



**AGENDA**

**CITY COMMISSION REGULAR MEETING  
MONDAY, AUGUST 12, 2013– 5:00 PM  
CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

**CALL TO ORDER** - Mayor Jim Darling

**PLEDGE OF ALLEGIANCE** - Mayor Jim Darling

**INVOCATION** – Veronica Vela Whitacre, City Commissioner

**PROCLAMATION** – McAllen All Stars-8u Girls' Softball Team Day

**1. PUBLIC HEARING:**

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

**1.** Rezone from C-3 (general business) District to R-3A (multifamily residential apartment) District: Lot 5, Block 42, McAllen Addition Subdivision, Hidalgo County, Texas; 504 South 16<sup>th</sup> Street.

**2.** Rezone from A-O (agricultural open-space) District to C-4 (commercial industrial) District: a 30' x 110' tract of land out of Lot 25, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas; 4601 South 23<sup>rd</sup> Street.

**3.** Request of Elida Moreno, appealing the decision of the Planning & Zoning Commission of the July 16, 2013 meeting, denying a Conditional Use Permit, for one year, for a banquet hall at Lot 1, Nolana Heights Subdivision, Hidalgo County, Texas; 601 East Nolana Avenue.

**B)** 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 27<sup>th</sup> – 29<sup>th</sup> and July 22<sup>nd</sup> and Regular Meeting held July 22, 2013.

**B)** Award of Supply Contact for the Purchase of Lubricants.

**C)** Authorization to accept FTA Grant TX-90-Y017-00 for Transit Capital and Preventive Maintenance Projects.

- D) Consider approval of an Interlocal Agreement with the City of Mission & Hidalgo County for development of Taylor Road from U.S. Expressway 83 to 1300 feet north of Dove Avenue.
- E) Consider approval of Change Order No. 3 and Final Reconciliation of Quantities for purchase & delivery of Type “D” Hot Mix Asphaltic Concrete (HMAC) Fiscal Year 2012-2013.
- F) Consider approval of a variance to the subdivision process requirement at the east ½ of Lot 18, all of Lot 19, and the west 35 ft. of Lot 20, Block 8, Fairfield Place Subdivision; 700 Lindberg Avenue.
- G) Consider approval of a variance to right-of-way dedication requirement for North Park Estates, Lot A-1 Subdivision; 1700 Dove Avenue.
- H) Award of Contract for Drilling Services for installation of Traffic Electrical Conduit.
- I) Authorization to enter into an Interlocal Agreement with the City of Brownsville to participate in the Fiscal Year 2013-2014 South Texas Auto Theft Enforcement Task Force.
- J) Ordinance amending the McAllen Code of Ordinances, Chapter 102, providing for an amendment of the posted speed limit on Pecan Boulevard between 10<sup>th</sup> Street and 23<sup>rd</sup> Street.
- K) Ordinance adopting the settlement of Texas Gas Service Cost of Service Filing.
- L) Ordinance amending the McAllen Code of Ordinances, Chapter 102, providing for an amendment of the posted speed limit on 2<sup>nd</sup> Street between Trenton Road and Hobbs Drive.
- M) Resolution authorizing the submission of a grant application to the University of North Texas Libraries’ Digital Projects Unit, Portal to Texas History, for funding under the Fiscal Year 2013 Rescuing Texas History Program.
- N) Ordinance providing for a budget amendment associated with the Interlocal Agreement between the Cities of McAllen and Mission and Hidalgo County for Taylor Road extension.
- O) Confirmation and appointment to the Senior Citizens Advisory Board.

**3. BIDS/CONTRACTS:**

- A) Authorization to open the single bid and consider award of contract for the Palm View Golf Course Irrigation System Refurbishment Phase 2 – Installation of Irrigation System Components.
- B) Award of Contract for Irrigation System Refurbishment Phase 1 for Palm View Golf Course.
- C) Award of Contract for the purchase and installation of Surveillance Cameras on seven (7) Metro Shelters.
- D) Award of Contract for the purchase of three (3) Cutaway Buses for the Transit Department.
- E) Consider approval of an Interlocal Agreement with Palm Valley Animal Center for the operation of a Regional Animal Shelter.
- F) Consider approval of Change Order No. 5 for the McAllen Miller International Airport Terminal Expansion Project.
- G) Consider approval of Amendment No. 14 to the HNTB General Engineering Contract for Design and Bidding Services for EMAS Project at the McAllen-Miller International Airport.
- H) Award of Contract for 2013 Pavement Fog Seal.
- I) Authorization to open the single bid and consider award of contract for 2013 Pavement Preservation.
- J) Change Order No. 4 for the McAllen Development Center for various items.
- K) Consider extension of annual maintenance and support services for CIS Infinity and Tele-Works software.

4. **ORDINANCE** providing for a budget amendment for funding of additional projects in the Capital Improvement Fund.
5. **RESOLUTIONS:**
  - A) Supporting Mayor Darling for President-Elect of the Texas Municipal League.
  - B) Authorizing the submission of a loan application to the Texas Water Development Board for the South Wastewater Treatment Plant (SWWTP) Upgrade Construction.
6. **MANAGER’S REPORT:**
  - A) Presentation of Performing Arts Center Preliminary Design.
  - B) Future Agenda Items.
7. **MAYOR’S REPORT** on the joint governmental meeting schedule.
8. **TABLED ITEMS:**
  - A) Amending the McAllen Code of Ordinances, Chapter 50. Fireworks; relating to the regulation and permitting of public fireworks displays.
  - B) 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.

## **PUBLIC COMMENT SESSION**

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

- G) Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)
- H) 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.)
- I) 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.)
- J) Consultation with City Attorney regarding pending lawsuit; Dahlia Guerra Casso vs. City of McAllen. (Section 551.071, T.G.C.)
- K) Consultation with City Attorney regarding Town Lake. (Section 551.071, T.G.C.)
- L) Consultation with City Attorney regarding litigation matter; Arnaldo Ramirez, et al vs. City of McAllen. (Section 551.071, T.G.C.)
- M) Discussion and Possible Action regarding purchase of right-of-way for the development and construction of K Center Street from Nolana Avenue to 1,260' south of this intersection. (Section 551.072, T.G.C.)
- N) Discussion and Possible Action regarding entering into a sales contract and authorization for City Manager to complete the transaction to acquire Lot 2, Block 2, Whitewing Addition Unit No. 1 , and addition to the City of McAllen, Hidalgo County, Texas and approve resolution. (Section 551.072, T.G.C.)
- O) Discussion and Possible Action regarding making an offer to acquire one of the two tracts out of Lots 11 & 12, Section 4 or Lot 3 Section 5, Hidalgo Canal Company's Subdivision. (Section 551.072, T.G.C.)
- P) Discussion and Possible Action regarding economic incentives for Project Mountain Lion. (Sections 551.087 and 551.071, T.G.C.)
- Q) Discussion and Possible Action regarding economic incentives for Project Fresh. (Sections 551.087 and 551.071, T.G.C.)

## ADJOURNMENT

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



## CERTIFICATION

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 9<sup>th</sup> day of August, 2013 at 2:00 pm and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/

Annette Villarreal, TRMC/CMC, CPM  
City Secretary



## Memo

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

**FROM:** Rudy Elizondo, Vice-Chairman, Planning & Zoning RE

**DATE:** July 22, 2013

**SUBJECT: REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTI FAMILY RESIDENTIAL APARTMENT) DISTRICT: LOT 5, BLOCK 42, MCALLEN ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 504 SOUTH 16TH STREET. (REZ2013-0018)**

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

**BRIEF DESCRIPTION:**  
 The property is located along the west side of South 16<sup>th</sup> Street and 50 feet south of Erie Avenue. The lot has 50 feet of frontage along South 16th Street and a depth of 140 feet for a tract size of 7,000 square feet. The property was zoned to C-3 (general business) District during comprehensive zoning in 1979. A rezoning request to R-3A District for the subject property in 2009 was withdrawn. The subject property is vacant. The applicant is requesting to rezone the property in order to allow apartments as a permitted use. A feasibility plan has not been submitted to the Planning Department.

The adjacent zoning is R-3A (multifamily residential apartment) District to the east across South 16<sup>th</sup> Street and to the north across Erie Avenue. There is C-3 (general business) District in all other directions. A rezoning request for R-3A District to the south for Lot 1 was approved in 2001. A rezoning request for the southeast corner of Erie Avenue and South 16<sup>th</sup> Street was approved in 2001 and apartments were established. Surrounding land uses are single family, apartments, vacant properties, offices, All Occasion Dance Hall across the alley to the west, and other commercial uses.

- The requested zoning does not conform to the Urban Residential land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan.
- The proposed zoning is consistent with multifamily residential development trends on adjacent properties.
- The subject property is located in the Downtown Retail Overlay District (DROD) that

allows mixed uses, commercial on the ground floor and residential on second and above stories.

- South 16th Street is a collector street with 65 feet of right-of-way and is constructed with 2 travel lanes, 2 parking lanes, curb and gutter, sidewalk and street lights.
- Erie Avenue is a local street with 50 feet of right-of-way and is constructed with 2 travel lanes, 2 parking lanes, curb and gutter, sidewalk and street lights.

### **OPTIONS:**

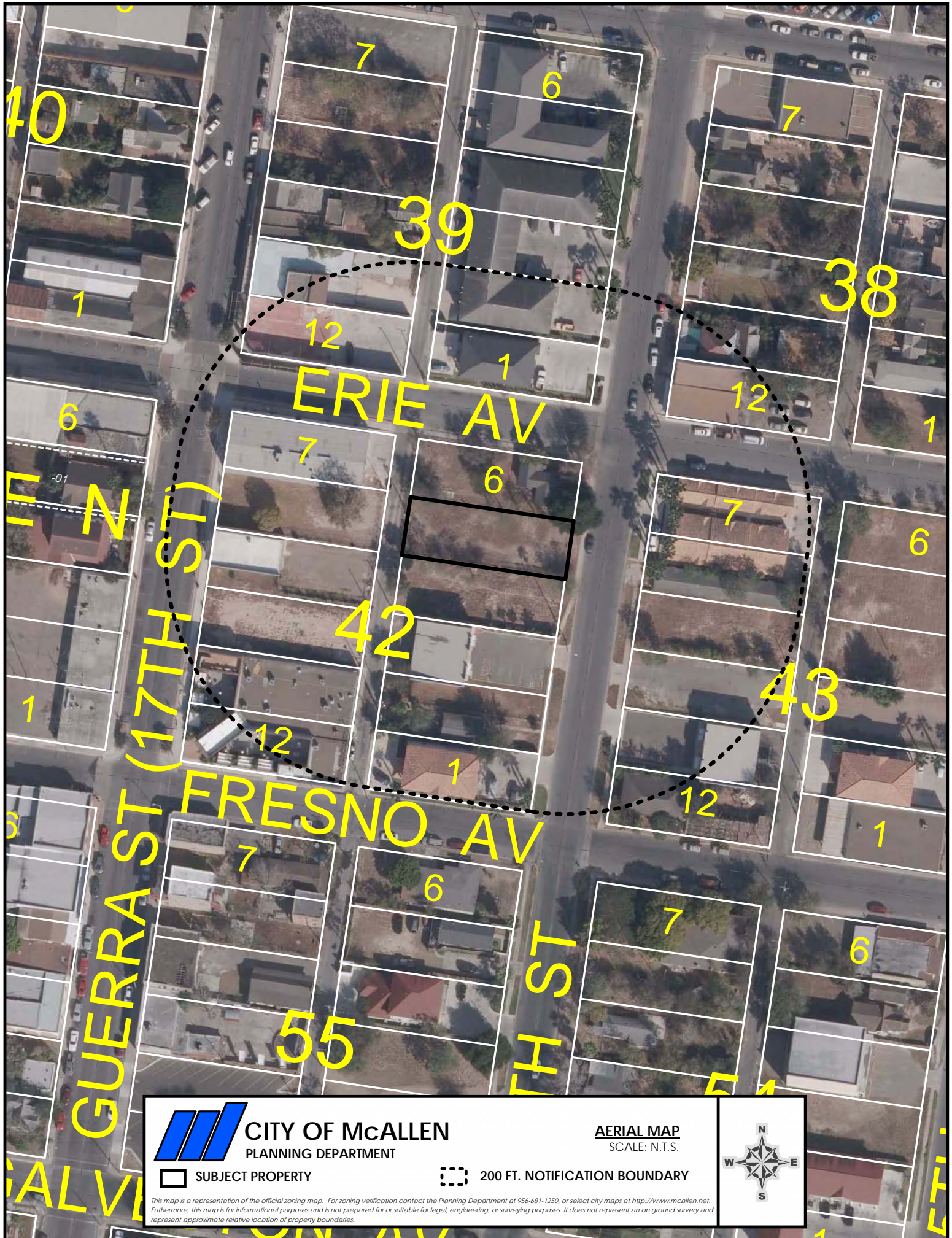
1. Approve the rezoning request.
2. Table the item for a) consideration by a full board, b) additional information, c) additional time for applicant and adjacent property owners to meet on zoning issues or d) further study by the Planning and Zoning Commission of rezoning the area.
3. Disapprove the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

### **RECOMMENDATION:**

At the July 16, 2013 Planning and Zoning Commission meeting no one appeared in opposition to the rezoning request. The Board voted unanimously to recommend approval of R-3A (multifamily residential apartment) District with 5 members present and voting.






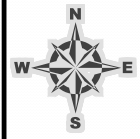


**CITY OF McALLEN**  
 PLANNING DEPARTMENT

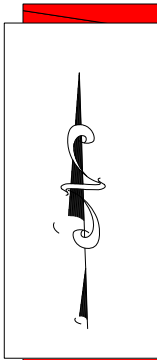
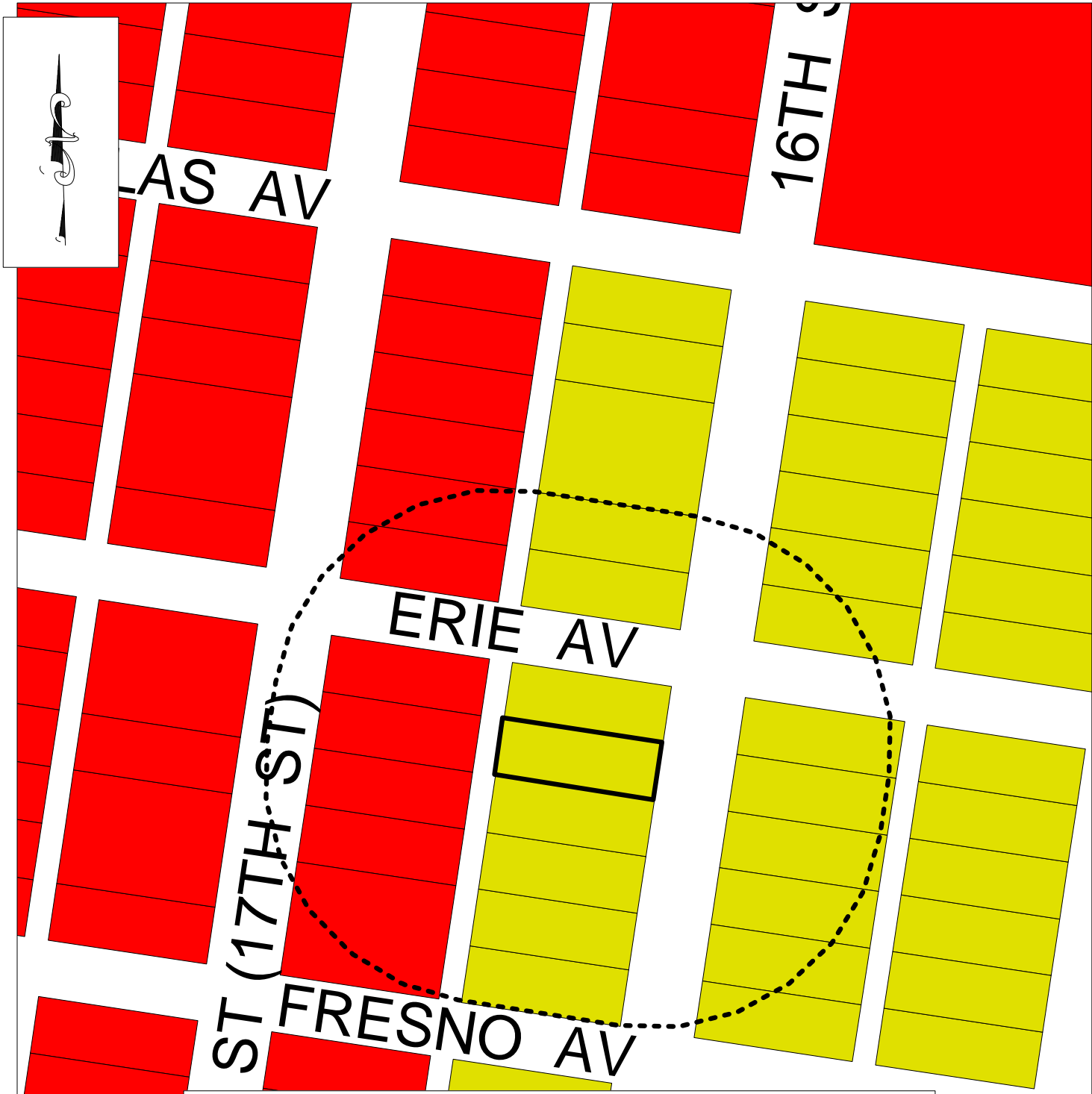
**AERIAL MAP**  
 SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

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

**THOROUGHFARE PLAN**

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

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

GAL

15TH ST



NOTICE  
REZONING  
For  
This Property  
REZ2013-0018  
City of McAllen Planning Dept. 681-7298  
www.mcallen.net

**FOR  
SALE**  
BY OWNER





**AFFORDABLE  
HOMES**  
of SOUTH TEXAS, Inc.™

A NON-PROFIT HOUSING INITIATIVE SINCE 1976

June 19, 2013


City of McAllen  
Planning Department

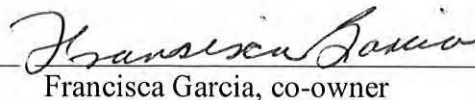
To Whom it Concerns:

We, the undersigned, are owners of record of a parcel of land in McAllen, described as Lot 5, Block 42, McAllen Addition Subdivision. The physical address is shown on tax records as 506 S. 16<sup>th</sup> Street, McAllen; however, we understand the City of McAllen is showing the physical address as 504 S. 16<sup>th</sup> Street. The lot is vacant and is in process of being sold to Affordable Homes of South Texas, Inc.

The property is currently zoned C-3 "General Business". Affordable Homes of South Texas, Inc. desires to build multifamily residential on the property and is requesting a change of zoning to R3A – Apartments. We the owners do hereby authorize the Affordable Homes of South Texas, Inc.'s representative, Ken DeJarnett, to represent us before the City of McAllen in any matters relating to this change of zoning. Affordable Homes of South Texas, Inc. will pay any cost associated with this change of zoning request.

Submitted by:

  
Marcelino Garcia, owner

  
Francisca Garcia, co-owner

Signed and acknowledged this \_\_\_\_\_ day of 6-19-13, 2013



## Memo

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

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

**DATE:** July 17, 2013

**SUBJECT: REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-4 (COMMERCIAL INDUSTRIAL) DISTRICT: 30' X 110' TRACT OF LAND OUT OF LOT 25, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 4601 SOUTH 23<sup>RD</sup> STREET. (REZ2013-0019)**

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### GOAL:

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

### BRIEF DESCRIPTION:

The property is located approximately 200 feet east of South 23<sup>rd</sup> Street and approximately 150 feet south of Idela Avenue. The tract is 30 feet in length and 110 feet in depth for a tract size of 3,300 square feet. This tract was initially zoned A-O (agricultural-open space) district upon annexation in 1989. This property is currently vacant. The applicant is requesting C-4 (commercial industrial) District in order to allow a proposed commercial use.

The adjacent zoning is C-3 (general business) District to the north, A-O (agricultural-open space) District to east, and C-4 (commercial industrial) District to the south and west. The tract to the south was rezoned C-4 (commercial industrial) District in 2011. The tract to the north was rezoned to C-3 District in 2012 and a Dollar General is currently under construction on the site. A tract located to the west was rezoned to C-3 District in 1981 and is the site for South Cross Shopping Center. Surrounding land uses are Super Buy, Avila's Meat Market, Stripes convenient store, and vacant land.

- The requested zoning conforms to the Industrial land use designation for the tract as indicated on the Foresight McAllen Comprehensive Plan.
- The zoning trend for this area along South 23<sup>rd</sup> Street is C-3 (general business) District and C-4 (commercial industrial) District.
- The development trend for tracts fronting along South 23<sup>rd</sup> Street in this area are for uses allowed in the C-3 (general business) District that includes any retail business, personal services, business services, restaurants with 51% food sales and any wholesale trade to a permitted retail operation.
- South 23<sup>rd</sup> Street is designated as a high speed arterial with 150 feet of right-of-way and is constructed with 4 travel lanes, shoulders, a left turn lane or median, and has a posted speed limit of 45 miles per hour.

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

### **OPTIONS:**

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

### **RECOMMENDATION:**

At the Planning and Zoning Commission meeting of July 16, 2013 no one appeared in opposition of the rezoning request. There was no discussion. The board voted unanimously to recommend approval of the rezoning request with five members present and voting.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

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

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



**ZONING LEGEND**

(AGRICULTURAL & OPEN SPACE)	(APARTMENTS)	(MOBILE HOMES)	(GENERAL BUSINESS)	(LIGHT INDUSTRIAL)
(SINGLE FAMILY RESIDENTIAL)	(CONDOMINIUMS)	(OFFICE BUILDING)	(LIGHT COMMERCIAL)	(HEAVY INDUSTRIAL)
(DUPEX-FOURPLEX)	(TOWNHOUSES)	(NEIGHBORHOOD COMMERCIAL)	(COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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



23RD ST

-00  
4601

IDE LA AVE

HUTTON-MCALLEN  
SUBDIVISION  
LOT 1

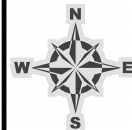


CITY OF McALLEN  
PLANNING DEPARTMENT

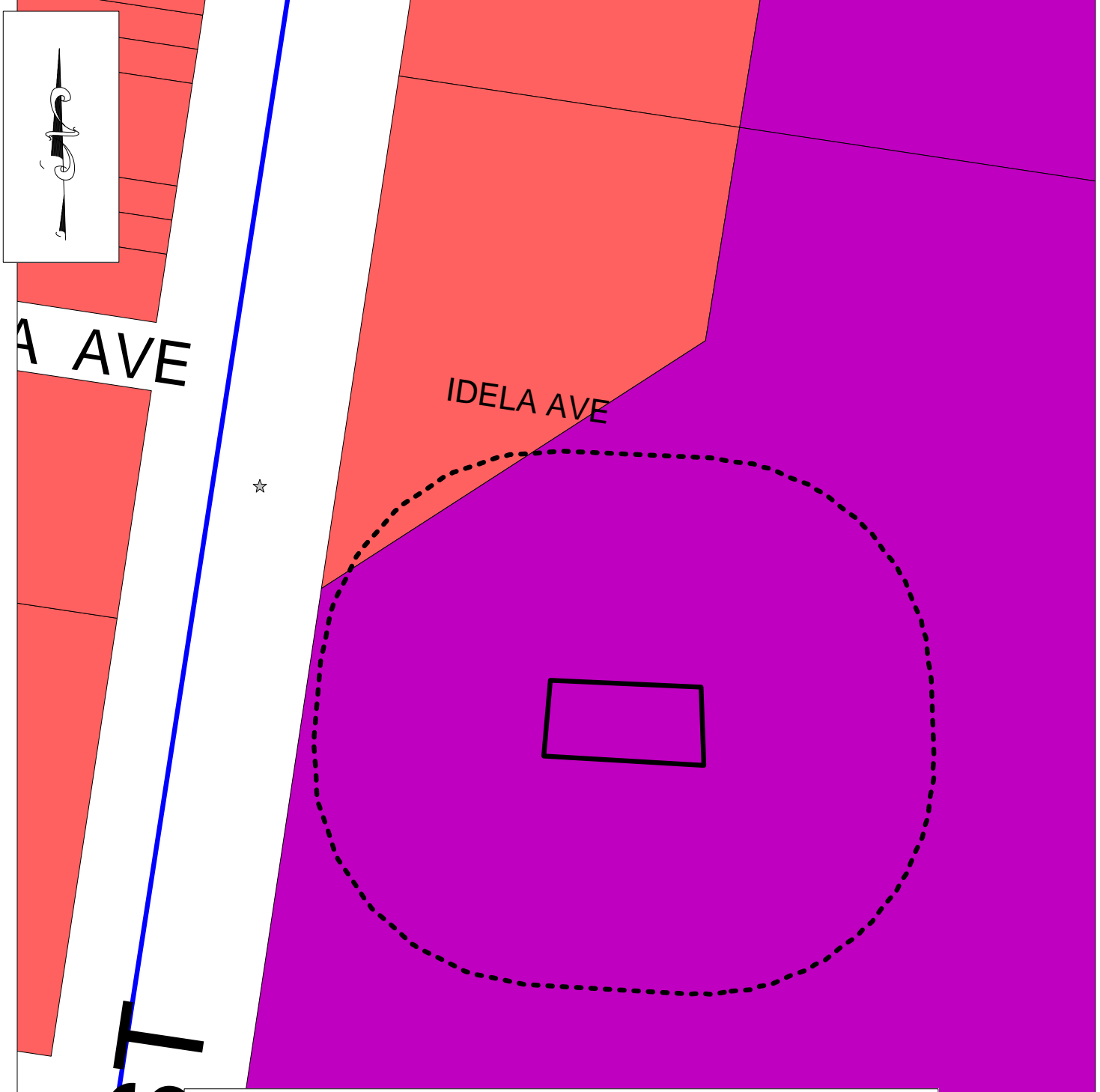
AERIAL MAP  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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A AVE

IDE LA AVE

23RD ST



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

FUTURE LAND USE PLAN		THOROUGHFARE PLAN
VAC - VACANT	SCM - SUBURBAN COMMERCIAL	GRADE SEPARATION (INTERCHANGE)
EST - ESTATE	URC - URBAN CENTER	EXPRESSWAY 350'
SUBR - SUBURBAN RESIDENTIAL	UCH - URBAN CENTER HIGH	PARKWAY 350'
AUSF - AUTO URBAN SINGLE FAMILY	IND - INDUSTRIAL	HI-SPEED ARTERIAL 150'
USF - URBAN SINGLE FAMILY	SPUS - SPECIAL USES, CIVIC, PUBLIC	PRINCIPAL ARTERIAL 120'
AUMF - AUTO URBAN MULTIFAMILY	PRK - CITY PARKS	MINOR ARTERIAL 100'
UMF - URBAN MULTIFAMILY	OPS - OPEN SPACE	COLLECTOR 80'
UMX - URBAN RESIDENTIAL MIXED	AGR - AGRICULTURE	ALTERNATIVE ALIGNMENT
AUCM - AUTO URBAN COMMERCIAL	WTBY - WATER BODIES	McALLEN CITY LIMITS
		McALLEN ETJ

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



**NOTICE  
REZONING  
For  
This Property  
REZ2013-0019**

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



**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM     1A3      
DATE SUBMITTED     8/6/13      
MEETING DATE     8/12/13    

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

2. Party Making Request:     Elida Moreno    

3. Nature of Request: (Brief Overview) Attachments:     X     Yes      No  
Appeal the decision of the Planning and Zoning Commission of the July 16, 2013 meeting denying the request of Elida Moreno, for a Conditional Use Permit, for one year, for a banquet hall at Lot 1, Nolana Heights Subdivision, Hidalgo County, Texas: 601 East Nolana Avenue.

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

5. Budgeted:      Yes      No      N/A  
Bid Amount: \_\_\_\_\_ Budgeted Amount: \_\_\_\_\_  
Under Budget: \_\_\_\_\_ Over Budget: \_\_\_\_\_  
Amount Remaining: \_\_\_\_\_

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

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE <u>YES/NO</u>
a) <u>Julianne R. Rankin</u> Director of Planning	<u>JRR</u>	<u>8/6/2013</u>	<u>No</u>
b) _____	_____	_____	_____

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

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

10. City Attorney:      Approved      Disapproved     I P     None

11. Manager's Recommendation: MRP Approved      Disapproved      None

## Memo

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

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

**DATE:** August 6, 2013

**SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE JULY 16, 2013 MEETING DENYING THE REQUEST OF ELIDA MORENO FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BANQUET HALL AT LOT 1, NOLANA HEIGHTS SUBDIVISION; 601 EAST NOLANA AVENUE.**

---

**GOAL:**

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

**BRIEF DESCRIPTION:**

The property is located on the north side of East Nolana Avenue, approximately 140 ft. west of North McColl Road and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses includes commercial businesses, offices, restaurants, a church and vacant land. 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 for a bar was approved in April of 1999 and was renewed annually until 2005. The bar was closed and a new application was submitted and approved for a dancehall in May of 2008 and has been renewed annually. The last approval was in August 27, 2012 by the City Commission with a variance to the distance requirement. The applicant is proposing to continue to operate the dancehall (De Mor Banquet & Conference Center) from the existing building which will be rented for special events from 2:00 p.m. to 1:00 a.m. daily.

Attached is the Police Activity Report from July 2012 to present. The Health and Fire Departments have inspected the establishment and is in compliance with health and safety codes and regulations. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of a residentially zoned property to the northwest and a church to the northeast;

- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has direct access to East Nolana Avenue and North McColl Road and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the Zoning Ordinance parking requirements as a minimum, and make provision to prevent the use of adjacent streets for parking. Based on the square footage of the building, 125 parking spaces are required and are provided on the lot, which has common access easements to the north and west;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties or residences by providing, when necessary, fences, hedges or reorientation of entrances and exists;
- 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 Marshall, Building Official and Planning Director. The allowable number of persons based upon the floor area of the establishment was set a maximum capacity of 498 persons.

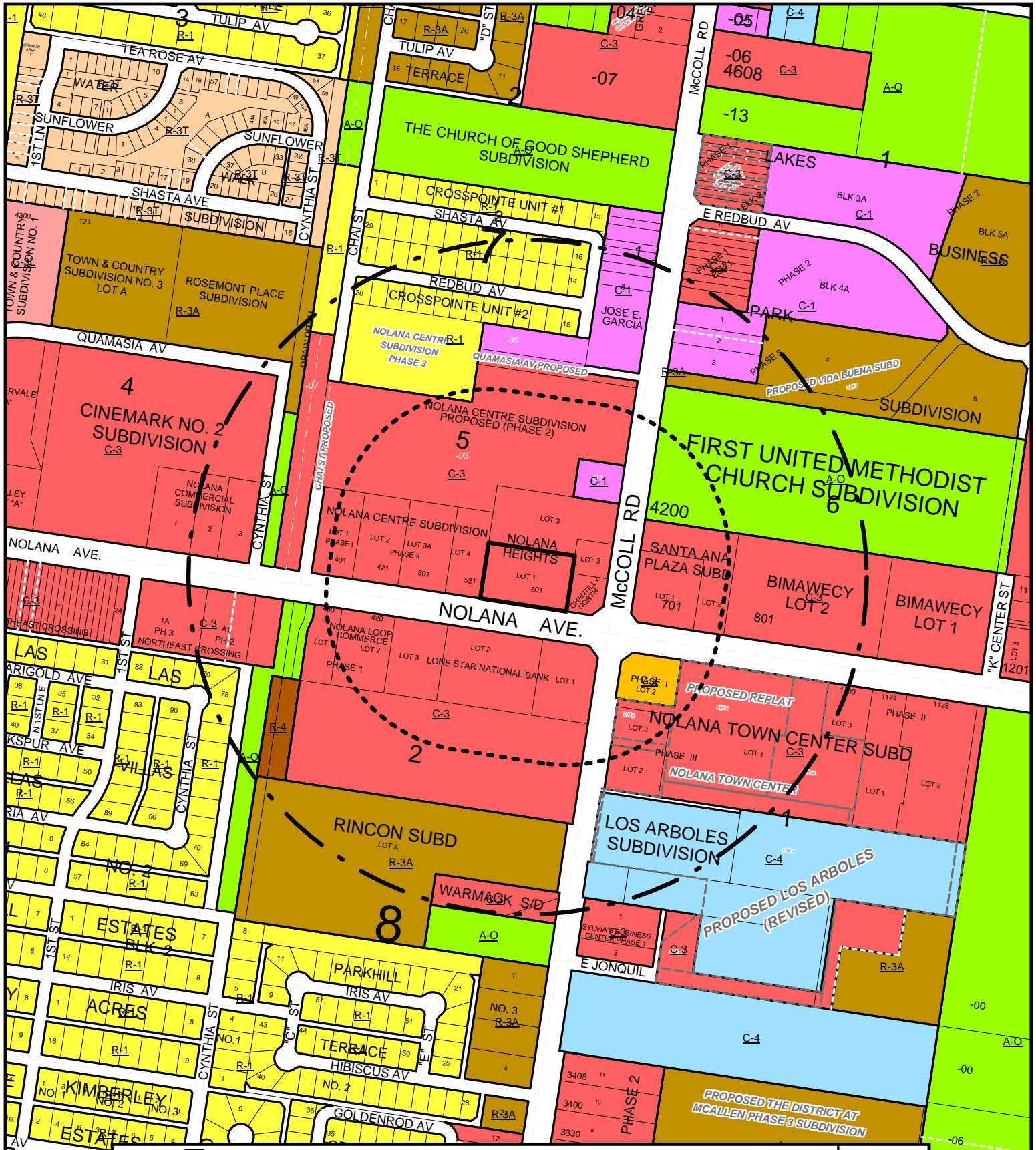
**OPTIONS:**

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

**RECOMMENDATION:**

The request was heard at the July 16, 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 five members present and voting. The applicant has submitted a letter of appeal.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

- SUBJECT PROPERTY
- 600 FT. NOTIFICATION BOUNDARY
- 1/4 MILE RADIUS
- 

**ZONING LEGEND**

- |                                 |                     |                               |                             |                        |
|---------------------------------|---------------------|-------------------------------|-----------------------------|------------------------|
| A-0 (AGRICULTURAL & OPEN SPACE) | R-3A (APARTMENTS)   | R-4 (MOBILE HOMES)            | C-3 (GENERAL BUSINESS)      | I-1 (LIGHT INDUSTRIAL) |
| R-1 (SINGLE FAMILY RESIDENTIAL) | R-3C (CONDOMINIUMS) | C-1 (OFFICE BUILDING)         | C-3L (LIGHT COMMERCIAL)     | I-2 (HEAVY INDUSTRIAL) |
| R-2 (DUPLIX-FOURPLEX)           | R-31 (TOWNHOUSES)   | C-2 (NEIGHBORHOOD COMMERCIAL) | C-4 (COMMERCIAL INDUSTRIAL) | (SPECIAL DISTRICT)     |

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

IGLESIA BAUTISTA EMMANUEL





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

SUBJECT PROPERTY

600 FT. NOTIFICATION BOUNDARY



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

**PROPOSED (RE)**





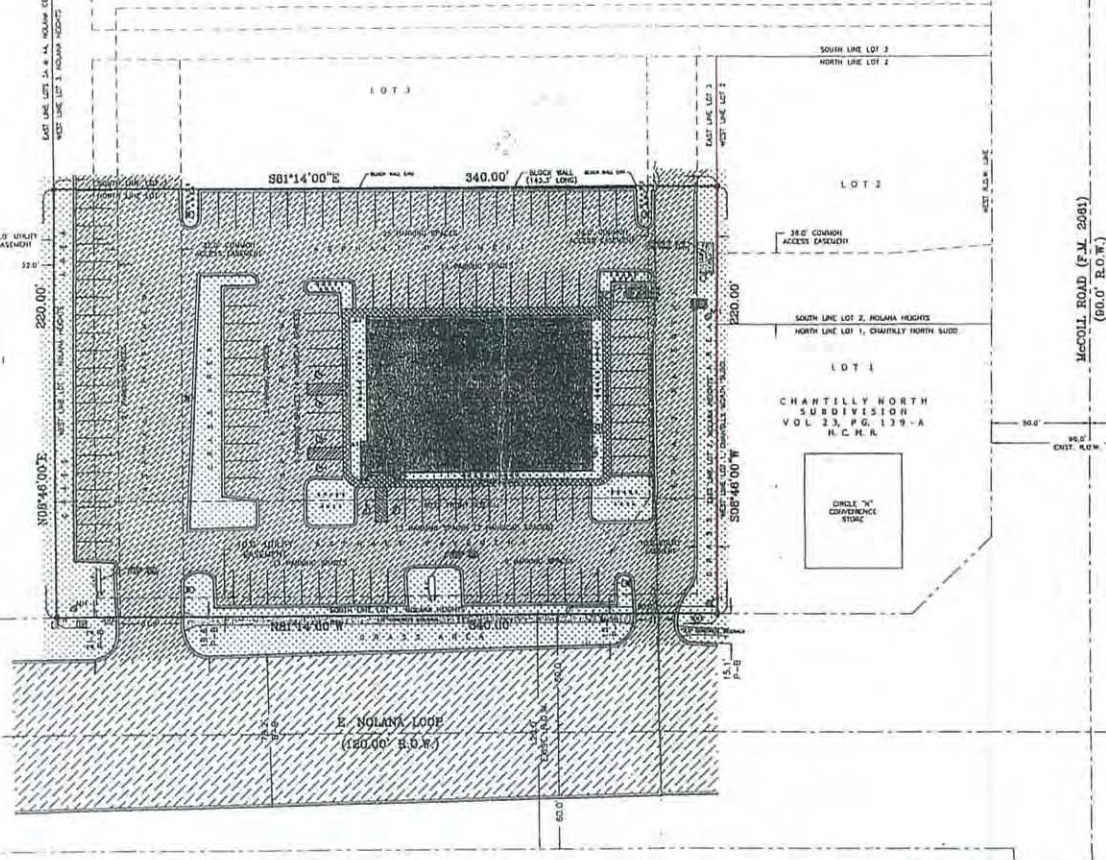
SCALE: 1" = 40'

**GENERAL PLAT NOTES:**

1. Existing streets, easements and other improvements, as shown on the City of McAllen, Hidalgo County, Texas.
2. This plat is for the residential use of Frank Moreno's parcel, in connection with Edwards Subplot and The City, C.F. No. 247623 and, the respective lender thereof. The undersigned engineer is not responsible to any other for any such existing improvements.
3. There are no discrepancies, errors, omissions or shortages in area, measurements or any other information herein.
4. The surveyor has made no attempt to locate or define existing, unrecorded utility lines, easements or other improvements, but does not warrant the accuracy of any such information.
5. The surveyor has made no attempt to locate or define existing, unrecorded utility lines, easements or other improvements, but does not warrant the accuracy of any such information.
6. The surveyor has made no attempt to locate, identify, or plug any all other unrecorded easements or other improvements on the tract of land shown herein. Nor does this survey make any representations of being an environmental assessment of the tract of land shown herein.
7. If this survey (has not been recorded) and the signature of the surveyor is not on the plat, the survey is void.
8. This plat is subject to the provisions of the "Professional Land Surveying Practice Act" enacted under Article 5222, Section 1, Article 16, of the Constitution of the State of Texas.
9. This is a plat of record over all of Lots 1, 2, and 3, of the Nolan Heights, McAllen, Texas. Any electrical cables and associated facilities for electrical service to the buildings and structures must be located within a 10-foot setback.

**BORROWER:**

FRANK MORENO



This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at 601 E. NOLANA LOOP in McALLEN, Texas described as follows:

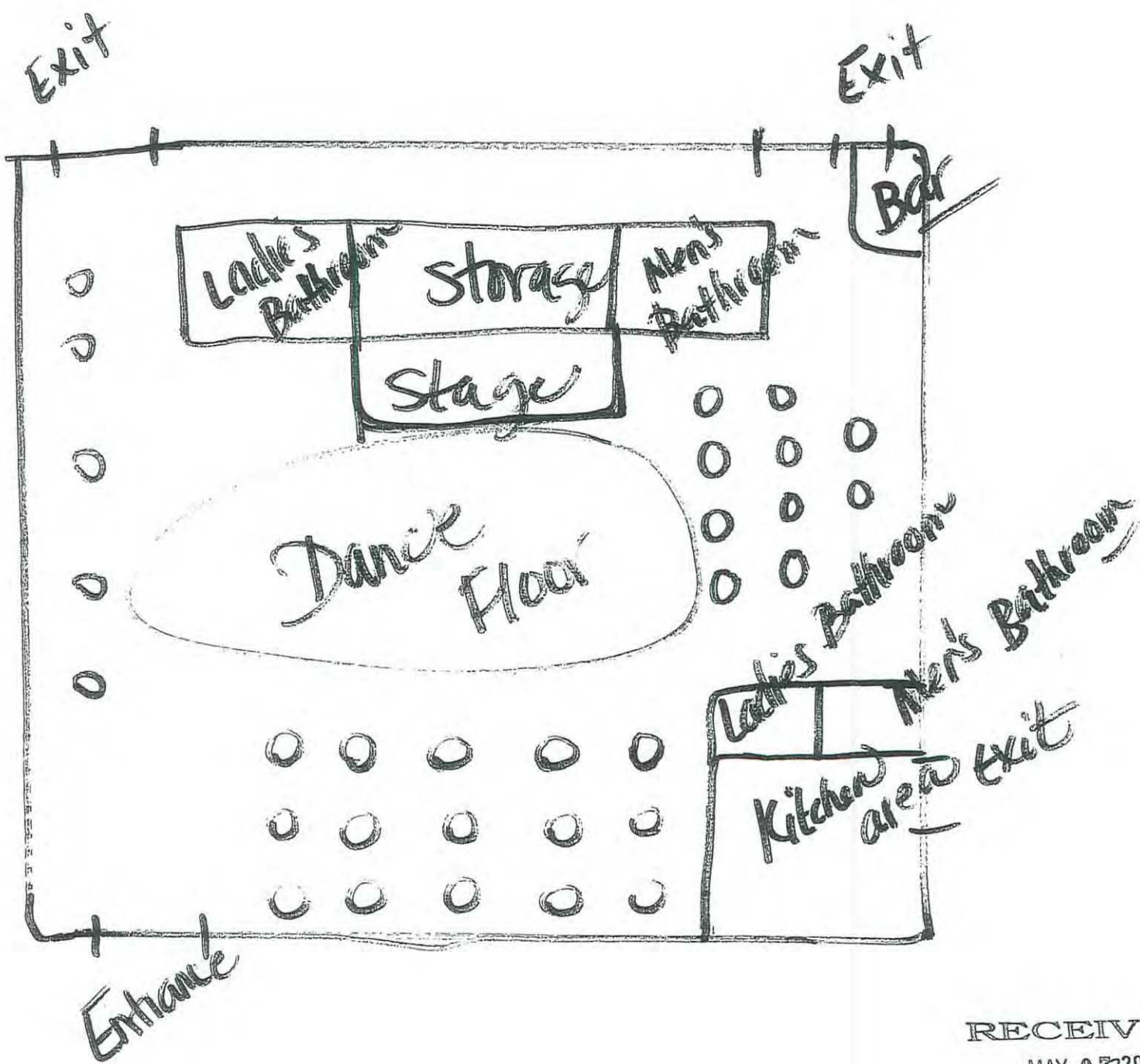
Lot 1, Block \_\_\_\_\_, of NOLANA HEIGHTS, AN ADDITION TO THE CITY OF McALLEN, HIDALGO CO., Texas, according to the plat recorded in Volume 211, Pages 100-A of the MAP Records of Hidalgo County, Texas. I further certify that this property has its Zone \_\_\_\_\_ as per FIRM (Flood Insurance Rate Map) dated NOV. 02, 1982, Community Panel No. 480343 0005 C.

DRN. BY \_\_\_\_\_  
DATE AUGUST 11, 2006

STATE OF TEXAS  
DAVID C. SALINAS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
6762

RECEIVED  
APR 14 2008  
PLANNING DEPARTMENT

601 E. NOLANA LOOP



RECEIVED  
MAY 07 2010  
Initial: *SA*

McAllen Police Department  
Public Information Request

Criteria: 601 E Nolana Ave;  
July 2012 - present

<u>Call Date/Time</u>	<u>Inc#</u>	<u>Incident Type</u>
4/12/2013 12:43	2013-00034694	Domestic Disturbance
2/7/2013 14:42	2013-00012652	Theft
2/3/2013 0:07	2013-00011113	Public Accident



July 23, 2013

City of McAllen  
Planning Department

RE: Banquet Hall  
601 E. Nolana Avenue

On July 16, 2013, the Planning and Zoning Commission disapproved for the Conditional Use Permit request due to non-compliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance with a favorable recommendation that the City Commission grant a variance.

I would like to appeal the decision made by the Planning and Zoning Commission. We have had no complaints or violations made regarding this business. Please reconsider and approve the Conditional Use Permit. All conditions set forth by the City of McAllen will gladly be met.

Sincerely,

A handwritten signature in black ink that reads "Elida Moreno". The signature is written in a cursive, flowing style.

Elida Moreno  
956-279-4269



*De Mor*  
BANQUET & CONFERENCE CENTER

601 E

**NOTICE  
BANQUET HALL  
For  
This Property  
CUP2013-0112**

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



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

1B  
07/24/13  
08/12/13

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

AGENDA ITEM \_\_\_\_\_  
 DATE SUBMITTED \_\_\_\_\_  
 MEETING DATE \_\_\_\_\_

1. Agenda Item: Zoning Ordinance

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

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


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

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

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

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

7. Routing:

NAME/TITLE	INITIALS	DATE	CONCURRENCE YES/NO
a) _____ Kevin D. Pagan City Attorney	_____	_____	_____
b) _____ Julianne Rankin Director of Planning		<u>7-26-13</u>	<u>Yes</u>

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

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

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

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT LOT 5, BLOCK 42, MCALLEN ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTI-FAMILY RESIDENTIAL APARTMENTS) DISTRICT; THAT A 30' X 110' TRACT OF LAND OUT OF LOT 25, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM A-O (AGRICULTURAL - OPEN SPACE) DISTRICT TO C-4 (COMMERCIAL INDUSTRIAL) DISTRICT AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

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

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

Lot 5, Block 42, McAllen Addition  
Subdivision, Hidalgo County, Texas.

SECTION II: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from A-O (agricultural - open space) District to C-4 (commercial industrial) District:

A 0.07 acre (3,300 square feet) tract of land out of Lot 25, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes

and bounds as follows:

COMMENCING at a found ½ inch iron rod at the Southwest corner of Lot 1, Hutton-McAllen No. 1 Subdivision;

THENCE, South 81 Deg. 32 Min. 26 Sec. East, along the South line of said Lot 1, a distance of 200.00 feet to the Northwest corner and Point of Beginning;

THENCE, South 81 Deg. 32 Min. 26 Sec. East, with the said South line of Lot 1, pass a found ½ inch iron rod at 90.0 feet, and pass a found ½ inch iron rod at 100.00 feet, continuing for a total distance of 110.00 feet to the Northeast corner;

THENCE, South 08 Deg. 27 Min. 34 Sec. West, a distance of 30.00 feet to the Southeast corner;

THENCE, North 81 Deg. 32 Min. 26 Sec. West, a distance of 110.00 to the Southwest corner;

THENCE, North 08 Deg. 27 Min. 34 Sec. East, a distance of 30.00 feet to the Northwest corner and POINT OF BEGINNING, containing 0.07 of one acre (3,300 square feet) of land, more or less.

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

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

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

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

CONSIDERED, PASSED and APPROVED this 12th day of August, 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 August 2013.

CITY OF MCALLEN

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

ATTEST:

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

Approved as to form:

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



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

The McAllen Board of Commissioners convened in a Workshop (Retreat) on **Thursday, June 27, 2013**, at 5:00 pm, at South Padre Island – Hilton Garden Hotel Rainbowfish Room – 2<sup>nd</sup> Floor, with the following present:

Mayor Jim Darling  
Hilda Salinas, Mayor Pro Tem  
Scott Crane, Commissioner  
Trey Pebley, Commissioner  
John Ingram, Commissioner  
Veronica Vela Whitacre, Commissioner

Absent: Aida Ramirez, Mayor Pro Tem

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  
Greg Townsend, Strategic Coordinator  
Annette Villarreal, City Secretary  
Perla Zamora, Deputy City Secretary

Also present: Tony Guzman, Facilitator  
Brian Godinez, Facilitator  
Nedra Kinerk, Futuro McAllen  
Dave Hendricks, The Monitor

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**1) DISCUSSION OF CITY OF MCALLEN FY 2013-2014 GOALS AND OBJECTIVES.**

Mayor Darling welcomed everyone and briefly reviewed the goal for the workshop/retreat.

Mr. Tony Guzman gave a presentation on team building. Numerous activities were carried out with the idea of motivating and encouraging the Commission to bond, build trust, network, and practice positive communication and interactions with each other.

Mr. Guzman discussed the Myers Briggs Type Indicator (MBTI) which is used as a tool to illustrate the differences in the thinking and decision-making process in this case of newly



elected officials and management staff. The four facets of personality described in the MBTI were reviewed:

- Extraversion or Introversion
- Sensing or Intuition
- Thinking or Feeling
- Judging or Perceiving

An activity was performed with the City Commission and Management Staff and subsequently, results were compared and reviewed against the results from a pre-meeting questionnaire. The 16 code combinations representing the personality type profiles were reviewed.

Mayor Darling and City Commissioners thanked Mr. Guzman for his presentation.

### **RECESSED**

Mayor Darling recessed the meeting at 6:55 pm and announced that the workshop would reconvene on Friday, June 28, 2013 at 8:00 a.m.

### **DAY 2 – FRIDAY, JUNE 28, 2013 8:00 A.M. SOUTH PADRE ISLAND – HILTON GARDEN HOTEL RAINBOW FISH ROOM**

### **RECONVENED**

Mayor Darling reconvened the meeting at 8:00 a.m.

The following were in attendance: Mayor Jim Darling, Mayor Pro Tem Hilda Salinas, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, and Commissioner Veronica Vela Whitacre

Absent: Mayor Pro Tem Aida Ramirez

Staff in attendance: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager/PUB General Manager Roy Rodriguez, Assistant City Manager Wendy Smith, Strategic Coordinator Greg Townsend, City Secretary Annette Villarreal, Deputy City Secretary Perla Zamora, Director of Government Affairs Teclo Garcia, Convention Center Director Omar Rodriguez

Others present: Brian Godinez (Facilitator), Nedra Kinerk (Futuro McAllen), Davis Rankin (Futuro McAllen), Dave Hendricks, Annette Garcia (KRGV News Channel 5), Eli Ochoa, (ERO Architects), Jeremy Boon-Bordenave (Architect), Jessica Dougherty (Architect)

### **1) DISCUSSION OF CITY OF MCALLEN FY 2013-2014 GOALS AND OBJECTIVES.**

Mr. Brian Godinez opened the meeting by briefly reviewing the agenda, goals and objectives of the two-day retreat. He asked that the Mayor and City Commission begin by their sharing their reasons for seeking elected office and the attributes each was bringing to the City along with their respective districts. It was added that in order to get to their respective visions, the City would need effective leadership, meaningful communication, understanding of their roles, fulfilling expectations and most of all - having a proactive vision.

It was noted that the City does not have a vision statement but is seeking a vision that is consistent with the mission and goals of the City. Mayor Darling and City Commissioners reviewed their respective visions, objectives and strategies and subsequently, correlated lists were generated in each of those categories.

## **2) DISCUSSION OF PERFORMING ARTS CENTER.**

Architect Eli Ochoa, in collaboration with Jeremy Boon-Bordenave and Jessica Dougherty, gave a presentation on proposed color schemes and material types for the interior design of the Performing Arts Auditorium. The various material types for each of the themed color schemes were demonstrated and discussed.

After due consideration, it was the consensus of the City Commission present to narrow the selection by eliminating the Dusk and Sunset schemes and instructing the architects to bring back for further consideration with discussed changes.

### **RECESSED**

Mayor Darling recessed the meeting at 7:00 pm and announced that the workshop would reconvene on Saturday, June 29, 2013 at 8:00 a.m.

### **DAY 3 – SATURDAY, JUNE 29, 2013 8:00 A.M. SOUTH PADRE ISLAND – HILTON GARDEN HOTEL RAINBOW FISH ROOM**

### **RECONVENED**

Mayor Darling reconvened the meeting at 8:00 a.m.

The following were in attendance: Mayor Jim Darling, Mayor Pro Tem Hilda Salinas, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, and Commissioner Veronica Vela Whitacre.

Absent: Mayor Pro Tem Aida Ramirez

Staff in attendance: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager/PUB General Manager Roy Rodriguez, Assistant City Manager Wendy Smith, Strategic Coordinator Greg Townsend, City Secretary Annette Villarreal, and Deputy City Secretary Perla Zamora.

Others present: Brian Godinez (Facilitator), Nedra Kinerk (Futuro McAllen), Davis Rankin (Futuro McAllen)

**1) DISCUSSION OF CITY OF MCALLEN FY 2013-2014 GOALS AND OBJECTIVES.**

Mr. Godinez briefly reviewed the key strategies for the Mayor and City Commission as it correlated to their respective districts and touched on the impact, implementation, next steps and staff leadership process. Projects assignments were issued as follows:

- Welcome Signs – Roy Rodriguez, Yvette Barrera, Greg Townsend, and Commissioner Whitacre
- Ball Fields – Brent Branham, Sally Gavlik and Commissioner Crane
- Rehabilitation Ordinance – Wendy Smith, Greg Townsend, and Commissioner Ingram
- Incentives for local business – Brent Branham, Keith Patridge and Commissioner Pebley
- Parade Improvements – Brent Branham, Sally Gavlik and Mayor Pro Tem Salinas
- Bond Issue – Mike Perez, Yvette Barrera, Sally Gavlik, Omar Rodriguez and Mayor Darling

Mayor Darling and City Commissioners thanked Mr. Godinez for his facilitating and leadership skills in achieving the desired retreat goals and outcomes.

**2) EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), 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 551.071 (Consultation with Attorney) for Item A and Section 551.074 (Personnel Matters) for Item B.

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.

Mayor Darling recessed the meeting at 11:15 a.m. to go into Executive Session. Mayor Darling reconvened the meeting at 11:35 a.m. and announced that no action would be taken on Executive Session items.

**A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO ORGANIZATIONAL STRUCTURE. (SECTION 551.071, T.G.C.)**

No action.



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

No action.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 11:35 a.m.

---

Jim Darling, Mayor

Attest:

---

Annette Villarreal, TRMC/CMC, CPM  
City Secretary

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, July 22, 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  
Scott Crane, Commissioner  
Trey Pebley, Commissioner  
John Ingram, Commissioner  
Veronica Vela Whitacre, Commissioner

Absent: Aida Ramirez, Mayor Pro Tem

MPUB: Charles Amos, Chairman  
Ernie Williams, Vice Chair  
Tony Aguirre, Trustee  
Albert Cardenas, Trustee

Staff: Mike R. Perez, City Manager  
Gary Henrichson, Assistant City Attorney  
Roy Rodriguez, Assistant City Manager/PUB General Manager  
Wendy Smith, Assistant City Manager  
Annette Villarreal, City Secretary  
Nyla Flatau, PUB Board Secretary  
Belinda Mercado, IT Director  
Roy Cantu, Public Information Officer/Director of MCN  
Neo Canales, Call Center Supervisor/MCN  
Yvette Barrera City Engineer  
Sally Gavlik, Director of Parks and Recreation  
Kristi Salinas Taylor, Deputy Director of Aviation  
Jolee Perez, Benefits Coordinator  
Omar Rodriguez, Convention Center Director

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**1. PRESENT QUESTIONS TO STAFF RELATING TO JULY 22, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.**

There were no questions relating to the Regular Meeting agenda.

Item 3 was addressed at this time.

## **2. DISCUSSION OF BASEBALL COMPLEX.**

Staff reviewed the Blue Ribbon Committee's recommendations on site selections for the development of a Baseball and Softball Complex. Staff reported that such a development would require 50 – 60 acres. Two sites were discussed along with a proposed design for each for the Baseball Complex: 1) Municipal Park/McHi Campus and 2) 5 Mile and 29<sup>th</sup> Street. Staff reported that the Girls Softball Complex was being recommended to remain at Municipal Park despite the limited parking issue. Alternate locations considered were at Crockett and Los Encinos. Staff reported that the Reynolds property was initially considered; however, there were too many utility lines running through the property.

Concerns were expressed about moving the ball parks away from the city's center core and thereby triggering deterioration to the area. Additional concerns were expressed about the distance to hotels and restaurants.

Commissioner Crane volunteered to make a presentation to the school board along with Parks Director for a possible partnership. In the interim, management staff recommended allowing staff to firm up some numbers to bring back to the Commission in the next few weeks for consideration with the proposed bond issue.

## **JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD OF TRUSTEES:**

Chairman Amos called the meeting to order on behalf of the Public Utility Board.

## **3. DISCUSSION AND POSSIBLE ACTION ON HEALTH INSURANCE PLAN RECOMMENDATIONS.**

Staff recommended approval of a series of plan amendments parallel with the Affordable Care Act, and HIPAA regulation changes and administrative clarification. Additionally, staff reported a low fund balance in the Health Fund and noted that the last premium increase was seven years ago. Recommended health premium increases and potential design changes for FY 2013-14 were reviewed as follows:

Fiscal Year 2013-14

- Employee – no change
- Employee plus dependent - increase of \$5.73/paycheck
- Employee plus family - increase of \$8.36/paycheck
- Emergency Room Copay from \$0 to \$75

Additional proposed premium increases and plan changes were reviewed for future consideration:

Fiscal Year 2014-15

- Employee – \$5.00/paycheck
- Employee plus dependent increase of \$5.00/paycheck
- Employee plus family increase of \$5.00/paycheck
- Office Visit from \$25/\$35 to \$35/\$45



Fiscal Year 2015-16

- Employee – no change
- Employee plus dependent - increase of \$3.00/paycheck
- Employee plus family - increase of \$4.00/paycheck
- Deductible increase from \$750 to \$1,000

A discussion was held relating to the “affiliate” members and their respective associated costs. Staff was instructed to submit a report depicting the figures for outside agencies (affiliates) for review. Additionally, staff was instructed to review health-related legislation changes.

After due consideration, Commissioner Crane moved to approve the Health Insurance Plan amendments and premium increases and changes for FY 2013-14 as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

Vice Chairman Williams moved to approve the Health Insurance Plan amendments and premium increases and changes for FY 2013-14 as recommended on behalf of the MPUB. Trustee Aguirre seconded the motion. The motion carried unanimously by those present.

## **END OF JOINT MEETING**

There being no other business to come before the Public Utility Board, the joint meeting was adjourned at 5:28 pm.

### **4. DISCUSSION OF “PALM BOWL” CONCEPT.**

Commissioner Pebley reviewed the NCAA Division II Football Championship (“Palm Bowl”) application timeline for consideration to host the event in McAllen. In anticipation of the September 16<sup>th</sup> application deadline, staff and Commissioner Pebley requested direction and authorization to submit a “Letter of Intent” to host the event for three years beginning in 2014.

The challenges were reviewed including the short turnaround time to make stadium improvements. It was reported that school district participation would be sought as this was a great opportunity to make the necessary improvements to the stadium to meet UIL standards which in turn would enable them to host school sporting events. It was noted that the approximate cost to renovate the stadium was \$3 million which would qualify for reimbursement from the state.

It was reported that a key component would be the need to put together a committee or group of volunteers that would assist with planning and organizing the event.

After due consideration, staff was authorized to proceed with the submission of a “Letter of Intent”.

### **5. DISCUSSION OF SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.**

Said item was not discussed.

### **6. FINALIZATION OF INTERIOR DESIGN SCHEME FOR PERFORMING ARTS CENTER.**

Architect Eli Ochoa and consultant Nestor Fortino went over the interior design scheme for the Performing Arts Center based on the direction given at the workshop/retreat last month. The two selected patterns were brought forth for further consideration of one color theme.

A discussion was held with regards to the patterns for the carpet and chairs. Questions were asked.

After due consideration, it was the consensus of the City Commission present to proceed with *Rio Grand* pattern encompassing the Magenta and Blue color scheme. Additional direction was given to the architect and consultant relating to the desire to incorporate wood into the interior design.

Item 7 was not addressed.

- 7. 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. 16<sup>TH</sup> 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**

There being no other business to come before the Commission, the meeting was adjourned at 6:15 p.m.

\_\_\_\_\_  
Jim Darling, Mayor

Attest:

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



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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, July 22, 2013**, at 6:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Jim Darling  
Hilda Salinas, Mayor Pro Tem  
Scott Crane, Commissioner  
Trey Pebley, Commissioner  
Veronica Vela Whitacre, Commissioner  
John Ingram, Commissioner

Absent: Aida Ramirez, Mayor Pro Tem

Staff: Mike R. Perez, City Manager  
Gary Henrichson, Assistant City Attorney  
Wendy Smith, Assistant City Manager  
Roy Rodriguez, Assistant City Manager/PUB General Manager  
Annette Villarreal, City Secretary  
Ramon Navarro, Deputy City Engineer  
Juli Rankin, Director of Planning  
Sally Gavlik, Director of Parks and Recreation  
Sandra Zamora, Director of Purchasing  
Kristi Salinas-Taylor, Deputy Director of Aviation  
Jeremy Santoscoy, Transportation Engineer

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**PROCLAMATION – NATIONAL NIGHT OUT**

Commissioner Ingram read and presented a proclamation for *National Night out*.

**1. PUBLIC HEARING:**

Mayor Darling called the Public Hearing to order.

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

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

Commissioner Crane moved to approve the items listed on the Routine Items section of the agenda. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

**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 12<sup>TH</sup> STREET.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a banquet hall, at 512 South 12<sup>th</sup> Street, as per Planning and Zoning Commission. The establishment must also comply with requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residentially-zoned properties 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 at 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.

**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 23<sup>RD</sup> STREET. (REZ2013-0017)**

Staff recommended disapproval of the C-3 zoning at 3000, 3004 and 3008 North 23<sup>rd</sup> Street as per Planning and Zoning Commission.

Mayor Darling asked if there was anyone to speak in opposition to the rezoning request. No one appeared.

Commissioner Whitacre moved to disapprove the C-3 zoning as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

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

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

**END OF PUBLIC HEARING**

Mayor Darling declared the Public Hearing closed.

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

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

Commissioner Ingram 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 WORKSHOPS HELD JUNE 24<sup>TH</sup>, JULY 8<sup>TH</sup> AND REGULAR MEETING HELD JULY 8, 2013.**

Approved the minutes of Workshops held June 24<sup>th</sup>, July 8<sup>th</sup> and Regular Meeting held July 8, 2013, as submitted.

**B) CONSIDER AUTHORIZATION TO AWARD A CONTRACT TO PUBLICSTUFF FOR 311 SERVICE REQUEST SOFTWARE.**

Awarded a contract to PublicStuff for a software subscription for the 311 Call Center, for a 3 year term in the amount of \$24,072 for year one and \$22,572 for years two and three.

