	Tax	Assessed	Taxable	Tax
iL ;	1,281,588	1,281,588	0.00	2,712,536	2,712,536	0.00
			~ CAP GRAPH AND SERVICE OF PRINCIPAL AND	Application of a production of the production of	ter de la region de	NAMES OF THE OWNERS OF THE OWN

5527.48 11699.16 Taxable. Tax -1.430.9480.00 Hy. 6171.67-

Gain / Loss

. Assessed

-1,430,948

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION		AGENDA ITEM	2J2
UTILITY BOARD		DATE SUBMITTED	7/12/2013
PLANNING & ZONING BOARD		MEETING DATE	7/22/2013
OTHER		_	
1 Agenda Item: Property Tax Refunds	b		
2 Party Making Request: Marti	ha Guel, Tax	Assessor Collector	4.0
3 Nature of Request: (Brief Overview) At	ttachments:		Yes
Over \$500.00 refund for International Bank	(
Amount of refund: \$1,347.37			
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	<u>INITIALS</u>	DATE	
a) Martha Guel Tax Assessor	mg	07/12/13	
b)	tracket and the second		
8 Staff Recommendation: To gr	ant refund in o	order to comply with PTC Sec. 3	1.11
9 Advisory Board: Approved		Disapproved	None
10 City Attorney:Approved		Disapproved	GH None
11 Manager's Recommendation: MRF	P_Approved	Disapproved	None

MCALLEN TAX OFFICE MEMO

Date:

7/12/13

To:

Mayor Jim Darling and City Commission

Through:

Mike R. Perez, City Manager

From:

Martha Guel, Tax Assessor

Re:

\$500.00 Refunds

Your approval is needed for the following refunds that were created after the June supplements from the Appraisal District.

Name	Amount Paid	Corrected Levy	Refund	Change Reason
International Bank	2,694.78	1,347.42	1,347.37	Residential Inventory exemption granted
Entravision Communications LLC.	11,699.17	5,527.48	6,171.68	incorrectly assessed

Please let me know if you need additional information.

APPLICATIO	N FOR TAX REFUND			006/11	*
City of McA	llen Tax Office		Collec	cting tax for: (taxing	units)
Present mailing address P O Box 220	ss (number and street) 1/311 N 15th St			City of Mo	:Allen
City, town or post office McAllen TX	e, state, ZIP code X 78505-0220		Phone	e (area code and nui (956)681-	•
To apply for a	tax refund, the taxpayer must complete the	following.			
Step 1: Owner's name	Owner's name INTERNATIONAL BANK				
and address	Present mailing address (number and street) POBOX 1700		_		
	City, town or post office, state, ZIP code MCALLEN TX 78505		Phone	e (area code and nur	mber)
Step 2: Describe the property	Legal description (or attach copy of the tax bill or tax r	eceipt): VILLAS DEL TE	SORO LOT 1	4A-16A,20A-30	A
	Address or location of property:			- 	
	Account number of property:	· .	Tax re	ceipt number: 0~120A-00 THI	OTI 20 A
Step 3:		OR	Y 301 /-VV-UV	U~12UA-VU 1111	XU JUA
Give the tax payment information	Name Year of Taxing Unit from Which for Which Rel Refund is Requested is Requeste		ı	Amount of Taxes Paid	Amount of Tax Refun Requested
	2		<u>2011</u> \$	2,694.78	1,347.3
	3		\$_	\$ \$	
	5.		\$\$	\$	
	Taxpayer's reason for refund (attach supporting	documentation); RESIDENT	ΓΙΑL INVENT	ORY GRANT	ED
	2-21-12ng			, , , ,	· · · · · · · · · · · · · · · · · · ·
Step 4: Sign the form	"I hereby apply for the refund of the above-descorrect."	ribed taxes and certify that the	e information I hav	e given on this fo	rm is true and
	sign Signature here	<i></i>		Date of application	on for tax refund
	If you make a false statement on this ap a state jail felony under Texas Penal Co	plication, you could be fo de Section 37.10.	ound guilty of a	Class A misdo	emeanor or
Step 5: Tax refund determination	This tax refund is Approved Di	sapproved			
į	sign Authorized officer here Mull			Date 1/8/1	3
	Sign approval is required under Section 31.11, Tax Control here	is over (insert amount for which go ode)	overning body	Date	

Legal Description

Appraiser: C8

State Codes: O

Geo: V3817-00-000-014A-00

Situs: ITHACA AVE TX

VILLAS DEL TESORO LOT 14A

VILLAS DEL TESORO LOT 14A

Appraiser: C8

Situs: ITHACA AVE TX

State Codes: C

Geo

Prop ID

20830801

1300 W BUSINESS 83

ALAMO, TX 78516-2567

Current Property Data as of Supp 6

Owner

662877

AFB 515 HOUSTON INVESTMENTS LLC

1300 W BUSINESS 83

Change Desc:

CML

ALAMO, TX 78516-2567

AFB 515 HOUSTON INVESTMENTS LLC

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Supp Code: CC

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Supp Group: 133

Effective Acres: 0.0000

Acres:

Mtg Cd:

Acres:

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Mtg Cd:

Ref ID1:

Ref ID2:

Map ID: C 2139199

1/24/2012 9:10AM

Imp HS:

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Land NHS:

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2139199

Values

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Cap:

Prod Loss:

Appraised:

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Prod Loss:

Appraised:

Assessed:

Cap:

19,250

Page: 217

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Late Ag: F

Supp Action: M

Ref ID1: Late Ag: F Ref ID2: Change Desc: RESIDENTIAL INVENTORY GRANTED Owner Entity Ent Pot Statemni Associated Taxable Freeze AFB 515 HOUSTON INVESTMENTS 662877 100.00 CML 100.00 19.250 19.250 0.00 Previous Property Data as of Supp: 0 Prop ID Owner Legal Description Values 20830801 662877 100.00 R Geo: V3817-00-000-014A-00 Effective Acres: 0.0000 Imp HS: 0 Market: 38.500

Operator: sportillo

Operator: raivarez

OWNER AFB 515 HOUSTON INVESTMENT 662877 100.00	rois Eniv			Freshor Frest	Tar
	CML	100.00	38,500	38,500	0.00
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Gain or Loss of Value for:	Property: 20830801	Geo: V3817-00-000-014A-00			

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Legal Description

Appraiser: C8

State Codes: O

Geo: V3817-00-000-015A-00

Situs: ITHACA AVE TX

VILLAS DEL TESORO LOT 15A

Supp Code: CC

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Imp HS:

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Supp Group: 133

Effective Acres: 0.0000

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Pct Exemptions Entity Ent.Pct Statement Assessed Taxable Freeze Tex

Operator: raivarez

CML

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Supp Action: M

RESIDENTIAL INVENTORY GRANTED

Previous Property Data as of Supp: 0

Owner

662877

AFB 515 HOUSTON INVESTMENTS LLC

AFB 515 HOUSTON INVESTMENT

AFB 515 HOUSTON INVESTMENTS 662877 100.00

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Current Property Data as of Supp 6

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662877

AFB 515 HOUSTON INVESTMENTS LLC

100.00 R

Geo

Prop ID

20830802

Change Desc:

Prop ID

20830802

Change Desc:

1300 W BUSINESS 83

ALAMO, TX 78516-2567

1300 W BUSINESS 83

ALAMO, TX 78516-2567

Property: 20830802

Assessed III

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Gain / Loss Antonio de la constanta Texable Texable - I Tex 0.00 38,500 -19,250-19,250

662877 100.00

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Legal Description

Appraiser:

State Codes: C

Geo: V3817-00-000-015A-00

C8

Situs: ITHACA AVE TX

VILLAS DEL TESORO LOT 15A

CML

Pet Exemptions Ent Pct Statemet Assessed

Previous

Operator: sportillo

Effective Acres: 0.0000

Acres: 0.0000 Map ID: Mtg Cd: Ref ID1: Ref ID2:

Geo: V3817-00-000-015A-00

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Gain or Loss of Value for:

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Geo: V3817-00-000-016A-00

Legal Description

Supp Action: M Values

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AFB 515 HOUSTON INVESTMENTS LLC VILLAS DEL TESORO LOT 16A Appraiser: C8 Operator: ralvarez State Codes: O Situs: ITHACA AVE TX Mtg Cd:

Effective Acres: 0.0000 Acres: Map ID: C 2139199

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Page: 219

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1/24/2012 9:10AM

Previous Property Data as of Supp: 0

Owner

662877

AFB 515 HOUSTON INVESTMENTS LLC

RESIDENTIAL INVENTORY GRANTED

Current Property Data as of Supp 6

Owner

662877

Prop ID

20830803

Change Desc:

Prop ID

20830803

1300 W BUSINESS 83

ALAMO, TX 78516-2567

1300 W BUSINESS 83

ALAMO, TX 78516-2567

AFB 515 HOUSTON INVESTMENTS 662877 100.00

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100.00 R

Owner Entity Entity Entity Entity Assessed Taxable Freeze.

Legal Description

Appraiser: C8

Situs: ITHACA AVE TX

State Codes: C

Geo: V3817-00-000-016A-00

VILLAS DEL TESORO LOT 16A

100.00

Effective Acres: 0.0000

Operator: sportillo

Ref ID1:

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Acres:

Map ID:

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Ref ID1:

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Geo: V3817-00-000-016A-00

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Supp Code: CC

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Change Desc: Cwner Exemptions Em Pc: Statemn Assessed Taxable Freeze Tax AFB 515 HOUSTON INVESTMENT 662877 100.00 CML 100.00 38,500 38.500

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Assessed

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Gain / Loss

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Gain or Loss of Value for:

Property: 20830803

2011 SUPPLEMENT ROLL 6 Supp Group: 133

Effective Acres: 0.0000

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Acres:

Map ID:

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Supp Code: CC

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Page: 220

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Prop ID

Change Desc:

Owner 20830807 662877 100.00 R AFB 515 HOUSTON INVESTMENTS LLC 1300 W BUSINESS 83

RESIDENTIAL INVENTORY GRANTED

Owner

662877

AFB 515 HOUSTON INVESTMENTS 662877 100.00

100.00 R

ALAMO, TX 78516-2567

Current Property Data as of Supp 6

Geo: V3817-00-000-020A-00 VILLAS DEL TESORO LOT 20A Appraiser: C8

Legal Description

Appraiser: C8

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Situs: ITHACA AVE TX

State Codes: C

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Current

Taxable

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Geo: V3817-00-000-020A-00

VILLAS DEL TESORO LOT 20A

Pct Exemptions Entity

Legal Description

State Codes: O Situs: JTHACA AVE TX

Operator: ralvarez Map ID: C 2139199 Mtg Cd: Ref ID1:

CML

Effective Acres: 0.0000

Operator: sportilio

CML

Previous

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Property: 20830807

Owner Por Exemptions Entity Ent Ect Statemnt Assessed Taxable Freeze Tex 100.00 29,590

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Market:

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Late Ag: F

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Previous Property Data as of Supp: 0 Prop ID 20830807

AFB 515 HOUSTON INVESTMENTS LLC 1300 W BUSINESS 83 ALAMO, TX 78516-2567 Change Desc:

AFB 515 HOUSTON INVESTMENT

Gain or Loss of Value for:

Entity Assessed CML

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OT 255.24

59,180

Tex

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Geo: V3817-00-000-020A-00

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Supp Group: 133

0 Market: Imp HS: 28.807 0 Prod Loss: imp NHS: Land HS: 0 Appraised: 28.807 Land NHS: 28,807 Cao: 0 Prod Use: ٥ Assessed:

Values

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Values

Taxable Freeze

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Gain / Loss

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-28.806

Market:

Prod Loss:

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Late Ag:

Land HS: 0 Appraised: Acres: 0.0000 Land NHS: 57.613 Cap; Map ID: 2139199 Prod Use: 0 Assessed: Mtg Cd: Prod Mkt: 0 Ref ID1: Ref ID2:

57,613

Tex Assessed

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Imp HS:

Imp NHS:

Geo: V3817-00-000-021A-00 **Previous**

Assessor Tavable 57.613 57,613

CML Gain or Loss of Value for: Property: 20830808 Current Enny - Assault - Taxable lex

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State Codes: ∩

AFB 515 HOUSTON INVESTMENTS 662877 100.00

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1300 W BUSINESS 83 ALAMO, TX 78516-2567

AFB 515 HOUSTON INVESTMENTS LLC

RESIDENTIAL INVENTORY GRANTED

Previous Property Data as of Supp: 0

Owner

662877

AFB 515 HOUSTON INVESTMENTS LLC

AFB 515 HOUSTON INVESTMENT

28.807

Current Property Data as of Supp 6

Owner

Geo

Prop ID

Change Desc:

Prop ID

20830808

Change Desc:

CML

1300 W BUSINESS 83

ALAMO, TX 78516-2567

20830808 662877 100.00 R

Geo: V3817-00-000-021A-00

VILLAS DEL TESORO LOT 21A

Appraiser; C8

Legal Description

Appraiser:

State Codes: C

Geo: V3817-00-000-021A-00

C8

0.00

Situs: ITHACA AVE TX

VILLAS DEL TESORO LOT 21A

Owner Por Exemptions Entry Entry Statement Assessed

Legal Description

Situs: ITHACA AVF TX

Operator: ralvarez

CML

Effective Acres: 0.0000

Operator: sportillo

100.00

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Effective Acres: 0.0000

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Map ID: C 2139199

P.c. Exemptions Entity Ent.Pct Statement Assessed Taxable Freeze Tax

Supp Code: CC

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Prod Mkt:

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Supp Group: 133

Effective Acres: 0.0000

Acres:

Map ID: C 2139199

Supp Action: M

Market:

Cap:

Prod Loss:

Appraised:

Assessed:

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Page: 222

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Prop ID Owner 20830809 662877

1300 W BUSINESS 83

ALAMO, TX 78516-2567

Current Property Data as of Supp 6

RESIDENTIAL INVENTORY GRANTED

Owner

662877

AFB 515 HOUSTON INVESTMENT

Gain or Loss of Value for:

Entity

CML

100.00 R AFB 515 HOUSTON INVESTMENTS LLC

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VILLAS DEL TESORO LOT 22A Appraiser: C8 State Codes: O

Legal Description

Appraiser:

662877 100.00

State Codes: C

Geo: V3817-00-000-022A-00

C8

Situs: ITHACA AVE TX

Tax

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VILLAS DEL TESORO LOT 22A

Pct Exemptions

Legal Description

Geo: V3817-00-000-022A-00

Situs: ITHACA AVE TX

Mta Cd:

PCL Exemptions Entity Ent Pct Statement Assessed

Effective Acres: 0.0000

Operator: sportillo

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Acres:

Map ID:

Mtg Cd:

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Geo: V3817-00-000-022A-00

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Operator: raivarez

CML

Ref ID1: Ref ID2:

Supp Code: CC

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Prod Use:

Prod Mkt:

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Assessed

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Entry Ent Pct Statemot Assesses Taxable Freeze

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Prod Use:

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Taxable Freeze

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Change Desc:

Geo

Previous Property Data as of Supp: 0 Prop ID

20830809 AFB 515 HOUSTON INVESTMENTS LLC 1300 W BUSINESS 83 ALAMO, TX 78516-2567

Change Desc:

Gain / Loss Taxable -27,569

Allerie Taxable 55.138 OT 237.81

CML

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Property: 20830809

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VILLAS DEL TESORO LOT 23A

Acres:

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Pot Exemptions Entity Entitle Statemal Assessed Taxable Freeze

Geo: V3817-00-000-023A-00

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Map ID: C 2139199

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Imp HS:

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Gain / Loss

Taxable

-27,472

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Market:

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Prod Loss:

Appraised:

Assessed:

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Page: 223

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Supp Action: M

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Current Property Data as of Supp 6 Prop ID Owner Legal Description 20830810 662877 100.00 R Geo: V3817-00-000-023A-00 Effective Acres: 0.0000

Legal Description

Appraiser:

662877 100.00

State Codes: C

Situs: S 5TH ST TX

VILLAS DEL TESORO LOT 23A

C8

0.00

Geo: V3817-00-000-023A-00 Effective Acres: 0.0000

Operator: sportillo

CML

Property: 20830810

Assessed :

54,945

CML

Pci Exempliane Entry Entry Statemen Agressed Taxable Freeze 100.00 27,473 27,473

ALAMO, TX 78516-2567 Appraiser: C8 Operator: raivarez State Codes: O Situs: S 5TH ST TX Change Desc: RESIDENTIAL INVENTORY GRANTED

AFB 515 HOUSTON INVESTMENTS LLC

1300 W BUSINESS 83

Geo

AFB 515 HOUSTON INVESTMENTS 662877 100.00

Owner

662877

AFB 515 HOUSTON INVESTMENTS LLC

AFB 515 HOUSTON INVESTMENT

Assessed

27,473

Gain or Loss of Value for:

Entity :

CML

100.00 R

Previous Property Data as of Supp: 0

Change Desc:

Prop ID

20830810

1300 W BUSINESS 83

ALAMO, TX 78516-2567

118.49

Current

Taxable

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Previous

Texable

54,945

Assessed

-27,472

ldi. 118.49-

1/24/2012 9:10AM Current Property Data as of Supp 6 Supp Action: M Supp Code: CC Prop ID Owner Legal Description Values 20830811 662877 100.00 R Geo: V3817-00-000-024A-00 Effective Acres: 0.0000 imp HS: 0 Market: 19,278

Operator: ralvarez

Acres:

Mtg Cd:

Ref ID1:

Ref ID2:

Map ID: C 2139199

Imp NHS:

Land HS:

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Prod Use:

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Prod Loss:

Appraised:

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2011 SUPPLEMENT ROLL 6 Supp Group: 133

Page: 224

19,278

19,278

Late Ag: F

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Change Desc:					
RESIDENTIAL INVENTORY GRANTED					
Owner Pct Exemptions AFB 515 HOUSTON INVESTMENTS 662877 100.00	Entry CML	Ent Pct Statement 100.00	19,278	T exable Free 19,278	70

VILLAS DEL TESORO LOT 24A

Appraiser: C8

State Codes: O

Situs: \$5TH ST TX

County

AFB 515 HOUSTON INVESTMENTS LLC

1300 W BUSINESS 83

ALAMO, TX 78516-2567

Geo

CML

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ALAMO, TX			Appraiser: C8 State Codes: C	Operator: sportillo	Acres:	0.0000	Land NHS:	0 38,555 0	Appraised: Cap:	38,555	

Prop ID	Owner	%	Legal Description					Value	es	
20830811 AFB 515 HC 1300 W BUS ALAMO, TX	SINESS 83	100.00 R STMENTS LLC	Geo: V3817-00-000-02 VILLAS DEL TESORO Appraiser: C8 State Codes: C Situs: S 5TH ST TX	 tive Acres: (Acres: Map ID: Mig Cd:	0.0000 2139199	imp HS: Imp NHS: Land HS: Land NHS: Prod Use: Prod Mkt:	0 0 0 38,555 0 0	Market: Prod Loss: Appraised: Cap: Assessed;	38,555 0 38,555 0 38,555
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AFB 515 HOUSTON INVESTMENTS LLC	VILLAS DEL TESORO LO	T 24A				Imp NHS:	0	Prod Loss:	. 0
1300 W BUSINESS 83						Land HS:	0	Appraised:	38,555
ALAMO, TX 78516-2567	Appraiser: C8	Operator:	sportillo	Acres:	0.0000	Land NHS:	38,555	Сар:	0
ŧ	State Codes: C			Map ID:	2139199	Prod Use:	0	Assessed:	38,555
	Situs: S 5TH ST TX			Mtg Cd:		Prod Mkt:	0		
				Ref ID1: Ref ID2:					Late Ag: F
Change Desc:				, 101 102.					

	į.	State Codes: C Situs: S 5TH ST TX	Map ID: Mtg Cd:	2139199	Prod Use: Prod Mkt:	0	Assessed:	38,555
Change Desc:			Ref ID1: Ref ID2:					Late Ag: F

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OWNER P. Pot Exemptions AFB 515 HOUSTON INVESTMENT 662877 100.00	Enlly	Ent Por Statemen	Assista	Taxable Fre	
	CML	100.00	38,555	38,555	0.00

OWNERS AFB 515 HOUSTON INVESTMENT	662877	Pot Exem		y a salanayas	tarenni : Ascesse:	Taxable		. Ja
	002017	100.00	CML	100.00	38,555	38,555		0.00
					33,333	50,500	•	

Gain or Loss of Value for:	Property: 20830811	Geo: V3817-00-000-024A-00	

Gain or Loss of Value for:	Property: 20830811	Geo: V3817-00-000-024A-	00
Current	Previo	us	Gain / Loss
Entity Assessed Taxable	Tay Assessed	Texable : - Tax	Assessed Totable Section

38,555

166.28

0.00

-19,277

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Mi. 83.15-

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38,555

Operator: ralvarez

Supp Code: CC

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Imp HS:

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Prod Use:

Prod Mkt:

19,292

Imp HS:

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Land HS:

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Prod Mkt:

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2139199

Effective Acres: 0.0000

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Acres:

Map ID:

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Effective Acres: 0.0000

Operator: sportillo

CML

Acres:

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Map ID: C 2139199

20830812 662877 100.00 R Geo: V3817-00-000-025A-00 AFB 515 HOUSTON INVESTMENTS LLC VILLAS DEL TESORO LOT 25A 1300 W BUSINESS 83 ALAMO, TX 78516-2567 Appraiser: C8

Current Property Data as of Supp 6

Owner

Prop ID

Change Desc:

Change Desc:

CML

State Codes: O Situs: S 5TH ST TX

Ent Pct Statemnt Assessed Taxable Freeze

CML

Geo: V3817-00-000-025A-00

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VILLAS DEL TESORO LOT 25A

Legal Description

AFB 515 HOUSTON INVESTMENTS 662877 100.00

Owner: Pct Exemptions Entity

RESIDENTIAL INVENTORY GRANTED

Previous Property Data as of Supp: 0 Prop ID Owner Legal Description

20830812 662877 100.00 R AFB 515 HOUSTON INVESTMENTS LLC 1300 W BUSINESS 83 ALAMO, TX 78516-2567

Appraiser: State Codes: C Situs: S 5TH ST TX

Overlet PCI Exemptions Ently Ent PCI Glatemat Assessed Example France AFB 515 HOUSTON INVESTMENT 662877 100.00

Gain or Loss of Value for:

Assessed

19,292

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Property: 20830812

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Previous Tax Assessed Taxable !! 38,583

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Geo: V3817-00-000-025A-00 Tax Susement -19.291

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Gain / Loss -19,291

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Supp Action: M

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19,292

Values

Market:

Cap:

Prod Loss:

Appraised:

Assessed:

0

0

0

0

0

38.583

38.583

19,292

Market:

Cap:

Prod Loss:

Appraised:

Assessed:

Owner Pol Exemptions Entity Ent Ect Statement Assessed Taxable Freeze Tax

CML

2011 SUPPLEMENT ROLL 6

Supp Group: 133

Supp Code: CC

19,305

Imp HS:

Imp NHS:

Land HS:

Land NHS:

Prod Use:

Prod Mkt:

0.0000

2139199

19,305

Values

0

0

O

0

0

38,610

Market:

Cap:

Prod Loss:

Appraised:

Assessed:

County

Change Desc:

Prop ID

20830813

Change Desc:

1300 W BUSINESS 83

ALAMO, TX 78516-2567

Current Property Data as of Supp 6

RESIDENTIAL INVENTORY GRANTED

Previous Property Data as of Supp: 0

Owner

662877

AFB 515 HOUSTON INVESTMENTS LLC

AFB 515 HOUSTON INVESTMENTS 662877 100.00

%

100.00 R

Legal Description

Appraiser: C8

State Codes: C

Situs: S 5HT ST TX

Geo

Geo: V3817-00-000-026A-00 Effective Acres: 0.0000 VILLAS DEL TESORO LOT 26A Operator: sportillo Acres: Map ID: Mtg Cd:

Ref ID1: Ref ID2:	
ptions Entity Ent Pdt Statemit Assassad	灩
PHONE PROPERTY CONTRACTOR ASSESSED	180

100.00

Ciwner Pot Brain Taxable Freeze Tax AFB 515 HOUSTON INVESTMENT 662877 100.00 CML 100.00 38,610 38,610 0.00 Gain or Loss of Value for: Property: 20830813 Geo: V3817-00-000-026A-00

	and a description of the same of the supplement of the state of the st	- American and annumentary of the State of t		. Y Sign of the Control of the Contr					
		Current	The state of the s	P	revious			Gain / Loss	
Entity .		Tome !	i lat	- Assessed	Touble	, Tex	Assesped	Talable	
CML	19,305	19,305	0.00	38,610	38,610	0.00	-19,305	-19,305	0

OT 166.52 NT 83.26

Hi. 83.27

Page: 226

9:10AM

0.00

38,610

38,610

38.610

Late Aq:

n

Supp Action: M

1/24/2012

Omner Entry Entry Entry (Agessed Taxable Freeze

CML

2011 SUPPLEMENT ROLL 6 Supp Group: 133

Previous Property Data as of Supp: 0 % Legal Description 100.00 R Geo: V3817-00-000-027A-00 Effective Acres: 0.0000 AFB 515 HOUSTON INVESTMENTS LLC VILLAS DEL TESORO LOT 27A Appraiser: C8

State Codes: O

State Codes: C.

662877 100.00

Situs: S 5TH ST TX

Situs: S 5TH ST TX

imp HS: Imp NHS: Land HS: Operator: sportillo

100.00

Acres:

Mta Cd:

Ref ID1:

Ref ID2:

Map ID: C 2139199

0.0000

Land NHS:

Prod Use:

Prod Mkt:

24,152

24.152

0

a

24,152

Values 0 Market: 48.304 0 Prod Loss: O Appraised: 48.304 Acres: 0.0000 Land NHS: 48,304 Cap: Map ID: 2139199 Prod Use: 0 Assessed: 48.304 Mtg Cd: Prod Mkt: O Ref ID1: Late Ag: F Ref ID2:

Owner Entry Entry Entry Agessed Taxobs Treets CML 100.00 48,304 48,304

Gain or Loss of Value for: Property: 20830814 Geo: V3817-00-000-027A-00

i i	Current		The territories are admits to a being at a second	Previous			Gain / Loss		
Entry 1		A Torable P. F.	VERTAL AND		Taxable				
CML	24,152	24,152	0.00	48.304	48.304	0.00	-24.152	-24.152	0.00
handunarrennen, operad,	elektrik raspendaturan paraman karan kabung lepaga	anarattaljan diljan ippgiger relevan <u>marata</u> t	COLUMN CONTRACTOR OF THE COLUMN	on an extra processor and a second restriction of the	онивальная приключеского напосильного се				

NT 104.16

County

Change Desc:

Prop ID

20830814

Change Desc:

1300 W BUSINESS 83

ALAMO, TX 78516-2567

RESIDENTIAL INVENTORY GRANTED

Owner

662877

AFB 515 HOUSTON INVESTMENT

AFB 515 HOUSTON INVESTMENTS 662877 100.00

Geo

208.33

Adj. 104.17-

Page: 227

0

24,152

0.00

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0.00

Late Ag:

1/24/2012 9:10AM

Cao:

Assessed:

Legal Description

Appraiser: C8

State Codes: O

Owner Pct Exemptions Entity

Situs: S 5TH ST TX

Legal Description

Appraiser:

662877 100.00

State Codes: C

Situs: S 5TH ST TX

Geo: V3817-00-000-028A-00

C8

VILLAS DEL TESORO LOT 28A

Geo: V3817-00-000-028A-00

VILLAS DEL TESORO LOT 28A

Supp Action: M

Market:

Cap:

Prod Loss:

Appraised:

Assessed:

Values

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Values

Market:

Cap:

Prod Loss:

Appraised:

Assessed:

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48,125

48.125

24.063

1/24/2012 9:10AM

Page: 228

24,063

24,063

24.063

0.00

48.125

48.125

48,125

Late Ag: F

Late Ag:

Change Desc: RESIDENTIAL INVENTORY GRANTED

Previous Property Data as of Supp: 0

Owner

662877

AFB 515 HOUSTON INVESTMENTS LLC

AFB 515 HOUSTON INVESTMENT

Gain or Loss of Value for:

Entity

CML

AFB 515 HOUSTON INVESTMENTS 662877 100.00

%

100.00 R

Current Property Data as of Supp 6

Owner

662877

AFB 515 HOUSTON INVESTMENTS LLC

100.00 R

Prop ID

Prop ID

20830815

Change Desc:

1300 W BUSINESS 83

ALAMO, TX 78516-2567

20830815

1300 W BUSINESS 83

ALAMO, TX 78516-2567

CML

Operator: sportillo

CML

Property: 20830815 Geo: V3817-00-000-028A-00 Previous

Taxable 48.125

a Tax 00.0

Gain / Loss

Taxable -24,062 0.00

PCL Exemptions Entity Entitle Statement Assessed Taxable Freeze

Effective Acres: 0.0000

Ref ID1: Ref ID2:

100.00

Acres:

Map ID:

Mtg Cd:

24.063 24,063

Erit Pct Statemini Assessed Texable Freeze Tax 100.00

Imp HS:

Imp NHS:

Land HS:

Land NHS:

Prod Use:

Prod Mkt:

48,125

Assessed .