**C) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE APACHE FOUNDATION FOR FUNDING UNDER THE FISCAL YEAR 2013 TREE GRANT PROGRAM.**

Approved a resolution authorizing the submission of a grant application to the Apache Foundation for trees under the Fiscal Year 2013 Tree Grant Program. The request is for the donation of 1,000 5-Gallon trees to be planted in neighborhoods throughout the City.

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

Approved an 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.**

Approved an Advanced Funding Agreement with TXDOT for Ware Road from 3 Mile to 5 Mile.

**F) REMOVED FROM AGENDA**

Item was removed from the agenda.

**G) ORDINANCE AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTER 2 ADMINISTRATION; PROVIDING FOR A CHANGE IN MEETING TIMES OF CITY COMMISSION MEETINGS.**

Adopted an ordinance amending the McAllen Code of Ordinances, Chapter 2 Administration; providing for a change in meeting times of City Commission Meetings. The new Regular Meeting and Public Hearing start time was set to begin at 5:00 pm and subsequently, setting the workshop start times to 4:00 pm on every second and fourth Mondays of the month.

**H) CONSIDER APPROVAL OF DEDUCT CHANGE ORDER NO. 1 FOR INFORMATION TECHNOLOGY INFRASTRUCTURE AT THE NEW MAIN LIBRARY.**

Approved Change Order No. 1 to reflect a cost decrease of \$17,956.23 to Calence LLC, 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.**

Approved the Federal Workstudy Agreement with the University of Texas Pan American for Fiscal Year 2013-14. Said agreement to provide for the hiring of students from UTPA for job placement at the library for up to 19 hours per week.

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

**1. ENTRAVISION COMMUNICATIONS LLC.**

Approved a tax refund in the amount of \$6,171.68.

**2. INTERNATIONAL BANK**



Approved a tax refund in the amount of \$1,347.37.

**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**

Approved a resolution authorizing the tax resale of certain properties as described above.

**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.**

Approved the purchase of one (1) Radio Communications Repeater on behalf of the Rio Grande Valley Communications Group (RGVCG), in the amount of \$31,498 and funded through the FY 2011 State Homeland Security Program Grant.

**M) CONFIRMATION OF MEMBERS TO VARIOUS CITY ADVISORY BOARDS.**

The following board appointments were made:

- Rebecca Martinez to the Civic Center Advisory Board by Mayor Pro Tem Ramirez.
- Dora Cardenas to the Public Arts Committee by Commissioner Whitacre.
- Dr. Farzaneh Razzaghi to the Library Advisory Board by Commissioner Crane.

**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.**

Staff recommended approval of a contract for Legal Services relating to reconfiguration of the City's 800 MGZ Public Safety Radio System as ordered by the FCC.

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

**B) AWARD OF CONTRACT FOR THE PURCHASE OF NETWORK EQUIPMENT FOR DEVELOPMENT SERVICES CENTER.**

Staff recommended award of contract for the purchase of Network Equipment for Development Services Center, to Insight Public Sector DIR Contract, in the amount of \$101,706.80.

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

#### **4. ORDINANCES:**

##### **A) BUDGET AMENDMENT TO FUND PFC APPLICATION #6.**

Staff recommended adoption of an ordinance providing for a budget amendment to fund PFC Application #6 in the amount of \$35,000.

Commissioner Crane moved to adopt the ordinance as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

##### **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.**

Staff recommended adoption of an ordinance providing for the abandonment of a portion of a utility easement at 1121 Providence Avenue.

Commissioner Pebley moved to adopt the ordinance as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

##### **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.**

Staff recommended that said item be tabled.

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

**5. RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION UNDER THE SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.**

Staff recommended approval of a resolution authorizing the submission of a grant application to the U.S. Department of Transportation under the Small Community Air Service Development Program (SCASDP), in the amount of \$750,000 with a local match of \$250,000.

Questions were asked of staff relating to eligible incentives and criteria. Staff reported that the funding would be utilized to attract low cost carriers mainly servicing the West Coast.

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

**6. VARIANCES:**

- A) CONSIDER A VARIANCE TO THE SIGN ORDINANCE TO ALLOW A CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN ON SOUTH 12<sup>TH</sup> STREET AT LOT 9, BLOCK, 50, MCALLEN ADDITION SUBDIVISION; 609 SOUTH 12<sup>TH</sup> STREET.**

Staff recommended disapproval of the sign variance request at 609 South 12<sup>th</sup> Street.

Questions were asked and concerns were expressed relating to deterioration of the city's center core and neighborhoods preservation.

After due consideration, Commissioner Ingram moved to disapprove the sign as recommended. Mayor Pro Tem Salinas seconded the motion. The vote on the motion was as follows

AYES: Commissioners Ingram, Pebley, Whitacre and Mayor Pro Tem Salinas  
NAYS: Commissioner Crane  
ABSENT: Mayor Pro Tem Ramirez  
ABSTAINED: None

- 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.**

Staff recommended approval of a sign variance request at 2120 Oakland Avenue.

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

Items 8A and 8B were addressed at this time.

**7. MANAGER'S REPORT:**

**A) REMOVED FROM AGENDA**

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

Staff gave a report on Parks and Recreation construction projects. No action required.

**C) STATUS REPORT ON VARIOUS CITY PROJECTS THROUGH JUNE 30, 2013.**

Staff gave a report on various City projects through June 30, 2013. No action required.

**D) STATUS REPORT ON TERMINAL EXPANSION CONSTRUCTION PROJECT.**

Staff gave a report on the Terminal Expansion Construction Project. No action required.

**E) REPORT ON SUBDIVISIONS AND DEVELOPMENT.**

Staff gave a report on Subdivisions and Development. For future reports, Commissioner Crane recommended incorporating the respective site plans as reference and which would also serve to promote their development(s). No action required.

**F) FUTURE AGENDA ITEMS.**

The items for upcoming workshops were briefly reviewed: Space X Presentation; Baseball Complex; Palm Bowl; Parade Project; Streets; and Budget Meetings.

**8. MAYOR'S REPORT:**

**A) REPORT ON UT PAN AM/UT BROWNSVILLE MERGER.**

Mayor Darling gave a report on the UT Pan AM/UT Brownsville merger.

**B) REPORT ON MEDICAL SCHOOL.**

Mayor Darling gave a report on the Medical School.

Mayor Darling excused himself from the meeting at this time. Mayor Pro Tem Salinas presided over the meeting and agenda.

Item 7B was addressed at this time.

**9. TABLED ITEM: AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTER 50. FIREWORKS; RELATING TO THE REGULATION AND PERMITTING OF PUBLIC FIREWORKS DISPLAYS.**



Said item remained tabled.

## **PUBLIC COMMENT SESSION**

No one appeared.

### **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).**

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 10C, 10E and 10P; Section 551.071 Consultation with Attorney for Items 10B, 10C, 10D, 10E, 10F, 10H, 10I, 10M, 10N, 10O, 10P and 10R; Section 551.072 Deliberation regarding Real Property for Items 10B, 10D, 10G, 10J, 10K, 10L, 10Q and 10S; and Section 551.074 (Personnel Matters) for Item 10A.

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

Commissioner Whitacre announced that she had a conflict with item 10D 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 7:07 pm to go into Executive Session. Mayor Darling reconvened the meeting at 9:18 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.C. 551.087 AND 551.071)**

No action.

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

Commissioner Whitacre moved to authorize City Staff to pass on the offer on the STS buyout. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- 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.)**

No action.

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

No action.

- I) DISCUSSION AND POSSIBLE ACTION REGARDING ARBITRATION CLAIM #002-LZZ-R2D. (SECTION 551.071, T.G.C.)**

Commissioner Whitacre moved to authorize City Staff to take any and all necessary and appropriate action on Arbitration Claim #002-LZZ-R2D with the Triple A's as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- 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.)**

No action.

- 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.)**

No action.

- 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.)**

Commissioner Whitacre moved to authorize the City Manager and staff to take action as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- M) CONSULTATION WITH CITY ATTORNEY REGARDING WORKERS COMP/LOSS RUN REPORT AS OF JUNE 30, 2013. (SECTION 551.071, T.G.C.)**

No action.

- 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.)**

No action.

- 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.)**

Commissioner Whitacre moved to authorize the City Staff to take the necessary and appropriate action for the Public Utility Commission as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- P) DISCUSSION AND POSSIBLE ACTION REGARDING A 380 ECONOMIC INCENTIVE AGREEMENT FOR PROJECT BUDDY. (SECTION 551.087 AND 551.071, T.G.C.)**

Commissioner Whitacre moved to authorize the City to pursue the 380 Agreement as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- Q) DISCUSSION AND POSSIBLE ACTION REGARDING THE PURCHASE OF PROPERTY AT 214 N. 16<sup>TH</sup> STREET. (SECTION 551.072, T.G.C.)**

No action.

**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.)**

Commissioner Whitacre moved to authorize the City Attorney, City Staff and the Mayor to take any and all necessary and appropriate action in regards to the litigation discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**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.)**

No action.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 9:21 p.m.

---

Jim Darling, Mayor

Attest:

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Annette Villarreal, TRMC/CMC, CPM  
City Secretary



**Standardized Recommendation Form**

City Commission   X    
Utility Board             
Other Board           

Agenda Item   2B    
Date Submitted   07/22/13    
Meeting Date   08/12/13  

1. Agenda Item: Supply Contract for the Purchase of Lubricants  
Project No. 07-13-SP28-54

2. Party Making Request: Public Works

3. Nature of Request: (Brief Overview) Attachments:   X   Yes    No  
Request authorization to award a Supply Contract for the Purchase of Lubricants to multiple bidders, Hollen Oil Company from Weslaco, TX; Arguindegui Oil Company from Laredo, TX and Alamo Distribution from San Antonio, TX as outlined on the attached memorandum for the period of one (1) year. Items to be awarded as noted on the attached bid tabulation. Staff is also requesting authorization to terminate such contract(s) with City Manager approval and re-award the affected item(s) to the next low bidder meeting the requirements of the specifications, in the event that an awarded vendor fails to meet or perform under the terms and conditions of their Supply Contract.

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

5. Budgeted:   X   Yes            No            N/A

Bid Amount: \$109,113.00

*\*This Supply Contract shall be paid for from the Materials Management Inventory purchase account Department's maintenance expense account shall be billed accordingly via the Work Order process by Fleet Management. The City of McAllen has spent approximately \$100,258.00 for the purchase of Lubricants in the past 12 month period.*

6. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) C. Sanchez, P.E., PW Director	<u>CAS</u>	<u>8/06/03</u>	<u>YES</u>
b.) S. Zamora, CPM, Dir. Purchasing	<u>          </u>	<u>          </u>	<u>          </u>
c.) W. Smith, Asst. City Manager	<u>          </u>	<u>          </u>	<u>          </u>
d.) J.W. Dale, CPA, Finance Director	<u>          </u>	<u>          </u>	<u>          </u>

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

8. Advisory Board:            Approved            Disapproved            None

9. City Attorney:   IP   Approved            Disapproved            None

10. Manager's Recommendation:   MRP   Approved            Disapproved            None

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

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

**DATE:** August 6, 2013

**SUBJECT:** Project No. 07-13-SP28-54 Supply Contract for the Purchase of Lubricants

**GOAL:**

Request authorization to award multiple Supply Contracts for the Purchase of Lubricants to the low bidders meeting the requirements of the specifications as depicted below for a period of one (1) year. Items to be awarded as noted on the attached bid tabulation. Staff is also requesting authorization to terminate such contract(s) with City Manager approval and re-award the affected item(s) to the next low bidder meeting the requirements of the specifications, in the event that an awarded vendor fails to meet or perform under the terms and conditions of their Supply Contract. Bid tabulation and price comparison sheet are attached for your review.

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

On June 24, 2013, the Purchasing & Contracting Department solicited formal sealed bids for a Supply Contract for the Purchase of Lubricants. This project was advertised in our local newspaper, as well as, the City's bidding portal (E-Bid) sending out a total of fifty-four (54) electronic bid invitations. A total of five (5) companies responded to our solicitation as depicted on the attached bid tabulation. Two (2) companies (Quality Standard Petroleum from Houston, TX and Gonzalez Auto Parts from Laredo, TX) were considered "non-responsive" because they failed to provide hard copies of their sealed bids with original signatures as instructed in the solicitation documents.

**HISTORICAL DATA:**

<i>Estimated 12-Month Period (June 2012 to June 2013)</i>	<i>Anticipated 12-Month Period (July 2013 to June 2014)</i>
<i>\$100,258.00</i>	<i>\$109,113.00</i>

**OPTIONS:**

1. Award Supply Contract(s) to multiple bidders.

Company, City	Items to be Awarded
Hollon Oil from Weslaco, TX	1a-3a, 5a-7a, 9a-12
Arguindegui Oil from Laredo, TX	4a and 4b
Alamo Distribution from San Antonio, TX	8a

2. Recommend rejection of bids and direct staff to re-bid project.

**RECOMMENDATION:**

Staff recommends Award of Supply Contract to multiple bidders as indicated in the goal and options area. Please refer to prices on attached bid tabulation.



BID OPENING: July 09, 2013 at 4:00 PM

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

PROJECT: 07-13-SP28-54 Supply Contract for the Purchase of Lubricants

BIDDERS:					HOLLON OIL COMPANY WESLACO, TX		ARGUINDEGUI OIL COMPANY LAREDO, TX		ALAMO DISTRIBUTION, LLC SAN ANTONIO, TX		NON-RESPONSIVE QUALITY STANDARD PETROLEUM HOUSTON, TX		NON-RESPONSIVE GONZALEZ AUTO PARTS LAREDO, TX	
					1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)
ITEM NO.	DESCRIPTION	UOM	EST QTY	PREVIOUS CONTRACT PRICING	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)
1-4	ITEM 1A - OIL, ROTELLA (IN QUARTS) T SAE 15W-40, API SERVICE CJ4-CG4	QT	270	\$2.81	★ \$2.69		\$3.42		NO BID		\$2.82		NO BID	
COMMENTS					Lubriguard 15W40 12/1qt cs		A - Conoco Fleet EC 15w40				Royal Diesel Supreme Ultra 15W40 CJ4; 2			
5-8	ITEM 1B - OIL, ROTELLA (IN GALLON CONTAINERS) T SAE 15W-40, API SERVICE CJ4-CG4	GAL	180	\$11.18	★ \$10.09		\$10.70		NO BID		\$11.20		\$21.74	
COMMENTS					Service Pro 15W40 CJ-4 3/1 Gal cs		A - Conoco Fleet EC 15w40				Royal Diesel Supreme Ultra 15W40 CJ4; 2		MSRT56026	
9-12	ITEM 1C - OIL, ROTELLA (IN BULK DELIVERIES) T SAE 15W-40, API SERVICE CJ4-CG4	GAL	600	\$7.68	★ \$7.49		\$6.80	RECOMMEND KEEPING SAME BRAND AS 1 GAL	NO BID		\$10.04		NO BID	
COMMENTS					Service Pro 15W40 CJ-4		A- AOC CJ-4 15w40				Royal Diesel Supreme Ultra 15W40 CJ4; 5 days or less delivery			
13-16	ITEM 2A - OIL, SYNTHETIC BLEND MOTOR OIL, SAE 5W20 (IN BULK DELIVERIES)	GAL	156	\$7.00	★ \$6.30		\$6.90		NO BID		\$12.34		NO BID	
COMMENTS					Service Pro 5W20		A- AOC Prem 5w20				Royal Monarch Synlube Select 5W20 - tote - 3 days or less			



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PROJECT: 07-13-SP28-54 Supply Contract for the Purchase of Lubricants

BIDDERS:					HOLLON OIL COMPANY WESLACO, TX	ARGUINDEGUI OIL COMPANY LAREDO, TX	ALAMO DISTRIBUTION, LLC SAN ANTONIO, TX	NON-RESPONSIVE	NON-RESPONSIVE					
ITEM NO.	DESCRIPTION	UOM	EST QTY	PREVIOUS CONTRACT PRICING	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)
					3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)
17-20	ITEM 3A - OIL, SYNTHETIC BLEND MOTOR OIL, SAE 5W30 (IN BULK DELIVERIES)	GAL	100	\$7.00	★ \$6.30	\$6.65			NO BID	\$12.34			NO BID	
COMMENTS					Service Pro 5W30	A- AOC Prem 5w30				Synlube Select 5W30 - tote - 3 days or less				
21-24	ITEM 4A - HYDRAULIC FLUID ISO 68 AW (IN BULK DELIVERIES)	GAL	450	\$5.76	\$5.93	★ \$5.60			NO BID	\$8.05			NO BID	
COMMENTS					Service Pro Premium AW 68 1/5 Gal	A- AOC Prem Hyd 68				Rozep AW 68 - tote - 2 days or Less				
25-28	ITEM 4B - HYDRAULIC FLUID ISO 68 AW (IN BULK DELIVERIES)	GAL	625	\$5.76	\$5.93	★ \$5.60			NO BID	\$8.05			NO BID	
COMMENTS					Service Pro Premium AW 68 1/5 Gal	A- AOC PRem Hyd 68				Rozep AW 68 - tote - 2 days or Less				
29-32	ITEM 5A - OIL, TRANSMISSION FLUID (IN QUARTS) ATF, DEXTRON III MERCON	QT	450	\$2.37	★ \$1.99	\$1.97			NO BID	\$9.02			\$3.69	
COMMENTS					Service Pro Multi-Purpose ATF 12/1 QT	A- Conoco Super ATF				Royal Multi-Trans ATF - 2 days or less			25217	



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					1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)
ITEM NO.	DESCRIPTION	UOM	EST QTY	PREVIOUS CONTRACT PRICING	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)
33-36	ITEM 6A - OIL, UNIVERSAL 15/40 WT. MOTOR OIL (IN QUARTS)	QT	300	\$2.81	★ \$2.69		\$3.42		NO BID		\$2.82		NO BID	
COMMENTS					Lubriguard 15W40 CJ-4 12/1 QT		A- Conoco Fleet EC 15w40				Royal Diesel Supreme Ultra 15W40 CJ4; 2			
37-40	ITEM 7A - GREASE, RED 14 OZ. TUBE CARTRIDGES	TUBE	500	\$1.83	\$1.93		\$1.97		\$8.02		\$1.85		\$3.69	
COMMENTS					Service Pro High Temp Red Grease 1/10 PK		A- Conoco Dynalife HT #2		CRC SL3190 10 CARTRIDGES/BOX		Royal Ultra 876 Grease 50/1 Case - 2 days or		SUS67	
41-44	ITEM 8A - ABSORBENT, OIL DRY (IN 50 LB BAG)	BAG	125	\$4.93	\$5.00		\$6.86		★ \$5.76		\$8.00		NO BID	
COMMENTS					Genuine Oil Absorbent (25 LB Bag)		A- Oil Dry Absorbent 50lbs.		ABSORB-N-DRY PRICE PER BAG, 50 BAGS PER		stock			
45-48	ITEM 9A - OIL, HYDRAULIC FLUID-JD 303 (IN 5 GAL BUCKETS)	BKT	160	\$31.20	★ \$28.32		\$41.38		NO BID		\$49.75		\$39.00	\$41.00
COMMENTS					Service Pro Tractor Hyd 303 1/5		A- AOC Tractor Hyd Fluid				Price per Pail - Royal PowerTech Hydraulic Fluid - 2 days or less		\$44.00	\$44.00
												SUS35		





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					1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)	1ST TERM MONTHS (1-3)	2ND TERM MONTHS (4-6)
ITEM NO.	DESCRIPTION	UOM	EST QTY	PREVIOUS CONTRACT PRICING	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)	3RD TERM MONTHS (7-9)	4TH TERM MONTHS (10-12)
49-52	ITEM 10A - OIL, GEAR, 80/90 (IN 5 GAL BUCKETS)	BKT	7	\$47.38	★ \$40.36		\$53.90				\$51.00			
COMMENTS					Service Pro GL-5 LS 80W90 1/5		A- Conoco UGL 80w90		NO BID		Price per Pail - Royal Multi-Gear Select GL-5 Gear Oil - 2 days or less		NO BID	
53-56	ITEM 11A - DIESEL EXHAUST FLUID FOR DIESEL SCR ENGINES (IN 2.5 GAL CONTAINERS)	CN	225	\$7.78	★ \$7.64		\$8.66				NO BID		\$11.25	\$11.75
COMMENTS					Terracair Diesel Exhaust Fluid 2/215 CS		A- Diesel Exhaust Fluid 2.5jug						\$12.25	\$12.25
													SUS160-2	
57-60	ITEM 12A - ANTIFREEZE, EXTENDED LIFE Cat ELC (IN GALLON CONTAINERS)	GAL	225	\$12.00	★ \$11.95		\$15.09				NO BID		\$15.99	\$15.99
COMMENTS					Purus Elc 06/1 Gal CS		B- AOC ELC 100% (red)						\$16.50	\$16.75
													SUS2000	
ELECTRONIC SUBMITTAL:					YES		YES		YES		YES		YES	YES
HARD COPY SUBMITTAL:					YES		YES		YES		NO		NO	NO

# PRICE COMPARISON SHEET

## PROJECT NO. 07-13-SP28-54 SUPPLY CONTRACT FOR THE PURCHASE OF LUBRICANTS

ITM NO.	SHORT DESCRIPTION	EST. QTY	UOM	PREVIOUS CONTRACT PRICING	TOTAL	BID AMT	TOTAL	DIFF. IN COST EXPENSE/ SAVINGS	TOTAL	AVG % INCREASE/ ITEM	CO. BEING RECOMMENDED FOR AWARD	
1-4	ITEM 1A - OIL, ROTELLA (IN QUARTS) T SAE 15W	270	QT	\$2.81	\$758.70	\$2.69	\$726.30	-\$0.12	-\$32.40	-4%	HOLLON OIL	
5-8	ITEM 1B - OIL, ROTELLA (IN GALLON CONTAINER)	180	GAL	\$11.18	\$2,012.40	\$10.09	\$1,816.20	-\$1.09	-\$196.20	-10%	HOLLON OIL	
9-12	ITEM 1C - OIL, ROTELLA (IN BULK DELIVERIES) T	600	GAL	\$7.68	\$4,608.00	\$7.49	\$4,494.00	-\$0.19	-\$114.00	-2%	HOLLON OIL	
13-16	ITEM 2A - OIL, SYNTHETIC BLEND MOTOR OIL, S	156	GAL	\$7.00	\$1,092.00	\$6.30	\$982.80	-\$0.70	-\$109.20	-10%	HOLLON OIL	
17-20	ITEM 3A - OIL, SYNTHETIC BLEND MOTOR OIL, S	100	GAL	\$7.00	\$700.00	\$6.30	\$630.00	-\$0.70	-\$70.00	-10%	HOLLON OIL	
21-24	ITEM 4A - HYDRAULIC FLUID ISO 68 AW (IN BULK)	450	GAL	\$5.76	\$2,592.00	\$5.60	\$2,520.00	-\$0.16	-\$72.00	-3%	ARGUINDEG	
25-28	ITEM 4B - HYDRAULIC FLUID ISO 68 AW (IN BULK)	625	GAL	\$5.76	\$3,600.00	\$5.60	\$3,500.00	-\$0.16	-\$100.00	-3%	ARGUINDEG	
29-32	ITEM 5A - OIL, TRANSMISSION FLUID (IN QUART)	450	QT	\$2.37	\$1,066.50	\$1.99	\$895.50	-\$0.38	-\$171.00	-16%	HOLLON OIL	
33-36	ITEM 6A - OIL, UNIVERSAL 15/40 WT. MOTOR OIL	300	GT	\$2.81	\$843.00	\$2.69	\$807.00	-\$0.12	-\$36.00	-4%	HOLLON OIL	
37-40	ITEM 7A - GREASE, RED 14 OZ. TUBE CARTRIDGE	500	TUBE	\$1.83	\$915.00	\$1.93	\$965.00	\$0.10	\$50.00	5%	HOLLON OIL	
41-44	ITEM 8A - ABSORBENT, OIL DRY (IN 50 LB BAG)	125	BAG	\$4.93	\$616.25	\$5.76	\$720.00	\$0.83	\$103.75	17%	ALAMO DIST	
45-48	ITEM 9A - OIL, HYDRAULIC FLUID-JD 303 (IN 5 GAL)	160	BKT	\$31.20	\$4,992.00	\$28.32	\$4,531.20	-\$2.88	-\$460.80	-9%	HOLLON OIL	
49-52	ITEM 10A - OIL, GEAR, 80/90 (IN 5 GAL BUCKETS)	7	BKT5	\$47.38	\$331.66	\$40.36	\$282.52	-\$7.02	-\$49.14	-15%	HOLLON OIL	
53-56	ITEM 11A - DIESEL EXHAUST FLUID FOR DIESEL	225	CN	\$7.78	\$1,750.50	\$7.64	\$1,719.00	-\$0.14	-\$31.50	-2%	HOLLON OIL	
57-60	ITEM 12A - ANTIFREEZE, EXTENDED LIFE Cat EL	225	GAL	\$12.00	\$2,700.00	\$11.95	\$2,688.75	-\$0.05	-\$11.25	0%	HOLLON OIL	
		TOTAL AMOUNT AT LAST YEAR'S UNIT PRICES --->			\$25,878.01		\$24,589.52	<<- TOTAL AMOUNT BID	DIFFERENCE IN COST -\$1,288.49		-5%	-5%

↑  
AVERAGE


<b>TOTAL SUMMARIES:</b>		
-\$1,288.49	NET DOLLAR DECREASE FOR ITEMS SELECTED FOR AWARD	
-5%	NET DECREASE (PERCENTAGE)	



# CITY OF McALLEN

## MEMO

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

**FROM:** Elizabeth Suarez, Transit Director 

**DATE:** August 6, 2013

**SUBJECT:** Approval to Accept FTA Grant TX-90-Y017-00

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- **Goal** – To utilize FTA funds to recover transit preventive maintenance costs and capital improvement projects and to avoid lapsing federal funds.
- **Background** – The Transit Department completed the grant application to recover 80% of capital and preventive maintenance costs for projects submitted as part of the FY 2014 Departmental Budget Request. In FY 2011 the Transit Department secured \$1,962,520.00 in Capital and Preventive maintenance assistance from the Federal Transit Administration.

The total funds applied for in Grant TX-90-Y017-00 are \$4,583,251.00 for FY 2014 – FY 2015 capital and preventive maintenance projects. In FY 2014 a total of \$2,806,997.00 in capital projects is proposed of which a local match of \$561,399.00 is required. The proposed projects include the Fire Station Park-n-Ride, upgrading the current bus station surveillance system, bus stop shelters, support vehicles, acquiring a paratransit van, and the purchase of two additional buses.

- **Options**
  - Approve acceptance of grant and commit \$881,850.00 of required local match for projects.
  - Reject the acceptance of the grant and lapse \$4,583,251.00 of federal grant funds. These funds would be de-obligated and returned to FTA for redistribution among all states.
- **Recommendation** – The Transit Department recommends approval to accept FTA grant TX-90-Y017-00.

## FTA 5307 GRANT - TX-90-Y017-00

DESCRIPTION	TOTAL	FEDERAL SHARE	LOCAL SHARE
<b>Preventive Maintenance</b>	<b>2,000,000</b>	<b>1,600,000</b>	<b>400,000</b>
FY 2014	1,000,000	800,000	200,000
FY 2015	1,000,000	800,000	200,000
<b>Fire Station Park-n-Ride</b>	<b>251,997</b>	<b>201,597</b>	<b>50,399</b>
Engineering & Design	19,156	15,324	3,831
Construction	137,341	109,873	27,468
Landscaping	43,500	34,800	8,700
Furniture	20,000	16,000	4,000
Bus Fare Collection	32,000	25,600	6,400
<b>Pedestrian Access/Walkways</b>	<b>776,254</b>	<b>621,003</b>	<b>155,251</b>
FY 2014	-	-	-
FY 2015	776,254	621,003	155,251
<b>Bus Shelters</b>	<b>200,000</b>	<b>160,000</b>	<b>40,000</b>
<b>Security Technology Improvements</b>	<b>145,000</b>	<b>116,000</b>	<b>29,000</b>
<b>Acquire Support Vehicles</b>	<b>50,000</b>	<b>40,000</b>	<b>10,000</b>
<b>Acquire Paratransit Van</b>	<b>30,000</b>	<b>24,900</b>	<b>5,100</b>
<b>Acquire 2 Buses</b>	<b>1,130,000</b>	<b>937,900</b>	<b>192,100</b>
<b>GRANT TOTAL</b>	<b>4,583,251</b>	<b>3,701,400</b>	<b>881,850</b>

### FY 2013- 2014

Capital Projects	1,806,997	1,445,597	361,399
Preventive Maintenance Costs	1,000,000	800,000	200,000
<b>TOTAL</b>	<b>2,806,997</b>	<b>2,245,597</b>	<b>561,399</b>

### FY 2014-2015

Capital Projects	776,254	621,003	155,251
Preventive Maintenance	1,000,000	800,000	200,000
<b>TOTAL</b>	<b>1,776,254</b>	<b>1,421,003</b>	<b>355,251</b>





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

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



**Date:** August 5, 2013

**Subject:** Interlocal Agreement with City of Mission and Hidalgo County – Taylor Road from US Expressway 83 to 1300 feet north of Dove Avenue

### **GOAL**

Consideration and approval of Interlocal Agreement with City of Mission and Hidalgo County for development of Taylor Road from US Expressway 83 to 1300 feet north of Dove Avenue.

### **EXPLANATION**

The proposed three-party Interlocal Agreement will jointly commence development of Taylor Road from Expressway 83 to 1300 feet north of Dove with City of Mission and Hidalgo County. Under the agreement the City of Mission will be the fiduciary agent and will contract their consultant to complete Phase 1 including schematic, public involvement meetings and gaining environmental clearance. Phase 1 cost of \$1,170,000 will be split evenly between the three parties at **\$390,000** each. Duration of Phase 1 is anticipated at 18 months. Jointly, the three parties will seek federal funding for right-of-way and construction through the Hidalgo County Metropolitan Planning Organization (HCMPO) and Texas Department of Transportation (TxDOT).

Attached is the proposed Interlocal Agreement and exhibits for your review.

### **OPTIONS**

Approve or reject Interlocal Agreement with City of Mission and Hidalgo County.

### **RECOMMENDATION**

Based on review by this office, staff recommends approval of Interlocal Agreement with City of Mission and Hidalgo County for development of Taylor Road from US Expressway 83 to 1300 feet north of Dove Avenue.

STATE OF TEXAS           §  
  §  
COUNTY OF HIDALGO §

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF MISSION, CITY OF MCALLEN, AND HIDALGO COUNTY, TEXAS CONCERNING CERTAIN IMPROVEMENTS TO TAYLOR RD. FROM US83 EXPRESSWAY NORTH TO 1300 – FT. NORTH OF DOVE.**

THIS agreement is made on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the CITY OF MISSION, TEXAS, hereinafter referred to as “MISSION”, the CITY OF MCALLEN, TEXAS, hereinafter referred to as “MCALLEN”, and the COUNTY OF HIDALGO, TEXAS, hereinafter referred to as “COUNTY” pursuant to the provisions of the Texas Interlocal Cooperation Act, as follows:

**WITNESSETH:**

**WHEREAS**, Mission & McAllen are home rule municipalities located in Hidalgo County, Texas;

**WHEREAS**, both Mission & McAllen are cities created under the laws of Texas;

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

**WHEREAS**, Mission, McAllen & County desire to cooperate in making needed transportation improvements to Taylor Rd. from US 83 Expressway North to 1300-ft. North of Dove St.;

**WHEREAS**, Mission, McAllen & County agree it is essential to develop this very important corridor, which is in much need of improvements, specifically, in need of adding capacity for increased safety;

**WHEREAS**, Mission will be the fiduciary agent for this project and assume the role of project development lead;

**WHEREAS**, Mission desires to complete Phase I of the project development, which includes the Environmental Assessment, Public Involvement & Schematic services for this project;

**WHEREAS**, Mission, McAllen & County will cooperatively seek to fund the construction and ROW cost of this project through the Hidalgo County Metropolitan Planning Organization (HCMPO) and TxDOT;

**WHEREAS**, the total Phase I project development cost will be \$1,170,000 of which Mission will contribute \$390,000;

**WHEREAS**, McAllen desires to cooperate by contributing a fixed lump sum amount of \$390,000 to Mission toward the development of the Phase I portion of the project;

**WHEREAS**, County desires to cooperate by contributing a fixed lump sum amount of \$390,000 to Mission toward the development of the Phase I portion of the project;

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

**WHEREAS**, McAllen agrees to support the proposition that Mission assume the role as project sponsor to develop the Environmental Assessment, Public Involvement & Schematic aspects of the Road project within McAllen's limits.

**NOW, THEREFORE**, Mission, McAllen & County, in consideration of the mutual covenants expressed hereinafter, agree as follows:

1. Mission agrees to complete Phase I of the project development, which includes the Environmental Assessment, Public Involvement & Schematic services more particularly described in that portion of Exhibit A attached hereto and made a part hereof for all purposes that relates to said Phase I.
2. The Road at various points passes through the jurisdiction of Mission and McAllen and forms a connecting link or integral part of the regional transportation system and County roads.
3. The total Phase I project development cost will be \$1,170,000 of which Mission will contribute \$390,000.
4. McAllen agrees to contribute a fixed lump sum amount of \$390,000 to Mission toward the development of the Phase I portion of the project, payable by McAllen to Mission on McAllen's execution of this agreement.
5. County agrees to contribute a fixed lump sum amount of \$390,000 to Mission toward the development of the Phase I portion of the project, payable by County to Mission on County's execution of this agreement.
6. Each party agrees to conform to its own applicable purchasing laws, regulations, policies, and procedures with respect to the portion of the work under this Agreement performed by each party.

7. **Conflict of Applicable Law:** Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there is any conflict between any provision of this Agreement and any present or future law, ordinance, or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event the affected provision or provisions of the Agreement shall be modified only to the extent necessary to bring them within the legal requirements and only during the time such conflict exists.
8. **No Waiver:** No waiver by any party hereto of any breach of any provision of the Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.
9. **Entire Agreement:** This Agreement contains the entire contract between the parties hereto and each party acknowledges that neither has made (either directly or through any agreement or representative) and representation or agreement in connection with this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing executed by Mission, McAllen and County, and not otherwise.
10. **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 PARTIES HEREBY CONSENT TO PERSONAL JURISDICTION IN HIDALGO COUNTY, TEXAS.**
11. **Notice:** Except as maybe otherwise specifically provided in this Agreement, all notices, demands, requests or communication required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid and addressed to the parties at the addresses set forth below, or at such other addresses as may have been theretofore specified by written notice delivered in accordance herewith:

If to Mission: City of Mission  
Attention: Norberto "Beto" Salinas, Mayor  
1201 E. 8<sup>th</sup> St.  
Mission, Texas 78572

If to McAllen: City of McAllen  
Attention: Jim Darling, Mayor  
1300 Houston Avenue  
McAllen, Texas 78501



If to County: Hidalgo County, Texas  
Attn: Honorable Ramon Garcia, Hidalgo County Judge  
P. O. Box 758  
Edinburg, Texas 78540-0758

With copies to: Joseph Palacios, Commissioner, Precinct No. 4  
1051 N. Doolittle Rd.  
Edinburg, Texas 78542

Joe M. Flores, Commissioner, Precinct No. 3  
724 North Breyfogle  
Mission, Texas 78574

12. Each notice, demand, request or communication which shall be delivered or mailed in the manner described above shall be deemed sufficiently given for all purposes at such time as it is personally delivered to the addressee, or, if mailed, at such time as it is deposited in the United States mail.
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 agreement.
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.
16. **Headings:** The headings and captions contained in this Agreement are solely for the convenience reference and shall not be deemed to affect the meaning or interpretation of any provision of 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 singular shall include the plural whenever and as often as may be appropriate.
18. **Authority to Execute:** The execution and performance of this Agreement by the Mission, McAllen and County have been duly authorized by all necessary laws, resolutions or corporate action, and this Agreement constitutes the valid and enforceable obligations of the Cities and County in accordance with its terms.

19. **Governmental Purpose:** Each party hereto is entering into the 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 or Current Revenues Only:** In the event that during any term hereof; the governing body of any party does not appropriate sufficient funds to meet the obligations of such party under this Agreement, then any party may terminate this Agreement upon ninety (90) days written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of each party hereto pursuant to the provisions of Tex. Loc. Govt. Code Ann. §271.903.
21. The approval of this Interlocal Cooperation Agreement in accordance with Texas Government Code 791.014 is evidenced by the attached herein.

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

CITY OF MISSION

By: \_\_\_\_\_  
Norberto "Beto" Salinas, Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

CITY OF MCALLEN

By: \_\_\_\_\_  
Jim Darling, Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

By: \_\_\_\_\_  
Ramon Garcia, County Judge

ATTEST:

\_\_\_\_\_  
County Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
David H. Guerra  
Mission City Attorney

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Kevin D. Pagan  
McAllen City Attorney

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Stephen L. Crain  
Hidalgo County Attorney

STATE OF TEXAS           §  
  §  
COUNTY OF HIDALGO   §

**APPROVAL OF  
INTERLOCAL COOPERATION AGREEMENT  
PROJECT**

In accordance with Texas Government Code §791.014, Hidalgo County, Texas, acting by and through the Hidalgo County Commissioners Court, has been advised of a proposed project regarding certain road improvements to Taylor Rd. from US83 Expressway North to 1300-ft. North of Dove (the "Road"), a section which is in part within the city limits of said Cities and in part within County jurisdiction through an Interlocal Cooperation Agreement to be entered into with the City of Mission, City of McAllen, Texas, and Hidalgo County.

By vote on \_\_\_\_\_ 2013, the Hidalgo County Commissioners Court has approved the Project identified above.

\_\_\_\_\_  
By: Ramon Garcia, County Judge

**ATTEST:**

\_\_\_\_\_  
Arturo Guajardo, County Clerk

**APPROVED AS TO FORM:**

Atlas & Hall, L.L.P.

By: \_\_\_\_\_  
Stephen L. Crain

# EXHIBIT "A" TAYLOR ROAD PROJECT ESTIMATED PRELIMINARY PROJECT FACT SHEET COSTS

ROADWAY PROJECT: .....	TAYLOR ROAD	
LIMITS: ..... (SECTION 1) .....	from US83 Expressway N to 400-ft S of Business 83	
LIMITS: ..... (SECTION 2) .....	from 400-ft S of Business 83 to 1900-ft S of Mile 2	
LIMITS: ..... (SECTION 3) .....	from 1900-ft. S of Mile 2 to 1300-ft N of Dove	
EXISTING ROADWAY SECTION: .....	40-ft Rural	
EXISTING ROW WIDTH: .....	65' to 100' Varies	
PROPOSED ROADWAY SECTION: .....	4-lane divided urban	
PROPOSED ROW WIDTH: SECTION 1,2&3.....	80-FT	
ESTIMATED CONSTRUCTION COST ... (SECTION 1) (ROADWAY ONLY).....	\$4,050,000.00	
ESTIMATED CONSTRUCTION COST ... (SECTION 2) (ROADWAY ONLY).....	\$7,312,500.00	
ESTIMATED CONSTRUCTION COST ... (3-8X8 IRRIGATION SIPHON AND 48" BYPASS) (SECTION 1).....	\$800,000.00	
ESTIMATED CONSTRUCTION COST WIDENING THE EXISTING BRIDGE...(SECTION 1).....	\$650,000.00	
ESTIMATED CONSTRUCTION COST ... (SECTION 3) (ROADWAY ONLY).....	\$10,125,000.00	
LENGTH FOR 4-LANE ROADWAY ... (SECTION 1).....	0.9 Mile	
LENGTH FOR 4-LANE ROADWAY ... (SECTION 2).....	1.625 Miles	
LENGTH FOR 4-LANE ROADWAY ... (SECTION 3).....	2.25 Miles	
<b>ESTIMATED PROJECT COSTS</b>	<b>STATE / FED / MPO</b>	<b>* LPA</b>
<b>WORK AUTHORIZATION NO. 1 for Entire Length of SECTION 1, 2 &amp; 3 (See Attached Map)</b>		
<b>PHASE I - EA, PUBLIC INVOLVEMENT &amp; SCHEMATIC DESIGN</b>		
Environmental Document with TxDOT	\$ -	\$ 178,900.00
Public Involvement for the project with stakeholders and 1 Public Meeting	\$ -	\$ 57,600.00
Archeological and Historical Research	\$ -	\$ 65,000.00
Engineering Technical Support at Public Mtgs with Layouts etc	\$ -	\$ 31,500.00
Schematic for Roadway	\$ -	\$ 344,062.50
Hydrological Map for 3 Outfall Drain Ditches outfalls & capacities AND BRIDGE HYDRAULICS	\$ -	\$ 84,000.00
Schematic Design for 3-8X8 Siphon with 48" Steel Pipe Bypass for Irrig Dist. #1	\$ -	\$ 93,837.50
Bridge Layout for approval by TxDOT(Bridge Division), HCDD#1 And FHWA	\$ -	\$ 90,000.00
Estimated Environmental Document Review Charges by TxDOT	\$ -	\$ 55,000.00
Office Surveys for Schematic (Prel. Ownership Identification and Property Rights)	\$ -	\$ 42,000.00
Preliminary Compensable Utilities Identification on Schematic	\$ -	\$ 54,000.00
Update Schematic based on comments as provide by TxDOT/FHWA for schematic and EA update w/ FHWA	\$ -	\$ 30,000.00
Engineering Technical Support at Public Hearing with Layouts etc	\$ -	\$ 22,500.00
Public Involvement for 1 Public Hearing	\$ -	\$ 21,600.00
<b>SUB-TOTAL</b>	<b>\$ -</b>	<b>\$ 1,170,000.00</b>
<b>WORK AUTHORIZATION NO. 2 (FOR SECTION 1 &amp; 2 ONLY) (See Location Map)</b>		
<b>PHASE II - PS&amp;E and CONSTRUCTION OVERSIGHT (SECTION 1)</b>		
Field Surveys for Design and Construction	\$ -	\$ 57,600.00
PS&E Development Roadway (7% Engineering Fee)	\$ -	\$ 283,500.00
Engineering Fee to Create 1 set of Plans and Submit through TxDOT	\$ -	\$ 66,000.00
Permitted Utilities Coordination to adjust	\$ -	\$ 100,800.00
<b>ROADWAY CONSTRUCTION COST</b>	<b>\$ 3,847,500.00</b>	<b>\$ 202,500.00</b>
TxDOT Construction Inspection (11%)	\$ 423,225.00	\$ 22,275.00
Eng Consultant Construction Management (18 Months)	\$ -	\$ 189,000.00
<b>SUB-TOTAL (SECTION 1)</b>	<b>\$ 4,270,725.00</b>	<b>\$ 921,675.00</b>
<b>PHASE II - PS&amp;E and CONSTRUCTION OVERSIGHT (SECTION 2)</b>		
Field Surveys for Design and Construction	\$ -	\$ 84,000.00
PS&E Development Roadway (7% Engineering Fee)	\$ -	\$ 511,875.00
PS&E Design for Bridge Widening	\$ -	\$ 108,000.00
Geotechnical Soil information and Scour Report for Bridge Widening for TxDOT	\$ -	\$ 60,000.00
PS&E Development for Irrigation Siphon and Irrigation Bypass	\$ -	\$ 180,000.00
Engineering Fee to Create 1 set of Plans and Submit through TxDOT	\$ -	\$ 66,000.00
PS&E Development for OUTFALL	\$ -	\$ -
Permitted Utilities Coordination to adjust	\$ -	\$ 144,000.00
<b>ROADWAY, IRRIG SIPHON AND BRIDGE WIDENING CONSTRUCTION COST</b>	<b>\$ 8,324,375.00</b>	<b>\$ 438,125.00</b>
TxDOT Construction Inspection (11%)	\$ 915,681.25	\$ 48,193.75
Eng Consultant Construction Management (18 Months)	\$ -	\$ 189,000.00
<b>SUB-TOTAL (SECTION 2)</b>	<b>\$ 9,240,056.25</b>	<b>\$ 1,829,193.75</b>
<b>SUB-TOTAL (SECTION 1 &amp; 2)</b>	<b>\$ 13,510,781.25</b>	<b>\$ 2,750,868.75</b>
<b>WORK AUTHORIZATION NO. 3 (FOR SECTION 1 &amp; 2 ONLY) (See Location Map)</b>		
<b>PHASE III - ROW Acquisition (SECTION 1)</b>		
Complete ROW Map (Estimated 31 Parcels)	\$ -	\$ 117,800.00
Right-of-Way Costs - Acq.Services @ (est. 31 Parcels @ \$13,500/Parcel Avg.)	\$ -	\$ 418,500.00
Estimated Compensable Utility Mgmt for Acq. of Property Rights and Compensate for Utility Adjust(s)	\$ -	\$ 162,000.00
Estimated Roadway Right-of-Way Costs (ESTIMATED 1.36 Ac. @ \$8.0/ sq ft) (80/20) minus EDC 95/5	\$ 379,146.24	\$ 94,786.56
<b>COMPENSABLE UTILITY COSTS</b>	<b>\$ 208,000.00</b>	<b>\$ 52,000.00</b>
<b>SUB-TOTAL (SECTION 1)</b>	<b>\$ 587,146.24</b>	<b>\$ 845,086.56</b>
<b>PHASE III - ROW Acquisition (SECTION 2)</b>		
Complete ROW Map (Estimated 52 Parcels)	\$ -	\$ 197,600.00
Right-of-Way Costs - Acq.Services @ (est. 52 Parcels @ \$13,500/Parcel Avg.)	\$ -	\$ 702,000.00
Estimated Compensable Utility Mgmt for Acq. of Property Rights and Compensate for Utility Adjust(s)	\$ -	\$ 162,000.00
Estimated Roadway Right-of-Way Costs (ESTIMATED 117,000 sq ft @ \$8.0/ sq ft) (80/20) minus EDC 95/5	\$ 748,800.00	\$ 187,200.00
<b>COMPENSABLE UTILITY COSTS</b>	<b>\$ 208,000.00</b>	<b>\$ 52,000.00</b>
<b>SUB-TOTAL (SECTION 2)</b>	<b>\$ 956,800.00</b>	<b>\$ 1,300,800.00</b>
<b>SUB-TOTAL (SECTION 1 &amp; 2)</b>	<b>\$ 1,543,946.24</b>	<b>\$ 2,145,886.56</b>
<b>ESTIMATED TOTAL</b>	<b>\$ 15,054,727.49</b>	<b>\$ 6,068,755.31</b>

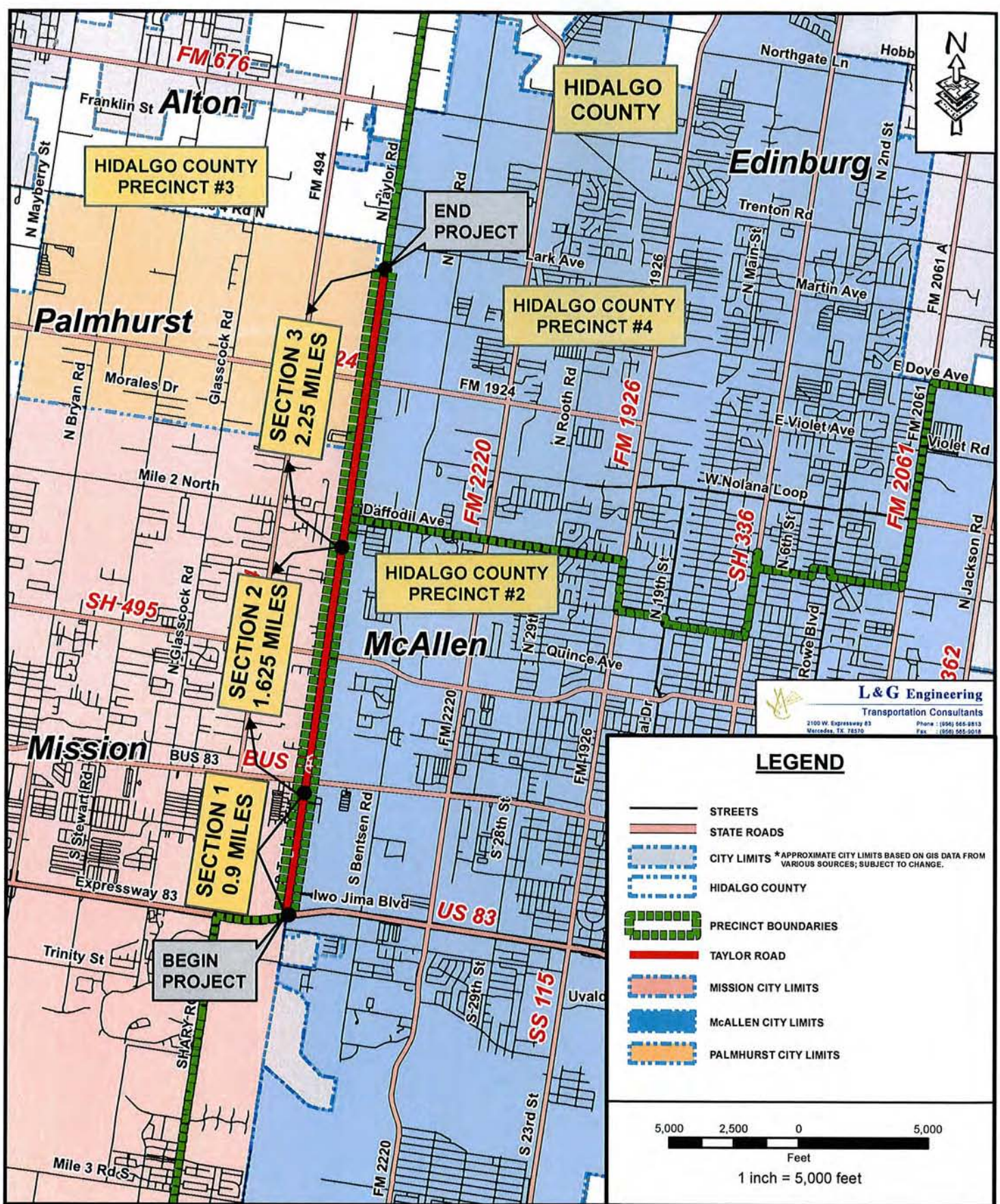
Work Authorization No. 1 (Phase I)	FY 13	\$ 1,115,000.00	NOT ISSUED
Work Authorization No. 2 (Phase II - Section 1 & 2)	FY 14	\$ 2,039,775.00	NOT ISSUED
Work Authorization No. 3 (Phase III - Section 1 & 2)	FY 15	\$ 1,759,900.00	NOT ISSUED

**ESTIMATED LPA (LOCAL PUBLIC AGENCY) COSTS NOT INCLUDED IN WORK AUTH. \$ 1,152,080.31**

**COMBINED TOTAL ESTIMATED PROJECT COST FOR SECTION I & II: \$ 21,121,482.80**










State/Federal Estimated Costs  
LPA Estimated Costs

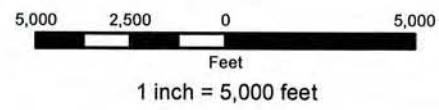




**L & G Engineering**  
 Transportation Consultants  
 2100 W. Expressway 83  
 Mercedes, TX 78370  
 Phone: (956) 965-9813  
 Fax: (956) 965-9019

**LEGEND**

-  STREETS
-  STATE ROADS
-  CITY LIMITS \*APPROXIMATE CITY LIMITS BASED ON GIS DATA FROM VARIOUS SOURCES; SUBJECT TO CHANGE.
-  HIDALGO COUNTY
-  PRECINCT BOUNDARIES
-  TAYLOR ROAD
-  MISSION CITY LIMITS
-  McALLEN CITY LIMITS
-  PALMHURST CITY LIMITS



**TAYLOR RD  
 LOCATION MAP**

FROM N OF US EXP 83 TO 1300' N. OF DOVE  
 APPROX. PROJECT LENGTH 4.8 MILES





**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION        X    
 UTILITY BOARD                    
 OTHER                              

AGENDA ITEM                      2e    
 DATE SUBMITTED                08/01/13  
 MEETING DATE                   08/12/13

1. Agenda Item:      **CHANGE ORDER NO. 3 AND FINAL RECONCILIATION OF QUANTITIES -  
 PURCHASE & DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE (HMAC) FY 2012-2013  
 PROJECT NO. 12-12-SP04-22.**

2. Party Making Request:      Engineering Department

3. Nature of Request: (Brief Overview) Attachments:        X   Yes             No  
Consideration and approval of Change Order No. 3 and Final Reconciliation of Quantities for Purchase &  
 Delivery of Type "D" Hot Mix Asphaltic Concrete FY 2012 - 2013.

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

5. Budgeted:        X   Yes                 No                 N/A

<b>Funding Source:</b>	<b>011-3022-435.65-15</b>	<b>\$3,633,431</b>	
	<b>160-3032-436.66-30 (Downtown Lot)</b>	<b>\$ 6,972.72</b>	
<b>Original Contract Amount</b>		<b>\$ 1,301,471.70</b>	
<b>Change Order No. 1</b>		<b>\$ 36,521.80</b>	2.81%
<b>Change Order No. 2</b>		<b>\$ 276,934.10</b>	21.28%
<b>Change Order No. 3 &amp; FRQ</b>		<b>\$ (167,836.15)</b>	-12.90%
<b>Revised Contract Amount</b>		<b>\$ 1,447,091.45</b>	111.19%

6. Alternate Option/Costs      N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u>  YB  </u>	<u>  7/30/13  </u>	<u>  yes  </u>
b.) J. Dale, CPA, Finance Director	<u>  SL/AR  </u>	<u>  8/2/13  </u>	<u>  YES  </u>
c.) R. Rodriguez, PE, General Manager Assistant City Manager	<u>  RR  </u>	<u>  8/6/13  </u>	<u>  YES  </u>
d.) S. Zamora, Director of P&C	<u>  SZ  </u>	<u>  8/2/13  </u>	<u>  YES  </u>
e.) E. Suarez, Transit Director	<u>          </u>	<u>          </u>	<u>          </u>

8. Staff Recommendation:      **Approval of Change Order No. 3 and Final Reconciliation of Quantities  
 in the deduct amount of \$167,836.15 for a revised contract amount of \$ \$1,447,091.45.**

9. Advisory Board:                 Approved                 Disapproved                 None

10. City Attorney:        IP   Approved                 Disapproved                 None

11. Manager's Recommendation:        MRP   Approved                 Disapproved                 None

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

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



**Date:** August 1, 2013

**Subject:** **Change Order No. 3 and Final Reconciliation of Quantities – Purchase & Delivery of Type “D” Hot Mix Asphaltic Concrete FY2012-2013.**  
**Project No. 12-12-SP04-22**

### **GOAL**

Consider and approve Change Order No. 3 and Final Reconciliation of Quantities to Upper Valley Materials for the Purchase & Delivery of Type “D” Hot Mix Asphaltic Concrete for FY 2012-2013.

### **EXPLANATION**

At their regular meeting on January 14, 2013, City Commission approved award of contract to Upper Valley Materials for the supply of hot mix asphaltic concrete for the 2012-2013 annual repaving project.

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

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

### **OPTIONS**

Approve or disapprove Change Order No. 3

### **RECOMMENDATION**

Staff recommends approval of Change Order No. 3 and final reconciliation of quantities in the deduct amount of \$167,836.15 for a revised overall contract amount of \$1,447,091.45.

**PROJECT NAME: Purchase & Delivery of Type 'D' HMAC FY 2012-2013**

**CONTRACTOR: Upper Valley Materials**

				ORIGINAL BID AMOUNT		CHANGE ORDER #1		CHANGE ORDER #2		CHANGE ORDER #3 & FRQ		REVISED AMOUNT	
Item No.	Description	Unit	Unit Price	QTY	Cost	QTY	Cost	QTY	Cost	QTY	Cost	QTY	Cost
1	Delivered Unit Price Per Ton - Type 'D' HMAC Limestone Aggregate	TON	\$ 68.65	17,658	\$ 1,212,221.70	532	\$ 36,521.80	4034	\$ 276,934.10	-2078.05	\$ (142,658.13)	20,145.95	\$ 1,383,019.47
2	Unit Price Per Ton - Asphalt Picked Up At the Plant	TON	\$ 59.50	1500	\$ 89,250.00					-423.16	\$ (25,178.02)	1,076.84	\$ 64,071.98
					<b>\$ 1,301,471.70</b>		<b>\$ 36,521.80</b>		<b>\$ 276,934.10</b>		<b>\$ (167,836.15)</b>		<b>\$ 1,447,091.45</b>

Original Contract	\$	1,301,471.70	100.00%
Change Order No. 1	\$	36,521.80	2.81%
Change Order No. 2	\$	276,934.10	21.28%
Change Order No. 3 & FRQ	\$	(167,836.15)	-12.90%
Revised Contract	\$	1,447,091.45	111.19%



## Memo

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

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

**DATE:** August 5, 2013

**SUBJECT: REQUEST FOR A VARIANCE TO THE REQUIRED SUBDIVISION PROCESS AT THE EAST ½ OF LOT 18, ALL OF LOT 19, AND THE WEST 35 FT. OF LOT 20, BLOCK 8, FAIRFIELD PLACE SUBDIVISION; 700 LINDBERG AVENUE.**

---

### **GOAL:**

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

### **BRIEF DESCRIPTION:**

The property is located on the north side of Lindberg Avenue, approximately 230 ft. east of S. 8<sup>th</sup> Street and is currently zoned C-1 (office building) District. The adjacent zoning is R-1 (single family residential) District to the north, C-1 to the south, east and west, C-3L (light commercial) District to the southwest, and R-3A (multifamily residential apartments) District to the southeast. Surrounding land uses include residences, offices, and vacant land.

The warranted deed for the subject property describes the land as fractions of lots and one whole lot out of Fairfield Place Subdivision. The property owner, Mr. Alonzo Cantu has owned the vacant tract since 2002 and is proposing to sell the property. Mr. Cantu's representative has indicated that the proposed use will be for a medical office building. The City has met with the owner's representative and has informed him of the need to subdivide the property prior to issuance of building and related permits.

Mr. Cantu is requesting a variance from Section 134-5 of the Subdivision Ordinance, which requires land to be properly subdivided prior to issuing a building permit. As part of his request, Mr. Cantu has indicated that he is willing to dedicate the ROW along Lindberg Avenue and the alley, as may be applicable with the necessary public improvements. If a variance is granted, the new owner will obtain building and related permits from the City of McAllen. However, if the variance is not approved, the subdivision process with the required public improvements and right-of-way (ROW) dedication would be required prior to issuance of the necessary building permits.

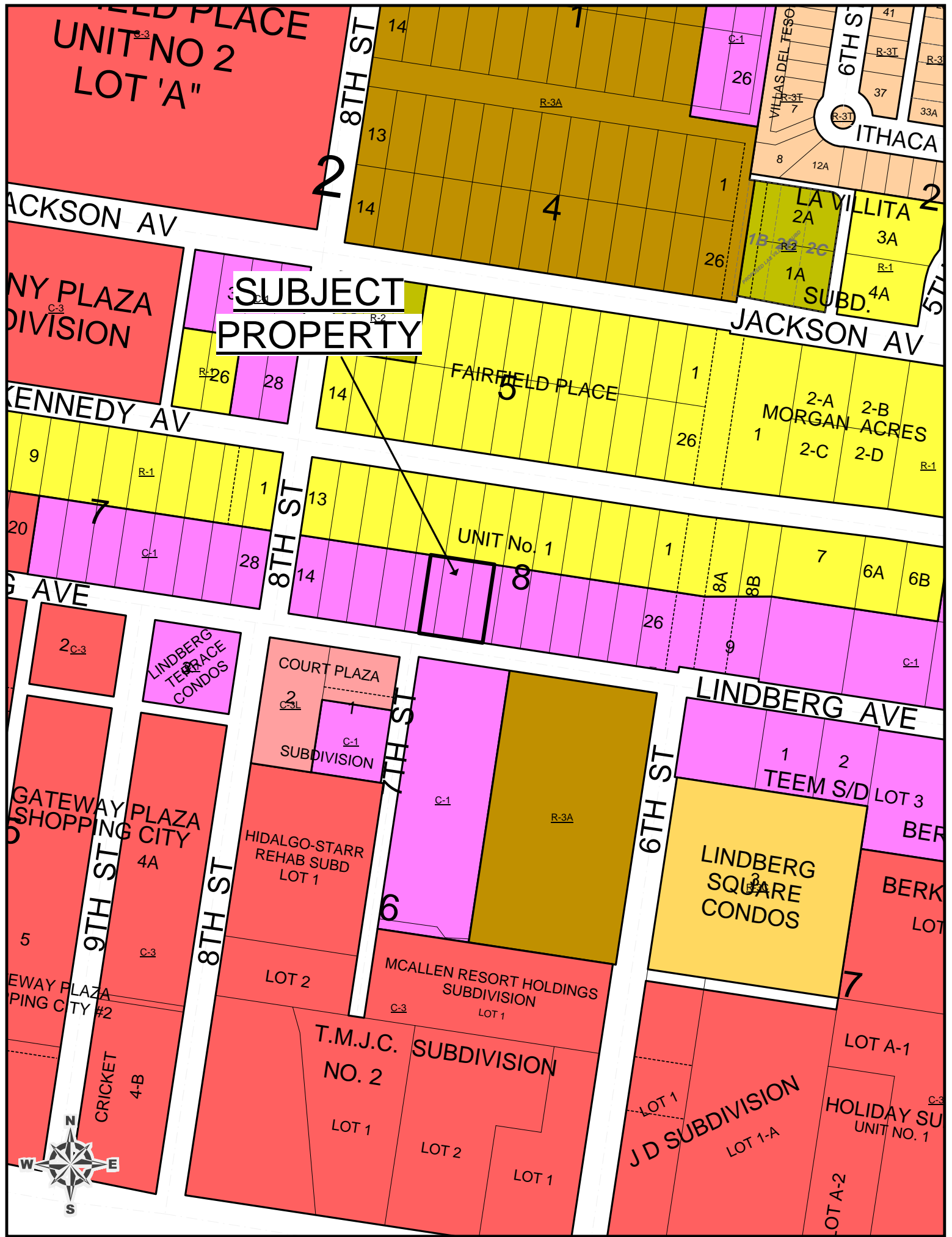
### **OPTIONS:**

1. Approve the variance request to not require the subdivision process.
2. Approve the variance request to not require the subdivision process subject to providing the additional ROW dedication along Lindberg Avenue and the alley, as may be needed and providing the public improvements as may be required.
3. Table the item for additional information.
4. Disapprove the variance request and require the subdivision process prior to building permit issuance.

**RECOMMENDATION:**

Staff recommends approval of the variance subject to providing the additional ROW dedication along Lindberg Avenue and the alley, as may be needed and providing the public improvements as may be required.