-24.062

0.0000

2139199

Imp HS:

imp NHS:

Land HS:

Land NHS:

Prod Use:

Prod Mkt:

Effective Acres: 0.0000 Operator: raivarez Acres: Map ID: C 2139199

Mtg Cd: Ref ID1:

Ref ID2:

Supp Code: CC

0.0000

0.00

103.78

24,063

Current

Texable

24.063

48, 125

Assesser

0.00

207.56

Adj. 103.78

Legal Description

Geo: V3817-00-000-029A-00

Supp Group: 133

1/24/2012 9:10AM

Market:

Cap:

Prod Loss:

Appraised:

Assessed:

Supp Action: M

Late Ag:

19,250

19,250

19,250

0.00

38,500

38,500

38,500

0.00

0.00

Late Ag:

0

AFB 515 HOUSTON INVESTMENTS 662877 100,00

RESIDENTIAL INVENTORY GRANTED

Current Property Data as of Supp 6

Owner

662877

AFB 515 HOUSTON INVESTMENTS LLC

Geo

Prop ID

20830816

Change Desc:

1300 W BUSINESS 83

ALAMO, TX 78516-2567

100.00 R

Pct Exemptions

Entry CML

Operator: sportillo

100.00

Acres:

Map ID:

Mtg Cd:

Ref ID1:

Ref ID2:

100.00

En Poi Statemnt Assessed Taxable Freeze Tax 19,250

Imp HS:

Imp NHS:

Land HS:

Land NHS:

Prod Use:

Prod Mkt:

38,500

0.0000

2139199

19,250

Values

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38,500

38,500

Market: Prod Loss: Appraised: Cap:

Assessed:

Pot Exemptions Entity Ent. Pct Statement Assessed Taxable Freeze as

Property: 20830816 Geo: V3817-00-000-029A-00 **Previous** Assessed

CML

Taxeble 38,500

Tax 0.00 -19,250

Gain / Loss Assessed 1 Taxable -19,250

8303

19,250 19,250 83.02

Current

(Taxable

38,500

166.05

Previous Property Data as of Supp: 0 Prop ID Owner % 20830816 662877 100.00 R AFB 515 HOUSTON INVESTMENTS LLC 1300 W BUSINESS 83 ALAMO, TX 78516-2567

AFB 515 HOUSTON INVESTMENT

Gain or Loss of Value for:

Entity Assessed

CML

Change Desc:

Legal Description

Appraiser:

662877 100.00

State Codes: C

Situs: S 5TH ST TX

0.00

Geo: V3817-00-000-029A-00

C8

VILLAS DEL TESORO LOT 29A

Appraiser: C8 State Codes: O Situs: S 5TH ST TX

VILLAS DEL TESORO LOT 29A Operator: ralvarez

Effective Acres: 0.0000

Acres: Mtg Cd; Ref ID1: Ref ID2:

Effective Acres: 0.0000

0.0000 Map ID: C 2139199

Supp Code: CC

Prod Use: Prod Mkt:

Imp HS:

Imp NHS:

Land HS:

Land NHS:

0

Values

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O

19,250

Operator: ralvarez

Owner Pol Exemptions Entity Entity Assessed Texable Freeze Tax

Effective Acres: 0.0000

CML

CML

Property: 20830817

Assessed.

31,763

Acres

Mtg Cd:

Ref ID1:

Ref ID2:

Map ID: C 2139199

2011 SUPPLEMENT ROLL 6

Supp Group: 133

Previous Property Data as of Supp: 0 Prop ID Owner % Legal Description 20830817 662877 100.00 R

Appraiser: C8

Situs: S 5TH ST TX

Tax

0.00

State Codes: C

662877 100.00

Geo: V3817-00-000-030A-00

VILLAS DEL TESORO LOT 30A

Appraiser: C8

Situs: S 5TH ST TX

State Codes: O

Operator: sportillo Acres: 0.0000 Map ID: 2139199 Mtg Cd; Ref ID1: Ref ID2:

100.00

Corner Exemptions Entity Ent Pct Statement Assessed Taxable Proeze 100.00 31.763

Geo: V3817-00-000-030A-00

Page: 230

15.882

15.882

0.00

31,763

31,763

31.763

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Late Ag:

Late Ag:

1/24/2012 9:10AM

Previous Gain / Loss Assessed Texable Tex Texable 31,763 0.00 -15.881 -15,881 0.00 i. 68.50-

Imo NHS:

Land HS:

Land NHS:

Prod Use:

Prod Mkt:

15.882

Imp HS:

Imp NHS:

Land HS:

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Prod Use:

Prod Mkt:

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15,882

Values

Market:

Cap:

Prod Loss:

Appraised:

Assessed:

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31,763

31,763

15.882

Prod Loss:

Appraised:

Assessed:

Cao:

68.49

Current

Taxable :

15.882

County

1300 W BUSINESS 83

Change Desc:

ALAMO, TX 78516-2567

RESIDENTIAL INVENTORY GRANTED

AFB 515 HOUSTON INVESTMENTS LLC

AFB 515 HOUSTON INVESTMENT

Assessed

15.882

Gain or Loss of Value for:

Entity

CML

1300 W BUSINESS 83

Change Desc:

ALAMO, TX 78516-2567

AFB 515 HOUSTON INVESTMENTS 662877 100.00

Geo

136.99

	STANDARDIZED R	ECONNIENDATION FORM	
CITY COMMISSION		AGENDA ITEM	2K1
UTILITY BOARD		DATE SUBMITTED	7/12/2013
PLANNING & ZONING BOARD		MEETING DATE	7/22/2013
OTHER		•	
1 Agenda Item: Resolution auth	orizing Tax Resale of	Lot 58 Idela Park Unit 3	
2 Party Making Request:	Martha Guel, Tax A	ssessor Collector	
3 Nature of Request: (Brief Overv	view) Attachments:	✓	Yes
Authorizing Tax Resale of Lot 58 I	dola Park Unit 3		
Authorizing Tax Resale of Lot 38 i	ueia Faik Ollik o		···
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	INITIALS	<u>DATE</u>	
a) <u>Martha Guel Tax Asses</u>	sor mg	07/12/13	
b)			
8 Staff Recommendation:	As ner City Commis	sion Recommendation.	
9 Advisory Board: Approved		Disapproved	None
a Advisory Board: Approved		_ bisappioved	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

Disapproved

Disapproved

MRP_Approved

10 City Attorney: Approved

11 Manager's Recommendation:

,∕ <u>GH</u>

None

None

memo

Date: 7/15/2013

To: Mayor Jim Darling and Members of the City Commission

Though: Mike R. Perez, City Manager

From: Martha Guel, Tax Office

RE: Property Tax Re-Sales

On June 22, 2013, our Delinquent Tax Attorneys held a Tax Re-Sale at the Hidalgo County Court House. There were seven properties in the City of McAllen and all properties received bids during this process.

Five properties are empty lots and the other two have structures on them.

If you accept the bids the amount collected will be prorated between the County, McAllen ISD, and the City of McAllen.

I am attaching a spread sheet with the delinquent status of each property to help with your decision.

Please let me know if you need additional information.

mguel

JUNE TAX RESALE LIST

Vacant Lot

House on property

Vacant Lot

South TX College

Soledad Trevino

Ruben De Jesus Leal

3,576.09

3,627.71

1,140.09

PROPERTY OWNER	DESCRIPTION	BASE TAX DUE	PENALTY & INTEREST	ATTYS. FEES	TOTAL DUE FOR JULY
McAllen ISD	Vacant Lot	3,401.42	5,579.96	1,347.24	10,328.62
City of McAllen	Vacant Lot	1,194.95	1,666.95	429.28	3,291.18
South TX College	Vacant Lot	1,255.93	1,590.50	426.95	3,273.38
South TX College	House on property	2,217.32	2,999.10	782.47	5,998.89
South TX College	Vacant Lot	3.576.09	6.323,20	1,484.91	11,384.20

6,323.20

2,608.92

765.46

7,047.13

2,191.40

920.50

285.85

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP. **JUNE 22, 2013 TAX RESALE LIST** CITY OF McALLEN

M1950-00-040-0009-00

N5400-00-010-0006-00

N5400-98-010-0006-00

C7150-02-009-0024-00

AMOUNT FOR CITY

\$2,212.02

\$2,151.65

\$1,261.68 \$3,986.50

\$6,117.62

\$5,998.86

\$1.074.45

\$38,000.00

\$36,000.00

\$9,300.00

\$15,460

\$40,930

\$16,140

		CITI OF WICKELERY				
TRACT NO.	SUIT NUMBER	LEGAL DESCRIPTION	ACCOUNT NUMBER	OPENING BID	AMOUNT OF BID	
1	T-562-97-B	Lot 58, Idela Park, Unit #3	12000-03-000-0058-00	\$59,340	\$14,000.00	
2	T-366-07-F	Lot 3, Block 14, Alta Mira Subd.	A3000-00-014-0003-00	\$25,620	\$11,800.00	T
3	T-371-07-F	Lot 4, Block 20, Alta Mira Subd.	A3000-00-020-0004-00	\$26,570	\$12,000.00	
4	T-1286-08-C	Lot 2, Block 1, Retama Terrace	R2250-01-001-0002-00	\$36,070	\$25,000.00	

CT SUIT . NUMBER	LEGAL DESCRIPTION	ACCOUNT NUMBER	OPEN
T-562-97-B	Lot 58, Idela Park, Unit #3	12000-03-000-0058-00	\$5
T-366-07-F	Lot 3, Block 14, Alta Mira Subd.	A3000-00-014-0003-00	\$2
T-371-07-F	Lot 4, Block 20, Alta Mira Subd.	A3000-00-020-0004-00	\$2
	T-562-97-B T-366-07-F	T-562-97-B Lot 58, Idela Park, Unit #3 T-366-07-F Lot 3, Block 14, Alta Mira Subd.	NUMBER T-562-97-B Lot 58, Idela Park, Unit #3 I2000-03-000-0058-00 T-366-07-F Lot 3, Block 14, Alta Mira Subd. A3000-00-014-0003-00

Lot 9 Block 40, McAllen Addition

Tract 1: North McAllen Lot 6, Block 10

Tract 2: North McAllen Lot 6, Block 10, Improvements Only

Lot 24, Block 9, Colonia Hermosa #2

T-249-09-D

T-984-09-A

T-1349-10-A

6

RESOLUTION NO.	

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number.

RESOLUTION AUTHORIZING TAX RESALE

WHEREAS, by Sheriff's Sale conducted on 4th day of August 2009, the property described below was struck-off to McAllen Independent School District, Trustee, pursuant to a delinquent tax foreclosure decree of the 93rd Judicial District Court, Hidalgo County, Texas, and

WHEREAS, the sum of \$14,000.00 has been tendered by Ofelia Aranda of Hidalgo County for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

NOW, THEREFORE, BE IT RESOLVED by the City Council of McAllen that its Mayor Jim Darling, be and that they are hereby authorized to execute a tax resale deed on behalf of the City conveying to Ofelia Aranda all of the right, title, and interest of City of McAllen, and all other taxing units interested in the tax foreclosure judgment in the following described real property located in Hidalgo County, Texas.

LOT 58 IDELA PARK, UNIT 3, ACCORDING TO THE MAP OR PLAT THEROF RECORDED IN VOLUME 20, PAGE 186, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

HIDALGO COUNTY, TEXAS.			
PASSED AND APPROVED this _	day of	, 20	
	Jim Darling Mayor		
ATTEST:			
Annette Villarreal, TMC/CMC, CPM City Secretary			
APPROVED AS TO FORM:			

STANDARDIZED RECOMMENDATION FORM

	TOTAL COLLEGE	(2001) <u>211271011.1.011</u>		
CITY COMMISSION		AGENDA ITEM	2k2	
JTILITY BOARD		DATE SUBMITTED	7/12/2013 7/22/2013	
PLANNING & ZONING BOARD OTHER		MEETING DATE		
1 Agenda Item: Resolution authorizing	tax resale of l	ot 3 blk 14 Alta Mira Subdivi	sion	
2 Party Making Request: Marth	na Guel, Tax A	Assessor Collector		
3 Nature of Request: (Brief Overview) At	tachments:		Yes	
Authorizing tax resale of lot 3 blk 14 Alta N	lira Subdivisio	n		
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	<u>DATE</u>		
a) Martha Guel Tax Assessor	mg	07/12/13		
b)	<u></u>			
8 Staff Recommendation: As pe	r City Commis	sion Recommendation.		
9 Advisory Board: Approved		Disapproved	None	
10 City Attorney:Approved		_Disapproved	GH None	
11 Manager's Recommendation: MRF	Approved	Disapproved	None	

RESOLUTIO	N NO			
Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number.				
RESOLUTION A	UTHORIZING T	<u> FAX RESALE</u>		
WHEREAS, by Sheriff's Sale condu- below was struck-off to City of McAllen, T the 332nd Judicial District Court, Hidalgo Co	rustee, pursuant t	of October, 2010, the property described to a delinquent tax foreclosure decree of		
WHEREAS, the sum of \$11,800.00 he the purchase of said property pursuant to Sec	nas been tendered etion 34.05, Texas	by Ismael Gomez of Hidalgo County for Tax Code Ann. (Vernon, 1982);		
Mayor Jim Darling, be and that they are here City conveying to Ismael Gomez all of the taxing units interested in the tax foreclosure in Hidalgo County, Texas LOT 3, BLOCK 14, ALTA MIRA AS DESCRIBED IN VOLUME	eby authorized to right, title, and in judgment in the f	nterest of City of McAllen, and all other following described real property located HIDALGO COUNTY, TEXAS,		
HIDALGO COUNTY, TEXAS.		20		
PASSED AND APPROVED this	day of Jim Darlin			
	Mayor			
ATTEST:				
Annette Villarreal, TRMC/CMC, CPM City Secretary				
APPROVED AS TO FORM:				

STA	ANDARDIZED F	RECOMMENDATION FORM	
CITY COMMISSION	✓	AGENDA ITEM	2k3
UTILITY BOARD		DATE SUBMITTED	7/12/2013
PLANNING & ZONING BOARD		MEETING DATE	7/22/2013
OTHER		-	
1 Agenda Item: Resolution authorizin	g tax resale of	lot 4 blk 20 Alta Mira Subdivis	ion
2 Party Making Request: Ma	rtha Guel, Tax /	Assessor Collector	
3 Nature of Request: (Brief Overview)	Attachments:		Yes
Authorizing tax resale of lot 4 blk 20 Alta	ı Mira Subdivisio	on	
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_	07/12/13	
b)			
8 Staff Recommendation: As	per City Commi	ssion Recommendation.	
9 Advisory Board: Approved		Disapproved	None

Disapproved

MRP_Approved _____Disapproved

10 City Attorney: ____Approved

11 Manager's Recommendation:

None

None

GH

RESOLUTIO	N NO		_
Notice of confidentiality rights: If you are of the following information from any ibefore it is filed for record in the public license number.	instrument that t	ransfers a	an interest in real property
RESOLUTION A	UTHORIZING T	AX RES.	ALE
WHEREAS, by Sheriff's Sale condu- below was struck-off to South Texas Colleg of the 332nd Judicial District Court, Hidalgo	ge, Trustee, pursua	nt to a del	2012, the property described inquent tax foreclosure decree
WHEREAS, the sum of \$12,000.00 the purchase of said property pursuant to Se	has been tendered ction 34.05, Texas	by Nathan Tax Code	Flores of Hidalgo County fo Ann. (Vernon, 1982);
NOW, THEREFORE, BE IT RESO Mayor Jim Darling, be and that they are her City conveying to Nathan Flores all of the taxing units interested in the tax foreclosure in Hidalgo County, Texas	eby authorized to e right, title, and in	execute a to sterest of (ax resale deed on behalf of the City of McAllen, and all other
LOT 4, BLOCK 20, ALTA MIR CITY OF MCALLEN, HIDALG MAP OR PLAT THEREOF, R RECORDS OF HIDALGO COUN	O COUNTY, TE ECORDED IN V	XAS, AC	CORDING TO THE
PASSED AND APPROVED this	day of	<u> </u>	, 20
	Jim Darli Mayor	ng	
ATTEST:			
Annette Villarreal, TRMC/CMC, CPM City Secretary			
APPROVED AS TO FORM:			

STANDARDIZED	RECOMMENDATION FORM

CI	TY COMMISSION		AGENDA ITEM	2k4
U	FILITY BOARD		DATE SUBMITTED	7/12/2013
ΡL	ANNING & ZONING BOARD	-	MEETING DATE	7/22/2013
0.	THER		-	
1	Agenda Item: Resolution authorizing	j tax resale of	lot 2 blk 1 Retama Terrace	
		· · · · · ·		
2	Party Making Request: Mar	tha Guel, Tax	Assessor Collector	
3	Nature of Request: (Brief Overview)	Attachments:		✓Yes
	Authorizing tax resale of lot 2 blk 1 Retar	па Теггасе		
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	<u>INITIALS</u>	<u>DATE</u>	
	a) <u>Martha Guel Tax Assesso</u> r	mg	07/12/13	
	b)		- . 	
8	Staff Recommendation: As p	er City Commis	ssion Recommendation.	
9	Advisory Board: Approved		_Disapproved	None
10	City Attorney:Approved		_Disapproved	GH None
11	Manager's Recommendation: MR	P Approved	Disapproved	None

RESOLUTION NO	 			
Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number.				
RESOLUTION AUTHOR	IZING TAX RESALE			
WHEREAS, by Sheriff's Sale conducted on below was struck-off to South Texas College, Trusted of the 139th Judicial District Court, Hidalgo County,				
WHEREAS, the sum of \$25,000.00 has been the purchase of said property pursuant to Section 34.0	tendered by Gloria Brady of Hidalgo County for 5, Texas Tax Code Ann. (Vernon, 1982);			
NOW, THEREFORE, BE IT RESOLVED be Mayor Jim Darling, be and that they are hereby author City conveying to Gloria Brady all of the right, title taxing units interested in the tax foreclosure judgmen in Hidalgo County, Texas	e, and interest of City of McAllen, and all other			
LOT 2, BLOCK 1, RETAMA TERRACE MCALLEN, HIDALGO COUNTY, TEXAPLAT THEREOF, RECORDED IN VOLOF HIDALGO COUNTY, TEXAS.	AS, ACCORDING TO THE MAP OR			
PASSED AND APPROVED this day or	f, 20			
	m Darling Iayor			
A TTEQT.				

Annette Villarreal, TRMC/CMC, CPM City Secretary

APPROVED AS TO FORM:

STANDARDIZED RECOMMENDATION FORM

CIT	Y COMMISSION	,	✓	AGENDA ITEM		2k5	
UT	ILITY BOARD			DATE SUBMITTE	D	7/12/2013	
PL	ANNING & ZONING BOARD			MEETING DATE		7/22/2013	
ОТ	HER			-			
1	Agenda Item: Resolution auth	oriztion ta	ax resale of	lot 9 blk 40 Original Tow	nsite	· · · · · · · · · · · · · · · · · · ·	
2	Party Making Request:	Martha	Guel, Tax /	Assessor Collector			
			- churcuta		✓	Vae	
3	Nature of Request: (Brief Overv			_		103	
	Authorizing tax resale of lot 9 blk	40 Origina	I Townsite			<u> </u>	
	- Artistan					· · · · · · · · · · · · · · · · · · ·	
4	Policy Implication:						
5	Budgeted:Yes		No_	N/A			
	Bid Amount: Under Budge <u>t:</u>			Budgeted Amount: Over Budget: Amount Remaining:			
6	Alternate option costs:	· ·	·		···	<u></u>	·
7	Routing:						
	NAME/TITLE		INITIALS	DATE			
	a) Martha Guel Tax Asses	sor	<u>mg</u>	07/12/13			
	b)						
8	Staff Recommendation:	As per	City Commis	ssion Recommendation.			
9	Advisory Board: Approve	i		_Disapproved			None
10	City Attorney:Approve	i		_Disapproved		GH	None
11	Manager's Recommendation:	MRP	_Approved	Disapproved			None

RESOLUTION N	0					
Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number.						
RESOLUTION AUT	HORIZING TAX RESAL	<u>.E</u>				
WHEREAS, by Sheriff's Sale conducted below was struck-off to South Texas College, T of the 206th Judicial District Court, Hidalgo Court,	rustee, pursuant to a deling	111, the property described uent tax foreclosure decree				
WHEREAS, the sum of \$38,000.00 has the purchase of said property pursuant to Section	een tendered by Yadira Ra 34.05, Texas Tax Code Ar	mon of Hidalgo County for an. (Vernon, 1982);				
NOW, THEREFORE, BE IT RESOLV Mayor Jim Darling, be and that they are hereby City conveying to Yadira Ramon all of the right taxing units interested in the tax foreclosure judin Hidalgo County, Texas LOT 9, BLOCK 40, ORIGINAL TOV COUNTY, TEXAS, AS DESCRIBE RECORDS OF HIDALGO COUNTY.	authorized to execute a tax at, title, and interest of City gment in the following des VNSITE, CITY OF MCAD IN VOLUME 1458,	y of McAllen, and all other cribed real property located				
PASSED AND APPROVED this		, 20				
	Jim Darling Mayor					
ATTEST:						
Annette Villarreal, TRMC/CMC, CPM City Secretary APPROVED AS TO FORM:						

	9	STANDARDIZED F	RECOMMENDATION FORM	
CIT	Y COMMISSION		AGENDA ITEM	2k6
UT	ILITY BOARD		DATE SUBMITTED	7/12/2013
PL	ANNING & ZONING BOARD		MEETING DATE	7/22/2013
ОТ	HER		-	
1	Agenda Item: Resolution authoriz	ing tax resale of l	_ot 6 Blk 10 Town of North M	cAllen
2	Party Making Request:	lartha Guel, Tax A	Assessor Collector	
3	Nature of Request: (Brief Overview) Attachments:		Yes
	Authorizing tax resale of lot 6 Blk 10 T	own of North McA	len	
				<u></u>
4	Policy Implication:			
5	Budgeted:Yes	No	N/A	
	Bid Amount:		Budgeted Amount:	
	Under Budget:		Over Budget: Amount Remaining:	
6	Alternate option costs:	· Metron		- 1-20-001
7	Routing:			
	NAME/TITLE	INITIALS	DATE	
	a) Martha Guel Tax Assessor	mg	07/12/13	
	b)			
8	Staff Recommendation: A	s per City Commis	sion Recommendation.	estable T
9	Advisory Board: Approved		Disapproved	None

Disapproved

Disapproved

10 City Attorney:

11 Manager's Recommendation:

Approved

MRP Approved

GH

None

None

RESOLUTION N	0	· · · · · ·
Notice of confidentiality rights: If you are a nof the following information from any instruction before it is filed for record in the public recollicense number.	ument that transf	ers an interest in real property
RESOLUTION AUTI	HORIZING TAX	RESALE
WHEREAS, by Sheriff's Sale conducted below was struck-off to South Texas College, To of the 92nd Judicial District Court, Hidalgo Court	rustee, pursuant to	ember 2012, the property described a delinquent tax foreclosure decree
WHEREAS, the sum of \$36,000.00 has the purchase of said property pursuant to Section	peen tendered by Ri 34.05, Texas Tax (cardo Lopez of Hidalgo County for Code Ann. (Vernon, 1982);
NOW, THEREFORE, BE IT RESOLV Mayor Jim Darling, be and that they are hereby a City conveying to Ricardo Lopez all of the right taxing units interested in the tax foreclosure judgin Hidalgo County, Texas	authorized to execut at, title, and interest	te a tax resale deed on behalf of the tof City of McAllen, and all other
LOT 6, BLOCK 10, TOWN OF NOTEXAS, AS DESCRIBED IN VOLUME HIDALGO COUNTY, TEXAS AN BUILDING ON LOT 6, BLOCK 10, TOUNTY, TEXAS.	ME 1248, PAGE 3. D IMPROVEME	16, DEED RECORDS OF NTS CONSISTING OF
PASSED AND APPROVED this	day of	, 20
	Jim Darling Mayor	
ATTEST:		

APPROVED AS TO FORM:

Annette Villarreal, TRMC/CMC, CPM City Secretary

	<u>.</u>	STANDARDIZED F	RECOMMENDATION FORM	
CIT	TY COMMISSION	√	AGENDA ITEM	2k7
UT	ILITY BOARD		DATE SUBMITTED	7/12/2013
PL	ANNING & ZONING BOARD		MEETING DATE	7/22/2013
ОТ	HER		_	
1	Agenda Item: Resolution authoriz	ring tax resale of	Lot 24 Blk 9 Colonia Hermos	a #2
•	<u> </u>	g tax recaile or		
2	Party Making Request:	Martha Guel, Tax	Assessor Collector	
3	Nature of Request: (Brief Overview	v) Attachments:		Yes
	Authorizing tax resale of Lot 24 Blk 9	Colonia Hermosa #	‡2	
4	Policy Implication:			
5	Budgeted:Yes _	No	N/A	
	Bid Amount:		Budgeted Amount:	
	Under Budget:		Over Budget: Amount Remaining:	
^	Altamata antian acetar		•	
6	Alternate option costs:	· ·		·
7	Routing:			
	NAME/TITLE	INITIALS	DATE	
	a) Martha Guel Tax Assessor	mg	07/12/13	
	b)		_	
8	Staff Recommendation:	As per City Commis	ssion Recommendation.	
	Advisory Board: Approved		_ Disapproved	None
10	City Attorney:Approved		Disapproved	GH None

MRP Approved

11 Manager's Recommendation:

Disapproved

None

RESOLUTION NO.					
Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's icense number.					
RESOLUTION AUTHO	DRIZING TAX RESALE				
WHEREAS, by Sheriff's Sale conducted on below was struck-off to South Texas College, Trus of the 92nd Judicial District Court, Hidalgo County	4th day of December 2012, the property described tee, pursuant to a delinquent tax foreclosure decree, Texas, and				
WHEREAS, the sum of \$9,300.00 has been purchase of said property pursuant to Section 34.05	tendered by 3 MIP, LLC of Hidalgo County for the , Texas Tax Code Ann. (Vernon, 1982);				
NOW, THEREFORE, BE IT RESOLVED Mayor Jim Darling, be and that they are hereby aut City conveying to 3 MIP, LLC all of the right, to taxing units interested in the tax foreclosure judgm in Hidalgo County, Texas	tle, and interest of City of McAllen, and all other				
LOT 24, BLOCK 9, COLONIA HERM COUNTY, TEXAS, AS DESCRIBED RECORDS OF HIDALGO COUNTY, T	OSA #2, AN ADDITION TO HIDALGO IN VOLUME 1019, PAGE 575, DEED EXAS.				
PASSED AND APPROVED this day	y of, 20				
	Jim Darling Mayor				
ATTEST:					
Annette Villarreal, TRMC/CMC, CPM					

City Secretary

APPROVED AS TO FORM:

<u>City of McAllen</u> <u>Standardized Recommendation Form</u>

						21	
Ci	ity Commission	X			0	da Item	_
	Utility Board					omitted <u>07/16/13</u>	
	Other Board				Meetin	g Date <u>07/22/13</u>	<u> </u>
1.	Agenda Item:	Purchase	of one (1) radio	comm	unications repea	ter on behalf of th	ne Rio
		Grande V	/alley Communic 11 State Homel	cations (and Sec	curity Program g	and funded thro	ougn
					3	,	
2.	Party Making Requ	est: <u>Wen</u>	dy L. Smith, As	sistant	City Manager		
3.	Nature of Request:	(Brief Ov	erview) Attach	ments:	x_ Y	es No)
	Request approval to	purchase	one (1) radio c	ommun	ications repeater	with FY 2011 SI	HSP
	grant funds. The Ci	ty acts as	fiscal agent for t	he gran	t and is making t	he purchase on t	ehalf
	of the RGVCG. The	re is no loc	cal match thereto	ore no c	ost to the City of	wcallen.	
4.	Policy Implication:						
5.	Budgeted:	Yes	X No —	N/A			
	10.12	\mount:	\$31,498			mount: <u>\$0.00</u>	
	Under	Budget:	-			Budget: \$31,49 8	3
					Amount Rem	iaining	
	If over budget, how	will it be	paid for: Will h	e funde	d in full by SHSP gr	ant.	
^	A. 16	-4	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
6.	Alternate option/co	Sts:					
7.	Routing:						
	Name/Title		<u>Ini</u>	<u>tial</u>	<u>Date</u>	Concurrence	
	a) Carla M. Rodriguez		CMI	₹	07/16/2013	X Yes	No
	b)					Yes	No
	`					Yes	No
	d)					Yes	No
	- \					Yes	No
Ω	Staff's Recommen	dation:	Approval of rac	dio comi	munications repe	ater purchase wi	th
Ο.	Stall's Necollillell	dation.	SHSP grant.				
	Advisory	/ Board:	Approv	ed	Disap	proved	None
	City A	• ز-زttorney	Approv	ed	Disan	proved	None
	Oity A	المروا المالية					es consentratives des
M	anager's Recomme	ndation:	M/ Approv	ed	Disap	proved	None



CITY OF MCALLEN MEMORANDUM

To: Mike R. Perez, City Manager

From: Wendy Smith, Asst. City Manager

Date: July 16, 2013

Subject: Purchase of Radio Communications Repeater w/ FY2011 SHSP funds on

behalf of RGVCG

GOAL: Consider approval for the purchase of one radio communications repeater on behalf of the Rio Grande Valley Communications Group (RGVCG) with FY 2011 State Homeland Security Program grant funds.

BRIEF EXPLANATION OF THE ITEM:

The City would like to act as fiscal agent for the grant and will make the purchase on behalf of the RGVCG. The purchase will be for one (1) radio communications repeater using FY2011 State Homeland Security Program grant funds, and will be funded completely by the grant. There will be no cost to the City of McAllen.

OPTIONS:

Option 1: Approve the purchase of the radio communications repeater.

Option 2: Opting not to accept the Sub-Recipient Agreements will result in the loss of grant funds to leverage the City's service operations and meet regional radio capacity.

RECOMMMENDATION: Staff recommends approval of the Sub-Recipient Agreements.

STANDARDIZED RECOMMENDATION FORM

CIT	Y COMMISSION		X	AGENDA ITEM	2M
UTI	ILITY BOARD		-	DATE SUBMITTED	07/17/2013
PL/	ANNING & ZONING BO	ARD		MEETING DATE	07/22/2013
OT	HER			-	
				-	
1	Agenda Item:	Confirmation	n of Advis	ory Board members to Vari	ous Boards
2	Party Making Reques	t: <u>Anne</u>	ette Villarre	al, City Secretary	
_	National (Daywood (D		A ((= = 1	Was W. N	1.
3	Nature of Request: (B			nts:	
				nominated Dora Cardenas to	
				is nominated Dr. Farzaneh I	
	to the McAllen Public				<u> </u>
		,	-		
4	Policy Implication:				
5	Budgeted:	Yes	No	X N/A	
	Bid Amount:			Budgeted Amount:	
	Under Budget:			Over Budget:	
				Amount Remaining:	
_	Altaniata antiqua anti	_			
6	Alternate option costs	s:			
7	Douting				
′	Routing: NAME/TITLE	INITIALS	DATE	CONCURRENCE	
	INAMIL/IIILL	INITIALS	DAIL	YES/NO	
	a)			123/140	
	u)		-		
	b)				
	/				
8	Staff Recommendation	n: Appo	ointments k	oe made.	
9	Advisory Board:	Approved		DisapprovedNon	e
				-	
10	City Attorney:	Approved		Disapproved GH Non	e
	Manage Is D	a dati a c	A	nd Disannroyed	MDD A
17	Manadarie Pacammai	nastion	Annrova	a ilicannroyed	MILL MANA

CITY OF MCALLEN STANDARDIZED RECOMMENDATION FORM

UTI PLA	Y COMMISSION LITY BOARD ANNING & ZONING COMMISSION HER	X 	AGENDA ITEM DATE SUBMIT MEETING DAT	TED <u>7-16-13</u>				
1.	Agenda Item: BIDS AND CONTRACT	<u>rs</u>						
2.	2. Party Making Request: KEVIN D. PAGAN, CITY ATTORNEY							
3.	Nature of Request: (Brief Overview	v) ATTACHA	AENT: X YE	s NO				
	CONSIDERATION AND POSSIBLE RELATING TO RECONFIGURATION O SYSTEM AS ORDERED BY THE FCC	OF THE CITY						
4.	Policy Implication:	*****						
5.	Budgeted: YES FUND: Bid Amount: \$ Under Budget: \$ If over budget how will it be paid for	Budge Over E Amoui	O N/A ted Amount: Budget: nt Remaining:	\$ <u>N/A</u> \$ \$				
6.	Alternate option/costs:		-					
7.	Routing: NAME/TITLE INIT	<u>TAL</u> <u>j</u>	DATE CO	ONCURRENCE YES/NQ				
	a.) Kevin D. Pagan			903				
8.	Staff recommendation:		195-					
9.	Advisory Board: Approved	Disa	approved	None				
10	. City Attorney: KPApprove	dDisa	approved	_None				

MRP Approved

11. Manager's Recommendation:

Disapproved

Non



CITY OF MCALLEN

City Attorney's Office

TO: **Mayor and City Commission**

Mike R. Perez, City Manager CC:

Kevin D. Pagan, City Attorney

DATE: July 16, 2013

FROM:

Contract for Legal Services - Reconfiguration of the City's Public Safety **SUBJECT: Radio System**

Brief explanation of the item: Attached is a proposed Contract for Legal Services with the law firm of Best Best & Krieger, LLP. (some of you may recall the firm under its former name, Miller & VanEaton) for services in representing the City of McAllen relating to a border rebanding order. The order will soon become effective upon publication in the Federal Register

and the City has 800 MHz licenses subject to rebanding. This is necessary because Sprint Nextel "purchased" these frequencies from the federal government at auction some time ago. There is a possibility that the major cities in the Regional Group may come together to hire one firm or one "set" of consultants to work on this matter.

This law firm is currently representing Laredo and perhaps as many as six other Rio Grande Valley licenses. The firm has, in the past, represented 60 non-border licensees in reaching more than 100 rebanding contracts. Nextel, under the FCC order, must pay the reasonable, prudent and necessary costs of outside legal and technical consulting. The contract does not require the City to pay for any of these services.

The City Commission can approve the Contract, **Options:** 1.

- Table same for further discussion or direction to the staff, or 2 3. Decline to accept the Contract.
- The City Attorney's Office recommends that the City Commission Recommendation: approve the Contract.

CONTRACT FOR LEGAL SERVICES

(hereinafter "City"), and the Law Firm of Best Best & Krieger L.L.P. (hereinafter "Law Firm"), the terms and conditions of which are as follows, including Firm's Billing Policies outlined in **Exhibit A** and incorporated herein by reference:

This contract is entered between the City of McAllen, a municipal corporation

- 1. City engages the Law Firm to:
 - Advise the City in connection with reconfiguration of the City's 800 MHz public safety radio system as ordered by the FCC consistent with the terms
- 2. The attorneys in charge of this representation will be Gerard L. Lederer, whose and James Hobson. Hourly attorney rates for services which are reimbursed by Nextel as provided in Exhibit A are \$490 per hour. Worked performed at the direction of the City that is outside of the scope of work that is required to be reimbursed by Nextel will be at the firm's discounted municipal rates.

of the Exhibit B, attached hereto and incorporated by reference.

- The Law Firm will provide the City with copies of all legal memoranda prepared as a result of this engagement, and if the engagement is for litigation, the Law Firm will provide copies of all relevant pleadings and timely status reports to the City Attorney, to the extent you require his assistance.
- 4. Notwithstanding the foregoing, since this is a professional services contract involving the attorney-client relationship, this contract may be terminated (1) at any time by mutual consent of the parties or (2) by either party, in its discretion, effective on 30 days written notice to the other. If such should transpire, the Law Firm will ensure that it will co-operate in the termination of the contract without prejudice to the City and City shall be responsible for payment of bills incurred up
- to date of termination.
 All bills, status reports and communications relating to this contract shall be made by the Law Firm to the Information Services and Telecommunications Director. Communications concerning a specific case may be directed to specific Assistant
 - City Attorney assigned to such case.
- 6. All notices or other communications between parties shall be sent to:

Kevin Pagan

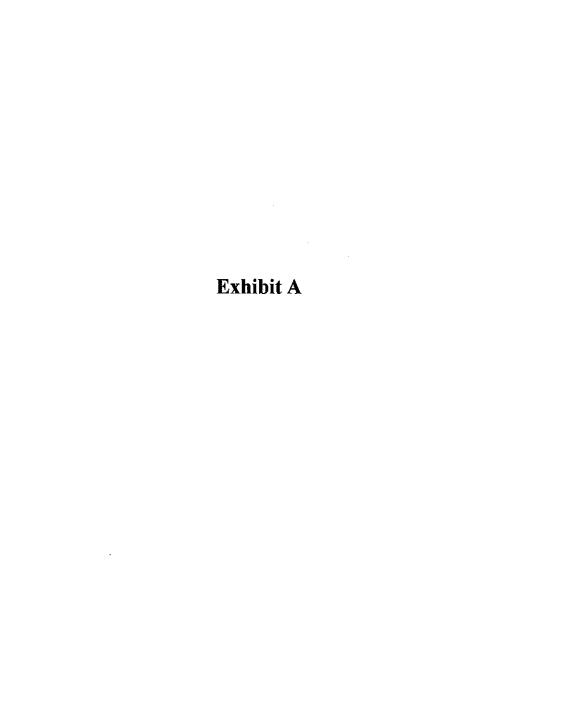
City Attorney City of McAllen Texas 1300 Houston Ave

1300 Houston Ave McAllen, TX 78501

Gerard Lavery Lederer

Best Best & Krieger, LLP 2000 Pennsylvania Avenue N.W., Suite 4300 Washington, DC 20006-1812

7.	Annexed hereto as Exhibit A is the Law Firm's additional terms of engagement under this contract, which is made a part of this contract as if set forth herein.
This	legal services contract is signed in duplicate originals, on this the day of, 2013.
	City Of McAllen
	Ву:
	Best Best & Krieger L.L.P.
	By: Nicholas Miller



BEST BEST & KRIEGER LLP'S BILLING POLICIES

Our century of experience has shown that the attorney-client relationship works best

when there is mutual understanding about fees, expenses, billing and payment terms. Therefore, this statement is intended to explain our billing policies and procedures. Clients are encouraged to discuss with us any questions they have about these policies and procedures. Clients may direct specific questions about a bill to the attorney with whom the client works or to Judy Ismael of our Accounting Department. Any specific billing arrangements different from those set forth below will be confirmed in a separate written agreement between the client and the firm.

Fees for Professional Services

work we will undertake will be based in substantial part on time spent by personnel in our office on that client's behalf. In special circumstances which will be discussed with the client and

Unless a flat fee is set forth in our engagement letter with a client, our fees for the legal

agreed upon in writing, fees will be based upon the novelty or difficulty of the matter, or the time or other special limitations imposed by the client.

Hourly rates are set to reflect the skill and experience of the attorney or other legal personnel rendering services on the client's behalf. Time is accrued on an incremental basis for such matters as telephone calls (minimum .3 hour) and letters (minimum .5 hour), and on an

actual basis for all other work. Our attorneys are currently billed at rates from \$225 to \$575 per hour, and our administrative assistants, research assistants, paralegals and law clerks are billed at rates from \$110 to \$240 per hour. These hourly rates are reviewed annually to accommodate rising firm costs and to reflect changes in attorney status as lawyers attain new levels of legal experience. Any increases resulting from such reviews will be instituted automatically and will apply to each affected client, after advance notice.

Fees For Other Services, Costs and Expenses

We attempt to serve all our clients with the most effective support systems available. Therefore, in addition to fees for professional legal services, we also charge separately for some other services and expenses to the extent of their use by individual clients. These charges include but are not limited to, mileage at the current IRS approved rate per mile, extraordinary telephone and document delivery charges, copying charges, computerized research, court filing fees and other court-related expenditures including court reporter and transcription fees. No

We may need to advance costs and incur expenses on your behalf on an ongoing basis. These items are separate and apart from attorneys' fees and, as they are out-of-pocket charges, we need to have sufficient funds on hand from you to pay them when due. We will advise the

separate charge is made for secretarial or word processing services; those costs are included

within the above hourly rates.

BK

BEST BEST & KRIEGERS

City of McAllen Page 2

client from time to time when we expect items of significant cost to be incurred, and it is required that the client send us advances to cover those costs before they are due.

Advance Deposit Toward Fees And Costs

Because new client matters involve both a substantial undertaking by our firm and the establishment of client credit with our accounting office, we generally require an advance payment from clients. The amount of this advance deposit is determined on a case-by-case basis discussed first with the client, and any required deposit is specified in our engagement letter.

Upon receipt, the advance deposit will be deposited into the firm's client trust account. Our monthly billings will reflect such applications of the advance deposit to costs and not to attorney's fees. At the end of engagement, we will apply any remaining balance first to costs and then to fees. We also reserve the right to require increases or renewals of these advanced deposits.

By signing the initial engagement letter, each client is agreeing that trust account balances may be withdrawn and applied to costs as they are incurred and to our billings, after presentation to the client. If we succeed in resolving your matter before the amounts deposited are used, any balance will be promptly refunded.

Monthly Invoices and Payment

Best Best & Krieger LLP provides our clients with monthly invoices for legal services performed and expenses incurred. Invoices are due and payable upon receipt.

Each monthly invoice reflects both professional and other fees for services rendered through the end of the prior month, as well as expenses incurred on the client's behalf that have been processed by the end of the prior month. Processing of some expenses is delayed until the next month and billed thereafter.

Our fees are not contingent upon any aspect of the matter and are due upon receipt. All billings are due and payable within ten days of presentation unless the full amount is covered by the balance of an advance held in our trust account. If a bill is not paid within 30 days, a late charge of one percent per month on the unpaid invoice shall be added to the balance owed, commencing with the next statement and continuing until paid.

It is our policy to treat every question about a bill promptly and fairly. It is also our policy that if a client does not pay an invoice within 60 days of mailing, we assume the client is,

BEST BEST & KRIEGERS

City of McAllen Page 3

for whatever reason, refusing to pay. We will then advise the client by letter that the client may pay the invoice within 14 days or the firm will take appropriate steps to withdraw as attorney of record. If the delay is caused by a problem in the invoice, we must rely upon the client to raise that with us during the 14-day period. This same policy applies to fee arrangements which require the client to replenish fee deposits or make deposits for anticipated costs.

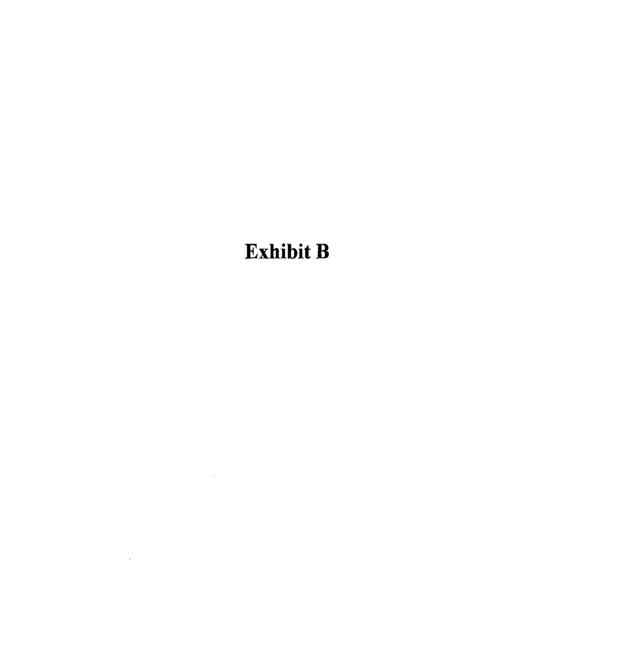
From time to time clients have questions about the format of the bill or description of work performed. If you have any such questions, please ask them when you receive the bill so we may address them on a current basis.

Changes in Fee Arrangements and Budgets

It may be necessary under certain circumstances for a client to increase the size of required advances for fees after the commencement of our engagement and depending upon the scope of the work. For example, prior to a protracted trial or hearing, the firm may require a further advance payment to the firm's trust account sufficient to cover expected fees. Any such changes in fee arrangements will be discussed with the client and mutually agreed in writing.

Because of the uncertainties involved, any estimates of anticipated fees that we provide at the request of a client for budgeting purposes, or otherwise, can only be an approximation of potential fees.

BEST BEST & KRIEGER LLP



APPENDIX

LEGAL SERVICES CONTRACT BETWEEN BB&K AND CITY OF MCALLEN FOR

FOR RECONFIGURATION OF CITY'S 800 MHZ PUBLIC SAFETY RADIO SYSTEM

This Agreement is appended to the Legal Services Contract the City of McAllen ("City") has with Best Best & Krieger ("Law Firm") to provide legal services for communications matters and extends that retainer to include legal services in connection with reconfiguration of the City's 800 MHz public safety radio system ordered by the FCC. All terms except billing as

outlined below shall be consistent with the Legal Services Contract and the enclosed **Standard Terms of Engagement** (which is incorporated by reference).

Law Firm's fees for legal services in connection with reconfiguration of the City's

800 MHz public safety radio system ordered by the FCC will be based on the time we spend on

the engagement. Statements for services will include itemized detail. As encouraged by the FCC orders, we will bill Sprint Nextel directly at our standard rates. We anticipate that most of the work on this project will be performed by James Hobson and Gerard Lavery Lederer at the hourly rates reflected in the Legal Services Contract to which this agreement is appended. We are prepared — in the course of the negotiations with Sprint Nextel — to record in the eventual agreement that we expect payment from Sprint Nextel. Law Firm would have no recourse to City for payment unless City asks for services which are (1) agreed in advance to be outside the scope of reconfiguration planning and implementation for which the FCC has made Sprint Nextel responsible; or (2) disputed between the City and Nextel as to Nextel's responsibility for

The client for this engagement is the City of McAllen, Texas. Law Firm attorneys are representing other clients with essentially identical interests in this matter. When work is performed for the benefit of two or more clients in this matter, the fees and charges will be appropriately allocated.

payment and the City agrees to City payment in settlement of the dispute. All such additional

work shall be subject to the billing practices outlined in the Legal Services Contract.

We understand that the parties potentially adverse to your interests are Sprint Nextel and possibly the Transition Administrator appointed by the FCC. Please inform us immediately if you become aware of any additional adverse parties.

The scope of representation by the firm's lawyers under this retainer is limited to matters as to which we are permitted to represent you by law, regulations or custom.

From: Gerard Lederer [mailto:Gerard.Lederer@bbklaw.com]

Sent: Monday, July 08, 2013 10:58 AM

To: Kevin D. Pagan

Subject: List of communities that BBK has/is represented in 800 MHz rebanding

Kevin:

Per your request, the below table contains the names of more than fifty 800 MHz licensees and reflects 80 separate contractual negotiations that BB&K has conducted. Below the table are the names of folks you are welcome to contact for references. In addition, you can always contact the folks in Laredo, but it might not be a fair reference on our 800 MHz work effort as we have just begun their efforts.

The size and recent history of this firm's 800 MHz rebanding experience is illustrated in the table below. But even before the formal start of rebanding in 2005, we were heavily involved in the central problem that rebanding was supposed to alleviate - interference to public safety systems by commercial users of the 800 MHz band. For example, we represented Anne Arundel County, Maryland in its effort to resolve by local ordinance dangerous interference by Sprint Nextel to the County's radio system -such that no fewer than 60 "dead spots" had been identified in the vicinity of commercial towers. We had advised the County that the FCC would assert plenary authority over radio interference in finding its ordinance unlawful, but the outcome contained some positives for the County and was, we believe, an additional incentive for the ultimate decision to proceed by rule rather than case-by-case adjudication of interference issues. Cingular Wireless, 18 FCC Rcd 13126 (2003). About the same time, we formed a coalition of licensees whose 800 MHz public safety systems were receiving heavy commercial interference. We urged the FCC to condition any future grants of Nextel licenses on Nextel's agreement to resolve such instances of interference. Again, although the FCC refused to impose such a generic condition on Nextel licenses, the agency soon thereafter acted favorably on Nextel's proposal to pay for the reconfiguration of public safety licensees in exchange for some comparably-valued grant of spectrum. The story is told at http://www.800ta.org/content/fccguidance/FCC 04-168 08.06.04.pdf

Every negotiation referenced below included the challenge of demonstrating – despite Nextel and Transition Administrator ("TA") motives to hold down expenses – that licensee estimated costs were reasonable, prudent and necessary for the purpose of safe and reliable rebanding. Less frequently, the issue of "comparability" of the post-reband system to the pre-reband version became the subject of technical and legal debate. Perhaps our most significant achievement on the cost side was the FCC's order in a case involving the City of Alexandria, Virginia,

http://www.800ta.org/content/fccguidance/DA_10-501_03.26.10.pdf , where the FCC found that the licensee was entitled to "zone-doubled" radios if its current stock lacked sufficient capacity for operation on both old and new channels during the reconfiguration transition. This favorable holding benefited other client licensees in the National Capital Region, notably Montgomery County, MD.

Name	Type of contract	# of subscriber units ^[1]
City of Alexandria, VA	PFA, FRA ^[2]	2000
Anne Arundel County, MD	PFA, FRA	4200
Atlanta, Georgia		
Calhoun County, AL	(1) trunked system FRA	5378
	(2) TAR system	50,000 ^[3]
Calvert County, MD	PFA, FRA	1000
Central Virginia Regional ^[4]	PFA, FRA	3500
Charles County, MD	PFA, FRA	2400
City of Chicago (OEMC)	PFA	600 (mobile data and sirens)
Clinton County, MI	PFA, FRA	450
City of Conyers, GA	FRA	200
Cobb County, GA	PFA, FRA	12,000
Commonwealth of VA	PFA	4100
Culpeper County, VA	PFA, FRA	830
Fauquier County, VA	PFA, FRA	1000
Fulton County, GA	PFA, FRA	5000

City	of Greensboro, NC	PFA, FRA (2)	5200 ^[5]
Gwir	nnett County, GA	PFA, FRA	3600
Hanc	over County, VA	PFA, FRA	2250
Harri	isonburg, VA	FRA	[6]
City	of High Point, NC	PFA, FRA	1600
Illino (Starcom),	ois, State of	PFA, FRA	8500
4100	(Department of Correc	ions)	
City	of Jacksonville, NC	PFA, FRA	286
King	County, WA ^[7]	PFA, FRA	6000
Lake	County, IL	FRA	3350
Lared	do, TX	PFA, FRA	$\mathrm{TBD}^{[8]}$
Loud	oun County, VA	PFA, FRA	2000
Louis	siana, State of	PFA, FRA	11,000
Lown	ndes County, GA	FRA	1200
MW	4A ^[9]	PFA, FRA	2200
Mian	ni County, OH	PFA, FRA	1235
Mont	gomery County, MD	PFA, FRA (2)	8700
Onslo	ow County, NC	PFA, FRA	132
City	of Philadelphia, PA	PFA, FRA	7400
Pinel	las County, FL	PFA, FRA	10,372
City	of Roanoke, VA	PFA, FRA	$3200^{[10]}$
St. C	lair County, IL	PFA, FRA	1300
St. M	lary's County, MD	FRA	1650
City	of Tampa, FL	FRA	214
City	of Wilmington, DE	FRA	N/A ^[11]
City	of Winston-Salem, NC	PFA, FRA	3400 ^[12]
Wisc	onsin, State of	PFA, FRA	5014
		3	

References

- 1. City of Philadelphia, Michael Athay, Chief Deputy Solicitor, Law Department, 1515 Arch Street, Philadelphia, PA, 19102-1595, (215) 683-5062, Michael Athay@phila.gov
- 2. Montgomery County, MD, Bobby Johnson, Manager Radio Communications Services Department Of Technology Services –ETSD, Montgomery County, Maryland, Office: 240-777-2959, bobby.johnson@montgomerycountymd.gov
- 3. Tracy Roberts, Radio System Manager, Cobb County Department of Public Safety E911, 140 N Marietta Pkwy, Marietta, GA 30060, Phone: (770) 499 4164, tracy.roberts@cobbcounty.org

Gerry

IRIR

BEST BEST & KRIEGERS

ATTORNEYS AT LAW

2000 Pennsylvania Avenue, NW

Suite 4300 Washington, DC 20006

Phone: (202) 785-0600

Fax: (202) 785-1234

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Gerard Lavery Lederer

Of Counsel

gerard.lederer@bbklaw.com

Direct: (202) 370-5304

Cell: (202) 664-4621

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- [1] These totals shift over time and should be treated as best approximations; licensees with more than 5000 users are highlighted, as part of our response to Section 3(a). [2] PFA stands for "Planning Funding Agreement," FRA for "Frequency Reconfiguration Agreement"
 - [3] These are end-user hazmat warning radios for homes and businesses. See FCC order DA 08-1532, released June 30, 2008 [4] Amherst County, Bedford City and County, Lynchburg, VA
 - [5] Includes Guilford County; FRAs negotiated for Stage 1 and Stage 2
 - [6] Includes Rockingham County
 - [7] Includes three neighboring licensees
 - [8] Mexican border rebanding not yet formally begun
 - [9] Metropolitan Washington Airports Authority (Reagan, Dulles)
 - [10] Includes Roanoke County

 - [11] City agreement with Nextel involved channel swap only, rest of rebanding under State of Delaware

 - [12] Includes Forsyth County, NC
 - [13] See note 7.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION UTILITY BOARD PLANNING & ZONING BOARD OTHER				X AGENDA ITEM DATE SUBMITTED MEETING DATE			3b 7/15/2013 7/22/2013
1	Agenda Item:			vork equipment from Insight Public Sector through State of ources (DIR) program.			
2	Party Making Request: Engineering Department						
3	Nature of Request: (Brief Overview) Attachments: Request authorization to purchase network equipment from Insight Public Sector using Texas contract DIR-SDD-1369. Please see attached quotes.						
4	Policy Implication:						
5	Budgeted:	XYes	No) _	N/A		
	Bid Am Under E		706.80	(Budgeted Amount: Over Budget: Amount Remaining:		_ _ _
6	Alternate option	n costs:					
7	· —	era, PE, CFM, City Engineer nora, CPM, Purchasing		ITIALS	DATE בוצור	CONCURRENC YES/NO	<u>E</u>
		uez, Assistant City Manager		RR	7/16/13	YES	_
8	Staff Recommendation: Approval to purchase network equipment from Insight Public Sector.						
9	Advisory Board: Approve		l	Disapproved		None	
10	City Attorney:Approve		i	Disapproved		GH None	
11	Manager's Reco	ommendation:	MDD Ar	nroved	Disann	roved	None



ENGINEERING DEPARTMENT MEMORANDUM

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer

Date: July 15, 2013

Subject: Purchase Network Equipment for McAllen Development Center

GOAL:

To purchase network infrastructure equipment for the Development Services Facility.

BRIEF EXPLANATION:

The Information Technology department over the last eight years has purchased network equipment through the State of Texas - Department of Information Resources (DIR) program. The Texas Government Code Section 791.025 states that the Texas DIR program has met the competitive bid requirement.

Attached are two DIR quotes for network equipment from Insight Public Sector and CDW-G that were obtained by the Information Technology Department. All equipment listed is required for the successful connectivity needed for the operation of the development center.

OPTIONS:

- 1. Purchase equipment through the Insight Public Sector DIR contract at \$101,706.80
- 2. Purchase equipment through CDW-G DIR contract at \$139,784.65

RECOMMENDATION:

Option 1: Staff recommends approval of the purchase of network equipment through the Insight Public Sector State of Texas DIR program (DIR-SDD-1369) for \$101,706.80.

Insight Public Sector 6820 South Harl Avenue Tempe, AZ 85283

Account Executive: Darak Weaver

Phone: 956.465.8080 darak.weaver@insight.com

rose.owens@insight.com





DIR Contract: DIR-SDD-1369

Sales Quote: 061013COM

Date: 6/10/2013

Buyer: City of McAllen Name: Jason Bartimus Phone: 956.681.1114

Email: jbartimus@mcallen.net

Sales Solution Representa	itive: Rose Owens
Phone: 512.691.2046	
Fax: 512.691.9480	

Part Number	Description	List Price	Discount %	Unit Price	Quantity	Extended Price
WS-C3750X-48P-E	Catalyst 3750X 48 Port PoE IP Services	\$21,000.00	50.00	\$10,500.00	1	\$10,500.00
CON-SNT-3750X4PE	SMARTNET 8X5XNBD Catalyst 3750X 48 Port PoE IP Services	\$780.00	21.00	\$616.20	1	\$616.20
CAB-3KX-AC	AC Power Cord for Catalyst 3K-X (North America)	\$0.00	50.00	\$0.00	1	\$0.00
S375XVK9T-12258SE	CAT 3750X IOS UNIVERSAL WITH WEB BASE DEV MGR	\$0.00	50.00	\$0.00	1	\$0.00
C3KX-NM-1G	Catalyst 3K-X 1G Network Module option PID	\$500.00	50.00	\$250.00	1	\$250.00
CAB-STACK-50CM	Cisco StackWise 50CM Stacking Cable	\$0.00		\$0.00	1	\$0.00
CAB-SPWR-30CM	Catalyst 3750X Stack Power Cable 30 CM	\$0.00		\$0.00	1	\$0.00
C3KX-PWR-715WAC	Catalyst 3K-X 715W AC Power Supply	\$0.00		\$0.00	1	\$0.00
C3KX-PWR-1100WAC=	Catalyst 3K-X 1100W AC Power Supply	\$1,500.00	50.00	\$750.00	1	\$750.00
WS-C3750X-48P-S	Catalyst 3750X 48 Port PoE IP Base	\$13,000.00	50.00	\$6,500.00	11	\$71,500.00
CON-SNT-3750X4PE	SMARTNET 8X5XNBD Catalyst 3750X 48	\$780.00	21.00	\$616.20	11	\$6,778.20
CAB-3KX-AC	AC Power Cord for Catalyst 3K-X (North	\$0.00		\$0.00	11	\$0.00
S375XVK9T-12255SE	CAT 3750X IOS UNIVERSAL WITH WEB	\$0.00	50.00	\$0.00	11	\$0.00
C3KX-NM-1G	Catalyst 3K-X 1G Network Module option PID	\$500.00	50.00	\$250.00	11	\$2,750.00
CAB-SPWR-30CM	Catalyst 3750X Stack Power Cable 30 CM	\$0.00	50.00	\$0.00	11	\$0.00
C3KX-PWR-715WAC	Catalyst 3K-X 715W AC Power Supply	\$0.00	50.00	\$0.00	11	\$0.00
CAB-STACK-50CM	Cisco StackWise 50CM Stacking Cable	\$0.00	50.00	\$0.00	11	\$0.00
C3KX-PWR-1100WAC=	Catalyst 3K-X 1100W AC Power Supply	\$1,500.00	50.00	\$750.00	1	\$750.00
AIR-CAP3602I-A-K9	802.11n CAP w/CleanAir; 4x4:3SS; Mod; Int	\$1,495.00	50.00	\$747.50	5	\$3,737.50
CON-SNTP-C362IA	SMARTNET 24X7X4 802.11n CAP	\$192.00	21.00	\$151.68	5	\$758.40
AIR-AP-BRACKET-1	802.11n AP Low Profile Mounting Bracket	\$0.00	50.00	\$0.00	5	\$0.00
AIR-AP-T-RAIL-R	Ceiling Grid Clip for Aironet APs - Recessed	\$0.00	50.00	\$0.00	5	\$0.00
SWAP3600-RCOVRY-K9	Cisco 3600 Series IOS WIRELESS LAN	\$0.00	50.00	\$0.00	5	\$0.00
GLC-SX-MMD=	1000BASE-SX SFP transceiver module,	\$500.00	50.00	\$250.00	8	\$2,000.00
CAB-STACK-3M=	Cisco StackWise 3M Stacking Cable	\$300.00	50.00	\$150.00	3	\$450.00
CAB-SPWR-150CM=	Catalyst 3750X and 3850 Stack Power Cable	\$195.00	50.00	\$97.50	3	\$292.50
GLC-LH-SM-AO	1000BLX SFP SMF LC F/CISCO 1310NM			\$110.00	4	\$440.00
FOAS2FLCLC-3M	3 Meter Fiber Multimode LC/LC Patch Cable			\$17.00	4	\$68.00
FOAS2FLCSC-1M	1 Meter Fiber Singlemode LC/SC Patch Cable			\$14.00	2	\$28.00
FOAS2FLCSC-5M	5 Meter Fiber Singlemode LC/SC Patch			\$19.00	2	\$38.00

TERMS AND CONDITIONS

Transaction is governed by the applicable contract between Insight Public Sector and the Texas Department of Information Resources

Pursuant to that contract, the warranties and disclaimers located at the following URL apply to this transaction: www.insight.com/pages/legal.web#

The above referenced contract and warranties and disclaimers are hereby incorporated herein by this reference.

INSIGHT PUBLIC SECTOR SPECIFICALLY OBJECTS TO ANY ADDITIONAL TERMS BEING ADDED THROUGH A PURCHASE ORDER OR OTHER SIMILAR DOCUMENT OR COMMUNICATION (A 'PURCHASE ORDER'). BY ORDERING ANY OF THE ITEMS IDENTIFIED HEREIN, CUSTOMER AGREES THAT ANY ADDITIONAL TERMS CONTAINED IN A PURCHASE ORDER SHALL NOT BECOME PART OF THE AGREEMENT BETWEEN THE PARTIES AND SPECIFICALLY THAT THE TERMS AND CONDITIONS CONTAINED HEREIN OR INCORPORATED HEREIN BY REFERENCE SHALL SUPERSEDE ANY CONFLICTING, CONTRARY, OR ADDITIONAL TERMS AND CONDITIONS IN A PURCHASE ORDER.