**SUBJECT  
PROPERTY**

FIELD PLACE  
UNIT NO 2  
LOT 'A'

JACKSON AV

NY PLAZA  
DIVISION

KENNEDY AV

AVE

GATEWAY PLAZA  
SHOPPING CITY

EWAY PLAZA  
PING CITY #2

9TH ST

8TH ST

8TH ST

8TH ST

SHILY

6TH ST

LINDBERG AVE

LINDBERG  
SQUARE  
CONDOS

T.M.J.C. SUBDIVISION  
NO. 2

J D SUBDIVISION  
LOT 1-A

TEEM S/D LOT 3  
BERK

BERK  
LOT

HOLIDAY SU  
UNIT NO. 1

LA VILLITA  
2A  
3A  
4A  
SUBD.

MORGAN ACRES  
2-A  
2-B  
2-C  
2-D

FAIRFIELD PLACE

UNIT No. 1

COURT PLAZA  
SUBDIVISION

HIDALGO-STARR  
REHAB SUBD  
LOT 1

MCALLEN RESORT HOLDINGS  
SUBDIVISION  
LOT 1

LOT 1

LOT 2

LOT 1

LOT 1

LOT 1-A

LOT A-2

VILLAS DEL TESO  
6TH ST  
ITHACA

LA VILLITA  
2A  
3A  
4A  
SUBD.

MORGAN ACRES  
2-A  
2-B  
2-C  
2-D

TEEM S/D LOT 3  
BERK

BERK  
LOT

LOT A-1  
HOLIDAY SU  
UNIT NO. 1

LOT A-2





July 30, 2013

City of McAllen:  
Planning Department  
Attn: Mr. Luis Mora – Senior Planner  
& Kimberly Guajardo – Planner III  
1300 Houston Avenue  
McAllen, Texas 78501

**RE: Lindberg Property – Waiver request**


Dear Mr. Mora & Ms. Guajardo:

As per your previous meetings with my staff in relation to the Lindberg property (700 Lindberg Avenue), I am respectfully requesting a waiver to the platting process with ROW dedication for streets and alleys, as may be applicable and necessary public improvements.

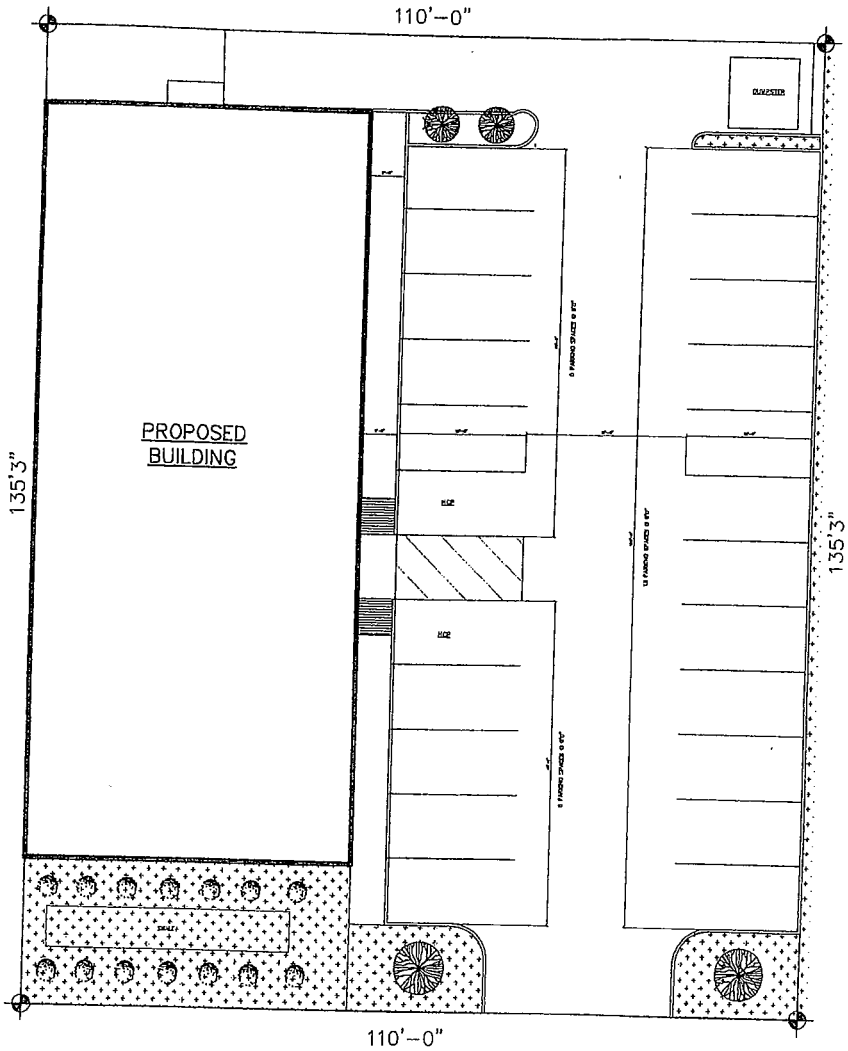
Attached is a site plan of proposed building and improvements and warranty deed of property.

If you need any additional information, feel free to contact Isauro Trevino, Sales Director (249-0773) or myself in order to address any issue to proceed with the waiver process.

Respectfully Submitted,



Alonzo Cantu  
President



LINDBERG AVENUE







UNIT NO 2  
LOT "A"

**SUBJECT  
PROPERTY**

LA VILLITA  
2A  
1A  
1B 2B 2C  
SUBD. 4A

MORGAN ACRES  
2-A  
2-B  
2-C  
2-D

UNIT No 1

LINDBERG SQUARE  
CONDOS

T.M.J.C. SUBDIVISION  
NO. 2









## Memo

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

**FROM:** Rudy Elizondo, Planning & Zoning Commission Vice-Chair R.E.

**DATE:** August 5, 2013

**SUBJECT: NORTHPARK ESTATES, LOT A-1 SUBDIVISION – VARIANCE TO RIGHT-OF-WAY DEDICATION; 1700 DOVE AVENUE.**

---

### **GOAL:**

The goal for developments is to: 1) safeguard the character of neighborhoods and improve the quality of life, and 2) encourage the development of transportation facilities that efficiently move people and goods.

### **BRIEF DESCRIPTION:**

Northpark Estates, Lot A-1 Subdivision is a vacant, one-lot resubdivision consisting of 1.10 acres and is located on the north side of Dove Avenue, approximately 230 ft. east of N. Bicentennial Boulevard and is zoned C-3L (light commercial) District. Mr. Raul E. Garcia, P.E., on behalf of the property owner, is requesting a variance from the required right-of-way (ROW) dedication for Dove Avenue. Specifically, the variance is from Section 134-105(h) of the Subdivision Ordinance which states that the ROW for a street shown on the comprehensive plan shall be equal to or greater than that indicated on the plan for streets. The City's Thoroughfare Plan calls for a 150 ft. ROW along Dove Avenue.

As part of the requirements for the subdivision, a 25 ft. ROW dedication is required for Dove Avenue for 75 ft. from centerline for a future 150 ft. ROW. This would be the second property along Dove Avenue with the ROW requirement for a future 150 ft. ROW since the adoption of the new Thoroughfare Plan, which was approved on December 10, 2007. This section of Dove Avenue has an existing 100 ft. ROW.

The first property to develop along Dove Avenue with the 150 ft. ROW requirement was for CVS Pharmacy Subdivision, which is located at the northeast corner of N. 23<sup>rd</sup> Street and Dove Avenue. A variance to the ROW dedication requirement was granted by the City Commission in November 2010 allowing for a 10 ft. ROW dedication for 120 ft. of ROW in lieu of the required 25 ft. for 150 ft. ROW.

Northpark Estates, Lot A-1 Subdivision was considered in preliminary form by the Planning and Zoning Commission at their meeting of July 16, 2013. The subdivision plat presented at the meeting showed the 100 ft. ROW existing along Dove Avenue and did not provide for additional ROW dedication.

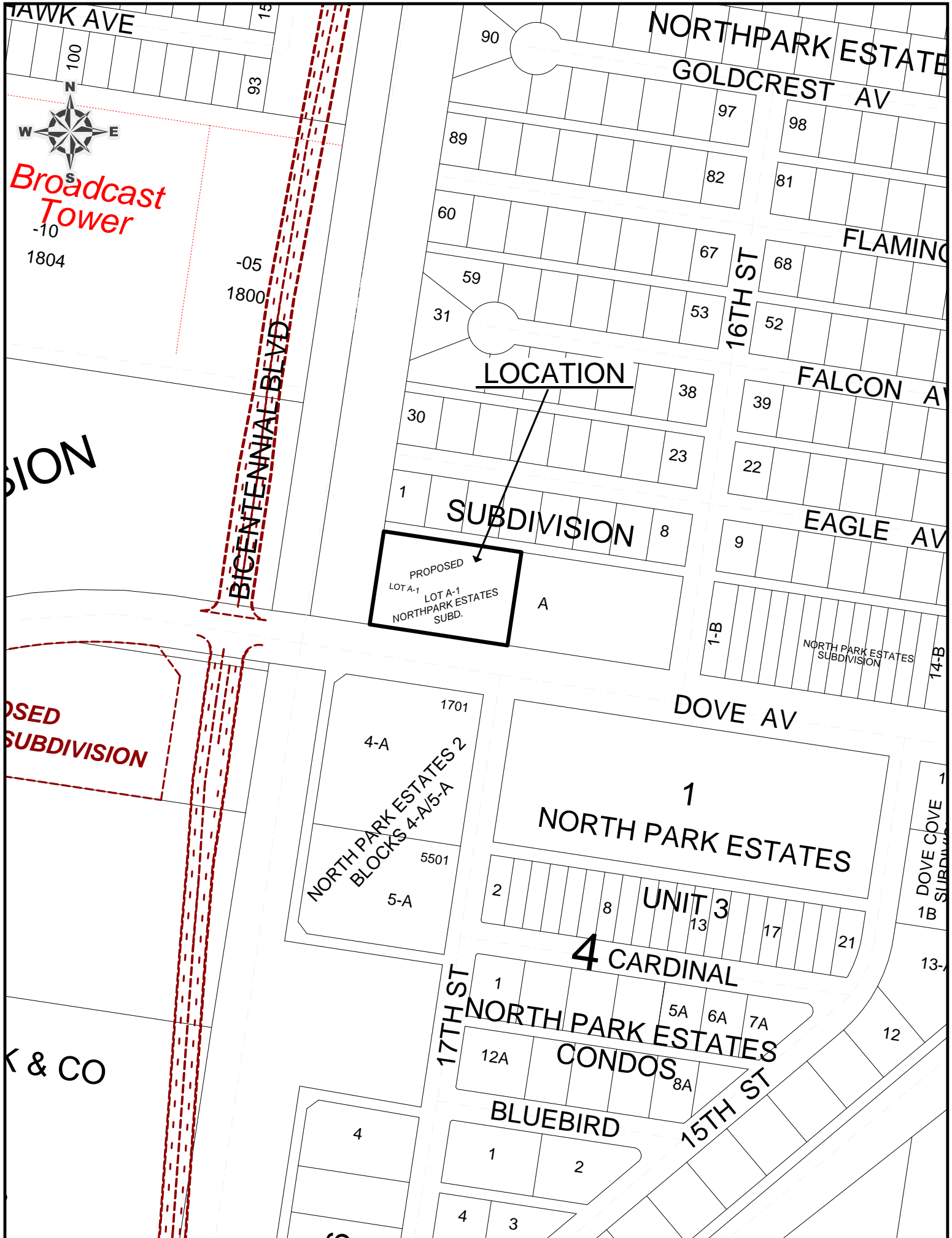
## **OPTIONS:**

1. Approve the variance request subject to a 10 ft. ROW dedication for 120 ft. ROW in lieu of the 150 ft. ROW along Dove Avenue as called for in the Thoroughfare Plan.
2. Table the item for additional information.
3. Disapprove the variance request.

## **RECOMMENDATION:**

The Planning and Zoning Commission considered the variance request at their meeting of July 16, 2013. There was a lengthy discussion regarding the proposed subdivision and existing ROW along Dove Avenue. Following discussion of the item, the board voted unanimously to approve the subdivision in preliminary form with a favorable recommendation to the City Commission for approval of the variance request subject to a 10 ft. ROW dedication for 120 ft. of ROW along Dove Avenue in lieu of the 150 ft. ROW as indicated in the Thoroughfare Plan. There were five members present and voting.

Mr. Garcia was present at the Planning and Zoning Commission meeting and has since revised the plat dedicating an additional 10 ft. of ROW in lieu of the 25 ft. for Dove Avenue.



Broadcast Tower  
-10  
1804

BICENTENNIAL BLVD

LOCATION

SUBDIVISION

PROPOSED  
LOT A-1  
NORTH PARK ESTATES  
SUBD.

PROPOSED  
SUBDIVISION

NORTH PARK ESTATES 2  
BLOCKS 4-A/5-A

1  
NORTH PARK ESTATES

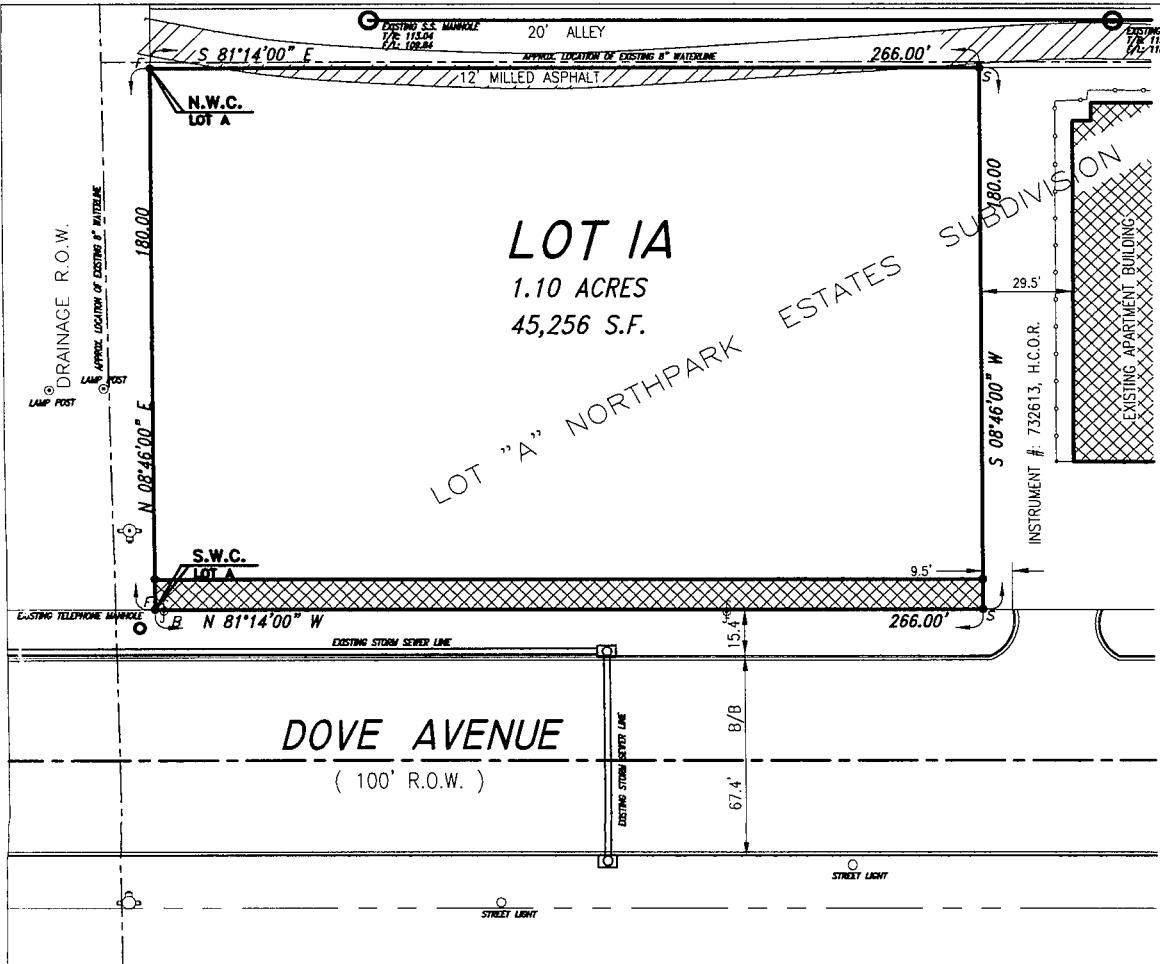
UNIT 3

4 CARDINAL

NORTH PARK ESTATES  
CONDOS

BLUEBIRD

K & CO



A 1.10 ACRE TRACT OF LAND BEING THE WEST 266.00 FEET OF LOT A, NORTHPARK ESTATES SUBDIVISION, AS RECORDED IN VOLUME 20, PAGE 112, MAP RECORDS, HIDALGO COUNTY, TEXAS, ALSO BEING A PORTION OF THAT CERTAIN TRACT III DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT # 732613, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

**PROPERTY SUBJECT TO:**

STATUTORY EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 3.

EASEMENT AND AGREEMENT IN FAVOR OF CENTRAL POWER & LIGHT COMPANY, DATED DECEMBER 20, 1977, RECORDED IN VOLUME 1565, PAGE 36, DEED RECORDS, HIDALGO COUNTY, TEXAS, TO FURNISH, MAINTAIN AND OPERATE UNDERGROUND ELECTRIC CABLES AND OTHER FACILITIES AS MAY APPEAR UPON THE MAP ATTACHED HERETO.

RIGHT OF WAY EASEMENT IN FAVOR OF SOUTH TEXAS NATURAL GAS GATHERING COMPANY, AS SHOWN BY INSTRUMENT DATED SEPTEMBER 28, 1958, RECORDED IN VOLUME 961, PAGE 20, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

RIGHT OF WAY EASEMENT IN FAVOR OF CENTRAL POWER AND LIGHT COMPANY AS SHOWN BY INSTRUMENT DATED MARCH 31, 1994, FILED APRIL 11, 1994 UNDER DOCUMENT NUMBER 303320, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS.

SUBJECT TO RIGHTS OF WAY, EASEMENTS AND CONDITIONS AS MORE FULLY DESCRIBED AND AS REFLECTED BY COMMITMENT FOR TITLE INSURANCE WITH OF NUMBER: 133405, ISSUED BY FIRST AMERICAN TITLE, EFFECTIVE DATE: MARCH 12, 2013

**SCALE: 1" = 40'**  
BEARINGS BASED ON RECORD BEARINGS OF:  
NORTHPARK ESTATES SUBDIVISION

FIRM:  
FLOOD INSURANCE RATE MAP  
COMMUNITY-PANEL NUMBER  
480343 0005 C  
MAP REVISED: NOVEMBER 2, 1982  
THIS AREA IS IN FLOOD ZONE "B"

**LEGEND:**

- F - FOUND 1/2"Ø IRON ROD
- F<sub>1</sub> - FOUND CONCRETE NAIL
- F<sub>2</sub> - FOUND "X" IN CONCRETE
- S - SET COTTON PICKER SPINDLE
- ⊕ - POWER POLE
- B - TELEBOX
- ⊙ - MANHOLE
- ⊙ - FIRE HYDRANT
- ⊕ - SIGN
- ⊗ - WATER VALVE
- GM - GAS MARKER

ENGINEER: <b>R.E. Garcia</b>  <b>Associates</b>	<b>R.E. GARCIA &amp; ASSOCIATES</b> ENGINEERS, SURVEYORS, PLANNERS 116 NORTH 12th AVE. EDINBURG, TEXAS 78541 (956) 381-1061	TITLE: <b>UTILITY LAYOUT</b>
	DRAWN BY: R.W.S.	DATE: <b>MARCH 1, 2013</b>
	SCALE: <b>1" = 40'</b>	JOB # <b>12867-PG-20</b>
	BOOK # <b>12867</b>	

**JUL 31 2013**

Initial:



R. E. Garcia



Associates

July 5, 2013

Ms. Julie Rankin, Director  
Planning Department  
City of McAllen  
1300 Houston Ave.  
McAllen, Texas 78577

RE: Proposed Lot A-1, Northpark Estates Subdivision  
1700 Dove Avenue  
McAllen, Texas  
Variance Request

Dear Ms Rankin

On behalf of the owners of the above referenced property, the firm of R. E. Garcia & Associates does hereby request a variance to the requirement of an additional twenty-five feet (25.00') of Right-of-Way dedication on Dove Avenue. This request is presented with the following justifications:

### Area Development

The proposed Lot A-1, Northpark Estates Subdivision development is located on the north side of Dove Avenue approximately 190 feet east of Bicentennial Blvd (See Exhibit 1). The surrounding area is completely subdivided, developed and built-out. Table 1 shows all of the subdivisions within the area that have been previously recorded and the year of recordation. Exhibit 2 contains copies of all the listed subdivision plats. Please note that **NONE** of the previous subdivisions have dedicated any more than **fifty feet development side Right-of-Way for a total of no more than one-hundred feet of Right-of-Way for Dove Avenue**. R. E. Garcia & Associates has also confirmed with the City of McAllen Engineering Department that the full section of Dove Avenue is now in place in the area of the proposed development. Also please note that no Right-of-Way acquisition project nor Dove Avenue expansion project requiring additional dedication is planned for this area in the near future. Any acquisition or expansion project by the City of McAllen would be very difficult and expensive. Please note that the full section of Dove Avenue is in place immediately adjacent to the proposed development.

RECEIVED

**Table 1  
Subdivisions**

Subdivision	Side of Dove Ave.	Total Dedication*	Recording Information		Year Recorded
			Volume	Page	
Northpark Estates	North	50/100	20	112	1978
Northpark Estates 2 Blocks 4-A/5-A	South	50/100	49	73	2005
Northpark Estates Unit 3	South	50/100	41	100	2002
Block 1-"A", 2-"A" & 3-"A", North Park Estates Unit 2	South	50/100	27	147B	1992
Lot1-B Thru Lot 14-B Northpark Estates	North	50/100	28	176A	1993
Arborentum Park	North	50/100	38	76B	2001
Lot 1-A, 1-B Dove Cove	South	50/100	28	124	1993
Pepper Tree Apartments Unit 2	South	50/100	23	190A	1984
Jennings	South	30/60	17	39	1971

\* Total Dedication depicts Development Side ROW Dedication/Total Projected ROW Dedication

**Parks and Recreation Project**

The City of McAllen Parks and Recreation Department is currently administering the construction of the **Bicentennial Hike and Bike Trail Beautification Project** from Dove Avenue to Trenton Road. This project is adjacent and immediately west of the proposed Lot A-1, Northpark Estates Subdivision development. Exhibit 3 is a portion of the construction plans for this particular Parks and Recreation Department project with the required twenty five feet of additional Right-of-way dedication superimposed on the plan. Please note that the project **DOES NOT** reserve any area adjacent to the current Dove Avenue Right-of-Way for any future roadway expansion. The proposed Hike and Bike Trail project includes the construction of a seatwall, shade shelter, brick pavers and other amenities within the area that is planned for additional Right-of-Way expansion of the Dove Avenue roadway section. It is apparent that the City of McAllen does not have plans for the expansion of the roadway section in this area of Dove Avenue or the new amenities would have been offset for any proposed expansion

## Dove Avenue Bridge

The existing bridge over the drainage ditch just west of the proposed Lot A-1, Northpark Estates Subdivision development was recently expanded to the full expanse of the current Dove Avenue street section. The expansion did not include any plans for additional street section for either the north or south side of Dove Avenue. Any expansion of this bridge would be very costly for the City of McAllen and would probably require the demolition of all the Bicentennial Hike and Bike Trail Beautification Project amenities currently under construction immediately east of the bridge by the Parks and Recreation Department. It is apparent that the City of McAllen does not have plans for the expansion of the bridge section in this area of Dove Avenue or this expansion would have been considered during the recent expansion project completed by the City.

## Dead Space

Considering the discussions dealing with the Area Development, Parks and Recreation Department Project and Dove Avenue Bridge, the dedication of an additional twenty-five feet of Right-of-Way will create a dead zone that cannot be readily used by the developer for anything but green area and cannot be utilized by the City of McAllen due to the aforementioned circumstances. The additional dedication will also trigger a larger building setback line. This setback line balloons from fifty feet (50') under existing conditions (one-hundred foot Right-of-Way) to seventy-five feet (75') for a one-hundred and fifty foot Right-of-Way. The additional dedication requirement will render fifty feet or twenty-seven percent (27%) of buildable area of the proposed commercial lot useless for a Right-of-Way that, for all practical purposes, cannot be used by anybody.

Please take note that all the area on Dove Avenue east of Bicentennial Blvd. is fully developed making any expansion of the street section unreasonable and impractical. The application of the expanded Right-of-Way requirement for Dove Avenue on the proposed Lot A-1, Northpark Estates Subdivision will only have negative effects for both the developer and the City of McAllen. The additional dedication requirements may be better applied to areas not currently developed where the City of McAllen to will be able utilize the expanded Right-of-Way section.

The firm of R. E. Garcia & Associates hopes this request meets with your approval. Please let me know when this item will be heard by the appropriate boards making the final decisions. Should you have any questions, please do not hesitate to contact me.

Sincerely,

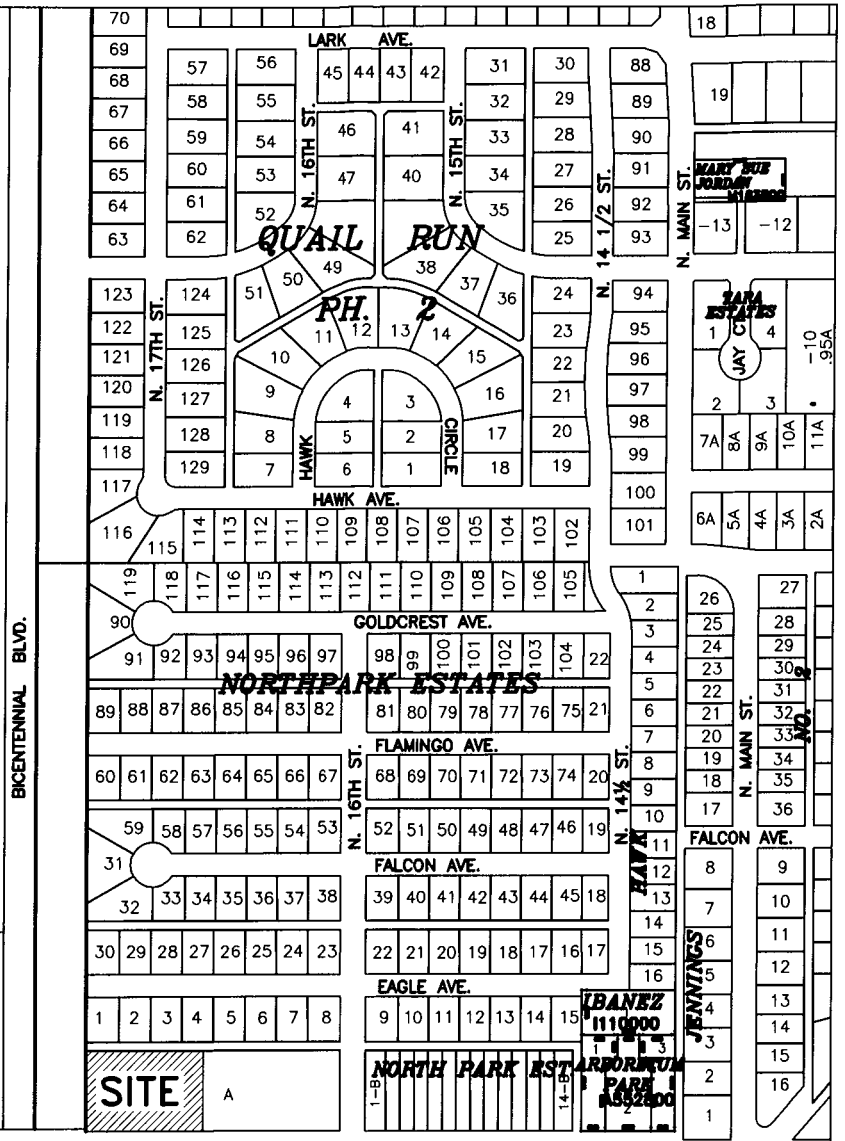
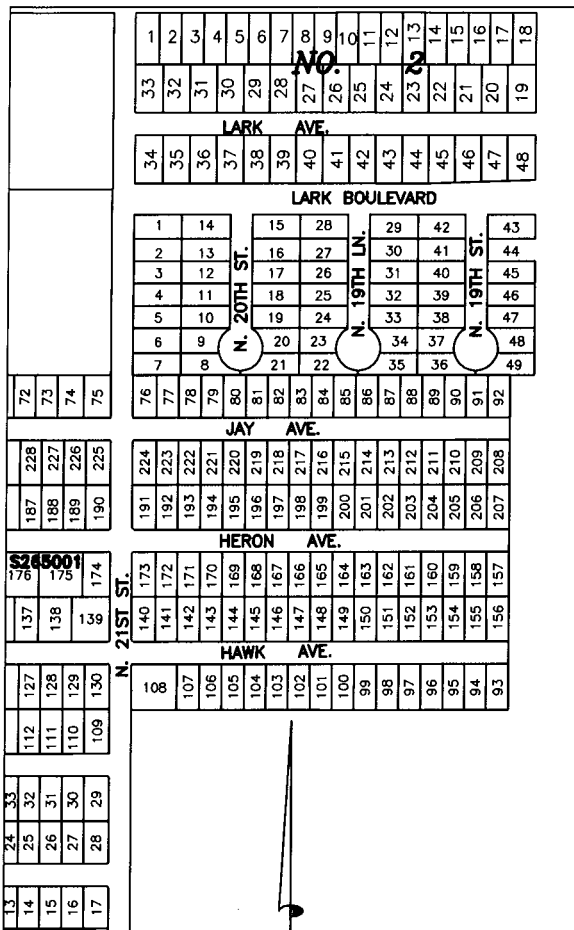


Raul E. Garcia, P.E., R.P.L.S.  
Proprietor  
R. E. Garcia & Associates

# EXHIBIT 1

## VICINITY MAP

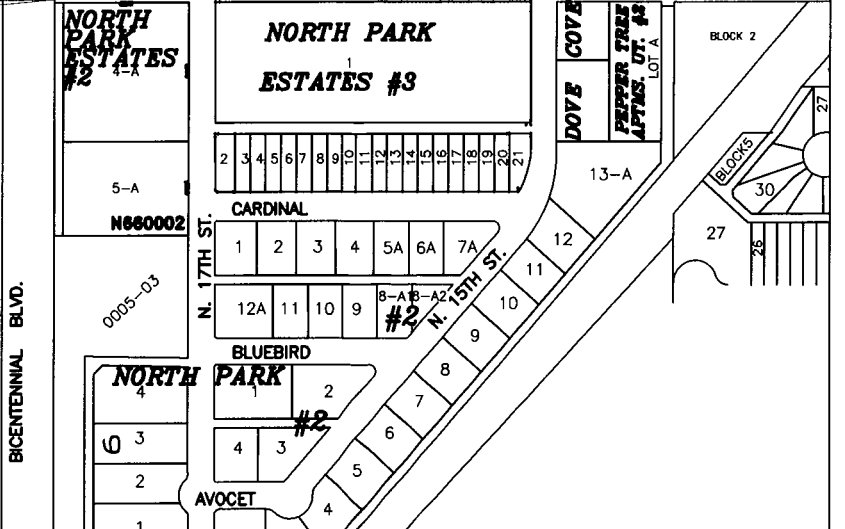
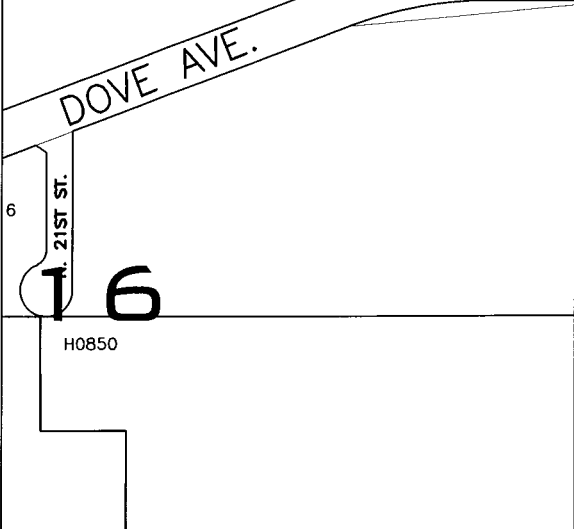




SCALE:  
1" = 400'

15

H0850



R.E. Garcia  
Associates

LOT A-1, NORTH PARK  
ESTATES SUBDIVISION  
VICINITY MAP

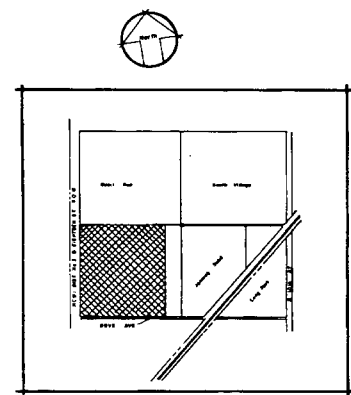
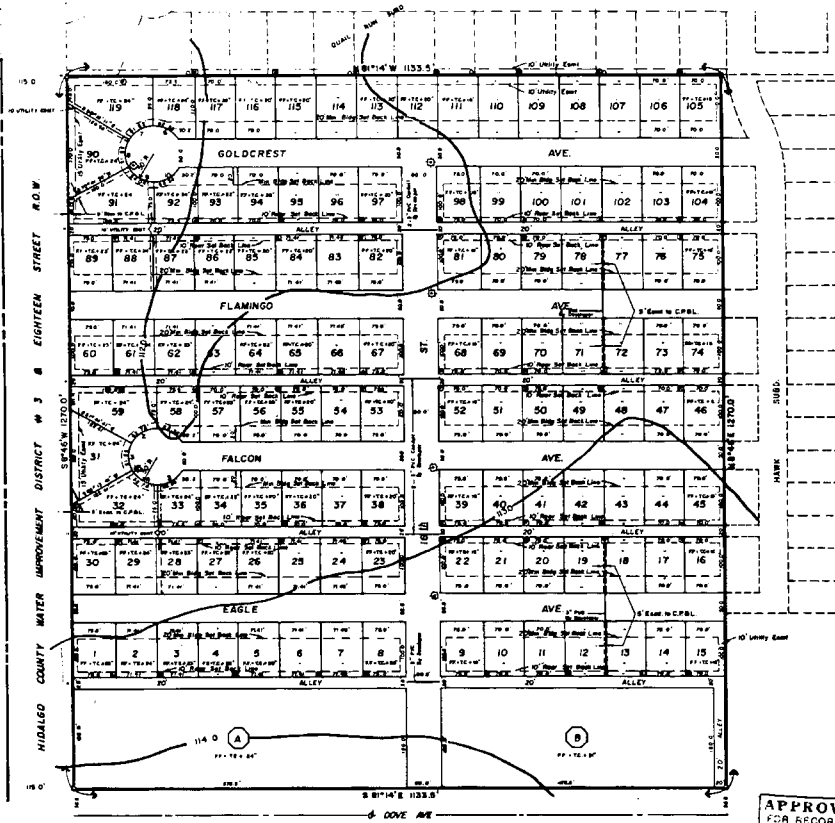
R.E. GARCIA & ASSOCIATES  
ENGINEERS, SURVEYORS, PLANNERS

116 NORTH 12th AVE.  
EDINGBURG, TEXAS 78541 (956) 381-1061

# EXHIBIT 2

## DOVE AVENUE SUBDIVISIONS

CURVE DATA				
CURVE	DELTA	RADIUS	TANGENT	LENGTH
1	60°00'00"	50	28.87	52.36
2	60°27'41"	50	29.14	52.76
3	59°04'34"	50	28.33	51.95
4	60°27'41"	50	29.14	52.76
5	60°00'00"	50	28.87	52.36
6	60°00'00"	50	28.87	52.36
7	58°02'11"	50	28.31	51.52
8	59°02'40"	50	28.31	51.52
9	61°35'39"	50	30.00	54.04
10	60°00'00"	50	28.87	52.36



- SPECIAL NOTES**
1. Assessments Per City Of McAllen, In Subdivision Approved On All Lots Facing On 18th Street And Dove Ave.
  2. Marking Submittal Requirements:  
 FRONT YARD - 30' 0"  
 REAR - 40' 0"  
 SIDE - 6' 0"  
 CORNER AND WARD 0' 0"
  3. Front Footing Top of Curb 4" - 6"  
 Taken at Face Center of Lot
  4. Easement:  
 O - 10' Easement  
 0 - 5' 33" Easement to C.P.B.L. For Pedestrian Walk  
 C - 10' Easement  
 0 - 10' 6" Easement to Control Power & Light Co. For Pedestrian Walk
  5. Control Power & Light Co. is hereby granted an Easement And Right-Of-Way On Each Lot to Burial Subdivision For An Uninterrupted Electric Service Utility, Together With The Right Of Access & Egress For Such Purpose In The Right Location Where Such Street Utility Is To Be Or Is Installed & Maintained From Time To Time

**APPROVED FOR RECORDING**  
 City of McAllen, Texas  
 Mayor: *Wesley Walker*  
 Date: 5-22-78

17109  
**NORTHPARK ESTATES**

A 3783 ACRES OUT OF BLOCK (2), LOT 13  
 OUT OF MIDALGO CANAL COMPANIES SUBDIVISION  
 OF PROCEEDS 84-84, 84-86, McALLEN  
 HIDALGO COUNTY, TEXAS

State of Texas  
 County of Hidalgo

I, the Undersigned, Owner of the Land Shown on This Plat, and Designated Herein as The NORTHPARK ESTATES Subdivision to the City of McALLEN, TEXAS, and whose Name is Subscribed Herein, hereby Dedicate to the Use of the Public All Streets, Alleys, Parks, Water Courses, Drains, Easements and Public Property Thereon Shown For the Purpose of Consideration Therein Expressed.  
Quint Corporation  
 Date

State of Texas  
 County of Hidalgo

I, Paul A. Sizemore, known to me to be the Person whose Name is Subscribed to the foregoing Instrument, and Acknowledges to me that he Executed the Same For the Purpose and Consideration therein Stated, Given Under My Hand and Seal of Office This 15 Day of November, 1977.  
Paul A. Sizemore  
 Notary Public, County of Hidalgo

I, the Undersigned, Chairman of the Planning and Zoning Commission of the City of McALLEN, hereby Certify That This Subdivision Plat Complies to All Requirements of the Subdivision Regulations of This City Wherein My Approval is Required.  
Chairman of Planning & Zoning

FILED FOR RECORD THIS DATE  
 IN 102 9/1684 C.M.  
 MAY 22 1978  
 COUNTY CLERK  
 COUNTY OF HIDALGO, TEXAS

APPROVED FOR RECORDING  
 COUNTY CLERK  
 COUNTY OF HIDALGO, TEXAS  
 DATE: May 22 1978  
 BY: Shirley Ann  
 COUNTY CLERK

I, the Undersigned, Mayor of the City of McALLEN, hereby Certify That This Subdivision Plat Complies to All Requirements of the Subdivision Regulations of This City Wherein My Approval is Required.

Approved by Water District  
 The Plat Approved by Water Improvement District No. 3 On the 9<sup>th</sup> Day of November AD. 1977.  
 Secretary: Freddie K. Keith President: James H. ...

State of Texas  
 County of Hidalgo

I, the Undersigned, a Registered Professional Engineer in the State of Texas, hereby Certify That This Plat is True and Correctly Made as Prepared From an Actual Survey on the Property Made Under My Supervision on the Ground, and Further Certify Proper Engineering Considerations Has Been Given to This Plat.

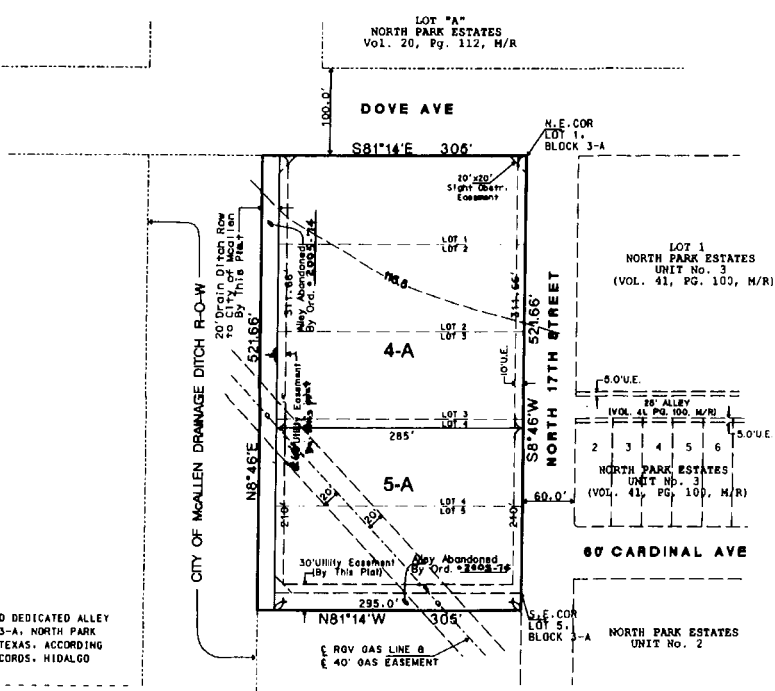
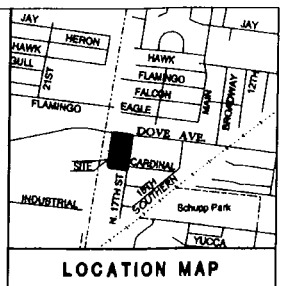
Recorded in Book 20 Page 112  
 of the Public Records of Hidalgo  
 County, Texas  
 Charles L. Shibus  
 County Clerks

**NORTHPARK ESTATES** McALLEN, TEXAS

DATE: 10-28-77  
 REVISED:  
 SCALE: 1" = 100'  
 JOB NO.: 88-77-100

CDE COMMUNITY DEVELOPMENT ENGINEERING  
 P.O. BOX 1585  
 MIDLAND, TEXAS

Submission date: 10/19/2005 11:12:37 AM



DESCRIPTION OF LOTS 1, 2, 3, 4, AND 5, BLOCK 3-A, AND DEDICATED ALLEY LYING WEST OF AND SOUTH OF AND ADJACENT TO BLOCK 3-A, NORTH PARK ESTATES UNIT 2, CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 27, PAGE 147-B, MAP RECORDS, HIDALGO COUNTY, TEXAS.

BEGINNING at the Northeast corner of said Lot 1, for the Northeast corner of the following described tract of land: Said point being on the intersection of the South line of Dove Avenue and the West line of North 17th Street.

LOT 4, SECTION 11 HIDALGO CANAL CO.'S SUB'D VOL. 27, PG. 147-B

MAP OF BLOCKS 4-A & 5-A NORTH PARK ESTATES UNIT No. 2

McALLEN, TEXAS BEING A SUBDIVISION OF LOT 1, 2, 3, 4, AND 5, BLOCK 3-A, NORTH PARK ESTATES UNIT 2, CITY OF McALLEN, HIDALGO COUNTY, TEXAS, RECORDED IN VOL. 27, PG. 147-B, M/R, HIDALGO COUNTY, TEXAS, CONTAINING 3.65 AC., more or less.

FILED FOR RECORD IN: HIDALGO COUNTY BY Surveyor Eddy Trevino... Recorded in Volume 49 Page 73

SPoor ENGINEERING CONSULTANTS, INC. 202 S. 4th ST. McALLEN, TEXAS 78501

- NOTES: 1. A 4.0 FT. SIDEWALK SHALL BE REQUIRED ON THE WEST SIDE OF NORTH 17TH STREET & SOUTH SIDE OF DOVE AVE. 2. THIS PROPERTY FALLS IN FLOOD ZONE "B" OF THE FLOOD INSURANCE RATE MAP...

STATE OF TEXAS: COUNTY OF HIDALGO:

STATE OF TEXAS: COUNTY OF HIDALGO:

STATE OF TEXAS: COUNTY OF HIDALGO:

STATE OF TEXAS: COUNTY OF HIDALGO:

STATE OF TEXAS: COUNTY OF HIDALGO:

I, IWEI, THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS THE 4-A & 5-A NORTH PARK ESTATES UNIT No. 2 SUBDIVISION TO THE CITY OF McALLEN, TEXAS...

BY: MICHAEL BRADLEY, VICE-PRESIDENT P.O. BOX 641 ROUND MOUNTAIN 78663

Notary Public signature and name: P.B. Se

CHAIRMAN, PLANNING COMMISSION signature



JOSE MARIO GONZALEZ R.P.L.S. # 5571 323 W. GARD, SUITE 101 EDINBURG, TEXAS 78539

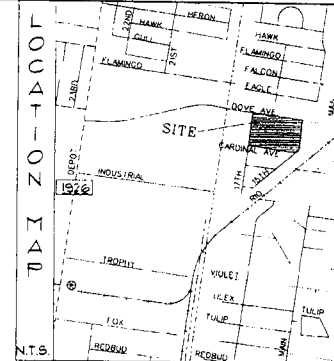
REGISTERED PROFESSIONAL ENGINEER P.E. REGISTRATION NO. 56752

MAYOR, CITY OF McALLEN signature

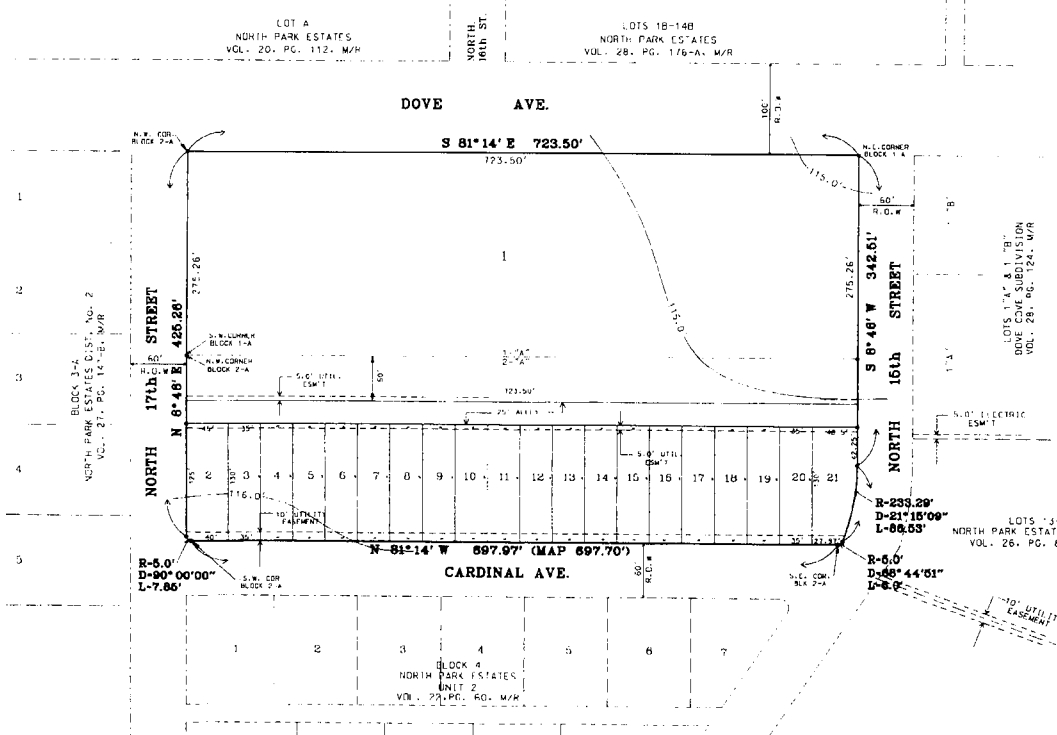


MAP of  
NORTH PARK ESTATES UNIT No. 3

McALLEN, TEXAS  
BEING A RESUBDIVISION OF ALL OF BLOCKS  
1 "A" & 2 "A", NORTH PARK ESTATES  
UNIT No. 2, AN ADDITION TO THE CITY  
OF McALLEN, HIDALGO COUNTY, TEXAS  
ACCORDING TO MAP RECORDED IN  
VOL. 27, PG. 147-B, M/R  
HIDALGO COUNTY, TEXAS  
CONTAINING 7.13 AC. OF LAND, MORE OR LESS



PREPARED BY  
**FABIAN, NELSON & MEDINA, INC.**  
320 N. 15TH STREET, McALLEN, TEXAS  
SCALE: 1" = 100' DATE: 10/9/2002  
19561682-3414



STATE OF TEXAS:  
COUNTY OF HIDALGO:

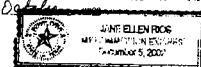
I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS THE NORTH PARK ESTATES UNIT No. 3 SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME(S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINAGE, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE), WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

McALLEN INVESTMENT PARTNERS, L.P.D., A TEXAS LIMITED PARTNERSHIP

*Thomas F. Phillips*  
BY: THOMAS F. PHILLIPS, GENERAL PARTNER  
3401 NORTH 10TH ST., SUITE 200  
McALLEN, TEXAS

STATE OF TEXAS:  
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THOMAS F. PHILLIPS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 23rd DAY OF October



*Julie Ellen Rios*  
NOTARY PUBLIC

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

*Debra...*  
CHAIRMAN, PLANNING COMMISSION 10/9/02

STATE OF TEXAS:  
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, # 1950 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE DRAINAGE.

*Shirley...*  
PLANO C. MEDINA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
McALLEN, TEXAS

STATE OF TEXAS:  
COUNTY OF HIDALGO:

I, STEPHEN SPOOR, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

10-22-02  
*Stephen Spoor*  
REGISTERED PROFESSIONAL ENGINEER  
P. L. REGISTRATION NO. 58152

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

*Joe Montano*  
MAYOR, CITY OF McALLEN

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE 49.21(c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND HIS ENGINEER TO MAKE THESE DETERMINATIONS.  
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

NOTES:

- 4.0 FT. SIDEWALK REQUIRED ON NORTH 17TH STREET, NORTH 15TH STREET, CARDINAL AVE. AND DOVE AVE.
- THIS PROPERTY FALLS IN FLOOD ZONE "A" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 480141 ODDS C, REVISED 11-2-82.
- NO SITE OBSTRUCTION EASEMENT IS REQUIRED AT ALL ALLEY/STREET INTERSECTIONS.  
15'-15" SIGHT OBSTRUCTION EASEMENT IS REQUIRED AT ALL STREET INTERSECTIONS.
- MINIMUM FINISHED FLOOR ELEVATION SHALL BE ABOVE TOP OF CURB LOCATED AT THE FRONT CENTER OF EACH BLOCK AS FOLLOWS: LOT 1-48', LOTS 2-14' & 18', LOTS 15-16-22', LOTS 17-18-24', LOTS 19-20-30', LOT 21-32'
- 6' BUFFER IS REQUIRED ADJACENT TO ANY SINGLE FAMILY RESIDENCE ZONE/USE AND BETWEEN COMMERCIAL AND MULTI-FAMILY RESIDENTIAL AND SINGLE FAMILY ZONE/USE.
- MINIMUM BUILDING SETBACKS AS FOLLOWS:  
LOT 1 DOVE AVE., 50 FT. OR GREATER FOR APPROVED SITE PLAN  
LOT 1-15TH ST., 30 FT. OR GREATER FOR APPROVED SITE PLAN  
LOT 1-17TH ST., 30 FT. OR GREATER FOR APPROVED SITE PLAN  
OTHERS- IN ACCORDANCE WITH ZONING ORDINANCE OR APPROVED SITE PLAN OR TO EASEMENT LINE, WHICHEVER IS GREATER.  
LOTS 2-21-1 CARDINAL AVE. - 10 FT. OR GREATER FOR EASTMENT  
B.1 GARAGES- 18 FT., EXCEPT WHERE GREATER SETBACK IS REQUIRED.  
C.1 CORNER- 10 FT.  
C.2 REAR- 4 FT. OR GREATER FOR APPROVED SITE PLAN OR EASEMENT  
E.1 OTHERS- IN ACCORDANCE WITH ZONING ORDINANCE.  
7. AN ENGINEERING STORM WATER DETENTION PLAN APPROVED BY CITY'S ENGINEERING DEPT. PRIOR TO APPLICATION FOR BUILDING PERMIT IS REQUIRED.  
8. STORM WATER DETENTION OF 0.61AC.-FT IS REQUIRED FOR THIS SUBDIVISION. ALL DETENTION SHALL BE ON LOT 1.  
9. SITE PLAN MUST BE APPROVED BY PLANNING & ZONING COMMISSION PRIOR TO ISSUANCE OF BUILDING PERMITS FOR LOT 1.  
10. BENCHMARK- STATION NAME: MC 59 SET BY APALMA ASSOCIATED LOCATED AT THE NORTHWEST CORNER OF NORTH 28RD STREET AND MILE 3 ROAD. (ELEV. 118.71)

FIELD FOR RECORD IN  
HIDALGO COUNTY  
BY J.D. SELLNER III  
COUNTY CLERK  
OCT 23 2002  
AS A RECORDED INSTRUMENT  
BY: [Signature]

Recorded in Volume 41 Page 110  
of the map records of Hidalgo  
County, Texas  
J.D. Sellner III  
County Clerk

Mets and Bounds

7.13 ACRES OF LAND BEING ALL OF BLOCKS 1-A AND 2-A, NORTH PARK ESTATES, UNIT No. 2, CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO MAP RECORDED IN VOL. 27, PAGE 147-B, MAP RECORDS.

BEGINNING at the Southwest corner of said Block 2-A, for the Southwest corner hereof: said point being the intersection of the West line of North 15th Street and the North line of Cardinal Avenue;

THENCE, with the South line of Block 2-A and North line of Cardinal Avenue, North 91 Deg. 14 Min. West, 1975.97 feet (map 697.70') to the beginning of a 5' foot radius curve to the right and the Southwest corner of Block 2-A, for the Southwest corner hereof;

THENCE, continue with the North line of Cardinal Avenue and the South line of Block 2-A, along said 5' foot radius curve to the right, through an arc of 90 Deg. 00 Min. 00 Sec. and a distance of 7.85 feet to and at curve, for a point on the West line hereof; said point being on the East line of N. 17th St;

THENCE, with the West line of said Blocks 2-A and 1-A and the East line of North 17th Street, North 8 Deg. 46 Min. East, at 200.0 feet pass the common West corner between Blocks 2-A and 1-A and at 425.26' foot the Northwest corner of Block 1-A, for the Northwest corner hereof; said point being on the South line of 100 foot Dove Avenue.

THENCE, with the South line of 100 foot Dove Avenue and North line of Block 1-A, South 81 Deg. 14 Min. East, 723.5 feet to the Northeast corner of Block 1-A, for the Northeast corner hereof; said point being on the West line of N. 15th St.

THENCE, with the East line of Blocks 1-A & 2-A and the West line of North 15th Street, South 8 Deg. 46 Min. West, at 225.26 feet pass the common East corner between Blocks 1-A and 2-A, and at 342.51 feet the point of beginning of a 233.29 foot radius curve to the right, for a point in the East line hereof;

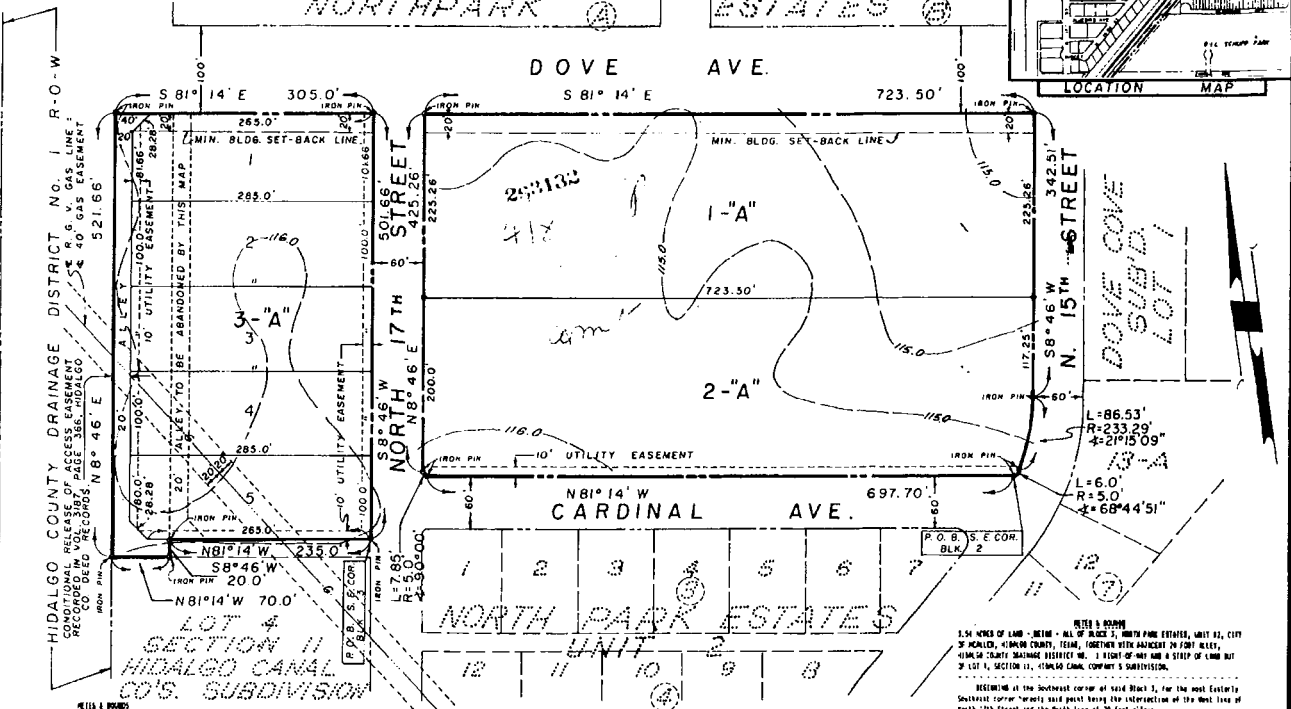
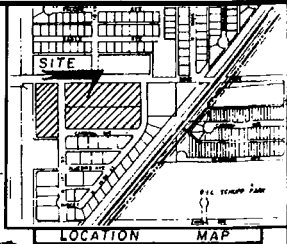
THENCE, continue with the West line of North 15th Street and the East line of Block 2-A, along said curve to the right, on a radius of 233.28 feet, through an arc of 21 Deg. 15 Min. 09 Sec. and a distance of 85.53 feet to end of this curve and point of beginning of a 5.0 foot radius curve to the right, for a point in the East line hereof;

THENCE, continuing with the West line of North 15th Street and the East line of Block 2-A, along said 5' foot curve to the right, through an arc of 68 Deg. 48 Min. 51 Sec. and a distance of 6.0 feet to the POINT OF BEGINNING, Containing 7.13 ac. of land, more or less.

NOTES:

1. NORTH PARK ESTATES, UNIT 2, RECORDED IN VOL. 22, PG. 40, MAP RECORDS OF HIDALGO COUNTY, TEXAS.
2. A 6'-0" FT. SIDEWALK SHALL BE REQUIRED ON BOTH SIDES OF NORTH 17TH STREET, ON WEST SIDE OF NORTH 15TH STREET, ON NORTH SIDE OF CARDINAL AVE. AND SOUTH SIDE OF DOVE AVE.
3. THIS PROPERTY FALLS IN FLOOD ZONE "B" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL #480343 0003, C. REVISED 11-22-82.

4. CENTRAL POWER & LIGHT CO. SHALL HAVE A SLACKET PASTPOINT IN SAID SUBDIVISION.
5. NO BUILDINGS SHALL BE ALLOWED ON ANY PART OF THE 40' GAS EASEMENT.
6. INTERSECTION SITE OBSTRUCTION BARRIER PROVIDED AT STREET AND ALLEY INTERSECTION PER ORD. #1973-59 DEC. 1973 AS FOLLOWS: STREET 25' X 25' ALLEY 10' X 10'.
7. MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB LOCATED AT THE FRONT CENTER OF EACH LOT/TRACK OR 117.00 ABOVE SEA LEVEL. MINIMUM IS 18 INCHES.
8. MINIMUM BUILDING SETBACKS AS FOLLOWS UNLESS SHOWN OTHERWISE: FRONT - 10.0 FT. REAR - 10.0 FT. SIDE - 6.0 FT., EXCEPT CORNER LOTS WHICH WILL BE 10.0 FT.
9. 6" BUFFER IS REQUIRED ALONG DOVE AVE. & ADJACENT TO ANY SINGLE FAMILY RESIDENCE.



APPROVED FOR RECORDING  
 COMMISSIONERS' COURT  
 5-11-92

MAP OF  
**BLOCKS 1-"A", 2-"A" & 3-"A"**  
**NORTH PARK ESTATES**  
**UNIT 2**

MCALLEN TEXAS  
 BEING A RESUBDIVISION OF BLOCKS 1, 2 & 3, NORTH PARK ESTATES,  
 UNIT No. 2, CITY OF MCALLEN, AND ADJACENT 20.0 FT. ALLEY,  
 ADJACENT HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 R-O-W AND  
 ADJACENT DOVE AVE. R-O-W.

CONTAINING 10.56 ACRES OF LAND MORE OR LESS.  
 PREPARED BY: **FABIAN, NELSON & MEDINA INC.**  
 MCALLEN, TEXAS  
 COMMISSIONERS' COURT  
 This the 19th day of May 1992  
**WILLIAM "BILLY" LEO**, County Clerk  
 Hidalgo County, Texas  
 SCALE: 1" = 100' DATE: 7-20-89

STATE OF TEXAS  
 COUNTY OF HIDALGO  
 I, STEPHEN SPOOR, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.  
 REGISTERED PROFESSIONAL ENGINEER  
 P.E. REGISTRATION NO. 56752

STATE OF TEXAS:  
 COUNTY OF HIDALGO:  
 I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE NORTH PARK ESTATES, UNIT 2, SUBDIVISION TO THE CITY OF MCALLEN, TEXAS AND WHOSE NAME IS PROSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, BASHMENTS, WATERLINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE), WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

STATE OF TEXAS:  
 COUNTY OF HIDALGO:  
 BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED **BOB AMOS** KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.  
 GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS DAY OF \_\_\_\_\_, 19\_\_

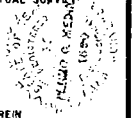
I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

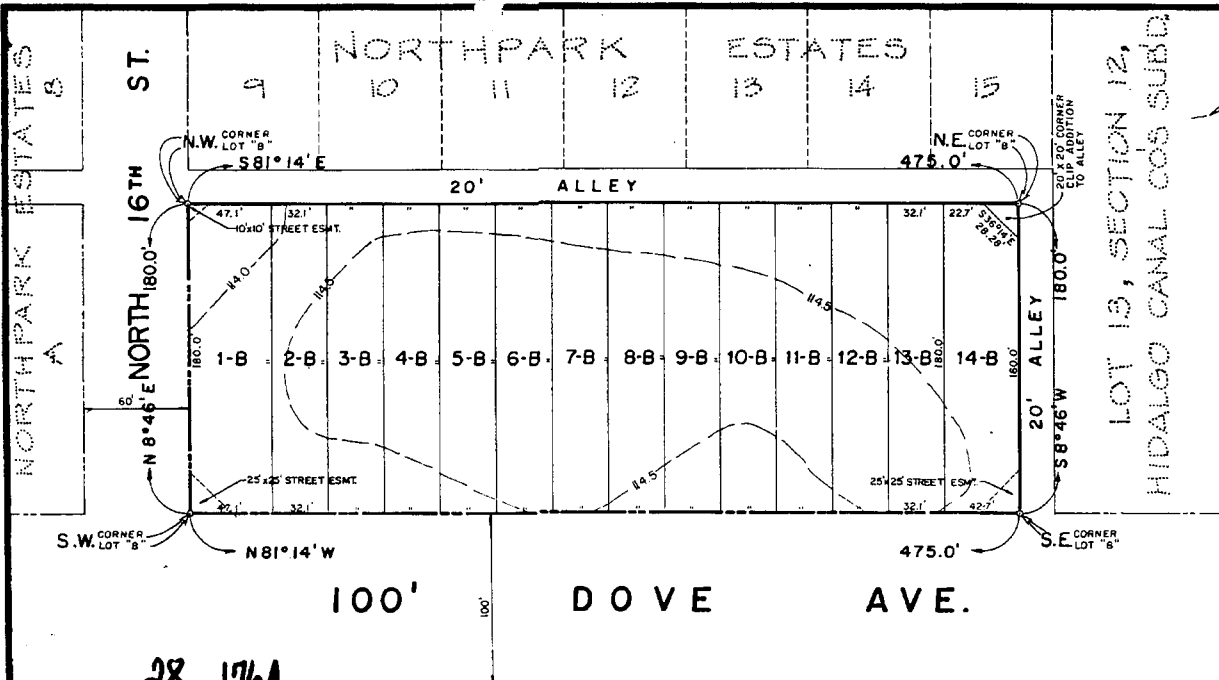
STATE OF TEXAS:  
 COUNTY OF HIDALGO:  
 I, THE UNDERSIGNED, A REGISTERED PUBLIC SURVEYOR #1590 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

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

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 3 ON THIS 10th DAY OF October A. D. 1992.  
 J. W. Baldwin SECRETARY  
 Mayor, City of McAllen

Notary Public  
 Chairman, Planning Commission  
 Plinto C. Medina  
 Registered Public Surveyor  
 McAllen, Texas





MAP OF  
**LOT 1-B THRU LOT 14-B,  
 NORTH PARK ESTATES**  
 McALLEN TEXAS

BEING A RESUBDIVISION OF  
 LOT "B",  
 NORTH PARK ESTATES,  
 CITY OF McALLEN,  
 HIDALGO COUNTY, TEXAS.  
 Containing 1.96 Ac. of land more or less.  
 RECORDED IN VOL. 20 PG. 112 M/R

PREPARED BY  
 FABIAN, NELSON & MEDINA, INC.  
 320 NORTH 15TH STREET  
 McALLEN, TEXAS 78501

SCALE 1" = 50' DATE: APRIL 15, 1992  
 STATE OF TEXAS  
 COUNTY OF HIDALGO

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS **LOT 1-B THRU 14-B, NORTH PARK ESTATES**, A SUBDIVISION TO THE CITY OF McALLEN, TEXAS AND WHOSE NAME(S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATERLINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE), WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

*James Pavlica*  
 JAMES PAVLICA, TRUSTEE  
 DOVE PLAZA PARTNERSHIP  
 3501 NORTH 10TH STREET  
 McALLEN, TX 78501

STATE OF TEXAS  
 COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED **JAMES PAVLICA**, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT (TH) (S)HE(Y) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 15th DAY OF July, 1993.



*James Pavlica*  
 JAMES PAVLICA  
 CHAIRMAN, PLANNING COMMISSION

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

STATE OF TEXAS  
 COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL SURVEYOR #1590 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION OF THE GROUND.

*Plinio C. Medina*  
 PLINIO C. MEDINA  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 McALLEN, TEXAS

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

*Charles R. Bell*  
 CHARLES R. BELL  
 MAYOR, CITY OF McALLEN

CHECKED FOR CONFORMANCE BY: *[Signature]*

11-11-93

Recorded in Volume 28 Page 176A  
 of the map records of Hidalgo County, Texas  
 Melden and Hunt, Inc. County Surveyors

BLOCK 1  
 NORTH PARK ESTATES  
 UNIT No 2  
 3559G7

60' 15TH ST.  
 LOT 1  
 DOVE COVE  
 SUB'D.

- NOTES:
- MINIMUM FINISHED FLOOR ELEVATIONS SHALL BE 30 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF EACH LOT.
  - MINIMUM BUILDING SETBACK LINES SHALL BE AS FOLLOWS:  
 FRONT - 75 FEET FOR UNENCLOSED COVERED WALK AND 80 FEET FOR BUILDING  
 REAR - ACCORDING TO ZONING ORDINANCE OR GREATER FOR EASEMENTS AND APPROVED SITE PLAN/COMMON AREA PLAN  
 WEST SIDE OF LOT 1-B AND EAST SIDE OF LOT 14-B - 10 FEET  
 INTERIOR SIDEYARDS - ACCORDING TO ZONING ORDINANCE
  - 4 FOOT SIDEWALK REQUIRED ALONG NORTH SIDE OF DOVE AVE AND EAST SIDE OF NORTH 16TH ST.
  - 6 FOOT BUFFER FROM ANY RESIDENTIAL ZONE/USE.
  - THIS PROPERTY FALLS IN ZONE "B" OF THE INSURANCE RATE MAP, COMMUNITY PANEL #480343 0005-C, REVISED NOVEMBER 2, 1982.
  - STORM WATER DETENTION REQUIRED FOR THIS PROPERTY IS 0.16 AC-FT.
  - AN ENGINEERED STORM WATER DETENTION PLAN APPROVED BY THE ENGINEERING DEPT. IS REQUIRED PRIOR TO APPLICATION FOR BUILDING PERMIT.
  - COMMON AREA PLAN/SITE PLAN FOR PARKING, SETBACKS & LANDSCAPING MUST BE APPROVED BY PLANNING & ZONING COMMISSION PRIOR TO ISSUANCE OF ANY BUILDING PERMITS.
  - THE COMMON AREA PLAN/SITE PLAN FOR ALL LOTS SHALL BE HELD IN COMMON AND MAINTAINED BY ALL OWNERS, AND FOR THE BENEFIT OF ALL. THE INGRESS, EGRESS, ON, OVER AND ACROSS EACH LOT.
  - ONE CURB CUT ON DOVE AVE PERMITTED ACCORDING TO LOCATION APPROVED ON COMMON AREA PLAN BY THE PLANNING & ZONING COMMISSION.

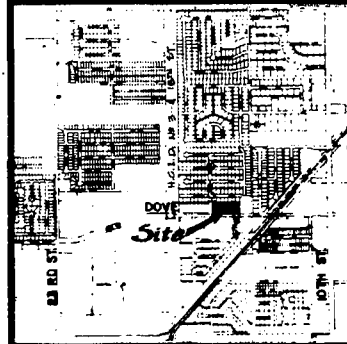
BEING AND BEING  
 1.96 ACRE TRACT OF LAND COMPOSED OF ALL OF LOT "A", NORTH PARK ESTATES, CITY OF McALLEN, HIDALGO COUNTY, TEXAS.  
 BEGINNING at an iron pin at the Southeast corner of Lot "A", for the Southeast corner of the following described tract of land; said point being the intersection the north line of 100 foot Dove Avenue and the East line of 60 foot North 16th Street;  
 THENCE, with the East line of Lot "A" and East line of North 16th Street, North 89 Deg. 46 Min. East, 180.0 feet to the Northeast corner of Lot "A", for the Northeast corner hereof; said point being on the South line of a 20 foot alley;  
 THENCE, with the North line of Lot "A" and South line of alley, South 81 Deg. 14 Min. East, 475.0 feet to an iron pin at the Northeast corner of Lot "A", for the Northeast corner hereof; said point being on the East line of a North-South 20 foot alley;  
 THENCE, with the East line of Lot "A" and the West line of said alley, South 89 Deg. 46 Min. East, 180.0 feet to an iron pin at the Southeast corner of Lot "A", for the Southeast corner hereof; said point being on the North line of Dove Avenue;  
 THENCE, with the South line of Lot "A" and North line of Dove Avenue, North 81 Deg. 14 Min. East, 475.0 feet to the PLACE OF BEGINNING. Containing 1.96 acres of land, more or less.

STATE OF TEXAS  
 COUNTY OF HIDALGO  
 I, STEPHEN SPOOR, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.  
*[Signature]*  
 STEPHEN SPOOR  
 REGISTERED PROFESSIONAL ENGINEER  
 P.E. REGISTRATION NO. 56752



APPROVED FOR RECORDING BY  
 COMMISSIONERS' COURT  
 This the 29th day of Nov 1993  
 WILLIAM "BILLY" LEO, County Clerk  
 Hidalgo County, Texas  
 By: *[Signature]* Deputy

FILED  
 NOV 30 1993  
 WILLIAM "BILLY" LEO, COUNTY CLERK  
 HIDALGO COUNTY, TEXAS



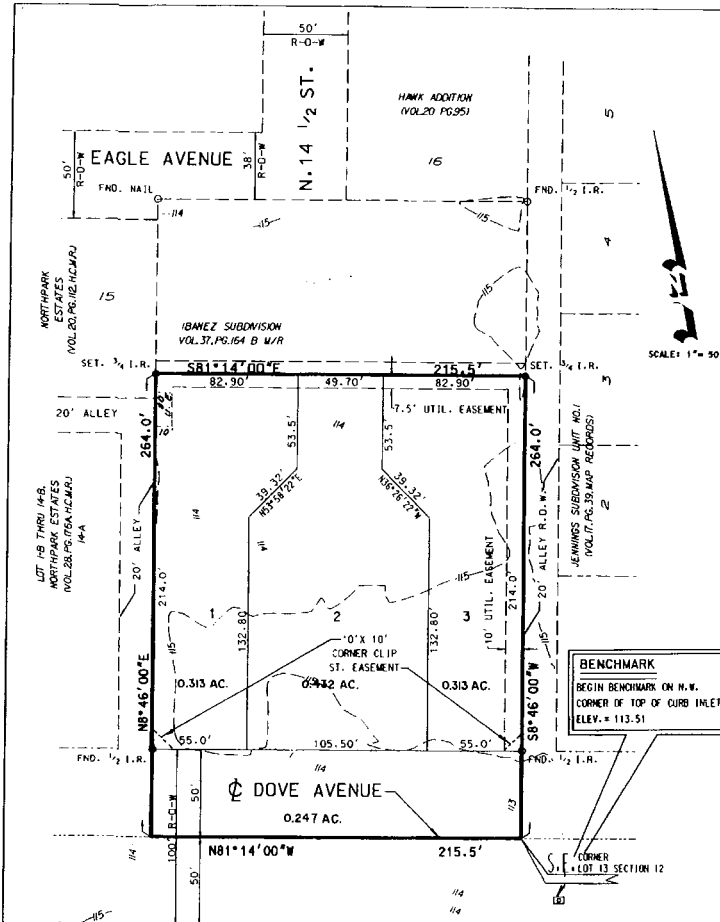
LOCATION MAP NOT TO SCALE

VOL. 28 PG. 176A

# ARBORETUM PARK SUBDIVISION

McALLEN, TEXAS

BEING A SUBDIVISION OF 1.306 ACRES TRACT OF LAND OUT OF LOT 13, BLOCK 12, HIDALGO CANAL COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS, RECORDED IN VOL. "Q" PAGE 177, DEED RECORDS.



STATE OF TEXAS:  
COUNTY OF HIDALGO:

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE ARBORETUM SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, WATER COURSES, DRAINS, EASEMENTS, WATERLINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE), WILL CAUSE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

*Rogelio Ibanez, Jr.*  
OWNER: SANTO ANDREI LTD.,  
A TEXAS LIMITED PARTNERSHIP  
BY: SINCERAMENTE DEL CORAZON, INC., A TEXAS CORPORATION  
ITS SOLE GENERAL PARTNER  
BY: ROGELIO IBANEZ, JR., PRESIDENT

STATE OF TEXAS:  
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE ABOVE NAMED PERSONS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 12th DAY OF FEBRUARY, 2009.



*[Signature]*  
NOTARY PUBLIC

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

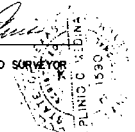
*Danny Boulich*  
CHAIRMAN, PLANNING COMMISSION

STATE OF TEXAS:  
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR #1590 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

Recorded in Volume **3B** Page **76B**  
of the map records of Hidalgo County, Texas  
Melden and Hunt, Inc.

*Plinio G. Medina*  
PLINIO G. MEDINA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
FABIAN, NELSON & MEDINA INC.  
320 N. 15TH ST.  
McALLEN, TEXAS 78501



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

*Alto Yarbrough*  
MAYOR, CITY OF McALLEN



### NOTES

- MINIMUM BUILDING SET BACK LINES SHALL BE AS FOLLOWS:  
FRONT - 50 FEET ON DOVE OR GREATER FOR APPROVED SITE PLAN.  
SIDES - 10 FT ON EAST SIDE OF LOT 3 AND WEST SIDE OF LOT 1; OTHER SETBACKS AS PER ZONING ORDINANCE, OR GREATER FOR APPROVED SITE PLAN AND EASEMENTS.  
REAR - 15 FEET OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN, WHICHEVER REQUIRES THE GREATER SETBACK.
- MINIMUM FINISHED FLOOR SHALL BE 18 INCHES ABOVE CENTER OF PAVEMENT.
- BY GRAPHICAL PLOTTING THIS PROPERTY FALLS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAP FOR THE COUNTY OF HIDALGO, COMMUNITY PANEL NO. 480245 0005 C, REVISED NOVEMBER 2, 1982.
- STORM WATER DETENTION OF 0.008 AC/FT. IS REQUIRED FOR THIS SUBDIVISION.
- 6-FOOT BUFFER IS REQUIRED FROM ADJACENT RESIDENTIAL ZONE USE TO THE EAST, WEST, NORTH.
- SITE PLAN AND COMMON AREA MUST BE APPROVED BY PLANNING & ZONING COMMISSION PRIOR TO ISSUANCE OF BUILDING PERMITS.
- UNLESS OTHERWISE NOTED, ALL CORNERS ARE MONUMENTED WITH ONE-HALF (1/2) INCH IRON ROD.
- NO DRIVE OR CONNECTION SHALL BE PERMITTED FROM THIS PROPERTY TO THE ADJACENT PROPERTIES.
- ALL PARKING SHALL BE HELD IN COMMON.
- 4 FT. SIDEWALKS ARE REQUIRED ALONG DOVE AVE.
- AN ENGINEERED DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.

LENDER'S ACKNOWLEDGEMENT:  
STATE OF TEXAS  
COUNTY OF HIDALGO  
I, (WE), THE UNDERSIGNED, HOLDER (S) OR DULY AUTHORIZED OFFICERS OF THE HOLDER (S) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE ARBORETUM PARK SUBD. OF THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATING OF THE PROPERTY AS PROVIDED FOR HEREIN.

SECURITY INTEREST HOLDER

SIGNATURE  
DAVID DEANIA  
EXECUTIVE VICE PRESIDENT  
LONE STAR NATIONAL BANK

### METES AND BOUNDS DESCRIPTION

BEING A 1.306 ACRE TRACT OF LAND OUT OF LOT 13, BLOCK 12, HIDALGO CANAL COMPANY SUBDIVISION OF PORCIONES 84, 85 AND 86, HIDALGO COUNTY, TEXAS, RECORDED IN VOLUME 127 PAGE 177, DEED RECORDS. SAID 1.306 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 13, FOR THE SOUTHEAST CORNER HEREOF; SAID POINT AND CORNER BEING ALSO LOCATED ON THE CENTERLINE OF 1000 FOOT DOVE AVENUE.

THENCE WITH THE SOUTH LINE OF SAID LOT 13, AND THE CENTERLINE OF DOVE AVENUE, NORTH 81° 14' WEST, A DISTANCE OF 215.50 FEET TO A POINT FOR THE SOUTHWEST CORNER HEREOF.

THENCE PARALLEL TO THE EAST LINE OF LOT 13, NORTH 8° 49' EAST, AT 200 FEET PASS AN IRON ROD ON THE NORTH RIGHT-OF-WAY LINE OF DOVE AVENUE AND AT 264.0 FEET TO AN IRON ROD FOR THE NORTHWEST CORNER HEREOF.

THENCE PARALLEL TO THE SOUTH LINE OF LOT 13, SOUTH 81° 14' EAST, 215.5 FEET TO AN IRON ROD ON THE EAST LINE OF LOT 13, FOR THE NORTHEAST CORNER HEREOF.

THENCE WITH THE EAST LINE OF LOT 13, SOUTH 8° 49' WEST, AT 214.0 FEET PASS AN IRON ROD ON THE NORTH RIGHT-OF-WAY LINE OF DOVE AVENUE AND AT 264.0 FEET THE POINT OF BEGINNING. CONTAINING 1.306 ACRES OF LAND, MORE OR LESS.

HIDALGO COUNTY IRRIGATION DISTRICT NO. THREE WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION, ALSO THERE WILL NOT BE ANY PERMANENT STRUCTURES ON THE DISTRICT RIGHT-OF-WAYS AND/OR EASEMENTS.

*Alto Yarbrough* 9.13.00  
PRESIDENT DATE  
*Plinio G. Medina* 9.13.00  
SECRETARY DATE

STATE OF TEXAS  
COUNTY OF HIDALGO

I, GILBERTO ANTONIO GRACIA, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.



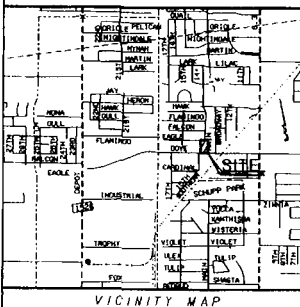
*Gilberto Antonio Gracia* 4-12-01  
REGISTERED PROFESSIONAL ENGINEER  
E. REGISTRATION NO. 62477

HIDALGO COUNTY DRAINAGE DISTRICT, NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE §49.211(c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION. BASED ONLED FOR RECORD IN: HIDALGO COUNTY RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND D. SALINAS, III COUNTY CLERK ON: 08-22-01 at 3:56 AM AMGD BY: *[Signature]* RECORDING NUMBER 1001146

HIDALGO COUNTY DRAINAGE DISTRICT  
BY: *[Signature]*

DATE PREPARED: 12-09-99  
JOB NO.

PREPARED BY:  
**ALPHAMERICAN ENGINEERING CONSULTANTS**  
3327 N. WARE RD. SUITE A, McALLEN, TEXAS 78501  
TEL. (956) 687-6300  
FAX (956) 687-6305







LOCATION MAP SCALE: N.T.S.

METES AND BOUNDS DESCRIPTION

BEING A 0.86 ACRE TRACT OF LAND KNOWN AS ALL OF LOT 1 OF DOVE COVE SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGE 108, MAP RECORDS OF HIDALGO COUNTY, TEXAS. SAID 0.86 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- (1) COMMENCING AT A 1 INCH DIAMETER IRON ROD FOUND ON THE NORTHEAST CORNER OF SAID LOT 1 FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT; SAID NORTHEAST CORNER IS ALSO THE NORTHEAST CORNER OF SAID DOVE COVE APARTMENTS SUBDIVISION, UNIT NO. 2, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 23, PAGE 102-A, MAP RECORDS OF HIDALGO COUNTY, TEXAS;
- (2) THENCE SOUTH 88 DEGREES 46 MINUTES WEST CONCORDANT WITH THE EAST LINE OF SAID LOT 1 AND THE WEST LINE OF SAID LOT 1, A DISTANCE OF 312.25 FEET TO A 1/2 INCH DIAMETER IRON ROD FOUND ON THE SOUTHWEST CORNER OF SAID LOT 1 FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (3) THENCE NORTH 81 DEGREES 14 MINUTES WEST CONCORDANT WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 120.25 FEET TO A 1/2 INCH DIAMETER IRON ROD FOUND ON THE NORTHWEST CORNER OF SAID LOT 1 FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (4) THENCE NORTH 08 DEGREES 46 MINUTES EAST CONCORDANT WITH THE EAST LINE OF SAID LOT 1, A DISTANCE OF 312.25 FEET TO A 1/2 INCH DIAMETER IRON ROD FOUND ON THE NORTHEAST CORNER OF SAID LOT 1 FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (5) THENCE SOUTH 81 DEGREES 14 MINUTES EAST CONCORDANT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 120.25 FEET TO THE POINT OF BEGINNING, CONTAINING 0.86 ACRES OF LAND, MORE OR LESS.

GENERAL PLAT NOTES:

- 1. MINIMUM FRONTYARD SETBACK LINE AS NOTED ON PLAT.
- 2. MINIMUM SIDEYARD SETBACK LINE AS NOTED ON PLAT.
- 3. MINIMUM REARYARD SETBACK LINE AS NOTED ON PLAT.
- 4. LANDS CONTAINED WITHIN THE BOUNDARIES OF THIS PLAT LIE IN ZONE "M" AS PER THE FLOOD INSURANCE RATE MAP, DATED NOVEMBER 22, 1982, COMMENTARY PAGE 1803-A3 D000.
- 5. BENCH MARK ELEVATION IS 114.45 AT TOP OF MANHOLE MONDAY ON LOT 1-B ON N. 15TH STREET.
- 6. ANY FUTURE CONSTRUCTION SHALL HAVE A MINIMUM FINISHED FLOOR ELEVATION OF 15 INCHES ABOVE THE TOP OF THE ROADWAY LOCATED AT THE CENTER OF THIS LOT.
- 7. THIS PLAT WILL BE REQUIRED TO OBTAIN 774.0 CUBIC FEET OR 0.50 ACRE-FOOT OF DRAINAGE RUNOFF.
- 8. BEARING REFLECTED ON THIS PLAT ORIGINATE FROM THE ORIGINAL PLAT OF DOVE COVE SUBDIVISION, VOLUME 24, PAGE 108, MAP RECORDS OF HIDALGO COUNTY, TEXAS.
- 9. UNLESS OTHERWISE SHOWN, ALL CORNERS ARE MONUMENTED BY 1/2" DIAMETER BY 16" LONG IRON REBARS.
- 10. AN APPROVED ENGINEERED DETENTION PLAN SHALL BE REQUIRED PRIOR TO AN APPLICATION FOR A BUILDING PERMIT.
- 11. 6' BUFFER REQUIRED BETWEEN COMMERCIAL AND RESIDENTIAL ZONING.
- 12. 4' SIDEWALK REQUIRED ALONG DOVE COVE AVENUE AND 15TH STREETS.
- 13. EAST SIDEYARD SETBACK ON LOT 1A, AS PER ZONING ORDINANCE OR EASEMENTS, WHEREVER IS GREATER.
- 14. SITE PLAN MUST BE APPROVED BY PLANNING AND ZONING COMMISSION PRIOR TO ISSUANCE OF BUILDING PERMITS.

**LOTS 1A, 1B DOVE COVE SUBDIVISION**

PREPARED BY: SALINAS & ASSOCIATES, INC.  
 DATE: MAY 25, 1993  
 OWNER: THE AMOS FAMILY LIMITED PARTNERSHIP  
 P.O. BOX 641  
 McALLEN, TEXAS 78501

COUNTY OF HIDALGO  
 I, (WE) THE UNDERSIGNED OWNER (S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREON AS LOTS 1A, 1B DOVE COVE SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY INDICATED TO THE PUBLIC ALL STREETS, ALLEYS, EASEMENTS, WATER COURSES, GRADING, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE OF CONSIDERATION THEREIN EXPRESSED.

*[Signature]*  
 OWNER: THE AMOS FAMILY LIMITED PARTNERSHIP

STATE OF TEXAS  
 COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED LLOYD B. AMOS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTES THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 25th DAY OF May 1993.

*[Signature]*  
 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
 MY COMMISSION EXPIRES: 11/01/94

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

*[Signature]*  
 MAYOR, CITY OF McALLEN, TEXAS

STATE OF TEXAS  
 COUNTY OF HIDALGO

THIS PLAT OF DOVE COVE SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 10th DAY OF May 1993.

*[Signature]*  
 CHAIRMAN, PLANNING AND ZONING COMMISSION

HIDALGO COUNTY IRRIGATION DISTRICT NO. 3 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION IF DECLINED. THIS WILL NOT BE AT DISTRICT EXPENSE.

THIS PLAT APPROVED BY HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 3 DATED THIS 22nd DAY OF May 1993.

STATE OF TEXAS  
 COUNTY OF HIDALGO

I, DAVID OMAR SALINAS, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

*[Signature]*  
 DAVID OMAR SALINAS  
 P.E. PROFESSIONAL ENGINEER #19173



STATE OF TEXAS  
 COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

*[Signature]*  
 RICARDO R. SALINAS, P.L.S.  
 REG. PROFESSIONAL LAND SURVEYOR #2600



APPROVED FOR RECORDING BY COMMISSIONERS' COURT

This on 25th day of May 1993  
 WILLIAM "BILLY" LEO, County Clerk  
 Hidalgo County, Texas  
 By: *[Signature]* Deputy

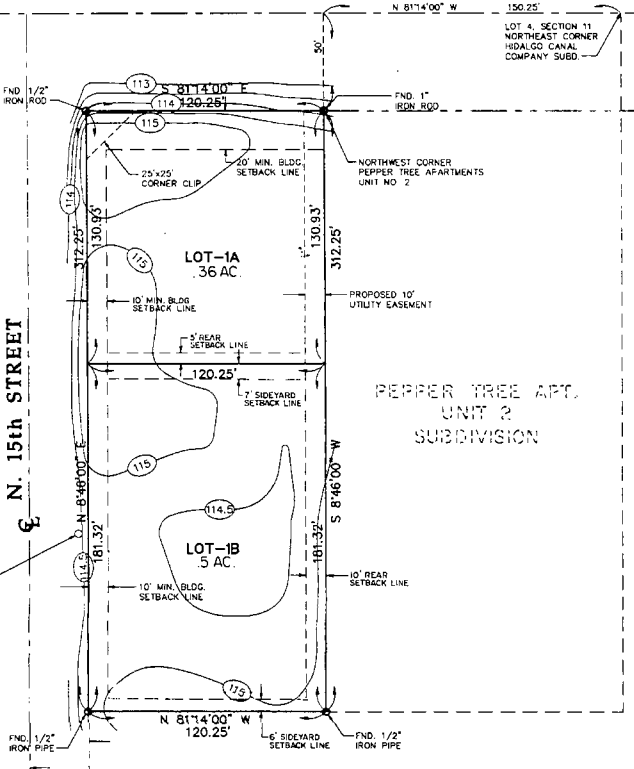
APPROVED FOR RECORDING IN McALLEN CO. PLANNING DEPT.  
 BY: *[Signature]*  
 DATE: 5-25-93

CHECKED FOR DRAINAGE BY: *[Signature]* 7/20/93

NORTH PARK ESTATES UNIT 1  
 LOT 13 SEC. 12 HIDALGO CANAL COMPANY SUBD.

50' EXIST. 100' R.O.W.

DOVE AVE.



NORTH PARK ESTATES UNIT 2 LOT 13

**LOTS 1A, 1B DOVE COVE SUBD.**

McALLEN, HIDALGO COUNTY, TEXAS

BEING A 0.86 ACRE TRACT OF A RE-SUBDIVISION OF ALL OF LOT 1, DOVE COVE SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGE 108, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

Recorded in Volume 28 Page 124 of the map records of Hidalgo County, Texas  
 Motion and Hunt, Inc. County Surveyors

NORTH PARK ESTATES UNIT 2

TM-NORTH LIP OF MANHOLE COVER) EL=114.45

EXIST. 60' R.O.W.



SCALE: 1"=30'

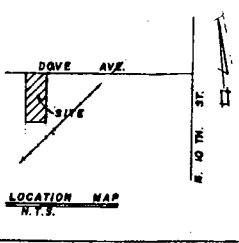
0.86 AC

9.55 AC ±  
 115.5 AC ±  
 WILLIAM "BILLY" LEO, COUNTY CLERK

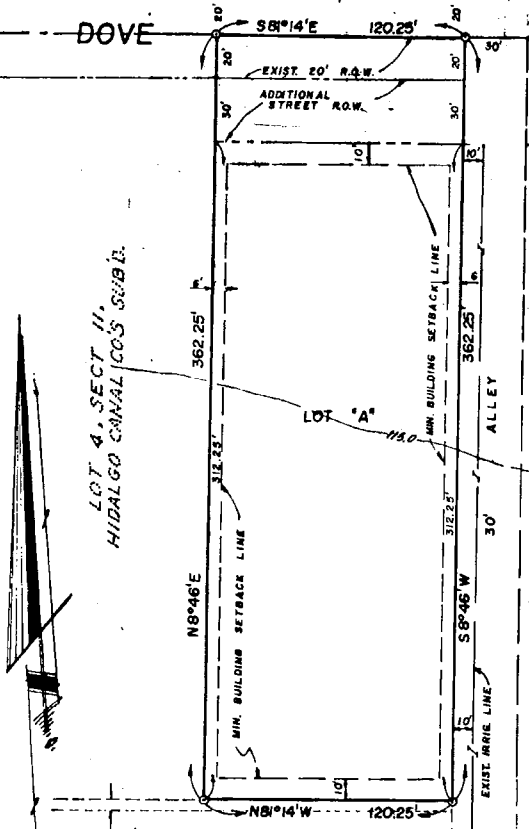
28

NORTHPARK ESTATES

LOT 13, SECT 12, HIDALGO CANAL CO'S SUBD.



DOVE AVENUE



Recorded in Book 23 Page 190A of the city records of Hidalgo County, Texas...

NOTES:

- 1. 10' MIN. SETBACK SUBJECT TO A FENCE ALONG THE SOUTH SIDE OF DOVE AVE. AS APPROVED BY PLANNING & ZONING COMMISSION.
2. Sidewalk required along Dove Avenue.
3. Six foot buffer required along Dove Avenue.
4. No access will be allowed for child subdivisions from Dove Avenue.
5. Finish floor elevation shall be 34' above top of inlet at Northwest corner of this lot.

54271

APPROVED FOR RECORDING BY COMMISSIONERS' COURT

This the 13 day of Feb 1984 I, EDGAR RUIZ, County Clerk Hidalgo County, Texas...

APPROVED FOR RECORDING Hidalgo Co. Right of Way Dept. By [Signature] Date Feb. 13, 1984

MAP OF PEPPER TREE APARTMENTS UNIT NO. 2

McALLEN TEXAS

BEING A SUBDIVISION OF 1.00 AC. OF LAND OUT OF LOT 4, SECTION 11, HIDALGO CANAL CO'S SUBDIVISION, OF PORCIONES 64, 65, AND 66, HIDALGO COUNTY, TEXAS.

CHECKED FOR DRAINAGE BY: Wade D. Ba...

PREPARED BY: FABIAN, NELSON & MEDINA INC. McALLEN, TEXAS

SCALE: 1" = 40' DATE: 8/10/82

STATE OF TEXAS: COUNTY OF HIDALGO:

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE "PEPPER TREE APARTMENTS UNIT NO. 2," SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

STATE OF TEXAS: COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED "JIMMIE J. THOMAS" KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 10th DAY OF August, 1982.

[Signature] JIMMIE J. THOMAS

[Signature] Notary Public

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

[Signature] Chairman, Planning Commission

STATE OF TEXAS: COUNTY OF HIDALGO:

I, THE UNDERSIGNED, A REGISTERED PUBLIC SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

[Signature] PUBLIC SURVEYOR McAllen, Texas

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

[Signature] Mayor, City of McAllen

THIS PLAT APPROVED BY THE HIDALGO COUNTY Water Improvement DISTRICT NO. 3 ON THE 12th DAY OF October, A.D. 1982

[Signature] SECRETARY

[Signature] PRESIDENT



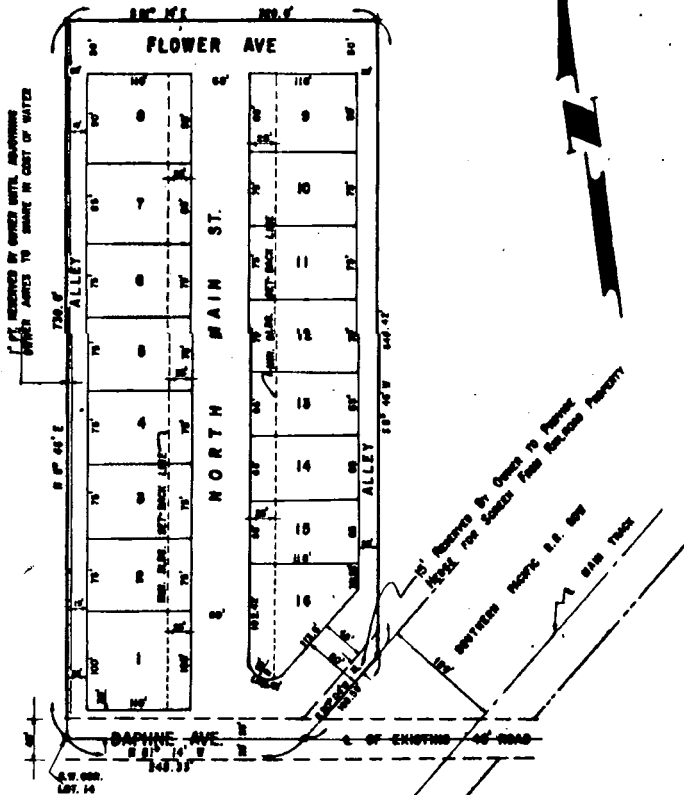
FILED FOR RECORD THIS DATE  
At 9:00 o'clock A.M.

JUN 22 1971

SANTOS SALDANA  
County Clerk  
Hidalgo County, Texas  
*Santos Saldana*

APPROVED FOR RECORDING  
BY  
COMMISSIONERS' COURT  
This the 22<sup>nd</sup> day of June, 1971  
SANTOS SALDANA, County Clerk  
Hidalgo County, Texas  
*Santos Saldana*, Deputy

APPROVED  
FOR RECORDING  
Hidalgo Co. Register's Office  
by *[Signature]*  
6-22-71



MAP  
OF  
JENNINGS SUBDIVISION  
UNIT No. 1

OF 5.30 ACRES OUT OF THE SOUTHWEST CORNER OF LOT 14,  
SECTION 22, HIDALGO CANAL CO'S SUBDIVISION, OF FORCENOS 04,  
65 & 66, HIDALGO COUNTY, TEXAS.

SCALE: 1" = 100'

APRIL 22, 1971

I, C. L. FABIAN, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE FOREGOING MAP TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREON SHOWN AS PLATTED BY ME FROM SURVEY OF THE OUTSIDE BOUNDARIES OF SAME.

*C. L. Fabian*  
C. L. FABIAN  
REGISTERED PUBLIC SURVEYOR  
MCALLEN, TEXAS

STATE OF TEXAS  
COUNTY OF HIDALGO

KNOW ALL MEN BY THESE PRESENTS: THAT I, DEE C. JENNINGS, OWNER OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE, AND CONFIRM THE FOREGOING MAP OF "JENNINGS SUBDIVISION" AND DO HEREBY DEDICATE TO THE PUBLIC THE SURFACE USE OF THE STREETS AND ALLEYS THEREON SHOWN.

*Dee C. Jennings*  
DEE C. JENNINGS

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DEE C. JENNINGS, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 22<sup>nd</sup> DAY OF April A.D. 1971.

*Nancy Schultz*  
NANCY SCHULTZ  
NOTARY PUBLIC IN AND FOR  
HIDALGO COUNTY, TEXAS

THIS PLAT APPROVED BY THE MCALLEN ZONING AND PLANNING BOARD ON THIS THE 28<sup>th</sup> DAY OF April A.D. 1971.

MCALLEN ZONING AND PLANNING BOARD  
BY: *Ben Bilbrey*  
BEN BILBREY, CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF MCALLEN, TEXAS ON THIS THE 27<sup>th</sup> DAY OF June A.D. 1971.

*Matiwidad Sanchez*  
MATIWIDAD SANCHEZ

*Jack Whetsel*  
JACK WHETSEL, MAYOR

THIS PLAT APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 3 ON THIS THE 28<sup>th</sup> DAY OF April A.D. 1971.

ATTEST  
*Fred T. Smith*  
SECRETARY

*Ann H. Hineshan*  
PRESIDENT

## EXHIBIT 3

# BICENTENNIAL HIKE AND BIKE TRAIL BEAUTIFICATION PROJECT



EXIST ROW

BICENTENNIAL BLVD

MATCHLINE STA. 0+00.00 DOVE AVE.

PROPOSED  
ADDITIONAL 25'  
ROW

PROPOSED UTILITY  
PAD ENCLOSURE

PROPO

PROPOSED DRINKING FOUNTAIN

PROPOSED BIKE RACK

PROPOSED SEATWALL

PROPOSED SHADE SHELTER

PROPOSED PAVERS

SITE

PROPOSED 4' VINYL FENCE

EXISTING SIDEWALK

Warning SWB

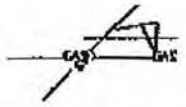
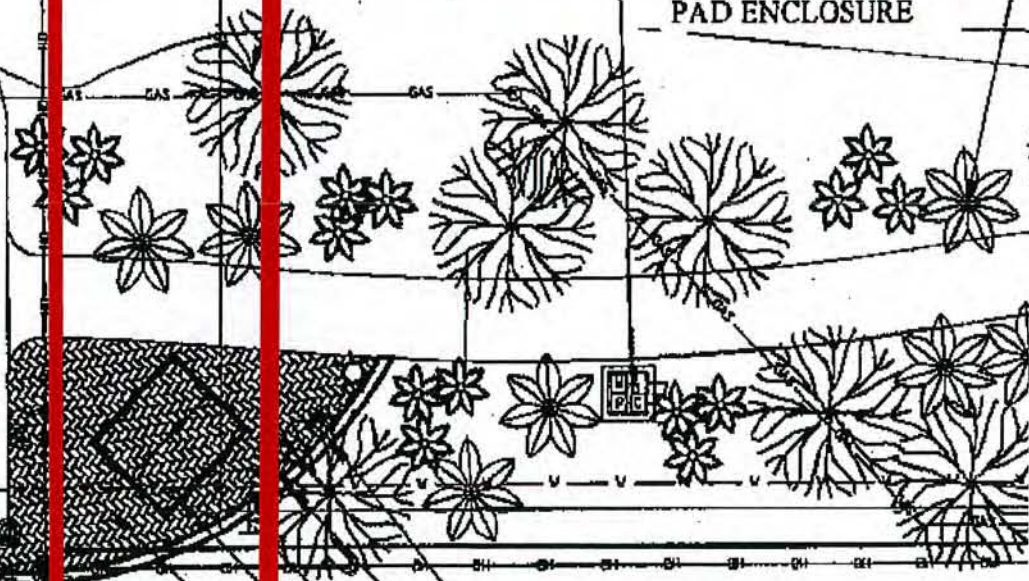
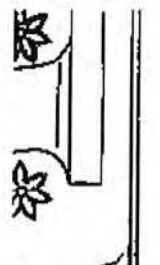
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1

2

3

4







HAWK AVE

NORTH PARK ESTATE  
GOLDCREST AV



Broadcast Tower

BICENTENNIAL BLVD

LOCATION

SUBDIVISION

PROPOSED  
LOT A-1  
NORTH PARK ESTATES  
SUBD.

FALCON AV

EAGLE AV

PROPOSED  
SUBDIVISION

DOVE AV

1  
NORTH PARK ESTATES

NORTH PARK ESTATES 2  
BLOCKS 4, 5 & 6

UNIT 3

4 CARDINAL

NORTH PARK ESTATES  
CONDOS

BLUEBIRD

K & CO

17TH ST

15TH ST

DOVE COVE  
1B





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

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

**Date:** August 6, 2013

**Subject: Project No. 07-13-SC04-85 Service Construction Contract for Drilling Services for Installation of Traffic Signal Electrical Conduit**

**GOAL**

Request authorization to award the Service Construction Contract for Drilling Services for the Installation of Traffic Signal Electrical Conduit to the low bidder as noted on the attached bid tabulation for a period of one (1) year to JD Drilling and Backhoe Services, LLC from Sinton, Texas. If awarded, staff is requesting authorization, with City Manager approval, to exercise the option to extend the contract for two (2) additional years in one (1) year increments, subject to the performance of the successful contractor being satisfactory and the unit price(s) remain unchanged. In addition, we respectfully request authorization to terminate such contract with City Manager approval and re-award affected item(s) to the next low bidder meeting the requirements of the specifications, in the event that the awarded vendor fails to meet or perform under the terms and conditions of their Service Construction Contract.

**EXPLANATION**

On June 15, 2013, the Purchasing & Contracting Department solicited formal sealed bids for a Service Construction Contract for Drilling Services for the Installation of Traffic Signal Electrical Conduit. This project was advertised in our local newspaper, as well as, the City's bidding portal (E-Bid) sending out a total of eighty-five (85) electronic bid invitations. A total of four (4) companies responded to our solicitation as depicted on the attached bid tabulation. This service construction contract provides drilling services for 2, 3 and 4 inch electrical conduit. These items will be utilized in the installation of new signal installation authorized in the current fiscal budget.

**HISTORY:**

Actual Expense 2011	Actual Expense 2012	Projected Expenses 2013
\$40,315.50	\$12,560.00	\$30,000

**OPTIONS**

1. Award a Service Construction Contract to the low bidder JD Drilling and Backhoe Services, LLC from Sinton, Texas as depicted in "Goal" area.
2. Disapprove staff's recommendation and direct staff as to course of action to follow.

**RECOMMENDATION**

Staff recommends Option No. 1







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



Conference Room (2nd Floor)

Solicitation: 07-13-SC04-85 Service Construction Contract for Drilling Services

Bid Opening: JULY 11, 2013 AT 3:00 P.M.

No.	Commodity No.	Description	UOM	QTY	PREVIOUS CONTRACT PRICING	JD DRILLING AND BACKHOE SERVICES,  SITON, TX	D & G ENERGY CORPORATION MCALLEN, TX	G & E ESCOBEDO MISSION, TX	AUSTIN TRAFFIC SIGNAL ROUND ROCK, TX
1	968-82-02001-7	DRILLING/BORING SERVICES, INSTALLATION OF 2" TRAFFIC SIGNAL ELECTRICAL CONDUIT (BORE)	LFT	500	\$10.00	 \$10.00	\$10.00	\$10.50	\$10.50
2	968-82-02002-5	DRILLING/BORING SERVICES, INSTALLATION OF 3" TRAFFIC SIGNAL ELECTRICAL CONDUIT (BORE)	LFT	1	NO PREVIOUS CONTRACT	 \$12.00	\$14.00	\$12.00	\$13.00
3	968-82-02003-3	DRILLING/BORING SERVICES, INSTALLATION OF 4" TRAFFIC SIGNAL ELECTRICAL CONDUIT (BORE)	LFT	1	\$14.00	 \$13.75	\$15.00	\$13.50	\$16.50
4	968-82-03001-6	PAYMENT BOND RATE FOR PROJECTS > \$25,000:	EA	1	3%	 5%	4%	3%	5%
5	968-82-03002-4	PERFORMANCE BOND RATE FOR PROJECTS > \$50,000	EA	1	3%	 5%	4%	3%	5%
<b>HARD COPY SUBMITTED:</b>						<b>COPY SUBMITTED</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>ELECTRONIC BID SUBMITTED:</b>						<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>

**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION   X    
 UTILITY BOARD         
 PLANNING & ZONING BOARD       

AGENDA ITEM   2I    
 DATE SUBMITTED 08/06/13  
 MEETING DATE   08/12/13  

1. Agenda Item: **Bids and Contracts:** Authorization to enter into an Interlocal Agreement with the City of Brownsville to participate in the Fiscal Year 2013-2014 South Texas Auto Theft Enforcement Task Force.

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

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

The South Texas Auto Theft Enforcement Task Force grant is awarded to the City of Brownsville through the Texas Department of Transportation, under the Texas Auto Theft Prevention Authority program, with portions of the award going to each participating agency. The McAllen Police Department, as a participating entity, will receive \$292,408 in State funds and will contribute a match of \$202,632 for a combined total cost of \$495,040. Grant funds will offset a portion of salaries and benefits for one sergeant, five investigators, and one full-time secretary for the Police Department's Auto Theft Task Force. The Agreement is effective from September 1, 2013 through August 31, 2014.

4. Policy Implication:   None  

5. Budgeted:   X   Yes    No    N/A

6. Alternate Option/Costs:       

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
b) Victor Rodriguez, Chief of Police	<u>  VR  </u>	<u>  8-06-13  </u>	<u>  YES  </u>

8. Staff Recommendation: Authorization to enter into an Interlocal Agreement for participation in the South Texas Auto Theft Enforcement Task Force for Fiscal Year 2013-2014.

9. Advisory Board:        Approved        Disapproved        None

10. City Attorney:   IP   Approved        Disapproved        None

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



**CITY OF MCALLEN  
GRANT ADMINISTRATION OFFICE  
MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Carla M. Rodriguez, Director of Grant Administration *CMR*  
**Date:** August 6, 2013  
**Subject:** Interlocal Agreement for FY 2013-2014 South Texas Auto Theft Enforcement Task Force

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**GOAL:**  
Obtaining authorization to enter into an Interlocal Agreement with the City of Brownsville to participate in the Fiscal Year 2013-2014 South Texas Auto Theft Enforcement Task Force.

**BRIEF EXPLANATION OF THE ITEM:**  
The South Texas Auto Theft Enforcement Task Force grant is awarded to the City of Brownsville through the Texas Department of Transportation, under the Texas Auto Theft Prevention Authority program, with portions of the award going to each participating agency. The McAllen Police Department, as a participating entity, will receive \$292,408 in State funds and will contribute a match of \$202,632 for a combined total cost of \$495,040. Grant funds will offset a portion of salaries and benefits for one sergeant, five investigators, and one full-time secretary for the Police Department's Auto Theft Task Force. The Agreement is effective from September 1, 2013 through August 31, 2014.

**OPTIONS:**  
Option 1: Authorizing entrance into the Interlocal Agreement for participation in the STATETF will allow the City to receive grant funding to continue auto theft enforcement.

Option 2: Not approving the Interlocal Agreement will result in the loss of 1) supplemental funding for the McAllen Police Department auto theft efforts, and 2) the collaboration and mutual aid of the other participating police departments and law enforcement entities that collaborate to provide information, intelligence, and intervention to prevent vehicles from being stolen and to recover vehicles that have already been stolen.

**RECOMMENDATION:** Staff recommends the execution of the Interlocal Agreement for participation in the Fiscal Year 2013-2014 South Texas Auto Theft Enforcement Task Force.

Attachments

**SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE  
BUDGET DIGEST  
FOR  
MCALLEN POLICE DEPARTMENT  
FY 2014**

	<u>ATPA</u>	<u>PROGRAM INCOME</u>	<u>CASH</u>	<u>IN-KIND</u>	<u>TOTAL</u>
SALARIES	292,408.00	-	106,849.00	-	399,257.00
OVERTIME	-	-	-	-	-
TMRS	-	-	24,834.00	-	24,834.00
FICA	-	-	24,754.00	-	24,754.00
INSURANCE	-	-	20,580.00	-	20,580.00
WORKMAN'S COMP	-	-	22,300.00	-	22,300.00
UNEMPLOYMENT COMP	-	-	315.00	-	315.00
LONGEVITY *	-	-	-	-	-
EDUCATIONAL INCENT. *	-	-	-	-	-
ASSIGNMENT PAY	-	-	-	-	-
CLOTHING ALLOWANCE	-	-	-	-	-
VEHICLE LEASE	-	-	-	-	-
FUEL/MILEAGE	-	-	-	-	-
MOBILE PHONES	-	-	-	-	-
OFFICE PHONES	-	-	-	-	-
OFFICE LEASE	-	-	-	-	-
SUPPLIES	-	-	3,000.00	-	3,000.00
PAGERS	-	-	-	-	-
C/I FUNDS	-	-	-	-	-
<b>TOTAL</b>	<u>292,408.00</u>	<u>-</u>	<u>202,632.00</u>	<u>-</u>	<u>495,040.00</u>

\* Longevity, and Educational Incentative are included in salary



THE STATE OF TEXAS        } {

CITY OF BROWNSVILLE    } {

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF BROWNSVILLE, TEXAS, THE CAMERON COUNTY TAX ASSESSORS OFFICE, CAMERON COUNTY DISTRICT ATTORNEY'S OFFICE, THE CITY OF MCALLEN, TEXAS, THE CITY OF PHARR, TEXAS AND THE CITY OF EDINBURG, TEXAS REGARDING A MUTUAL AID (BURGLARY AND THEFT OF MOTOR VEHICLE) LAW ENFORCEMENT TASK FORCE TO COOPERATE IN CERTAIN CRIMINAL INVESTIGATIONS**

**THIS CONTRACT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, in the City of Brownsville, State of Texas, pursuant to the Interlocal Cooperation Act, Art. 4413 (32C), Tex. Rev. Civ. Stat. (Vernon's 1976), regarding Law Enforcement Services Provided Through Cooperation of Municipalities, Counties, and certain other local Governments, between: (1) the City of Brownsville, an incorporated home-rule municipality of the State of Texas, having its principal administrative offices at 1001 E. Elizabeth, Brownsville, Cameron County, Texas 78520, acting through the Brownsville City Commission, (2) the Cameron County Tax Assessors Office, having its principal administrative offices located at 964 E. Harrison St., Brownsville, Cameron County, Texas 78520, acting through the Cameron County Commissioners Court, (3) the Cameron County District Attorney's Office, having its principal administrative office located at 964 E. Harrison St., Brownsville, Cameron County, Texas 78520, acting through the Cameron County Commissioners Court, (4) the City of McAllen, an incorporated home-rule municipality of the State of Texas, having its principal administrative offices at 1300 West Houston, McAllen, Hidalgo County, Texas 78501, acting through the McAllen City Commission, (5) the City of Pharr, an incorporated home-rule municipality of the State of Texas, having its principal administrative offices at 118 S. Cage, Pharr, Hidalgo County, Texas 78577, acting through the Pharr City Commission, (6) the City of Edinburg, an incorporated home-rule municipality of the State of Texas, having its principal administrative offices at 210 W McIntyre, Edinburg, Hidalgo County, Texas 78540, acting through the Edinburg City Commission.**

**WHEREAS, CAMERON and HIDALGO COUNTIES have been plagued by an increase in motor vehicle theft crimes because of its proximity to the international border with Mexico, and the utilization of this area as a well-traveled route for stolen motor vehicles into the interior of Mexico.**

**WHEREAS, to continue to combat this state and county problem, working with the appropriate agencies and officials of the State of Texas, the Automobile Burglary and Theft Prevention Authority has budgeted certain monies to be funneled to local governments for use in fighting such motor vehicle theft crime problems.**

**WHEREAS, THE CITY OF BROWNSVILLE, several counties and municipalities therein jointly applied, through THE CITY OF BROWNSVILLE, for a share of these monies, to be used in establishing the SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE to combat said motor vehicle theft crime problems.**

**WHEREAS, the AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY which is administering such funds on behalf of the State of Texas has authorized a grant in the sum of \$1,043,336 to be awarded to THE CITY OF BROWNSVILLE and the said participating counties and municipalities for such purposes.**

**WHEREAS, it is necessary for THE CITY OF BROWNSVILLE, THE CAMERON COUNTY TAX ASSESSORS OFFICE, THE CAMERON COUNTY DISTRICT ATTORNEY'S OFFICE, THE CITY OF MCALLEN, CITY OF PHARR AND THE CITY OF EDINBURG to establish a working relationship to best utilize the said grant and to combat motor vehicle burglary and theft , and to then reduce such relationship to writing in the form of an Interlocal Agreement.**

**NOW, THEREFORE, for and in consideration of the premises and the mutual promises of the parties and mutual benefits they will gain by the performance thereof, all in accordance with the provisions hereinafter set forth, THE CITY OF BROWNSVILLE, THE CAMERON COUNTY TAX ASSESSORS, THE CAMERON COUNTY DISTRICT ATTORNEYS OFFICE, THE CITY OF MCALLEN, THE CITY OF PHARR AND THE CITY OF EDINBURG AGREE AS FOLLOWS:**

**I.**

**PURPOSE OF AGREEMENT**

**The purpose of the agreement is the establishment of the SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE by the above-named parties to utilize a grant from the State of Texas to combat motor vehicle theft crimes throughout Cameron County, Texas and Hidalgo County, Texas. To this extent, the above-named parties, pursuant to action taken by the governing bodies of said parties at duly-scheduled open meetings of same (by resolution of order, as appropriate) have entered into this Agreement to form a mutual aid law enforcement task force to cooperate in motor vehicle theft criminal investigations, whereby certain peace officers employed by said parities (as covered by this Agreement) will have the additional investigative authority throughout said counties as set forth in the Agreement, which shall provide for the compensation of the peace officers involved in the activities of the Task Force, which shall be known as the SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE.**

**II.**

**PERSONNEL AND EQUIPMENT**

**The SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE shall consist of the following personnel, assigned by the respective entities set forth hereinafter: (1) Detectives/ Investigators/Officer, not more than TWENTY-FOUR (24), and One criminal prosecutor at any one time, assigned to the Task Force by the Brownsville Police Department, Cameron County Tax Assessors Office, Cameron County District Attorney's**

Office, McAllen Police Department, Pharr Police Department, and Edinburg Police Department, the final assignments to be approved by the Board of Governors pursuant to administrative provisions below; and (1) one Administrative Assistant/Secretary to be selected by the TASK FORCE COORDINATOR with the approval of the TASK FORCE'S Board of Governors pursuant to the administrative provisions below, who is an employee of the City of Brownsville assigned to the Task Force pursuant to the said state grant. The personnel, supplies, and direct operating expenses for the Task Force shall be financed pursuant to and by the aforesaid state grant; a copy of the Budget Schedule there under being annexed hereto as Exhibit "A", which is incorporated by reference herein. The Task Force Coordinator and all other personnel assigned by the parties to this Agreement shall remain the employees of the party making such assignment and shall not, by virtue of serving on the South Texas Auto Theft Enforcement Task Force, be considered as employees, agents, or servants, of the Board of Governors, of the South Texas Auto Theft Enforcement Task Force, or of any party to this agreement other than the party making said assignment.

### III.

#### ADMINISTRATION

The SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE is to be supervised by a Board of Governors, which shall consist of one representative for each of the Six participating municipalities or counties (i.e., parties to this agreement), and the City of Brownsville, for a total of Six members; each of the said Six entities shall select a representative in any manner deemed to serve the interest of said entity which complies with any pertinent law, preferably the Chief of Police, the County Sheriff, or one of their department supervisors. The said Board of Governors shall adopt rules and regulations relating to the administration, operation and procedures of the TASK FORCE within the parameters of this Agreement and any pertinent law; such rules and regulations shall be formally adopted by the Board in compliance with the Texas Open Meetings Act, be reduced to writing, and be maintained as part of the records of the Board of Governors. The Board of Governors will cooperate with the officials and agents of the City of Brownsville in connections with the administration of the said grant in connection with purchasing, auditing, and any other financial or administrative matters required by said grant or any pertinent law.

### IV.

#### EXTENT OF AUTHORITY

A law enforcement officer covered by this Agreement may make an arrest anywhere outside the jurisdiction in which the officer is or would be regularly employed, throughout Cameron, and Hidalgo Counties and any other area where such arrest is authorized by law. As required by statute, the law enforcement agencies of the area where the said arrest is made shall be notified of the said arrest without delay, and the notified agency shall make available the notice to the arrest in the same manner as if the arrest were made by a member of that agency.

V.

**EMPLOYEE STATUS**

A law enforcement officer regularly employed by another municipality (i.e. city or county) shall remain the employee of such municipality but shall be considered, for the purpose of making an arrest at any location throughout Cameron and Hidalgo County, to be in service of the SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE and a peace officer in and about Cameron and Hidalgo County under the command and supervision of the TASK FORCE COORDINATOR. Accordingly, the officer has all the powers of a regular law enforcement officer anywhere in Cameron and Hidalgo, County; to this extent, qualification for office in the municipality (i.e., city or county) or regular employment constitutes qualification for office anywhere in Cameron and Hidalgo Counties, and no additional oath, bond, or compensation is needed. The party who assigns a peace officer to the SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE or that regularly employs the TASK FORCE COORDINATOR shall remain solely responsible for the health, safety, acts or omissions of that assigned peace officer or TASK FORCE COORDINATOR.

VI.

**COMPENSATION**

The officers serving on the SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE are entitled to the same wages, salary, pension, and other compensation and rights, including injury or death benefits, as if the service were rendered in the municipality (i.e., city or county) of the officer's regular employment. Moreover, the officer is also entitled to payment for any reasonable expenses incurred for travel, food or lodging while on duty outside the limits of the territory of the officer's regular employment. To this extent, the officers serving on the TASK FORCE will be compensated in accordance with the salary schedule (which is annexed hereto as Exhibit "A") incorporated into the Budget, as administered by the Board of Governors. Moreover, the municipality (i.e., city or county) regularly employing said officers; shall pay (subject to reimbursement pursuant to the procedures established under the aforesaid state grant, after the payment is made and reimbursement is requested), all wages and disability payments, pension payments, damages to equipment and clothing, medical expenses, and travel, food, lodging and vehicle lease.

VII.

**TERM OF AGREEMENT**

This agreement will be effective from September 1, 2013 to August 31, 2014, at which time, said Agreement will terminate. Upon mutual agreement of the parties, set forth in writing and signed by the (participating) parties, assuming that funds are available to do so, this Agreement may be continued, on the same terms, for such periods as desired or is feasible, until modified by subsequent amendment. This Agreement, subject to applicable law and restrictions contained in the aforesaid state grant, may be terminated at any time by mutual agreement of the parties, set forth in writing and signed by the parties.



## **VIII.**

### **FUNDING**

The said parties paying for the performance of the aforesaid governmental functions or services shall make payment therefore from current revenues available to the paying party.

## **IX.**

### **COMPLIANCE WITH ALL LAWS**

All parties to this Agreement will act, at all times in compliance with all pertinent City and County ordinances, orders, regulations and policies, as well as all applicable State and Federal laws.

## **X.**

### **ENTIRE AGREEMENT**

This instrument contains the entire agreement between the parties relating to the rights herein granted and obligations herein assumed. Any oral presentations or modifications concerning this instrument shall be of no force or effect, excepting a subsequent modification in writing, signed by the party to be charged.

## **XI.**

### **BREACH OF OBLIGATION**

This Agreement is entire as to all of the performances to be rendered under it. Breach of any obligation to be performed by any party shall constitute a breach of the entire Agreement and shall give the other parties the right to terminate this Agreement.

**XII.**

**LAW GOVERNING; VENUE**

**This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. The obligations and undertaking of each of the parties to this Agreement shall be performable in Cameron and Hidalgo Counties, Texas.**

**EXECUTED by the respective parties singularly on an identical duplicate of this document on the dates stated below at the office or facility of the said county's or municipality governing body in Cameron and Hidalgo, County, Texas.**

**CITY OF BROWNSVILLE, TEXAS**

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

**Antonio Martínez, Mayor**

**(On \_\_\_\_\_, 2013)**

**ATTEST:**

\_\_\_\_\_  
**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**COUNTY OF CAMERON, TEXAS**

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

**Carlos H. Cascos, County Judge**

**(On \_\_\_\_\_, 2013)**

**ATTEST**

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**CITY OF MCALLEN, TEXAS**

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

**James Darling, Mayor**

(On \_\_\_\_\_, 2013)

**ATTEST:**

\_\_\_\_\_  
**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**CITY OF PHARR, TEXAS**

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

**Leopoldo Palacios Jr, Mayor**

(On \_\_\_\_\_, 2013)

**ATTEST:**

\_\_\_\_\_  
**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**CITY OF EDINBURG, TEXAS**

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

**Richard Garcia, Mayor**

(On \_\_\_\_\_, 2013)

**ATTEST:**

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

## COOPERATIVE WORKING AGREEMENT

This is to certify that the objectives of the **Brownsville Police Department - South Texas Auto Theft Enforcement Task Force** grant application for fiscal year funding by the Texas Automobile Burglary and Theft Prevention Authority of the Governor's Office have been reviewed and it is hereby mutually agreed to cooperate to whatever extent is necessary in carrying out the approved work plan.

Additionally, **The Brownsville Police Department** is cognizant of the rules and regulations governing the operation of the grant and hereby agrees to abide by any and all such rules or special conditions relating to the grant.

---

Orlando Rodriguez  
Chief of Police  
Brownsville Police Department

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



## ASSURANCES CERTIFICATION

I certify that the programs proposed in this application meet all the requirements of the Texas Automobile Burglary and Theft Prevention Authority Program, that all the information presented is correct, and that the applicant will comply with the provisions of the Texas Automobile Burglary and Theft Prevention Authority and all other federal and state laws, regulations, and guidelines. By appropriate language incorporated in each grant, sub-grant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions above apply to all recipients of assistance.

---

Authorized Official  
Antonio Martinez, Mayor  
Brownsville, Texas 78520

---

Date

## COOPERATIVE WORKING AGREEMENT

This is to certify that the objectives of the **Brownsville Police Department - South Texas Auto Theft Enforcement Task Force** grant application for fiscal year funding by the Texas Automobile Burglary and Theft Prevention Authority of the Governor's Office have been reviewed and it is hereby mutually agreed to cooperate to whatever extent is necessary in carrying out the approved work plan.

Additionally, **The McAllen Police Department** is cognizant of the rules and regulations governing the operation of the grant and hereby agrees to abide by any and all such rules or special conditions relating to the grant.

\_\_\_\_\_  
Orlando Rodriguez  
Chief of Police  
Brownsville Police Department

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

  
\_\_\_\_\_  
Victor Rodriguez  
Chief of Police  
McAllen Police Department

Date: 04 05 13

## ASSURANCES CERTIFICATION

I certify that the programs proposed in this application meet all the requirements of the Texas Automobile Burglary and Theft Prevention Authority Program, that all the information presented is correct, and that the applicant will comply with the provisions of the Texas Automobile Burglary and Theft Prevention Authority and all other federal and state laws, regulations, and guidelines. By appropriate language incorporated in each grant, subgrant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions above apply to all recipients of assistance.

---

Authorized Official  
James Darling, Mayor  
City of McAllen, Texas 78501

---

Date

## COOPERATIVE WORKING AGREEMENT

This is to certify that the objectives of the **Brownsville Police Department - South Texas Auto Theft Enforcement Task Force** grant application for fiscal year funding by the Texas Automobile Burglary and Theft Prevention Authority of the Governor's Office have been reviewed and it is hereby mutually agreed to cooperate to whatever extent is necessary in carrying out the approved work plan.

Additionally, **The Pharr Police Department** is cognizant of the rules and regulations governing the operation of the grant and hereby agrees to abide by any and all such rules or special conditions relating to the grant.