Jason Bartimus

From: Sent: CDW <cdwsales@cdwemail.com> Tuesday, June 11, 2013 1:29 PM

To:

Jason Bartimus

Subject:

CDW-G Quote Confirmation: Quote #1BCBG2Q/P.O. Ref. DEVELOPMENT SERVICES

CENTER

CDW-G QUOTE CONFIRMATION



DEAR JASON DARREL BARTIMUS,

Thank you for considering CDW-G for your computing needs. The details of your quote are below. <u>Click here</u> to convert your quote to an order.

QUOTE DETAILS

Requested: 6/11/2013 Quote #: 1BCBG2Q

Quote #: IBCBG2Q

Quote Reference:

DEVELOPMENT SERVICES

CENTER

Grand Total: \$139,784.65 Customer Number: 811161

QUOTE DETAILS LIST

ITEM

QTY CDW#

UNIT PRICE EXT. PRICE



Cisco Catalyst 3750X-48P-E switch - 48 ports managed - rackmountable

Mfg. Part#: WS-C3750X-48P-E Contract: National IPA Technology Solutions (083052-01) Go to Site 1 2742072 \$14,579.16 \$14,579.16

Cisco SMARTnet extended service agreement

Mfg. Part#: CON SNI 3750X4PE Electronic distribution NO MEDIA Contract: National IPA Technology Solutions (083052-01) Go to Site 12 2775945 \$749.77 \$8,997.24

Cisco expansion module

Mfg. Part#: C3KX-NM-1G UNSPSC: 43201404 Contract: National IPA **Technology Solutions** (083052-01)<u>Go to Site</u>

12 2499092 \$343.40 \$4,120.80



hot-plug / redundant -1100 Watt

Mfg. Part#: C3KX-PWR-1100WAC= UNSPSC: 39121004 Contract: National IPA **Technology Solutions** (083052-01)

Go to Site

Cisco - power supply - 2 2090036 \$1,077.43 \$2,154.86



48P-S - switch - 48 ports - managed rack-mountable

Mfg. Part#: WS-C3750X-48P S UNSPSC: 43272612 Contract: National IPA Technology Solutions (083052 01) Go to Site

Cisco Catalyst 3750X- 11 2087117 \$9,019.69 \$99,216.59

Cisco Aironet 3602I wireless access point

Mfg. Part#: AIR-CAP36021 A K9 UNSPSC: 43222631 Contract: National IPA Technology Solutions $(083052 \cdot 01)$ Go to Site

5 2544633 \$1,037.97 \$5,189.85

Cisco SMARTnet Premium extended service agreement Mfg. Part#: CON-SNIP-

C362IA UNSPSC: 81111812 Electronic distribution NO MEDIA Contract: National IPA Technology Solutions $(083052 \cdot 01)$ Go to Site

5 2593018 s184.75 s923.75

transceiver module

Mfg. Part#: GEC SX MMD: UNSPSC: 43201553 Contract: National IPA **Fechnology Solutions** $(083052 \cdot 01)$ Gọ tọ Site

Cisco SFP (mini-GBIC) 8 2542675 \$356.11 \$2,848.88



· ·	Cisco StackWise stacking cable - 10 ft Mfg. Part#: CAB STACK- 3M= UNSPSC: 26121604 Contract: National IPA Technology Solutions (083052-01) Go to Site	3	498372	s213.41	\$640.23
	Cisco power cable - 5 ft Mfg. Part#: CAB-SPWR- 150CM= UNSPSC: 26121629 Contract: National IPA Technology Solutions (083052-01) Go to Site	3	2086489	\$156.00	\$468.00
	Redwave Optics Cisco GLC-LH-SM 100% Compatible 1000BASE- LX SFP Mfg. Part#: GLC LH-SM- RW Go to Site	4	2950468	\$107.58	\$430.32
**	Tripp Lite LC/LC 3M 10ft Duplex Fiber Cable 50/125 10' EXCLUSIVE PRICE Mfg. ParL±: N520-03M UNSPSC: 26121609 Contract: National IPA Technology Solutions (083052-01) Go to Site	4	532897	\$25.75	\$103.00
	CDW 1m Singlemode Duplex Fiber Cable, LC/SC SMF 8.3/125 Mfg. Part#: LCSC083- 01M-CDW UNSPSC: 26121609 Contract: National IPA Technology Solutions (083052-01) Go. to. Site	2	1452949	\$26.61	\$53.22
- 1/2	Tripp Lite 5-meter Duplex Singlemode Fiber Patch Cable LC/SC Mfg. Part#: N366-05M UNSPSC: 26121604 Contract: National IPA Technology Solutions (083052-01) Go to Site	2	717518	\$27.59	\$55.18

Subtotal: \$139,781.08

Shipping: \$3.57

Sales Tax: \$0.00

GRAND TOTAL: \$139,784.65

Convert Quote to Order

SHIPPING DETAILS

Shipping Address:

CITY OF MCALLEN IT. ATTN:JASON DARREL BARTIMUS Ground 1501 PECAN BLVD MCALLEN, TX 78501

Phone: (956) 972-7000 Shipping Method: FEDEX

SALES CONTACT INFO

Melvin Harmon | (877) 625-7681 | melvhar@cdwg.com

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This email was sent to jbartimus@mcallen.net. Please add cdwsales@cdwemail.com to your address book.

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OC:002 | SPS 52 | Customer#; 811161 | SPSdf1c507b-04b3-4c14-a76f-d5c5fa39b255

CITY OF MCALLEN STANDARD RECOMMENDATION FORM

CITY COMMISSION		Χ		AGENDA I	TEM	4A	
UTILITY BOARD				DATE SUB	MITTED	7/16/	13
PLANNING & ZONING COMMISS	ION			MEETING I	DATE	7/22/	13
OTHER							
1. Agenda Item: PFC Bu	ıdget Amen	dment					
2. Party Making Request:	DEPARTM	ENT OF AVIATION		ГКВ			
• •							
3. Nature of Request: (Brief	Overview)	Attachments:	X	Yes		No	
Budget amendment to fund PF			<u>22, 2012</u>	the City C	<u>ommissio</u>	n approved the o	contract for
Leibowitz and Horton to assem	ible the nev	<u>v application</u>					
A Balta Lauritantian							
4. Policy Implication:							
5. Budgeted:	YES	X N	0		N/A		
FUND:	_ ''		•		IV A		
Bid Amount: \$	35,000	Budgeted Amount		\$			
Under Budget: \$		Over Budget:		\$			
<u> </u>		Amount Remaining	g:	\$			
			•				
If over budget, how will it be	paid:	PFC Funds					
6. Alternate option/costs:							
7 8 4							
7. Routing:		INITIAL		DATE	C	ONCHRRENCE	
NAME/TITLE		INITIAL		<u>DATE</u>	<u>U</u>	<u>ONCURRENCE</u>	
Brent Branham,							
Deputy City Manager							
8. Staff Recommendation:	-						
0 Advisons Poords	Approved	D .	isapprove	ad	Х	None	
9. Advisory Board:	_Approved		isappiove	-u -	^		
10. City Attorney:	Approved	Di	isapprove	ed	GH	None	
				-		_	
11. Manager's MRP	Approved	Di	isapprove	ed		None	
Recommendation:	<u> </u>	<u> </u>		_		_	
12. Action Taken:							_



To:

Mike R. Perez, City Manager

Thru:

Brent Branham, Deputy City Manager

From:

Philip K. Brown, Director of Aviation

Date:

July 16, 2013

Subject:

PFC Budget Amendment

On October 22, 2012 the City Commission approved the contract for Leibowitz and Horton to prepare and coordinate PFC application #6 with the FAA and the Airlines. Leibowitz and Horton have prepared successful applications for PFCs 3, 4, and 5 for the Airport and are therefore uniquely qualified to assist in these applications. The McAllen International Airport is submitting a budget amendment for FY 2012 - 2013 to fund the executed contract.

This budget amendment adjusts the current FY 2012 - 2013 budget to reflect the changes.

Staff recommends approval.

Attachments

CITY OF McALLEN **BUDGET AMENDMENT**

FUND: DEPARTMEN	McAllen In	t'l Airport					To be	assigned b	y Finance De	pt.	
Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Beginning/Revised Budget		ebit	Credit		Revised Budget
552	0000	375	19-00		Passenger Facility Charge	\$ 1,575,000	\$	_	\$ 35,000		1,540,000
552	9020	446	66-30	CA1305	Improvements Other Than Buildings	\$ -	\$;	35,000	· ·	\$	35,000
							<u> </u>			2	
										_	
					TOTALS	\$ 1,575,000 (Round up all amo		35,000 he nearest	\$ 35,000 hundred dollar	\$	1,575,000
Justification:	Budget am	endment to	fund PFC ap	plication #6	i. On October 22, 2012 the City Commission approved	Department H	ead A	pproval	52	0-	11613
the contract fo	r Leibowitz an	d Horton to	assemble the	e new appli	cation	Signature				Date	
						Finance Depar	rtment				
						Signature				Date	
						City Manager's a purchase Capital			ary for transfe	ers to	
						City Manager					
						Signature				Date	

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF MCALLEN FOR THE FISCAL YEAR 2012/2013 EFFECTIVE OCTOBER 1, 2012, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$35,000 FOR EXPENSES RELATED TO PFC CAPITAL PROJECTS FOR THE MCALLEN MILLER INTERNATIONAL AIRPORT

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 governmental body since that date.

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

<u>SECTION I</u>: 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, 2014, is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

<u>SECTION II</u>: 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.

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

<u>SECTION IV</u>: 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.

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

thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances. SECTION VI: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable. CONSIDERED, PASSED and APPROVED this 22nd day of July, 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 JULY, 2012. 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

DATE SUB MEETING	MITTED	
MEETING		07/16/2013
	DAIE	07/22/2013
et		
urth, P.E.		_
lity easement contain 20.00 feet of South	ning 0.1 <mark>53</mark> 669.96 fe	38 acres and et of Lot 13
Ordinance		
Over Budge	et: _	
ITIAL DATE	CONCL	IDDENCE
IIIAL DAIL		RKENCE
RR 7/16/2013	Yes	
RR <u>7/16/2013</u>	abandonir	 ng the 0.1538
	Attachments:X lity easement contai 20.00 feet of South cailway Company; a Ordinance I/A Budgeted A Over Budge Amount Remain	I/A Budgeted Amount: Over Budget: _ Amount Remaining: _ ::

Planning Department

Memo

TO: Mike R. Perez, City Manager

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

DATE: July 15, 2013

SUBJECT: REQUEST TO ABANDON A PORTION OF A UTILITY EASEMENT CONTAINING

0.1538 ACRES AND BEING THE EAST 10.00 FEET OF THE WEST 20.00 FEET OF SOUTH 669.96 FEET OF LOT 13, SECTION 278, TEXAS-MEXICAN REALLWAY

COMPANY; 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 east 10 feet of a 20 foot utility easement containing 0.1538 acres tract of land as referenced above. The 20 foot utility easement was retrained as part of Ordinance 2013-46 which abandoned an original dedicated Right-of-Way that was never improved. The property is located between N. 10th 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 0.1538 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 is recommending approval of the abandonment as requested. There are no utilities within the area requested for abandonment.

OPTIONS:

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

RECOMMENDATION:

Staff recommends approval of abandoning the 0.1538 portion of the utility easement as requested.

Memorandum

TO: Planning Dept.

Attn: Luis J. Mora, Senior Planner

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

SUBJECT: Request to abandon a tract of land containing 0.1538 acres, situated in

the City of McAllen, Hidalgo County, Texas, being the east 10.00 feet of the west 20 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, proposed Villagio Phase II Subdivision, Hidalgo County, Texas;

1121 Providence Avenue

DATE: July 16, 2013

Attached is the Ordinance for the abandonment of a portion of the utility easement referenced above.

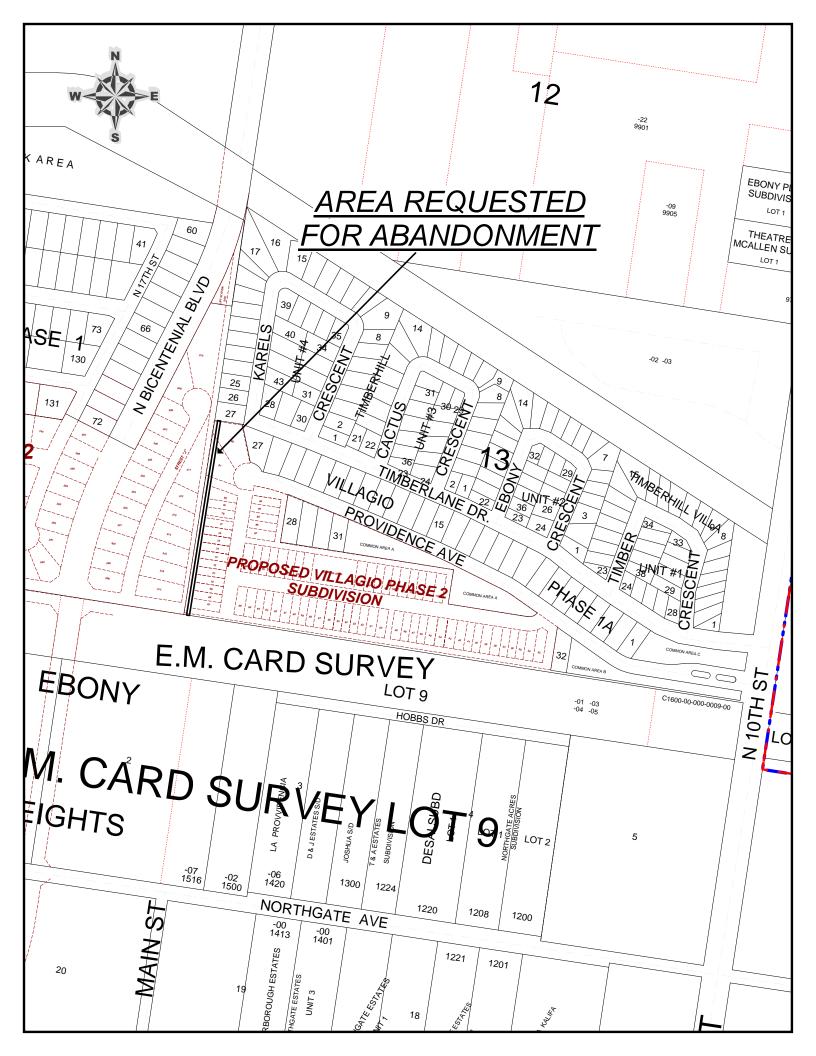
We are recommending approval of the abandonment.

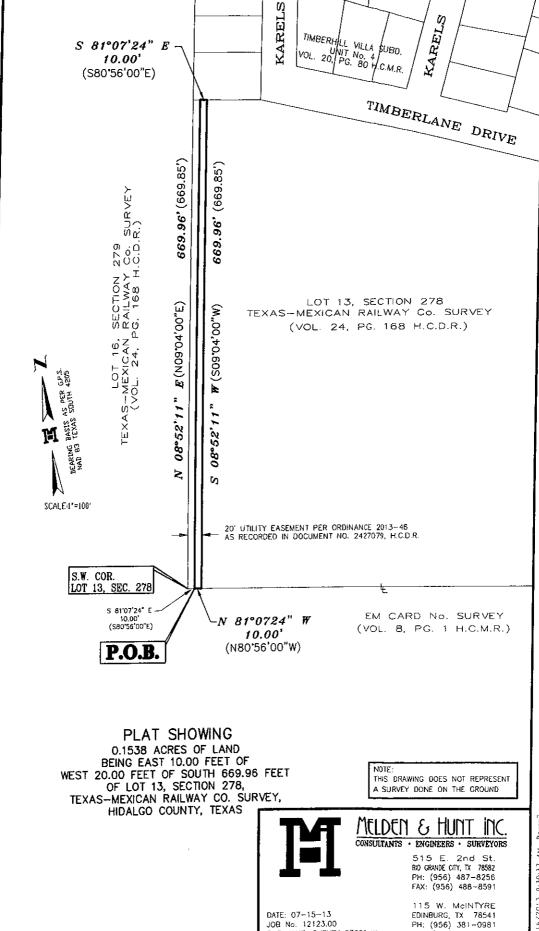
If you need additional information, please contact me at Ext. 1188.



1300 Houston Avenue • (956) 681-1250 • (956) 681-1279 (fax) RIGHT-OF-WAY ABANDONMENT APPLICATION

Project Information	Legal Description D. 1538 acres of land heing The 4ust 10.00 feet of West 20.00 feet of The South 6169.96 ft of Lot 13,5ee Subdivision Name Street Address 1121 Prindence then we Reason for Abandonment Request 10 411/11/15 exishy or proposed.
Minimum Submittal	Application, properly completed \$125.00 Administrative Fee, payable at time of application, non-refundable \$100.00 Market value of land to be abandoned, unless increased by action of the City Commission, based on the appraised land value Metes and bounds description of area to be abandoned A survey and/or map of the area affected by abandonment request
Owner	Name (MMWMhrrs, LD) Telephone 631-1273 Address 5221 N. MCCOII Id., City M(MM) State 2 zip 78504
Applicant	Name Mulding, Hut Inc. Telephone 381-0981 Address 15 W. Mc. Fint ye St. City State 1x Zip 78541 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 Owner Authorized Agent REVISED 9/12





FILE NAME: SURVEY 07003.47 DRAWN BY: R.N.

Raver 2< 77/16/2013 9:30:37

FAX: (956) 381-1839 www.meidenandhunt.com

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ORDINANCE NO. 2013-

AN ORDINANCE ABANDONING A TRACT OF LAND CONTAINING 0.1538 ACRES, SITUATED IN THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, BEING THE EAST 10.00 FEET OF THE WEST 20 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; 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 0.1538 acres being a portion of a 20 foot utility easement, retained in Ordinance 2013-46 and situated in the City of McAllen, Hidalgo County, Texas, being the east 10.00 feet of the west 20 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 portion of the utility easement is shown on EXHIBIT "A" attached hereto and incorporated herein.

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

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

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

SECTION V: This Ordinance shall become effective upon signature.

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

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

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

CONSIDERED, PASSED and APPROVED thisday 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

D.u.

Annette Villarreal, City Secretary

ATTEST:

CORPORATE ACKNOWLEDGMENT

STATE OF TEXAS	§
COUNTY OF HIDALGO	§

day personally appeared,	
municipal corporation of the State of Texas, kno subscribed to the foregoing instrument, and acknow act of said corporation for the purposes and conside	ledged to me that he executed the same as an
IN WITNESS WHEREOF, I hereunto seiday of,20	t my hand and affixed my official seal this
	Notary Public - State of Texas
Approved as to form:	
Gary Henrichson, Assistant City Attorney	

July 16, 2013

METES AND BOUNDS DESCRIPTION 0.1538 ACRES OUT OF EAST 10.00 FEET OF WEST 20.00 FEET OF SOUTH 669.96 FEET OF LOT 13, SECTION 278, TEXAS-MEXICAN RAILWAY COMPANY SURVEY HIDALGO COUNTY, TEXAS

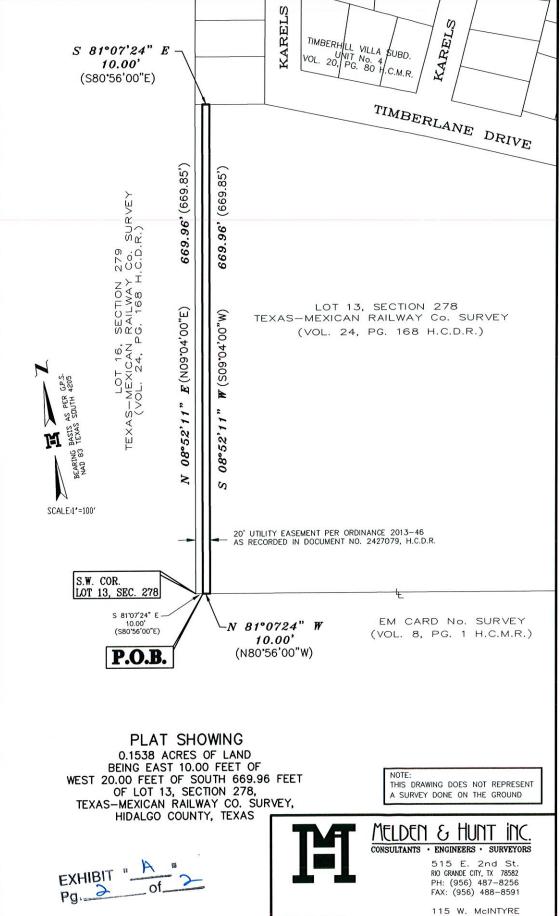
A tract of land containing 0.1538 acres, situated in the City of McAllen, Hidalgo County, Texas, being the East 10.00 feet of West 20.00 feet of South 669.96 feet of LOT 13, SECTION 278, TEXAS-MEXICAN RAILWAY COMPANY SURVEY, according to the plat thereof recorded in Volume 24, Page 168, Hidalgo County Deed Records, said 0.1538 acres also being more particularly described as follows:

BEGINNING at a point that bears S 81° 07′ 24″ E (S 80° 56′ 00″ E deed call) along the South line of said Lot 13, Section 278, a distance of 10.00 feet from the Southwest corner of said Lot 13, Section 278, for the Southwest corner of this tract;

- THENCE, N 08° 52' 11" E (N 09° 04' 00" E deed call) along a line parallel to the West line of said Lot 13, Section 278, a distance of 669.96 feet (669.85 feet deed call) to a point on the South line 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;
- 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 10.00 feet to a point for the Northeast corner of this tract;
- 3. THENCE, S 08° 52' 11" W (S 09° 04' 00" W deed call) along the East line of a 20' Dedicated Road to public use per Volume 24, page 168, Hidalgo County Deed Records, 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 10.00 feet to the POINT OF BEGINNING and containing 0.1538 acres of land, more or less.

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

EXHIBIT " A "
Pg. \ of \ \ of \ \ \



DATE: 07-15-13

JOB No. 12123.00 FILE NAME: SURVEY 07003.47 DRAWN BY: R.N. R 7/16/2013 9.30.37 AM RAVA

EDINBURG, TX 78541 PH: (956) 381-0981 FAX: (956) 381-1839

www.meldenandhunt.com

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CITY OF McALLEN STANDARDIZED RECOMMENDATION FORM

	ITY BOARD	X 			MITTED _	07/16/2013 07/22/2013
1.	Agenda Item: Aband	lonment Request				
2.	Party Making Reques	st: Mr. Steve S	poor			
3.	Nature of Request: (Request to abandon Beaumont Avenue an South "K" Center Stre Avenue and North of land being abandone Subdivision, South of north of the southern Boggus Subdivision I Whalens Acres, but re East Business Highwa	the following sides and continuous following sides and continuous following sides and continuous following and continuous following autility of the continuous following following following sides are continuous following following following sides are continuous following sides are continuous following sides and continuous following sides are continuous following sides and continuous following sides are continuous following follo	reet and alle "K" Center Set of South " but retaining thaped utility ue touching to bago Avenue, at 1, Burns Neasement over	ey right of work of the corner of the tract of the tract of the corner of th	rays: 1) rest Beaum reet and ty easem out of Lo Chicago re tract or vision, an	Alley North of East on Avenue East of South of Beaumont ent over the tract of ot 1, Burns Motors Avenue and entirely I land out of Lot "A", d out of Lots 8-17,
4.	Policy Implication: _	Subdivision	Ordinance			
5.	Budgeted: Yes	s No <u>X</u> N	'A			
	Bid Amount: Under Budget:		_ Over Amo	leted Amount: Budget: unt Remaininເ	g:	
6.	Alternate option/cost	:s:				
7.	Routing:					
	NAME/T	ITLE INI	TIAL DA	ATE CON	CURREN	ICE
	a) <u>Julianne R. Rankin,</u> Planning Director b)		RR 7/	16/2013	Yes	
8.	Staff's Recommendar complying with the following with the following being abandoned at the relocated utility lines, improvements are instanguate and utilities have	owing conditions: W; 2) Relocate ne owner's experious requested, alled; and 5) The	1) Retain utili any existing vanse; 3) Dedicat the owne	ty easements vater lines or ate new utility ''s expense;	for Tracts meters ly easeme 4) Plat	s 3 and 5 as noted in ying within the tracts nts to accommodate recording and utility
9.	Advisory Board: The Planning and Zon 16, 2013 and approve	ing Board consid	ered the abar	ndonment requ	uest at the	
10.		Approved	-			

10.

Manager's Recommendation: MRP Approved Disapproved None

Planning Department

Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza, III, Planning and Zoning Commission Chairman

L.G.

DATE: July 16, 2013

SUBJECT: REQ

REQUEST TO ABANDON THE FOLLOWING STREET AND ALLEY RIGHT OF WAYS: 1) ALLEY NORTH OF EAST BEAUMONT AVENUE AND EAST OF SOUTH "K" CENTER STREET, 2) EAST BEAUMONT AVENUE EAST OF SOUTH "K" CENTER STREET, 3) ALLEY EAST OF SOUTH "K" CENTER STREET AND SOUTH OF BEAUMONT AVENUE AND NORTH OF CHICAGO AVENUE, BUT RETAINING A 20 FT. UTILITY EASEMENT OVER THE TRACT OF LAND BEING ABANDONED, 4) AN "L" SHAPED UTILITY EASEMENT OUT OF LOT 1, BURNS MOTORS SUBDIVISION, SOUTH OF BEAUMONT AVENUE TOUCHING THE CORNER OF CHICAGO AVENUE AND ENTIRELY NORTH OF THE SOUTHERN BOUNDARY OF CHICAGO AVENUE, 5) A 0.43 ACRE TRACT OF LAND OUT OF LOT "A", BOGGUS SUBDIVISION II, AND OUT OF LOT 1, BURNS MOTORS SUBDIVISION, AND OUT OF LOTS 8-17, WHALENS ACRES, BUT RETAINING A UTILITY EASEMENT OVER THE TRACT OF LAND BEING ABANDONED; 1300 EAST BUSINESS HIGHWAY 83 AND 1225 EAST DALLAS AVENUE.

GOAL:

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

BRIEF DESCRIPTION:

This is a request of Steve Spoor, P.E., on behalf of the owners to abandon the above-referenced street and alley Rights-of-Way (ROW), and utility easements as noted out of the properties described above. The property is located on the east side of S. "K" Center Street, between E. Business Highway 83 and E. Dallas Avenue and is currently zoned C-3 (general business) District and C-4 (commercial industrial) District. The adjacent zoning is C-3 to the east, south and west, C-4 also to the west, and R-2 (duplex-fourplex) District and R-3C (condominiums) District to the south.

The basis for the request is to allow Burns Motors to incorporate the abandoned areas into the proposed Burns Motors No. 2 Subdivision. For the area pertaining to Boggus Ford, the abandoned areas will become part of their existing development. Any additional adjacent owners to the area being abandoned would need to be part of the request as needed.

Burns Motors is also in the process of resubdividing their property, which was submitted under the name of Burns Motors No. 2 Subdivision. The proposed resubdivision will provide for new utility easements

over the tracts being abandoned.

The Right-of-Way Department has notified the appropriate city departments and utility companies regarding the request. There were no objections to abandon the above-referenced street and alley ROWs and utility easements, as requested; however, they were subject to the following conditions:

- 1. Retain utility easements for Tracts 3 and 5 as noted in lieu of the abandoned ROW;
- 2. Relocate any existing water lines or meters lying within the tracts being abandoned at the owner's expense;
- 3. Dedicate new utility easements to accommodate relocated utility lines, as requested, at the owner's expense;
- 4. Plat recording and utility improvements are installed; and
- 5. The abandonment will be recorded after the new easements are in place and the utilities have been relocated.

OPTIONS:

- 1. Approve the abandonment request subject to complying with conditions 1-5 as noted above.
- 2. Table the item for additional information.
- 3. Disapprove the request.

RECOMMENDATION:

The Planning & Zoning Commission considered the abandonment request at their meeting of July 16, 2013 and following discussion of the item recommended approval of the abandonment subject to complying with the following conditions:

- 1. Retain utility easements for Tracts 3 and 5 as noted in lieu of the abandoned ROW;
- 2. Relocate any existing water lines or meters lying within the tracts being abandoned at the owner's expense;
- 3. Dedicate new utility easements to accommodate relocated utility lines, as requested, at the owner's expense;
- 4. Plat recording and utility improvements are installed; and
- 5. The abandonment will be recorded after the new easements are in place and the utilities have been relocated.

There were five members present and voting.

Memorandum

TO:

Planning Dept.

Attn: Luis J. Mora, Senior Planner

FROM:

Jeanie Backor, Right-Of-Way Dept.

SUBJECT:

Request to abandon the following street and alley right of ways 1) alley north of East Beaumont Avenue and east of South "K" Center Street, 2) East Beaumont Avenue east of South "K" Center Street, 3) alley east of South "K" Center Street and south of Beaumont Avenue and north of Chicago Avenue, but retaining a 20 ft. utility easement over the tract of land being abandoned, 4) an "L" shaped utility easement out of Lot 1, Burns Motor Subdivision, Hidalgo County, Texas south of Beaumont Avenue touching the corner of Chicago Avenue and entirely north of the southern boundary of Chicago Avenue, 5) a 0.43 acre tract of land out of Lot "A", Boggus Subdivision II, City of Mcallen, recorded in Volume 32, Page 168A, Map Records, and out of Lot 1, Burns Motor Subdivision, City of McAllen, recorded in Volume 33, Page 111, Map Records, and out of Lots 8 through 17, Whalens Acres, City of McAllen, recorded in Volume 7, Page 28, Map Records, all in Hidalgo County, Texas, but retaining a utility easement over the tract of land being abandoned

DATE:

July 1, 2013

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

We are recommending approval of the abandonment.

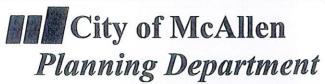
This abandonment is specifically subject to the retention of a 20 ft. utility easement over the alley east of South "K" Center Street and south of Beaumont Avenue and north of Chicago Avenue and retaining a utility easement over a 0.43 acre tract of land out of Lot "A", Boggus Subdivision II, City of Mcallen, recorded in Volume 32, Page 168A, Map Records, and out of Lot 1, Burns Motor Subdivision, City of McAllen, recorded in Volume 33, Page 111, Map Records, and out of Lots 8 through 17, Whalens Acres, City of McAllen, recorded in Volume 7, Page 28, Map Records, all in Hidalgo County, Texas. Such abandonment shall not take effect and ordinance will not be recorded until the following conditions are met:

- Relocation of any existing water lines or meters lying within the tracts being abandoned at the owner's expense;
- Dedication of new utility easements to accommodate relocated utility lines, as requested, at owner's expense; and
- 3. Plat recordation and utility improvements are installed.