---

Orlando Rodriguez  
Chief of Police  
Brownsville Police Department

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Ruben Villescás  
Chief of Police  
Pharr Police Department

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

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



## ASSURANCES CERTIFICATION

I certify that the programs proposed in this application meet all the requirements of the Texas Automobile Burglary and Theft Prevention Authority Program, that all the information presented is correct, and that the applicant will comply with the provisions of the Texas Automobile Burglary Theft Prevention Authority and all other federal and state laws, regulations, and guidelines. By appropriate language incorporated in each grant, subgrant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions above apply to all recipients of assistance.

---

Authorized Official  
Leopoldo Palacios Jr, Mayor  
City of Pharr, Texas 78577

---

Date

## COOPERATIVE WORKING AGREEMENT

This is to certify that the objectives of the **Brownsville Police Department - South Texas Auto Theft Enforcement Task Force** grant application for fiscal year funding by the Texas Automobile Burglary and Theft Prevention Authority of the Governor's Office have been reviewed and it is hereby mutually agreed to cooperate to whatever extent is necessary in carrying out the approved work plan.

Additionally, **The Cameron County Tax Assessors Office** is cognizant of the rules and regulations governing the operation of the grant and hereby agrees to abide by any and all such rules or special conditions relating to the grant.

\_\_\_\_\_  
Orlando Rodriguez  
Chief of Police  
Brownsville Police Department

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

\_\_\_\_\_  
Tony Yzaguirre, Jr.  
Tax Assessor Collector  
Cameron County

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

## ASSURANCES CERTIFICATION

I certify that the programs proposed in this application meet all the requirements of the Texas Automobile Burglary and Theft Prevention Authority Program, that all the information presented is correct, and that the applicant will comply with the provisions of the Texas Automobile Burglary and Theft Prevention Authority and all other federal and state laws, regulations, and guidelines. By appropriate language incorporated in each grant, sub-grant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions above apply to all recipients of assistance.

---

Authorized Official  
Judge Carlos H. Cascos  
Cameron County

---

Date

## COOPERATIVE WORKING AGREEMENT

This is to certify that the objectives of the **Brownsville Police Department - South Texas Auto Theft Enforcement Task Force** grant application for fiscal year funding by the Texas Automobile Burglary and Theft Prevention Authority of the Governor's Office have been reviewed and it is hereby mutually agreed to cooperate to whatever extent is necessary in carrying out the approved work plan.

Additionally, **The Cameron County District Attorney's Office** is cognizant of the rules and regulations governing the operation of the grant and hereby agrees to abide by any and all such rules or special conditions relating to the grant.

\_\_\_\_\_  
Orlando Rodriguez  
Chief of Police  
Brownsville Police Department

\_\_\_\_\_  
Luis V. Saenz  
District Attorney  
Cameron County

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

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



## ASSURANCES CERTIFICATION

I certify that the programs proposed in this application meet all the requirements of the Texas Automobile Burglary and Theft Prevention Authority Program, that all the information presented is correct, and that the applicant will comply with the provisions of the Texas Automobile Burglary and Theft Prevention Authority and all other federal and state laws, regulations, and guidelines. By appropriate language incorporated in each grant, sub-grant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions above apply to all recipients of assistance.

---

Authorized Official  
Judge Carlos H. Cascos  
Cameron County

---

Date

## COOPERATIVE WORKING AGREEMENT

This is to certify that the objectives of the **Brownsville Police Department - South Texas Auto Theft Enforcement Task Force** grant application for fiscal year funding by the Texas Automobile Burglary and Theft Prevention Authority of the Governor's Office have been reviewed and it is hereby mutually agreed to cooperate to whatever extent is necessary in carrying out the approved work plan.

Additionally, **The Edinburg Police Department** is cognizant of the rules and regulations governing the operation of the grant and hereby agrees to abide by any and all such rules or special conditions relating to the grant.

\_\_\_\_\_  
Orlando Rodriguez  
Chief of Police  
Brownsville Police Department

\_\_\_\_\_  
Rolando Castañeda  
Chief of Police  
Edinburg Police Department

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

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

## ASSURANCES CERTIFICATION

I certify that the programs proposed in this application meet all the requirements of the Texas Automobile Burglary and Theft Prevention Authority Program, that all the information presented is correct, and that the applicant will comply with the provisions of the Texas Automobile Burglary and Theft Prevention Authority and all other federal and state laws, regulations, and guidelines. By appropriate language incorporated in each grant, subgrant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions above apply to all recipients of assistance.

---

Authorized Official  
Richard Garcia, Mayor  
City of Edinburg, Texas 78539

---

Date

**SPECIAL CONDITION**

**CONFIDENTIAL FUNDS CERTIFICATION**

TO: Texas Automobile Burglary and Theft Prevention Authority  
Attn: A.B.T.P.A. Director  
4000 Jackson Avenue  
Austin, Texas 78779-0001

FROM: Name: Juan A. Hernandez

Position: Commander

Grant Title: South Texas Auto Theft Enforcement Task Force

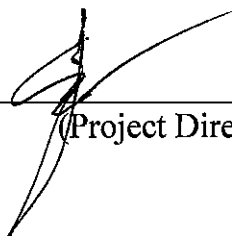
Location: 600 E. Jackson St., Brownsville, Tx. 78520

Grant #: SA-T01-10041-14

SUBJECT: Disbursement of Funds for Confidential Expenditures

This is to certify that I have read, understand, and agree to abide by all of the conditions for confidential funds as set forth in this attachment.

Signature: \_\_\_\_\_



(Project Director)

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

7/30/13



**SPECIAL CONDITION**

## Non Supplanting Certification

I certify that the programs proposed in this application meet all the requirements of the Texas Civil Statutes, Article 4413(32a), §6(a)(7), (a) Texas Civil Statutes, Article 4413(32a), §6(a)(7), requires that state funds provided by this Act shall not be used to supplant state or local funds. Public Law 98-473 requires that federal funds provided by that Act shall not be used to supplant state or local funds.

I further certify that ABTPA funds have not been used to replace state or local funds that would have been available in the absence of ABTPA funds. The certification shall be incorporated in each grantee's report of expenditure and status of funds referred to under §57.3(6) of this title (relating to Adoption by Reference).

---

AUTHORIZED OFFICIAL  
Charlie Cabler

---

DATE

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City of Brownsville  
GRANTEE

**SPECIAL CONDITIONS**

## District Attorney Contract

**WHEREAS**, the office of the County and District Attorney of Cameron County, Texas, and the South Texas Auto Theft Enforcement Task Force are desirous of entering into a contract between the parties regulating the disposition of property and monies (as defined by law) seized by the Task Force pursuant to civil and criminal statutes of the State of Texas; and,

**WHEREAS**, the parties to this contract are identified as the County and District Attorney of Cameron County, Texas (hereafter referred to as the District Attorney); and the South Texas Auto Theft Enforcement Task Force, being that group organized pursuant to a grant by and through the Automobile Theft Preventive Authority (hereinafter referred to as the Task Force); and,

**WHEREAS**, the County and District Attorney of Cameron County, Texas has the duty to represent the State of Texas regarding forfeitures of property pursuant to various civil and criminal statutes; and,

**WHEREAS**, the Task Force has the duty to provide law enforcement service with particular emphasis on auto theft related offenses; and,

**NOW, THEREFORE**, it is mutually agreed by and between the County and District Attorney of Cameron County, Texas and the Task Force, as follows:

1. The County and District Attorney shall diligently pursue all forfeiture actions which arise from operations initiated and investigated by the County and District Attorney of Cameron County, Texas and the Task Force, as follows:
  - a. Upon seizure of funds or property by the Task Force under the provisions of law, The Task Force shall provide for the custody of the seized funds or property until final disposition of the forfeiture action.
  - b. Upon final disposition of the Forfeiture action, all funds and all property attributable to the efforts of the Task Force shall be awarded to the Task force.
2. All property and funds awarded to the Task Force under forfeiture action represent Program Income (see ABTPA Grant Application). Up to the total grant amount of \$40,000.00 (Forty thousand dollars and no cents) these funds shall be added to the funds committed to the project in accordance with the Uniform Grant Management Standards, Subpart C, Section 25, Paragraph (g) (2). Any Program Income (forfeiture, etc.) in excess of the total grant award amount may be retained by the grantee with ABTPA approval and must be used for purposes that further the objectives of the project.

(c) This agreement shall be in effect for the term of the Task Force grant award dates, \_\_\_\_\_ 20\_\_\_\_, to \_\_\_\_\_, 20\_\_\_\_.  
It is Agreed and Noted.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DISTRICT/COUNTY ATTORNEY

\_\_\_\_\_  
GRANT PROJECT DIRECTOR

\_\_\_\_\_ County, Texas

\_\_\_\_\_  
TASK FORCE

Standardized Recommendation Form

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

Agenda Item   2J    
Date Submitted   08/06/13    
Meeting Date   08/12/13  

1. Agenda Item:   CONSIDERATION OF REQUEST TO AMEND THE POSTED SPEED LIMIT ON PECAN BOULEVARD BETWEEN 10<sup>TH</sup> STREET AND 23<sup>RD</sup> STREET. (BY ORDINANCE)  

2. Party Making Request:   Traffic Operations  

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

  Consideration of request to amend the posted speed limit on Pecan Boulevard between 10<sup>th</sup> Street and 23<sup>rd</sup> Street.  

4. Policy Implication:   City Commission approval needed.  

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

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

\* Approximate Annual Contract Amount

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

7. Routing:

	<u>  NAME/TITLE  </u>	<u>  INITIAL  </u>	<u>  DATE  </u>	<u>  CONCURRENCE  </u>
a)	<u>  Roel Rodriguez, P.E. Asst. City Manager  </u>	<u>  RR  </u>	<u>  08/06/13  </u>	<u>  X  </u> Yes <u>  </u> No
b)	<u>  Yvette Barrera, P.E., CFM City Engineer  </u>	<u>  YB  </u>	<u>  08/06/13  </u>	<u>  X  </u> Yes <u>  </u> No
c)	<u>  Eduardo Mendoza, P.E., PTOE Director of Traffic Operations  </u>	<u>  EM  </u>	<u>  08/06/13  </u>	<u>  X  </u> Yes <u>  </u> No

8. Staff's Recommendation:   That the ordinance designating the maximum speed limit be amended to set the speed limits on Pecan Boulevard as proposed.  

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

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

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

To: Mike Perez, City Manager

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

Date: August 6, 2013

Subject: Agenda Item- Ordinance Amending the Speed Limit to increase the posted speed limits on Pecan Boulevard between 10<sup>th</sup> Street and 23<sup>rd</sup> Street

**GOAL**

Amend the posted speed limit on Pecan Boulevard between 10<sup>th</sup> Street and 23<sup>rd</sup> Street.

**EXPLANATION**

Traffic Commission Member Carlos F. Garza requested an increase of the posted speed limit on the segment of Pecan Boulevard (FM 495) between N. 10<sup>th</sup> Street (SH 336) and N. 23<sup>rd</sup> Street (FM 1926). This segment currently has a posted speed limit of 30 mph. The segment of Pecan Boulevard east of N. 10<sup>th</sup> Street currently has a posted speed limit of 35 mph, and the segment of Pecan Boulevard west of N. 23<sup>rd</sup> Street currently has a posted speed limit of 35 mph. An aerial map is included for your review.

**Proposed:**

Based on the results of study, and with a positive recommendation from the Traffic Commission, we propose to amend ordinance to revise the speed limit as follows:

*Pecan Boulevard.* The maximum speed limit on Pecan Boulevard shall be as follows:

Beginning at a point at the west city limit lines on Taylor Road, east to the west line of Ware Road, the maximum speed limit shall be 45 miles per hour.

~~From the west line of Ware Road to a point 150 feet west of the centerline F.M. 1926 (23rd Street), the maximum speed limit shall be 35 miles per hour.~~

~~From a point 150 feet west of the centerline of F.M. 1926 (23rd Street), proceeding east to a point 870 feet east of the centerline of S.H. 336 (Tenth Street), the maximum speed limit shall be 30 miles per hour.~~

~~From a point 870 feet east of the centerline of S.H. 336 (Tenth Street), to a point 500 feet east of the centerline of Second Street, the maximum speed limit shall be 35 miles per hour.~~

From a point 500 feet east of the centerline of Second Street, proceeding east to the east city limits at Jackson Road, the maximum speed limit shall be 45 miles per hour.

**OPTIONS**

1. Approve proposed speed limit amendment.
2. Disapprove proposed speed limit amendment.

**RECOMMENDATION**

Staff recommends that the speed limit be amended to set the speed limits on Pecan Boulevard between 10<sup>th</sup> Street as proposed.

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



# Pecan Blvd. (FM 495) Speed Zone Study Results

Off-peak Hour Manual Radar Counts:

85 <sup>th</sup> Percentile Speeds (mph)			
Segment	Direction	Observed	Recommended
<b>Between 10<sup>th</sup> Street and Bicentennial Boulevard</b>	<b>Eastbound</b>	36	35
	<b>Westbound</b>	34	
<b>Between Bicentennial Boulevard and 23<sup>rd</sup> Street</b>	<b>Eastbound</b>	37	35
	<b>Westbound</b>	40	

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF McALLEN CHAPTER 102, ARTICLE V, DIVISION 3, SEC. 102-188, SUBSECTION (B), IS HEREBY AMENDED BY CHANGING THE SPEED LIMITS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 FOR ANY VIOLATION THEREOF; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

**SECTION I:** The Code of Ordinances of the City of McAllen, CHAPTER 102 ("TRAFFIC AND VEHICLES"), ARTICLE V ("OPERATION OF VEHICLES"), DIVISION 3 ("SPEED LIMITS"), SECTION 102-188 ("MAXIMUM LIMITS ON SPECIFIC STREETS") at Subsection (b) is hereby amended, in part, as follows:

(b) The following speed limits have been found to be reasonable and prudent, subject to the additional limitations of section 102-187(b), for those portions of the streets set forth in this subsection: [...]

*Pecan Boulevard.* The maximum speed limit on Pecan Boulevard shall be as follows:

Beginning at a point at the west city limit lines on Taylor Road, east to the west line of Ware Road, the maximum speed limit shall be 45 miles per hour.

From the west line of Ware Road ~~to a point 150 feet west of the centerline F.M. 1926 (23rd Street)~~, the maximum speed limit shall be 35 miles per hour.

~~From a point 150 feet west of the centerline of F.M. 1926 (23rd Street), proceeding east to a point 870 feet east of the centerline of S.H. 336 (Tenth Street), the maximum speed limit shall be 30 miles per hour.~~

~~From a point 870 feet east of the centerline of S.H. 336 (Tenth Street), to a point 500 feet east of the centerline of Second Street, the maximum speed limit shall be 35 miles per hour.~~

From a point 500 feet east of the centerline of Second Street, proceeding east to the east city limits at Jackson Road, the maximum speed limit shall be 45 miles per hour.

**SECTION II:** This ordinance shall become effective upon its passage and upon the placement of the appropriate signs by the traffic safety coordinator.

**SECTION III:** A violation of any of the provisions of this Ordinance shall, upon conviction thereof, be punishable by a fine of up to \$500.00 per violation.

**SECTION IV:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the contents of Sections I hereof to be published, added and/or deleted in the appropriate location in the Code of Ordinances of the City of McAllen.

**SECTION V:** 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 Publication of Ordinances.

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

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

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

CITY OF McALLEN

By: \_\_\_\_\_  
Jim Darling, Mayor

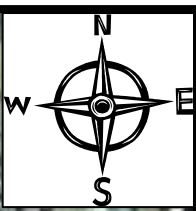
Attest:

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

Approved as to form:

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





N. 23<sup>rd</sup> Street (FM 1926)

Bicentennial Boulevard

N. 10<sup>th</sup> Street (SH 336)

Pecan Boulevard (FM 495)

Existing  
SPEED LIMIT  
35

SPEED LIMIT  
30 Existing  
SPEED LIMIT  
35 Proposed

Proposed  
SPEED LIMIT  
35  
Existing  
SPEED LIMIT  
30

SPEED LIMIT  
30 Existing  
SPEED LIMIT  
35 Proposed

Proposed  
SPEED LIMIT  
35  
Existing  
SPEED LIMIT  
30

SPEED LIMIT  
35 Existing





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

<u>CITY COMMISSION</u>	<u>X</u>	AGENDA ITEM	<u>2K</u>
UTILITY BOARD	_____	DATE SUBMITTED	<u>8-6-13</u>
PLANNING & ZONING COMMISSION	_____	MEETING DATE	<u>8-12-13</u>
OTHER			

1. Agenda Item: ORDINANCE

2. Party Making Request: KEVIN D. PAGAN, CITY ATTORNEY

3. Nature of Request: (Brief Overview) ATTACHMENT: x YES \_\_\_\_\_ NO  
CONSIDERATION AND POSSIBLE ACTION ON ORDINANCE ADOPTING  
 SETTLEMENT OF TEXAS GAS SERVICE COST OF SERVICE FILING.

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

5. Budgeted: \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ N/A

FUND:

Bid Amount: \$ \_\_\_\_\_

Budgeted Amount: \$ N/A

Under Budget: \$ \_\_\_\_\_

Over Budget: \$ \_\_\_\_\_

Amount Remaining: \$ \_\_\_\_\_

If over budget how will it be paid for:

6. Alternate option/costs:

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
				<u>YES/NO</u>
a.)	Kevin D. Pagan City Attorney	<u>KP</u>	_____	<u>yes</u>
b.)	_____	_____	_____	_____

8. Staff recommendation:

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

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

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





# CITY OF MCALLEN

City Attorney's Office

**TO:** Mayor and City Commission  
**FROM:** Kevin D. Pagan, City Attorney  
**cc:** Mike R. Perez, City Manager  
**DATE:** August 6, 2013  
**SUBJECT:** Texas Gas Service Cost of Service Filing

---

We are proposing to accept the gas service rate increase as per the outside counsel, Geoffrey Gay. The effect on a typical residential customer will be approximately 79 cents a month. The effect on other customers is shown on Exhibit "1" attached to this memo.

For a detailed description of the recommendation, please see Mr. Gay's memo of July 24, 2013 which is attached.

EXHIBIT "1"

Customer Class	<u>Current</u>		<u>New</u>		Customer Charge	<u>Increase</u>		RGVSA Average Monthly Customer Bill Increase
	Customer Charge	Volumetric (per Ccf) Rate	Customer Charge	Volumetric (per Ccf) Rate		Volumetric (Ccf) Increase	Customer Charge Increase	
Residential	\$ 11.25	\$ 0.41335	\$ 11.25	\$ 0.47124	\$ -	\$ 0.05789	\$ 0.79	
Commercial	\$ 31.25	\$ 0.30273	\$ 31.25	\$ 0.34415	\$ -	\$ 0.04142	\$ 15.71	
Church	\$ 18.75	\$ 0.30273	\$ 18.75	\$ 0.34415	\$ -	\$ 0.04142	\$ 1.28	
Industrial	\$ 66.85	\$ 0.35258	\$ 66.85	\$ 0.40323	\$ -	\$ 0.05065	\$ 177.51	
Public Authority	\$ 35.71	\$ 0.32905	\$ 35.71	\$ 0.36533	\$ -	\$ 0.03628	\$ 11.40	
Standard Transport T-1	\$ 127.82	\$ 0.16712	\$ 127.82	\$ 0.18920	\$ -	\$ 0.02208	\$ 205.51	
Standard Transport T-2	\$ 327.82	\$ 0.05173	\$ 327.82	\$ 0.05471	\$ -	\$ 0.00298	\$ 64.47	

Mr. Gay's Direct Line: (512) 322-5875  
Email: [ggay@lglawfirm.com](mailto:ggay@lglawfirm.com)

## MEMORANDUM

**TO: Kevin Pagan, City of McAllen**

**FROM: Geoffrey M. Gay  
Eileen McPhee**

**DATE: July 24, 2013**

**RE: Ordinance Adopting Settlement of Texas Gas Service 2013 COSA Filing**

Texas Gas Service Company ("TGS" or "Company") filed its 2013 Cost of Service Adjustment ("COSA") with all the Rio Grande Valley Service Area Cities on May 1, 2013. In the filing, the Company asserted that it was entitled to a \$1.7 million increase above the level of current rates. The filing was based on data from the 2012 calendar year. The City of McAllen retained the services of the Lloyd Gosselink law firm and ReSolved Energy Consulting. Both Geoffrey Gay with Lloyd Gosselink and Karl Nalepa with ReSolved Energy have worked on behalf of Rio Grande Valley Cities in all TGS cases since 2009.

In 2009, TGS filed a request to increase its rates. After lengthy discussions, Cities were able to reach a settlement resolving all issues and establishing the COSA process that called for a three-year experiment with an expedited annual review of all aspects of the Company's business. Under the law, gas utilities are able to file annual gas reliability infrastructure adjustment ("GRIP") rate cases which are piecemeal in nature, allowing rates to increase with increasing investment even if said investment costs are offset by declining expenses and increasing revenues. Cities are not allowed to challenge, participate in, or recover costs associated with GRIP cases at the Railroad Commission. The COSA replaces the piecemeal GRIP ratemaking process with a more comprehensive process. In the COSA process, cities participate fully, recover their costs, and avoid litigation.

Last year, the initial three-year period of the COSA tariff expired. In 2012, TGS filed both a COSA filing, as well as a traditional Statement of Intent ("SOI") request to increase rates. Cities were able to come to an agreement with TGS on both the COSA and the SOI filing. As part of that agreement, Cities and TGS extended the COSA process for an additional three years.

In May of this year, the City of McAllen engaged the services of an independent consultant, Mr. Karl J. Nalepa, to review the Company's 2013 COSA filing. Through discovery and review of the application, Mr. Nalepa recommended several adjustments to the Company's filing which would have reduced the Company's request by approximately \$300,000. Despite these adjustments, Mr. Nalepa ultimately recommended that, based on TGS's current expenses and revenues, the Company should receive a rate increase.

After discussions on July 16, 2013, we were able to reach a settlement resolving all issues in the Company's filing. The Company's request did not trigger the application of the 5% cap agreed to in the COSA tariff. However, we persuaded the Company to reduce their request by \$70,000. Under the Settlement Agreement, the Company will be entitled to a \$1,597,656 increase. This Agreement avoids litigation costs if the case went before the Railroad Commission. We feel that the settlement arrives at a better result for the City than would be achieved through full litigation of the Company's filing. In order to approve the settlement, we recommend that the City pass the enclosed ordinance, adopting new rates. For your convenience, we have also enclosed a model staff report explaining the provisions of the ordinance.

If you have any concerns or questions, please do not hesitate to contact Geoffrey at (512) 322-5875 or Eileen at (512) 322-5817. We appreciate your continued support.

# TEXAS GAS SERVICE

A DIVISION OF ONEOK

August 1, 2013

Honorable Mayors and Members  
of the City Councils of the following Texas cities:

Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas

Dear Mayors and Members of the City Councils:

On May 1, 2013, Texas Gas Service Company, a division of ONEOK, Inc. ("Company"), submitted its annual filing pursuant to the Cost of Service Adjustment tariff ("COSA"), Rate Schedule COSA, for the Rio Grande Valley Service Area and applicable to the incorporated areas of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas.

The Schedules 1 through 4, prepared according to the terms of the COSA, reflected a necessary increase in the Company's revenues of \$1,667,656. After discussions with Mr. Geoffrey Gay and Mr. Karl Nalepa on behalf of the Cities, a settlement was reached that will permit the Company to increase its revenues by \$1,597,656. The settlement will result in an increase to the volumetric rates (per the table below) for all general service rate schedules (see attached Rate Schedules 10, 20, 30, 40, T-1 and T-2) of Texas Gas Service Company currently in force in its Rio Grande Valley Service Area as shown on the table below.



Customer Class	Settlement Volumetric (per Ccf) Increase	Settlement Volumetric (per Ccf) Rate	RGVSA Average Monthly Customer Bill Increase
Residential	\$ 0.05789	\$ 0.47124	\$ 0.79
Commercial	\$ 0.04142	\$ 0.34415	\$ 15.71
Industrial	\$ 0.05065	\$ 0.40323	\$ 177.51
Public Authority	\$ 0.03628	\$ 0.36533	\$ 11.40
Standard Transport T-1	\$ 0.02208	\$ 0.18920	\$ 205.51
Standard Transport T-2	\$ 0.00298	\$ 0.05471	\$ 64.47

This proposed rate change will become effective with the first billing cycle of August 2013.

Attached you will find a copy of the Settlement Agreement and Rate Schedules 10, 20, 30, 40, T-1 and T-2 which have been revised with the agreed to rates. Texas Gas Service Company appreciates your cooperation in resolution of the Cost of Service Adjustment filing. Please contact me with any questions you may have.

Sincerely,



Dean LaFever  
Director – Rio Grande Valley Service Area  
Attachments

**SETTLEMENT AGREEMENT**

This Settlement Agreement is entered into by and between Texas Gas Service Company ("TGS" or the "Company") and the cities of TGS's Rio Grande Valley Service Area ("RGVSA"), which includes the Cities of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas (collectively, "RGVSA Cities").

WHEREAS, this Settlement Agreement resolves all issues relating to the Cost of Service Adjustment ("COSA") filed with the RGVSA Cities on May 1, 2013, in a manner that TGS and the RGVSA Cities (collectively, the "Signatories") believe is consistent with the public interest, and the Signatories represent diverse interests;

WHEREAS, the Signatories believe that an appeal from municipal action on the filed COSA adjustment would be time-consuming and entail substantial additional expense for all parties and that the public interest will be served by adoption of an ordinance consistent with this Settlement Agreement;

NOW, THEREFORE, in consideration of the mutual agreements and covenants established herein, the Signatories, through their undersigned representatives, agree to and recommend for approval by the RGVSA Cities the following Settlement Terms as a means of fully resolving all issues raised in the May 1, 2013 COSA Adjustment filed by TGS with the RGVSA Cities:

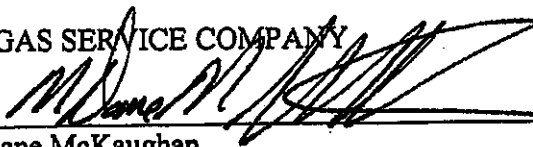
**Settlement Terms**

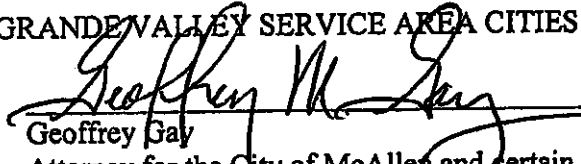
1. The Signatories agree to the rates, terms and conditions reflected in the tariffs attached to this Settlement Agreement as Exhibit A. Said tariffs should allow TGS an additional \$1,597,656 in annual revenue as illustrated in the proof of revenues attached as part of Exhibit B to the Settlement Agreement. The Signatories agree that the \$1,597,656 revenue increase is a "black box" figure and is not tied to any specific expense in TGS's underlying cost of service. The Signatories further agree that the rates, terms and conditions reflected in Exhibit A to this Settlement Agreement comply with the rate-setting requirements of Chapter 104 of the Texas Utilities Code. The rates, terms and conditions established by this Settlement Agreement shall take effect with the first billing cycle of August 2013.
2. TGS agrees to reimburse the RGVSA Cities for their previously-incurred reasonable and necessary legal and consultant expenses associated with TGS's 2013 COSA Adjustment filed with the RGVSA Cities on May 1, 2013. Such reimbursement shall be made on or before thirty (30) days from the date that the last RGVSA City has taken action to adopt or approve this Settlement Agreement and upon the Company receiving legal invoices or

other documentation reflecting the City's incurred costs. The Signatories agree that TGS is entitled to recover its reasonable expenses associated with the 2013 COSA filing with the RGVSA Cities, as well as those expenses reimbursed to the RGVSA Cities in connection with this filing, through a volumetric surcharge, and that such amount shall not be included in the calculation of the 5% band limiting the amount of any future COSA Adjustment.

3. The Signatories agree that within a reasonable time period the RGVSA Cities shall adopt ordinances approving the Settlement Agreement and establish rates and services for the RGVSA Cities consistent with those set forth in Exhibit A to this Settlement Agreement. The Signatories agree to make good faith efforts to encourage each RGVSA City to timely adopt an ordinance approving the Settlement Agreement.
4. The Signatories agree that all negotiations, discussion, conferences and drafts related to the Settlement Agreement are confidential, inadmissible, and not relevant to prove any issues associated with the 2013 COSA Adjustment filed by TGS with the RGVSA Cities pursuant to Texas law.
5. The Signatories agree that neither this Settlement Agreement nor any oral or written statements made during the course of settlement negotiations may be used for any purpose other than as necessary to support the entry by the RGVSA Cities of an ordinance or resolution implementing this Settlement Agreement.
6. The Signatories agree that this Settlement Agreement is binding on each Signatory only for the purpose of settling the issues set forth herein and for no other purposes, and except to the extent the Settlement Agreement governs a Signatory's rights and obligations for future periods, this Settlement Agreement shall not be binding or precedential upon any Signatory outside this proceeding.
7. The Signatories agree that this Settlement Agreement may be executed in multiple counterparts and may be filed with facsimile signatures.

Agreed to this 24<sup>th</sup> day of July, 2013.

TEXAS GAS SERVICE COMPANY  
By:   
Dane McKaughan  
Attorney for Texas Gas Service Company

RIO GRANDE VALLEY SERVICE AREA CITIES  
By:   
Geoffrey Gay  
Attorney for the City of McAllen and certain other Rio Grande Valley Service Area Cities

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MCALLEN, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN CITY AND TEXAS GAS SERVICE (“TGS” OR “THE COMPANY”) REGARDING THE COMPANY’S MAY 1, 2013 COST OF SERVICE ADJUSTMENT (“COSA”) FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY’S REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITY’S LEGAL COUNSEL.**

WHEREAS, the City of McAllen, Texas (“City”) is a gas utility customer of Texas Gas Service (“TGS” or “the Company”), and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, pursuant to the terms of the agreement settling the Company’s 2009 Statement of Intent (“SOI”) to increase rates, to which City was a signatory, the City and other municipalities within the Rio Grande Valley Service Area and TGS worked collaboratively to develop the COSA tariff which allows for an expedited comprehensive rate review process controlled in a three-year experiment; and

WHEREAS, the City took action in 2009 to approve a Settlement Agreement with TGS resolving the Company’s 2009 rate case and initially authorizing the COSA tariff for three years; and

WHEREAS, in 2012, the initial COSA-tariff term expired; and

WHEREAS, TGS filed a SOI in 2012 that incorporated a revised COSA tariff; and

WHEREAS, the City and TGS settled the SOI in 2012 and agreed to renew the COSA tariff process for an additional three years; and

WHEREAS, the COSA tariff contemplates reimbursement of the City's reasonable expenses associated with COSA applications; and

WHEREAS, on or about May 1, 2013, TGS filed with the City a COSA tariff seeking to increase natural gas rates to all customers residing in the City; and

WHEREAS, the City coordinated a review of the Company's COSA filing and designated attorneys and consultants to resolve issues in the Company's COSA filing; and

WHEREAS, the Company's COSA application supported increased revenues of \$1,597,656 under the terms of the COSA; and

WHEREAS, the City's attorneys and consultant recommend that the City approve the negotiated resolution, which is attached; and

WHEREAS, the tariffs implementing new rates attached to this Ordinance are consistent with the negotiated resolution reached by the City and are just, reasonable, and in the public interest; and

WHEREAS, the negotiated resolution of the Company's COSA filing and the resulting rates are, as a whole, in the public interest; and

WHEREAS, the effective date of new COSA rates is to be the first billing cycle of August 1, 2013 pursuant to the COSA tariff previously adopted by the City.



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

OF THE CITY OF McALLEN, TEXAS, THAT:

Section 1. That the City Commission finds that the existing rates for natural gas service provided by TGS are unreasonable and the new tariffs attached to this Ordinance are just and reasonable and are hereby adopted.

Section 2. That the Settlement Agreement between the City and TGS dated July 24, 2013 is approved.

Section 3. That TGS shall reimburse the reasonable ratemaking expenses of the City in processing the Company's rate application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That tariffs attached to this Ordinance are effective as of August 1, 2013.

Section 8. That a copy of this Ordinance shall be sent to TGS, care of Dean LaFever, Director, at 5602 East Grimes Road, Harlingen, Texas 78550-1783, and to Geoffrey Gay, Special Counsel to the City, at Lloyd Gosselink Rochelle & Townsend, P.C., 801 Congress Avenue, Suite 1900, Austin, Texas 78701.

CONSIDERED, PASSED and APPROVED this 12<sup>th</sup> day of August, 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 August, 2013.

CITY OF McALLEN, TEXAS

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

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

APPROVED AS TO FORM:

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

**RESIDENTIAL SERVICE RATE**

**APPLICABILITY**

Applicable to a residential customer in a single dwelling, or in a dwelling unit of a multiple dwelling or residential apartment, or nursing homes, for domestic purposes.

**TERRITORY**

All customers in the incorporated areas served by the Company in its Rio Grande Valley Service Area.

**COST OF SERVICE RATE**

During each monthly billing period:

A Customer Charge per meter per month of \$11.25 plus -  
All Ccf @ \$ 0.47124 per Ccf

**OTHER ADJUSTMENTS**

In addition to the Cost of Service set forth above, each customer's bill shall include the following adjustments:

**Cost of Gas Component:** The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1.

**Weather Normalization Adjustment:** The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

**Taxes:** Plus applicable taxes and fees (including franchises fees) related to above, see Rate Schedule 1B.

**CONDITIONS**

Subject in all respects to applicable laws, rules, and regulations from time to time in effect.

**TEXAS GAS SERVICE COMPANY**  
**Rio Grande Valley Service Area**

**RATE SCHEDULE 20**

**COMMERCIAL SERVICE RATE**

**APPLICABILITY**

Applicable to commercial consumers and to consumers not otherwise specifically provided for under any other rate schedule.

**TERRITORY**

All customers in the incorporated areas served by the Company in its Rio Grande Valley Service Area.

**COST OF SERVICE RATE**

During each monthly billing period:

A Customer Charge per meter per month of \$31.25 plus (For Commercial Service)  
A Customer Charge per meter per month of \$18.75 plus (For Church Service)  
All Ccf @ \$ 0.34415 per Ccf

**OTHER ADJUSTMENTS**

In addition to the Cost of Service set forth above, each customer's bill shall include the following adjustments:

**Cost of Gas Component:** The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1.

**Weather Normalization Adjustment:** The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

**Taxes:** Plus applicable taxes and fees (including franchises fees) related to above, see Rate Schedule 1B.

**CONDITIONS**

1. Subject in all respects to applicable laws, rules, and regulations from time to time in effect.
2. Delivery of Gas hereunder may be interrupted or curtailed at the discretion of the Company, in case of shortage or threatened shortage of gas supply from any cause whatsoever, to conserve gas for residences, hospitals, schools, churches, and other human needs customers as prioritized in the Company's approved Curtailment Program.

**TEXAS GAS SERVICE COMPANY**  
**Rio Grande Valley Service Area**

**RATE SCHEDULE 30**

**INDUSTRIAL SERVICE RATE**

**APPLICABILITY**

Service under this rate schedule is available to any customer whose primary business activity at the location served is included in one of the following classifications of the Standard Industrial Classification Manual of the U.S. Government.

Division B	- Mining - all Major Groups
Division D	- Manufacturing - all Major Groups
Divisions E and J	- Utility and Government - facilities generating power for resale only

**TERRITORY**

All customers in the incorporated areas served by the Company in its Rio Grande Valley Service Area.

**COST OF SERVICE RATE**

During each monthly billing period:

A Customer Charge per meter per month of \$66.85 plus -  
All Ccf @ \$ 0.40323 per Ccf

**OTHER ADJUSTMENTS**

In addition to the Cost of Service set forth above, each customer's bill shall include the following adjustments:

**Cost of Gas Component:** The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1.

**Taxes:** Plus applicable taxes and fees (including franchises fees) related to above, see Rate Schedule 1B.

**CONDITIONS**

1. Subject in all respects to applicable laws, rules, and regulations from time to time in effect.
2. Delivery of gas hereunder may be interrupted or curtailed at the discretion of the Company, in case of shortage or threatened shortage of gas supply from any cause whatsoever, to conserve gas for residences, hospitals, schools, churches, and other human needs customers as prioritized in the Company's approved Curtailment Program.



**TEXAS GAS SERVICE COMPANY**  
**Rio Grande Valley Service Area**

**RATE SCHEDULE 40**

**PUBLIC AUTHORITY SERVICE RATE**

**APPLICABILITY**

Applicable to all public and parochial schools and colleges, and to all facilities operated by Governmental agencies not specifically provided for in other rate schedules or special contracts.

**TERRITORY**

All customers in the incorporated areas served by the Company in its Rio Grande Valley Service Area.

**COST OF SERVICE RATE**

During each monthly billing period:

A Customer Charge per meter per month of \$35.71 plus -  
All Ccf @ \$ 0.36533 per Ccf

**OTHER ADJUSTMENTS**

In addition to the Cost of Service set forth above, each customer's bill shall include the following adjustments:

**Cost of Gas Component:** The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1.

**Weather Normalization Adjustment:** The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

**Taxes:** Plus applicable taxes and fees (including franchises fees) related to above, see Rate Schedule 1B.

**CONDITIONS**

1. Subject in all respects to applicable laws, rules, and regulations from time to time in effect.
2. Delivery of gas hereunder may be interrupted or curtailed at the discretion of the Company, in case of shortage or threatened shortage of gas supply from any cause whatsoever, to conserve gas for residences, hospitals, schools, churches, and other human needs customers as prioritized in the Company's approved Curtailment Program.

**TRANSPORTATION SERVICE RATE**

**APPLICABILITY**

Service under this rate schedule is available to any customer of Texas Gas Service Company ("Company") and to Qualified Suppliers or Producers supplying natural gas to be transported, pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions) for the transportation of customer-owned natural gas through the Company's Rio Grande Valley distribution system for use by customers within the Company's Rio Grande Valley's Service Area or delivered to connecting pipelines. The customer must arrange with its gas supplier to have the customer's gas delivered to one of the Company's existing receipt points for transportation by the Company to the customer's facilities at the customer's delivery point. The receipt points shall be specified by the Company at its reasonable discretion, taking into consideration available capacity, operational constraints, and integrity of the distribution system.

Prior to the execution of a Gas Transportation Service Agreement, customer must represent and certify that its usage shall average five hundred (500) Mcf of gas per month or six thousand (6,000) Mcf annually. The Company shall have the right at all reasonable times, upon prior notice to Customer, to enter onto Customer's premises and inspect Customer's facilities and operations to verify such capability. Customer must agree to notify the Company within a reasonable time if there is any change in Customer's usage. Should Customer's usage capability average less than five hundred (500) Mcf per month or six thousand (6,000) Mcf annually, Customer must so notify the Company and the Company may discontinue service hereunder except as provided in the Gas Transportation Service Agreement.

**TERRITORY**

All areas served by the Company in its Rio Grande Valley Service Area.

**RATE**

This rate shall be the sum of Part A, Part B, and Part C as described below.

Part A: A customer charge of \$127.82 per meter per month.

Part B: All volumes of natural gas transported during each month in accordance with this schedule shall be billed at the following Ccf charge:

All Ccf @ \$0.18920 per Ccf

Part C: "Additional Charges to Cost of Service Rate" pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions).

**CONDITIONS**

See the "Special Provisions" and "Conditions" pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions)

**TRANSPORTATION SERVICE RATE**

**APPLICABILITY**

Service under this rate schedule is available to any customer of Texas Gas Service Company ("Company") and to Qualified Suppliers or Producers supplying natural gas to be transported, pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions) for the transportation of customer-owned natural gas through the Company's Rio Grande Valley distribution system for use by customers within the Company's Rio Grande Valley's Service Area or delivered to connecting pipelines. This rate schedule requires a one-year commitment for transportation service. The customer must arrange with its gas supplier to have the customer's gas delivered to one of the Company's existing receipt points for transportation by the Company to the customer's facilities at the customer's delivery point. The receipt points shall be specified by the Company at its reasonable discretion, taking into consideration available capacity, operational constraints, and integrity of the distribution system.

**TERRITORY**

All areas served by the Company in its Rio Grande Valley Service Area.

**RATE**

This rate shall be the sum of Part A, Part B, and Part C as described below.

Part A: A customer charge of \$327.82 per meter per month.

Part B: All volumes of natural gas transported during each month in accordance with this schedule shall be billed at the following Ccf charge:

All Ccf @ \$0.05471 per Ccf

Part C: "Additional Charges to Cost of Service Rate" pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions).

Minimum Monthly Bill of \$1,500 (from the sum of Part A and Part B)

**CONDITIONS**

See the "Special Provisions" and "Conditions" pursuant to Rate Schedule T-GEN (General Charges, Provisions and Conditions)

TEXAS GAS SERVICE COMPANY  
Rio Grande Valley SERVICE AREA  
12 MONTHS ENDED 12/2012

Summary of Proposed Rate Adjustment

	Settled and Approved Rates from 2008, Plus Cumulative Prior Yr COSA Adjustments	Current Calendar Year Normalized Bils	Current Calendar Year Weather Normalized Volume (CCF)	Revenue at Current Rates	COSA Adjustment Per Ccf	New Rates	Current Year Revenue Impact	Avg customer Ccf usage per month (in current yr)	Average Monthly Customer Bill Impact
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
<b>RESIDENTIAL</b>									
1 Customer Charge	\$ 11.25	776,645		\$ 8,739,508					
2 All Ccf	\$ 0.41335		10,589,789	4,376,876	\$ 0.05789	\$ 0.47124	\$ 612,979	13.63	0.79
3		776,645	10,589,789	13,116,383					
<b>COMMERCIAL</b>									
4 Customer Charge - Comm	\$ 31.25	38,911		1,234,718					
5 Customer Charge - Church	\$ 18.75	3,748		70,284					
6 All Ccf	\$ 0.30273		16,406,261	4,969,698	\$ 0.04142	\$ 0.34415	\$ 679,595	379.25	15.71
7		43,289	16,406,261	6,271,710					
<b>INDUSTRIAL</b>									
8 Customer Charge	\$ 66.05	598		39,843					
9 All Ccf	\$ 0.35256		2,088,829	736,479	\$ 0.05085	\$ 0.40323	\$ 103,798	3,504.75	177.51
10		598	2,088,829	776,322					
<b>PUBLIC AUTHORITY</b>									
11 Customer Charge	\$ 35.71	6,688		239,757					
12 All Ccf	\$ 0.32605		2,101,042	691,348	\$ 0.03628	\$ 0.36533	\$ 78,223	314.24	11.40
13		6,688	2,101,042	931,105					
<b>Transportation</b>									
<b>T-1 (Regular)</b>									
14 Customer Charge	\$ 127.82	518		65,855					
15 All Ccf	\$ 0.18712		4,801,608	802,478	\$ 0.02288	\$ 0.18820	\$ 108,045	8,305.63	205.51
16		518	4,801,608	868,333					
<b>T-2 (Large)-Volumes in Excess of Minimum Bill</b>									
17 Customer Charge	\$ 327.82	143		48,878					
18 All Ccf	\$ 0.05973		5,713,372	295,953	\$ 0.00288	\$ 0.05471	\$ 17,820		
19		143	5,713,372	342,431					
<b>T-2 (Large) Minimum Bill (no volumetric charge)</b>									
20 Customer Charge	\$ 327.82			0					
21 All Ccf	\$ -		1,989,879	0					
22 Minimum Bill	\$ 1,500.00	121		181,500					
23		121	1,868,879	181,500					
24 <b>Total T-2</b>		264	7,703,051	523,931					
25 Other Transport									
26 Customer Charge		158							
28 All Ccf			21,889,483	682,774					
27		158	21,889,483	682,774					
28 <b>Transport Total</b>		836	34,374,320	1,875,135					
29 <b>SERVICE CHARGES &amp; OTHER REVENUE (ACTUAL 2010)</b>				528,018					
30 <b>TOTAL</b>		826,323	85,562,342	\$ 23,595,873			\$ 1,597,656		

Standardized Recommendation Form

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

Agenda Item   2L    
Date Submitted   08/06/13    
Meeting Date   08/12/13  

1. Agenda Item:   CONSIDERATION OF REQUEST TO AMEND THE POSTED SPEED LIMIT ON 2<sup>ND</sup> STREET BETWEEN TRENTON ROAD AND HOBBS DRIVE. (BY ORDINANCE)  

2. Party Making Request:   Traffic Operations  

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

  Consideration of request to amend the posted speed limit on 2<sup>nd</sup> Street between Trenton Road and Hobbs Drive.  

4. Policy Implication:   City Commission approval needed.  

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

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

\* Approximate Annual Contract Amount

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

7. Routing:

	<u>  NAME/TITLE  </u>	<u>  INITIAL  </u>	<u>  DATE  </u>	<u>  CONCURRENCE  </u>
a)	<u>  Roel Rodriguez, P.E. Asst. City Manager  </u>	<u>  RR  </u>	<u>  08/06/13  </u>	<u>  X  </u> Yes <u>  </u> No
b)	<u>  Yvette Barrera, P.E., CFM City Engineer  </u>	<u>  YB  </u>	<u>  08/06/13  </u>	<u>  X  </u> Yes <u>  </u> No
c)	<u>  Eduardo Mendoza, P.E., PTOE Director of Traffic Operations  </u>	<u>  EM  </u>	<u>  08/06/13  </u>	<u>  X  </u> Yes <u>  </u> No

8. Staff's Recommendation:   That the ordinance designating the maximum speed limit be amended to set the speed limits on 2<sup>nd</sup> Street as proposed.  

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

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

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



To: Mike Perez, City Manager

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

Date: August 6, 2013

Subject: Agenda Item- Ordinance Amending the Speed Limit to increase the posted speed limits on 2<sup>nd</sup> Street between Trenton Road and Hobbs Drive.

**GOAL**

Amend the posted speed limit on 2<sup>nd</sup> Street between Trenton Road and Hobbs Drive.

**EXPLANATION**

Member Carlos F. Garza requested an increase of the posted speed limit on the segment of 2<sup>nd</sup> Street between Trenton Road and Hobbs Drive. This segment currently has a posted speed limit of 30 mph. the segment of 2<sup>nd</sup> Street south of Trenton Road has a posted speed limit of 40 mph.. A map is included for your review.

**Proposed:**

Based on the results of study, and with a positive recommendation from the Traffic Commission, we propose to amend ordinance to revise the speed limit as follows:

*Second Street.* The speed zones on Second Street shall be as follows:

From the north right-of-way of Lindberg Avenue, thence north to the north right-of-way of Business 83 the maximum speed limit shall be 40 miles per hour.

Beginning at the north right-of-way of Business 83 and terminating at the north right-of-way of Dove Avenue, the maximum speed limit shall be 45 miles per hour.

Beginning at the north right-of-way of Dove Avenue and terminating ~~at the south right-of-way of Trenton Road~~ **at a point 200 feet north of the centerline of Wisconsin Road**, the maximum speed limit shall be 40 miles per hour.

**OPTIONS**

1. Approve proposed speed limit amendment.
2. Disapprove proposed speed limit amendment.

**RECOMMENDATION**

Staff recommends that the speed limit be amended to set the speed limits on 2nd Street as proposed.

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

# 2<sup>nd</sup> Street Speed Zone Study Results

## 24-hour Automatic Tube Counts:

85 <sup>th</sup> Percentile Speeds (mph)									
		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Recommended
Between Trenton Road and Wisconsin Road	Northbound	46.1	45.2	45.0	49.6	44.8	44.3	45.4	40
	Southbound	46.5	46.1	45.8	62.2	45.4	46.7	46.5	
Between Wisconsin Road and Lake Shore Drive	Northbound	47.8	47.7	47.7	47.9	46.7	47.2	47.6	30
	Southbound	45.4	44.9	45.2	44.8	44.5	45.6	45.2	
Between Lake Shore Drive and Hobbs Drive	Northbound	44.5	43.8	44.5	n/a	44.5	43.8	44.5	30
	Southbound	37.2	35.9	37.2	n/a	36.8	36.3	36.3	

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF McALLEN CHAPTER 102, ARTICLE V, DIVISION 3, SEC. 102-188, SUBSECTION (B), IS HEREBY AMENDED BY CHANGING THE SPEED LIMITS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 FOR ANY VIOLATION THEREOF; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

**SECTION I:** The Code of Ordinances of the City of McAllen, CHAPTER 102 ("TRAFFIC AND VEHICLES"), ARTICLE V ("OPERATION OF VEHICLES"), DIVISION 3 ("SPEED LIMITS"), SECTION 102-188 ("MAXIMUM LIMITS ON SPECIFIC STREETS") at Subsection (b) is hereby amended, in part, as follows:

(b) The following speed limits have been found to be reasonable and prudent, subject to the additional limitations of section 102-187(b), for those portions of the streets set forth in this subsection: [...]

*2nd Street.* The maximum speed limit on 2<sup>nd</sup> Street shall be as follows:

From the north right-of-way of Lindberg Avenue, thence north to the north right-of-way of Business 83 the maximum speed limit shall be 40 miles per hour.

Beginning at the north right-of-way of Business 83 and terminating at the north right-of-way of Dove Avenue, the maximum speed limit shall be 45 miles per hour.

Beginning at the north right-of-way of Dove Avenue and terminating ~~at the south right-of-way of Trenton Road~~ **at a point 200 feet north of the centerline of Wisconsin Road**, the maximum speed limit shall be 40 miles per hour.

**SECTION II:** This ordinance shall become effective upon its passage and upon the placement of the appropriate signs by the traffic safety coordinator.

**SECTION III:** A violation of any of the provisions of this Ordinance shall, upon conviction thereof, be punishable by a fine of up to \$500.00 per violation.

**SECTION IV:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the contents of Sections I hereof to be published, added and/or deleted in the appropriate location in the Code of Ordinances of the City of McAllen.

**SECTION V:** 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 Publication of Ordinances.

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

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

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

CITY OF McALLEN

By: \_\_\_\_\_  
Jim Darling, Mayor

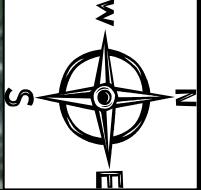
Attest:

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

Approved as to form:

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





Hobbs Drive

Existing  
SPEED LIMIT  
30

Northgate Lane

Existing  
SPEED LIMIT  
30

Lake Shore Drive

Existing  
SPEED LIMIT  
30

Existing  
SPEED LIMIT  
30

Wisconsin Avenue

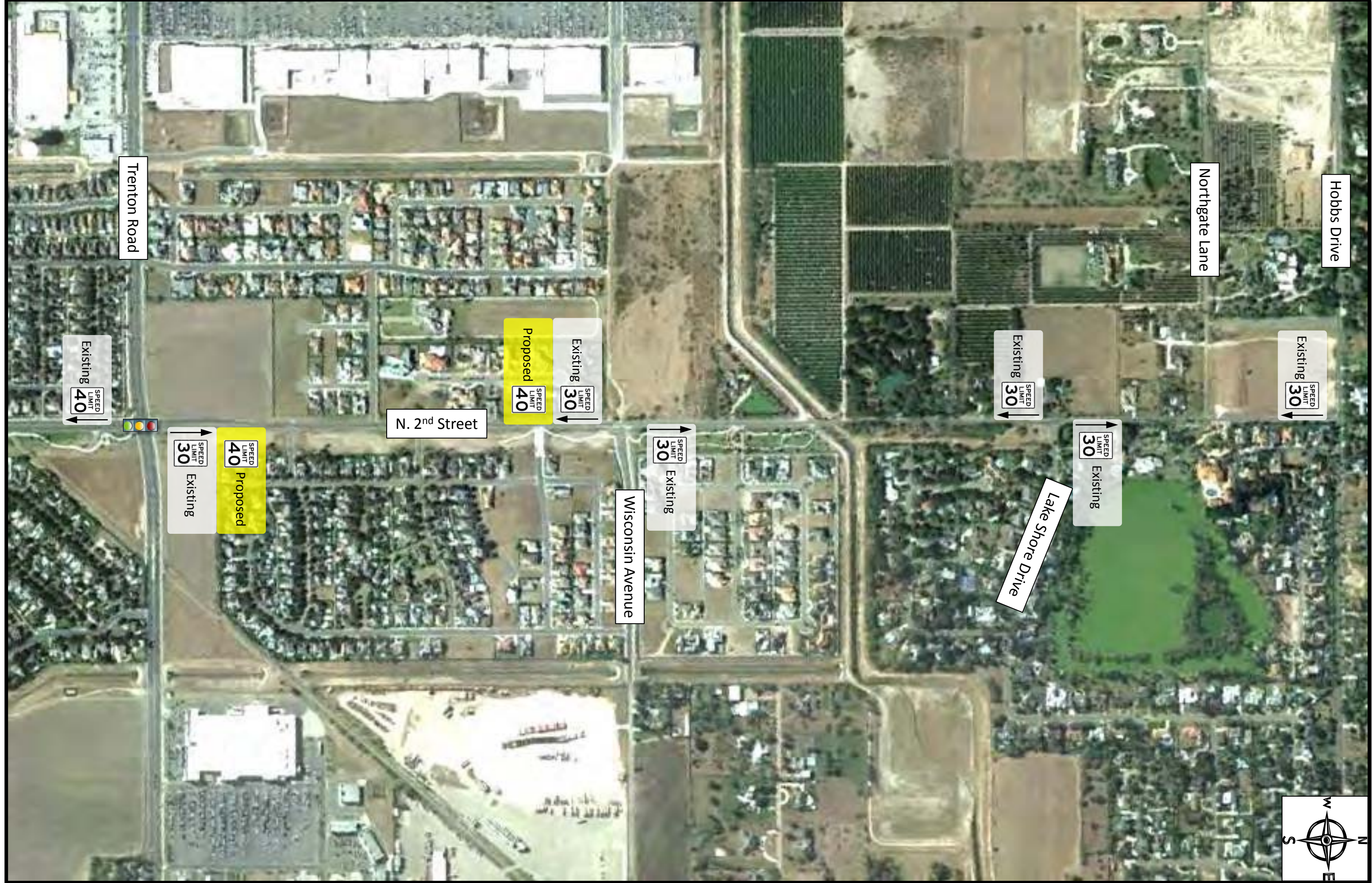
Existing  
SPEED LIMIT  
30  
Proposed  
SPEED LIMIT  
40

N. 2nd Street

Existing  
SPEED LIMIT  
30  
Proposed  
SPEED LIMIT  
40

Trenton Road

Existing  
SPEED LIMIT  
40









**CITY OF MCALLEN  
GRANT ADMINISTRATION OFFICE  
MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Carla M. Rodriguez, Director of Grant Administration *CMR*  
**Date:** August 6, 2013  
**Subject:** Grant Submission to the FY13 Rescuing Texas History Program

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**GOAL:** To submit a grant application to the University of North Texas Libraries' Digital Projects Unit, Portal to Texas History, for funding under the FY13 Rescuing Texas History Program.

**BRIEF EXPLANATION OF THE ITEM:**

The University of North Texas Libraries' Digital Projects Unit created the Portal to Texas History to guide and support digital services including imaging, archival storage of electronic files, digital preservation, and metadata development, as well as pursuing research opportunities in digital preservation. The proposed project will fund the scanning and digitization of historic photographs donated to McAllen Public Library. The digitized images will be hosted on the Portal to Texas History through the University of North Texas, offer public access to the digitized images, and provide a method to preserve original photographs of the City and State during the 1930s, 1940s, and 1960s. In addition, the images will be accessible to multiple users through the Portal to Texas History, which serves as a valuable resource for preserving the history of the State, and as an educational tool for teachers, historians, and the general public. This process will enable the Library to effectively utilize early photographs for verifying information, and as a strategy to promote State and local history. Scanned images in digital formatting will provide an easy method for multiple users to learn about, share, and preserve State and local history, as well as affording the Library a method to permanently sustain the original documents.

**OPTIONS:**

Option 1 – Approve the submission of the grant application and allow McAllen Library a method to easily share local history and build community awareness besides offering a permanent method to preserve original historical documents.

Option 2 – Not approving the submission of the grant application will result in the community being denied access to a valuable portion of the City's and State's history.

**RECOMMENDATION:** Staff recommends submission of the grant application.

RESOLUTION NO. 2013 \_\_\_\_\_

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE UNIVERSITY OF NORTH TEXAS LIBRARIES' DIGITAL PROJECTS UNIT, PORTAL TO TEXAS HISTORY, FOR FUNDING UNDER THE FY13 RESCUING TEXAS HISTORY PROGRAM.**

STATE OF TEXAS

COUNTY OF HIDALGO

CITY OF McALLEN

**WHEREAS**, the Portal of Texas History provides funding for mini-projects designed to preserve State history in a mega data base, a permanent reserve that offers easy formatting for multiple applications as well as a technique to sustain valuable historical documents.

**WHEREAS**, the mini-project Rescuing Texas History Grant Program requests help to build community awareness in the history of the City and State as well as a method to sustain documents for future generations.

**WHEREAS**, all Area residents will have access to defining historical photographs of the 1930s, 1940s, and 1960s, which play a significant part in Texas and Rio Grande Valley history.

**NOW, THEREFORE, BE IT RESOLVED BY THE**

- 1) The City of McAllen Grant Administration Office is hereby directed to prepare and submit an application to The University of North Texas Libraries' Digital Projects Unit, Portal to Texas History mini-project, Rescuing Texas History for the Digitization of Historical City and State Photographs.
- 2) Upon the approval of this application by the City, the Mayor is hereby authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the City of McAllen Board of Commissioners assures that funds will be returned in full.

**CONSIDERED, PASSED, APPROVED AND SIGNED** on this 12<sup>th</sup> day of August, 2013, at a regular meeting of the City of McAllen Board of Commissioners 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**

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

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   2N    
DATE SUBMITTED   08/07/13    
MEETING DATE   08/12/13  

1. Agenda Item: **ORDINANCE-BUDGET AMENDMENT – Interlocal Agreement between City of McAllen, City of Mission and Hidalgo County for Taylor Road Extension.**

2. Party Making Request: Engineering Department

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

Approval of the budget amendment for the extension of Taylor Road from US Expressway 83 to 1300 feet north of Dove Avenue.

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

5. Budgeted:    Yes    No   X   N/A

**Funding Source: 300-8708-436-66.30 IR1302**

Budget Amount: \$525,000.00  
**Proposed Budget Amendment: \$390,000.00**  
Revised Budget: \$915,000.00

6. Alternate Option/Costs   N/A  

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Y. Barrera, PE, CFM, City Engineer</u>	<u>  YB  </u>	<u>  08/07/13  </u>	<u>  YES  </u>
b.)	<u>J. W. Dale, CPA, CGFO, Director of</u>	<u>          </u>	<u>          </u>	<u>          </u>
c.)	<u>R. Rodriguez, PE, Asst. City Manager</u>	<u>          </u>	<u>          </u>	<u>          </u>

8. Staff Recommendation: **Approve budget amendment not to exceed \$390,000.00**

9. Advisory Board:    Approved    Disapproved   X   None

10. City Attorney:   IP   Approved    Disapproved    None

11. Manager's Recommendation:   MRP   Approved    Disapproved    None



**CITY OF MCALLEN  
ENGINEERING DEPARTMENT  
MEMORANDUM**

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

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

**Date:** August 7, 2013

**Subject:** Approval of a Budget Amendment to fund an Interlocal Agreement between the City of McAllen, City of Mission and Hidalgo County for Taylor Road Extension

**Goal**

Approval of Budget Amendment to fund Interlocal Agreement between the City of McAllen, City of Mission and the Hidalgo County for Taylor Road Extension.

**Explanation**

An interlocal agreement is pending approval from City Commission Board during regular meeting to be held on August 12, 2013, between City of McAllen, City of Mission and Hidalgo County with a participation cost not to exceed \$390,000.00 for this project.

**Options**

1. Approve the budget amendment as recommended.
2. Disapprove the budget amendment.

**Recommendation**

Approve the Budget Amendment as presented.



**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 BUDGET TO-WIT: \$390,000.00 TO FUND THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MCALLEN, CITY OF MISSION AND HIDALGO COUNTY FOR THE EXTENSION OF TAYLOR ROAD FROM US EXPRESSWAY 83 TO 1,300 FEET NORTH OF DOVE AVENUE.**

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

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

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2012/2013 which became effective October 1, 2012 as set out in Ordinance 2012-60 adopted on September 28, 2012, is hereby amended in the following particulars as shown on **Exhibit "A"** attached hereto and incorporated herein for all purposes.

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

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

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

SECTION V: The City Secretary of the City of McAllen is hereby directed not to publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinance.

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 full force and effects, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 12<sup>th</sup> day of August, 2013, at 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 August, 2013.

**CITY OF McALLEN, TEXAS**

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Jim Darling, Mayor

**ATTEST:**

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Annette Villarreal, City Secretary

**Approved as to form:**

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Kevin D. Pagan, City Attorney







**Standardized Recommendation Form**

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

Agenda Item           3a            
Date Submitted       08/02/13        
Meeting Date       08/12/13      

1. Agenda Item: Request authorization to open, consider, and award "Single Bid" received for the PVGC Irrigation System Refurbishment PHASE 2-Installation of Irrigation System Components. Project #08-13-C25-327

2. Party Making Request: Palm View Golf Course

3. Nature of Request: (Brief Overview) Attachments:   X   Yes    No  
Staff respectfully requests the City Commissions' authorization to open, consider, and award the "Single Bid" received on the above referenced project if the total bid amount is within budget. **Primary Recommendation** is to award a construction contract to Mike Roach Inc., from Senaca, SC, for Base Bid Items 1-4 if bid amount is within \$190,000; **Secondary Recommendation** is to award a construction contract for Alt. Bid Item 1A to include Base Bid Items 2-4 if bid is within \$132,000 and "Primary Recommendation (Base Bid) is over budget.

4. Policy Implication: City Commission approval needed.

5. Budgeted:   X   Yes    No    N/A  
Bid Amount:   \$ unknown   Budgeted Amount:   \$190,000    
Under Budget:   \$ unknown   Over Budget:   \$            
Amount Remaining:   \$          

If over budget how will it be paid for: Staff recommends rejection of single bid received and rebid project.

6. Alternate option/costs: N/A

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	<u>Carlos Espinosa</u> Director of Golf	<u>CE</u>	<u>08-02-13</u>	<u>  X  </u> Yes <u>  </u> No
b)	<u>Sandra Zamora, CPM</u> Director of Purchasing & Contracting	<u>SZ</u>	<u>08-05-13</u>	<u>  X  </u> Yes <u>  </u> No

8. Staff's Recommendation: To open, consider, & award the single bid received if bid amounts are within budget as outlined above.