The abandonment will be recorded after the new easements are in place and the utilities have been relocated.

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

HOD COIL-OUIG



1300 Houston Avenue • (956) 681-1250 • (956) 681-1279 (fax) RIGHT-OF-WAY ABANDONMENT APPLICATION

Project Information	Legal Description 1) Alley north of Beaumost Ave Subset of So. K-Center St. 2) Rearmost Ave East of Ko. K-Center St. and 3) Alley between E. Beaumost & Subdivision Name J.W. Brown & Burns Motors Subdivision Name J.W. Brown & Burns Motors Subdivision Name J.W. Brown & Burns Motors Subdivision Street Address 1) 111 So. K Center St. 2) 201 So. K Center St. and 3) 1111 E. Chicago Reason for Abandonment Request To consolidate properties owned on both sides of abandonment — Abandonment to become affective upon recordation at subdivision plat that includes street and alley.	E. Ave.
Minimum Submittal	 □ Application, properly completed □ \$125.00 Administrative Fee, payable at time of application, non-refundable □ \$100.00 Market value of land to be abandoned, unless increased by action of the City Commission, based on the appraised land value □ \$ 135.00 Time Warner Cable Review Processing Fee (check made payable to Time Warner Cable) □ Metes and bounds description of area to be abandoned □ A survey and/or map of the area affected by abandonment request 	
Owner	Name Burns INCOME PROPERTIES LTD Telephone 984-4400 Address P.O. Box 1480 City McAllu State Tx Zip 78505	
Applicant	NameSame_as_OwnerTelephoneAddress City StateZip If request involves more than one property owner, attach a separate list of owners including address, phone number and property owned.	
	If signature is other than owner, must attach written evidence of such authorization. If request involves more than one property owner, attached written authorization is required from each property owner. Signature Date 09-03-12 Owner Authorized Agent	

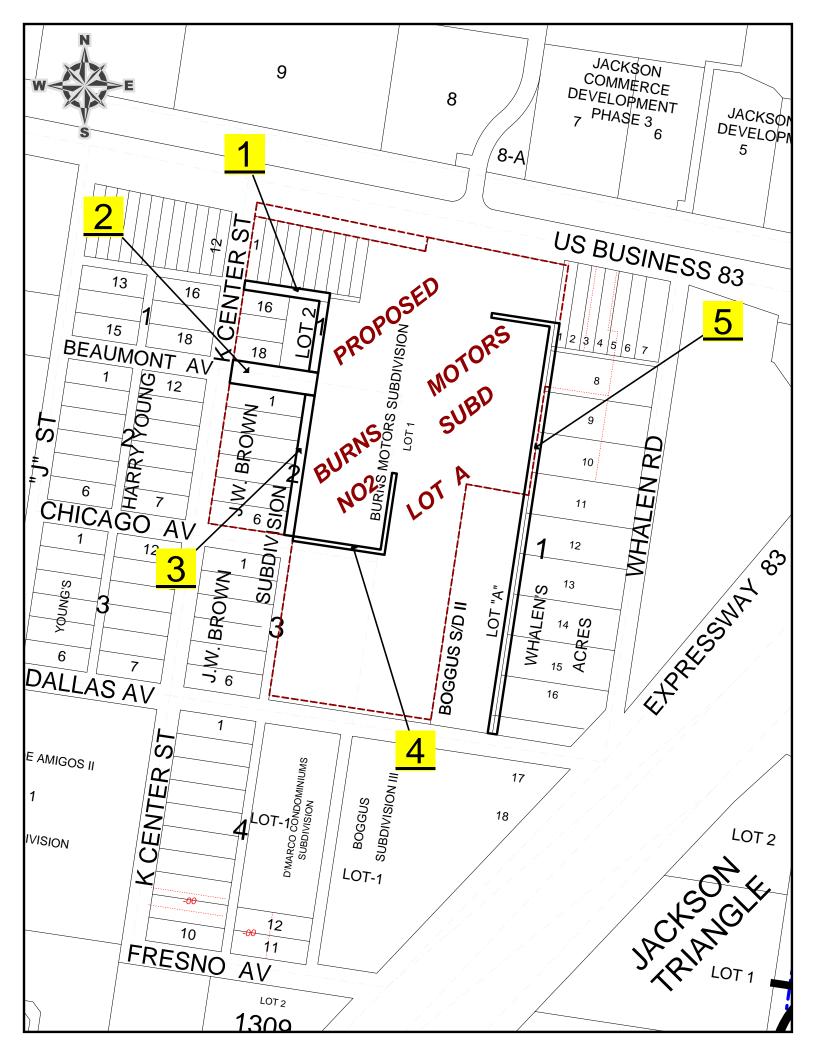


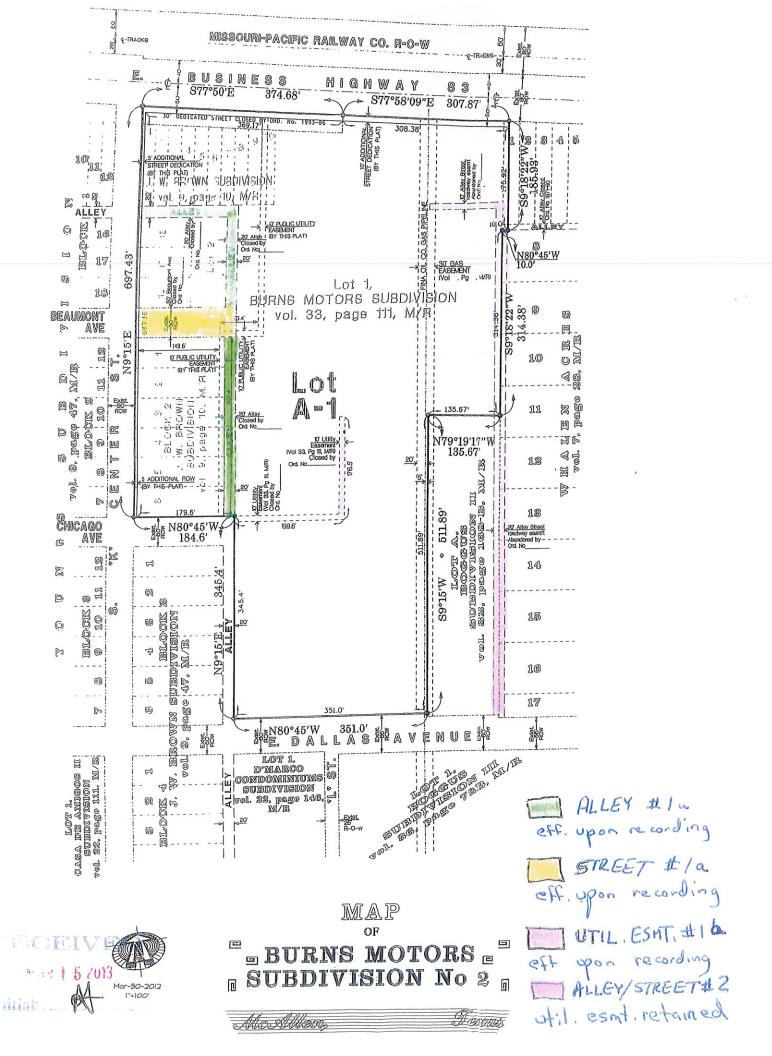
1300 Houston Avenue • (956) 681-1250 • (956) 681-1279 (fax) RIGHT-OF-WAY ABANDONMENT APPLICATION

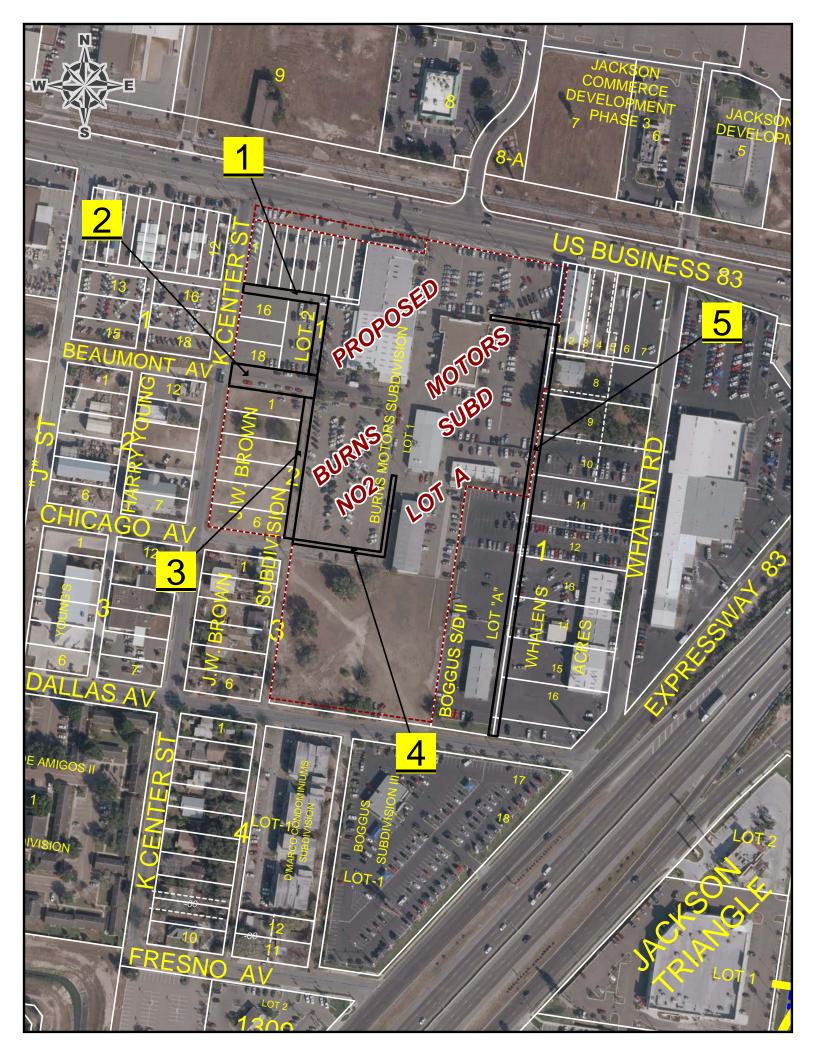
	The state of the s					
Project Information	Legal Description A 0.43 Acre tract of Land out of Boggus Subdivision II, Burns Motors Subdivision, and Whalens Acres. Subdivision Name Boggus Subdivision II, Burns Motors Subdivision, and Whalens Har Street Address 1201 E. Dallas Reason for Abandonment Request Requested abandonment to close 1963 "alley, street reedway, passageway" - Utility Casement to remain					
Minimum Submittal	Application, properly completed \$125.00 Administrative Fee, payable at time of application, non-refundable \$100.00 Market value of land to be abandoned, unless increased by action of the City Commission, based on the appraised land value Mates and bounds description of area to be abandoned A survey and/or map of the area affected by abandonment request					
Owner	Name Boggus MS Properties LTD Burns: (956) 984-4400 Name Boggus MS Properties LLC Telephone Boggus: (956) 686-74 Address Burns: PO Box 1480 / Boggus: 1400 E. Expressway 83 City McAllen State Tx Zip Burns: 78505 Boggus: 78501					
Applicant	Name Same as Owner Telephone					
	If signature is other than owner, must attach written evidence of such authorization. If request involves more than one property owner, attached written authorization is required from each property owner. Signature Date Authorized Agent REVISED 9/12					

hc+#100 100

MAR 1 5







ORDINANCE NO. 2013-

AN ORDINANCE ABANDONING THE FOLLOWING STREET AND ALLEY RIGHT OF WAYS 1) ALLEY NORTH OF EAST BEAUMONT AVENUE AND EAST OF SOUTH "K" CENTER STREET, 2) EAST BEAUMONT AVENUE EAST OF SOUTH "K" CENTER STREET, 3) ALLEY EAST OF SOUTH "K" CENTER STREETAND SOUTH OF BEAUMONT AVENUE AND NORTH OF CHICAGO AVENUE, BUT RETAINING A 20 FT. UTILITY EASEMENT OVER THE TRACT OF LAND BEING ABANDONED, 4) AN "L" SHAPED UTILITY EASEMENT OUT OF LOT 1, BURNS MOTOR SUBDIVISION. HIDALGO COUNTY, TEXAS SOUTH OF BEAUMONT AVENUE TOUCHING THE CORNER OF CHICAGO AVENUE AND ENTIRELY NORTH OF THE SOUTHERN BOUNDARY OF CHICAGO AVENUE, 5) a 0.43 ACRE TRACT OF LAND OUT OF LOT "A", BOGGUS SUBDIVISION II, CITY OF MCALLEN, RECORDED IN VOLUME 32, PAGE 168A, MAP RECORDS, AND OUT OF LOT 1, BURNS MOTOR SUBDIVISION, CITY OF MCALLEN, RECORDED IN VOLUME 33, PAGE 111, MAP RECORDS, AND OUT OF LOTS 8 THROUGH 17, WHALENS ACRES, CITY OF MCALLEN, RECORDED IN VOLUME 7, PAGE 28, MAP RECORDS, ALL IN HIDALGO COUNTY, TEXAS, BUT RETAINING A UTILITY EASEMENT OVER THE TRACT OF LAND BEING ABANDONED; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

WHEREAS, the subject street and alley right of ways are no longer used by or useful to the public and the vacating of such street and alley right of ways will relieve the City from maintenance and expenses relating thereto,

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

SECTION I: The portions of the street and alley right of ways described in Exhibit "A", attached hereto, are hereby declared to be abandoned by the City of McAllen as being of no use to the public.

This abandonment is specifically subject to the retention of a 20 ft. utility easement over the alley east of South "K" Center Street and south of Beaumont Avenue and north of Chicago Avenue and retaining a utility easement over the 0.43 acre tract of land out of Lot "A", Boggus Subdivision II, City of McAllen, recorded in Volume 32, Page 168A, Map Records, and out of Lot 1, Burns Motor Subdivision, City of McAllen, recorded in Volume 33, Page 111, Map Records,

and out of Lots 8 through 17, Whalens Acres, City of McAllen, recorded in Volume 7, Page 28, Map Records, all in Hidalgo County, Texas, more specifically described on Exhibit "A". Such abandonment shall not take effect and ordinance will not be recorded until the following conditions are met:

- 1. Relocation of any existing water lines or meters lying within the tracts being abandoned at the owner's expense;
- 2. Dedication of new utility easements to accommodate relocated utility lines, as requested, at owner's expense; and
- 3. Plat recordation and utility improvements are installed.

The abandonment will be recorded after the new easements are in place and the utilities have been relocated.

SECTION II:

Upon the effective date and compliance by owner with all the conditions set out in Section I, above, the City Manager is hereby authorized to record this ordinance in the Official Records of Hidalgo County, Texas, upon the payment by owner to City 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 easement as their interests are reflected according to law.

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

SECTION V: This Ordinance shall become effective 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, I	PASSED and A	PPROVED this	day of	, 2013, at a regula
meeting of the Board of C	ommissioners o	f the City of McAll	en, Texas at wh	ich a quorum was presen
and which was held in acc	cordance with Ch	napter 551 of the	Texas Governme	ent Code and Chapter 102
of the Texas Local Gover	nment Code.			
SIGNED this	day of	2013.		
		CITY OF McALLI	EN	
		By: Mike R. Pere		
		Mike R. Pere	z, City Manager	
ATTEST:				
By:				
Annette Villarreal, TRI	MC City Secreta	ry		
APPROVED AS TO FORI	M:			
Gary Henrichson, Assista	nt City Attorney			
	CORPORA	TE ACKNOWLE	DGMENT	
STATE OF TEXAS	۶			
	§			
COUNTY OF HIDALGO	§			
BEFORE ME, the uppersonally appeared municipal corporation of the	_	•		ty and State, on this day City of McAllen, Texas, a
o the foregoing instrument corporation for the purpose	t, and acknowle	dged to me that	he executed the	
IN WITNESS WHER		o set my hand ar	nd affixed my offi	cial seal this day of

Notary Public - State of Texas

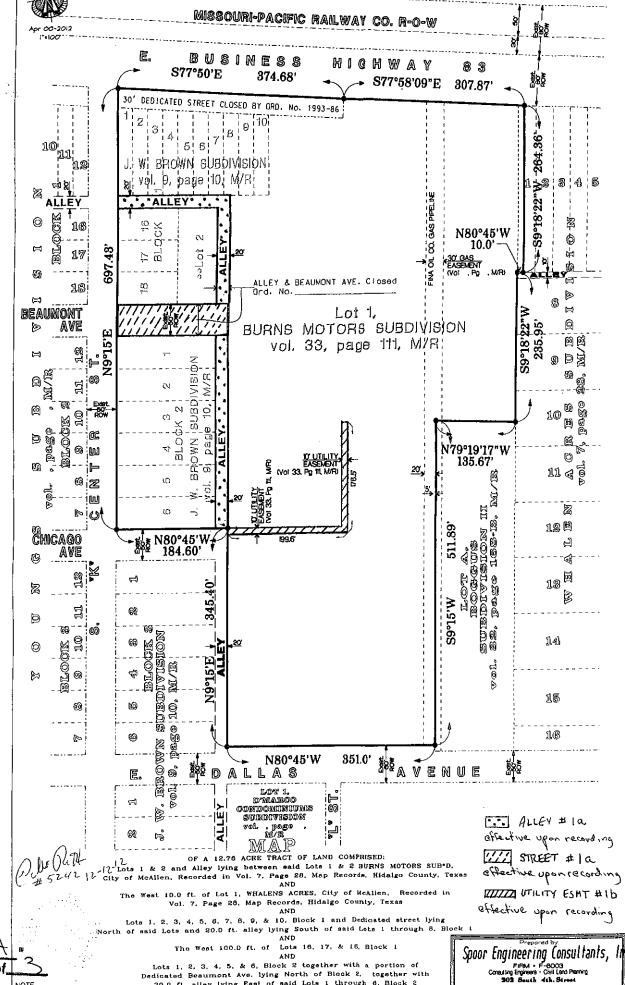


EXHIBIT " Pg.___

NOTE. THIS IS NOT A GROUND SURVEY PLAT PREPARED FROM DEED DESCRIPTIONS ONLY.

Lots 1, 2, 3, 4, 5, & 6, Block 2 together with a portion of Dedicated Beaumont Ave. lying North of Block 2, together wi 20.0 ft. alley lying East of said Lots 1 through 6, Block 2 J.W. BROWN SUB-D. City of McAllen.

Recorded in Vol. 9, Page 10, Map Records, Hidalgo County, Texas

MeALLEN, TEXAS 78501 TEL. (956) 683-1000 FAX (956) 683-1002 A 0.43 acre tract of land out of Lot "A", Boggus Subdivision II, City of McAllen, recorded in Volume 32, Page 168A, Map Records, and out of Lot 1, Burns Motors Subdivision, City of McAllen, recorded in Volume 33, Page 111, Map Records, and out of Lots 8 through 17, Whalens Acres, City of McAllen, recorded in Volume 7, page 28, Map records, all in Hidalgo County, Texas

BEGINNING at a point on the South line of Lot "A", North 80 Deg. 45 Min. West, 10.0 ft. from the Southeast corner of Lot "A" for the most southerly Southwest corner of the following described tract of land; said point being on the North line of Dallas Avenue, and being on the West line of a certain alley described in Easement to the City of McAllen, recorded in Volume 1056, Page 56, Map Records;

THENCE, with the West line of said alley, North 09 Deg. 15 Min. East, at 515.13 ft. pass the North line of Lot "A", Boggus Subdivision II, and the most northerly South line of Lot 1, Burns Motors Subdivision, and at 866.0 ft. to an interior corner of said alley, for an interior corner hereof;

THENCE, with the most northerly South line of said alley, North 80 Deg. 45 Min. West, 125.8 ft. to the most northerly Southwest corner of said alley, for the most northwesterly Southwest corner hereof;

THENCE, with the most westerly West line of said alley, North 09 Deg. 15 Min. East, 10.0 ft. to the Northwest corner of said alley for the Northwest corner hereof;

THENCE, with the North line of said alley, South 80 Deg. 45 Min. East, 135.80 ft. to a point on the East line of Lot 1, Burns Motors Subdivision, for the most northerly Northeast corner hereof; said point being on the West line of Lot 1, Whalens Acres;

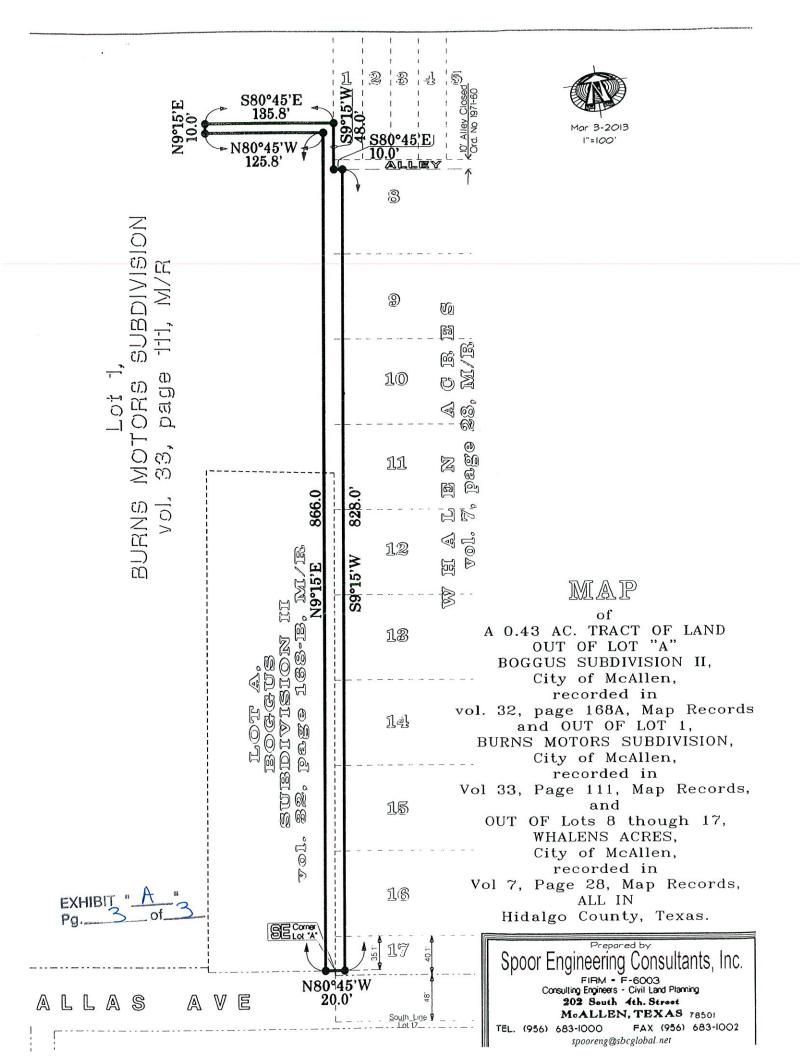
THENCE, with the East line of Lot 1, Burns Motors Subdivision, and the West line of Lot 1, Whalens Acres, and its projection, South 09 Deg. 15 Min. West, 48.0 ft. to the Northwest corner of Lot 8, Whalens Acres for an interior corner hereof; said point being the Southwest corner of abandoned 10 ft. alley;

THENCE, with the North line of Lot 8, and the South line of said alley, South 80 Deg. 45 Min. East, 10.0 ft. to a point for the most southerly Northeast corner hereof;

THENCE, parallel to an 10.0 ft. easterly from the West line of Lot 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Whalens Acres, South 09 Deg. 15 Min. West, 828.0 ft. to a point for the Southeast corner hereof; said point being on the projection of the South line of Lot "A", Boggus Subdivision II;

THENCE with the South line of said Lot "A" and its projection, North 80 Deg. 45 Min West, at 10.0 ft. pass the Southeast corner of Lot "A" and at 20.0 ft. the POINT OF BEGINNING. Containing 0.43 acres of land, more or less.





<u>CITY OF MCALLEN</u> <u>STANDARD RECOMMENDATION FORM</u>

CITY COMMISSION UTILITY BOARD PLANNING & ZONING COMMISSION OTHER	X		AGENDA ITEM DATE SUBMITT MEETING DATE		
Agenda Item: Resolution Authorizing the Sunder the Small Community A Party Making Request: DEPARTMENT OF A	Air Service Develo			nt of Transportation	
3. Nature of Request: (Brief Overview) Attachments	s: _	X	_Yes	No	
On June 24, US Department of Transportation (USDOT) issued an order soliciting proposals for the Small Community Air Service Development Program (SCASDP). Applications for a grant are due to USDOT not later than 4:00 pm local on Friday July 26, 2013. The SCASDP is designed to provide financial assistance to small communities in order to help enhance a community's domestic air service. The airport is seeking to submit a grant application requesting funding in the amount of \$750,000 with local match contributions of \$250,000.					
4. Policy Implication: None.					
5. Budgeted:YESN	NO .	Χ	_N/A		
If over budget, how will it be paid for:					
6. Alternate option/costs:					
7. Routing: NAME/TITLE	<u>INITIAL</u>		<u>DATE</u>	CONCURRENCE	
Carla Rodriguez, Director of Grant Administration _	CR		7/16/2013	YES	
Brent Branham, Deputy City Manager	ABB		7/16/2013	YES	
8. Staff Recommendation: Motion to approve su	ıbmission of the g	rant application.			
9. Advisory Board:Approved	Disapproved		XNone		
10. City Attorney:Approved[Disapproved		GH None		
11. Manager's Recommendation: MRP A	Approved		_Disapproved	None	
12. Action Taken: Kristi Taylor-Salinas, 681-1528					



To: Mike R. Perez, City Manager

Thru: Brent Branham, Deputy City Manager

From: Philip K. Brown, Director of Aviation

Date: July 16, 2013

Subject: Small Community Air Service Development Program Grant (SCASDP)

On June 24, US Department of Transportation (USDOT) issued an order soliciting proposals for the Small Community Air Service Development Program (SCASDP). Applications for a grant are due to USDOT not later than 4:00 pm local on Friday July 26, 2013.

The SCASDP is designed to provide financial assistance to small communities in order to help enhance a community's domestic air service. USDOT provides assistance in the form of monetary grants that are disbursed on a reimbursable basis. McAllen-Miller International Airport is eligible to apply for a grant under the program as a non-hub airport with insufficient air carrier service or unreasonably high air fares.

Priority consideration is given to those communities in which:

- Air fares are higher than the national average air fares for all communities
- The community will provide a portion of the cost of the activity from local sources other than airport revenue sources
- The community establishes a public-private partnership to facilitate air carrier service
- The grant will provide material benefits to a broad segment of the traveling public
- The grant will be used in a timely manner (three years for a revenue guarantee project)
- Multiple communities cooperate to submit a regional application to consolidate service

There are secondary selection criteria also, including innovation, broad community participation, location, and other factors among which are letters of support from airline planning department. In this case, Frontier Airlines has offered to provide a letter of support for service between Denver and McAllen.

While matching local participation is not required, it is unlikely that a grant application would receive favorable consideration without matching funds. Local participation includes cash from non-airport revenues, cash from airport revenues, in-kind contributions from the airport, in-kind contributions from the community. Communities that include local contributions made in cash are viewed more favorably by USDOT.

Applying for a grant does not commit the City to accept the grant nor does it require a commitment from an airline to initiate service to any particular city. Staff has been advised by Sixel Consulting, our air service development consultant, that an application for a \$750,000 grant matched by up to \$250,000 in local cash and in-kind contributions would be appropriate for a community the size of McAllen. The higher the local match, the more favorable that USDOT will consider the application. The application will be prepared by Sixel Consulting for no additional charge to our annual contract. Because of the short notice of the USDOT request

Staff recommends that the City Commission authorize the City Manager to apply for a grant under the Small Community Air Service Development Program in an amount not to exceed \$750,000 with local match contributions of at least \$250,000.

for proposals, the details of a grant application have not been worked out at this time. Staff

suggests that the focus of grant funding be on low-cost air carriers.

RESOLUTION NO. 2013-

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE FISCAL YEAR 2013 SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM

STATE OF TEXAS COUNTY OF HIDALGO CITY OF MCALLEN

Kevin Pagan, City Attorney

WHEREAS, the U.S. Department of Transportation has awarded funds through the Small Community Air Service Development Program (SCASDP); and

WHEREAS, the SCASDP is designed to provide financial assistance to small communities in order help enhance air service; and

WHEREAS, the SCASDP funding is available for underserved airports for a period not to exceed three (3) years;

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

- 1) McAllen International Airport is hereby authorized to submit a grant application to the U.S. Department of Transportation for funding under the Fiscal Year 2013 Small Community Air Service Development Program in the amount of \$750,000.
- 2) City of McAllen will provide cash and in-kind contributions in an amount of \$250,000.
- **3)** Upon the approval of this application, the Mayor is authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 22nd day of July, 2013, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest:	City of McAllen
Annette Villarreal, City Secretary	Jim Darling, Mayor
Approved as to form:	

Order 2013-6-14 Served: June 24, 2013



UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION OFFICE OF THE SECRETARY WASHINGTON, D.C.

Issued by the Department of Transportation on the 24th day of June, 2013

In the Matter of Grant Applications

SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM

under 49 U.S.C. § 41743 et seq.

Docket DOT-OST-2013-0120

ORDER SOLICITING SMALL COMMUNITY GRANT PROPOSALS

By this order, the Department invites proposals from communities and/or consortia of communities interested in obtaining a federal grant under the Small Community Air Service Development Program ("Small Community Program" or "SCASDP") to address air service and airfare issues in their communities. Applications of no more than 20 pages each (one-sided only, excluding the completed SF424, Summary Information schedule, and any letters from the community or an air carrier showing support for the application), including all required information, must be submitted to www.grants.gov no later than 5:00 PM EDT on Friday, July 26, 2013.