Advisory Board:            Approved            Disapproved            None

City Attorney:   IP   Approved            Disapproved            None

Manager's Recommendation:   MRP   Approved            Disapproved            None

# Memo

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**TO:** Mike R. Perez, City Manager  
**FROM:** Carlos Espinosa, Director of Golf  
**DATE:** August 7, 2013  
**SUBJECT:** Project No. 08-13-C25-327  
PVGC Irrigation System Refurbishment PHASE 2-Installation of Irrigation System Components

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**GOAL:**  
Staff is respectfully requesting the City Commissions' authorization to open the "Single Bid" received on the above referenced project and consider award if the total bid amount is within budget.  
**Primary Recommendation** is to award Base Bid if bid is within \$190,000; (Base Bid Items 1-4)  
**Secondary Recommendation** is to award Alt. Bid if bid is within \$132,000 and Base Bid is over budget. (Item 1A to include Base Bid Items 2-4)

**BRIEF EXPLANATION OF THE ITEM(S):**  
The Purchasing & Contracting Department solicited formal sealed bids for the above referenced project. This project was advertised in our local newspaper and the City's bidding portal (E-Bid); a total of (327) electronic bid invitations were sent out. On August 2, 2013, only one (1) company, Mike Roach Inc., from Seneca, South Carolina, responded to this solicitation.

The project essentially involves the removal of existing irrigation system components and the installation of new ones purchased in Phase 1. The Base Bids have a total budget of \$190,000 and require the bidder to remove (1,234) existing sprinkler heads and (15) satellite controllers; the Base Bids also require the bidder to install (1,312) new sprinkler heads, (15) new satellite controllers and (41,625) linear feet of new sprinkler control wire. Alternate Bid 1A requires from the bidder the same work as the Base Bids but calls for the City to perform all the digging associated with the sprinkler removal process; it has a total budget of \$132,000.

Given the City's history in securing bids from reputable Golf Course Contractors and the need to carry out this project during the current low traffic summer months, (Winter Texan traffic typically starts in November), it is staff's recommendation to open the single bid received and consider award if it is within the budgets outlined above.

- OPTIONS:**
- 1.) Authorize Staff to open, consider and award the single bid received if the Base Bid or Alternate Bid is within the budget as outlined in GOAL area.
  - 2.) Direct Staff to reject the single bid received and re-bid the project.

**RECOMMENDATION:**  
Staff recommends Option No. 1 above



# Memo

**TO:** Mike R. Perez, City Manager  
**FROM:** Carlos Espinosa, Director of Golf  
**DATE:** August 7, 2013  
**SUBJECT:** Project No. 07-13-P40-149  
 Irrigation System Refurbishment Phase I – Palm View Golf Course

**GOAL:** To award a purchase contract to the low bidder, Professional Turf from San Antonio, TX, in the amount of \$238,240.57 for the purchase of various irrigation system components. (This amount incorporates the initial award of \$228,633.53, as well as, Change Order No. 1 items, which will increase the contract amount by \$9,607.04.)

ITEMS RECCOMENDED FOR AWARD (10 YR WARRANTY)	ITEMS RECOMMENDED FOR REJECTION (5 YR WARRANTY)	CHANGE ORDER ITEMS
Award Items: 1A, 1C, 2A, 3A, 4A, 5 thru10	Reject Items: 1, 1B, 2, 3, & 4	Item 1C - Add Quantity 40 EA Item 2A - Add Quantity 38 EA Item 9 - Add Quantity 22 EA

**BRIEF EXPLANATION OF THE ITEM(s):**

On July 10, 2013, the Purchasing & Contracting Department solicited formal sealed bids for the above referenced project. This project was advertised in our local newspaper, as well as, the City's bidding portal (E-Bid). A total of (149) electronic bid invitations were sent out, three (3) companies responded to our solicitation as depicted on the attached bid tabulation.

**HISTORY:**

Palm View Golf Course is refurbishing its' current irrigation system to extend its life expectancy by a minimum of (10) years; bids were solicited seeking five (5) and ten (10) year warranties for all major components. Staff is recommending award of contract for the purchase of the above items to include a ten (10) year warranty, since bids received from the low bidder reflected no price difference. Amount being recommended for award is \$84,884.43 under budget.

**OPTIONS:**

- 1.) Approve award of contract for Phase I in the amount of \$238,240.57 to include Change Order No. 1 for additional components needed, as depicted on Bid Tabulation and detailed in the GOAL area.
- 2.) Reject all bids and re-bid project.

**RECOMMENDATION:**

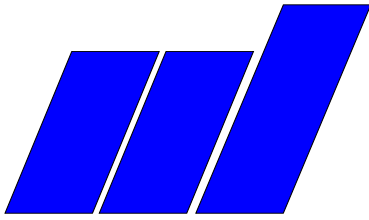
Staff recommends Option No. 1 to award a Purchase Contract as outlined in the GOAL area.

BIDDERS:				★ PROFESSIONAL TURF SAN ANTONIO, TX			EWING MCALLEN, TX			AMC INDUSTRIES SAN ANTONIO, TX			
ITEM NO.	Internal Ref. Number	Description	UOM	QTY	UNIT PRICE	TOTAL	COMMENT	UNIT PRICE	TOTAL	COMMENT	UNIT PRICE	TOTAL	COMMENT
		Approximately 1,250 to be order for Item No. 1 - 2A											
1	515-82	BASE BID, ITEM NO. 1, FULL CIRCLE: FULL CIRCLE sprinkler(s) as specified above with a minimum FIVE (5) YEAR WARRANTY on all parts and components of the sprinkler. [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	EA	1250	\$99.75	\$124,687.50	ITEM RECOMMENDED FOR REJECTION	\$116.11	\$145,141.25	G990E53P8 FC, addtl 3-year warranty	\$112.97	\$141,212.50	900E-80-60, 5 year warranty per attached
2	515-82	ALTERNATE BID, ITEM NO. 1A, FULL CIRCLE: FULL CIRCLE sprinkler as specified above with a TEN (10) YEAR WARRANTY on all parts and components of the sprinkler. [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	EA	822	\$99.75	\$81,994.50	★	\$145.14	\$119,305.90	G990E53P8 FC, addtl 3-year warranty total of 10-	No Bid	No Bid	No Bid
3	515-82	ALTERNATE BID, ITEM NO. 1B, FULL CIRCLE WITH ADJUSTABLE TRAJECTORY with a FIVE (5) YEAR WARRANTY: FULL CIRCLE sprinkler as specified and with nozzle trajectory adjustable in 1 degree increments, from 7-30 degrees, equal or equivalent to Toro's 855 S Series with five (5) year warranty. [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	EA	1250	\$124.25	\$155,312.50	ITEM RECOMMENDED FOR REJECTION	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
4	515-82	ALTERNATE BID, ITEM NO. 1C, FULL CIRCLE WITH ADJUSTABLE TRAJECTORY with a TEN (10) YEAR WARRANTY: Cost per FULL CIRCLE sprinkler as specified and with nozzle trajectory adjustable in (1) degree increments, from 7-30 degrees, equal or equivalent to Toro's 855 S Series and with a ten (10) year warranty. [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	EA	428	\$124.25	\$53,179.00	★	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
4		CHANGE ORDER NO. 1 - ADDITIONAL (40) SPRINKLERS NEEDED: ALTERNATE BID, ITEM NO. 1C, ABOVE	EA	40	\$124.25	\$4,970.00	Qty to be added as per Change Order #1	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
5	515-82	BASE BID, ITEM NO. 2, HALF CIRCLE: HALF CIRCLE sprinkler as specified above with a minimum FIVE (5) YEAR WARRANTY on all parts and components of the sprinkler. [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	EA	1250	\$112.00	\$140,000.00	ITEM RECOMMENDED FOR REJECTION	\$130.66	\$163,328.75	Hunter G995E53P8 PC, Std warranty is 3-	\$125.24	\$156,550.00	Rain Bird, 950E-80-30, 5 year warranty
6	515-82	TO BE PROCESSED AS PART OF CHANGE ORDER NO. 1 ALTERNATE BID, ITEM NO. 2A, HALF CIRCLE: HALF CIRCLE sprinkler as specified above with a TEN (10) YEAR WARRANTY on all parts and components of the sprinkler. [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	EA	38	\$112.00	\$4,256.00	Qty to be added as per Change Order #1	\$163.33	\$6,206.54	Hunter G995E53P8 PC, addtl 3-year warranty for a total of 10-years.	No Bid	No Bid	No Bid
		Approximately 15 to be order for Item No. 3-3A											
7	515-82	BASE BID, ITEM NO. 3, SATELLITE CONTROLLER: Satellite Controller as specified above with a minimum FIVE (5) YEAR WARRANTY on all parts and components. [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	LS	15	\$3,780.00	\$56,700.00	ITEM RECOMMENDED FOR REJECTION	\$4,027.95	\$60,419.27	FC70-UHF radio, Standard warranty is 1-yr. 7-yr	\$3,932.35	\$58,985.25	Rain Bird, PAR+ES56LS, 5 year warranty per attached
8	515-82	ALTERNATE BID, ITEM NO. 3A, SATELLITE CONTROLLER: Satellite Controller as specified above with a TEN (10) YEAR WARRANTY on all parts and components. [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	LS	15	\$3,780.00	\$56,700.00	★	\$5,034.94	\$75,524.09	Service rep located @ 5026 Service Center Dr. San Antonio, TX	No Bid	No Bid	No Bid
9	515-82	BASE BID, ITEM NO. 4, CENTRAL CONTROLLER COMPUTER SYSTEM (CCCS): CCCS as specified above with a FIVE (5) YEAR WARRANTY. [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	LS	1	\$16,705.37	\$16,705.37	ITEM RECOMMENDED FOR REJECTION	\$21,764.70	\$21,764.70	Service rep located @ 5026 Service Center Dr. San Antonio, TX	\$32,702.51	\$32,702.51	Rain Bird, Cirrus, 5 year warranty per attached
10	515-82	ALTERNATE BID, ITEM NO. 4A, CENTRAL CONTROLLER COMPUTER SYSTEM (CCCS): CCCS as specified above with a TEN (10) YEAR WARRANTY. [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY TERMS/CONDITIONS, DELIVERY DAYS AFTER RECEIPT OF ORDER (ARO) IN COMMENT AREA]	LS	1	\$25,705.37	\$25,705.37	★	\$26,764.70	\$26,764.70	Service rep located @ 5026 Service Center Dr. San Antonio, TX	\$40,468.38	\$40,468.38	Rain Bird, Cirrus, 10 year warranty per attached
11	515-82	BASE BID, ITEM NO. 5, SPRINKLER CONTROL WIRE: Approximately 70,000+ LF of Sprinkler Control Wire as specified above. (Price per LF) [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	LF	70,000	\$0.07	\$4,900.00	★	\$0.07	\$4,900.00		\$0.08	\$5,600.00	Regency, 141R-PE, 1 year warranty
12	515-82	BASE BID, ITEM NO. 6, SPLICE KIT(S) AND JUNCTION BOX: Approximately 3,800 Splice Kits for Sprinkler and Junction Box as specified above. (Price per Splice Kit) [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	EA	3800	\$1.01	\$3,838.00	★	\$0.94	\$3,572.00		\$1.18	\$4,484.00	3M, DBR/Y, 1 year warranty
13	515-82	BASE BID, ITEM NO. 7, 18/12 AWG UNDERGROUND LOW ENERGY CIRCUIT CABLE: Approximately 900 LF OF 18/12 AWG Underground Low Energy Circuit Cable as specified above. (Price per LF) [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	LF	900	\$0.36	\$324.00	★	\$0.43	\$387.00		\$0.43	\$387.00	Regency, 18/12, 1 year warranty
14	515-82	BASE BID, ITEM NO. 8, IRRIGATION VALVE/JUNCTION BOXES: Fifteen (15) Commercial Grade Irrigation Valve/Junction Boxes as specified above. (Price per Irrigation Valve/Junction Box).	BX	15	\$22.50	\$337.50	★	\$37.00	\$555.00		\$13.74	\$206.10	NDS, 113BC, 1 year warranty
15	515-82	BASE BID, ITEM NO. 9, IRRIGATION SWING JOINT RISER ASSEMBLIES: Seventy-eight (78) Irrigation Swing Joint Riser Assemblies as specified above. (Price per Swing Irrigation Riser Assembly). [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	EA	78	\$17.32	\$1,350.96	★	\$21.50	\$1,677.00		\$17.83	\$1,390.74	Rain Bird, SF-12-150-33, 5 year warranty per attached
15	515-82	CHANGE ORDER NO. 1 - ADDITIONAL (22) IRRIGATION SWING JOINT RISER ASSEMBLIES NEEDED: BASE BID, ITEM NO. 9 ABOVE		22	\$17.32	\$381.04	Qty to be added as per Change Order #1	\$21.50	\$473.00		\$17.83	\$392.26	
16	515-82	BASE BID, ITEM NO. 10, ACME THREAD TEE ASSEMBLIES: Seventy-eight (78) 1.5" All Around ACME Thread Tee Assemblies as specified above. (Price per ACME Thread TEE Assembly). [NOTE: INDICATE MANUFACTURER, MODEL, STANDARD WARRANTY]	EA	78	\$3.90	\$304.20	★	\$3.80	\$296.40		\$4.17	\$325.26	Lasco, 305-015, 1 year warranty



BIDDERS:		★ PROFESSIONAL TURF SAN ANTONIO, TX	EWING MCALLEN, TX	AMC INDUSTRIES SAN ANTONIO, TX
TOTAL ITEMS RECOMMENDED FOR AWARD 1A, 1C, 2A, 3A, 4A, & 5 to 10		\$228,633.53	\$232,982.08	\$52,861.48
TOTAL CHANGE ORDER NO. 1		\$9,607.04	\$6,679.54	\$392.26
<b>GRAND TOTAL INCLUDING C. O. NO. 1</b>		★ \$238,240.57	\$239,661.62	\$53,253.74
DELIVERY		14-30 days ARO	2 Weeks ARO	14-42 days ARO
BID BOND 5%		CC	CC	CC
ADDENDUM 1 & 2		Submitted	Submitted	Submitted
HARD COPY SUBMITTED		Submitted	Submitted	Submitted
ELECTRONIC COPY SUBMITTED		Submitted	Submitted	Submitted





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**CITY OF MCALLEN**  
**TRANSIT DEPARTMENT**  
**MEMORANDUM**

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

**From:** Elizabeth Suarez, Transit Director

**Date:** August 6, 2013

**Subject:** Authorization to Award Contract to INX LLC, a Presidio Company, for Purchase and Installation of Surveillance Cameras on Seven (7) Metro Shelters.

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**Goal:**

The Transit Department is seeking authorization for the purchase and installation of surveillance cameras at Metro Shelters for the safety and security of the Bus System.

**Brief Explanation:**

The Transit Department collaborated with the IT Department in search of a qualified vendor for the Purchase and Installation of Surveillance Cameras on Metro Shelters. IT and Transit Department staff has selected INX LLC, a Presidio Company out of San Antonio, Texas, as the most qualified and cost effective vendor to provide the services that will meet the Transit Department needs and best conforms to existing City infrastructure already in place. The system will allow the Transit Department to significantly increase safety and security on its bus system by being able to see what happens on the shelters at any given time. Previously data cabling and lighting were implemented on the shelters and the lighting has increased security and visibility, and the cameras will enhance the security of the lighted shelters, particularly for nightly riders.

The Transit Department seeks authorization to award a contract for Purchase and Installation for Surveillance Cameras from the General Services Administration (GSA) Schedule, as authorized by the Federal Transit Administration. The cost for the services is \$55,301.05 and will be purchased with 80% subsidy by a Federal Transit Administration Grant.

**Options:**

1. Authorize Award of Contract to INX LLC, a Presidio Company in the amount of \$55,301.05
2. Disapprove staff's recommendation and hold off on the Purchase and Installation of Surveillance Cameras on Metro Shelters.

**Recommendation:**

Staff recommends authorization to award a contract to INX LLC, a Presidio Company for Purchase and Installation of Surveillance Cameras on Metro Shelters in the amount of \$55,301.05.

**Title:** McAllen Bus Shelters

**To:** Leo Gonzalez  
 City of McAllen  
 ATTN ACCOUNTS PAYABLE  
 PO BOX 220  
 MCALLEN, TX 78505-0220

**From:** Tina Fore  
 INX LLC, a Presidio Company  
 777 E. Sonterra Blvd.  
 Suite 300  
 San Antonio, TX 78258

**Phone:** 956-681-1114

**Email:** leogonzalez@mcallen.net

**Comments:** PLEASE NOTE: Signed statement of work required prior to start of project.

**Phone:** 210.245.3810

**Fax:** 210.348.6622

**Email:** tfore@presidio.com

**Account Manager:** Rod Tanner

#	Part #	Description	Qty	Price	Ext Price
<b>Axis</b>					
1	AXC-0407-001	AXIS P3367-VE DOME OUTDOOR NETWORK CAMERA, 5MP, H.264	7.00	\$1,163.82	\$8,146.74
2	MIL-XPCODL	XPROTECT CORPORATE DEVICE CHANNEL LICENSE	7.00	\$306.82	\$2,147.74
3	MIL-YXPCODL	1YR SUP FOR XPCODL DEVICE CHANNEL LICENSE	7.00	\$56.08	\$392.56
4	AXC-5502-321	ACC PENDANT KIT FOR AXIS P3343-VE/P3344-VE	7.00	\$41.76	\$292.32
5	AXC-5017-671	AXIS T91A67 Pole Bracket	7.00	\$84.38	\$590.66
6	VID-P1600	CCTV STANDARD 16' STEEL POLE	3.00	\$1,069.88	\$3,209.64
7	VID-PV4	ANCHORING JIG FOR MOUNTING ALL POLES	3.00	\$160.35	\$481.05
8	CCN-CNGE2MCP0E	1000MBPS MEDIA CONVERTER, POE	14.00	\$636.75	\$8,914.50
<b>Total [Axis]:</b>					<b>\$24,175.21</b>
<b>Cisco</b>					
9	AIR-ACCPMK1550=	1550 Series Pole-Mount Kit	4.00	\$204.17	\$816.68
10	AIR-CORD-R3P-40NA=	1520 Series AC Power Cord, 40 ft. N. Amer Plug	4.00	\$180.08	\$720.32
11	AIR-CAP1552E-A-K9	802.11N Outdoor Mesh Access Point, Ext. Ant., A Reg. Domain	4.00	\$2,707.22	\$10,828.88
12	AIR-1550-PKG	Dummy PID: 1550 Standard Packaging	4.00	\$0.00	\$0.00
13	S155W7K9-15202JB	Cisco 1550 Series IOS WIRELESS LAN - Autonomous	4.00	\$0.00	\$0.00
14	AIR-ANT2547V-N	2.4 GHz 4dBi/5 GHz 7dBi Dual Band Omni Antenna, N connector	12.00	\$180.08	\$2,160.96
<b>Total [Cisco]:</b>					<b>\$14,526.84</b>
<b>Professional Services</b>					
15	PS-SVC-TM	Hourly for Presidio employee labor Labor and materials to install fourteen Cat 6 data runs, seven wireless access points, and seven IP cameras per customer specifications.	14.00	\$325.00	\$4,550.00
16	PS-SVC-TM	Hourly for Presidio employee labor Labor to install three Presidio provided utility poles per customer specifications. Mounting includes concrete base, and all mounting hardware.	3.00	\$3,100.00	\$9,300.00
17	PS-SVC-TM	Hourly for Presidio employee labor Project Management	14.00	\$100.00	\$1,400.00
<b>Total [Professional Services]:</b>					<b>\$15,250.00</b>
<b>Sub Total:</b>					<b>\$53,952.05</b>
<b>PRESIDIO GSA GS35F4554G</b>					<b>Grand Total: \$53,952.05</b>



**Quote #:** 11385384-01

**Date:** 05/22/2013

**Page:** 2 of 2

TERMS AND CONDITIONS OF GSA SCHEDULE GS35F4554G APPLY TO ORDERS WRITTEN AGAINST THIS QUOTE

Customer hereby authorizes and agrees to make timely payment for products delivered and services rendered, including payments for partial shipments

\_\_\_\_\_  
Customer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Presidio Representative

\_\_\_\_\_  
Date





# CITY OF McALLEN

## MEMO

TO: Mike R. Perez, City Manager

FROM: Elizabeth Suarez, Transit Director

DATE: August 6, 2013

SUBJECT: Award of Contract for the Purchase of Three (3) Cutaway Buses

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- **Goal** – To increase our fleet in order to satisfy the growing demand for Paratransit and Fixed Route services.
- **Background** – The Transit Department recently received bids for the purchase of three (3) budgeted Cutaways Buses. Two bids were received, one from Texas Bus Sales out of Houston Texas, and the other from National Bus Sales out of Marietta, Georgia. The lowest responsible bidder was Texas Bus Sales at a base price for three (3) buses of \$182,638.86, and total with options of \$255,559.86. The Transit Department is recommending award of contract to include options in the amount of \$255,559.86. The vehicles will be funded at 83% from a Federal Transit Administration Grant. Local match is \$43,445.18. The lead time to receive these vehicles is approximately 90 to 120 days. Below is a table that depicts the bids received.

Contractor	Manufacturer and Description	Base Price	Base Price With Options
Texas Bus	El Dorado National, Aerotech - 16 Passenger w/4-Wheelchair Spaces (3)	\$182,638.86	\$255,559.86
National Bus	Glaval, Universal - 16 Passenger w/4 - Wheelchair Spaces (3)	\$201,120.00	\$280,026.00

- **Options**
  - **Option 1** – Authorization to award a contract to Texas Bus Sales for the Purchase of three (3) Cutaway Buses in the amount of \$255,559.86 based on the low bid received.
  - **Option 2** – Reject bids and rebid the project.
- **Recommendation** – Staff is recommending approval to award a contract to Texas Bus Sales for the Purchase of three (3) Cutaway buses to include options in the amount of \$255,559.86.



JULY 31, 2013 AT 3:00 P.M.  
 LOCATION: Conference Room

PROJECT NO. 07-13-P41-12; PURCHASE OF THREE (3) 2013 TYPE III CUTAWAY BUSES - 22' TO 24'

BIDDER'S	Texas Bus Sales, Inc.	National Bus Sales & Leases
	Houston, Texas	Marrietta, Georgia
YEAR	2014	2014
MANUFACTURER	Ford	Ford
MODEL	E450	E450
BASE BID: Three (3) 2013 Type III Cutaway Buses – 22' To 24' (Bidder must specify YEAR, MAKE, & MODEL in "Comment Area" also indicate number of days to deliver buses.	\$60,879.62	\$67,040.00
Optional Item No. 1: Front and Side Luminator "Vista" digital destination signs. One sign to be mounted in overhead cap, another in foremost curbside window. All necessary programming software shall be included.	\$2,060.00	\$3,800.00
Optional Item No. 2: Stop request system with pull cord accessible from any seat or wheel chair position. Stop request chime and lighted sign in driver's area.	\$275.00	\$702.00
Optional Item No. 3: Sports Works 2 bicycle rack (stainless steel)	\$2,112.00	\$1,900.00
Optional Item No. 4: LED Interior lighting in lieu of incandescent lighting	\$425.00	\$200.00
Optional Item No. 5: GFI Odyssey Farebox	\$16,200.00	\$18,500.00
Optional Item No. 6: Motorola XLT 1500 Two Way Mobile Radio	\$3,235.00	\$1,200.00
TOTAL COST OF OPTIONS	\$24,307.00	\$26,302.00
TOTAL AMOUNT BID WITH OPTIONS	\$85,186.62	\$93,342.00
DELIVERY	90-120 DAYS	120 DAYS
ADDENDUM #1	NOT ACKNOWLEDGED	ACKNOWLEDGED
ADDENDUM #2	NOT ACKNOWLEDGED	ACKNOWLEDGED
HARDCOPY OF BID SUBMITTED	SUBMITTED	SUBMITTED
ELECTRONIC BID SUBMITTED	SUBMITTED	SUBMITTED

CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  3E  </u>
UTILITY BOARD	<u>      </u>	DATE SUBMITTED	<u>08/01/13</u>
PLANNING & ZONING COMMISSION	<u>      </u>	MEETING DATE	<u>08/12/13</u>
OTHER			

1. Agenda Item: INTERLOCAL AGREEMENT WITH PALM VALLEY ANIMAL CENTER.

2. Party Making Request: POLICE DEPARTMENT

3. Nature of Request: (Brief Overview) ATTACHMENT:   X   YES        NO  
Approval of contract for acceptance of animals from City Animal Control Department.  
The proposed contract increases the per-animal fee from \$66.00 to \$70.00.

4. Policy Implication: CITY COMMISSION APPROVAL NEEDED.

5. Budgeted:   X   YES        NO        N/A  
FUND:  
Bid Amount: \$        Budgeted Amount: \$237,662.00  
Anticipated Cost: \$480,000.00  
Under Budget: \$        Over Budget: \$         
Remaining Amount: \$       

If over budget how will it be paid for: N/A

6. Alternate option/costs: N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
			<u>YES/NO</u>
a.) <u>Victor Rodriguez</u> Chief of Police	<u>[Signature]</u>	<u>08/01/13</u>	<u>YES</u>
b.) <u>Sandra Zamora, CPM</u>	<u>      </u>	<u>      </u>	<u>      </u>

8. Staff recommendation: As recommended above.

9. Advisory Board:        Approved        Disapproved        None

10. City Attorney:   IP   Approved        Disapproved        None

11. Manager's Recommendation: MRP Approved        Disapproved        None



# McAllen Police Department

## INTRA-DEPARTMENTAL COMMUNICATION

**TO:** MIKE PEREZ, CITY MANAGER  
**FROM:** VICTOR RODRIGUEZ, CHIEF OF POLICE  
**SUBJECT:** AGENDA ITEM – ANNUAL SERVICE CONTRACT FOR THE OPERATION OF A REGIONAL ANIMAL SHELTER  
**DATE:** 8/1/2013

### GOAL:

The goal of this item is Award of Annual Service Contract for the Operation of a Regional Animal Shelter to the Palm Valley Animal Center Edinburg, Texas.

### BACKGROUND:

The City of McAllen contracts with the Palm Valley Animal Center for the operation of a regional animal shelter. Services under this contract include quarantine, impoundment, shelter, spay and neuter services for animals delivered to the Center by City of McAllen Animal Control Wardens.

The proposed contract increases the per-animal fee from \$66.00 to \$70.00. The department will deliver animals to the Palm Valley Animal Center during the course of the contract year.

**FUNDING:** The City of McAllen's General Fund budget includes funding for this expense.

Account No. 011-5020-457.71-12 (Outside Agencies – Health & Welfare)  
Budgeted Amount: \$237,662.00

### RECOMMENDATION:

Award annual Service Contract for the Operation of a Regional Animal Shelter to the Palm Valley Animal Center Edinburg, Texas.



**INTERGOVERNMENTAL COOPERATIVE AGREEMENT  
FOR THE OPERATION OF A REGIONAL ANIMAL SHELTER**

I.

**Parties:**

The Parties to this Agreement are ***THE PALM VALLEY ANIMAL CENTER***, a Texas Non-Profit Corporation, hereinafter referred to as ***The Animal Center***, whose principal place of business is on Trenton Road, in the City of Edinburg, Hidalgo County, Texas, and the ***CITY OF MCALLEN***, governmental entity located in Hidalgo County, Texas, hereinafter referred to as ***The City***.

II.

**Purpose:**

- A. ***Whereas The Animal Center*** has operated an Animal Adoption program and Regional Animal Shelter in Hidalgo County since 1983;
- B. ***Whereas The City*** desires to continue its participation in the ongoing operation of a Regional Animal Shelter in conjunction with ***The Animal Center*** and other governmental entities in Hidalgo County;
- C. ***Therefore, The Parties*** hereby mutually agree as set out below:

III.

***The Animal Center*** agrees:

- A. To provide a facility which complies with all requirements of the Texas Health and Safety Code Chapter 823 and all other relevant regulations, for the operation of a Regional Animal Shelter;
- B. To provide a quarantine facility for the housing and care of any animal ordered quarantined for causing bodily injury to a person;
- C. To provide a quarantine and impoundment facility which complies with all requirements of the Texas Health and Safety Code Chapter 826 and all other relevant regulations, for the control of rabies;
- D. To provide a Regional Animal Shelter for housing and care of any and all animals delivered to the Regional Animal Shelter by the City and its citizens;

- E. To provide a program of mandatory spaying and neutering of all animals adopted from the Regional Animal Shelter in accordance with Chapter 828 of the Texas Health and Safety Code;
- F. To maintain the Regional Animal Shelter on a 24-hour basis with an assistance shelter manager on call 24-hours a day for shelter emergencies;
- G. To maintain office hours Monday through Saturday from 10 a.m. to 6 p.m. and 10 a.m. to 4 p.m. on Sunday;
- H. To notify *The City* of the date, time and location of all meetings of *The Animal Center's* Board of Directors. A representative of *The City* is welcome to attend all board meetings. Any representative of *The City* who wishes to be placed on the agenda to address the board must notify the Animal Center in writing 48 hours in advance of the meeting. Any action taken by *The Animal Center* shall be at the Sole discretion of the Board of Directors.
- I. To provide a logbook where each Animal Control Officer can note any complaint as well as the date and time the complaint was made. The Shelter manager will then investigate complaints and respond to the Animal Control Officer as soon as reasonably possible;
- J. To provide an area where *The City's* Animal Control Officer may rinse out waste material from their trucks after dropping off animals;
- K. To accept responsibility for the acts and/or omissions of employees of the Regional Animal Shelter while acting within the course and scope of their employment and hold *The City* harmless from any claims resulting from those acts and/or omissions;
- L. To accept responsibility for the condition and operation of the Regional Animal Shelter and hold *The City* harmless from any claims resulting from that condition and operation;
- M. To maintain during the life of this Agreement a policy of liability insurance in an amount equal to the value of the Regional Animal Shelter and its contents;
- N. *The Animal Center* expressly denies any liability for the acts and/or omissions of the employees or agents of *The City* and for the capture and transportation of animals to the Regional Animal Shelter until such animal is actually in the care, custody and control of *The Animal Center*; and
- O. To provide monthly statements to *The City* setting out the total number of animals received in the preceding month and the total amount due from *The City*.



IV.

*The City* agrees:

- A. To pay the sum of **Seventy (70.00) Dollars** per animal delivered to the Regional Animal Shelter during the term of this Agreement on or before the 15th day of the month in which a statement is received from *The Animal Center*;
- B. To deliver all animals designated by the authority of *The City* to the Regional Animal Shelter in a safe and humane manner;
- C. To provide disinfectant to each of its Animal Control Officers delivering animals to the Regional Animal Shelter for use during the rinsing out of *The City's* trucks;
- D. To require each Animal Control Officer to clean up the rinse out area after cleaning their trucks so that the area is ready for the next user;
- E. To train each Animal Control Officer in the proper preparation of the necessary documentation when dropping off animals at the Regional Animal Shelter;
- F. To provide training to *The City's* new Animal Control officers for the safe and humane control of animals in accordance with Chapter 829 of the Texas Health and Safety Code;
- G. To deliver to the Regional Animal Shelter any animal required to be quarantined by the Texas Health and Safety Code;
- H. To designate *The Animal Center* as an authorized Local Rabies Control Authority representative for *The City*;
- I. To permit *The Animal Center* to dispose of any animal quarantined pursuant to this Agreement as it sees fit in accordance with the Texas Health and Safety Code requirements;
- J. To pay its *pro rata* share of the costs of any mandatory improvements of the Regional Animal Shelter required by the State of Texas, County of Hidalgo, or any other governmental entity participating in this Regional Animal Shelter within thirty (30) days of receipt of the invoice for such improvements.
- K. Notwithstanding any other provisions contained herein; should the City commence to operate its own or a jointly owned or operated shelter then the following paragraph will apply.

If *The City* operates its own shelter but chooses for *The Animal Center* to run certain aspects of their operation, such as animal quarantines, *The City* will be charged a fee of Three Hundred (300.00) Dollars per quarantined animal and a fee of One Hundred Ten (110.00) Dollars per animal that is dropped off by Animal Control Officers of *The City*. *The Animal Center* will refer all citizen drop-offs from *The City* back to their city-run shelter.

#### V.

The failure of *The City* to pay the sums required in Part IV, A above, within 30 days of billing by *The Animal Center*, shall terminate shelter privileges for *The City* until said sums are paid, unless otherwise agreed in writing by the Parties.

#### VI.

This Agreement shall only be amended by written mutual agreement of the Parties. This Agreement contains all of the terms of the agreements of the Parties. This Agreement shall be in effect for one year, starting from October 1, 2013 through September 30, 2014.

#### VII.

Neither *The Animal Center* nor *The City* shall terminate this agreement nor take any adverse action against the other party without first giving written notice of the problem and advising the other party of its right to cure such problem. If the party corrects or cures the problem within the specified 30-day period, then no adverse action related to this Agreement shall be taken by either participant. Either *The Animal Center* or *The City* may cancel this Agreement with 90 day written notice to the other party.

It is the intent of the parties that litigation be avoided and in order to allow for quick resolution of any and all disputes, the parties hereby agree that any claims, demands or disputes that cannot be amicably resolved between the parties upon written request by either party shall be submitted within two weeks to a neutral, trained party for assistance in dispute resolution by means of non-binding mediation. If mediation efforts are unsuccessful, parties may resort to protecting their rights by litigation in district court.

Said neutral third party should, if possible, be a local person with a background in dispute resolution and subject law. If the parties cannot agree on a neutral third party, then they shall submit the process to the American Arbitration Association for the selection of a neutral third party and the accomplishment of dispute resolution, in accordance with its guidelines.



VIII.

*The City*, at its own expense, may audit the financial records of *The Animal Center* from time to time from the latest fiscal year for transactions involving expenditures of funds from *The City*, arising under this contract. The audit shall not extend to all transactions of *The Animal Center*, but only to those transactions, which relate directly to services provided to *The City*. At the written request of *The City*, *The Animal Center* will furnish *The City* with a copy of *The Animal Center's* budget which relates to the expenditure of funds of *The City* arising under this contract. *The Animal Center* agrees to reasonably cooperate with audit inquiries relating to such budget and expenditures arising out of this contract.

**IN WITNESS THEREOF**, *The City* and *The Animal Center* have executed this agreement as of the date first above written.

ATTEST:

*City of McAllen, Texas*

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

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

Title: City Secretary

Title: \_\_\_\_\_

*Palm Valley Animal Center*

\_\_\_\_\_  
Board President

\_\_\_\_\_  
Executive Director

Approved as to form:

\_\_\_\_\_  
City Attorney



CITY OF MCALLEN  
STANDARD RECOMMENDATION FORM

<u>CITY COMMISSION</u>	<u>    X    </u>	AGENDA ITEM	<u>    3F    </u>
UTILITY BOARD	<u>          </u>	DATE SUBMITTED	<u>    08/05/13    </u>
PLANNING & ZONING COMMISSION	<u>          </u>	MEETING DATE	<u>    08/12/13    </u>
OTHER	<u>          </u>		

1. Agenda Item: Change Order No.5 - McAllen Miller International Airport Terminal Expansion Project (Project No. 0811-C30-190)

2. Party Making Request: DEPARTMENT OF AVIATION

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

Consideration and approval of Change Order No. 5 on the McAllen Miller International Airport Terminal Expansion Project for Don Krueger Construction Company.

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

5. Budgeted:     X     YES            NO            N/A

FUND: 551-8708-446.66-10

Original Contract Amount:	\$ 18,879,500.00	713 calendar days
Change Order 1-4:	\$ 322,207.00	14 calendar days
Proposed Change Order 5:	\$ 147,710.00	15 calendar days
Total Revised Contract Amount:	\$ 19,349,417.00	742 calendar days

6. Alternate option/costs:

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
Philip K. Brown Director of Aviation	<u>PKB</u>	<u>8/5/13</u>	<u>YES</u>
Brent Branham Deputy City Manager	<u>ABB</u>	<u>8/6/2013</u>	<u>YES</u>

8. Staff Recommendation: Approval of Change Order No. 5 on the McAllen Miller Airport Terminal Expansion Project in the amount of \$147,710.00 and 15 calendar days, for a total revised amount of \$19,349,417.00 and 742 calendar days.

9. Advisory Board:            Approved            Disapproved     X     None

10. City Attorney:     JP     Approved            Disapproved            None

11. Manager's Recommendation:     MRP     Approved            Disapproved            None

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



# Department of Aviation

## MEMO

To: Mike R. Perez, City Manager

Thru: Brent Branham, Deputy City Manager

From: Philip K. Brown, Director of Aviation

Date: August 5, 2013

Subject: Change Order No.5 – McAllen Miller International Airport Terminal Expansion Project  
(Project No. 08-11-C30-190)

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### GOAL

Consideration and approval of Change Order No.5 on the McAllen Miller International Airport Terminal Expansion Project for Don Krueger Construction Company.

### EXPLANATION

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

1. **Use of existing underground duct bank to feed Panel HD.** An existing underground conduit bank was left in place and utilized to run electrical feeds to the HD panel. **Credit of \$16,390 and an addition of 5 days.**
2. **Relocation of existing Baggage Handling Building (BHB) electrical.** Several junction boxes with existing electrical conduit and electrical circuits were found during demolition of the existing BHB. A field change directive was provided to contractor to remove existing electrical from future foundation of new BHB and reroute conduit with live circuits. **Cost \$35,602 with no additional time.**
3. **Relocation of floor cleanout at BHB.** During demolition, review of the proposed plumbing plans generated a field directive to relocate a floor cleanout. The relocation would avoid conflict with proposed permanent baggage handling equipment. **No cost or time added.**
4. **Relocation of Existing Infrastructure within GA FIS.** As duct work was being installed through the General Aviation's Federal Inspection Station, several conflicts with existing utilities were found including power, special systems, domestic water and hydronic heating. Consultant issued revised drawings to adjust duct to minimize relocations. **Cost \$11,078 with 5 additional days.**
5. **EIFS in lieu of Painted Exterior at Lower Level Terminal Expansion.** A price was requested from contractor to provide EIFS at the exterior of the Lower Level of the Terminal Expansion. The EIFS will provide consistency throughout the exterior of the building expansion. **Cost of item \$39,772 with no additional time.**
6. **Security Enhancements to the Terminal Expansion.** As coordination with Airport Operations, TSA, CBP and U.S. Marshalls office continues, 5 additional card readers and 4 cameras are recommended to increase security throughout the expansion of the terminal. **Cost of item \$35,012 with no additional time.**

7. **Starters for Panel MCC1.** As part of the mechanical room reconstruction 3 starters were needed for supply air-conditioning to the rental car counters, an emergency exhaust fan for the central plant and a heat pump that provides flow to the heat exchanger. **Cost \$6,158 with no additional time.**
8. **Modifications to Gate Counters.** Portions of the mill work at gate counter 1/3 & 5 were removed from the contract and implemented in the SUPPS contract for consistency of the millwork and installation of electronic equipment. A credit of \$1,500 was given. Gates 2, 4 & 6 will be added to provide Corian countertops and match with the other gate counter tops. This addition will add \$6,416. **Total Cost is \$4,916 with no additional time.**
9. **Various Electrical Items at Jet Bridges and Terminal Expansion.** The terminal has 5 existing jet bridges with a new one to be added with the terminal expansion. The panel for the jet bridges is proposed to be relocated to emergency power at a cost of \$4,344. It is proposed to rewire electrical feeders so that each jet bridge has a dedicated circuit. A credit of \$1,763 was given to reduce wire and panel size to jet bridges. Spare conduits and panel space on emergency panel was left to accommodate the side shift cabs if airport decides to. **Cost \$2,581 with no additional time.**
10. **HVAC and Electrical Enhancements to the Baggage Handling Building.** The equipment package that was submitted by the contractor and subsequently approved by TSA has warranted additional cooling and power. A separate cooling unit especially for electronic equipment is proposed along with adding 6 new receptacles and circuits to the building. This cost is TSA eligible. **Cost \$28,981 with 5 additional days.**
11. **Relocation of Automatic Transfer Switch.** Coordination was made with staff to relocate the Automatic Transfer Switch within the existing electrical room to provide additional clearance and room to maintain the existing systems. **No cost or time added.**

Please see attachments for exhibit of improvements and cost itemization.

## **OPTIONS**

Approve or reject Change Order No.5.

## **RECOMMENDATION**

Staff recommends approval of Change Order No. 5 for the Terminal Expansion Project to Don Krueger Construction Co., in the amount of \$147,710 and an additional 15 days, for a total revised contract amount of \$19,349,417.00 and 742 calendar days.

**Proposed Change Order No.5 – McAllen Miller International Airport Terminal Expansion Project  
(Project No. 08-11-C30-190)**

Item	Description of Work	Additional Cost	Cost Credit	Contract Time Adjustment
1	Use of Existing Underground Duct Bank to feed Panel HD		(\$16,390)	5
2	Relocation of existing Baggage Handling Building electrical items	\$35,602		
3	Relocation of Floor Cleanout at Baggage Handling Building	N/C		
4	Relocation of Existing Infrastructure items within GA FIS	\$11,078		5
5	EIFS in lieu of Painted Exterior at Lower Level of Terminal Expansion	\$39,772		
6	Security Enhancements to the Terminal Expansion	\$35,012		
7	Starters for Panel MCC1	\$6,158		
8	Modifications to Gate Ticket Counters	\$6,416	(\$1,500)	
9	Relocate panel MB & rename EMB	\$4,344		
	Revise Circuit EH5 to gates 3, 5, 6		(\$1,763)	
	Revise Panel EH6 to reflect use of existing 75 kVA transformer by deletion of 45 kVA transformer			
	Revise Circuit Designation to Gates 1, 2, 4 on Panel EMB			
10	HVAC and Electrical Enhancements to the Baggage Handling Building	\$28,981		5
11	Relocation of New Automatic Transfer Switch	N/C		


<b>Proposed Change Order No.5 Total =</b>	<b>\$147,710</b>	<b>15</b>
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Department of Aviation  
**MEMO**

To: Mike R. Perez, City Manager  
Thru: Brent Branham, Deputy City Manager  
From: Philip K. Brown, Director of Aviation   
Date: August 5, 2013  
Subject: Amendment 14 to HNTB General Engineering Contract

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On the City Commission agenda for August 12 is Amendment 14 to HNTB's General Engineering Contract. This amendment provides for **design and bidding** services for the installation of Engineered Material Arresting System (EMAS) for the departure end of Runway 31, the realignment of the airport perimeter road, perimeter fencing, and the berm road at McAllen Miller International Airport to comply with the Federal Aviation Administration (FAA) Runway Safety Area minimum standards.

This amendment includes project management services, project meetings at key points in the design and bidding process, topographic surveying services, medium intensity approach lighting system (MALSR) adjustment, EMAS bed design, and runway safety area improvement design. The berm at the south end of the airport will have to be realigned to get it out of the safety area. This contract amendment also includes hydrology analyses and preparation of a Conditional Letter of Map Revision which the City will present to the Federal Emergency Management Administration (FEMA) for approval. Current maps indicate that this area is in Flood Zone A. Based on an analysis of existing conditions, the flood zone designation can be eliminated with FEMA approval. Staff has been coordinating this effort with Hidalgo Country Drainage District #1.

This is a lump sum contract in an amount not to exceed \$555,447 and will be paid with AIP and PFC funds. In accordance with FAA regulations, staff requested an independent fee analysis. The independent analysis was within 3% of the proposed fee. FAA regulations require than an independent fee analysis be within 10%. Estimated construction costs for the runway safety improvement are \$8.8 million. The proposed fee is 6.3% of the construction costs.

Staff recommends approval.

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION       X    
UTILITY BOARD                   
OTHER                           

AGENDA ITEM             3h    
DATE SUBMITTED        08/01/13   
MEETING DATE          08/12/13 

1. Agenda Item:          **AWARD OF CONTRACT - 2013 Pavement Fog Seal --**    
                            **PROJECT NO. 07-13-C24-167**  

2. Party Making Request:     Engineering Department  

3. Nature of Request: (Brief Overview) Attachments:      **X**   Yes          No  
  Consideration and award of contract for 2013 Pavement Fog Seal to Cholla Pavement Maintenance  

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

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

**Funding Source:            011-3022-435.65-15**

<b>Engineers Estimated Costs:</b>	<b>\$</b>	<b>265,000.00</b>
<b>Low Amount Labor Bid:</b>	<b>\$</b>	<b>214,081.35</b>
<b>Amount <u>under</u> estimate</b>	<b>\$</b>	<b>50,918.65</b>

6. Alternate Option/Costs     N/A  

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u>  YB  </u>	<u>  7/30/13  </u>	<u>  yes  </u>
b.) J. Dale, CPA, Finance Director	<u>  SL/AR  </u>	<u>  8/5/13  </u>	<u>  YES  </u>
c.) R. Rodriguez, PE, General Manager Assistant City Manager	<u>  RR  </u>	<u>  8/6/13  </u>	<u>  YES  </u>
d.) S. Zamora, Director of P&C	<u>  SZ  </u>	<u>  8/2/13  </u>	<u>  YES  </u>

8. Staff Recommendation:     **Award to Cholla Pavement Maintenance as the low bidder for the base bid**    
  **in the amount of \$214,081.35 and 10 working days**  

9. Advisory Board:              Approved          Disapproved          None

10. City Attorney:         IP   Approved          Disapproved          None

11. Manager's Recommendation:     MRP   Approved          Disapproved          None



CITY OF MCALLEN  
ENGINEERING DEPARTMENT  
**MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Yvette Barrera, PE, CFM, City Engineer *Yvette Barrera*  
**Date:** August 1, 2013  
**Subject:** Award of Contract – 2013 Pavement Fog Seal  
Project No. 07-13-C24-167

**Goal**

To award contract for the 2013 Pavement Fog Seal project.

**Explanation**

On July 18, 2013 the Purchasing and Contracting department received two (2) bid proposals for the above referenced project. The purpose of the project is to prolong the asphalt roadway surface and to minimize future maintenance cost by providing a fog seal to approximately 13.5 centerline miles of existing asphalt roadways throughout the City. The fog seal will provide a spray application of a tire modified rubber surface sealer that will help to lock in aggregate that is on the verge of raveling and to seal small micro-cracks. The two bids received are shown below:

Company	Location	Base Bid
Cholla Pavement Maintenance	Apache Junction, Arizona	\$214,081.35
Clark Construction of Texas, Inc	San Antonio, Texas	\$326,876.90

The apparent low bidder is Cholla Pavement Maintenance. A reference check was completed on Cholla Pavement Maintenance as they have not been previously contracted with the City. The general feedback from the five entities contacted was that Cholla Pavement Maintenance is a good company, easy to work with, supplied a good product and presented no problems. The company is out of Arizona but did provide references for entities within Texas. A more detailed report of the reference check is attached.

**Options**

Approve or reject bid.

**Recommendation**

Based on review by this office, award of contract for the base bid is recommended to the low responsive, responsible bidder, **Cholla Pavement Maintenance** from Apache Junction, Arizona, for a bid in the amount of **\$214,081.35 with a contract time of 10 working days.**



pavement maintenance inc.

5254 S. Warner Drive, Apache Junction, AZ 85120

Phone: (480) 893-1044 Fax: (480) 893-1064

Toll Free: (888) 893-1044

www.chollapavementmaintenance.com

AZ ROC #092441 (A-14) · AZ ROC # 205802 (C-13)

**STATEMENT OF QUALIFICATIONS**

Cholla Pavement Maintenance, Inc is a family owned business established in 1992. We have a staff with combined experience of over 50 years. We are licensed for both commercial and residential work. We are fully bonded and insured.

Contractor License Numbers:	ROC 092441 (A-14)	ROC205802 (C-13)
Taxpayer Identification Number:	86-0698114	
Arizona Transaction Privilege Number:	07-425651-K	
Dun & Bradstreet Number:	80-854-9372	
State Incorporated In:	Arizona	
Year of Incorporation:	1992	

Insurance Information:	General Southwest Insurance Agency
Brittany Miller – 480-990-1900	

Bonding Information:	BBVA Compass Insurance
Jessika Gulliver – 602-977-3509	
Merchants Bonding Company	

**CONTRACTOR EXPERIENCE / REFERENCES:**

**MUNICIPALITIES OF TEXAS:**

**City of Georgetown** - spoke with on 7/19  
 Mark Miller  
 512-930-2576

**City of Rowlett** - called 7/19 no answer  
 Robbin Webber - called 7/22 no answer  
 972-463-3913 - called 7/25 no answer

**Texas Department of Transportation** - spoke w/ on 7/19  
 Carl Peters  
 903-796-2851

**MUNICIPALITIES OF ARIZONA:**

Mark Navarro 520-940-5798  
 Walter Jackson 520-940-1874  
 - called 7/25 - left message

**Lake Havasu City**  
 Harry Brown  
~~928-855-3777~~ - wrong number

**Town of Oro Valley** - called 7/19 no answer  
 Lynn Garcia - called 7/22 (vacation till Wed)  
 520-229-4875

**City of Chandler** - called 7/19 no answer  
 Rex Hartman - called 7/22 no answer  
 480-782-3493 - called 7/25 left message

**Arizona Dept of Transportation** - accident  
 Ellen Farmer - give other name  
 602-712-7211 - figure out system

**City of Scottsdale** - called 7/19 no answer  
 Jeremy Dye - called 7/22 no answer  
 480-312-5635 - called 7/25 left message

**Town of Gilbert** - called 7/19 no answer  
 Kory Parker - works M-TH 5:30-3:30  
 480-503-6478 - called 7/25 - left message

**City of Surprise** - called 7/19 no answer  
 Adel Edward - called 7/22 no answer  
 623-222-6232 - called 7/25 no answer

**Town of Queen Creek** - called 7/19 no answer  
 Jan Martin - called 7/22 no answer  
 480-358-3821

***PRIVATE WORK***

**Salt River Project**

Jaren Broadbent  
602-236-3426

**Springfield Homeowners Association**

Anna Pappas  
480-330-8964

**Colliers International Property Management**

Bob King  
602-222-5184

**Stellar Runway Users Association**

Joe Martin  
480-705-9217

**Sunstate Builders/Chamberlain Properties**

Elizabeth Wulff  
480-894-1286

**Bonita Vista Mobile Home Park**

Dick Holst  
480-982-5630

**Commercial Property Management**

Larry Cassel  
480-966-4155

**SCI**

Dan Salter  
602-249-2111

**General Dynamics**

Greg Kephart  
480-441-2190

**Associated Asset Management**

Heidi Dalhof  
602-957-7500

**Capital Consultants**

Marianne Wiggishof  
480-921-7500

**Palo Verde Homeowners Association**

Jack Nelson  
480-895-5104

**Cliff Castle Casino**

Bob Janis  
928-567-7953

**Villages of Green Valley**

Vince Currier  
520-429-6106

**The Hewson Company**

Shawn Babson  
480-829-1773

**Casa Grande FM Group**

Charles Ross  
520-421-0322



## Reference Check for Cholla Pavement Maintenance

Completed By: Engineering Department (Christina Hickey, PE)

Completed On: July 2013

City of Georgetown, Texas (Mark Miller):

- Have a contract for 2 years now for the supply and application of TMRSS
- City is about to award a chip seal project for approximately \$400,000
- City has had a good relationship with Cholla, which can be shown in the City's readiness to award another project concurrently to the existing TMRSS project they already have with Cholla
- City reported no problems and was very pleased with both product and service provided

TxDOT – District 19 (Carl Peters):

- Cholla completed only one contract for 300 lane miles of cold and hot poured crack sealing with district in a previous year
- District reported no problems and was very pleased with service

City of Scottsdale, Arizona (Jeremy Dye):

- City used Cholla for 5 continuous years for crack sealing and TMRSS application for a contract price of approximately \$300,000/year
- City extended the contract with Cholla each year for as long as it was allowed. The contract has since ended and Cholla was not the low bidder on the new contract.
- City reported no problems and was very pleased with both product and service provided

Town of Gilbert, Arizona (Kory Parker):

- Town used Cholla a couple of years ago for TMRSS for a contract of approximately \$400,000
- Town has since used an in-house crew for pavement maintenance and has not had a need for that project type again.
- City reported no problems and was very pleased with both product and service provided

City of Chandler, Arizona (Rex Hartman):

- City has used Cholla several times over the last 15 years for crack sealing, fog seal, TMRSS application with projects ranging from \$100,000-\$350,000
- City does not have a current contract open
- Cholla was praised as one of the better contractors the City works with (proactive, great group of people, very professional, very organized)
- City switched from existing fog seal method to TMRSS on the recommendation of an employee of Cholla and has since only used TMRSS as they found it to be a better product for their needs



Depicts Recommended Contractor

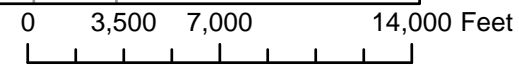
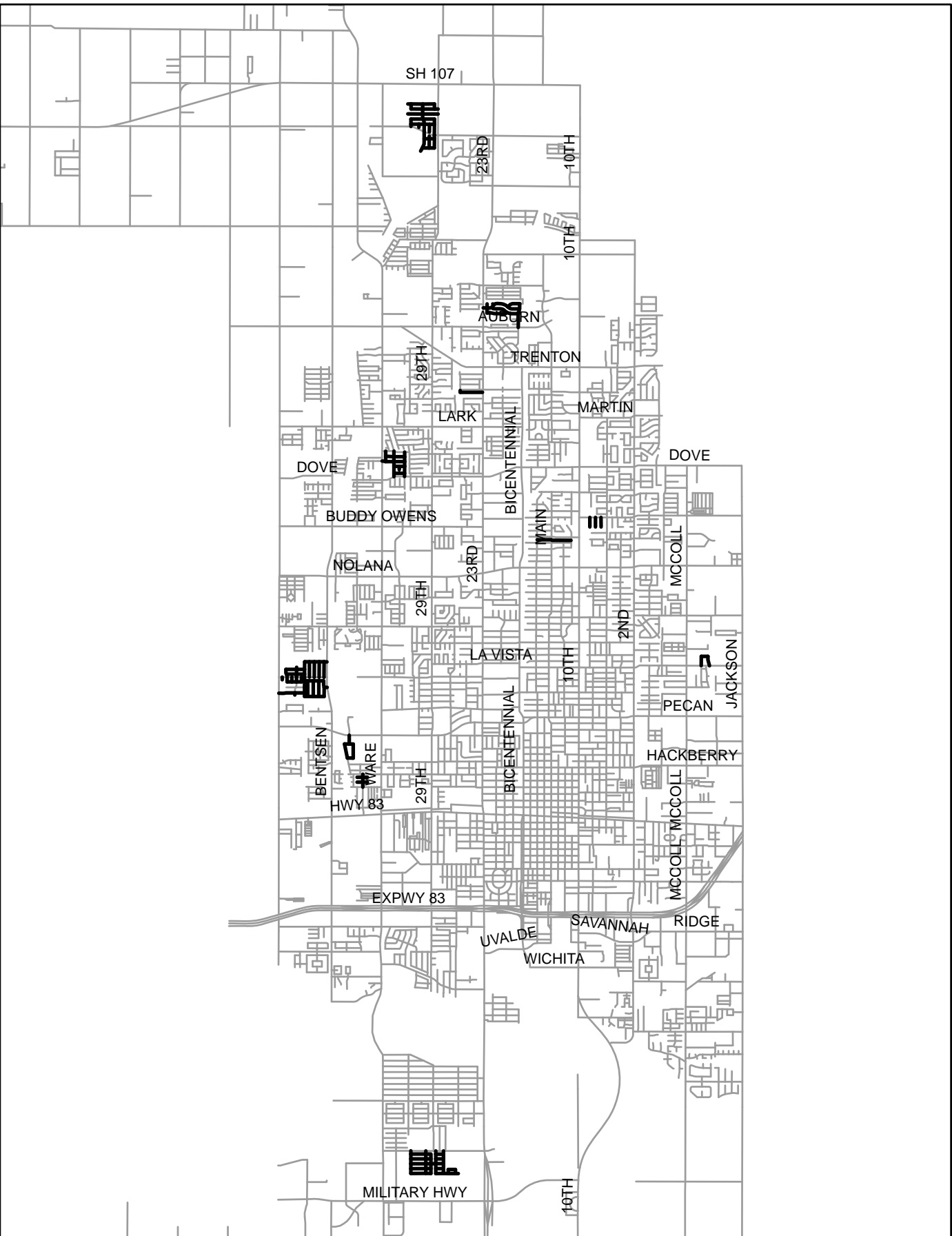
Solicitation: 07-13-C24-167 2013 PAVEMENT FOG SEAL

BID OPENING: July 18, 2013 @ 3:00 pm

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

ITEM	INTERNAL REFERENCE NO.	TYPE	DESCRIPTION	U/M	QTY	CLARK CONSTRUCTION SAN ANTONIO, TX		★ CHOLLA PAVEMENT MAINTENANCE APACHE JUNCTION, AZ	
						ITEM BID	EXTENDED BID	ITEM BID	EXTENDED BID
1	913-84	BASE	BASE BID: Tire Rubber Modified Surface Sealer application per Specification 09106 "Tire Rubber Modified Surface Sealer"	SY	230195	\$1.42	\$326,876.90	\$0.93	★ \$214,081.35
<b>NUMBER OF DAYS TO COMPLETE PROJECT</b>						30 DAYS		10 DAYS	
<b>ADDENDUM NO. 1</b>						SUBMITTED		SUBMITTED	
<b>BID BOND (5%)</b>						YES		YES	
<b>PAPER COPY SUBMITTAL</b>						YES		YES	
<b>ELECTRONIC BID SUBMITTAL</b>						YES		YES	

# City of McAllen Pavement Fog Seal 2013



## 2013 Pavement Fog Seal

Sheet No.	Street	From (north or west)	To (south or east)	Area (sf)	Area (sy)
1	Emory Ave	23rd St	22nd St	5746	638.44
1	Emory Ave	22nd St	Duke Ave	8602	955.78
1	Emory Ave	Duke Ave	Emory Ct	5746	638.44
1	Emory Ave	Emory Ct	Fordham	27098	3010.89
1	Emory Ave	Fordham	19th St	21760	2417.78
1	Emory Ct	Culdesac	Emory Ave	5519	613.22
1	Dartmouth Ave	22nd St	Duke Ave	34306	3811.78
1	Duke Ave	Emory Ave	Dartmouth Ave	29478	3275.33
1	Duke Ave	Dartmouth Ave	19th St	21114	2346.00
1	Fordham Ave	Emory Ave	19th St	23188	2576.44
1	Fordham Ave	19th St	Dead End	3910	434.44
1	22nd St	Dead End (north of E	Emory Ave	10062	1118.00
1	22nd St	Emory Ave	Dartmouth Ave	8763	973.67
1	19th St	Fordham Ave	Emory Ave	6939	771.00
1	19th St	Emory Ave	Duke Ave	7047	783.00
1	19th St	Duke Ave	Cornell Ave	7776	864.00
1	19th St	Cornell Ave	Baylor Ave	7290	810.00
1	19th St	Baylor Ave	Auburn Ave	3645	405.00
				0	0.00
2	Alley (Between Pelic	25th St	23rd	16259	1806.56
2	Alley (Between Pelic	Robin	Alley	1615	179.44
				0	0.00
3	7th St	Violet Ave	Dead End	17001	1889.00
3	8th St	Violet Ave	Dead End	16779	1864.33
3	9th St	Violet Ave	Dead End	16648	1849.78
				0	0.00
4	Alley (Between Shas	Main St	11th St	14865	1651.67
4	Alley (Between Shas	16th St	Main St	7410	823.33
				0	0.00
5	42nd St	Pecan Ave	Laurel Ave	15355	1706.11
5	40th St	Laurel Ave	Jasmine Ave	22441	2493.44
5	41st St	Laurel Ave	Jasmine Ave	28520.5	3168.94
5	Laurel Ave	42nd St	40th St	6639.5	737.72
5	Laurel Ave	41st St	42nd St	9613.5	1068.17
5	Jasmine Ave	41st St	40th St	9015.5	1001.72
5	40th St	Gumwood Ave	Fir Ave	3920	435.56
5	40th St	Fir Ave	Eucaliptus Ave	7168	796.44
5	40th St	Eucaliptus Ave	Ebony Ave	6832	759.11
5	Fir Ave	Dead End (west of 40	40th St	11596	1288.44
5	Fir Ave	40th St	Dead End (east of 40	10168	1129.78
5	Eucaliptus Ave	Dead End (west of 40	40th St	11596	1288.44
5	Eucaliptus Ave	40th St	Dead End (east of 40	10168	1129.78

Sheet No.	Street	From (north or west)	To (south or east)	Area (sf)	Area (sy)
				0	0.00
6	32nd St	Sarah Ave	Tanya Ave	3836	426.22
6	32nd St	Tanya Ave	Teresa Ave	7112	790.22
6	32nd St	Teresa Ave	Ursula Ave	7196	799.56
6	32nd St	Ursula Ave	Vanessa Ave	7140	793.33
6	32nd St	Vanessa Ave	Wanda Ave	8262	918.00
6	30th St	Sarah Ave	Tanya Ave	5143	571.44
6	30th St	Tanya Ave	Teresa Ave	9472	1052.44
6	30th St	Teresa Ave	Ursula Ave	9324	1036.00
6	30th St	Ursula Ave	Vanessa Ave	9546	1060.67
6	30th St	Vanessa Ave	Wanda Ave	8954	994.89
6	29th St	Tanya Ave	Teresa Ave	8356.5	928.50
6	29th St	Teresa Ave	Ursula Ave	7056	784.00
6	29th St	Ursula Ave	Vanessa Ave	7280	808.89
6	29th St	Vanessa Ave	Wanda Ave	8287.5	920.83
6	28th St	Sarah Ave	Tanya Ave	4032	448.00
6	28th St	Tanya Ave	Teresa Ave	7000	777.78
6	28th St	Teresa Ave	Ursula Ave	6972	774.67
6	28th St	Ursula Ave	Vanessa Ave	7280	808.89
6	28th St	Vanessa Ave	Wanda Ave	8304.5	922.72
6	27th Ln	Sarah Ave	Tanya Ave	3976	441.78
6	27th Ln	Tanya Ave	Teresa Ave	7000	777.78
6	27th Ln	Teresa Ave	Ursula Ave	6972	774.67
6	27th Ln	Ursula Ave	Vanessa Ave	7280	808.89
6	27th Ln	Vanessa Ave	Wanda Ave	6916	768.44
6	26th St	Vanessa Ave	Wanda Ave	6777	753.00
6	27th St	Vanessa Ave	Wanda Ave	6752.5	750.28
6	Tanya Ave	32nd St	30th St	21224	2358.22
6	Tanya Ave	30th St	29th St	8244.5	916.06
6	Tanya Ave	28th St	27th Ln	10696	1188.44
6	Teresa Ave	32nd St	30th St	21224	2358.22
6	Teresa Ave	30th St	29th St	6692	743.56
6	Teresa Ave	28th St	27th Ln	10696	1188.44
6	Ursula Ave	32nd St	30th St	21252	2361.33
6	Ursula Ave	30th St	29th St	6692	743.56
6	Ursula Ave	29th St	28th St	6300	700.00
6	Ursula Ave	28th St	27th Ln	10724	1191.56
6	Vanessa Ave	32nd St	30th St	21280	2364.44
6	Vanessa Ave	30th St	29th Ln	6692	743.56
6	Vanessa Ave	28th St	27th Ln	10724	1191.56
6	Vanessa Ave	27th St	26th St	13053.5	1450.39
6	Wanda Ave	32nd St	30th St	23298	2588.67
6	Wanda Ave	30th St	29th St	8764	973.78
6	Wanda Ave	28th St	27th Ln	12503.5	1389.28