This order is organized into the following sections:

- I. Background
- II. Selection Criteria and Guidance on Application of Selection Criteria
- III. Evaluation and Selection Process
- IV. How to Apply
- V. Air Service Development Zone
- VI. Grant Administration
- VII. Questions and Clarifications
- Appendix A Additional Information on Applying Through www.grants.gov
- Appendix B Summary Information
- Appendix C Application Checklist
- Appendix D Confidential Commercial Information

I. BACKGROUND

The Small Community Program was established by the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (P.L. 106-181) and reauthorized by the Vision 100-Century of Aviation Reauthorization Act (P.L. 108-176). The program is designed to provide financial assistance to small communities in order to help them enhance their air service. The Department provides this assistance in the form of monetary grants that are disbursed on a reimbursable basis. Authorization for this program is codified at 49 U.S.C. § 41743.

The Small Community Program is authorized to receive appropriations under 49 U.S.C. § 41743(e)(2), as amended. Appropriations are provided for this program for award selection in FY 2013 pursuant to the FAA Modernization and Reform Act of 2012 (P.L. 112-95). The Department has up to \$11.5 million available for FY 2013 grant awards to carry out this program. There is no limit on the amount of individual awards, and the amounts awarded will vary depending upon the features and merits of the selected proposals. In past years, the Department's individual grant sizes have ranged from \$20,000 to nearly \$1.6 million.

A. Eligible Applicants

Eligible applicants are small communities that meet the following statutory criteria under 49 U.S.C. § 41743:

- 1. As of calendar year 1997, the airport serving the community was not larger than a small hub airport, and it has insufficient air carrier service or unreasonably high air fares; and
- 2. The airport serving the community presents characteristics, such as geographic diversity or unique circumstances that demonstrate the need for, and feasibility of, grant assistance from the Small Community Program.

No more than four communities or consortia of communities, or a combination thereof, from the same state may be selected to participate in the program in any fiscal year. No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program in each year for which the funds are appropriated.

Communities without existing air service: Communities that do not currently have commercial air service are eligible for SCASDP funds, but air service providers must have met or be able to meet in a reasonable period, all Department requirements for air service certification, including safety and economic authorities.

Essential Air Service communities: Small communities that meet the basic SCASDP criteria and currently receive subsidized air service under the Essential Air Service ("EAS") program are eligible to apply for SCASDP funds. However, grant awards to EAS-subsidized communities are limited to marketing or promotion projects that support existing or newly subsidized EAS. Grant funds will not be authorized for EAS-subsidized communities to support any new competing air service. Furthermore, no funds will be authorized to support additional flights by

EAS carriers or changes to those carriers' existing schedules. These restrictions are necessary to avoid conflicts with the mandate of the EAS program.

Consortium applications: Both individual communities and consortia of communities are eligible for SCASDP funds. An application from a consortium of communities must be one that seeks to facilitate the efforts of the communities working together toward one joint grant project, with one joint objective, including the establishment of one entity to ensure that the joint objective is accomplished.

Multiple Applications: Communities may file only one application for a grant, either individually or as part of a consortium.

B. Eligible Projects

The Department is authorized to award grants under 49 U.S.C. § 41743 to communities that seek to provide assistance to:

- an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;
- an underserved airport to obtain service to and from the underserved airport; and/or
- an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

Applicants should also keep in mind the following statutory restrictions on eligible projects:

- An applicant may not receive an additional grant to support the same project from a previous grant (see Same Project Limitation, below); and
- An applicant may not receive an additional grant, prior to the completion of its previous grant (see Concurrent Grant Limitation, below).

Same Project Limitation: A community may not receive an additional grant to support the same project for which it received a previous grant (Same Project Limitation). In assessing whether a previous grantee's current application represents a new project, the Department will compare the goals and objectives of the previous grant, including the key components of the means by which those goals and objectives were to be achieved, to the current application. For example, if a community received an earlier grant to support a revenue guarantee for service to a particular destination or direction, a new application by that community for another revenue guarantee for service to the same destination or in the same direction is ineligible, even if the revenue guarantee were structured differently or the type of carrier were different. However, a new application by such a previous grantee for service to a new destination or direction using a revenue guarantee, or for general marketing of the airport and the various services it offers, is eligible. We recognize that not all revenue guarantees, marketing agreements, studies, etc. are of the same nature, and that if a subsequent application incorporates different goals or significantly

different components, it may be sufficiently different to constitute a new project under 49 U.S.C. § 41743(c).

Concurrent Grant Limitation: A community or consortium may have only one SCASDP grant at any time. If a community or consortium applies for a subsequent SCASDP grant when its current grant has not yet expired, that community/consortium must notify the Department of its intent to terminate the current SCASDP grant prior to entering into the new grant. In addition, for consortium member applicants, permission must be granted from both the grant sponsor and the Department to withdraw from the current SCASDP grant before that consortium member will be deemed eligible to receive a subsequent SCASDP grant.

Airport Capital Improvements Ineligible: Airport capital improvement projects, including, but not limited to, runway expansions and enhancements, the construction of additional aircraft gates, and other airport terminal expansions and reconfigurations are ineligible for funding under the Small Community Program. Airports seeking funding for airport capital improvement projects may want to consult with their local FAA Regional Office to discuss potential eligibility for grants under the Airport Improvement Program.

II. SELECTION CRITERIA AND GUIDANCE ON APPLICATION OF SELECTION CRITERIA

SCASDP grants will be awarded based on the selection criteria as outlined below. There are two categories of selection criteria: Priority Selection Criteria and Secondary Selection Criteria. Applications that meet one or more of the Priority Selection Criteria will be viewed more favorably than those that do not meet any Priority Selection Criteria.

A. Priority Selection Criteria

The law directs the Department to give priority consideration to those communities or consortia where the following criteria are met:

1. Air fares are higher than the national average air fares for all communities – DOT will compare the local community's air fares to the national average air fares for all similar markets. Communities with market air fares significantly higher than the national average air fares in similar markets will receive priority consideration. DOT calculates these fares using data from the Bureau of Transportation Statistics (BTS) Airline Origin and Destination Survey data. DOT evaluates all fares in all relevant markets that serve a SCASDP community and compares the SCASDP community fares to all fares in similar markets across the country. Each SCASDP applicant's air fares are computed as a percentage above or below the national averages. SCASDP community relevant markets are markets that average more than one passenger per day each way. The report compares a community's air fares to the average for all other similar markets in the country that have similar density (passenger volume) and similar distance characteristics (market groupings). All calculations are based on 12-month ended periods to control for seasonal variation of fares.

- 2. The community or consortium will provide a portion of the cost of the activity from local sources other than airport revenue sources DOT will consider whether a community or consortium proposes local funding for the proposed project. Applications providing proportionately higher levels of cash contributions from sources other than airport revenues will be viewed more favorably. Applications that provide multiple levels of contributions (state, local, airport, cash and in-kind contributions) will also be viewed more favorably. See Additional Guidance Cost Sharing and Local Contributions, in Subsection C below, for more information on the application of this selection criterion.
- 3. The community or consortium has established or will establish a public-private partnership to facilitate air carrier service to the public DOT will consider a community or consortium's commitment to facilitate air carrier service in the form of a public-private partnership. Applications that describe in detail how the partnership will actively participate in the implementation of the proposed project will be viewed more favorably.
- 4. The assistance will provide material benefits to a broad segment of the traveling public, including businesses, educational institutions, and other enterprises, whose access to the national air transportation system is limited DOT will consider whether the proposed project would provide, to a broad segment of the community's traveling public, important benefits relevant to the community. Examples include service that would offer new or additional access to a connecting hub airport, service that would provide convenient travel times for both business and leisure travelers that would help obviate the need to drive long distances, and service that would offer lower fares.
- 5. The assistance will be used in a timely manner DOT will consider whether a proposed project provides a well-defined plan and reasonable timetable for use of the grant funds. In DOT's experience, a reasonable timetable for use of grant funds includes a year to complete studies, two years for marketing and promotion of the airport, community, carrier, or destination, and three years for projects that target a revenue guarantee, subsidy, or other financial incentives. Applicants should describe how their projects can be accomplished within a reasonable time period.
- Multiple communities cooperate to submit a regional or multistate application to
 consolidate air service into one regional airport DOT will consider whether a proposed
 project involves a consortium effort to consolidate air service into one regional airport.
 This statutory priority criterion was added pursuant to Section 429 of the FAA
 Modernization and Reform Act of 2012 (P.L. 112-95).

B. Secondary Selection Criteria

- 1. <u>Innovation</u> **DOT** will consider whether an application proposes new and creative solutions to the transportation issues facing the community, including:
 - the extent to which the applicant's proposed solution(s) to solving the problem(s) is new or innovative, including whether the proposed project utilizes or encourages intermodal or regional solutions to connect passengers to the community's air service (i.e., cost-effective inter/intra city passenger bus service,

marketing of intermodal surface transportation options also available to air travelers, or projects that have a positive impact on travel and tourism); and

- whether the proposed project, if successfully implemented, could serve as a working model for other communities.
- 2. <u>Participation</u> **DOT** will consider whether an application has broad community participation, including:
 - whether the proposed project has broad community support; and
 - the community's demonstrated commitment to and participation in the proposed project.
- 3. Location DOT will consider the location and characteristics of a community:
 - the geographic location of each applicant, including the community's proximity to larger centers of air service and low-fare service alternatives;
 - the population and business activity, as well as the relative size of each community; and
 - whether the community's proximity to an existing or prior grant recipient could adversely affect either its proposal or the project undertaken by the other recipient.
- 4. Other Factors DOT will also consider:
 - · whether the proposed project clearly addresses the applicant's stated problems;
 - the community's existing level of air service and whether that service has been increasing or decreasing;
 - whether the applicant has a plan to provide any necessary continued financial support for the proposed project after the requested grant award expires;
 - the grant amount requested compared with total funds available for all communities;
 - the proposed federal grant amount requested compared with the local share offered;
 - any letters of intent from airline planning departments or intermodal surface transportation providers on behalf of applications that are specifically intended to enlist new or expanded air service or surface transportation service in support of the air service in the community;
 - whether the applicant has plans to continue with the proposed project if it is not self-sustaining after the grant award expires; and
 - equitable and geographic distribution of available funds.

C. Additional Guidance

Market Analysis: Applicants requesting funds for a revenue guarantee/subsidy/financial incentive are encouraged to conduct and reference in their applications an in-depth analysis of their target markets. Target markets can be destination specific (e.g., service to LAX), a geographic region (e.g., northwest mountain region) or directional (e.g., hub in the southeastern United States).

Complementary Marketing Commitment: Applicants requesting funds for a revenue guarantee/subsidy/financial incentive are encouraged to designate in their applications a portion of the project funds (federal, local or in-kind) for the development and implementation of a marketing plan in support of the service sought.

Subsidies for a carrier to compete against an incumbent: The Department is reluctant to subsidize one carrier but not others in a competitive market. For this reason, communities that propose to use the grant funds for service in a city-pair market that is already served by another air carrier must explain in detail why the existing service is insufficient or unsatisfactory, or provide other compelling information to support such proposals.

Cost Sharing and Local Contributions: Applications must clearly identify the level of federal funding sought for the proposed project. Applications must also identify the community's cash contributions to the proposed project, in-kind contributions from the airport, and in-kind contributions from the community. Non-federal funds will be applied proportionately to the entire scope of the project. Communities cannot use non-federal funds to selectively fund certain components of a project (see Section VI-Grant Administration-Payments for more information). Cash contributions from airport revenues must be identified separately from cash contributions from other community sources, and cash contributions from the state and/or local government should be separately identified and described.

Types of contributions. Contributions should represent a <u>new financial commitment or new financial resources</u> devoted to attracting new or improved service, or addressing specific high-fare or other service issues, such as improving patronage of existing service at the airport. For communities that propose to contribute to the grant project, that contribution can be in the following forms:

Cash from non-airport revenues. A cash contribution can include funds from the state, the county or local government, and/or from local businesses, or other private organizations in the community. Contributions that are comprised of intangible non-cash items, such as the value of donated advertising, are considered in-kind contributions (see further discussion below).

Cash from airport revenues. This includes contributions from funds generated by airport operations. Airport revenues may not be used for revenue guarantees to airlines, per 49 U.S.C. §§ 47107 and 47133. Applications that include local contributions based on airport revenues do not receive priority consideration for selection.

In-kind contributions from the airport. This can include such items as waivers of landing fees, terminal rents, fuel fees, and/or vehicle parking fees.

In-kind contributions from the community. This can include such items as donated advertising from media outlets, catering services for inaugural events, or in-kind trading,

such as advertising in exchange for free air travel. Travel banks and travel commitments/pledges are considered to be in-kind contributions.¹

Cash vs. in-kind contributions. Communities that include local contributions made in cash will be viewed more favorably.

III. EVALUATION AND SELECTION PROCESS

The Department will first review each application to determine whether it has satisfied the following eligibility requirements:

- 1. The applicant is an eligible applicant;
- 2. The application is for an eligible project (including compliance with the Same Project Limitation); and
- 3. The application is complete (including submission of a completed SF424 and all of the information listed in **Contents of Application**, in Section IV below).

To the extent that the Department determines that an application does not satisfy these eligibility requirements, the Department will deem that application ineligible and not consider it further.

The Department will then review all eligible applications based on the selection criteria outlined above in Section II. Applications that meet one or more of the Priority Selection Criteria will be viewed more favorably than those that do not meet any Priority Selection Criteria.

Grant awards will be made as promptly as possible so that selected communities can complete the grant agreement process and implement their plans. Given the competitive nature of the grant process, the Department will not meet with applicants regarding their applications. All non-confidential portions of each application, all correspondence and ex-parte communications, and all orders will be posted in the above-captioned docket on www.regulations.gov.

The Department will announce its grant selections in a Selection Order that will be posted in the above-captioned docket, served on all applicants and all parties served with this Solicitation Order, and posted on the Department's SCASDP website at http://www.dot.gov/policy/aviation-policy/small-community-rural-air-service/SCASDP.

IV. HOW TO APPLY

Required Steps:

- Determine eligibility;
- Register with www.grants.gov (see Registration with www.grants.gov, below);

¹ A travel bank involves the actual deposit of funds from participating parties (e.g., businesses, individuals) into a designated bank account for purchasing air travel on the selected airline, with defined procedures for the subsequent use or withdrawal of those funds under an agreement with the airline. Often, however, what communities refer to as a travel bank actually involves travel pledges from businesses in the community without any collection of funds or formal procedures for use of the funds. As with other types of in-kind contributions, the Department views travel banks and pledges included in grant applications as an indicator of local community support.

- Submit an Application for Federal Domestic Assistance (SF424);
- Submit a completed "Summary Information" schedule. This is your application cover sheet (see Appendix B);
- Submit a detailed application of <u>up to 20 pages (one-sided only, excluding the completed SF424, Summary Information schedule, and any letters from the community or an air carrier showing support for the application) that meets all required criteria (see Appendix C);</u>
- Attach any letters from the community or an air carrier showing support for the
 application to the proposal, which should be addressed to Brooke Chapman, Associate
 Director, Small Community Air Service Development Program; and
- Provide separate submission of confidential material, if requested. (see Appendix D)

An application will not be complete and will be deemed ineligible for a grant award until and unless all required materials, including SF424, have been submitted through <u>www.grants.gov</u> by 5:00 PM EDT on July 26, 2013.

Registration with <u>www.grants.gov</u>: Communities must be registered with <u>www.grants.gov</u> in order to submit an application for funds available under this program. For consortium applications, only the Legal Sponsor must be registered with <u>www.grants.gov</u> in order to submit its application for funds available under this program. See Appendix A for additional information on applying through <u>www.grants.gov</u>.

Contents of Application: There is no set format that must be used for applications. Each application should, to the maximum extent possible, address the selection criteria set forth in Section II, above, including a clear description of the air service needs/deficiencies and present plans/strategies that directly address those needs/deficiencies. At a minimum, however, each application must include the following information:

- A description of the community's air service needs or deficiencies, including information about: (1) major origin/destination markets that are not now served or are not served adequately; (2) fare levels that the community deems relevant to consideration of its application, including market analyses or studies demonstrating an understanding of local air service needs; and (3) any air service development efforts over the past three years and the results of those efforts (including marketing and promotional efforts).
- A strategic plan for meeting those needs under the Small Community Program, including
 the community's specific project goal(s) and detailed plan for attaining such goal(s).
 Applicants are advised to obtain firm assurances from air carriers proposing to offer new
 air services if a grant is awarded. Plans should:
 - o for applications involving new or improved service, explain how the service will become self-sufficient.
 - o fully and clearly outline the goals and objectives of the project. When an application is selected, these goals and objectives will be incorporated into the grant agreement, along with the strategic plan, and define the grant agreement's project scope. Once a grant agreement is signed, the agreement cannot be amended in a way that would alter the project scope.

- A detailed description of the funding necessary for implementation of the proposed project (including federal and non-federal contributions).
- An explanation of how the proposed project differs from any previous projects for which the community received SCASDP funds (see Same Project Limitation, above).
- Designation of a legal sponsor responsible for administering the proposed project. The legal sponsor of the proposed project must be a government entity, such as a state, county, or municipality. The legal sponsor must be legally, financially, and otherwise able to administer the grant, including having the authority to assume and carry out the certifications, representations, warranties, assurances, covenants and other obligations required under the grant agreement with the Department and to ensure compliance by the grant recipient with the grant agreement and grant assurances. If the applicant is a publicprivate partnership, a public government member of the organization must be identified as the community's sponsor to receive project cost reimbursements. A community may designate only one government entity as the legal sponsor, even if it is applying as a consortium that consists of two or more local government entities. Private organizations may not be designated as the legal sponsor of a grant under the Small Community Program. The community has the responsibility to ensure that the legal sponsor and grant recipient of any funding has the legal authority under state and local laws to carry out all aspects of the grant. and the Department may require an opinion of the legal sponsor's attorney as to its legal authority to act as a sponsor and to carry out its responsibilities under the grant agreement.

V. AIR SERVICE DEVELOPMENT ZONE DESIGNATION

The statute authorizing the Small Community Program also provides that the Department will designate one of the grant recipients in the program as an Air Service Development Zone (ASDZ). A current grant recipient – with its grant award period extending into FY2013 – remains active as the ASDZ designee. As a result, the Department is not currently soliciting applications for selection as an ASDZ designee.

VI. GRANT ADMINISTRATION

Grant Agreements: Communities awarded grants are required to execute a grant agreement with the Department before they begin to expend funds under the grant award. Applicants should not assume they have received a grant, nor should they obligate or expend local funds prior to receiving and fully executing a grant agreement with the Department. Expenditures made prior to the execution of a grant agreement, including costs associated with preparation of the grant application, will not be reimbursed. Moreover, there are numerous assurances that grant recipients must sign and honor when federal funds are awarded. All communities receiving a grant will be required to accept and meet the obligations created by these assurances when they execute their grant agreements. Copies of assurances are available online at http://www.dot.gov/policy/aviation-policy/small-community-rural-air-service/SCASDP, (click on "SCASDP Grant Assurances").

Payments: The Small Community Program is a reimbursable program; therefore, communities are required to make expenditures for project implementation under the program prior to seeking reimbursement from the Department. Project implementation costs are reimbursable from grant funds only for services or property delivered during the grant term. Reimbursement rates are calculated as a percentage of the total federal funds requested divided by the federal funds plus the local cash contribution (which is not refundable). The percentage is determined by: (SCASDP Grant Amount + Local Cash Contribution + State Cash Contribution, if applicable). Payments/ expenditures in forms other than cash (e.g., in-kind) are not reimbursable. For example, if a community requests \$500,000 in federal funding and provides \$100,000 in local contributions, the reimbursement rate would be 83.33 percent: ((500,000) / (500,000 + 100,000)) = 83.33.

Grantee Reports: Each grantee must submit quarterly reports on the progress made during the previous quarter in implementing its grant project. In addition, each community will be required to submit a final report on its project to the Department, and 10 percent of the grant funds will not be reimbursed to the community until such a final report is received. Additional information on award administration for selected communities will be provided in the grant agreement.

VII: QUESTIONS AND CLARIFICATIONS

For further information concerning this Order, please contact Brooke Chapman at Brooke Chapman@dot.gov or (202) 366-0577. A TDD is available for individuals who are deaf or hard of hearing at (202) 366-3993. The Department may post answers to questions and other important clarifications in the above-captioned docket on www.regulations.gov and on the program website at

http://www.dot.gov/policy/aviation-policy/small-community-rural-air-service/SCASDP.

This order is issued under authority delegated in 49 CFR § 1.25a(b).

ACCORDINGLY,

- 1. Applications for funding under the Small Community Air Service Development Program should be submitted via www.grants.gov as an attachment to the SF424 by July 26, 2013; and
- 2. This Order will be published in the Federal Register, posted on www.grants.gov and League of Cities, the National Association of State Aviation Officials, County Executives of America, the American Association of Airport Executives, and the Airports Council International-North America.

By:

Susan L. Kurland
Assistant Secretary for
Aviation and International Affairs

(SEAL)

An electronic version of this document is available online at <u>www.regulations.gov</u>.

STANDARDIZED RECOMMENDATION FORM

Party Making Request: Roman Gonzales Nature of Request: (Brief Overview) Attachments:	TY COMMISSION FILITY BOARD LANNING & ZONING BOARD FHER	X 	AGENDA I DATE SUE MEETING	MITTED	6A 7/2/13 7/22/13
Nature of Request: _Roman Gonzales Nature of Request: (Brief Overview) Attachments:	1. Agenda Item: Sign	Variance			
Request of Roman Gonzales for a variance to the Sign Ordinance Section 130-110(7) (to allow a Changeable Electronic Variable Message Sign on South 12 th Street at Lot 9, Block McAllen Addition Subdivision, 609 South 12 th Street. Policy Implication: Sign Ordinance, Section 130-110 (7) (b) Budgeted: Yes No N/A Bid Amount: Budgeted Amount: Over Budget: Amount Remaining: Alternate option costs: Routing: NAME/TITLE INITIAL DATE CONCURRENCE YES/NO a) Julianne R. Rankin JRR 7/15/13 No Director of Planning b) Staff's Recommendation: Disapproval of variance request due to non-compliance Section 130-110(7)(b) of the Sign Ordinance. Advisory Board: Approved Disapproved Mone	Party Making Request:	Doman Conzolos			_
allow a Changeable Electronic Variable Message Sign on South 12 th Street at Lot 9, Block McAllen Addition Subdivision, 609 South 12 th Street. Policy Implication: Sign Ordinance, Section 130-110 (7) (b) Budgeted: Yes No N/A Bid Amount: Budgeted Amount: Under Budget: Over Budget: Amount Remaining: Alternate option costs: Routing: NAME/TITLE INITIAL DATE CONCURRENCE YES/NO a) Julianne R. Rankin JRR 7/15/13 No No Director of Planning b) Staff's Recommendation: Disapproval of variance request due to non-compliance Section 130-110(7)(b) of the Sign Ordinance. Advisory Board: Approved Disapproved H None	Nature of Request: (Bri	ef Overview) Attachm	nents:	XYes	No
McAllen Addition Subdivision, 609 South 12 th Street. Policy Implication: Sign Ordinance, Section 130-110 (7) (b) Budgeted: Yes No N/A Bid Amount: Budgeted Amount: Under Budget: Amount Remaining: Alternate option costs: Routing: NAME/TITLE INITIAL DATE CONCURRENCE YES/NO a) Julianne R. Rankin JRR 7/15/13 No Director of Planning b) Staff's Recommendation: Disapproval of variance request due to non-compliance Section 130-110(7)(b) of the Sign Ordinance. Advisory Board: Approved Disapproved GH None	Request of Roman Gonz	ales for a variance to	the Sign Ordin	ance Section 130	-110(7) (b)
McAllen Addition Subdivision, 609 South 12 th Street. Policy Implication: Sign Ordinance, Section 130-110 (7) (b) Budgeted: Yes No N/A Bid Amount: Budgeted Amount: Under Budget: Amount Remaining: Alternate option costs: Routing: NAME/TITLE INITIAL DATE CONCURRENCE YES/NO a) Julianne R. Rankin JRR 7/15/13 No Director of Planning b) Staff's Recommendation: Disapproval of variance request due to non-compliance Section 130-110(7)(b) of the Sign Ordinance. Advisory Board: Approved Disapproved GH None	allow a Changeable Elect	tronic Variable Messag	je Sign on Sout	h 12 th Street at Lo	ot 9, Block 5
Bid Amount: Under Budget: Under Budget: Under Budget: Amount Remaining: Alternate option costs: Routing: NAME/TITLE INITIAL DATE CONCURRENCE YES/NO a) Julianne R. Rankin Director of Planning b) Staff's Recommendation: Section 130-110(7)(b) of the Sign Ordinance. Advisory Board: Approved Disapproved GH None	_	-	_		
Bid Amount: Budgeted Amount: Amount Remaining: Amount Remaining: Amount Remaining: Budget: Amount Remaining: Budgeted Amount:	. Policy Implication: Sign	n Ordinance, Section 1	30-110 (7) (b)		
Under Budget:	. Budgeted:	_YesNo	N	/A	
Alternate option costs: Routing: NAME/TITLE INITIAL DATE CONCURRENCE YES/NO a) Julianne R. Rankin Director of Planning b) Staff's Recommendation: Section 130-110(7)(b) of the Sign Ordinance. Advisory Board: Approved Disapproved GH None		Over B	udget:		
NAME/TITLE INITIAL DATE CONCURRENCE YES/NO a) Julianne R. Rankin Director of Planning b) Staff's Recommendation: Disapproval of variance request due to non-compliance Section 130-110(7)(b) of the Sign Ordinance. Advisory Board: Approved Disapproved GH None	. Alternate option costs:		•		
a) Julianne R. Rankin		INITIAL	DATE		NCE
Section 130-110(7)(b) of the Sign Ordinance. Advisory Board: Approved Disapproved Mone City Attorney: Approved Disapproved GH None	Director of Planning	JRR	7/15/13		
. City Attorney: <u>Approved</u> <u>Di</u> sapproved <u>GH</u> None			ariance request	due to non-con	npliance w
	. Advisory Board: A	ApprovedDisa	oproved <u>X</u>	None	
). City Attornev: App	roved Disapp	roved $^{ m GH}$ Non	e	
. Manager's Recommendation: MRPApproved Disapproved None					

Planning Department

Memo

TO: Mike Perez, City Manager

FROM: Julianne Rankin, Planning Director

DATE: July 15, 2013

SUBJECT: SIGN VARIANCE - Lot 9, Block 50, McAllen Addition Subdivision;

609 South 12th Street.

GOAL:

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

PROPERTY DESCRIPTION:

The property is located near the southeast corner of South 12th Street and Fresno Avenue in the Entertainment and Cultural Overlay District. This location and the surrounding area is zoned C-3 (general commercial) District. Surrounding land uses are commercial businesses, including bars and nightclubs. Currently a building on this property is the proposed location for a 3 foot by 8 foot freestanding sign with electronic message display.

PROPOSAL:

The applicant proposes a 24 square foot Changeable Electronic Variable Message sign ("CEVMS") containing an electronic message center displaying a changing message. The McAllen Code of Ordinances as amended, in Section 130-110(7)(b) states that "CEVMS signs shall be permitted only along minor arterials or greater as designated in the city's thoroughfare plan, as it currently exists or as may be amended". The property for which this variance is being requested is located on South 12th Street, which is a downtown commercial street and is within the city's Entertainment and Cultural Overlay District. The proposed freestanding sign was previously located at 320 South 10th Street the location for D-tronics and is to be relocated to the subject property location for a business called Tinting Express. The variance is for the purpose allowing this sign to use the LED feature. Mr. Roman Gonzales, the applicant and representing Rio Tex Signs submitted an application on July 9, 2013 requesting a variance to allow the sign as proposed. Mr. Gonzales,

indicated that if the variance is granted, the sign would comply with other CEVMS requirements.

SUMMARY:

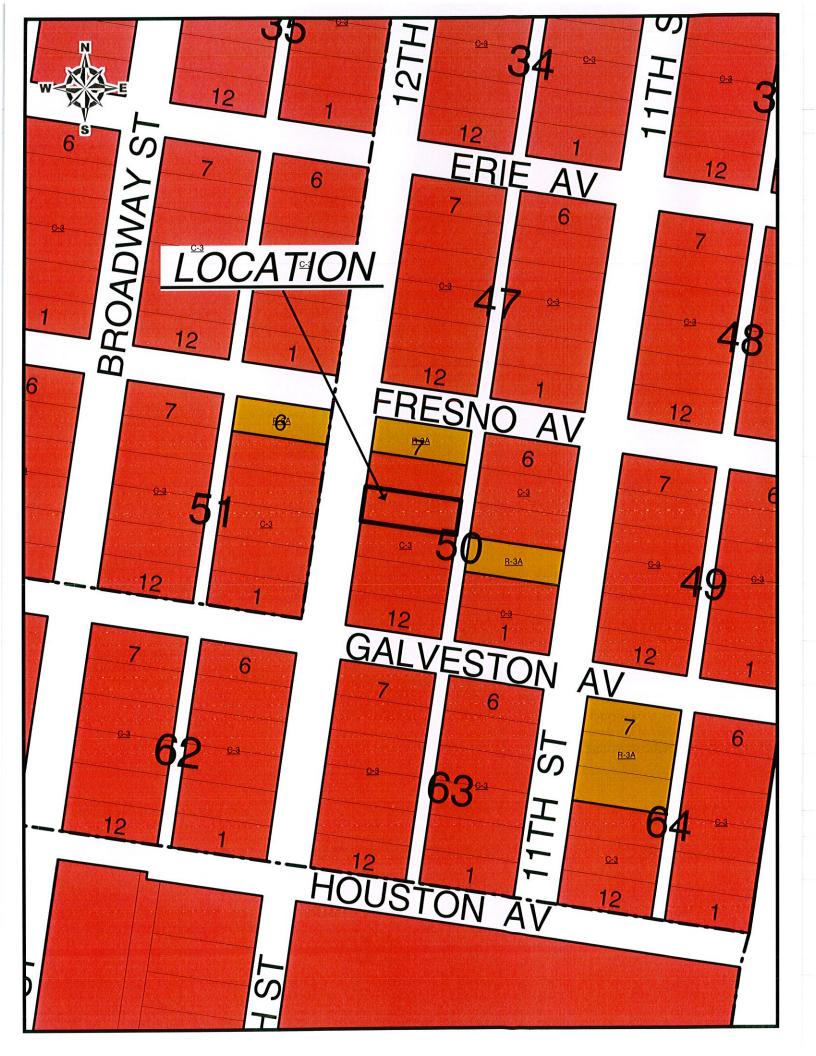
- The request is to allow the CEVMS sign.
- City Code allows CEVMS signs only along minor arterials or greater.
- This request does not comply with the current code.