Sheet No.	Street	From (north or west)	To (south or east)	Area (sf)	Area (sy)
6	Wanda Ave	27th Ln	27th St	6944	771.56
6	Wanda Ave	27th St	26th St	10640	1182.22
6	Wanda Ave	26th St	Dead End	3332	370.22
				0	0.00
7	36th Ln	Gull Ave	Goldcrest Ave	7453	828.11
7	36th Ln	Goldcrest Ave	Flamingo Ave	7366	818.44
7	36th St	Gull Ave	Goldcrest Ave	8091	899.00
7	36th St	Goldcrest Ave	Flamingo Ave	7453	828.11
7	36th St	Flamingo Ave	Falcon Ave	7250	805.56
7	36th St	Falcon Ave	Eagle Ave	10614	1179.33
7	36th St	Eagle Ave	Dove Ave	4350	483.33
7	34th St	Gull Ave	Goldcrest Ave	8732	970.22
7	34th St	Goldcrest Ave	Flamingo Ave	9361	1040.11
7	34th St	Flamingo Ave	Falcon Ave	9250	1027.78
7	34th St	Falcon Ave	Eagle Ave	13542	1504.67
7	34th St	Eagle Ave	Dove Ave	5032	559.11
7	Goldcrest Ave	36th Ln	36th St	11832	1314.67
7	Goldcrest Ave	36th St	34th St	15544	1727.11
7	Flamingo Ave	Ware Rd	36th Ln	4814	534.89
7	Flamingo Ave	36th Ln	36th St	12325	1369.44
7	Flamingo Ave	36th St	34th St	15544	1727.11
7	Falcon Ave	36th St	34th St	7540	837.78
7	Falcon Ave	36th St	35th St	7830	870.00
7	Eagle Ave	35th St	34th St	15370	1707.78
7	35th St	Falcon Ave	Dead End	8349	927.67
8	Westway Ave	48th St	47th St	7515	835.00
8	Westway Ave	47th St	46th St	7424	824.89
8	Westway Ave	46th St	45th St	7424	824.89
8	Westway Ave	45th St	44th St	7482	831.33
8	Westway Ave	44th St	Bentsen	4640	515.56
8	La Vista Ave	50th St	49th St	16502.5	1833.61
8	La Vista Ave	49th St	48th St	10696	1188.44
8	Walnut Ave	50th St	49th St	14056	1561.78
8	Walnut Ave	49th St	48th St	10696	1188.44
8	Upas Ave	50th St	49th Ln	8109.5	901.06
8	Upas Ave	49th Ln	49th St	7000	777.78
8	Upas Ave	49th St	48th Ln	8501.5	944.61
8	Upas Ave	48th St	47th St	4368	485.33
8	Upas Ave	47th St	46th St	8120	902.22
8	Upas Ave	46th St	45th St	8120	902.22
8	Upas Ave	45th St	44th St	8558	950.89
8	Sycamore Ave	48th St	47th St	4340	482.22
8	Sycamore Ave	47th St	46th St	8120	902.22

Sheet No.	Street	From (north or west)	To (south or east)	Area (sf)	Area (sy)
8	Sycamore Ave	46th St	45th St	8120	902.22
8	Sycamore Ave	45th St	44th St	8346	927.33
8	Sycamore Ave	Taylor Rd	50th St	23128	2569.78
8	Sycamore Ave	50th St	48th St	13440	1493.33
8	50th St	Sycamore Ave	Dead End	3024	336.00
8	51st St	Vine Ave	Dead End	6724	747.11
8	50th St	La Vista Ave	Walnut Ave	8718.5	968.72
8	50th St	Walnut Ave	Vine Ave	3752	416.89
8	50th St	Vine Ave	Upas Ave	7493.5	832.61
8	49th Ln	Vine Ave	Upas Ave	5768	640.89
8	49th St	Dead End (North of I	La Vista Av	3500	388.89
8	49th St	La Vista Ave	Walnut Ave	7056	784.00
8	49th St	Walnut Ave	Vine Ave	3808	423.11
8	49th St	Vine Ave	Upas Ave	5768	640.89
8	48th Ln	Vine Ave	Upas Ave	7353.5	817.06
8	48th St	Westway Ave	La Vista Av	14438	1604.22
8	48th St	La Vista Ave	Walnut Ave	9324	1036.00
8	48th St	Walnut Ave	Vine Ave	4810	534.44
8	48th St	Vine Ave	Upas Ave	5957	661.89
8	48th St	Upas Ave	Tamarack Ave	13024	1447.11
8	48th St	Tamarack Ave	Sycamore Ave	10656	1184.00
8	48th St	Sycamore Ave	Sycamore Ave	7585	842.78
8	47th St	Westway Ave	Vine Ave	22156	2461.78
8	46th St	Westway Ave	Vine Ave	22156	2461.78
8	45th St	Westway Ave	Vine Ave	22185	2465.00
8	44th St	Westway Ave	Vine Ave	22185	2465.00
8	47th St	Upas Ave	Sycamore Ave	22456	2495.11
8	46th St	Upas Ave	Sycamore Ave	22484	2498.22
8	45th St	Upas Ave	Sycamore Ave	22484	2498.22
8	44th St	Upas Ave	Tamarack Ave	10910	1212.22
8	44th St	Tamarack Ave	Sycamore Ave	13890	1543.33
8	Tamarack Ave	44th St	Bentsen	4032	448.00
				0	0.00
9	I St	Westway Ave	La Vista Ave	17536	1948.44
9	J St	Westway Ave	La Vista Ave	18136.5	2015.17
9	Westway Ave	I St	J St	13139.5	1459.94
				0	0.00
10	32nd Ln	Indian Creek Ave	Hondo Ave	7779	864.33
10	32nd Ln	Fuerte Ave	Frio Ave	8527	947.44
10	32nd Ln	Frio Ave	Sprague Ave	2754	306.00
10	31st Ln	Frio Ave	Dead End	7584	842.67
10	31st St	Indian Creek Ave	Hondo Ave	6399	711.00
10	31st St	Hondo Ave	Guadalupe Ave	6399	711.00
10	31st St	Guadalupe Ave	Fuerte Ave	6426	714.00

Sheet No.	Street	From (north or west)	To (south or east)	Area (sf)	Area (sy)
10	31st St	Fuerte Ave	Frio Ave	6453	717.00
10	31st St	Frio Ave	Sprague Ave	13339	1482.11
10	31st St	Sprague Ave	Denton Creek Ave	12951	1439.00
10	31st St	Denton Creek Ave	Colorado Ave	13716	1524.00
10	31st St	Colorado Ave	Dead End	3861	429.00
10	30th St	Frio Ave	Dead End	14496	1610.67
10	30th St	Dead End	Denton Creek Ave	7341	815.67
10	30th St	Denton Creek Ave	Colorado Ave	12933	1437.00
10	29th Ln	Indian Creek Ave	Hondo Ave	7992	888.00
10	29th Ln	Fuerte Ave	Frio Ave	8452	939.11
10	29th Ln	Frio Ave	Sprague Ave	14904	1656.00
10	29th Ln	Sprague Ave	Denton Creek Ave	4320	480.00
10	29th Ln	Denton Creek Ave	Colorado Ave	14500	1611.11
10	Indain Creek	Dead End	32nd Ln	4914	546.00
10	Indain Creek	32nd Ln	31th St	16686	1854.00
10	Indain Creek	31th St	29th Ln	17847	1983.00
10	Hondo Ave	32nd Ln	31th St	17823	1980.33
10	Hondo Ave	31th St	29th Ln	16632	1848.00
10	Hondo Ave	29th Ln	29th St	5211	579.00
10	Guadalup Ave	Dead End	31th St	21357	2373.00
10	Guadalup Ave	31th St	29th St	21816	2424.00
10	Fuerte Ave	32nd Ln	31th St	18517	2057.44
10	Fuerte Ave	31th St	29th Ln	17470	1941.11
10	Frio Ave	32nd Ln	31st Ln	11016	1224.00
10	Frio Ave	31st Ln	31st St	7587	843.00
10	Frio Ave	31st St	30th St	7425	825.00
10	Frio Ave	30th St	29th Ln	6804	756.00
10	Denton Creek Ave	31st St	30th St	6561	729.00
10	Denton Creek Ave	30th St	29th Ln	6588	732.00
10	Colorado Ave	31st St	30th St	9612	1068.00
10	Colorado Ave	30th St	29th Ln	3106	345.11

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   3i    
DATE SUBMITTED   08/01/13    
MEETING DATE   08/12/13  

1. Agenda Item:   Opening of single sealed bid and consideration of award of contract - 2013 Pavement Preservation (Project 07-13-C23-100)  

2. Party Making Request:   Engineering Department  

3. Nature of Request: (Brief Overview) Attachments:   X   Yes        No  
  Opening of single sealed bid and consideration of award of contract  

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

5. Budgeted:   X   Yes        No        N/A

**Funding Source: 011-3022-435.65-15**

**Engineers Estimated Costs: \$ 191,000.00**

6. Alternate Option/Costs   N/A  

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u>  YB  </u>	<u>  7/30/13  </u>	<u>  yes  </u>
b.) J. Dale, CPA, Finance Director	<u>  SL/AR  </u>	<u>  8/5/13  </u>	<u>  YES  </u>
c.) R. Rodriguez, PE, General Manager Assistant City Manager	<u>      </u>	<u>      </u>	<u>      </u>
d.) S. Zamora, Director of P&C	<u>      </u>	<u>      </u>	<u>      </u>

8. Staff Recommendation:   Open single sealed bid and award contract to Pavement Restoration, Inc. from Boerne, Texas if bid is within 110% of engineers estimate  

9. Advisory Board:        Approved        Disapproved        None

10. City Attorney:   IP   Approved        Disapproved        None

11. Manager's Recommendation:   MRP   Approved        Disapproved        None



**CITY OF MCALLEN  
ENGINEERING DEPARTMENT  
MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Yvette Barrera, PE, CFM, City Engineer *Y. Barrera*  
**Date:** August 1, 2013  
**Subject:** **Opening of Single Sealed Bid and Consideration of Award of Contract – 2013 Pavement Preservation (Project No. 07-13-C23-100)**

**Goal**

Opening of single sealed bid and consideration of award of contract for 2013 Pavement Preservation project.

**Explanation**

On July 18, 2013, the Purchasing and Contracting Department received one (1) bid from Pavement Restoration Inc. of Boerne, Texas associated with the 2013 Pavement Preservation project. The proposed project will help to delay the aging process of approximately 10 centerline miles of existing asphalt roadways throughout the City through the spray application of a rejuvenating oil. The purpose of this pavement preservation project is not to fix any distresses already present in the pavement, but rather to treat the pavement prior to distresses forming in order to delay the aging process and the onset of the distresses. Therefore streets selected to receive treatment under this project are streets in good condition with no significant areas of pavement distress.

The selected streets also exhibit tightly packed aggregate, typical of newer streets within the City, that would potentially lead to a friction loss problem if treated with the tire rubber modified surface sealer (TMRSS) project being presented before Commission under a separate item. The rejuvenating application is applied and allowed to penetrate into the asphalt pavement to restore pavement properties and delay the aging process. After the application has been given time to penetrate the asphalt, a layer of sand is placed on the surface to absorb any excess oil that has not penetrated to avoid slickness issues. The TMRSS product places a physical seal over the surface of the pavement that will increase the surface slickness, therefore streets selected for TMRSS application exhibit a courser surface texture than streets selected for rejuvenation treatment.

This treatment was bid and awarded for the first time last year and the historical unit price is shown below.

	FY 2011-2012
Pavement Preservation	\$1.00/sy



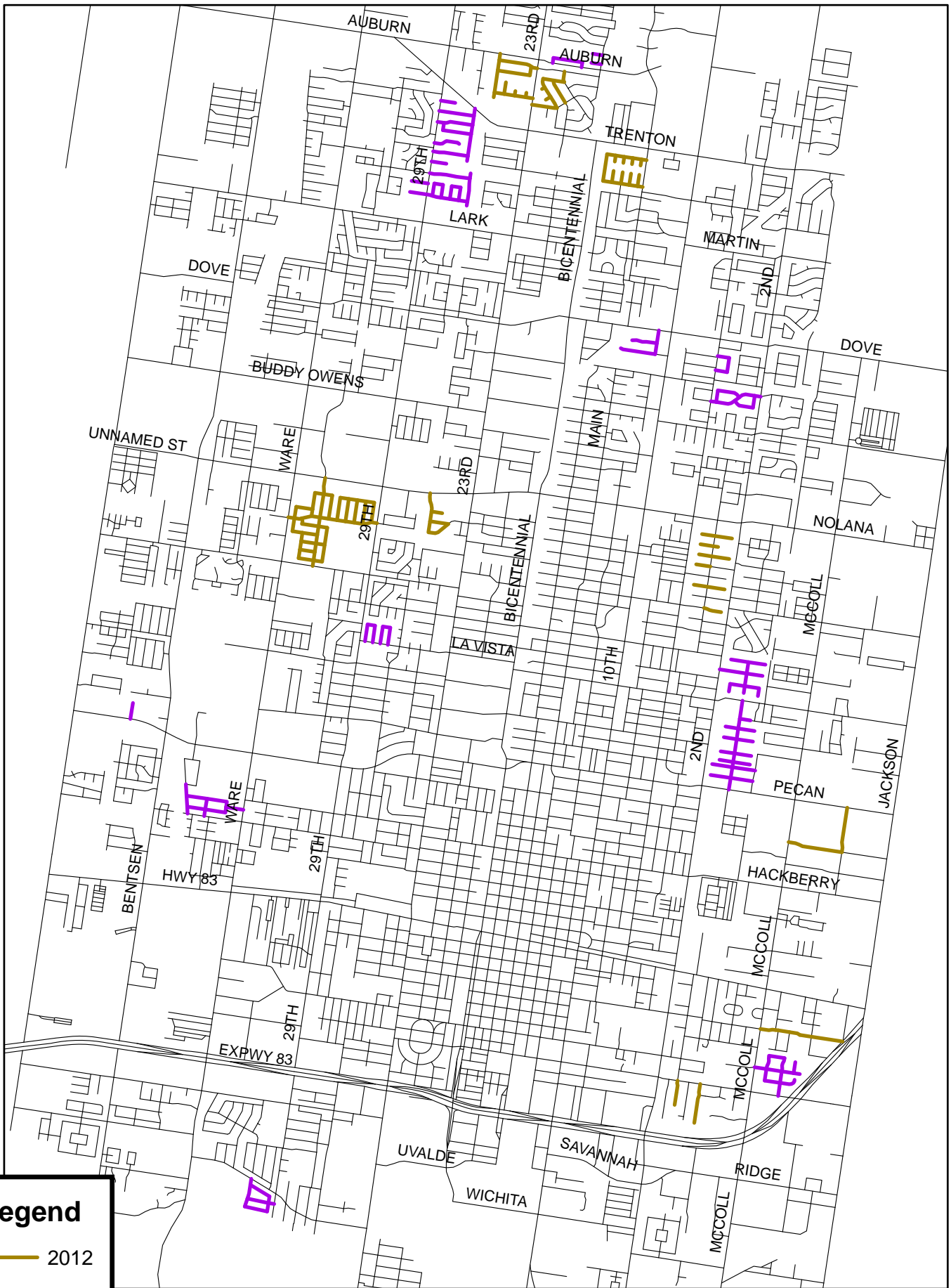
## **Options**

1. Open single bid and award contract if within budget.
2. Reject single bid and re-advertise.

## **Recommendation**

Based on review by this office, staff recommends opening the single sealed bid and award of contract if amount falls within 110% of the engineer's estimate.

# City of McAllen Pavement Rejuvenation Project



**Legend**

- 2012
- 2013

**PAVEMENT PRESERVATION**

Sheet No.	Street	From (north or west)	To (south or east)	Area (sf)	Area (sy)
1	21st St	Baylor Ave	Auburn Ave	4173.5	463.72
1	19th Ln	Baylor Ave	Auburn Ave	4145	460.56
1	Baylor Ave	21st St	19th Ln	29330.5	3258.94
1	Baylor Ave	Dead End	19th St	11447	1271.89
1	Cornell Ave	Dead End	19th St	11539	1282.11
2	Verdin Ave	29th St	Dead End	14188	1576.44
2	Umbrellabird Ave	29th St	26th St	26598.12	2955.35
2	Umar Ave	29th St	28th St	5425	602.78
2	Umar Ave	28th St	26th St	29426.57	3269.62
2	Toucan Ave	28th St	26th St	22694	2521.56
2	28th St	Umar Ave	Toucan Ave	7520	835.56
2	Swallow	29th St	26th St	26640.54	2960.06
2	26th St	Trenton Ave	Umbrellabird Ave	8330	925.56
2	26th St	Umbrellabird Ave	Umar Ave	10175	1130.56
2	26th St	Umar Ave	Toucan Ave	10175	1130.56
2	26th St	Toucan Ave	Swallow Ave	23939	2659.89
2	26th St	Swallow Ave	Dead End	5550	616.67
2	Pelican Ave	29th St	26th St	39036.54	4337.39
2	Mynah	29th St	28th Ln	4658	517.56
2	Mynah	28th Ln	28th St	9146	1016.22
2	Mynah	28th St	27th Ln	8942	993.56
2	Mynah	27th Ln	27th St	8976	997.33
2	Mynah	27th St	26th St	8414.124	934.90
2	26th St	Dead End (north of Pelican)	Pelican Ave	6068	674.22
2	26th St	Pelican Ave	Mynah Ave	25604	2844.89
2	26th St	Mynah Ave	Dead End	4995	555.00
2	Oriole	28th Ln	28th St	10098.5	1122.06
2	Oriole	27th St	26th Ln	10100	1122.22
2	28th St	Oriole Ave	Mynah Ave	12856.5	1428.50
2	28th Ln	Oriole Ave	Mynah Ave	12066	1340.67
2	27th Ln	Oriole Ave	Mynah Ave	12774.5	1419.39
2	27th St	Oriole Ave	Mynah Ave	12829.5	1425.50
2	Oriole	Dead End	29th St	16842.68	1871.41
2	Mynah Ave	Dead End	29th St	16860.68	1873.41
2	Thunderbird	29th St	Dead End	24700	2744.44
3	Cardinal Ave	Dead End	11th St	30720.06	3413.34
3	Bluebird	Dead End	11th St	32320	3591.11
3	11th St	Dove Ave	Bluebird Ave	18321.57	2035.73
4	Cardinal Ave	6th St	5th St	12868.54	1429.84

Sheet No.	Street	From (north or west)	To (south or east)	Area (sf)	Area (sy)
4	Bluebird Ave	6th St	5th St	12864.54	1429.39
4	5th St	Cardinal Ave	Bluebird Ave	17085	1898.33
4	Yucca	5th St	4th St	19768.57	2196.51
4	Yucca	4th St	2nd St	16821	1869.00
4	Xanthisma	6th St	5th St	3957.571	439.73
4	Xanthisma	5th St	4th St	15390	1710.00
4	Xanthisma	4th St	3rd St	17604.57	1956.06
4	5th St	Yucca	Xanthisma	10048.57	1116.51
4	4th St	Yucca	Xanthisma	4671	519.00
4	3rd St	Yucca	Xanthisma	10719.57	1191.06
4	Canary Ave	6th St	4th St	22109.07	2456.56
4	4th St	Dove Ave	Canary Ave	7485.5	831.72
4	Wisteria Ave	2 1/2 St	2nd St	8892.681	988.08
4	Water Lilly	2 1/2 St	2nd St	9010.181	1001.13
4	2 1/2 St	Wisteria Ave	Water Lilly	10134.5	1126.06
5	Harvey Ave	Dead End (West of 1st St)	1st St	34730	3858.89
5	Harvey Ave	1st St	Dead End (East of 1st St)	34805	3867.22
5	Whitewing Ave	2nd St	1st St	27094.88	3010.54
5	Whitewing Ave	1st St	Dead End (East of 1st St)	18020	2002.22
5	Westway Ave	Park Cir	1st St	18317	2035.22
5	Westway Ave	1st St	Park Valley St	17783	1975.89
5	1st St	Harvey Ave	Whitewing Ave	8208	912.00
5	1st St	Whitewing Ave	Westway Ave	9204.934	1022.77
5	1st St	Westway Ave	Dead End (South of Westway)	10301.87	1144.65
5	Park Cir	Westway Ave	Dead End	9515	1057.22
5	Park Valley St	Westway Ave	Dead End	9845	1093.89
6	Highland Ave	28th Ln	28th St	7360	817.78
6	Highland Ave	27th Ln	27th St	7356	817.33
6	28th Ln	Highland Ave	La Vista Ave	14300.07	1588.90
6	28th St	Highland Ave	La Vista Ave	14178.07	1575.34
6	27th Ln	Highland Ave	La Vista Ave	14232.07	1581.34
6	27th St	Highland Ave	La Vista Ave	14118.5	1568.72
7	Walnut Ave	1st St	Dead End	3759.881	417.76
7	Vine Ave	Dead End (West of 1st St)	1st St	31993.92	3554.88
7	Vine Ave	1st St	Dead End (East of 1st St)	31834.92	3537.21
7	Upas Ave	Dead End (West of 1st St)	1st St	16360.46	1817.83
7	Upas Ave	1st St	Dead End (East of 1st St)	19358.46	2150.94
7	Tamarack Ave	Dead End (West of 1st St)	1st St	14809	1645.44
7	Tamarack Ave	1st St	Dead End (East of 1st St)	17491	1943.44
7	Sycamore Ave	Dead End (West of 1st St)	1st St	14955	1661.67
7	Sycamore Ave	1st St	Dead End (East of 1st St)	17386	1931.78

Sheet No.	Street	From (north or west)	To (south or east)	Area (sf)	Area (sy)
7	Redwood Ave	Dead End (West of 1st St)	1st St	12742.29	1415.81
7	Redwood Ave	1st St	Cynthia St	14414.29	1601.59
7	Quince Ave	Dead End (West of 1st St)	1st St	15492.29	1721.37
7	Quince Ave	1st St	Cynthia St	16851.9	1872.43
7	1st St	La Vista Ave	Walnut Ave	13689	1521.00
7	1st St	Walnut Ave	Vine Ave	7938	882.00
7	1st St	Vine Ave	Upas Ave	7965	885.00
7	1st St	Upas Ave	Tamarack Ave	11286	1254.00
7	1st St	Tamarack Ave	Sycamore Ave	5826.46	647.38
7	1st St	Sycamore Ave	Redwood Ave	2899.73	322.19
7	1st St	Redwood Ave	Quince Ave	8532	948.00
7	1st St	Quince Ave	Pecan Ave	8682.92	964.77
8	41st St	Jasmine Ave	Hickory Ave	12691	1410.11
8	41st St	Hickory Ave	Hackberry Ave	12173	1352.56
8	41st St	Hackberry Ave	Gumwood Ave	6364	707.11
8	40th St	Hickory Ave	Hackberry Ave	8385.571	931.73
8	40th St	Hackberry Ave	Gumwood Ave	4671	519.00
8	38th St	Hickory Ave	Hackberry Ave	5144.5	571.61
8	38th St	Hackberry Ave	Hackberry Ave	5430.5	603.39
8	Hickory Ave	41st St	40th St	15849	1761.00
8	Hickory Ave	40th St	38th St	16916.5	1879.61
8	Hackberry Ave	41st St	40th St	13704.57	1522.73
8	Hackberry Ave	40th St	38th St	17191.07	1910.12
8	Hackberry Ave	38th St	Ware Rd	16095	1788.33
9	Galveston Ave	G St	H St	15515	1723.89
9	Houston Ave	McColl Rd	G St	9180	1020.00
9	Houston Ave	G St	H St	12393	1377.00
9	Houston Ave	H St	J St	9504	1056.00
9	Houston Ave	J St	Dead End (East of J St)	4995	555.00
9	Ithaca Ave	G St	H St	14317	1590.78
9	Ithaca Ave	H St	Dead End (East of H St)	15333.5	1703.72
9	G St	Galveston Ave	Houston Ave	12620	1402.22
9	G St	Houston Ave	Ithaca	10849.92	1205.55
9	H St	Galveston Ave	Houston Ave	11859	1317.67
9	H St	Houston Ave	Ithaca Ave	8439.92	937.77
9	H St	Ithaca Ave	Jackson Ave	9060.92	1006.77
9	J St	Dead End (North of Houston)	Houston Ave	12260	1362.22
10	Azteca Ave	31st St	29th Ln	18277	2030.78
10	Cortez Ave	31st St	29th Ln	18611.5	2067.94
10	Cortez Ave	29th Ln	29th St	6123.5	680.39
10	Diaz Ave	31st St	29th Ln	18003.5	2000.39



Sheet No.	Street	From (north or west)	To (south or east)	Area (sf)	Area (sy)
10	31st St	Jordan Ave	Azteca Ave	4396	488.44
10	31st St	Azteca Ave	Cortez Ave	11424	1269.33
10	31st St	Cortez Ave	Diaz Ave	5572	619.11
10	29th Ln	Azteca Ave	Cortez Ave	5901	655.67
10	29th Ln	Cortez Ave	Diaz Ave	7447.5	827.50

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   3J    
DATE SUBMITTED   07/24/13    
MEETING DATE   08/12/13  

- 1. Agenda Item:   McAllen Development Center – Change Order #4 – various items
- 2. Party Making Request:   Engineering Department
- 3. Nature of Request: (Brief Overview) Attachments:   X   Yes    No

**Consideration and approval of Change Order #4 consisting of several items that will reduce the contingency allowance to \$25,653.00 and renovations to the tax office conunter that will increase the contract amount to \$2,005,197.00 and increases the time to 160 days.**

- 4. Policy Implication:   City Commission Policy, Local Government Code
- 5. Budgeted:   X   Yes    No    N/A

Account No.: 300-8708-416 66.10 ID# BB1201

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

	Existing	Proposed	Revised
Original Contract Amount:	\$1,977,697.00	\$27,500.00	\$2,005,197.00
Contingency Allowance:	\$ 41,419.00	\$15,766.00	\$ 25,653.00
Interior Signage Allowance:	\$ 10,000.00		
Structural Allowance:	\$ 10,000.00		
Selective Demolition Allowance:	\$ 1,130.00		
Days	130	30	160


- 7. Routing:  

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) <u>  Yvette Barrera, PE, City Engineer  </u>	<u>  YB  </u>	<u>  08/07/13  </u>	<u>  YES  </u>
b) <u>  Sandra Zamora, Director of Purchasing  </u>	_____	_____	_____
d) <u>  J.W. Dale, Director of Finance  </u>	_____	_____	_____
f) <u>  Roy Rodriguez, PE, Assistant City Mgr.  </u>	_____	_____	_____

- 8. Staff Recommendation: **Staff recommends approval of Change Order #4 reducing the contingency balance to \$25,653 and increasing the contract amount to \$2,005,197 and increasing the contract time to 160 days.**

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

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

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

**Date:** July 31, 2013

**Subject:** McAllen Development Center – Change Order #4

**Goal**

Consider and approve Change Order #4 to the contract.

**Brief Explanation**

Proposed Change Order 4 consists of various items, categorized into two areas, those out of the contingency fund and one that is proposed as a change to the Contract amount.

**Part 1**

For the first category, the items include:

- 1) A credit of \$366 associated with a decrease in overall size of the northwestern mechanical yard foundation pad (COR 11).
- 2) An increase of \$2,085 is associated with rerouting sprinkler mains and branch lines around building structural elements so that maximum heights are achieved within the central core pod (COR 12). These are changes were requested after material orders had been made.
- 3) An increase of \$600 covers the cost of materials and installation of four hollow metal door frames (COR 13). The four original frames were to have been reused after demolition, but could not be modified to accept the new doors.
- 4) A credit of \$3,500 will allow savings regarding Time Warner components and connections within the facility (COR 14). Staff has coordinated this installation in order to realize the savings.
- 5) An increase of \$800 covers the cost of materials and installation of five electrical room HVAC dampers (COR 15). These were not in the original bid documents and were not in the contractor's bid. There is no demolition or additional modifications required to have them installed.
- 6) An increase of \$3,753 is required due to the instability of the existing plaster wall at restrooms (COR 16).
- 7) A credit of \$250 for changing from a curved base counter and counter top to a straight base and counter top (COR 18). This is within the Health Code Compliance area.
- 8) An increase of \$1,347 for additional electrical and data needs within the tax area and second floor break room (COR 19).

- 9) An increase of \$4,410 for five additional windows on the second floor within the McAllen Public Utility spaces (COR 20). Window openings on the second floor have not yet begun.
- 10) An increase of \$1,705 that shifts a wall by 12" and creates a slightly larger space for office F107, within the McAllen Public Utility space (COR 22). Allowing this keeps the desired operational environment and the selected furniture types.
- 11) An increase of \$2,100 to remove sidewalk to allow for waterline installation (COR 23). The Contractor proposes to remove 50 ft of sidewalk and will replace the sidewalk at his cost. This demolition work was not identified in the construction plans.
- 12) An increase of \$2,582 covers the cost of increasing the size of communication conduit from 2" to 4" (COR 25). This cost also covers concrete core drilling through the floor and includes a credit for the initial 2" conduit.

These changes are proposed to be deducted from the Contingency allowance and do not modify the original contract amount. These changes total to \$15,766 and will reduce the contingency allowance balance to \$25,653.

## Part 2

This portion of work includes renovations to the Tax Department receiving/transaction counter. The City requested the Architect to revise the front counter due to changes in operations of this area. The proposed work includes the construction of approximately 40 linear feet of new counters, transaction windows and electrical modifications within room C107. These improvements were not in the original bid documents. The work is proposed at a cost not to exceed \$27,500 and an additional 30 days. Work for this item has not begun.

This proposed change in scope will revise the contract amount to \$2,005,197 and will increase the contract time from 130 days to 160 days through November 23, 2013.

Contract Amount/time \$ 2,005,197.00 and 160 days

## **Options**

The Commission may approve or disapprove the request.

The Commission may choose to approve or disapprove on an individual basis.

## **Recommendation**

City staff recommends approval of Change Order #4 to Peacock General Contractors, Inc. for revised contract amount of \$2,005,197.00 and a revised contract time of 160 days together with a reduction to the contingency allowance that will leave a balance of \$25,600.

# PEACOCK GENERAL CONTRACTORS, INC.

P.O. BOX 530098/801 E. GRIMES

HARLINGEN, TX 78553

Item 1

## CHANGE ORDER REQUEST #11

**DATE:** June 25, 2013  
**TO:** R.O.F.A ARCHITECTS  
**ATTN:** CESAR ROQUE  
**FAX:** (956)681-1138  
**FROM:** TRE PEACOCK  
**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

**CHANGES:** Changes as per Proposal Request No. 004

Provide credit for labor and material for smaller pad.

### Breakdown

Electrical	\$850.00
Concrete Labor	<\$516.00>
Concrete Material	<\$350.00>
Rebar	<\$350.00>

Credit total: <366.00>

TRE,

OWNER HAS ACCEPTED CREDIT. CHANGE ORDER  
WILL BE PRODUCED.

CAR

07  
12  
13



# PEACOCK GENERAL CONTRACTORS, INC.

P.O. BOX 530098/801 E. GRIMES

HARLINGEN, TX 78553

Item # 2

## CHANGE ORDER REQUEST #12

**DATE:** June 26, 2013

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

**ATTN:** CESAR ROQUE

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

**FROM:** TRE PEACOCK

**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

### CHANGES:

**Provide labor and material to reroute mains and branch lines around I beams**  
**Please see attached drawing.**

**Total: \$2,085**

**If change order is not included within the betterment, a 15% overhead cost will need to be added.**



# PEACOCK GENERAL CONTRACTORS, INC.

P.O. BOX 530098/801 E. GRIMES

HARLINGEN, TX 78553

Item # 3

## CHANGE ORDER REQUEST #13

DATE: July 8, 2013

TO: R.O.F.A ARCHITECTS

ATTN: CESAR ROQUE

FAX: (956)681-1138

FROM: TRE PEACOCK

RE: MCALLEN DEVELOPMENT CENTER RENOVATIONS

### CHANGES:

Replacement of four (4) hollow metal frames that were taken out during the demo phase that were suppose to be reused.

4 hollow metal frames @ \$150.00

Total: \$600.00

If change order is not included within the betterment, a 15% overhead cost will need to be added.

OWNER HAS ACCEPTED PROPOSAL. PLEASE PROCEED w/  
WORK. DRAWS CAN BE MADE OUT OF CONTINGENCY  
FUND.

CAR

07	..
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13	

# PEACOCK GENERAL CONTRACTORS, INC.

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

Item # 4

## CHANGE ORDER REQUEST #14

**DATE:** July 3, 2013  
**TO:** R.O.F.A ARCHITECTS  
**ATTN:** CESAR ROQUE  
**FAX:** (956)681-1138  
**FROM:** TRE PEACOCK  
**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

### CHANGES:

Delete from contract. Section 17001 Television System per plans and specifications. RG6 cabling, HDMI connectivity and all cables and accessories

Credit Total: <\$3,500.00>

OWNER HAS ACCEPTED CREDIT. CHANGE ORDER WILL  
BE PRODUCED.

CAR

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13	

# PEACOCK GENERAL CONTRACTORS, INC.

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

Item # 5

## CHANGE ORDER REQUEST #15

**DATE:** July 24, 2013  
**TO:** R.O.F.A ARCHITECTS  
**ATTN:** CESAR ROQUE  
**FAX:** (956)681-1138  
**FROM:** TRE PEACOCK  
**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

### CHANGES:

**Install 120volt to five (5) new dampers in five (5) electrical rooms  
as per Owners request.**

**Total: \$800.00**



# PEACOCK GENERAL CONTRACTORS, INC.

P.O. BOX 530098/801 E. GRIMES

HARLINGEN, TX 78553

Item # 6

## CHANGE ORDER REQUEST #16

**DATE:** July 3, 2013  
**TO:** R.O.F.A ARCHITECTS  
**ATTN:** CESAR ROQUE  
**FAX:** (956)681-1138  
**FROM:** TRE PEACOCK  
**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

### CHANGES:

1. Proposal includes new 3 5/8" 20g metal studs, insulation, 5/8" gyp MR (1) side walls, to deck, running north to south from machine room A102 to women A107. (3) Walls running from east to west at Men A103/Women A107, 6" 20g metal studs, insulation, 5/8" gyp MR. Includes 16g strap blocking for bathroom accessories. Tape, float, painting excluded.

Material cost	\$1,525.00
Labor cost	\$1,135.00
OH/profit	<u>\$ 266.00</u>
<b>Total:</b>	<b>\$2,926.00</b>

2. Also, includes suspended 5/8" gyp ceiling at Area F men F103/women F104 (no insulation). Tape, float, painting excluded.

Material cost	\$379.00
Labor cost	\$373.00
OH/profit	<u>\$ 75.00</u>
<b>Total:</b>	<b>\$827.00</b>

**Grand Total:\$3,753.00**

MAJOR MILLWORK  
ITEM #4, SEE A8.3

NORTH  
LOBBY  
A100

1  
A2.1

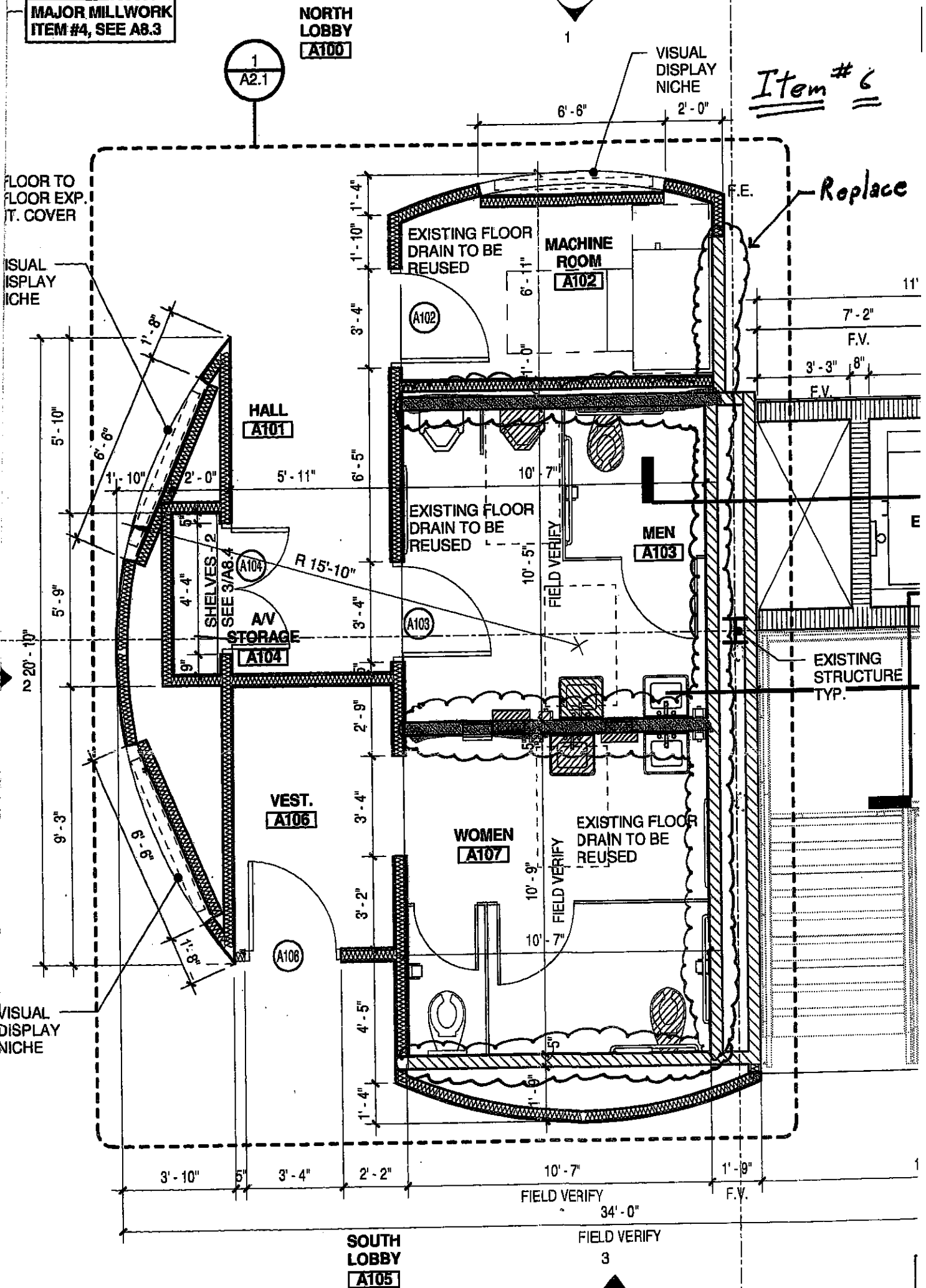
VISUAL  
DISPLAY  
NICHE

Item # 6

FLOOR TO  
FLOOR EXP.  
T. COVER

VISUAL  
DISPLAY  
NICHE

Replace



# PEACOCK GENERAL CONTRACTORS, INC.

P.O. BOX 530098/801 E. GRIMES

HARLINGEN, TX 78553

Item # 7

## CHANGE ORDER REQUEST #18R (Revised)

**DATE:** July 23, 2013

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

**ATTN:** CESAR ROQUE

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

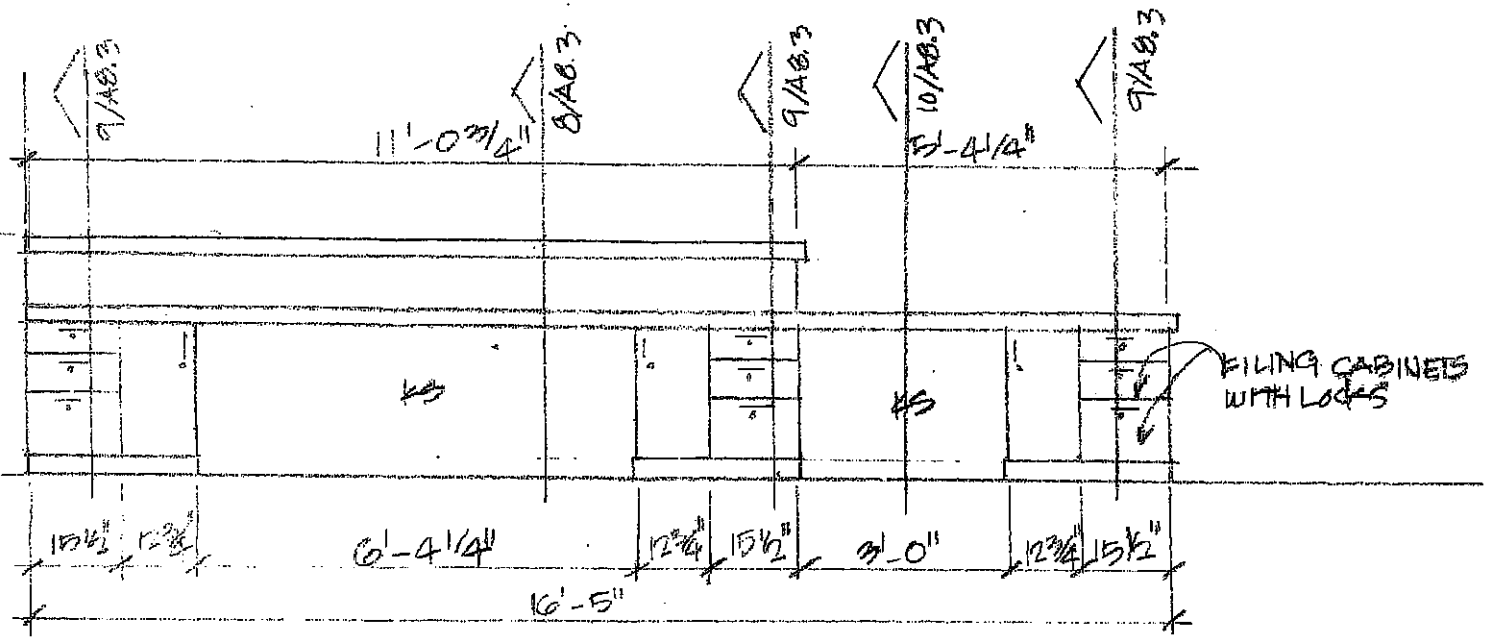
**FROM:** TRE PEACOCK

**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

**CHANGES:** Proposal Request No. 006R1

1. Provide a credit for changing counter in Code Enforcement C100.

**Credit Total: <\$250.00>**



COODE & HEALTH DEPARTMENT 0 3/8" = 1'-0" (REVISION)

07.11.2013

Item # 7

# PEACOCK GENERAL CONTRACTORS, INC.

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

Item # 8

## CHANGE ORDER REQUEST #19

**DATE:** July 23, 2013  
**TO:** R.O.F.A ARCHITECTS  
**ATTN:** CESAR ROQUE  
**FAX:** (956)681-1138  
**FROM:** TRE PEACOCK  
**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

**CHANGES:** Proposal Request No. 008

### 1. Provide proposal for additional electrical as per attached sheets

#### Electrical:

Install five (5) new electrical outlets with conduit and miscellaneous material. \$ 350.00

Install two (2) telephone j-boxes with electrical conduit and pull string. \$ 50.00

Install two (2) TV j-boxes with electrical conduit and pull string. \$ 50.00

#### Drywall:

Remove/install drywall to accommodate new electrical wiring at Office Room C108, Break Room C111, Mechanical Room C113 and Break Room F105 \$ 797.00

Layout, miscellaneous materials, and disposal \$ 100.00

**Total: \$1,347.00**

# AIA<sup>®</sup> Document G709<sup>™</sup> – 2001

## Work Changes Proposal Request

**PROJECT** *(Name and address):*  
McAllen Development Center

**PROPOSAL REQUEST NUMBER:** 008

**OWNER:**

**DATE OF ISSUANCE:** 07/12/2013

**ARCHITECT:**

**OWNER** *(Name and address):*  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505

**CONTRACT FOR:** Renovation

**CONSULTANT:**

**CONTRACT DATE:**

**CONTRACTOR:**

**FIELD:**

**OTHER:**

**FROM ARCHITECT** *(Name and address):*  
Rike Ogden Figueroa Alex  
1007 Walnut Avenue  
McAllen, Texas

**ARCHITECT'S PROJECT NUMBER:** 2011.06

**TO CONTRACTOR** *(Name and address):*  
Peacock Construction  
P.O. Box 530098  
Harlingen, Texas 78553

Please submit an itemized proposal for changes in the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein. Within Five ( 5 ) days, the Contractor must submit this proposal or notify the Architect, in writing, of the date on which proposal submission is anticipated.

**THIS IS NOT A CHANGE ORDER, A CONSTRUCTION CHANGE DIRECTIVE OR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS.**

**DESCRIPTION** *(Insert a written description of the Work):*

Provide proposal for additional electrical as per attached sheets.

**ATTACHMENTS** *(List attached documents that support description):*

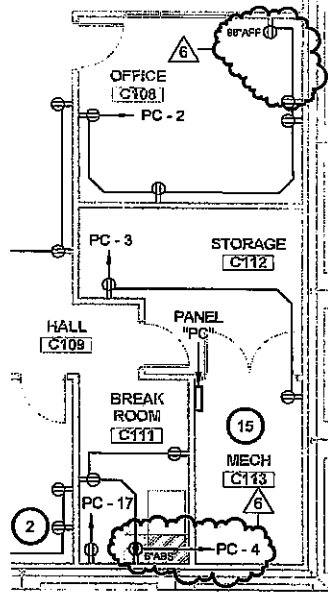
1.) 4 - 11X17 sheets by Half dated 7/10/2013

**REQUESTED BY THE** 

  
\_\_\_\_\_  
*(Signature)*

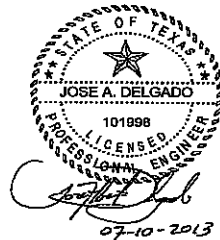
Cesar A. Roque  
\_\_\_\_\_  
*(Printed name and title)*





RFP#008 - ELECTRICAL POWER PLAN - 1ST FLOOR

1/8" = 1'-0"



**HALFF**

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

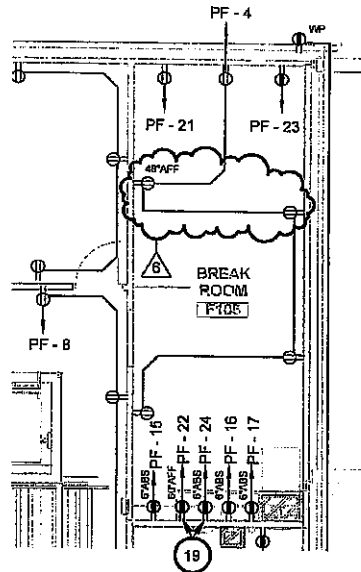
Halff Associates firm registration number is F-312



CITY OF McALLEN  
McALLEN DEVELOPMENT CENTER RENOVATION  
ELECTRICAL POWER PLAN - 1ST FLOOR

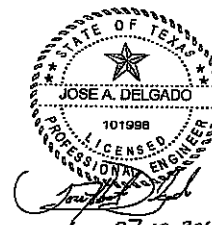
311 N. 15th STREET McALLEN, TX 78501

Project number	28669	Page No.	<b>E1.3RFP8</b>
Date	08-18-2013		
Drawn by	CHAVEZ		
Sheet Type	RFP#008		



# RFP#008 - ELECTRICAL POWER PLAN - 2ND FLOOR

1/8" = 1'-0"



# HALFF

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

Half Associates firm registration number is F-312

rofa  
architects

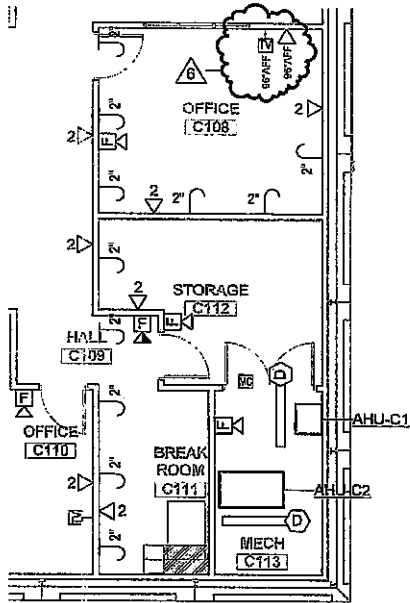
Architect  
Rafael A. Rocha  
Rafael A. Rocha  
Rafael A. Rocha

CITY OF McALLEN  
McALLEN DEVELOPMENT CENTER RENOVATION  
ELECTRICAL POWER PLAN - 2ND FLOOR  
311 N. 15th STREET  
McALLEN, TX 78501

Project number  
28568  
Date  
06-18-2013  
Drawn by  
CHAVEZ  
Sheet Type  
RFP#008

Page No.

E1.4RFP8



RFP#008 - ELECTRICAL SPECIAL SYSTEMS PLAN - 1ST FLOOR



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

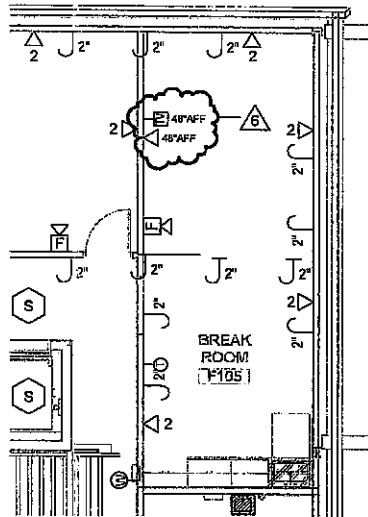
Halff Associates firm registration number is F-312



CITY OF McALLEN  
McALLEN DEVELOPMENT CENTER RENOVATION  
ELECTRICAL SPECIAL SYSTEMS PLAN - 1ST FLOOR  
311 N. 15th STREET  
McALLEN, TX 76801

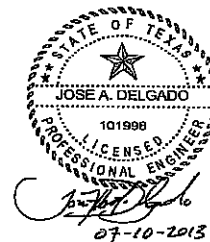
Project number	28669
Date	06-18-2013
Drawn by	CHAVEZ
Sheet Type	RFP#008

Page No.  
**E1.5RFP8**



# RFP#008 - ELECTRICAL SPECIAL SYSTEMS PLAN - 2ND FLOOR

1/8" = 1'-0"



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

Half Associates firm registration number is F-312



CITY OF McALLEN  
McALLEN DEVELOPMENT CENTER RENOVATION  
ELECTRICAL SPECIAL SYSTEMS PLAN - 2ND FLOOR

311 N. 15th STREET  
McALLEN, TX 78501

Project number	28669
Date	06-18-2013
Drawn by	CHAVEZ
Sheet Type	RFP#008

Page No.  
**E1.6RFP8**

# PEACOCK GENERAL CONTRACTORS, INC.

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

Item # 9

## CHANGE ORDER REQUEST #20

**DATE:** July 23, 2013  
**TO:** R.O.F.A ARCHITECTS  
**ATTN:** CESAR ROQUE  
**FAX:** (956)681-1138  
**FROM:** TRE PEACOCK  
**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

**CHANGES:** Proposal Request No. 009

1. As per Owners instructions, provide proposal for labor and material to install five (5) additional window Type "D" on 2<sup>nd</sup> floor.

**Total: \$4,410.00**

## Work Changes Proposal Request

**PROJECT** *(Name and address):*  
McAllen Development Center

**PROPOSAL REQUEST NUMBER:** 009

**OWNER:**

**DATE OF ISSUANCE:** 07/14/2013

**ARCHITECT:**

**CONSULTANT:**

**CONTRACTOR:**

**FIELD:**

**OTHER:**

**OWNER** *(Name and address):*  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505

**CONTRACT FOR:** Renovation

**CONTRACT DATE:**

**FROM ARCHITECT** *(Name and address):*

**ARCHITECT'S PROJECT NUMBER:** 2011.06

Rike Ogden Figueroa Allex  
1007 Walnut Avenue  
McAllen, Texas

**TO CONTRACTOR** *(Name and address):*

Peacock Construction  
P.O. Box 530098  
Harlingen, Texas 78553

Please submit an itemized proposal for changes in the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein. Within Five ( 5 ) days, the Contractor must submit this proposal or notify the Architect, in writing, of the date on which proposal submission is anticipated.

**THIS IS NOT A CHANGE ORDER, A CONSTRUCTION CHANGE DIRECTIVE OR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS.**


**DESCRIPTION** *(Insert a written description of the Work):*

AS per Owners instructions, provide proposal for labor and materials to install 5 additional windows (Type D) on 2<sup>nd</sup> floor. Refer to attach sketch.

**ATTACHMENTS** *(List attached documents that support description):*

1.) 1 - 8 1/2"X11 sketch

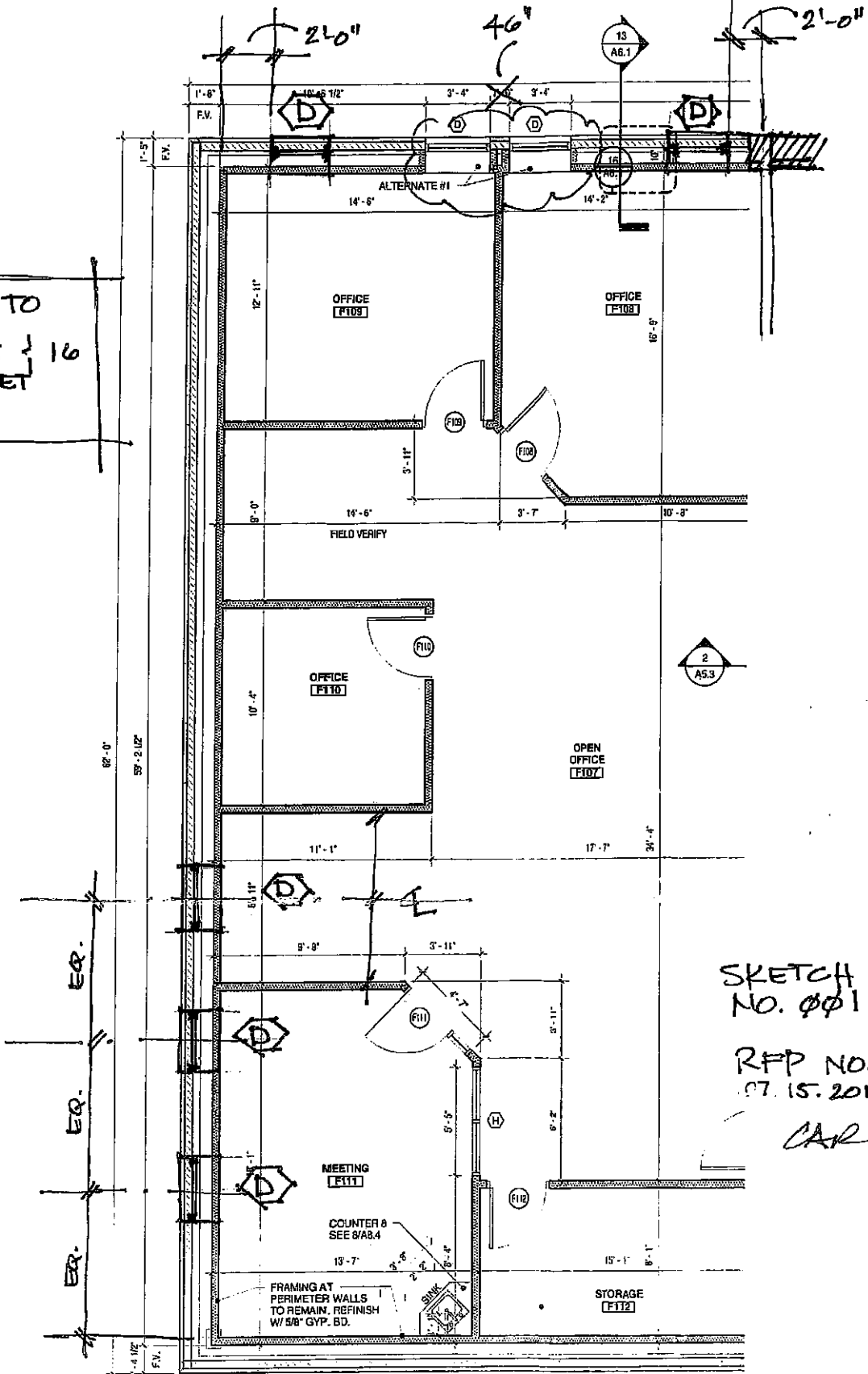
**REQUESTED BY THE** 

  
\_\_\_\_\_  
*(Signature)*

Cesar A. Roque  
\_\_\_\_\_  
*(Printed name and title)*



REFER TO  
 DETAILS  
 13, 14, 15 } 16  
 ON SHEET  
 A6.1



SKETCH  
 NO. 001

RFP NO. 009  
 07.15.2013

*CAJ*

PROVIDE METAL WALL  
 BACKING ON ALL 4 WALLS  
 OF ROOM F112 FOR FUTL  
 SHELF SUPPORT. PROVIDE  
 AT 16" O.C. HORIZONTAL  
 UP TO 6' A.F.F.

# PEACOCK GENERAL CONTRACTORS, INC.

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

Item # 10

## CHANGE ORDER REQUEST #22

**DATE:** July 24, 2013  
**TO:** R.O.F.A ARCHITECTS  
**ATTN:** CESAR ROQUE  
**FAX:** (956)681-1138  
**FROM:** TRE PEACOCK  
**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

### CHANGES:

Instructed per field meeting with Philip Cortez 7/16/2013, to demolish 100% complete metal studs/track, insulation and 5/8" gyp (2) sides at Meeting room F111 north/slant wall. Reinstall north/slant wall with metal studs, track, insulation, 5/8" gyp (2) side approximately 11" south of where it is now to enlarge Open Office room F 107. Throw trash in GC dumpster.

Excludes :tape & float, painting.

### Breakdown

Material Cost.....	\$600.00
Labor Cost.....	\$950.00
OH/profit.....	155.00
<hr/>	
Total cost per this proposal request .....	\$1705.00

# AIA<sup>®</sup> Document G709<sup>™</sup> - 2001

Item # 10

## Work Changes Proposal Request

**PROJECT** *(Name and address):*  
McAllen Development Center

**PROPOSAL REQUEST NUMBER:** 010

**OWNER:**

**DATE OF ISSUANCE:** 07/23/2013

**ARCHITECT:**

**OWNER** *(Name and address):*  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505

**CONTRACT FOR:** Renovation

**CONSULTANT:**

**CONTRACT DATE:**

**CONTRACTOR:**

**FIELD:**

**OTHER:**

**FROM ARCHITECT** *(Name and address):*  
Rike Ogden Figueroa Allex  
1007 Walnut Avenue  
McAllen, Texas

**ARCHITECT'S PROJECT NUMBER:** 2011.06

**TO CONTRACTOR** *(Name and address):*  
Peacock Construction  
P.O. Box 530098  
Harlingen, Texas 78553

Please submit an itemized proposal for changes in the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein. Within Five ( 5 ) days, the Contractor must submit this proposal or notify the Architect, in writing, of the date on which proposal submission is anticipated.

**THIS IS NOT A CHANGE ORDER, A CONSTRUCTION CHANGE DIRECTIVE OR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS.**


**DESCRIPTION** *(Insert a written description of the Work):*

As per Owners instructions, provide proposal for labor and materials to relocate installed wall as per attached sketch.

**ATTACHMENTS** *(List attached documents that support description):*

1.) 1 - 8 1/2" X 11 sketch

**REQUESTED BY THE ARCHITECT:**

  
(Signature)

Cesar A. Roque  
(Printed name and title)



# PEACOCK GENERAL CONTRACTORS, INC.

P.O. BOX 530098/801 E. GRIMES

HARLINGEN, TX 78553

Item # 11

## CHANGE ORDER REQUEST #23

**DATE:** July 31, 2013  
**TO:** R.O.F.A ARCHITECTS  
**ATTN:** CESAR ROQUE  
**FAX:** (956)681-1138  
**FROM:** TRE PEACOCK  
**RE:** MCALLEN DEVELOPMENT CENTER RENOVATIONS

### CHANGES:

1. Demo existing sidewalk & haul out (8'x50')

**Total: \$2,100.00**

Tre,

This Change Order Request has been accepted by the Owner.

Before any work is started, please take pictures of existing sprinkler system as it is now and send them to me along with a brief description. Any more damage to the system than what is now will be the responsibility of the Contractor to fix.

Respectfully,  
Cesar A. Roque

**Pete's Electric**

28115 Bean Road

San Benito, TX 78586

Phone: 956-241-6995 Fax: 956-748-3556

Email: [PetesElectricCo@aol.com](mailto:PetesElectricCo@aol.com)

HUB Certified #479891

**ELECTRICAL QUOTE PROPOSAL****PEACOCK GENERAL CONTRACTORS, INC.****Issued to:**

Phone- 956.423.6733

Fax- 956.425.5683

Email- [peacockgeneral@hotmail.com](mailto:peacockgeneral@hotmail.com)**Project Name:****McAllen Development Center Renovation**311 N. 15<sup>th</sup> Street McAllen, TX 78501**PROPOSAL REQUEST #4****Communication 4" Conduit**

We are pleased to submit the following electrical bid quotation for your consideration  
In accordance with the plans and quotation for this project.

<b>We submit a QUOTE Proposal In the sum of</b>	<b>\$ 2,582.00</b>
<b>Install 280' of New 4" conduit and misc Material</b>	<b>\$ 2,000.00</b>
<b>Core drill 2 - 4" holes instead of 2 - 2"</b>	<b>+ \$ 400.00</b>
<b>Labor for install 4" EMT conduit instead of 2" EMT</b>	<b>+ \$ 720.00</b>
<b>Gross Markup</b>	<b>+ \$ 312.00</b>
<b>Total :</b>	<b>= \$ 3,432.00</b>
<b>Credit 200' of 2" with misc materials and labor</b>	<b>- \$ 850.00</b>
<b>Total and deducting the credit</b>	<b>= \$ 2,582.00</b>

**Scope of work:** Install 4" EMT Conduit for Communication Instead of 2" EMT Conduit in a certain area  
, Core Drill 2 - 4" holes instead of 2 - 2" holes from 1<sup>st</sup> floor to 2<sup>nd</sup> floor

**Bid Proposal will include:**


INSURANCE, ELECTRICAL PERMIT, MISC MATERIAL

**Bid Proposal will exclude:**

Bonds, Dampers

Bid Proposal good for 15 days.