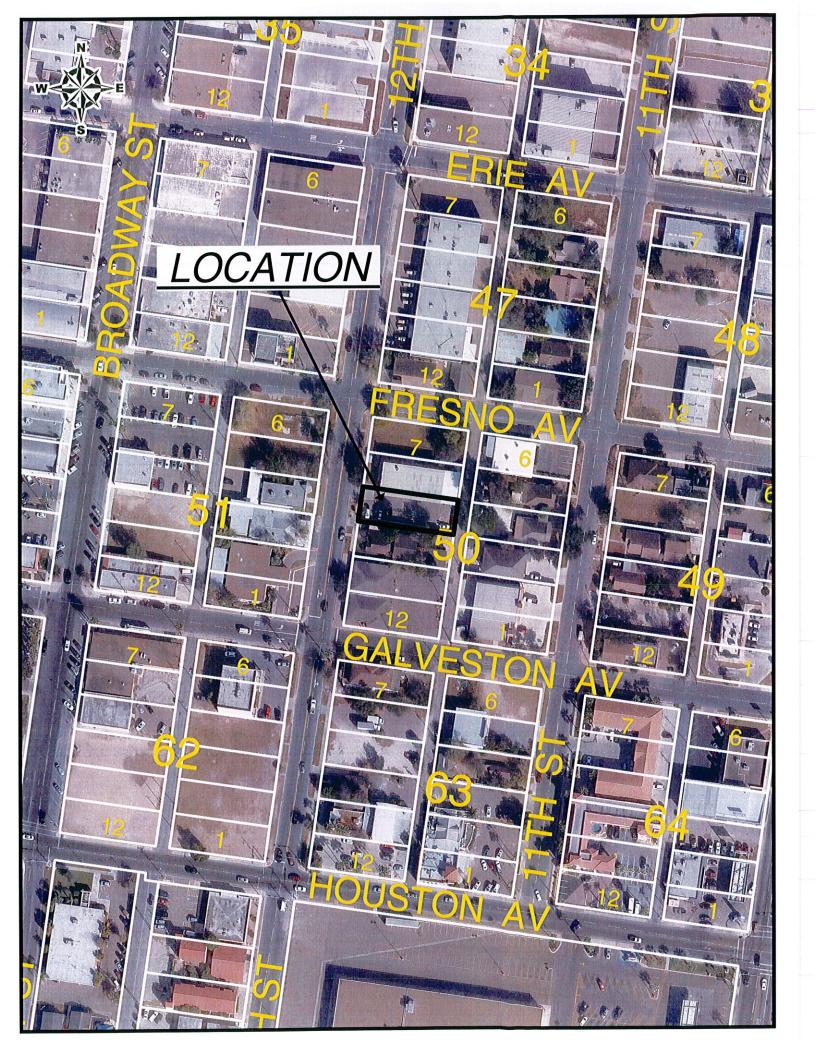
OPTIONS:

- 1) Disapprove the variance request.
- 2) Table the request for further information.
- 3) Approve the variance as requested.

RECOMMENDATION:

Staff recommends disapproval of the variance request.







TXPRES- EXHIBIT A REVISION 3

REMOVE & REINSTALL PYLON SIGN

DESCRIPTION OF WORK

A. REMOVE & REINSTALL PYLON SIGN

DISPLAY: TINTING XPRESS

FACE: (Existing)
RETAINERS (Existing)
CAN: (Existing)
ILLUMINATION: (Existing)

MOUNTING: Single Pole Mount (Existing)
ELECTRICAL: Primary electrical by other

EXISTING





SCALE: 1"=11"

APPROVED BY: ______ DATE: © 2010 Rio Tex Neon Signs

Unpublished Work. Rio Tex Neon Signs, all rights reserved. This is an original drawing created by Rio Tex Neon Signs. It is submitted for your personal use; however, it shall at all times remain the property of Rio Tex Neon Signs. It may be used in connection with the project being planned for you by Rio Tex Neon Signs, but not otherwise. You are not authorized to show this drawing to anyone outside your organization, nor is it to be reproduced, used, copied, or exhibited in any fashion. Violation of any of the above shall subject the violator(s) to all statutory and common law damages available to Rio Tex Neon Signs, including but not limited to, the value of man hours incurred in the production of this design, attorney's fees, and any and other costs incurred by Rio Tex Neon Signs in the enforcement of its copyrights.





RIO TEX NEON SIGNS
1500 Mid Cities Dr., Pharr, TX 78577
Ph (956) 782-9601 | Fax (956) 782-9611
riotexsigns@gmail.com

	NFORMATION:

BUSINESS: TINTING XPRESS

CLIENT:
ADDRESS: 609 S. 12th Street
CITY/ST/ZIP: McAllen, TX 78501
PHONE:
EMAIL:

OTHER INFORMATION:

REQUESTED DATE: 06/25/2013 REVISED DATE: 07/16/2013

FILE NAME: Pub. Doc./2013/Tinting Express/Tinting Express Ex A Rev 3.cdr

DESIGNER: Edgardo González, A.G.

COMMENTS:

Layouts must be approved before production begins. Any changes to an order in production will result in additional charges.





TXPRES- EXHIBIT B REVISION 3

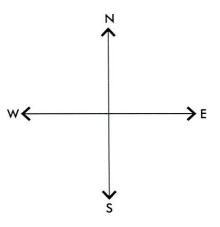
DESCRIPTION OF WORK

A. REMOVE & REINSTALL PYLON SIGN

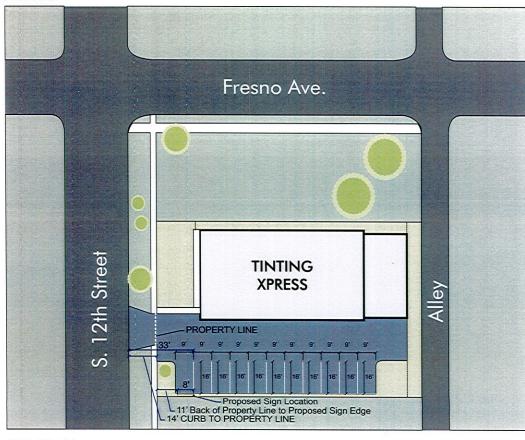
DISPLAY: TINTING XPRESS (Existing)

FACE: (Existing)
RETAINERS (Existing)
CAN: (Existing)
ILLUMINATION: (Existing)

MOUNTING: Single Pole Mount (Existing)
ELECTRICAL: Primary electrical by other



PROPOSED



SITE PLAN SCALE: 1"=45'-0"

APPROVED BY: _____ DATE:____

© 2010 Rio Tex Neon Signs

Unpublished Work. Rio Tex Neon Signs, all rights reserved. This is an original drawing created by Rio Tex Neon Signs. It is submitted for your personal use; however, it shall at all times remain the property of Rio Tex Neon Signs, but not otherwise. You are not authorized to show this drawing to anyone outside your organization, nor is it to be reproduced, used, copied, or exhibited in any fashion. Violation of any of the above shall subject the violator(s) to all statutory and common law damages available to Rio Tex Neon Signs, including but not limited to, the value of man hours incurred in the production of this design, attorney's fees, and any and other costs incurred by Rio Tex Neon Signs in the enforcement of its copyrights.





RIO TEX NEON SIGNS 500 Mid Cities Dr., Pharr, TX 78

1500 Mid Cities Dr., Pharr, TX 78577 Ph (956) 782-9601 | Fax (956) 782-9611 riotexsigns@gmail.com

CHISTO	MED IN	FORMA	TION

BUSINESS: TINTING XPRESS
CLIENT:

ADDRESS: 609 S. 12th Street CITY/ST/ZIP: McAllen, TX 78501

PHONE: _ EMAIL: _

OTHER INFORMATION:

REQUESTED DATE: 06/25/2013 REVISED DATE: 07/15/2013

FILE NAME: Pub. Doc./2013/Tinting Express/Tinting

Express Ex A Rev 3.cdr

DESIGNER: A.G.

COMMENTS:

Layouts must be approved before production begins. Any changes to an order in production will result in additional charges.



Date 7/9/2013

To whom it may concern,

I authorize Rio Tex Neon Sign Company to apply for proposed CEVMS sign variance, For Tinting Xpress Located at 609 S 12th St McAllen, TX 78501

Mike Sanchez

hank you

STANDARDIZED RECOMMENDATION FORM

UTILIT	COMMISSION 'Y BOARD NING & ZONING BOARD R	X 	DATE S	OA ITEM SUBMITTED NG DATE	6B 7/2/13 7/22/13
1.	Agenda Item: Sign				
2.	Party Making Request:		n		
3.	Nature of Request: (Brid	ef Overview)	Attachments:	X Yes	No
	Request of Michael Egar	n for a varian	ce to the Sign Ordin	ance Section 130	-110 to allow
	Changeable Electronic Va	ariable Messag	ge Sign in a C-3L (ligi	ht commercial) Dis	trict for Lots 2
	23 & 24, Block 19, College				
4.	Policy Implication: Sign	n Ordinance, S	Section 130-110		
5.	Budgeted:	_Yes	No	N/A	
	Bid Amount: Under Budget:		Budgeted Amount: Over Budget: Amount Remaining:		
6.	Alternate option costs:	_	•		
7.	Routing: NAME/TITLE	INITIA	AL DATE	CONCURR YES/NO	ENCE
	a) Julianne R. Rankin Director of Planning b)	JRR	7/15/13	Yes	
8.	Staff's Recommendation	1: Approval of	variance request.		
9.	Advisory Board: Approved Disapproved X None				
10.	City Attorney:ApprovedDisapproved_GH_None				
11.	Manager's Recommenda	ation: MRPAn	proved Disappr	oved No	ne

Planning Department

Memo

TO: Mike Perez, City Manager

FROM: Julianne Rankin, Planning Director

DATE: July 15, 2013

SUBJECT: SIGN VARIANCE - Lots 22, 23, & 24, Block 19, College Heights

Subdivision; 2120 Oakland Avenue.

GOAL:

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

PROPERTY DESCRIPTION:

The property is located along the frontage road of Expressway 83 east of South 23rd Street. This location and the adjacent lot is zoned C-3L (light commercial) District. Surrounding land uses are a pawn shop to the west and single family residential to the north and east. The J Gonzalez Law Firm offices are located on site.

PROPOSAL:

The applicant proposes a modification to an existing freestanding sign to be a 9 foot by 20 foot freestanding sign with the addition of an Changeable Electronic Variable Message (CEVMS) sign. The variance is for the purpose of allowing the CEVMS sign in a C-3L (light commercial) zone which isn't indicated in the Sign Ordinance. The McAllen Code of Ordinances as amended, in Section 130-110 states that "The following signs are permitted in general business and industrial zoning districts" and continues in subsection (7) "Changeable electronic variable message signs ("CEVMS"). It states that "CEVMS signs shall be permitted only along minor arterials or greater as designated in the city's thoroughfare plan, as it currently exists or as may be amended". The property for which this variance is being requested is located along the expressway frontage road. Along the Expressway 83 there are commercial properties with various types of signs to include CEVMS. Mr. Michael Egan, the applicant and representing Highway Neon Signs and A-1 Skylite submitted an application on July 11, 2013 requesting a variance to allow the sign

as proposed. Mr. Egan, indicated that if the variance is granted, the sign would comply with other CEVMS requirements. In September 2007 the City Commission approved a variance for 250 square feet for a freestanding sign with a 50 height. The proposed sign would remain in compliance with the variance request.

SUMMARY:

- The request is to allow the CEVMS sign.
- City Code allows CEVMS signs only along minor arterials or greater.
- This request does not comply with the current code.

OPTIONS:

- 1) Disapprove the variance request.
- 2) Table the request for further information.
- 3) Approve the variance as requested.

RECOMMENDATION:

Staff recommends approval of the variance request.

20'-0"

1-800-CAR CRASH

GONZÁLEZ

INJURY ATTORNEYS

CITY / STATE: ACCOUNT MGR:

DESIGNER:

REV. LEVEL April 11, 2013

FILE NAME:

SCALE:

SIGN DESCRIPTION:

APPROVAL:

CLIENT

ACCOUNT MANAGER For quality assurance, both parties please initial any manual changes made to this document

MISCELLANEOUS:

WALL ATTACHMENT NOTE:

shall be waited in the field to provide for a safe and secure incoloring and must meet all local and state code sequentings after ste inspection.

inspections.

EECCRICAL:
All signaling components will be manufactured with 120 vals AAC
unless noved otherwise. All primary electrical service to the sign, and
lind connection thereof is the responsibility of the concorner. Afteron installations are required to use (III. 21a.) transformers an

must have a dedicated ground weelforn the transformer back to the man arour. All sans are to ment N.E.C. Standards.

NOTICE & DISCLAIMER:

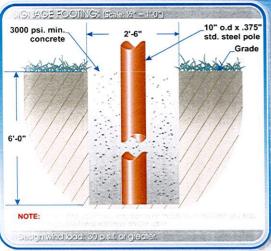
NORICE & DISCLAMMER!
The divergin errors in the streferoral property of MWay Meron Sign.
Company, and it's see, copy, electronics, or exploduction without
explessed winning parentages of solid company is both dicken.
Should concorner electric to the indicay Meron Sign. Co. as choice
manufacture for this design, or lare indicate video electric charge will be
manufactured for this design, or lare indicate video electric charge will be

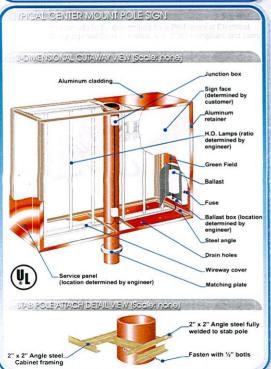
Customer is safely responsible for any supplied or requi

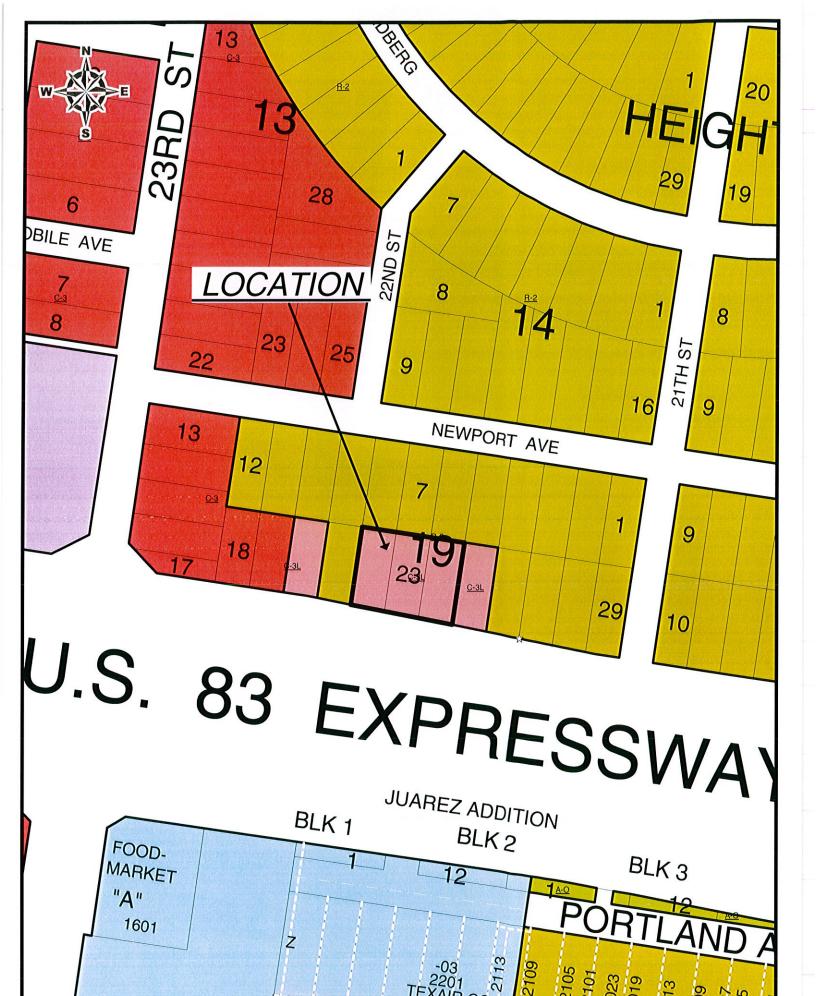


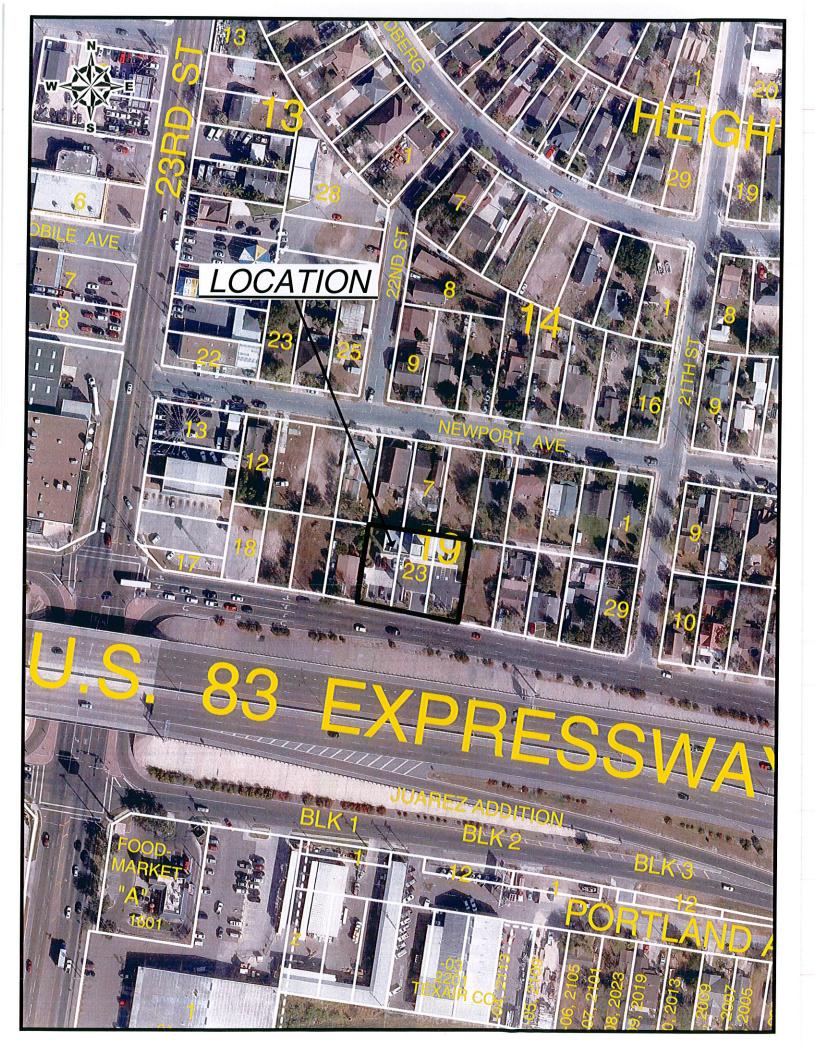














July 13, 2013

Please be advised that The J. Gonzalez Law Firm authorizes A-1 Skylite to represent our firm before the Mcallen City Commissioner meeting, in the matter of a sign variance.

If you have any questions concerning this matter, please do not hesitate to call (956) 630-6700.

Sincerely,

THE J. GONZAŁEZ LAW FIRM, P.L.L.C

Jesse Gonzalez

AGENDA ITEM 7A HAS BEEN REMOVED FROM THE AGENDA

CITY OF McALLEN STANDARDIZED RECOMMENDATION FORM

	TY BOARD DATE SUBMITTED 07/16/13 ER MEETING DATE 07/22/13
1.	Agenda Item: Update on Parks and Recreation construction projects.
2.	Party Making Request:Parks and Recreation Department
3.	Nature of Request: (Brief Overview) Attachments:X_Yes No Monthly update on construction projects within the Parks and Recreation Department
4.	Policy Implication: None
5.	Budgeted Information: Yes No _X _ N/A Budgeted Amount: Under Budget:
6.	Alternate option/costs: NA
7.	Routing: NAME/TITLE INITIAL DATE CONCURRENCE
	a) S. Gavlik, Director sg 07-16-13 Yes
	b) D. Melaas, Dep.Dir. dm 07-22-13 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 <u>JH</u> None
11.	Manager's Recommendation: Approved Disapproved MRP None
12.	Action Taken:

PARKS &

RECREATION

interoffice MEMORANDUM city of mcallen

To:

MIKE R. PEREZ. CITY MANAGER

From:

SALLY GAVLIK, DIRECTOR

Subject:

PROJECT UPDATES

Date:

JULY 16, 2013

COMMENT

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

Bicentennial Trail Extension

The contractor continues to install irrigation and lighting. The contractor is completing the bench work with the rock walls. Magic Valley Electric is getting all the electrical installed.

DeLeon Soccer Fields

The Contractor is doing all the dirt work on site. Musco has the field lights on site and the installation will begin the week of July 15th. A line to the irrigation district has been run across 34th street. This site will have access to irrigation district water and well water.

Irrigation Wells

The study for the wells is underway with results due in July.

Hidalgo Bridge Landscape Improvements

The bids were higher than the funding for the project. The bids are being rejected and the project will be reduced in scope and re-bid.

Morris Park

Plans for the irrigation have been modified to include both irrigation district water and a well. The project is ready to be bid out.

Municipal Park

Stone pillars are being installed.





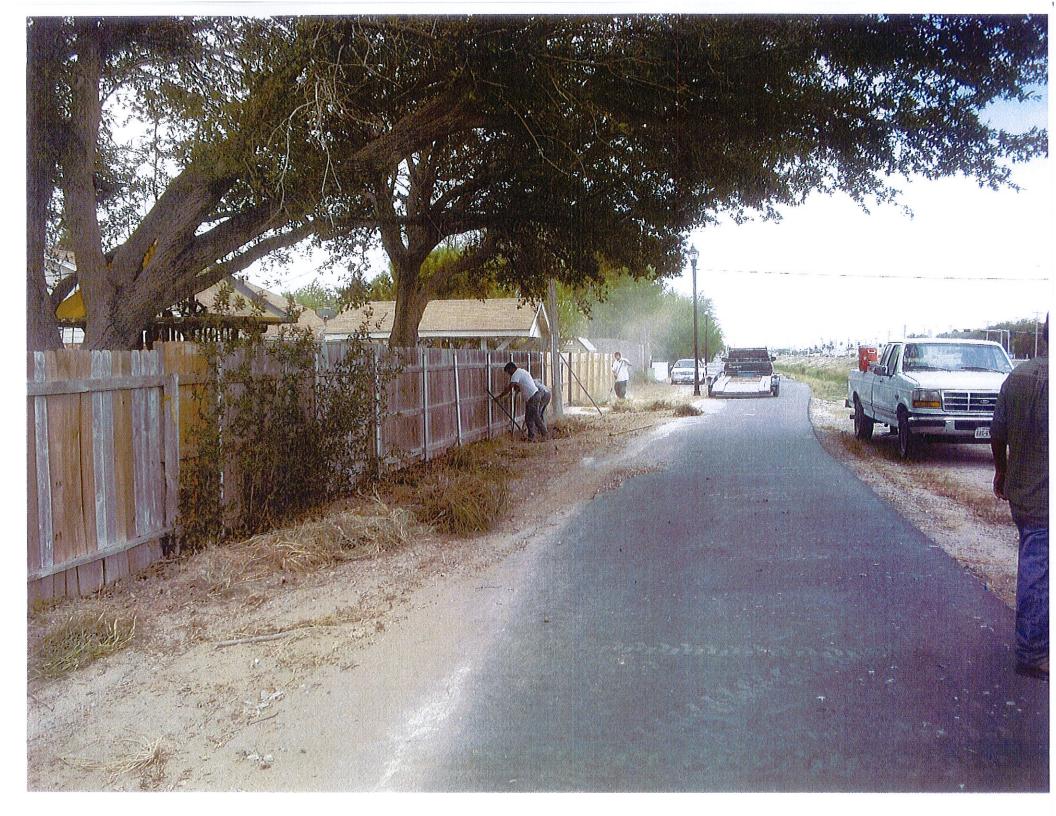












AGENDA ITEM CITY COMMISSION Χ **DATE SUBMITTED UTILITY BOARD** OTHER

01	THER		MEETING DATE	07/22/1
1.	Agenda Item:	Project Status Report through June 30, 2013.		
2.	Party Making Requ	est: Engineering Department		
3.	Nature of Request:	(Brief Overview) Attachments: X Yes	No	
	Project Status Repo	ort for June 30, 2013.		
4.	Policy Implication:	City Commission Policy, Local Government Code		

STANDARDIZED RECOMMENDATION FORM

Budgeted: Yes No N/A Alternate Option/Costs N/A Routing: **DATE** CONCURRENCE **INITIAL**

NAME/TITLE a.) Y. Barrera, PE, CFM, City Engineer N/ARR 7/16/13 b.) Roel "Roy" Rodriguez, P.E.

Asst. City Manager/General Manager Project Status through June 30, 2013. Staff Recommendation:

Disapproved None Approved

9. Advisory Board:

Disapproved GH None Approved

11. Manager's Recommendation: __Approved

10. City Attorney:

Disapproved MRP

None



ENGINEERING DEPARTMENT MEMORANDUM

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer

Date: June 14, 2013

Subject: Project Status Report through June 30, 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 June 30, 2013.

The following projects are included:

- 1. Bentsen Road Paving Improvements Pecan Boulevard (FM 495) to 3 Mile Line
- 2. Northbound Pedestrian Canopy
- 3. McAllen Development Center

Construction Status Report for work performed through June 30, 2013

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

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

Contractor: IOC Company, LLC

Original Contract: \$4,879,306.99 160 working days Change Orders: \$459,625.90 91 working days **Revised Contract:** \$5,338,932.99 251 working days

Completion Date: 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 to 3 Mile. Daffodil and Nolana intersections are open. Contractor is working on final components of the west side from south to north throughout the project limits. The project is approximately 75% complete and liquidated damages will be assessed for work beyond the contract time. Contractor is currently behind schedule.

Paving 88% Complete
Drainage 96% Complete
Utilities 98% Complete





Project limits of Bentsen Road Paving Improvements.



Paving operations of the west side of Bentsen Road from Nolana to 3 Mile.



Concrete driveway at Public Works Facility.

2) Northbound Pedestrian Canopy

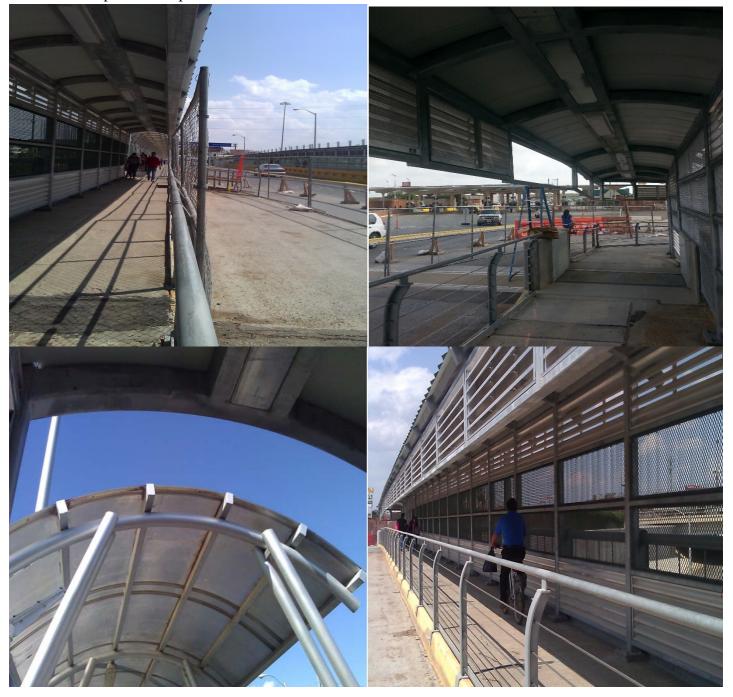
SCOPE OF WORK: The project proposes installation of a canopy on the east side of the southbound bridge. The canopy will be extending 530'-0" north to the Administration building. The work consists of a purchase and installation of a one story canopy including complete structural framing (columns, rafters, 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 97% completed and 224 days into construction. Canopy was opened to pedestrian traffic, as contractor completes final punch list items.



3) <u>Development Services Center</u>

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 35% complete. Interior staircase demolition and elevator pit preparations are currently underway along with taping and floating of interior gypsum walls, electrical, plumbing lines, fire suppression lines and hvac ducting (complete to this stage).