Authorized Signature:



EMT - 2" to 4"  
 • this one should be modified slightly to include the boring through the wall of (2) 2 1/2" holes at wall of north west foundation pad / yard.  
 U  
 07.26.13





# AIA<sup>®</sup> Document G709<sup>™</sup> – 2001

## Work Changes Proposal Request

**PROJECT (Name and address):**  
McAllen Development Center

**PROPOSAL REQUEST NUMBER:** 007

**DATE OF ISSUANCE:** 07/31/2013

**OWNER (Name and address):**  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505

**CONTRACT FOR:** Renovation

**CONTRACT DATE:**

- OWNER:
- ARCHITECT:
- CONSULTANT:
- CONTRACTOR:
- FIELD:
- OTHER:

**FROM ARCHITECT (Name and address):**  
Rike Ogden Figueroa Allex  
1007 Walnut Avenue  
McAllen, Texas

**ARCHITECT'S PROJECT NUMBER:** 2011.06

**TO CONTRACTOR (Name and address):**  
Peacock Construction  
P.O. Box 530098  
Harlingen, Texas 78553

Please submit an itemized proposal for changes in the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein. Within Five ( 5 ) days, the Contractor must submit this proposal or notify the Architect, in writing, of the date on which proposal submission is anticipated.

**THIS IS NOT A CHANGE ORDER, A CONSTRUCTION CHANGE DIRECTIVE OR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS.**


**DESCRIPTION (Insert a written description of the Work):**

Provide a credit for changing counter in Tax Office C107. Refer to attached sketches.

**ATTACHMENTS (List attached documents that support description):**

- 1.) 1 - 24X36 RFP 007 (architectural)
- 2.) 2 - 11X17 MEP (M1.1; E1.3RFP7; E1.5RFP7)

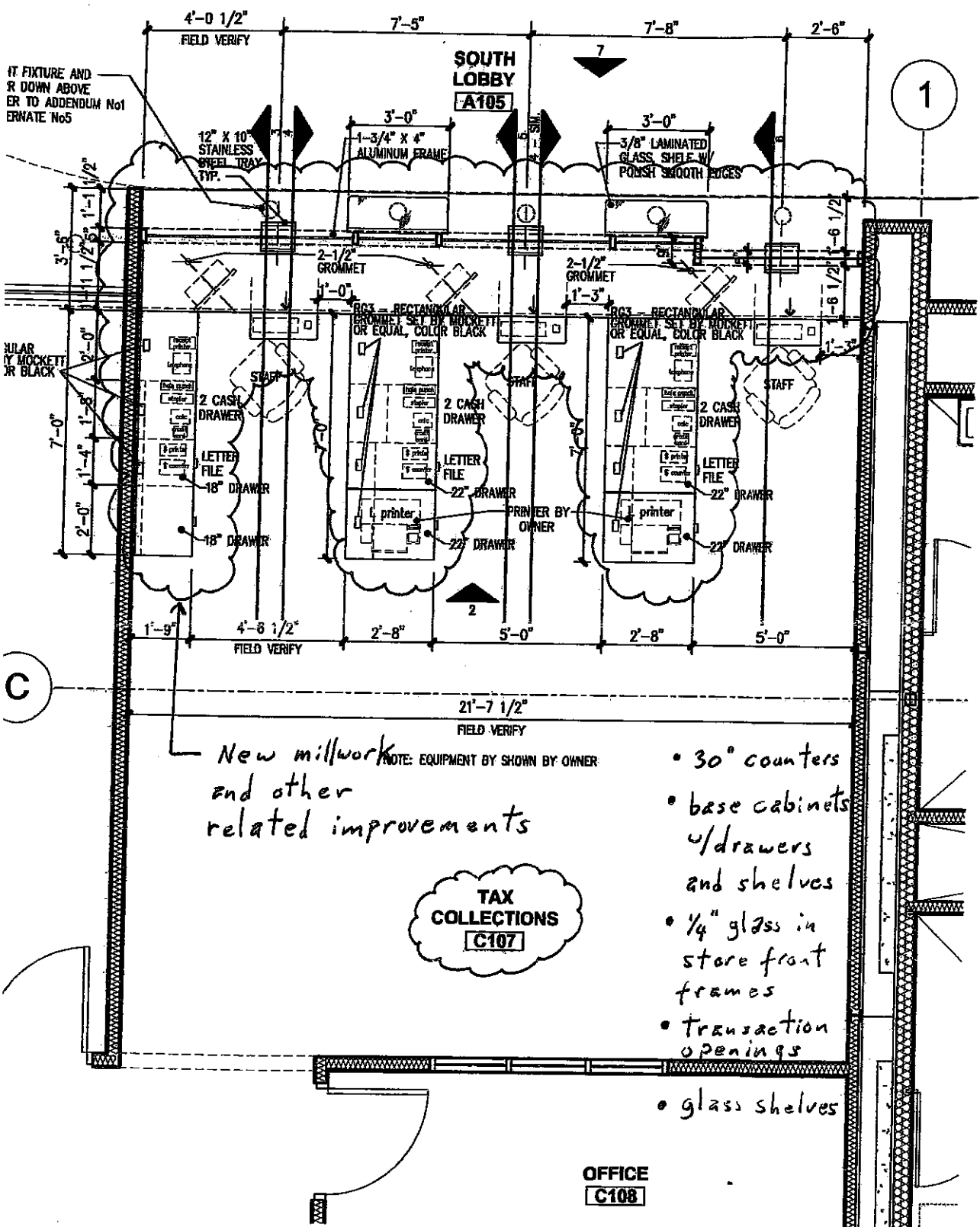
**REQUESTED BY THE** [REDACTED]:

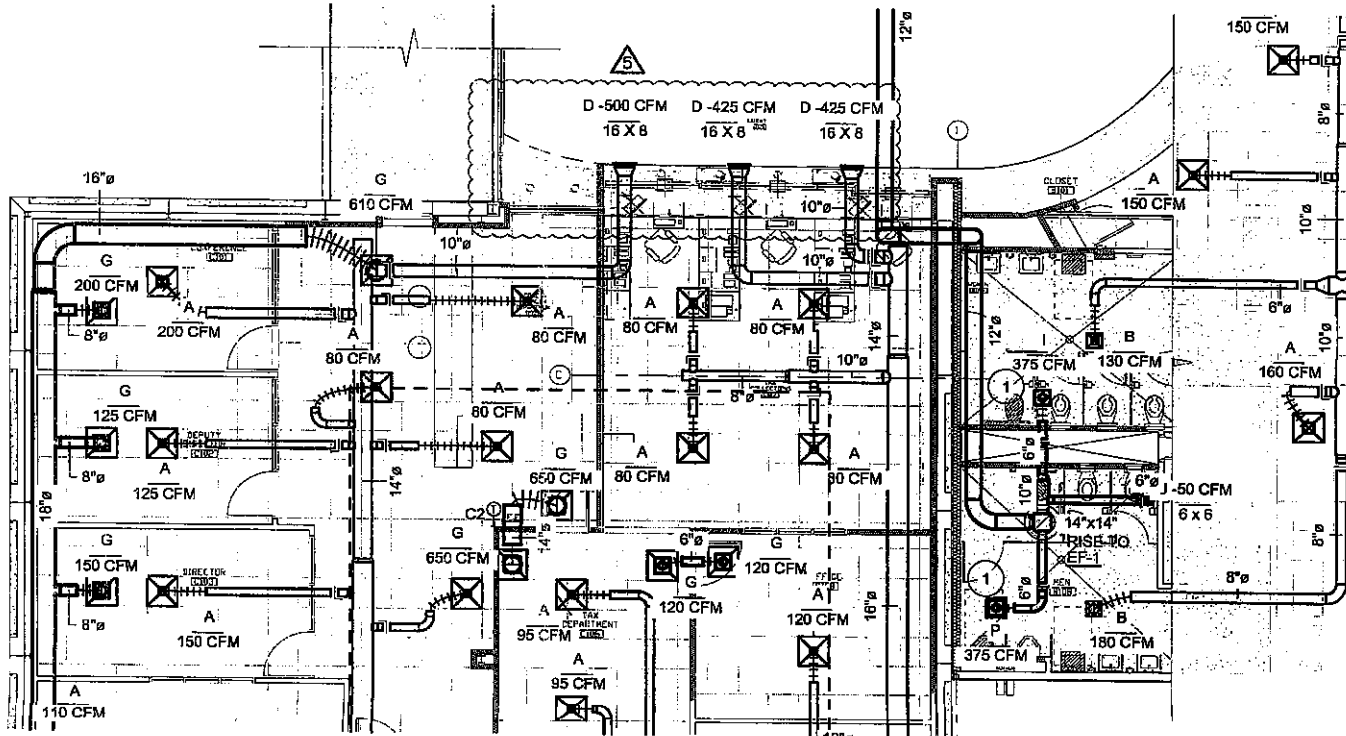
  
\_\_\_\_\_  
(Signature)

Cesar A. Roque  
\_\_\_\_\_  
(Printed name and title)

\* contractor is pending full pricing to date but price will not exceed \$25,000.00 08.06.13

# Plan of New Improvements to Tax Windows





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

Half Associates firm registration number is F-312

## RFP#007 MECHANICAL PLAN - 1ST FLOOR



*Menton J. Murray III*  
1/29/13



CITY OF McALLEN

McALLEN DEVELOPMENT CENTER RENOVATION Designer

MECHANICAL PLAN - 1ST FLOOR

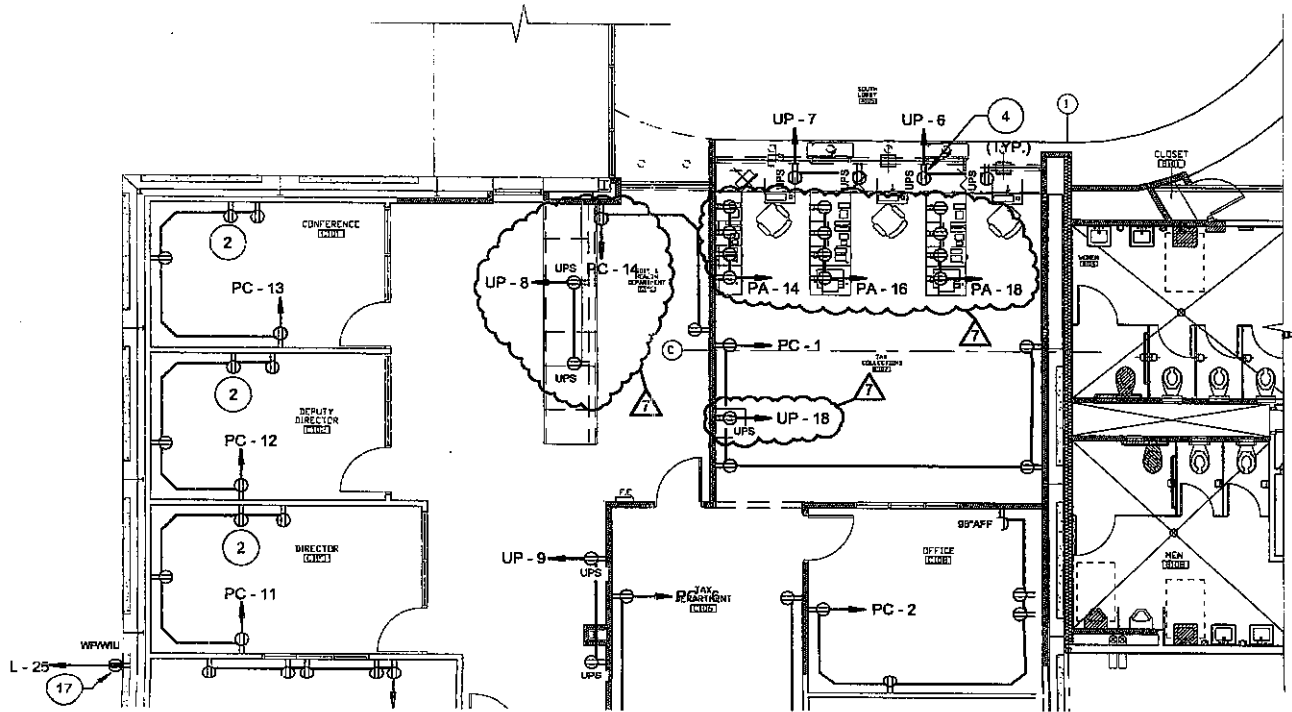
311 N. 15th STREET

McALLEN, TX 78501

Project Number	28669
Date	07-29-2013
Drawn by	MH/BB
Sheet Type	RFP#007

Page No.

M1.1

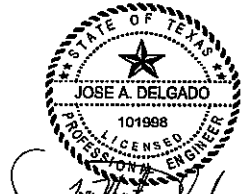
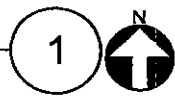


5000 WEST MILITARY, SUITE 100  
 McALLEN, TEXAS 78503  
 TEL (956) 664-0286  
 FAX (956) 664-0282

Half Associates firm registration number is F-312

# RFP#007 - ELECTRICAL POWER PLAN - 1ST FLOOR

1/8" = 1'-0"

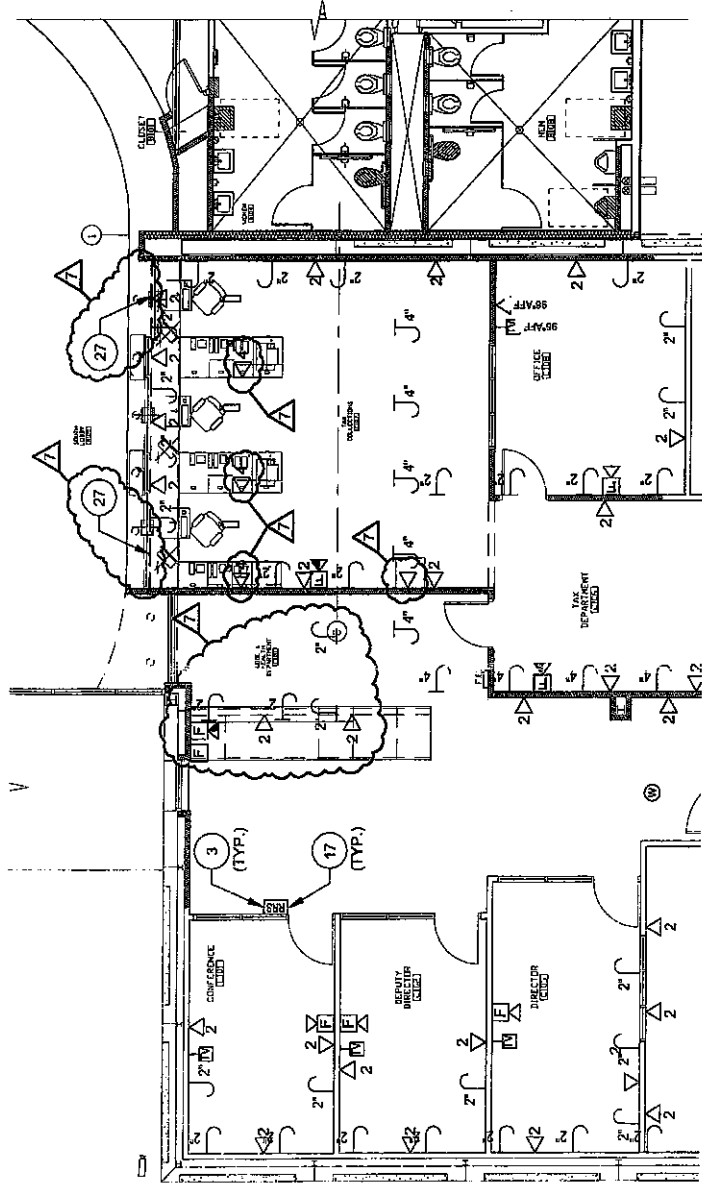


CITY OF McALLEN  
 McALLEN DEVELOPMENT CENTER RENOVATION CENTER RENOVATION  
 ELECTRICAL POWER PLAN - 1ST FLOOR  
 311 N. 15th STREET McALLEN, TX 78501

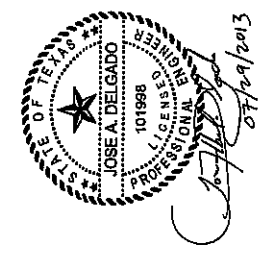
Project number	28669
Date	07-29-2013
Drawn by	CHAVEZ
Sheet Type	RFP#007

Page No.  
**E1.3RFP7**

27. EXTEND (1) 1" CONDUIT FROM TRANSACTION WINDOWS MICROPHONE TO THE CAMERA ABOVE EMPLOYEE'S STATION.



RFP#007 - ELECTRICAL SPECIAL SYSTEMS PLAN - 1ST FLOOR



**HALFF**  
 5000 WEST MILITARY, SUITE  
 100  
 McALLEN, TEXAS 78503  
 TEL (956) 664-0286  
 FAX (956) 664-0282  
 Halff Associates firm registration number is F-312

	Project Number 28669	Page No. <b>E1.5RFP7</b>
	Date 07-29-2013	Drawn by CHAVEZ
City of McAllen McAllen Development Center Renovation Center Renovation Electrical Special Systems Plan - 1st Floor 311 N. 15th Street McAllen, TX 78501	Sheet Type RFP#007	



**Standardized Recommendation Form**

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

Agenda Item       3k        
Date Submitted   08/06/2013    
Meeting Date   08/12/2013  

1. Agenda Item: Approval of actions taken to extend current annual maintenance & support services for CIS Infinity and Tele-Works software. Project No. 07-13-NBI55-01

2. Party Making Request: Purchasing and Contracting

3. Nature of Request: (Brief Overview) Attachments:   X   Yes    No  
Staff is seeking City Commission's approval as outlined on the attached memo, in the amount of \$121,296.25. In addition, we respectfully request authorization, with City Manager approval, to exercise the option to extend the maintenance and support services contracts for four (4) additional years, in 1-yr increments, subject to acceptable performance and annual escalation fees not to exceed 3% annually.

4. Policy Implication: City Commission approval needed.

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

MPU – 400-4055-445-65-08 \$23,587;  
400-4060-445-65-04 \$32,525;  
450-4160-445-65-04 \$32,525;

Public Works 500-4260-444-63-23 \$32,525;

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

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

7. Routing:

NAME/TITLE                      INITIAL                      DATE                      CONCURRENCE

a) Carlos Sanchez P.E., \_\_\_\_\_        Yes        No  
Director of Public Works

b) Sandra Zamora, CPM,   AZ   08-06-13   X   Yes        No  
Director of Purchasing & Contracting

b) Roel Rodriguez, P.E., ACM \_\_\_\_\_        Yes        No  
General Manager

8. Staff's Recommendation: Approval for Annual Maintenance Support for CIS Infinity and Tele-works computer software with option to extend contracts annually if rate does not exceed 3% annually.

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

City Attorney:   IP   Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

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

# Memo

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

**FROM:** Sandra Zamora, CPM, Director of Purchasing & Contracting *Sandra Zamora*

**DATE:** August 7, 2013

**SUBJECT:** Project No. 07-13-NBI55-01 – Request for Approval of Annual Maintenance for CIS Infinity and Tele-Works Inc.

**GOAL:**

Staff is respectfully requesting the City Commission's approval of our annual maintenance and support services contract for CIS Infinity computer software, to include add-on software(s) such as Infinity Mobile and Infinity Link at a current annual cost of \$97,575 (PO #24263; Vendor: Advanced Utility Systems-Harris Computer Corp. from Toronto, ON).

Staff is also requesting the City Commission's approval of the annual maintenance and support services contract for "Inner Voice Response" software in the current amount of \$23,721.25 (PO #24874) from Tele-Works Inc. from Blacksburg, VA.

CIS Infinity is primarily used by MPU departments and Public Works for account setup, billing, payments, and service orders. Infinity Mobile is an automated, integrated system used for dispatching and processing service orders. Infinity Link is an automated system for processing on-line payments made by customers. TeleWorks is a third party product which is currently being used by the Customer Relations department for automated bill payments and courtesy outbound calls to customers reminding them that a delinquent payment is due. Both vendors are offering an indefinite annual renewal option with a 3% escalation clause.

Total annual maintenance and support is currently **\$121,296.25** with the break down as follows:

CIS Infinity	\$77,575.00	Advanced Utility Systems-Harris Computer Corp.;	Term 05-01-13 to 04-30-14
Infinity.Link	\$10,000.00	Advanced Utility Systems-Harris Computer Corp.;	Term 05-01-13 to 04-30-14
Infinity.Mobile	\$10,000.00	Advanced Utility Systems-Harris Computer Corp.;	Term 05-01-13 to 04-30-14
TeleWorks	\$23,721.25	Tele-Works Inc.;	Term 10-01-13 to 09-30-14

Staff is seeking the City Commission's approval to authorize subsequent annual maintenance and support service renewals, for the next four (4) to be executed in one (1) year increments. Renewals shall not exceed the (3%) escalation clause to be applied annually. Attach please find copies of the two current invoices and PO's issued for your review and approval.

**BUDGET INFORMATION:**

MPU – 400-4055-445-65-08 \$23,721;  
400-4060-445-65-04 \$32,525;  
450-4160-445-65-04 \$32,525;

Public Works 500-4260-444-63-23 \$32,525

**RECOMMENDATION:**

Staff recommends as depicted in GOAL area.



# CITY OF McALLEN

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

## Purchase Order

No. PO00024263

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

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

Date 7/20/2013

Page 1 of 1

**Vendor:** ADVANCED UTILITY SYSTEMS  
HARRIS COMPUTER CORP  
TORONTO, ON M2J5B5

**Ship To:** UTILITY BILLING  
609 S BROADWAY  
McALLEN, TX 78501

L/N	Commodity No./Stock Number / Class Item	Description	Ordered	U/M	Unit Price	Total Price
1	92045	CIS ANNUAL MAINTENANCE SUPPORT 05/01/13-04/30/14 From Req/Line: 28256/1 Dept: 4050	1.00	YR	\$97,575.0000	\$97,575.00

DEPT COMMITTED  
MAINTENANCE RENEWAL: MAY 1, 2013 - APRIL 30, 2014.

Subtotal	\$97,575.00
Trade Discount	\$0.00
Freight	\$0.00
<b>Order Total</b>	<b>\$97,575.00</b>

Authorized Signature  
(Required for Purchases over \$2,500.00)

\*\*\*NOTICE:\*\*\* City or its duly authorized agent shall have access to any books, documents, papers, and records of vendor for purpose of making an audit if there is suspicion of any irregularities involving vendor or his agent.

**ADVANCED**  
**UTILITY SYSTEMS**  
*a Division of N. Harris Computer Corporation*

Invoice **MN00063061**  
 Date **3/25/2013**  
 Page **1 of 1**

Remit To: N. Harris Computer Corporation  
 62133 Collections Center Drive  
 Chicago, IL 60693-0621

**Bill to**

McAllen, City of  
 Angie Rodriguez  
 Att: Angie Rodriguez  
 1300 Houston Ave  
 McAllen, TX 78501  
 USA

**Ship To**

McAllen, City of  
 Angie Rodriguez  
 Att: Angie Rodriguez  
 1300 Houston Ave  
 McAllen, TX 78501  
 USA

PO Number	Customer No.	Salesperson ID	Shipping Method	Payment Terms
	MCA01A		LOCAL DELIVERY	Receipt

Ordered	Item Number	Description	Unit Price	Ext Price
1.00	NOTE	Annual Maintenance Support May 01/13 to Apr 30/14	US\$0.00	US\$0.00
1.00	AUS - MAINTENANCE	CIS Infinity Support	US\$97,575.00	US\$97,575.00
			Subtotal	US\$97,575.00
			Misc	US\$0.00
			Tax	US\$0.00
			Freight	US\$0.00
			Trade Discount	US\$0.00
			Total	US\$97,575.00

Invoice Questions? Please call Juliana Gomes at 613-226-5511 ext 2204 OR  
 JGomes@harriscomputer.com



# CITY OF McALLEN

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

# Purchase Order

## No. PO00024874

INVOICE(S) MAILED TO ADDRESS ABOVE OR E-MAIL INVOICES TO: comfinanceap@mcallen.net
FEDERAL, STATE, LOCAL, AND USE TAXES ARE NOT APPLICABLE TO THIS PURCHASE WHICH IS FOR THE EXCLUSIVE USE OF THE CITY OF McALLEN

Date 8/1/2013  
Page 1 of 1

**Vendor:** TELE-WORKS INC  
PO BOX M  
BLACKSBURG, VA 24063-1027

**Ship To:** CUSTOMER RELATIONS

L/N	Commodity No./Stock Number / Class Item	Description	Ordered	U/M	Unit Price	Total Price
1	95889	Annual Maintenance and Support;Tele-Works - Summation 360 <i>From Req/Line: 28898/1 Dept: 4055 SERVICES: OCTOBER 1, 2013 - SEPTEMBER 30, 2014</i>	1.00	YR	\$23,587.0000	\$23,587.00

DEPT IS TO PLACE ORDER

Subtotal	\$23,587.00
Trade Discount	\$0.00
Freight	\$0.00
<b>Order Total</b>	<b>\$23,587.00</b>

Authorized Signature  
(Required for Purchases over \$2,500.00)

\*\*\*NOTICE:\*\*\* City or its duly authorized agent shall have access to any books, documents, papers, and records of vendor for purpose of making an audit if there is suspicion of any irregularities involving vendor or his agent.

**TWI**  
 Tele-Works, Inc.  
 PO Box M  
 Blacksburg, VA 24063-1027

**Invoice**

Date	Invoice #
8/1/12	6730

Bill To  
 City of McAllen  
 PO Box 320  
 McAllen, TX 78505-0220

**SUMMATION360™**  
 a TWI innovation

P.O. No.	Terms	Due Date
	Net 60	10/1/12

Description	Contract Amount	Prior Amt Inv...	Current %	Amount
Annual Maintenance and Support for the period of October 1, 2012 through September 30, 2013				23,721.25

TWI has not invoiced for tax. The city/county will impute sales/use tax. Tax ID # 54-1398116	<b>Total</b>	\$23,721.25
All pricing is in US dollars.	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$23,721.25

Phone #	Fax #	www.summation360.com
(540) 953-2631	(540) 951-4016	For billing inquiries please contact accounting@summation360.com



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

4

CITY COMMISSION	<u>X</u>	AGENDA ITEM	
UTILITY BOARD	<u>    </u>	DATE SUBMITTED	<u>08/02/2013</u>
OTHER (Audit/Investment Committee)	<u>    </u>	MEETING DATE	<u>08/12/2013</u>

1. **Agenda Item:** Budget Amendment in the amount of \$5,000,000 for funding of additional projects in the Capital Improvements Fund.

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

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

4. **Policy Implication** Required by law

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

**Funding Source:** General Fund

6. **Alternate Option/Costs:** N/A

**7. Routing:**

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
a.) Jerry W. Dale Finance Director	<i>JWD</i>	<u>    </u>	<u>    </u>
b.) Mike R. Perez City Manager	<u>    </u>	<u>    </u>	<u>    </u>

8. **Staff Recommendation**     

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

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

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

12. **Action Taken:**

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

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

**FUND:** CAPITAL IMPROVEMENTS FUND

**DEPARTMENT:** N/A

<b>Fund</b>	<b>Dept. &amp; Division</b>	<b>Activity</b>	<b>Element &amp; Object</b>	<b>Project Code</b>	<b>Description</b>	<b>Original/Revised Budget</b>	<b>Debt</b>	<b>Credit</b>	<b>Revised Budget</b>
300	0000	391	04-00		Operating Transfer In - General Fund	\$ 1,943,900		\$ 5,000,000	6,943,900
011	9010	499	74-06		Operating Transfer Out - Capital Improvement Fund	1,943,900	5,000,000		6,943,900
011	0000	290	99-00		Fund Balance (DON'T POST)	38,505,785		5,000,000	33,505,785
<b>TOTALS</b>						<b>\$ 42,393,585</b>	<b>\$ 5,000,000</b>	<b>\$ 10,000,000</b>	<b>\$ 47,393,585</b>
(Round up all amounts to the nearest hundred dollars)									

**JUSTIFICATION:** Transfer to fund additional project funding.

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**Department Head Approval**

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Signature \_\_\_\_\_ Date \_\_\_\_\_

**Finance Department**

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Signature \_\_\_\_\_ Date \_\_\_\_\_

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**City Manager**

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Signature \_\_\_\_\_ Date \_\_\_\_\_

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2012/1213 EFFECTIVE OCTOBER 1, 2012, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$5,000.00 FOR FUNDING OF ADDITIONAL PROJECTS IN THE CAPITAL IMPROVEMENT FUND.

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

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

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

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

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

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

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

SECTION V: The City Secretary of the City of McAllen is hereby directed not to publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

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

CONSIDERED, PASSED and APPROVED this 12th day of August, 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 August, 2013.

CITY OF McALLEN, TEXAS

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James E. Darling, Mayor

ATTEST:

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Annette Villarreal, City Secretary

Approved as to form:

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Kevin D. Pagan, City Attorney



**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN ENDORSING MAYOR JAMES E. (Jim) DARLING FOR PRESIDENT OF THE TEXAS MUNICIPAL LEAGUE BOARD OF DIRECTORS AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, since its formation in 1913, the Texas Municipal League has been a valuable advocate for the needs and concerns of cities in the Texas Legislature, the U.S. Congress, and before agencies and courts, as well as being a forum for the exchange of ideas among leaders of Texas cities and towns; and

**WHEREAS**, Mayor James E. Darling's energy and passion for public service extends beyond the city limits of McAllen, as he has served on numerous boards and committees at the state, regional and local levels during his 28-year tenure as City Attorney for the City of McAllen and thereafter while serving as City Commissioner and most recently, as Mayor of this same city; and

**WHEREAS**, Mayor Darling has been sought after as a nominee for President of the Texas Municipal League Board of Directors; and

**WHEREAS**, Mayor Darling's service in that office would bring deserved attention to our City and also assure that the needs of all Rio Grande Valley and Region 12 communities are heard in Austin;

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

Section 1. The City Commission of the City of McAllen supports Mayor James E. Darling in his bid for the position of President of the Texas Municipal League.

Section 2. This resolution shall become effective immediately upon its passage.

**CONSIDERED, PASSED and APPROVED** this 12<sup>th</sup> day of August, 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 August, 2013.

CITY OF McALLEN

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Aida Ramirez, Mayor Pro Tem

Attest:

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Annette Villarreal, TRMC/CMC, CPM  
City Secretary

Approved as to form:

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Ignacio Perez, Deputy City Attorney

**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

5B

CITY COMMISSION           X            
 UTILITY BOARD                             
 PLANNING & ZONING COMMISSION                             
 OTHER   

AGENDA ITEM                             
 DATE SUBMITTED 08/06/2013  
 MEETING DATE 08/12/2013

1 Agenda Item: South WWTP Upgrade Construction - RESOLUTION: Authorizing the submission of a loan application to the Texas Water Development Board

2 Party Making Request: Tim Skoglund, Utility Engineer

3 Nature of Request: (Brief Overview) Attachments:   X   Yes        No  
Consideration of resolution authorizing submission of an application for financial assistance to TWDB for construction of the South WWTP. Funding is requested through the Clean Water State Revolving Fund (CWSRF) Program that offers a reduced rate loan.

4 Policy Implication: None

5 Budgeted:        Yes        No   X   N/A

6 Reimbursement:   

7 Amount: \$48,735,000

8. Alternate Option/Costs:   

9 Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE Y/N</u>
Roel Rodriguez P. E., General Manager	<u>RR</u>	<u>08/06/2013</u>	<u>Yes</u>
Timothy Skoglund, P. E., Utility Engineer	<u>TES</u>	<u>08/12/2013</u>	<u>Yes</u>
	<u>          </u>	<u>          </u>	<u>          </u>

10. Staff's Recommendation: Adoption of Resolution

11. Advisory Board:        Approved        Disapproved        None

12. City Attorney:      Approved        Disapproved        None

13. Manager's Recommendation:        Approved        Disapproved        None

14. Director of Finance      Approved        Disapproved        None

15. Action Taken:

RESOLUTION NO 2012 - \_\_\_\_\_

**AUTHORIZING THE SUBMISSION OF A LOAN APPLICATION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR CONSTRUCTION OF THE SOUTH WASTEWATER TREATMENT PLANT UPGRADE PROJECT, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO ACT ON BEHALF OF THE CITY OF MCALLEN AND MCALLEN PUBLIC UTILITY TO CARRY OUT THE IMPLEMENTATION OF THE PROJECT.**

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

**WHEREAS** the Texas Water Development Board (TWDB) makes financial support available to municipal water authorities for wastewater treatment system improvements through its Clean Water State Revolving Fund (CWSRF) program.

**WHEREAS** the City of McAllen desires to construct an upgrade to the South Wastewater Treatment Plant (WWTP) that will improve efficiency, replace failing infrastructure, and prepare the plant for more stringent discharge permit limits.

**WHEREAS** the City of McAllen hereby finds and determines that there is a pressing need to construct the Project and that such capital improvements can be most favorably financed through a reduced rate loan from the Texas Water Development Board.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSION OF THE CITY OF MCALLEN TEXAS THAT**

1. McAllen Public Utility is hereby authorized and instructed to develop and submit an application to TWDB seeking CWSRF funding in an amount not to exceed \$48,735,000 for construction of the Project.
2. That Roel Rodriguez, P. E., General Manager of McAllen Public Utility/Assistant City Manager be and is hereby designated the authorized representative of the City of McAllen and McAllen Public Utility for the purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Texas Water Development Board and in all matters pertaining to this application including appearing before the Texas Water Development Board and submitting other documentation as may be required by the Executive Administrator or the Texas Water Development Board.
3. That the following firms and/or individuals are hereby authorized and directed to aid and assist in the preparation and submission of the application and appear on behalf of and represent the City of McAllen before any hearing held by the Texas Water Development Board on such application to wit:

- a Financial Advisor Anne Burger Entekin, First Southwest Company
- b Bond Counsel McCall, Parkhurst & Horton, LLP
- c Engineer Carollo Engineers, Inc.

4. Upon the approval of this application, the General Manager of McAllen Public Utility is authorized to execute all legal documents necessary and to perform any acts necessary to implement the Project. McAllen Public Utility is requesting an amount not to exceed \$48,735,000.00 from the TWDB CWSRF program.

CONSIDERED PASSED APPROVED AND SIGNED this 12<sup>th</sup> day of August 2013 at a regular meeting of the Board of Commission 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:

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

## Application Filing and Authorized Representative Resolution (WRD-201a)

A RESOLUTION by the Board of Commission of the City of McAllen requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance; and making certain findings in connection therewith.

BE IT RESOLVED BY THE BOARD OF COMMISSION OF THE CITY OF McALLEN

SECTION 1: That an application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance in an amount not to exceed \$48,735,000 to provide for the costs of construction of the South Wastewater Treatment Plant Upgrade Project.

SECTION 2: That Roel Rodriguez, P.E., McAllen Public Utility General Manager/Assistant City Manager be and is hereby designated the authorized representative of the City of McAllen for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Texas Water Development Board.

SECTION 3: That the following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the City of McAllen before any hearing held by the Texas Water Development Board on such application, to wit:

Financial Advisor: Anne Burger Entrekin, First Southwest Company  
711 Navarro, Suite 320  
San Antonio, Texas 78205

Bond Counsel: McCall, Parkhurst & Horton, LLP  
717 North Harwood, Suite 900  
Dallas, Texas 75201-6587

Engineer: Carollo Engineers, Inc.  
8911 Capital of Texas Hwy North, Suite 2200  
Austin, TX 78759

PASSED AND APPROVED, this the 12<sup>th</sup> day of August, 2013.

ATTEST: \_\_\_\_\_

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

(Seal)





**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   6 A    
DATE SUBMITTED  08/6/13   
MEETING DATE  08/12/13 

- 1. Agenda Item: **Progress Report on Design of New Performing Arts Center**
- 2. Party Making Request: Convention Facilities Department
- 3. Nature of Request: (Brief Overview) Attachments:   Yes   X  No

**ERO Architects will be presenting a progress report of the work on the design of the New Performing Arts Center. They are currently working on the Construction Document Phase of the project and have reached the 50% completion milestone of this phase.**

- 4. Policy Implication: City Commission Policy, Local Government Code
- 5. Budgeted:   Yes   No   N/A  
Account No.:
- 6. Alternate Option/Costs   N/A
- 7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Brent Branham, Deputy City Manager</u>	<u>  BB  </u>	<u> 08.06.13 </u>	<u>  YES  </u>
b.)	<u>Omar Rodriguez, MCC Director</u>	<u>  OR  </u>	<u> 08.06.13 </u>	<u>  YES  </u>

- 8. Staff Recommendation: **Architect's report only – no action being recommended at this time.**
- 9. Advisory Board:   Approved   Disapproved   None
- 10. City Attorney:   Approved   Disapproved   X  None  
  IP
- 11. Manager's Recommendation:   Approved   Disapproved   X  None  
  MRP

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION

  X  

AGENDA ITEM

  6B  

UTILITY BOARD

\_\_\_\_\_

DATE SUBMITTED

  08/07/2013  

PLANNING & ZONING BOARD

\_\_\_\_\_

MEETING DATE

  08/12/2013  

OTHER

\_\_\_\_\_

1 Agenda Item:           FUTURE AGENDA ITEMS          

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

3 Nature of Request: (Brief Overview) Attachments:        Yes   X   No  
City Manager will report on Future Agenda Items.

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

5 Budgeted:        Yes        No   X   N/A

Bid Amount: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Under Budget: \_\_\_\_\_

Over Budget: \_\_\_\_\_

Amount Remaining: \_\_\_\_\_

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

7 Routing:

NAME/TITLE

INITIALS

DATE

CONCURRENCE

YES/NO

a) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8 Staff Recommendation: \_\_\_\_\_

9 Advisory Board:        Approved        Disapproved        None

10 City Attorney:        Approved        Disapproved   IP   None

11 Manager's Recommendation:        Approved        Disapproved   MRP   None



STANDARDIZED RECOMMENDATION FORM

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

AGENDA ITEM   8A    
DATE SUBMITTED   7/2/13    
MEETING DATE   8/12/13  

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:    Yes    No   X   N/A

6. Alternate Option/Costs   N/A  

7. Routing:   NAME/TITLE   INITIAL DATE CONCURRENCE

a.)   Fire Chief Rafael Balderas     [Signature]     7/2/13     YES  

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

8. Staff Recommendation:   Approval  

10. Advisory Board:    Approved    Disapproved   X   None

11. City Attorney:   [Signature]   Approved    Disapproved    None

12. City Manager:   [Signature]   Approved    Disapproved    None



City of McA

Working for a better McAllen.

## 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

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Goal: To allow and regulate the public display of fireworks in a way that promotes their 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.

**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.**

**WHEREAS**, the McAllen Code of Ordinances at Chapter 50 (*“Fire Prevention and Protection”*), Article IV (*“Fireworks”*), Division 2 (*“Pubic Displays”*) regulates the 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 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:

a) Pyrotechnics:

1. Business address;

2. Proof of legal competency; and

3. Record of previous experience with fireworks;

b) Address of the proposed display;

c) Amount, type, and class of fireworks to be used;

d) Address of the company supplying the fireworks;

e) Date of proposed display;

f) Starting and ending times of the proposed display; and

g) Diagram of the proposed display grounds, detailing:

1. Firing points

2. Location of buildings and highways on or adjoining the grounds;

3. Spectator restraining lines; and

4. Overhead obstructions.

**h) Completed permit application to the Fire Marshal including the surety bond or insurance coverage required by State Law.**

**The Fire Marshal shall, within five days from date of the completion of the requirements in Subsection (l) 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 basis of the refusal.**

**5608.2.4. Refusal to Issue.**

**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;**

**2. 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.**

**(a)** Except as otherwise specifically provided in this article, it shall be 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.

**(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 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 and shall read as follows:**

Sec. 50-112. Permit—Application; **Fee.**

**(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 and shall read as follows:**

Sec. 50-116. Sec. 50-116. Time and number of displays.

No display authorized by this division shall be commenced **prior to the 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~~ 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~~ 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.

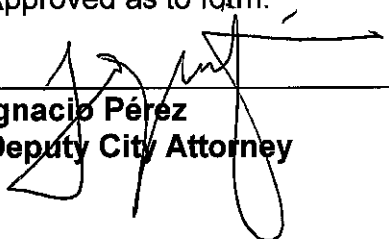
**SIGNED** this \_\_\_\_ day of July, 2013.

**CITY OF McALLEN**

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

Attest:

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

Approved as to form:  
  
\_\_\_\_\_  
**Ignacio Pérez**  
**Deputy City Attorney**

**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

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

**AGENDA ITEM**                      8B    
**DATE SUBMITTED**              08/06/2013    
**MEETING DATE**                  08/12/2013  

1. **Agenda Item:**   Abandonment Request  

2. **Party Making Request:**   Mr. Steve Spoor  

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

4. **Policy Implication:**   Subdivision Ordinance  

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

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

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

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

7. **Routing:**

	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	<u>  Julianne R. Rankin,  </u> Planning Director	<u>  JRR  </u>	<u>  7/16/2013  </u>	<u>  Yes  </u>
b)	_____	_____	_____	_____

8. **Staff's Recommendation:** Staff recommends approval of the abandonment request subject to  
complying with the following conditions: 1) Retain utility easements for Tracts 3 and 5 as noted in  
lieu of 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 new easements are in  
place and utilities have been relocated.

9. **Advisory Board:** \_\_\_\_\_ **Approved** \_\_\_\_\_ **Disapproved** \_\_\_\_\_ **None**  
The Planning and Zoning Board considered the abandonment request at their meeting of July  
16, 2013 and approved the abandonment request subject to conditions 1-5 noted above.

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

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

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Memo

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

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

**DATE:** July 16, 2013

**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 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.**

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**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

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

We are recommending approval of the abandonment.

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:

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.

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

# City of McAllen Planning Department

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

Project Information

Legal Description 1) Alley north of Beaumont Ave & <sup>East</sup> west of So. K-Center St.,  
2) Beaumont Ave East of So K-Center St, and 3) Alley between E. Beaumont & E. Chicago Ave.  
Subdivision Name J.W. Brown & Burns Motors Subd  
Street Address 1) 1111 So. K Center St., 2) 201 So. K Center St, and 3) 1111 E. Chicago Ave.  
Reason for Abandonment Request To consolidate properties owned on both sides of abandonment - Abandonment to become affective upon recordation of subdivision plat that includes street and alley.

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 1) Don R. BURNS  
BURNS INCOME PROPERTIES LTD Telephone 984-4400  
Address P.O. Box 1480  
City McAllen State TX Zip 78505

Applicant

Name Same as Owner Telephone \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

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

Signature [Signature] Date 09-03-12  
 Owner  Authorized Agent



# City of McAllen

ABD.2013-0004

## Planning Department

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

### RIGHT-OF-WAY ABANDONMENT APPLICATION

Project Information	Legal Description <u>A 0.43 acre tract of land out of Boggus Subdivision II, Burns Motors Subdivision, and Whalens Acres.</u>
	Subdivision Name <u>Boggus Subdivision II, Burns Motors Subdivision, and Whalens Acres</u>
	Street Address <u>1201 E. Dallas</u>
	Reason for Abandonment Request <u>Requested abandonment to close 1963 "alley, street, roadway, passageway" - Utility easement to remain</u>

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

Owner	Name <u>Burns Income Properties LTD</u> Telephone <u>Burns: (956) 984-4400</u>
	<u>Boggus MS Properties LLC</u> Telephone <u>Boggus: (956) 686-7411</u>
	Address <u>Burns: PO Box 1480 / Boggus: 1400 E. Expressway 83</u>
City <u>McAllen</u> State <u>Tx</u> Zip <u>Burns: 78505 Boggus: 78501</u>	

Applicant	Name <u>Same as Owner</u> Telephone _____
	Address _____
	City _____ State _____ Zip _____
If request involves more than one property owner, attach a separate list of owners including address, phone number and property owned.	

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

Signature [Signature] Date \_\_\_\_\_

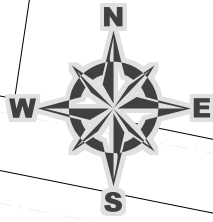
Owner  Authorized Agent

REVISED 9/12

RECEIVED

Brt#107691

MAR 15 2013



1

2

3

4

5

9

8

8-A

JACKSON  
COMMERCE  
DEVELOPMENT  
PHASE 3  
7 6

JACKSON  
DEVELOP  
5

US BUSINESS 83

"J" ST

K CENTER ST

BEAUMONT AV

HARRY YOUNG

**PROPOSED**  
**BURNS MOTORS**  
**NO2 SUBD**  
LOT A

CHICAGO AV

J.W. BROWN  
SUBDIVISION

YOUNG'S

BOGGUS S/D II

LOT "A"

WHALEN'S  
ACRES

WHALEN RD

EXPRESSWAY 83

DALLAS AV

E AMIGOS II

VISION

K CENTER ST

LOT-1  
D'MARCO CONDOMINIUMS  
SUBDIVISION

BOGGUS  
SUBDIVISION III  
LOT-1

FRESNO AV

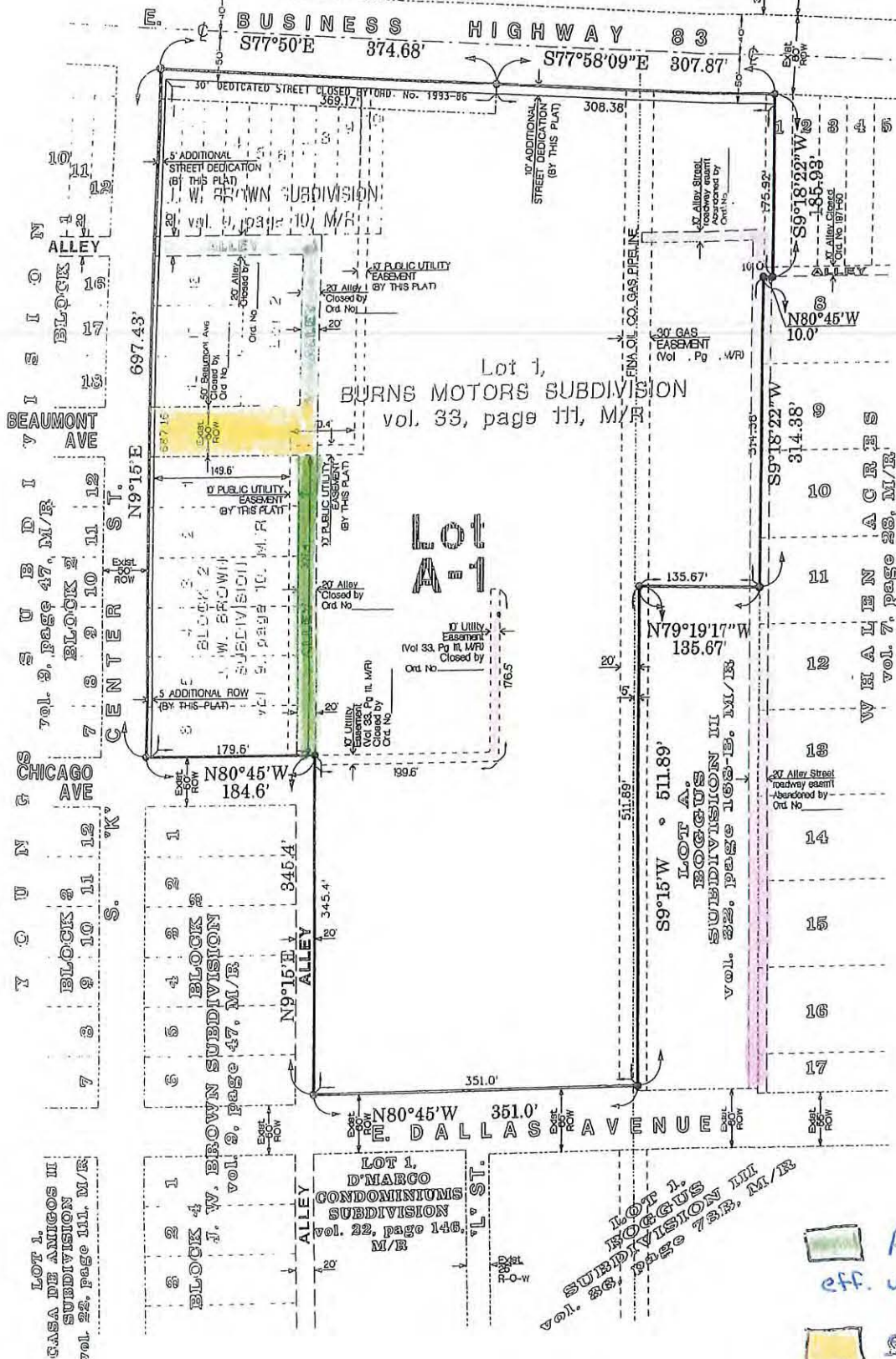
LOT 2  
1309

JACKSON  
TRIANGLE  
LOT 1

LOT 2

LOT 1





Lot 1,  
BURNS MOTORS SUBDIVISION  
vol. 33, page 111, M/R

Lot  
A-1

- ALLEY #1 a  
eff. upon recording
- STREET #1 a  
eff. upon recording
- UTIL. ESMT. #1 b  
eff. upon recording
- ALLEY/STREET #2  
util. esmt. retained

MAP  
OF  
**BURNS MOTORS  
SUBDIVISION No 2**

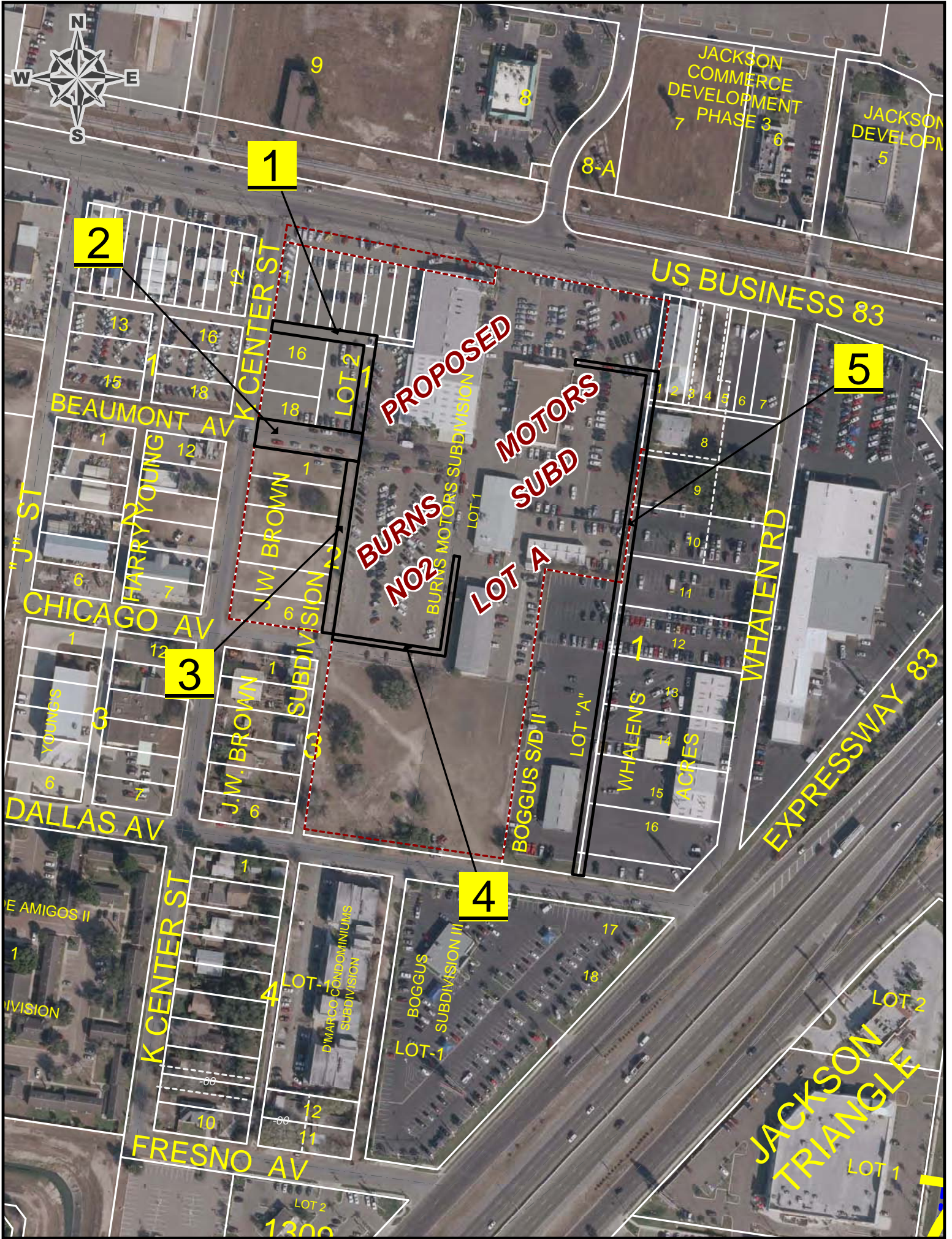
*Alfred Johnson* *Surveyor*



Mar-30-2012  
1"=100'

15 2013





1

2

3

4

5

**PROPOSED  
MOTORS  
SUBD**

**BURNS  
NO2**

**LOT A**

US BUSINESS 83

WHALENS RD

EXPRESSWAY 83

JACKSON  
TRIANGLE

JACKSON  
COMMERCE  
DEVELOPMENT  
PHASE 3

JACKSON  
DEVELOPM

BEAUMONT AV

CHICAGO AV

DALLAS AV

FRESNO AV

K CENTER ST

K CENTER ST

J.W. BROWN

SUBDIVISION

LOT 2

LOT 1

BOGGUS S/D II

LOT "A"

WHALENS

ACRES

"J" ST

HARRY YOUNG

YOUNG'S

E AMIGOS II

DIVISION

D MARCO CONDOMINIUMS  
SUBDIVISION

BOGGUS  
SUBDIVISION III

LOT 2

LOT 1

LOT 2  
1300



## 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 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; 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, PASSED and APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code and Chapter 102 of the Texas Local Government Code.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

CITY OF McALLEN

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

ATTEST:

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

APPROVED AS TO FORM:

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

CORPORATE ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF HIDALGO §

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

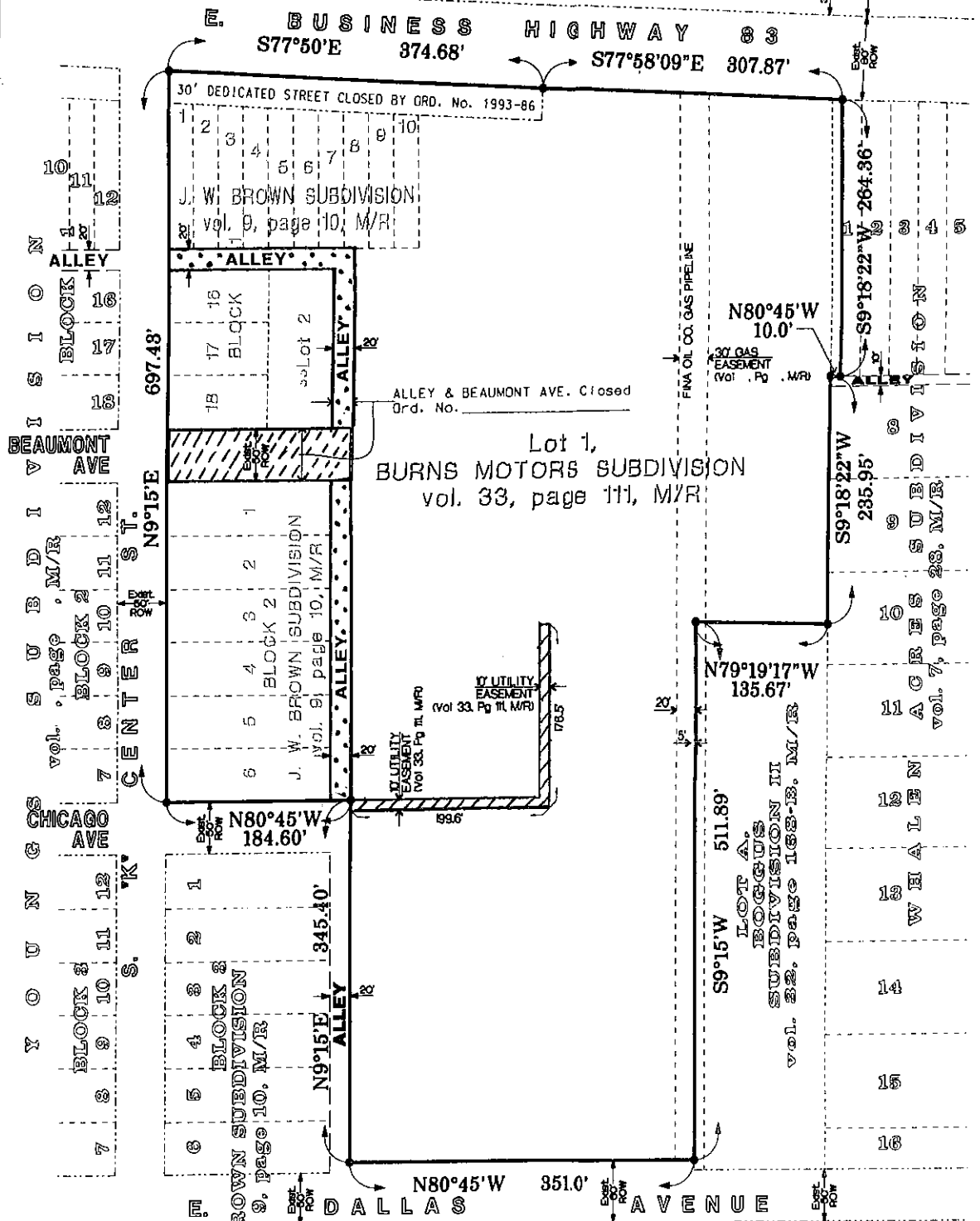
IN WITNESS WHEREOF, I hereunto set my hand and affixed my official seal this \_\_\_\_ day of \_\_\_\_\_, 2013.

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



MISSOURI-PACIFIC RAILWAY CO. R-O-W

Apr 00-2012  
1"=100'



*Patricia Deitz*  
#5242 12-12-12

OF A 12.76 ACRE TRACT OF LAND COMPRISED:  
 Lots 1 & 2 and Alley lying between said Lots 1 & 2 BURNS MOTORS SUB'D.  
 City of McAllen, Recorded in Vol. 7, Page 28, Map Records, Hidalgo County, Texas  
 AND  
 The West 100.0 ft. of Lot 1, WHALES ACRES, City of McAllen, Recorded in  
 Vol. 7, Page 28, Map Records, Hidalgo County, Texas  
 AND  
 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, & 10, Block 1 and Dedicated street lying  
 North of said Lots and 20.0 ft. alley lying South of said Lots 1 through 8, Block 1  
 AND  
 The West 100.0 ft. of Lots 16, 17, & 18, Block 1  
 AND  
 Lots 1, 2, 3, 4, 5, & 6, Block 2 together with a portion of  
 Dedicated Beaumont Ave. lying North of Block 2, together with  
 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

- ALLEY # 1a  
effective upon recording
- STREET # 1a  
effective upon recording
- UTILITY ESMT # 1b  
effective upon recording

EXHIBIT "A"  
Pg. 1 of 3

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

Prepared by  
**Spoor Engineering Consultants, Inc.**  
 FIRM # F-8003  
 Consulting Engineers - Civil Land Planning  
 303 South 4th Street  
 McALLEN, TEXAS 78501  
 TEL. (956) 683-1000 FAX (956) 683-1002  
 spooreng@sbctglobal.net

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;

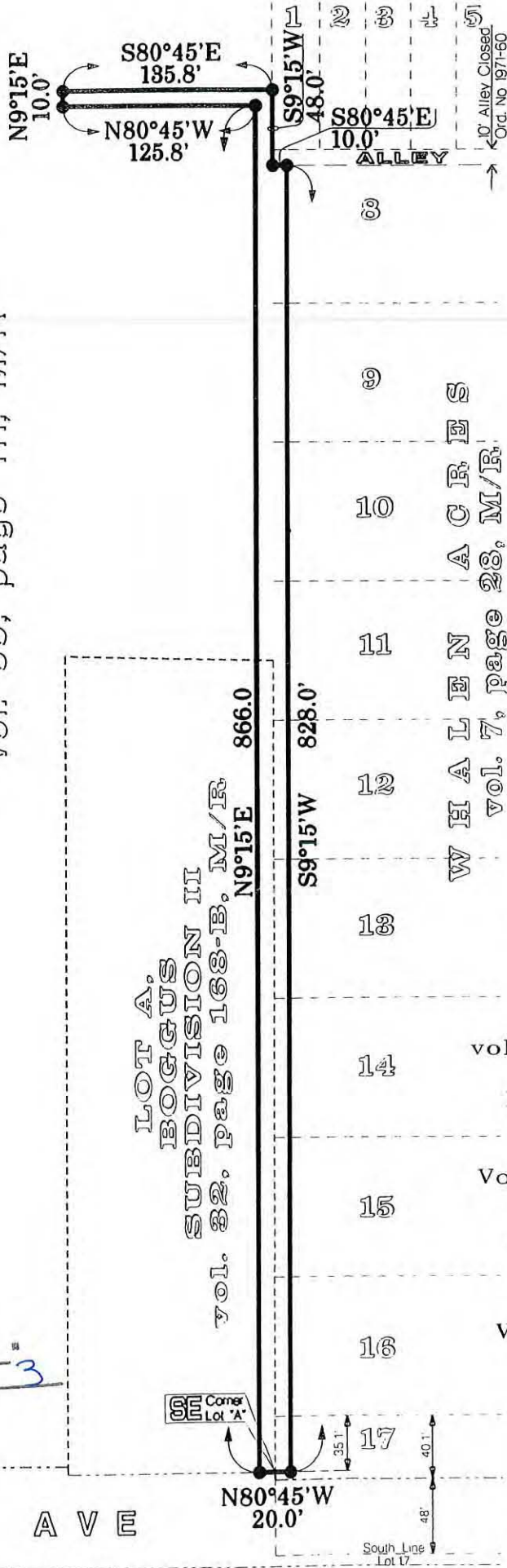
THENCE, with the North line of Lot 8, and the South line of said alley, South 80 Deg. 45 Min. East, 10.0 ft. to a point for the most southerly Northeast corner hereof;

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.



Lot 1,  
 BURNS MOTORS SUBDIVISION  
 vol. 33, page 111, M/R



Mar 3-2013  
 1"=100'

1  
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MAP

of  
 A 0.43 AC. TRACT OF LAND  
 OUT OF LOT "A"  
 BOGGUS SUBDIVISION II,  
 City of McAllen,  
 recorded in  
 vol. 32, page 168A, Map Records  
 and OUT OF LOT 1,  
 BURNS MOTORS SUBDIVISION,  
 City of McAllen,  
 recorded in  
 Vol 33, Page 111, Map Records,  
 and  
 OUT OF Lots 8 though 17,  
 WHALENS ACRES,  
 City of McAllen,  
 recorded in  
 Vol 7, Page 28, Map Records,  
 ALL IN  
 Hidalgo County, Texas.

EXHIBIT "A"  
 Pg. 3 of 3

SE Corner Lot 'A'

Prepared by  
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ALLAS AVE