Eastern foundation pad and structural steel



Southern foundation pad and structural steel



Interior progress – below deck insulation, gypsum board application, AC ducts, electrical conduit and wiring, fire sprinkler



Central pod stud framing (bathrooms)

CITY OF MCALLEN

	31711107111	D RECOMMENT	27(1101(101	411		
CITY COMMISSION UTILITY BOARD PLANNING & ZONING COMMISSION OTHER	_ _ _	X	- - -	AGENDA I DATE SUB MEETING	BMITTED	7d 7/16/13 7/22/13
1. Agenda Item:	Construction Updat	e for Termin	al Expansio	on Project		
2. Party Making Request:	DEPARTMEN	T OF AVIATIO	N	РКВ		
3. Nature of Request: (Brief Over	view) Attachments:		X	_Yes		No
4. Policy Implication:						
5. Budgeted:	YES		_NO	X	N/A	
6. Alternate option/costs:						
7. Routing: NAME/TITLE Brent Branham, Manager	Deputy City	INITIAL	_	<u>DATE</u>	<u>C(</u>	<u>ONCURRENCE</u>
8. Staff Recommendation:						
9. Advisory Board:	Approved		Disappro\	/ed		None
10. City Attorney:	Approved _		Disapprov	/ed	GH	None
11. Manager's Recommendation:	Approved		Disappro\	/ed	MRP	None

Airport Construction Status Report through July 22, 2013

Terminal Expansion Project

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

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

Completion Date: March 23, 2014

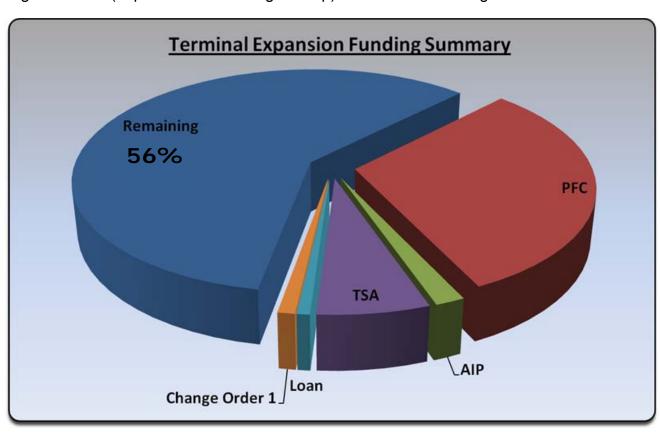
Project Finance Summary

Used to Date \$ 8,397,995 Remaining \$ 10,803,712

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 steel decking is laid above the upper level of the new terminal addition. The completion of the masonry work on lower level is pending the fireproofing of the metal beams. HVAC ductwork, electrical and data work continue on the lower level. The baggage handling system facility's structural concrete, which includes footings, columns, foundation and upper level deck is complete. Electrical and mechanical rough-ins have commenced on the lower level. Project time and budget metrics:

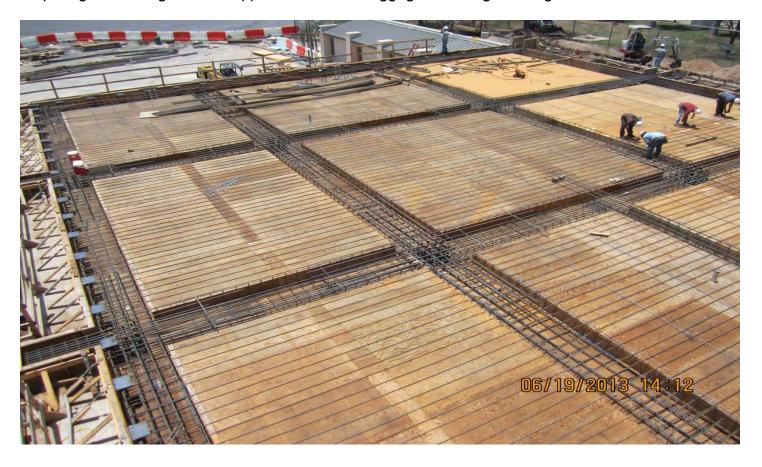
Percent of Project Complete (Time) 62% Percent of Project Complete (Budget) 44%

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

Overview of Terminal Expansion



Preparing reinforcing steel for upper level at the Baggage Handling Building



Completed steel reinforcement mat at upper level of the Baggage Handling Building



Concrete pour at upper level of Baggage Handling Building



Concrete finishers as completion of pour at upper level of Baggage Handling Building nears



Support forms for upper level being removed from lower level at Baggage Handling Building



Connection of Roof structure to existing columns of the Terminal Expansion



Installation of steel decking for roof of Terminal Expansion



Installation of raceways for communications and electrical infrastructure on First Floor of Terminal Expansion



Continuation of steel decking above the upper level of Terminal Expansion



CITY OF McALLEN STANDARDIZED RECOMMENDATION FORM

	COMMISSION X AGENDA ITEM 7E TY BOARD DATE SUBMITTED 07/17/2013 ER MEETING DATE 07/22/2013
	Agenda Item:Manager's Report
2.	Party Making Request: Planning Department
3.	Nature of Request: (Brief Overview): X Yes No Subdivision Development Monthly Report June 2013
4.	Policy Implication: Local Government Code, Subdivision Ordinance
j.	Budgeted: Yes No _X_ N/A
	Bid Amount: Budgeted Amount: Under Budget: Over Budget:
	Amount Remaining: If over budget how will it be paid for:
6.	Alternate option/costs:
7.	Routing:
	NAME/TITLE INITIAL DATE CONCURRENCE
	a) <u>Julianne R. Rankin, FAICP</u> <u>JRR</u> <u>7/16/13</u> <u>N/A</u> Julianne R. Rankin, Planning Director b) Roel "Roy" Rodriguez, P.E.
8.	Assistant City Manager/General Manager Staff's Recommendation: Subdivision Development June 2013
9.	Advisory Board: Approved Disapproved None
0.	City Attorney: Approved Disapproved _GH None

Manager's Recommendation: ___ Approved ____ Disapproved MRP None

11.

Planning Department

Memo

TO: Mike R. Perez, City Manager

FROM: Julianne R. Rankin, Planning Director

DATE: July 17, 2013

SUBJECT: Subdivision Development Monthly Report: June 2013

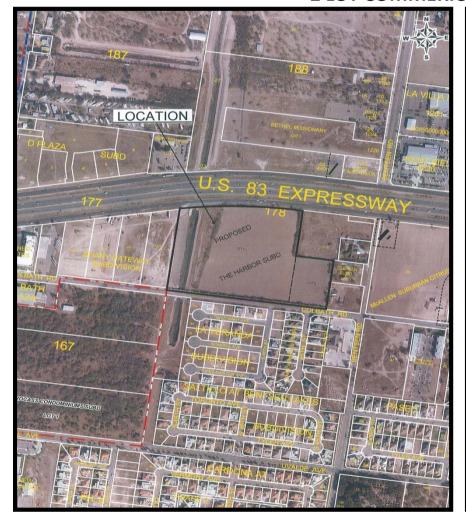
New Subdivisions:

Name	Zoning	Type of	Number of	Acres
		Development	lots	
1. The Harbor Subdivision	C-3	Commercial	2	19.19
2. S A C Subdivision	C-3	Commercial	1	1.65
3. Northpark Estates Lot A-1 Subdivision	C-3L	Commercial	1	1.1
4. Hutton McAllen No. 2 Subdivision	C4	Commercial	1	1.2
5. Plaza De Las Carites Subdivision	C-3L	Commercial	2	2.57

Subdivisions Recorded:

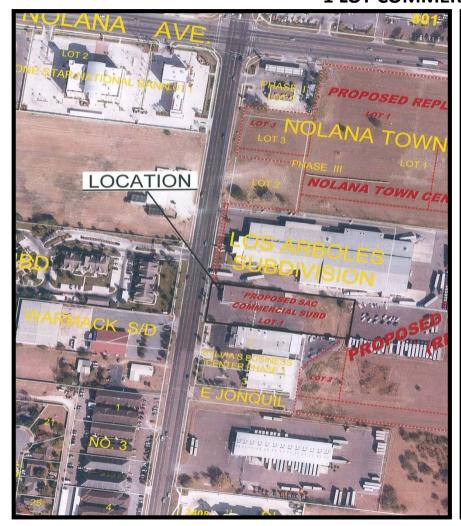
Name	Zoning	Type of	Number of	Acres
		Development	lots	
1. Asian Valley Lots 3A and 8A	C-3	Commercial	2	1.66
Subdivision - Amended				
2. Trinity Heights Subdivision	R-1	Church	1	10.00

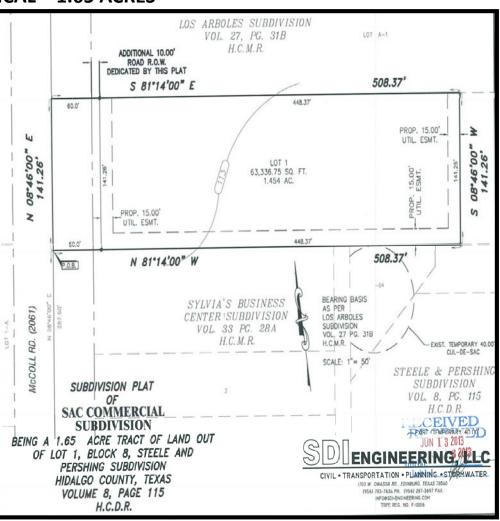
THE HARBOR SUBDIVISION 2 LOT COMMERICAL – 19.19 ACRES



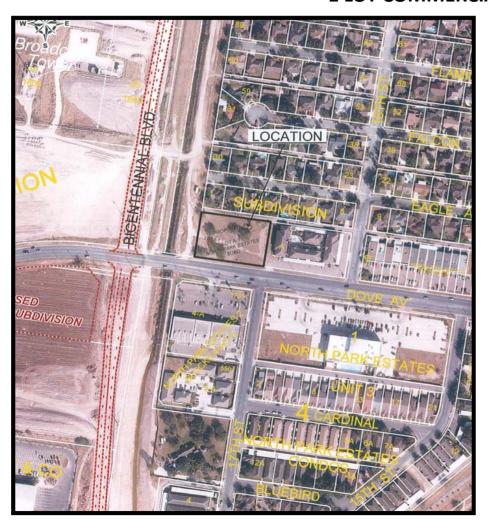


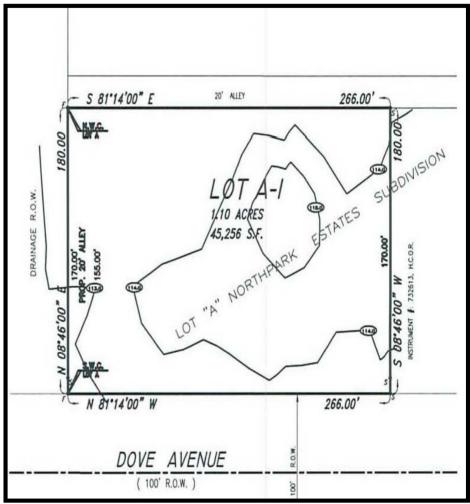
S A C SUBDIVISION 1 LOT COMMERICAL – 1.65 ACRES





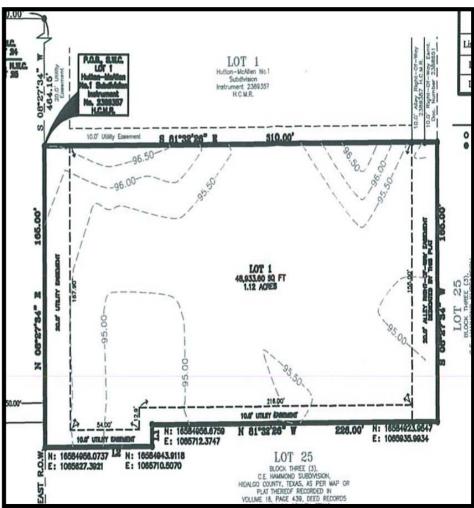
NORTHPARK ESTATES LOT A-1 SUBDIVISION 1 LOT COMMERCIAL – 1.1 ACRES



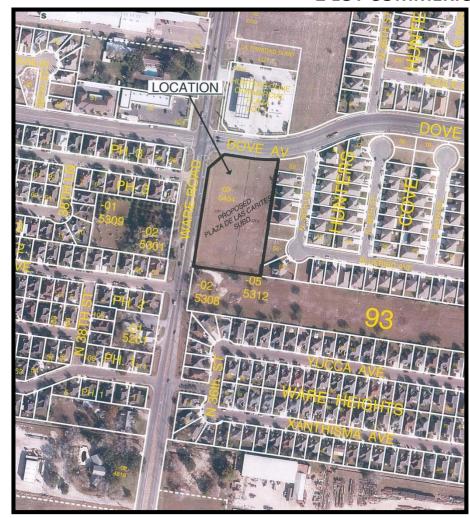


HUTTON SUBDIVISION NO. 2 1 LOT COMMERCIAL – 1.2 ACRES





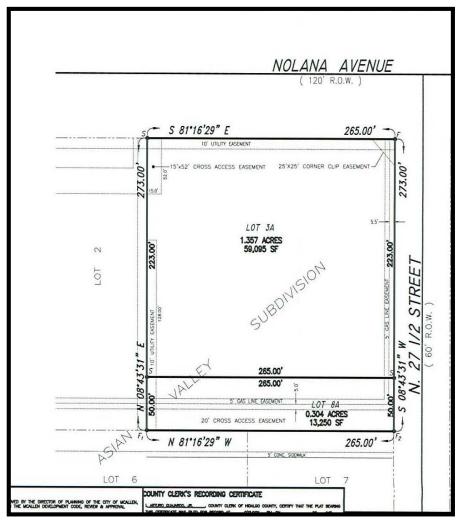
PLAZA DE LAS CARITES SUBDIVISION 2 LOT COMMERICAL – 2.57 ACRES



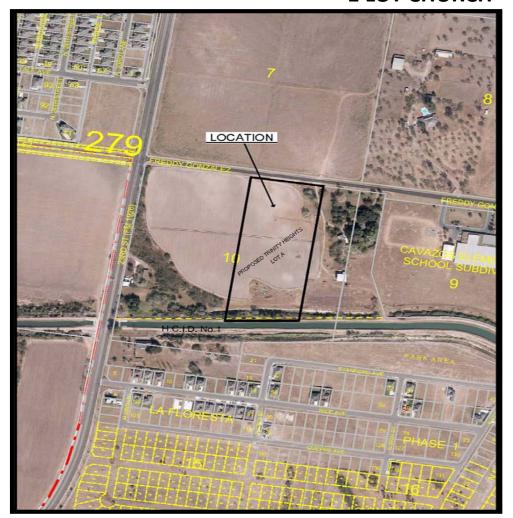


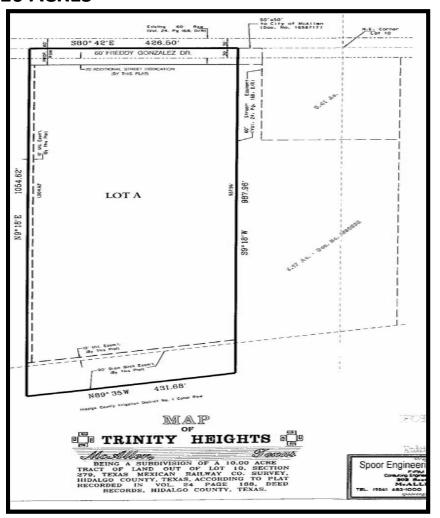
ASIAN VALLEY LOT 3A AND LOT 8A SUBDIVISION – AMENDED 2 LOT COMMERCIAL – 1.66 ACRES





TRINITY HEIGHTS SUBDIVISION 1 LOT CHURCH – 10 ACRES





UTI PL/	Y COMMISSION LITY BOARD ANNING & ZONING BOAI HER	RD	X	- - -	_	A ITEM SUBMITTED IG DATE	7F 07/16/2013 07/22/2013
1	Agenda Item:	FUTURE AG	SENDA ITE	MS			
2	Party Making Request:	Mike	R. Perez, (City Ma	nager		
3	Nature of Request: (Bri	-				_Yes <u>X</u> No	
4	Policy Implication:						
5	Budgeted:	_Yes	_No	X	_N/A		
	Bid Amount: Under Budget:			Over E	eted Amo Budget: nt Remai		_ _ _
6	Alternate option costs:						
7	Routing: NAME/TITLE a)	<u>INITIALS</u>	<u>DATE</u>		CONCU YES/NO	RRENCE	
	,			_			
0	b)			_			
8	Staff Recommendation	<u> </u>					
9	Advisory Board:	_Approved		_Disapp	oroved	None	
10	City Attorney:	_Approved		_Disapp	oroved	GH None	
11	Manager's Recommend	lation:	Approve	ed.	Dis	approved	MRP None

CIT	Y COMMISSION			X	AGENDA ITEM	8A
UTILITY BOARD PLANNING & ZONING BOARD				DATE SUBMITTED	07/17/2013	
					MEETING DATE	07/22/2013
ОТ	HER				_	
1	Agenda Item: Mayo	r's Repo	rt on	UT Pan AM/	UT Brownsville merger	
2	Darty Making Daguast.		Marra	Darling		
2	Party Making Request:	<u>-</u>	viayor	Darling		
3	Nature of Request: (Brid		•		s:Yes <u>X_</u> No	
	-					
4	Policy Implication:					
5	Budgeted:	_Yes _		_No	N/A	
	Bid Amount:				Budgeted Amount:	
	Under Budget:				Over Budget:	
	G				Amount Remaining:	
					<u> </u>	
6	Alternate option costs:	_				
7	Douting					
,	Routing: NAME/TITLE	INITIAL	9	DATE	CONCURRENCE	
	IVANIL/IIILL	INITIAL	<u>.5</u>	DAIL	YES/NO	
	a)				<u> </u>	
	·					
	b)					
_		_				
8	Staff Recommendation:	<u> </u>	None.			
9	Advisory Board:	Approv	ed .		Disapproved None	
		<u> </u>			<u> </u>	
10	City Attorney:	Approv	red		Disapproved GH None	
		<u> </u>				
11	Manager's Recommend	lation:		Annroyed	Disapproved	MRP None
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UTI PL/	Y COMMISSION LITY BOARD ANNING & ZONING BOAF HER	RD	X	_ AGENDA _ DATE SU _ MEETING	BMITTED	8B 07/17/2013 07/22/2013
1	Agenda Item: Mayo	r's Report on	Medical Scl	nool		
2	Party Making Request:	Mayo	r Darling			
3	Nature of Request: (Brid			s:	·	
4	Policy Implication:					
5	Budgeted:	Yes	_No	N/A		
	Bid Amount: Under Budget:			Budgeted Amous Over Budget: Amount Remaini		_ _ _
6	Alternate option costs:					
7	Routing: NAME/TITLE a)	INITIALS	DATE	CONCUR YES/NO	RENCE	
8	Staff Recommendation:	None.				
9	Advisory Board:	Approved		_Disapproved	None	
10	City Attorney:	_Approved		_Disapproved	GH None	
11	Manager's Recommend	ation:	Approved	Disa	pproved	MRP None

	TY BOARD DAT	NDA ITEM E SUBMITTED 7/2/13 ETING DATE 7/22/13					
1.	Agenda Item: FIREWORKS ORDINANCE AMENDMENTS (CHAPTER	50)					
2.	Party Making Request: Fire Marshal Juan P. Salinas						
3.	Nature of Request: (Brief Overview) Attachments: X Yes No						
	Consideration and action on amendments to Chapter 50 of the McAllen Code of Ordinances relating to the regulation and permitting of public displays of fireworks.						
4.	Policy Implication: Public Safety						
5.	Budgeted:YesNo _X_N/A						
6.	Alternate Option/Costs N/A						
7.	Routing: NAME/TITLE INITIAL DATE	CONCURRENCE					
	a.)Fire Chief Rafael Balderas ### 1/2//3	405					
	b.)						
8.	Staff Recommendation: Approval.						
10.	Advisory Board: Approved Disapproved X	None					
11.	City Attorney: ApprovedDisapproved	None					
12.	City Manager: ApprovedDisapproved	_None					



MEMO

TO:

Board of Commissioners

FROM:

Ignacio Pérez, Deputy City Attorney

FOR:

Juan P. Salinas. Fire Marshal

DATE:

July 2, 2013

SUBJECT: Amendments to Fireworks Displays Ordinance

To allow and regulate the public display of fireworks in a way that promotes their Goal: enjoyment in a safe way. This can be accomplished by updating McAllen's Fireworks Displays Ordinance (Chapter 50) at Article III (amending various provisions of the International Fire Code adopted by the City), and at Article IV, Division 1 ("Generally") and Division 2 ("Public Displays").

Brief explanation of the item: There is a growing interest in the private sector to provide entertainment and promote business interests by way of public displays of fireworks. The City's current Code of Ordinances relating to the regulation of these displays needs to be updated. A moratorium on the issuance of permits was approved by the Board of Commissioners on March 11, 2013 for a 90-day period in order to allow the crafting of proposed amendments. The proposed amendments are now being submitted for consideration and approval.

Options: (1) Approve the ordinance amendments as proposed. (2) Modify the proposed amendments and approve as modified. (3) Table the item and provide further direction to staff. (4) Disapprove the proposed amendments.

Recommendation: Staff recommends approval of ordinance amendments as proposed.

ORDINANCE NO. 2013- _____

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE McALLEN CODE OF ORDINANCES AT CHAPTER 50 ("FIRE PREVENTION AND PROTECTION"), ARTICLE III ("FIRE PREVENTION CODE"), RELATING TO THE INTERNATIONAL FIRE CODE, AND ARTICLE IV ("FIREWORKS") AT DIVISION 1 ("GENERALLY") AND AT DIVISION 2 ("PUBIC DISPLAYS"), RELATING TO THE REGULATION AND PERMITTING OF PUBLIC DISPLAYS OF FIREWORKS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

public display of fireworks by providing for the qualifications of applicants, application procedures, guidelines for their review, the issuance of permits, as well as conditions for the same and applicable fees; and,

WHEREAS, on March 11, 2013 the Board of Commissioners approved a

and Protection"), Article IV ("Fireworks"), Division 2 ("Pubic Displays") regulates the

WHEREAS, the McAllen Code of Ordinances at Chapter 50 ("Fire Prevention"

moratorium for up to Ninety (90) Days after its effective date, during which time staff would review of the existing ordinance provisions to ensure that it is updated and continues to promote the aforementioned stated goals; and

WHEREAS, the aforementioned moratorium has expired and staff has conducted a review of existing ordinance provisions and has proposed ordinance amendments; and

WHEREAS, the Board of Commissioners finds that it serves the interests of the City of McAllen and its citizens to revise and amend certain provisions relating to the regulation and permitting of public displays of fireworks, while promoting the health, safety and welfare of those who live, work, and visit the City,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS

OF THE CITY OF McALLEN, TEXAS, THAT:

SECTION I: The provisions in **Section 50-66** of the McAllen Code of Ordinances are amended and shall read as follows:

Sec. 50-66. International Fire Code adopted; amendments; copies on file.

(a) There is hereby adopted for and by the city, the 2012 International Fire Code, with all appendices thereto, prepared by the International Code Council, except that: [...]

(15) 5608.2.2. Use of pyrotechnics before a proximate audience is amended by adding Section 5608.2.2.1 (Inside Use of Pyrotechnics) as follows:

5608.2.2.1 Inside Use of Pyrotechnics.

The use of pyrotechnics inside of a building shall be unlawful unless authorized and approved in writing by the Fire Marshal prior to the issuance of a permit. The Fire Marshal may require the owner or person in possession or control of the building or premises to provide without charge to the department a technical opinion and report stating whether harmful smoke would be produced and pose a health hazard to the public. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory, or fire safety specialty organization acceptable to the Fire Marshal and the owner. A permit for the use of pyrotechnics shall be issued when approved by the Fire Marshal. Application for a permit shall be made in writing 30 days prior to the use of pyrotechnics.

(16) Section 5608.2. Permit application is amended by adding Sections 5608.2.3 (Procedure for Applying; Permit for Fireworks Display) through 5608.2.8 (Duties of Permittee) as follows: 5608.2.3 Procedure for Applying; Permit for Fireworks Display.

A permit applicant shall, at least 30 days before using fireworks, file with the Fire Marshal a completed permit application showing the:

- Pyrotechnics:
 - 1. Business address;
 - 2. Proof of legal competency; and
- fireworks: Address of the proposed display; b)

3. Record of previous experience

with

- Amount, type, and class of fireworks to be used; c)
- Address of the company supplying the fireworks; d)
- e) Date of proposed display:
- and Diagram of the proposed display grounds,

Starting and ending times of the proposed display;

1. Firing points

adjoining the grounds;

f)

detailing:

- 2. Location of buildings and highways on or
- Spectator restraining lines; and 3.
- Overhead obstructions. 4.

The Fire Marshal shall, within five days from date of the completion of the requirements in Subsection (I) of this section, approve or refuse to approve the permit. If the Fire Marshal refuses to approve issuance, he shall immediately send to the applicant by certified mail, return

receipt requested, a written statement explaining the

h) Completed permit application to the Fire Marshal

including the surety bond or insurance coverage required

5608.2.4. Refusal to Issue.

basis of the refusal.

The Fire Marshal may refuse to approve issuance of a permit if the applicant:

- 1. Intentionally makes a false statement as to a material matter in the permit application;
- Is a fugitive from justice;
- 3. Is under a felony indictment;
- 4. Has been finally convicted of a felony offense within that five year period immediately preceding the filing of the application;
- 5. Has been finally convicted of a misdemeanor violation of an explosives law or regulation within the two year period immediately preceding filing of the application;
- 6. Held a permit issued under this article, which permit was revoked within that one year period immediately preceding the filing of the application;

7. Has been adjudicated a mental defective; is an unlawful user of, or addicted to, a controlled substance or dangerous drug, or suffers from any other handicap, infirmity, defect, or condition which might reasonably diminish his competency to safely conduct the proposed activity or would create an unreasonable risk of injury to life or property in the performance of the proposed activity.

5608.2.5. Revocation of Permit.

The Fire Marshal shall revoke a permit if the permittee:

- 1. Intentionally makes a false statement as to a material matter in the permit application;
- 2. Knowingly allows another to use his permit;
- 3. Violates a term or condition of the permit;
- 4. Fails within the applicable time period to comply with an order or notice on him under this article; or
- 5. Fails to discharge a duty imposed on him by this Section.

The Fire Marshal shall, within five days from the date of revocation, send to the permittee by certified mail, return receipt requested, a written statement explaining the basis of the revocation.

5608.2.6. Appeal of Permit Refusal or Revocation.

If the Fire Marshal refuses to issue a permit under this section, that action is final unless the applicant or permittee, within 10 days after receiving a written notice of the action, files a written appeal with the chairman of the Board of Appeals.

5608.2.7. Bond.

The permittee shall furnish a bond or certificate of insurance in the minimum amount of One Million Dollars. The Fire Marshal may increase the amount of the required bond or insurance when he deems it advisable.

5608.2.8. Duties of Permittee.

A permittee shall:

- 1. Upon request, make his permit available for inspection to a member of the Fire Department, Police Officer, or any other authorized person;
- 2. Notify the Fire Marshal of the loss or destruction of an unexpired permit, notice to be given immediately upon discovery of the loss or destruction;
- 3. Secure a replacement permit for that lost or destroyed;
- 4. Comply immediately with the Fire Marshal's order to dispose of fireworks which become hazardous during the performance of this permitted activity; and
- 5. Return his permit to the Fire Marshal immediately upon its expiration, together with a statement detailing the cause of expiration and the disposition of unused fireworks.

SECTION II: The provisions in **Section 50-92** of the McAllen Code of Ordinances are amended and shall read as follows:

Sec. 50-92. General prohibition against manufacture, sale, discharge, transportation, etc.; City sponsored holiday fireworks displays.

unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer for sale, use, discharge, cause to be discharged, ignite, detonate, fire or have in his possession any fireworks of any description within the corporate limits of the city or within a distance of 5,000 feet from the corporate limits of the city as they now exist or as may be adjusted by annexations.

Except as otherwise specifically provided in this article, it shall be

(b) Possession and use of fireworks by pyrotechnics shall be allowed in connection with a City-sponsored fireworks display in celebration of a recognized holiday, such as the Fourth of July and New Year's, under the following conditions:

1. The site of the display has been previously approved by the Fire

- Marshal;

 2. The display is within 10 days of a federal, state or city holiday, and is in connection with a public holiday celebration;

 3. The display is to be held under the supervision of the Fire
- 3. The display is to be held under the supervision of the Fire Marshal or his representative. It is unlawful for any person or entity, in conducting such a display or storing or transporting explosives preparatory to such an event, to fail to adhere to all specifications and directions of the Fire Department representative supervising such event.

SECTION III: Section 50-112 of the McAllen Code of Ordinances is amended

Sec. 50-112. Permit—Application; Fee.

and shall read as follows:

(a)

(a) Provided they are qualified professional pyrotechnics, any adult or any entity may apply for a permit under the provisions of this division. Any such person or entity Any adult person or any firm, copartnership, corporation or association planning to make a public display of fireworks shall first make written

application for a permit to the fire marshal at least 30 days in advance of the date of the proposed display, and simultaneously pay an application fee of \$500.00.

(b) Possession and use of fireworks by pyrotechnics shall be allowed

with a permit in connection with a fireworks display in celebration of a

- recognized holiday under the following conditions:

 (1) The site of the display has been previously approved by the Fire Marshal;

 (2) The display is within 10 days of a federal, state or city holiday,
- and is in connection with a public holiday celebration, and

 (3) The display is to be held under the supervision of the Fire

Marshal or his representative. In addition to other violations

contained in this chapter, it shall be unlawful for any person in

conducting such a display, or storing or moving explosives

preparatory to such an event, to fail to adhere to all specifications

and directions of the Fire Department representative supervising

such event.

SECTION IV: Section 50-116 of the McAllen Code of Ordinances is amended

No display authorized by this division shall be commenced prior to the

and shall read as follows:

Sec. 50-116. Sec. 50-116. Time and number of displays.

hour of 1:00 p.m. on any day, nor later than 10:00 p.m. Sundays through
Thursdays nor later than 11:00 p.m. on Fridays and Saturdays; later than
10:00 p.m.; provided, however, that regardless of the day of the week, fireworks
displays may be commenced between the hours of 10:00 p.m. and 11:59 p.m. on

displays may be commenced between the hours of 10:00 p.m. and 11:59 p.m. on December 31 of any year and January 1 of any year as early as 10:00 p.m. and through 1:00 a.m. of the following day, if such displays comply with all other requirements of this article code. Any display authorized by this division shall be

completed within one hour after the time the display is commenced, and no permit

shall authorize more than two displays in each 24 hours within any 24-hour period.

SECTION V: Section 50-120 of the McAllen Code of Ordinances is amended and shall read as follows:

Sec. 50-120. Firefighters to be present; fee charges; exceptions.

For each public display of fireworks under this division, not less than two firefighters one firefighter of the city shall be in attendance at the display, at the expense of the applicant. The Fire Chief or Fire Marshal may require a standby firefighting unit, at the expense of the applicant. The total charge Charges for the attendance of these firefighters shall be \$60.00 for each display, which any firefighter and any standby firefighting unit shall be in addition to all permit application and other applicable fees. This charge These charges shall be paid prior to permit issuance or at such time or times as directed by the fire marshal at the time application is made for the permit. Provided, however, no city firefighters and/or standby firefighting unit shall be required at a public display, and no charge for such firefighters the same shall be made, if the applicant has available at the display adequate firefighting capabilities which have been approved by the fire marshal. The approval of the fire marshal must be obtained prior to issuance of the permit.

SECTION VI: 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 VII: 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 VIII: 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 July, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code, and Chapter 102 of the Texas Local Government Code.

SIGNED this ____ day of July, 2013.

CITY OF MCALLEN

By:
James E. Darling, Mayor

Attest:

Annette Villarreal
City Secretary

Approved as to form:

Ignacio Pérez Deputy City Attorney